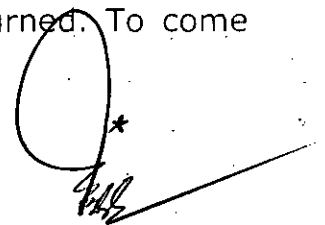


19.09.2022

Appellant in person present. Mr. Muhammad Adeel Butt,
Additional Advocate General for the respondents present.

Learned Member (Judicial) Mr. Salah-ud-Din is on leave,
therefore, arguments could not be heard. Adjourned. To come
up for arguments on 29.11.2022 before the D.B.



(Mian Muhammad)
Member (Executive)

29.11.2022

*Due to rush of work. This case has been deleted.
To come up for the same as before on 21.02.2023*



21.02.2023

Bench is incomplete, therefore, case is adjourned to
06.04.2023 for the same as before.



Reader

25.01.2022

Clerk of the learned counsel for the appellant present. Mr. Nabi Gul Superintendent alongwith Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Representative of respondents requested for further time to submit reply/comments. Last chance is given for submission of reply. To come up for arguments before the D.B on 14.02.2022. Operation of impugned order shall remain suspended till next date.

(Rozina Rehman)
Member (J)


(Salah-Ud-Din)
Member (J)

15th April, 2022

Appellant alongwith counsel present. Mr. Kabirullah Khattak, Addl. AG alongwith Nabi Gul, Superintendent for the respondents present.

Representative of the respondents submitted reply/comments. Placed on file. To come up for arguments on 11.05.2022 before the D.B. The appellant may furnish rejoinder, within a fortnight, if so advised.



(Rozina Rehman)
Member(J)


Chairman

11-5-22

Proper DB not available the case is adjourned on 25-7-22
Proper DB not available to come up for the same as before on 19-9-22

25-7-22

of all records


03.12.2021

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

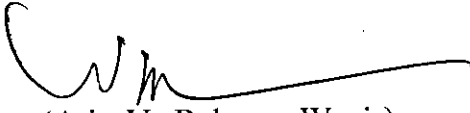
Written reply/comment on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 04.01.2022 before S.B. Operation of the impugned order is suspended till next date.


(MIAN MUHAMMAD)
MEMBER (E)

04.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Gul Nabi Superintendent for respondents present.

Reply/comments on behalf of official respondents are still awaited. Representative of respondents sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 25.01.2022. Operation of impugned order is suspended till next date.


(Atiq-Ur-Rehman Wazir)
Member (E)

04.11.2021

Mr. Wajid Hussain, Advocate present and stated that he has been engaged in the service appeal afresh, he therefore, submitted his fresh Wakalat Nama in the instant appeal. Memorandum of appeal and the copies of record annexed there with perused and preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is serving as Mali (BS-03) who has been subjected to frequent posting/transfer before completion of his normal tenure, in utter violation of the Posting/Transfer Policy. First he was transferred from Government Institute for Blind (Girls) Peshawar to shelter Home Pajagay road Peshawar vide order dated 09.10.2020. The said order (dated 09.10.2020) was withdrawn and he was detailed to GHS for Deaf Children Yaquatoot Peshawar vide order dated 04.06.2021. Yet again he was transferred from Government Institute for Blind (Girls) to MR&PHC Peshawar vide order dated 30.09.2021. The appellant preferred departmental appeal to respondent No.2 on 01.10.2021 who recorded directions to respondent No.3 that "kindly withdraw to this extent as per attached application". However, directions of the appellate authority have not been honored till date, hence, the instant service appeal filed on 18.10.2021. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 03.12.2021 before the D.B.

The appeal is also accompanied by an application seeking the suspension of the impugned order dated 30.09.2021 till final decision of the appeal. Notice of said application be also given to the respondents for the date fixed. The operation of impugned order is suspended till date fixed.

Appellant Deposited
Security & Process Fee

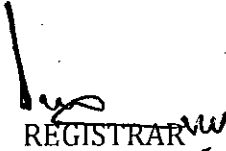

(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7609 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/10/2021	<p>The appeal of Mr. Irfan Ahmad presented today by Mr. Shireen Khan Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>04/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Appeal No. 7609 /2021

Irfan Ahmad.....**Appellant**

V E R S U S

Chief Secretary and others.....**Respondents**

I N D E X


S.No.	Description of Documents	Annex	Pages
1.	Memo of appeal	*	1-4
	Application for suspension	*	5-6
2.	Affidavit	*	7
3.	Copies of orders dated 09/10/2020 and 04/06/2021	A & B	8-9
4.	Copy of the order dated 30/09/2021	C	10-11
5.	Copy of application	D	12
6.	Wakalatnama	*	13

Dated 07/10/2021 Appellant

Through


Shireen Khan Yousafzai

&


Fakhar-Un-Nissa
Advocate, High Court,
Peshawar
Cell 0300-5937680

**BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2021

Irfan Ahmad, Mali (BPS-03) Director of Social Welfare, Peshawar**Appellant**

V E R S U S

1. Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary Social Welfare, Special Education and Women Empowerment, Jamrud Road, Peshawar
3. Director Social Welfare, Special Education and Women Empowerment, Jamrud Road, Peshawar
4. Superintendent GIB Girls Peshawar

.....**Respondents**

**APPEAL UNDER SECTION 4 OF KP
SERVICES TRIBUNAL ACT 1974
AGAINST THE TRANSFER ORDER
NO. DSW/1863-80 DATED
30/09/2021 TO THE EXTENT OF
SERIAL No. 5, BY WHICH THE
APPELLANT WAS TRANSFERRED
AND HIS SERVICE WAS PLACED
AT MR & PHC, PESHAWAR WITH
IMMEDIATE EFFECT**

Prayer in Appeal

On acceptance of this service appeal, the order of the respondent No.2 may be set aside to the extent of serial No.5 and the appellant may please be restored to his prior position as Mali (BPS-03) GIB Girls Peshawar.

Respectfully Sheweth:

1. That the appellant is the employee of respondents department and posted as Mali at GIB Girls Peshawar.
2. That the appellant has been performing his duty with zeal and zest at that post and suddenly the respondent No.3 issued impugned order 2020-21 dated 09/10/2020 and transferred the appellant to Shetler Home Pajaggi Road which was later on withdrawn vide order dated 04/06/2021. (Copy of orders dated 09/10/2020 and 04/06/2021 are attached as Annexure-A & B)
3. That later on the respondent No.3 issued again transfer order No. DSW/1863-80 dated 30/09/2021 and transferred the appellant from GIB Girls Peshawar to MR & PHC

Peshawar. **(Copy of the order dated 30/09/2021 is attached as Annexure-C)**

4. That aggrieved from the above mentioned transfer order to the extent of serial No.5, submitted application to the respondent No.2 for cancellation of the order, the respondent No.2, directed the respondent No.3 for cancellation of the transfer order of the appellant but nothing was done. **(Copy of application is attached as Annexure-D)**
5. That the appellant aggrieved from the transfer order dated 30/09/2021 to the extent of serial No.5, which is illegal, unlawful, void-ab-initio and liable to be set aside inter alia on the following grounds:

Grounds:

- A. That the respondent No.3 acted illegally and in violation of KPK Service Rules by issuing the impugned order dated 30/09/2021 to the extent of serial No.5.
- B. That the appellant is the employee of the respondents department and transferred to other places *thrice* in one year which is already filled by another employee, which is against the rules and policy.

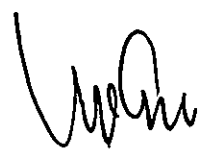
- C. That malafide and misuse of authority on the part of the respondents is very much clear that the impugned order is premature.
- D. That the impugned order of the respondent No.3 is illegal, unlawful and without lawful authority, liable to be set aside.
- E. That the counsel for the appellant may kindly be permitted to explain his view on the points, which shall be raised at the time of arguments.

It is, therefore, respectfully prayed that on acceptance of this service appeal, the order of the respondent No.3 may kindly be set aside to the extent of serial No.5 and the appellant may please be restored to his prior position as Mali at GIB Girls Peshawar.

Dated 08/10/2021

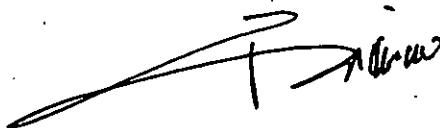
Appellant

Through



Shireen Khan Yousafzai

&



Fakhar-Un-Nissa

Advocate, High Court,
Peshawar

5

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

CM No. _____/2021

IN

Appeal No. _____/2021

Irfan Ahmad.....**Appellant**

V E R S U S

Chief Secretary and others.....**Respondents**

APPLICATION FOR SUSPENSION OF
THE IMPUGNED TRANSFER ORDER
DATED 30/09/2021 TO THE EXTENT
OF SERIAL NO.5/APPELLANT, TILL THE
FINAL DECISION OF THE SERVICE
APPEAL.

Respectfully Sheweth:-

1. That the above noted service appeal is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That the facts and grounds of the service appeal may kindly be read as an integral part of this application.

- 6
3. That the applicant has got a good prima facie case in her favour, and is sanguine about its success.
 4. That the balance of convenience also lies in favour of the applicant.
 5. That if the transfer order dated 30/09/2021 to the extent of Serial No.5 not suspended, than the applicant would suffer irreparable loss.

It is, therefore, respectfully prayed that on acceptance of this application, the impugned transfer order dated 30/09/2021 to the extent of Serial No.5 may kindly be suspended, till the final decision of the case.


Dated 07/10/2021

Appellant

Through


Shireen Khan Yousafzai

&


Fakhar-Un-Nissa
Advocate, High Court,
Peshawar

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

CM No. _____/2021

IN

Appeal No. _____/2021

Irfan Ahmad.....**Appellant**

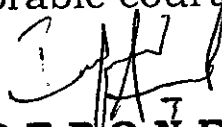
V E R S U S

Chief Secretary and others.....**Respondents**

AFFIDAVIT

I, **Irfan Ahmad, Mali (BPS-03) Director of Social Welfare, Peshawar**, do hereby solemnly affirm and declare on oath that the contents of accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

Identified by:



DEPONENT

CNIC#17301-3157859-5

Cell# 0316-1234576

Shireen Khan Yousafzai

Advocate, High Court,

Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA
 DIRECTORATE OF SOCIAL WELFARE, SPECIAL EDUCATION
 & WOMEN EMPOWERMENT, KHYBER PAKHTUNKHWA,
 OPP: ISLAMIA COLLEGE GATE, JAMRUD ROAD, PESHAWAR

Annexure - D

2

Dated Peshawar the 9/10/2020

ORDER

2020-21

With immediate effect and all further orders, the
 following posts under on deputation basis is hereby made in the best public interest.

No	Name of Official	From	To	Remarks
1	Mr. Tehseem Malik Pharmacy Technician	In addition to services at Rehabilitation Center for Drug Addicts, Peshawar. He will perform duties of Dispenser at Pajjagi Panjagali/Shelter Home from 04 PM to 10 PM		
2	Mrs. Aftab Begum Junior Clerk	Shelter Home Pajjagi Road	District Office, Social Welfare, Peshawar	Vice Sr. 3
3	Mr. Nisar Dil Clerk	District Office, Social Welfare, Peshawar	Shelter Home Pajjagi Road	Vice Sr. 2
4	Mr. Ashraf Khan Junior Clerk	Working Women Hostel, Peshawar	District Office, Social Welfare, Peshawar	Vice Sr. 5
5	Mr. Aslam Khan Junior Clerk	District Office, Social Welfare, Peshawar	Working Women Hostel, Peshawar	Vice Sr. 4
6	Mr. Saifdar Khan Cook	Shelter Home Pajjagi Road	Shelter Home Hajj Camp	Vice Sr. 7
7	Mr. Akhtar Malik Cook	Shelter Home Hajj Camp	Shelter Home Pajjagi Road	Vice Sr. 6
8	Mrs. Bani Bibi, Aya	MR&PHC Peshawar	Shelter Home Pajjagi Road	Vice Sr. 9
9	Mrs. Sheista Begum Aya	Shelter Home Pajjagi Road	MR&PHC Peshawar	Vice Sr. 8
10	Mr. Amir Chowkidar	Shelter Home Pajjagi Road	District Office, Social Welfare, Peshawar	Vice Sr. 11
11	Mr. Nawab Khan, Chowkidar	District Office, Social Welfare, Peshawar	Shelter Home Kohat Adda	Vice Sr. 12
12	Mr. Rahat Sher, Chowkidar	Shelter Home Kohat Adda	Shelter Home Pajjagi Road	Vice Sr. 10
13	Mr. Irfan Ahmad, Mall	Government Institute for Blind (Girls) Peshawar	Shelter Home Pajjagi Road	
14	Mrs. Hiba Muhammad, Sweeper	Special Education Complex, Hayatabad	Shelter Home Pajjagi Road	

--sd/--

Director
 Social Welfare, SE & WE
 Khyber Pakhtunkhwa

Handwritten signature/initials

Copy to:

1. District Officer, Social Welfare Peshawar
2. In-charge Shelter Home, Pajjagi Road Peshawar
3. PA to Director, DSW
4. Offices concerned

Handwritten signature/initials

9/10/20

Handwritten signature
 Assistant Director (E-4)

BETTER COPY OF THE PAGE NO. 8-A
GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF SOCIAL WELFARE, SPECIAL EDUCATION
& WOMEN EMPOWERMENT KHYBER PAKHTUNKHWA,
OFF: ISLAMIA COLLEGE GATE, JAMRUD ROAD, PESHAWAR

Dated Peshawar the 9/10/2020

ORDER

No. DAW/2020-21 with immediate effect and till further orders, the following posting transfer on derailment basis is hereby made in the best public interest.

S.No.	Name of Official	From	To	Remarks
1.	Mr. Inayat Khan Pharmacy Instructor	In additoin to services at Rehabilitation Center for Drug Addicts Peshawar. He will perform duties of Dispenser of Pajaggi Shelter Home from 04 PM to 10 PM.		
2.	Ms. Alia Rehman Senior Clerk	Shelter Home Pajaggi Road	District Office, Social Welfare Peshawar	Vice Sr.3
3.	Mr. Sher Dil Junior Clerk	District Office, Social Welfare Peshawar	Shelter Home Pajaggi Road	Vice Sr.2
4.	Mr. Muhammad Nasir Junior Clerk	Working Women Hostel Peshawar	District Office, Social Welfare Peshawar	Vice Sr. 5
5.	Mr. Aslam Khan Junior Clerk	District Office, Social Welfare Peshawar	Working Women Hostel Peshawar	Vice Sr. 4
6.	Mr. Safdar Khan Cook	Shelter Home Pajaggi Road	Shelter Home Haji Camp	Vice Sr. 7
7.	Mr. Akhtar Munir Cook	Shelter Home Haji Camp	Shelter Home Pajaggi Road	Vice Sr. 6
8.	Mst. Bas Bibi Aya	MR&PHC Peshawar	Shelter Home Pajaggi Road	Vice Sr. 9
9.	Mst. Shaista Begum Aya	Shelter Home Pajaggi Road	MR&PHC Peshawar	Vice Sr. 8
10.	Mr. Imitaz Chowkidar	Shelter Home Pajaggi Road	District Office, Social Welfare Peshawar	Vice Sr. 11
11.	Mr. Nawab Khan Chowkidar	District Office, Social Welfare Peshawar	Shelter Home Kohat Adda	Vice Sr. 12
12.	Mr. Rahat Sher Chowkidar	Shelter Home Kohat Adda	Shelter Home Pajaggi Road	Vice Sr. 10
13.	Mr. Irfan Ahmad Mali	Government Institute for Blind (Girls) Peshawar	Shelter Home Pajaggi Road	---
14.	Mr. Fida Muhammad Sweeper	Special Education Complex Hayatabad	Shelter Home Pajaggi Road	---

----sd/----

Director
Social Welfare, SE & WE
Khyber Pakhtunkhwa

Copy to

1. The District Officer, Social Welfare, Peshawar.
2. Incharge Shelter Home, Pajaggi Road, Peshawar.
3. PA to Director, DSW
4. Officials concerned.

Assistant Director (E-I)

Annexure-BJ

(9)

**Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment Jamrud Road Peshawar**

Dated Peshawar the 04 /06/2021

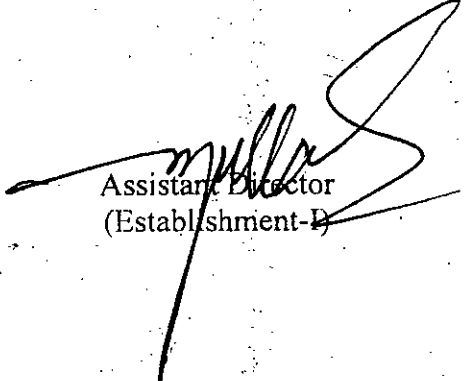
ORDER

No. DSW/ 4871-76 . With immediate effect and until further orders the detailment of Mr. Irfan Ahmad Mali GIB Female Peshawar to Shelter Home Peshawar is hereby withdrawn and detailed to Government Girls High School for Deaf Children Yakatoot Peshawar.

Sd/--
Director
(Social Welfare, SW, SE)

Copy forwarded to:

- 1- The District Officer, Social Welfare Peshawar
- 2- The Superintendent, GIB Female Peshawar
- 3- The Principal, School for Deaf Children Female Yakatoot Peshawar
- 4- PA to Director Social Welfare Peshawar
- 5- The official concerned.


Assistant Director
(Establishment-D)

Amear
Wah
8/10/2

Annexure - C

10

GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE SUPERINTENDENT,
GOVT: INSTITUTE FOR THE BLIND (GIRLS)
PESHAWAR.


Dated Peshawar the 15/10/2020

RELIEVING ORDER

NO.SW/G.I.B (Girls) 7010-13 Consequent upon his Vide Order

No.DSW/2020-21 dated 09-10-2020, Mr. Irfan Ahmad (Mali) Government Institute for the Blind (girls), Peshawar is hereby relieved from his duties w.e.f 15-10-2020 (F.N)

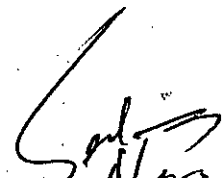
He is directed to report for duty to Shelter Home Pajaggi Road Peshawar


Superintendent
Govt Institute for the Blind
(Girls), Peshawar.

Endst: Even No. & Dated:

Copy to-

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The District Officer Social Welfare Peshawar.
3. The Shelter Home Pajaggi Road Peshawar.
4. The Official concerned.


Superintendent
Govt: Institute for the Blind
(Girls), Peshawar

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Mali
7010-13
7 C

(11)

Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment Jamrud Road Peshawar

Dated Peshawar the 30/9/2021

ORDER

No. **DSW/ 1863-80**. The following posting/transfer order is hereby made in the best public interest.

S.No	Name & Designation with BPS	From	To	Remarks
1	Mr. Muzakir Shah, Assistant Technician (BPS-11)	Presently posted as Computer Instructor Reh: Center for Drug Addicts Nowshera	Center for MR & PHC Nowshera	Against the vacant post of Assistant Physiotherapist (BPS-12) in his OPS BPS-11
2	Mr. Zafar Iqbal, Chowkidar	GIB, Abbottabad	Darul Aman Abbottabad	Against the vacant post
3	Mr. Fazal Rabi, Office Assistant (BPS-16)	Directorate of Social Welfare	GIB (Girls) Peshawar	Against the vacant post of Stenographer (BPS-16) in his OPS
4	Mr. Nasrullah, Junior Clerk (B-11)	Darul Aman Bannu	He is directed to report to Directorate of Social Welfare on receipt of this order	
5	Mr. Irfan Ahmad, Mali (BPS-3)	GIB Girls Peshawar	MR & PHC Peshawar	Vice No. 6
6	Mr. Faisal, Mali	MR & PHC Peshawar	GIB Girls Peshawar	Vice No. 5

Rest of the terms and conditions of the official at S.No 1 & 3 will remain the same against which they were initially recruited.

Sd/--
Director
(Social Welfare, SW, SE)

Copy forwarded to:

- 1- The Accountant General Peshawar
- 2- The District Accounts Officer Nowshera & Abbottabad
- 3- PS to Secretary, Social Welfare, SE & WE, Khyber Pakhtunkhwa
- 4- The District Officer Social Welfare Abbottabad with the remarks to provide a suitable Chowkidar for GIB, Abbottabad in lieu of Mr. Zafar Iqbal under intimation to his office
- 5- The District Officer Social Welfare Nowshera, Peshawar & Bannu
- 6- Manager MR & PHC Nowshera & Peshawar
- 7- Rehabilitation Officer, RCDA Nowshera
- 8- Manager Darul Aman Abbottabad
- 9- Superintendent Darul Aman Abbottabad
- 10- Superintendent GIB (Girls) & (Male) Peshawar
- 11- Project Manager Darul Aman Bannu
- 12- The officials concerned.

Assistant Director
(Establishment-I)

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widely withdrawn to its extent in attach of application.

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04/10/21

عقبہ و حیات سہ ماہی صاحب محلہ سماجی فلاح و پیور و خصوصی نظام
Annexure (12)

ایپیل لبرائے ممنوعی ٹرانسفر

حیاب عالی

گزارش عقبہ و حیات سے ہے کہ میں نے آپ کے زیر سایہ
گورنمنٹ نامیہ (خواتین) سکول میں (مالی) کی آسامی پر
خدمت سہ ماہی انجام دیے اور اپنا پورا نمبر 30-9-2021 کو مجھے گورنمنٹ نامیہ
خواتین سکول سے MR and PHE کی ٹرانسفر کر دیا اور آڈر نمبر DSW-1863-80
3 اکتوبر صاحب نے لکھ دیا

لہذا آپ صاحبان سے ایپیل ہے کہ میرا ٹرانسفر آڈری ممنوعی
کے احکامات صادر فرمائے تاکہ مسئلہ و ممنوعی ختم ہو

محمد علی احمد
11/10/2021

محمد علی احمد (مالی)

گورنمنٹ نامیہ سکول بی ڈی ایئر

میں سے

محمد علی احمد

نمبر 01/10/2021

الغاری

کنوڑ جناب ڈاکٹر بلکہ صاحبہ علامہ سہاجی قزاق و لادو دیو لکھوی نولم
حیدر علی پور

12-A

Div No
As written on
the attached
order sheet

صفوں! میو جیل کے لکھنے کی صفوں

21/10/21
دستخط

جناب علی




لڈا ریش کنوڑ انور یہ ہے کہ ہم اپنے اپنے حد یہ
دوش ہے اور گھر کے ساتھ ندیب ہے عرفان کے تو اپنی
حد کو ڈسٹ ناسائیکول برائے حوائج اور صفوں کو MR & PHC
میں رہے دیا جائے ہم دونوں کی رز اسندی سے یہ فیصلہ لیا جائے

لہذا آپ سے التماس ہیں کہ یہ اے کرم صہبائی فرمائے اس
تبادلہ کی صفوں کے اضماع سے صدا فرمائے صفوں، گھنوں/جان

عرفان احمد
17301-3157859-5

صفوں صاحبہ سہاجی
17301-8603597-1

مقررہ
10/10/2021
الکمار

قیمت 50 روپے	<i>Shahar Ali</i>			
ایڈریس: <i>Miss Qureshi</i>	پشاور بار ایسوسی ایشن، خیبر پختونخواہ			
بار کونسل / ایسوسی ایشن نمبر: <i>adress</i>				
رابطہ نمبر: <i>0300593768</i>				

بعد ازاں جناب *Shahar Ali*

<p>مجاہد: <i>عمر بن احمد محمد علی</i></p> <p><i>گنجینہ نسیم</i></p> <p><i>نانک گوپال</i></p> <p><i>صوبہ خیبر پختونخواہ</i></p> <p>باعث تحریر آنکہ</p>	دعوی:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام *سرین خان کوٹوالہ* کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقریر ثالث و فیصلہ برحلف دینے جواب دعوی اقبال دعوی اور درخواست از ہرم کی تصدیق
 زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور مشغولی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے بقدر اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختارات حاصل ہوں گے اور اس کا ساختہ برداشت منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانب اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقام: *سرین خان کوٹوالہ*

العبد: *Shahar Ali*

مقام کے لیے منظور ہے۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service appeal No. 7609/2021

Mr. Irfan Ahmed Mali (BPS-03).....**APPELLANT**

VERSUS

1. The Chief Secretary, Civil Secretariat Peshawar, Government of Khyber Pakhtunkhwa.
2. The Secretary, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa..
3. The Director, Directorate of Social Welfare, and Women Development Department Khyber Pakhtunkhwa.
4. Superintendent Government Institute for Blind (Girls) Peshawar

.....**RESPONDENTS**

PARA-WISE COMMENTS ON BEHALF OF THE RESPONDENTS

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. The appellant has got no cause of action to file the present service appeal.
2. The appeal is not maintainable in its present form.
3. The appeal is based on malafide intentions.
4. The appellant has no locus standi.
5. The appellant has not come to Honorable Tribunal with clean hands.
6. The appellant has concealed the material facts from this Honorable Tribunal, hence liable to be dismissed.
7. The appeal is liable to be dismissed for non joinder & misjoinder of necessary parties.
3. The appeal is against the prevailing laws & rules.

FACTS

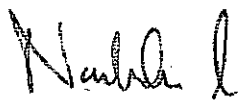
1. Correct.
2. Correct to the extent of the transfer of the appellant. However, it is worth mentioning here that the transfer of the appellant was in accordance with the tenure policy as the appellant has stayed more than two years at Government Institute for the blind (girls) Peshawar. Moreover, as per the vision of the Honorable Prime Minister of Islamic Republic of Pakistan, Panagahs (Shelters home) was established at Pajjagi Road, Peshawar. To run the affairs of the shelter homes, staff was arranged within the existing strength of the Special Education Institutions / Social Welfare Institute including the petitioner. On hiring of its own staff, the appellant will be repatriated to its original post.

3. Correct with clarification that the transfer order of the appellant was in accordance with tenure policy as the appellant has stayed more than two years at Government institute for the blind (girls) Peshawar and one cannot stay at single station for more than two years as per the policy of the Government.
4. As explained in Para 2 & 3 above.
5. Incorrect hence denied. The transfer orders issued in favour of the appellant is in accordance with the rules and policy.

GROUNDS

- A) Incorrect, hence denied. The order dated 30-09-2021 was in accordance with the transfer policy of the government.
- B) Incorrect, hence denied. The factual position has been explained in above Paras.
- C) Incorrect, hence denied: The respondents did not misuse authority and only acted in accordance of set rules and policies.
- D) Incorrect, hence denied. The order of the respondents No.3 is legal, lawful and according to law.
- E) The respondent seeking permission to advance other grounds and proofs at the time of hearing.

Keeping in view the above facts and grounds, it is requested to dismiss the instant service appeal being meritless.



**CHIEF SECRETARY to
Govt. of Khyber Pakhtunkhwa
(Respondent No. 1)**

for



**SECRETARY TO
Govt. of Khyber Pakhtunkhwa
Social Welfare, Special Education &
Women Empowerment, Peshawar
(Respondent No. 2)**



**DIRECTOR
Social Welfare, Special Education &
Women Empowerment
(Respondent No. 3)**



**Superintendent
Government Institute for Blinds
(Girls) Peshawar
(Respondent No. 4)**