

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.577 of 2023.

Abdul Karim s/o Zarif Khan r/o Warsak Road, Street No.5, Mohallah Abshar Colony Peshawar presently Tehsildar Tangi, District Charsadda (under transfer).

(Petitioner / appellant)

Versus

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary, Board of Revenue, Govt. of Khyber Pakhtunkhwa.
3. Commissioner Peshawar Division.
4. Mr. Arshad Iqbal (Naib Tehsildar) Pabbi District Nowshera.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4885

Dated 14/4/2023

(Respondents)

COMMENTS ON BEHALF OF RESPONDENT NO.1to3.

Preliminary objection:

1. That the appellant has got no cause of action to file instant appeal.
2. That the appeal is bad for misjoinder and non joinder of necessary parties.
3. That the appeal of the appellant is premature.
4. That the appeal is barred by law.

Joint Para wise comments in the subject appeal are as under:


1. Para 1 of the appeal pertains to record.
2. That the order passed by the respondent according to law and rules.
3. Pertains to record.
4. Incorrect.

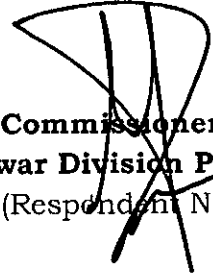
Grounds:

- A. Incorrect. The order has been issued according to law on merit.
- B. Incorrect. The appellant has been treated as per law and no violation of posting / transfer policy has been made. Posting / Transfer upto (BPS-16) was allowed by Election Commission of Pakistan vide letter No.F.10(1)/2023-Elec/II dated 28.02.2023 (Annex-B)
- C. Incorrect. No violation of any law / rules has been made.
- D. Incorrect. The appellant has been treated as per law and no violation of posting / transfer policy has been made.
- E. Incorrect. The order has been issued according to law on merit in interest of the public.
- F. Incorrect. The order was passed in accordance with the relevant provision of rules.
- G. Incorrect. Mr. Arshad Iqbal is a regular Naib Tehsildar promoted from field Kanungo and best suit the present situation.
- H. Incorrect. No violation of any law / rules has been made.
- I. Pertains to record.

- J. Incorrect. No malafide is involved in treating the appellant. The posting has been made to safeguard the interest of the residents of Tangi vis-à-vis dispute with Prang Ghar in acquisition of land for Mohmand Dam and its auxiliary irrigation canals.
- K. That the respondents also seek permission to raise further points at the time of arguments.

Keeping in light the above facts, the service appeal of the appellant may very graciously be dismissed on merit.


Secretary
Board of Revenue
Khyber Pakhtunkhwa
(Respondent No.1&2)

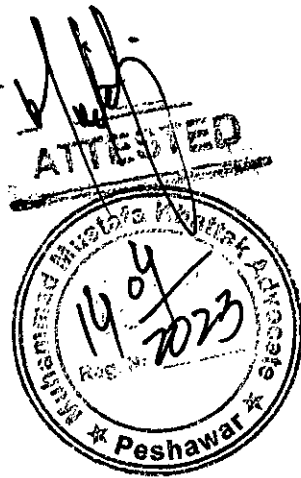

Commissioner
Peshawar Division Peshawar
(Respondent No.3)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

AFFIDAVIT

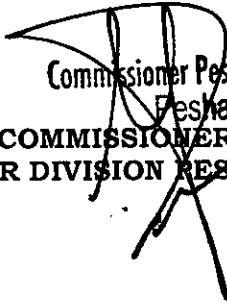
I solemnly affirm and declare on oath that the contents of the comments are true and correct to the best of my knowledge and believe and nothing has been concealed.

Commissioner Peshawar Division
Peshawar
DEPONENT



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**AUTHORITY LETTER**

Mr. Khalid Hameed s/o Nasrullah, Superintendent (BPS-17) is hereby authorised to attend the court on behalf of undersigned.


Commissioner Peshawar Division
Peshawar
COMMISSIONER
PESHAWAR DIVISION PESHAWAR

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No. F.10(1)/2023-Elec-II
ELECTION COMMISSION OF PAKISTAN



"Secretariat"
Constitution Avenue, G-5/2,
Islamabad, the 28th February, 2023.
E-Mail: assistantdirectorelec2@gmail.com

To,

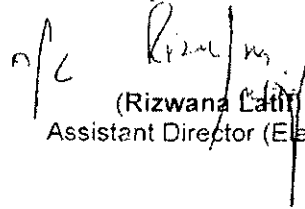
The Provincial Election Commissioner,
Khyber Pakhtunkhwa.
Peshawar.

Subject: NOC FOR TRANSFER/POSTING.


Dear Sir,

Reference to your letter No. F.3 (1)/2023-Els(PEC) Vol-IV(9) dated 23rd February, 2023 on the subject cited above and to state that the Hon'ble Commission has decided vide letter No F. 10(1)/2023-Elec-II dated 28th February, 2023 that the transfer/posting up to BPS-16 may be done by the Care taker Government of Khyber Pakhtunkhwa, as per the law. The relevant department/persons be informed to approach the appropriate forum, please.

Yours sincerely,


(Rizwana Latif)
Assistant Director (Elec-II)

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	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.
091-9212726	091-9214208
No.Estt:LPF/Abdul Karim/ 6280	Peshawar Dated the 9 /03/2023

To

Mr. Abdul Karim,
Tehsildar (BS-16).

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED TRANSFER ORDER DATED 03/03/2023 WHERE BY THE APPELLANT HAS BEEN PREMATURELY TRANSFERRED FROM THE POST OF TEHSILDAR TANGI DISTRICT CHARSADDA WITH THE DIRECTION TO REPORT TO THE OFFICE OF COMMISSIONER PESHWAR ISSUED BY THE COMMISSIONER PESHAWAR DIVISION IN UTTER VIOLATION OF LAW, RULES AND TRANSFER/POSTING POLICY OF THE PROVINCIAL GOVERNMENT.

I am directed to refer to the subject noted above and to state that your Departmental Appeal dated 08.03.2023 has been examined and regretted by the Competent Authority please.



(NOOR KHAN)
Assistant Secretary (Estt)
Board of Revenue

5. That the appellant has no other adequate remedy, hence filing the instant Departmental appeal on the following grounds.