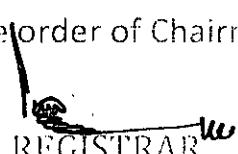


Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Implementation Petition No. 199/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	
1	29.03.2023	<p>The execution petition of Mr. Atta Ur Rehman submitted today by Mr. Amjad Ali Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

C.M No. E.P. No. 199/2023 /2023

IN

Service Appeal No. 214/2023

Atta ur Rehman (Junior Clerk (BPS-11) in the office of DEO(F)  
Mardan) .....Applicant/Appellant

**VERSUS**

District Education Officer (Female)Mardan and others  
..... Respondents

**INDEX**

S.No	Description of Documents	Annexure	Page
1	Application for implementation along with affidavit		1 - 3
2	Copy of the order dated 27/01/2023	A	4 - 6
3	Copy of the order dated 03/03/2023	B	7
4	Copy of the letter dated 25/03/2023/28/3/2023 and wakalatnama	C - D	8 - 10

Applicant 

Through

  
Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

Dated: 29/3/2023

①

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

C.M No. **E.P.** 199 /2023

IN

Service Appeal No. 214/2023

Khyber Pakhtunkhwa  
Service Tribunal Peshawar

Case No. 4622

Dated 29/3/2023

Atta ur Rehman (Junior Clerk (BPS-11) in the office of DEO(F)  
Mardan) ..... Applicant/Appellant

**VERSUS**

1. District Education Officer (Female)Mardan
2. Director Elementary & Secondary Education KP Peshawar at  
Hashtangari Chowk, Near Qila Bala Hisar Peshawar  
..... Respondents

**Subject: Application under section 36 read with Order 21 CPC and other enabling provisions of the Service Tribunal Act and rules for implementation/execution of order dated 27/01/2023 passed by this Honorable Tribunal in service appeal no 214/2023**

**Respected Sir,**

**Applicant humbly submits as under:**

1. That the aforementioned service appeal is pending before this Honorable Tribunal wherein the next date of hearing is 07/04/2023.
2. That services of the appellant were placed at the disposal of the Directorate of Elementary & Secondary Education KP on administrative ground vide office order dated 04/01/2023 and later on appellant is transferred vide office order dated 11/01/2023 from DEO(F) Mardan to GHSS Khanano Dherai Buner on administrative ground.
3. That feeling aggrieved from the impugned orders dated 04/01/2023 and 11/01/2023, appellant/applicant impugned both the orders before this Honorable Tribunal in service appeal no 214/2023 wherein this Honorable Tribunal suspended the operation of impugned order dated 04/01/2023 and impugned order dated 11/01/2023 vide order/judgment dated 27/01/2022 in the following terms:  
**(Copy of the order dated 27/01/2023 is attached as Annexure A)**

(2)

“Alongwith appeal, the appellant has also submitted an application for suspension of operation of impugned office order dated 04.01.2023 as well as 11.01.2023 and show-cause notice dated 21.01.2023 issued to the appellant. Notice of the same also be issued to the respondents and in the meanwhile operation of the impugned office order bearing endorsement no 33-36 dated 04.01.2023 as well as the impugned transfer order dated 11.01.2023 shall remain suspended to the extent of the appellant.....”

4. That in pursuance of order/judgment dated 27/01/2023 of this Honorable Tribunal, the present appellant/applicant is regularly performing duty as Junior Clerk in the office of DEO(F) Mardan.
5. That the impugned order dated 11/01/2023 has been cancelled by the Directorate E&SED vide order no 5038-43 dated 03/03/2023 (**Copy of the order dated 03/03/2023 is attached as Annexure B**)
6. That to the surprise and dismay of the appellant/applicant, the services of the appellant/applicant are placed on the disposal of the Directorate of E&SED KP and appellant/applicant is relieved from the office of DEO(F) Mardan vide letter no 1855 dated 25/03/2023 by the District Education Office (F) Mardan which is illegal against law and against the judgment dated 27/01/2023 of this Honorable Tribunal (**Copy of the letter dated 25/03/2023 is attached as Annexure C**)
7. That letter no 1855 dated 25/03/2023 squarely falls within the meaning of Contempt of Court.
8. That the operation of the impugned order dated 04.01.2023 is suspended by the Honorable Service Tribunal KP wherein my services were placed at the disposal of the Directorate E&SED and is no more in the field and in such eventuality, when the operation of the order dated 04.01.2023 is suspended and is sub-judice before the Tribunal, the letter dated 25/03/2023 relieving appellant from the office of DEO(F) Mardan and again placing the services of the appellant at the disposal of the Directorate amounts to blatant violation of the orders of this Honorable Tribunal.
9. That so much so that Director E&SED has transferred the applicant/appellant to GHSS Chamtar Mardan vide order dated 28/03/2023 during the suspension of order dated

(3)

04/01/2023 which also squarely amounts to Contempt of Court (Copy of the order dated 28/03/2023 is attached as Annexure D)

**PRAYER:**

It is therefore humbly requested that order/judgment dated 27/01/2023 passed by this Honorable Tribunal in service appeal no 214/2023 may please be implemented/executed in true letter and spirit.



Applicant

Through



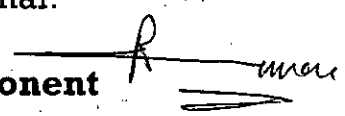
Amjad Ali (Mardan)  
Advocate

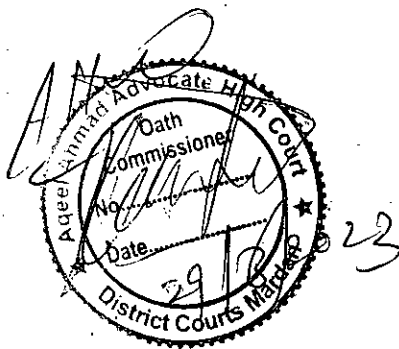
Supreme Court of Pakistan

Dated: 29/3/2023

**AFFIDAVIT**

I, Atta ur Rehman (Junior Clerk (BPS-11) in the office of DEO(F) Mardan) (appellant/applicant), do hereby solemnly affirm and verify on oath that the contents of the **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Deponent 



1

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 214 /2023

Atta ur Rehman (Junior Clerk BPS-11 DEO(F) Mardan)  
.....(Appellant)



**VERSUS**

1. Govt of KPK through Secretary Elementary and Secondary Education Civil Secretariate Peshawar.
2. Secretary Elementary and Secondary Education Civil Secretariate Peshawar.
3. Director of Elementary & Secondary Education KP at Directorate of E&SED Hashtangari Chowk, Near Qila Bala Hisar Peshawar.
4. District Education Officer (female) Mardan
5. Shahid Islam Junior Clerk (BPS-11) presently posted at GHS Sangao Mardan

.....(Respondents)

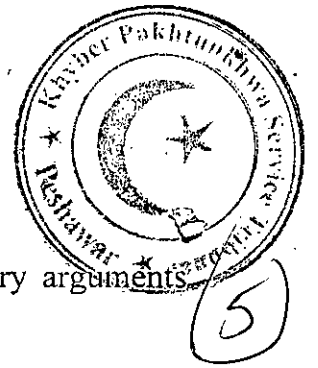
**SUBJECT:** Appeal under Section 4 of Service Tribunal Act, against the office order bearing Endst No 33-36 dated 04/01/2023 passed by respondent no 4 and transfer order dated 11/01/2023 passed by respondent 3 wherein appellant is transferred from the office of DEO(F) Mardan to GHSS Khanano Dherai Buner pre-mature transfer and against the wedlock transfer policy and the rejection order dated 20/01/2023 passed by the respondent no 2 on the appeal of the appellant as well as show cause notice dated 21/01/2023 are illegal against law and facts without lawful authority, void ab initio and liable to be set aside.

Respected Sir,

Appellant humbly submits as under:

1. That appellant was appointed vide order dated 12/11/2018.
2. That wife of appellant namely Saima Kausar is posted as Primary School Teacher (BPS-12) and is currently performing duty at GGPS Qasim No 1 Mardan as evident from service performance certificate, office order dated 03/02/2018 and monthly salary statement (Copy of the CNIC, office order dated 03/02/2018, service performance certificate & monthly salary statement of wife of appellant is attached as Annexure A)

**ATTESTED**  
  
Atta ur Rehman  
Junior Clerk BPS-11 DEO(F) Mardan



27.01.2023

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant has contended that vide order dated 14.07.2021, the appellant was transferred from the GHSS No. 1 Mardan and adjusted in the office of District Education Officer (Female) Mardan, however vide office order dated 20.08.2021 he was transferred to GHS Jhanga Mardan, which order was also then withdrawn vide order dated 03.09.2021 issued from the office of Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar; that vide letter No. 9126 dated 07.12.2022 addressed by the then District Education Officer (Female) Mardan to the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, it was conveyed that she was fully satisfied with the performance of the appellant in discharging his duties, however even then vide impugned order dated 04.01.2023, the present District Education Officer (Female) Mardan placed the services of the appellant at the disposal of Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar on administrative ground without any legal justification; that vide impugned order dated 11.01.2023 issued from the office of Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, the appellant was transferred from the office of District Education Officer (Female) Mardan to GHSS Khanano Dherai Buner on administrative ground and not in the interest of public, therefore, the impugned order dated 11.01.2023 is having no legal sanctity in the eye of law; that vide impugned transfer order, the appellant has been transferred on administrative ground, which is a stigma and the order regarding transfer on such ground should reveal cogent reasons but

*[Handwritten signature]*

Appellant Deposited Security & Process Fee

*[Handwritten signature]*  
31/1/23

**ATTESTED**  
*[Signature]*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

no such reason has been mentioned in the impugned transfer order dated 11.01.2023; that the impugned transfer order of the appellant is premature and also against the wedlock policy as the wife of the appellant is serving as PST in GGPS Qasim (Toru) No. 1 District Mardan; that the impugned transfer order of the appellant is in contravention of clauses I, IV, IX and XIII of the Posting/Transfer Policy of Provincial Government as well as Article 35 of the Constitution of Islamic Republic of Pakistan, 1973, therefore, the same is liable to be set-aside.

Points raised need consideration, hence the appeal in hand is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security fee within 10 days. Respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for submission of written reply/comments on 08.02.2023 before the S.B.

Alongwith appeal, the appellant has also submitted an application for suspension of operation of impugned office order dated 04.01.2023 as well as transfer order dated 11.01.2023 and show-cause notice dated 21.01.2023 issued to the appellant. Notice of the same also be issued to the respondents and in the meanwhile operation of impugned office order bearing endorsement No. 33-36 dated 04.01.2023 as well as the impugned transfer order dated 11.01.2023 shall remain suspended to the extent of the appellant till the date fixed, if not already acted upon.

Certified to be true copy  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(Salah-Ud-Din)  
Member (J)





Aux - B

(7)

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA PESHAWAR.**  
Phone: 091-9225344      Email: ddadm.n.ese@gmail.com

**OFFICE ORDER**

The posting/transfer order issued vides this office order, under Endst: No. 6441-50 dated 11-01-2023 in respect of Serial No. 02 is hereby cancelled.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

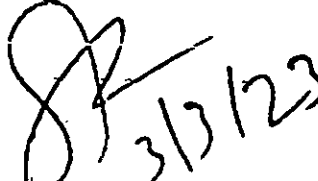
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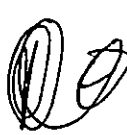
Endst: No. \_\_\_\_\_ /F No. A-23/ (MS)/ transfer Mardan Vol-I/KPK

Dated Peshawar the 3/3/ 2023

Copy of the above is forwarded to the: -

1. District Education Officer (Male & Female) Mardan.
2. District Education Officer (Male) Buner.
3. District Accounts Officer concerned
4. Principal concerned
5. Official concerned.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
7. Master File.

  
Assistant Director (ADMN)  
Directorate E&SE Khyber Pakhtunkhwa  
Peshawar.



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
 KHYBER PAKHTUNKHWA PESHAWAR  
 Phone: 091-922234  
 Email: dde@pke.gov.pk

**OFFICE ORDER**

The posttransfer order issued vide this office order, under Encl. No. 044-20 dated 11-01-2023 in respect of Serial No. 02 is hereby cancelled.

DIRECTOR  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar

Label No. 044-20  
 Ref No. A-33(M)S, Transfer Madan Vol-1/1/19  
 Dated Peshawar the 11/01/2023

Copies of the above is forwarded to:-

1. District Education Officer (Male & Female) Madan.
2. District Education Officer (Male) Buner.
3. District Accounts Officer concerned.
4. Principal concerned.
5. Official concerned.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
7. Master file.

Assistant Director (AGMN)  
 Directorate E&SE Khyber Pakhtunkhwa  
 Peshawar.

11/01/23



**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(FEMALE) MARDAN**

Email Address: epismardan-deo@female@vnlho.com PHONE/FAX NO.0937-9230150

No. 1855

Date: 25-3-2023

*Amx - C*

8

To: Mr. Atta ur Rehman  
Junior Clerk

Subject: **CLEARANCE OF POSITION AND DISPOSAL OF SERVICE**

You are informed that your services were placed at the disposal of directorate vide letter No. 33-36 dated 04/01/23 by this office on administrative ground. You were transferred to District Buner vide Directorate order No. 6441-50 dated 11/01/2023 which was cancelled by directorate order No. 5038-43 dated 03/03/23.

In the above transfer posting, factual position your service are still at the disposal of directorate and you have occupied post in this office illegally and without any cogent reason in black and white.

So you are directed to approach Directorate of Elementary and Secondary Education Peshawar for your posting till then you are hereby relieved from this office.

District Education Officer  
(Female) Mardan

*25/3/23*

Endst: No. \_\_\_\_\_ Dated: \_\_\_\_\_ /2023

Copy forwarded to the:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner, Mardan.
3. The District Accounts Officer, Mardan.

District Education Officer  
(Female) Mardan

*Amx*  
*Amx*



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDIAH

PHONE NO. 0337-3230150

Email Address: emardian\_district\_education\_officer@yahoo.com

(P)

No. 1246 Dated 23/02/2023

To

The Director  
ESSE Khyber Pakhtunkhwa  
Peshawar

GUIDANCE

Subject:

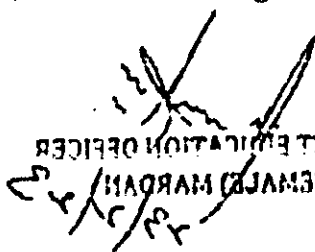
Memo

It is stated that Mr. Atta ur Rehman Junior Clerk of this office has been transferred by your good office from DEO(F) Mardan to GH22 Kananan District Office vide No.33-36 dated 11.01.2023.

That Mr. Atta ur Rehman (Clerk) approached to Khyber Pakhtunkhwa Service Tribunal Peshawar vide Service Appeal No.214/2023 and Service Tribunal issued directions that the impugned transfer order shall remain suspended till date fixed and next date of hearing is 08.03.2023.

Now the said official submitted an application to the undersigned that as the case is under judicial consideration, he may be allowed to perform duty in this office.

Keeping in view the above, the undersigned may be guided to allow him for performing duty in this office or otherwise please.

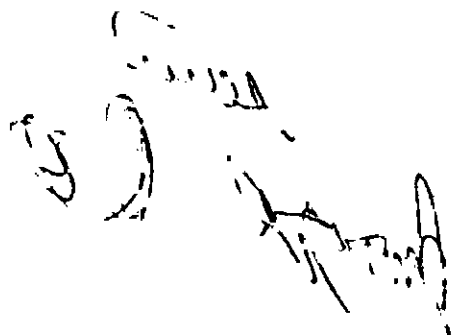
  
DISTRICT EDUCATION OFFICER  
(FEMALE) MARDIAH

Encl No \_\_\_\_\_ Dated \_\_\_\_\_/02/2023

Copy to the

1. Mr Atta ur Rehman (Clerk) Local office.
2. Superintendent Local office

DISTRICT EDUCATION OFFICER  
(FEMALE) MARDIAH



Ann-D (10)



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.**  
Phone: (01-9225344) Email: ddadmna.esc@gmail.com

**Office Order**

The posting/transfer in respect of the following official is hereby ordered on their own pay and BPS in the interest of public service with immediate effect.

S.#	Name/Design:	Present Posting	Adjustment at	Remarks
1	Mr. Atta ur Rehman S/C	DEO (Female) Mardan/ at the Disposal of this Directorate	GHSS Chamtar Mardan	Against Vacant post

**Note:-**

1. Compliance report should be submitted to all concerned.
2. No TA/DA etc is allowed.
3. He will not be adjusted at female side in future

*[Handwritten signature]*

11198-2500

**DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar**

Enstt: No: \_\_\_\_\_ /F.No. / A-23/MS/transfer/Mardan Vol-I KPK

Dated Peshawar the 28/3/2023.

**Copy forwarded to the: -**

1. District Education Officer (F) Mardan w/r to her letter under Enstt: No.1855 dated 25-03-2023
2. District Account Officer concerned.
3. Principal GHSS Chamtar Mardan
4. Official concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master File.

*[Handwritten signature]*  
28/3/23

**Assistant Director (ADMN)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar**

(۱۵)

بعدالت

فہرست کاروں طرینوں کیس اور

2023ء منجانب اسلام آباد

27/1/23

مورخہ:

مقدمہ:

دعویٰ:

جرم:

عطاء الرحمن

بنام:

سید عابدہ بیرون وغیرہ

COE

SA 214/23

باجت نحریر آفد

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے بیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کیلئے امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان اسلام آباد

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ

برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر

دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے کا

اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ

التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیش مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ بیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سنڈ رہے۔

المرقوم:

27/1/23

علی

۵۶

27

العبد

گواہ

العبد

کے لیے منظور ہے۔

اسلام آباد

مقام

R =

عطاء الرحمن

Amjad Ali  
ADVOCATE  
SUPREME COURT