


# FORM OF ORDERSHEET

Court of \_\_\_\_\_

Misc. application No. 224/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	04/04/2023	<p>The Misc. application in appeal no. 1425/2022 resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Single Bench at Peshawar on _____ Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

SCANNED  
KPST  
Peshawar

- 1 -  
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR**

CM No. 224 /2022  
IN

**SERVICE APPEAL No. 1425/2022**

Khyber Pakhtunkhwa  
Service Tribunal

Entry No. 4706

Dated 4/4/2023

IRSHAD ULLAH, Village Secretary (BPS-09)

VC Jandri, District Karak.....**Applicant/Appellant**

**VS**

1. Director General Local Government & Rural Development Department, KPK Peshawar.
2. The Assistant Local Government & Rural Development Department, KPK Peshawar.
3. Muhammad Atif, Village Secretary, O/O Assistant Director LG & RDD, District Karak.....**Respondents**

**APPLICATION FOR SUSPENSION OF THE OPERATION OF THE ORDER DATED 22.03.2023 TO THE EXTENT OF THE SERIAL NO 2 & 3, TILL THE DISPOSAL OF THE ABOVE MENTIONED SERVICE APPEAL.**

**R/SHEWETH:**

- 1- That the above-mentioned appeal along with this application has been filed before this August Service Tribunal which is fixed for today i.e, 04.04.2023.
- 2- That applicant/appellant file the above mentioned appeal against the impugned transfer dated 26.09.2022 whereby the applicant/appellant has been transferred from the post of VC Jandri to AD Office and posted the private respondent No.4 against the post of the appellant utter violation of transfer posting policy, law and rules.
- 3- That during the pendency of the above mentioned appeal the respondents issued order dated 22..03.2023 whereby at serial No. 2 of ibid order the applicant was again transferred from VC Jandri to VC Sarat Khel, despite of the fact that the matter regarding of the transfer of the applicant was sub judice before this august tribunal and interim order has been already granted in favor of the applicant vide order dated 23.12.2023. Copy of the order dated 22.03.2023 and order sheet dated 23.12.2022 are attached as annexure .....**A & B**
- 4- That all the three ingredients necessary for the stay is in favor of the petitioner.

5- That the order dated 22.03.2023 has been issued by the respondents in utter disregard of order/judgment dated 23.12.2022 and also against the law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of order dated 22.03.2023 to the extent of the Serial No. 2 & 3 may very kindly be suspended till the disposal of the instant service appeal.

Dt: 04/4/23

*D Shad*

**APPLICANT**

**THROUGH:**

*M*

**NOOR MOHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

**AFFIDAVIT**

I, IRSHAD ULLAH, Village Secretary (BPS-09) VC Jandri, District Karak do hereby solemnly affirm that the contents of this **APPLICATION** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

*D Shad*

**DEPONENT**





"A" - 3 -

**OFFICE OF THE ASSISTANT DIRECTOR  
LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT DISTRICT  
KARAK**

Website: [www.lgkrd.gov.pk](http://www.lgkrd.gov.pk)

Email address: [adkarak@gmail.com](mailto:adkarak@gmail.com)

Phone Number: 0227-291204

No. 1097/ADLGKK

Dated Karak the, 22/03/2023

**OFFICE ORDER;**

The competent Authority has been pleased to order the following posting/transfer of Secretary Village Council with immediate effect.

S No.	Name of Employee	From	To
1	Ikhtlaq Ahmad	AD Office	VC lakki Ghundaki by relieving Mr. Tahir Ayub Secretary VC with additional charge
2	Irshad Ullah	VC Jandri	VC Sarat Khel
3	Aslam Nawaz	AD Office (subjudice)	to hold the additional charge of VC Jandri

  
Assistant Director  
LG&RDD Karak

Copy forwarded to:

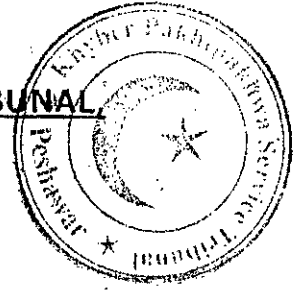
1. Deputy Commissioner Karak.
2. Supervisor, LG & RDD Karak
3. Secretaries Village Council concerned.
4. Office file.

  
Assistant Director  
LG&RDD Karak



"B"  
-1-4-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**



SERVICE APPEAL NO. 1925 /2022

Mr. Irshad Ullah, Village Secretary (BPS-09),  
Village Council Jandri, District Karak.

..... APPELLANT

**VERSUS**

- 1- The Director, General Local Government & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Assistant Director, Local Government & Rural Development Department, District Karak.
- 3- Mr. Muhammad Atif, Village Secretary, O/O the Assistant Director LG&RD, District Karak.

..... RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED TRANSFER ORDER DATED 26.09.2022 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM VC JANDRI AND AGAINST THE APPELLATE ORDER DATED 28.09.2022 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.**

**PRAYER:**

That on acceptance of this appeal the impugned transfer order dated 26.09.2022 and appellate order dated 28.09.2022 may very kindly be set aside and the respondents may kindly be directed not to transfer the appellant from the post of village Sectary Village Council Jandri. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

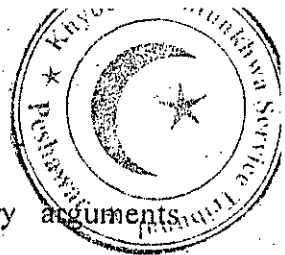
**Brief facts giving rise to the present appeal are as under:-**

- 1- That the appellant was appointed as village Secretary Village Council jandri (BPS-07) vide office dated 23.12.2015. That it is pertinent to mention that proper codal formalities have been adopted by the respondents in the selection process of the appellant. That after appointment the appellant started performing his duty quite efficiently and up to the entire satisfaction of his high ups. Copies of the advertisement and appointment order are attached as Annexure..... **A & B.**

Attested  
y

Certified to be true copy

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



23.12.2022


Appellant alongwith his counsel present. Preliminary arguments

heard.

Learned counsel for the appellant contended that the appellant was appointed as Village Secretary (BPS-07) Village Council Jandri vide appointment order dated 23.12.2015 and he is performing his duty with zeal and zest; that in view of the conditions mentioned in the advertisement as well as service rules pertaining to the appointment of Village Secretary, the appellant has to serve in Village Council Jandri as his native village is Jandri; that vide impugned posting/transfer order, the appellant has been transferred to AD office, while private respondent No. 4 belonging to native village council Sarat Khel has been transferred to the post of appellant, which is in violation of office order No. 474/ADLGKK dated 18.05.2018 issued from the office of Assistant Director LG&RDD Karak.

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 05.01.2023 before the S.B.

Alongwith memorandum of appeal, the appellant has filed an application for suspension of operation of the impugned posting/transfer order No. 756/ADLGKK dated 26.09.2022. Notice of the same also be issued to the respondents for the date fixed. In the meanwhile, operation of impugned posting/transfer order dated 26.09.2022 shall remain suspended till the date fixed, if not already acted upon.

  
(Salah-Ud-Din)  
Member (J)

Certified to be true copy  
EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Attested  
M