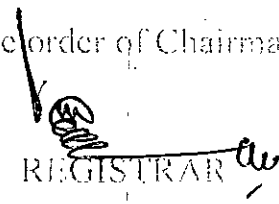


FORM OF ORDER SHEET

Court of

Case No.

718/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/04/2023	<p>The appeal of Mr. Jan Iqbal resubmitted today by Mr. Munfat Ali Yousafzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

This is an appeal filed by Mr. Jan Iqbal today on 16/02/2023 against the order dated 15.12.2022 against which he made/preferred departmental appeal/representation on 28.12.2022 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority report as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 608 /ST,

Dt. 17/2 /2023.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mumtaz Ali Adv.
High Court Peshawar.

Dear Sir,

The instant service appeal was returned due premature institution now it is become mature hence for readmission / resubmission.

(M)
4/4/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____ of 789/232023

Jan Iqbal

VERSUS

Education Department

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Memo of Appeal with verification		1-3
2.	Application		4-5
3.	Affidavit		6
4.	Copy of impugned transfer order dated 15/12/2022	A	7
5.	Copy of the Departmental Appeal	B	8
6.	Wakalat Nama		9

Through

Appellant



Munfat Ali Yousafzai
Advocate, High Court,
Peshawar
Cell No. 03449213367

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____ 748/23 /2023

Jan Iqbal PSHT GPS Mian Kally Tehsil Razar District Swabi.

..... Appellant

VERSUS

1. Secretary to Government of KPK Elementary and Secondary Education Department Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. District Education Officer Male District Swabi.

..... Respondents

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER 11345-G DATED 15/12/2022 WHEREBY THE APPELLANT WAS TRANSFERRED AS PUNISHMENT FROM GPS MIAN KALLY TO GPS NARO BANDA, GADOON WITH SUSPENSION OF THE APPELLANT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL WITH IN THE STATUTORY PERIOD.

PRAYER:

On acceptance of the instant Service Appeal the impugned order dated 15/12/2022 may kindly be set aside and the respondent be directed not to transfer the appellant till the inquiry pending against appellant during suspension period of the appellant.

Respectfully Sheweth:

FACTS

The appellant respectfully submits as under:

- 1) That the appellant has been initially appointed as PST Teacher on 03/02/1986 with respondent Department.
- 2) That after appointment the appellant performed his duty with full devotion and hard work and no complaint whatsoever has been made against the appellant.
- 3) That the appellant preferred an application for casual leave on 15/12/2022 and gave order book to Mr. Roohul Amin PST to take charge of the school and enter C/Leave in attendance register of the school.
- 4) That on 15/12/2022 the District Education Officer visited my school and marked me as absent from duty and issue my transfer order with suspension. (Transfer order is attached as AnnexureA).
- 5) That the appellant feeling aggrieved from the impugned order dated 15/12/2022 preferred Departmental Appeal to the appellate authority on 28/12/2022 which is not respondent hence the appellant have no other remedy but to filed the present Service Appeal. (Copy of Departmental Appeal is attached as AnnexureB).

GROUNDS

- A). That the impugned orders dated 17/12/2022, is void and illegal because it has been passed against the law, rules, norms of natural justice and material on the record hence nor tenable and liable to be set aside.
- B). That the appellant has not been treated by the respondent Department and accordance with law and rules on the subject noted above and as such respondent violated Article-4 and 25 Constitution the Islamic Republic of Pakistan 1973.
- C). That the respondent acted in arbitrary and malafide manner while issuing the impugned order dated 15/12/2022.
- D). That the respondent Department violated Clause-I and IV of the transfer/posting policy of the Provincial Government.
- E). That the appellant seek permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that on acceptance of the instant Service Appeal may kindly be accepted as prayer for.

Appellant

Jan Iqbal

Through



Munfat Ali Yousafzai
Advocate, High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____ 2023

Jan Iqbal PSHT GPS Mian Kally Tehsil Razar District Swabi.

..... Appellant

VERSUS

1. Secretary to Government of KPK Elementary and Secondary Education Department Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. District Education Officer Male District Swabi.

..... Respondents

APPLICATION FOR SUSPENSION OF THE
IMPUGNED ORDER DATED 28/12/2022
WHEREBY TILL THE FINAL DISPOSAL OF
THE ABOVE MENTIONED APPEAL.

Respectfully Sheweth:

- 1) That the above mention Service Appeal alongwith this application has been filed by the appellant before this august Service Tribunal in which no date is fixed so for.
- 2) That the appellant filed the above mentioned appeal against the impugned order dated 28/12/2022 whereby the appellant has been transferred from GPS Mian Kally Tehsil Razar District Swabi to GPS Naro Banda Gadoon District Swabi in violation or the transfer/posing policy.

- 3) That all three ingredients necessary for the stay is in favor of the appellant.
- 4) That the impugned notification dated 15/12/2022 has been issued by the respondents in utter disregard of law and prevailing rules.


It is therefore to most humbly prayed that on acceptance of the instant petition the operation of the impugned notification dated 15/12/2022 may kindly be suspended till the final disposal of the above mention appeal.

Dated 14/02/2023

Applicant


Jan Iqbal

Through


Munfat Ali Yousafzai
Advocate, High Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____ of 2023

Jan Iqbal PSHT GPS Mian Kally Tehsil Razar District Swabi.

..... Appellant

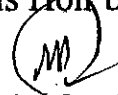
VERSUS

1. Secretary to Government of KPK Elementary and Secondary Education Department Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. District Education Officer Male District Swabi.

..... Respondents

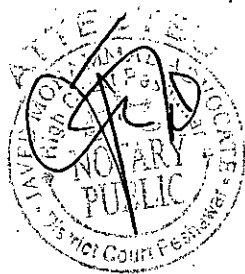
AFFIDAVIT

I, Munfat Ali Yousafzai on the instructions and on behalf of my client do hereby solemnly affirm and declare on oath that the content of the Service Appeal, application are true and correct to the best of my knowledge and belief and nothing has been kept secret and concealed from this Hon'ble Tribunal.



Munfat Ali

Advocate High Court Peshawar



Better Copy

Office of the District Education Officer (Male) Swabi
Office Phone and Fax No. _____

OFFICE ORDER

Consequent upon the surprise visit of the undersigned Mr. Jan Iqbal PSHT GPS Mian Killil Swabi is hereby transferred to GPS Naro Banda Gadoon is suspended from service with immediate to the best interest of public.

(IRFAN ALI)
DISTRICT EDUCATION OFFICER

Endst No. 11345-G Comp No. 88/PST Dated 15/12/2022

Copy of the above is forwarded for information & n/a to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Swabi.
3. SDEO (M) Concerned.
4. District Monitoring Officer Swabi.
5. DAO Swabi.
6. Teacher Concerned.

DISTRICT EDUCATION OFFICER
(MALE) SWABI



Office of the District Education Officer (Male) Swabi

(Office Phono: 81242015) #0824 1111

A-7

OFFICE ORDER

Consequent upon the surprise visit of the undersigned Mr. Jan Iqbal PSPT, Mian Kili Swabi, *18* *have transferred to GOS Narro Banda by action* is suspended from service with immediate effect in the first instance.

(IRFAN ALI)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Endst No 11345-67 Sbs. Comp. No. 88-PST Dated 15/12 2022
Copy of the above is forwarded for information & n/a to the:-

- 1- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2- Deputy Commissioner Swabi.
- 3- SDEO (M) Concerned.
- 4- District Monitoring Officer Swabi
- 5- DAO Swabi.
- 6- Teacher Concerned

DISTRICT EDUCATION OFFICER
(MALE) SWABI

AT (M)
(M)

8-B
 گورنمنٹ ڈپارٹمنٹ الیکٹریسیٹی سٹیشننگ ڈویژن لاہور

حکامہ ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی
 (Date 15-12-2022)

ضابطہ ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی
 ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی

15-12-22 کو D.E.O ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی
 15-12-22 کو ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی
 ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی
 ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی
 ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی
 ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی
 ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی

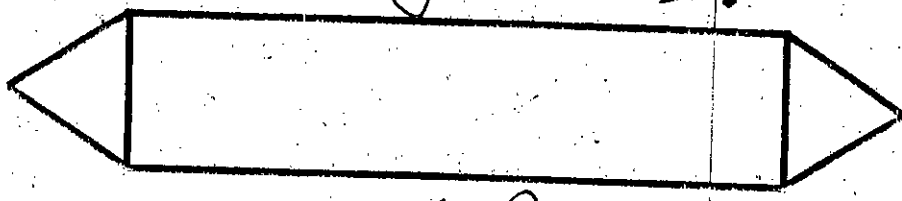
ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی
 ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی

ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی
 28-12-22

(M)
 ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی

PSHT
 ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی / ایس ایف ڈی

محکمہ باہمی سرپرستی سولہ سالہ سٹار گریجویٹوں کے لیے
بعدالت



مورخہ
مقدمہ
دعویٰ
جرم
جان ریہا
بتاع
ایجوکیشن ڈیپارٹمنٹ
باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ لکھنے
آن مقام سٹار PSJ کیلئے منصف علی کو سفارش
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بھارت ڈگری کرنے اجراء اور وصولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
سندیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے
سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔
کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

20
ماہ
المرقوم
واہ العبد

