


FORM OF ORDER SHEET

Court of

Case No. -

749/2023

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. Saif ur Rehman presented today by Mr. Muhammad Mran Khoidad Khel Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____.</p> <p style="text-align: right;">By the order of Chairman    REGISTRAR</p>

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

Service Appeal No. 749 / 2023

Saif Ur Rehman.

... Appellant

- VERSUS -

Government of Khyber Pakhtunkhwa and others.

... Respondents

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**APELLANT**

Saif-Ur-Rehman

THROUGH COUNSEL

**Muhammad Imran Khoidad Khel**

ADVOCATE HIGH COURT

Off: Sulian Tower, Legal Floor,  
Room No. 29, Mazarbagh,  
Mingora, Swat.

Cell: 0333-9508552

Dated: -04-2023

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

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Service Appeal No: 749 / 2023

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Saif Ur Rehman S/o Ziaqat Gul R/o Mohallah Shaheen Abad,  
Saidu Sharif, District Swat.

... Appellant

- VERSUS -

1. Government of Khyber Pakhtunkhwa, through Secretary Secondary & Elementary Education, Khyber Pakhtunkhwa at Peshawar.
2. Director Secondary & Elementary Education, Khyber Pakhtunkhwa at Peshawar.
3. District Education Officer (Female), District Swat at Gulkada, Saidu Sharif, Swat.
4. Headmistress Government Girls Primary School Afsar Abad, Saidu Sharif, Swat.

... Respondents

Appeal Under Section 4 of the Service Tribunal Act, 1974, against the transfer order dated 04-10-2022, passed by respondent No. 3, whereby the appellant has been transferred to Government Girls High School Deolai, Tehsil Kabal, District Swat.

**Prayer:**

On acceptance of this appeal, the impugned order dated 04-10-2022, be declared illegal, unlawful,

unconstitutional, void and the service of appellant may kindly be kept intact at Government Girls Primary School, Afsar Abad, Saidu Sharif, Swat OR atleast near to the residency of appellant.

Any other relief not specifically prayed for, but this August Court deems proper may also be granted.

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Respectfully Sheweth;

1. That the appellant was initially appointed on disable quota through office order dated 09-07-2011 (Copy of appointment order is attached).
2. That the appellant is serving from about 12 years according to the satisfaction of his high ups and till now no complaint has been recorded against the appellant.
3. That due to misconception and upon a baseless and groundless allegations, where under an enquiry committee was constituted, who allegedly conducted the whole enquiry behind the closed doors and there after submitted their report against the appellant, astonishingly without hearing or giving an opportunity to the appellant. After submission of the alleged enquiry report and the recommendation, the appellant was illegally and unlawfully convicted of the act not even committed and as a punishment the appellant was transferred from Government Girls Primary School Afsar Abad, Saidu Sharif, Swat to another Tehsil i.e. Government Girls High School Deolai, Tehsil Kabal, District Swat, vide impugned office order dated 04-10-2022 (Copy of order dated 04-10-2022 is attached).
4. That departmental appeal was filed by appellant on 17-10-2022, which has neither been entertained nor any order has been passed over it (Copy of appeal is attached).
5. That the impugned order is liable to be set aside inter alia on the following grounds.

**Grounds:**

- i. That the impugned order of transfer is illegal, unlawful and against the principles of natural justice.
- ii. That the appellant has not committed any violation of the rules and regulations, against which the appellant should be punished and to be transferred to another Tehsil.
- iii. That appellant is the resident of Afsar Abad, Saidu Sharif, Swat and has been appointed in Disable Quota and being a disable person, the appellant is facing hardships in transport to another Tehsil, which is against the fundamental rights of disabled person, enshrined in the Constitution of Pakistan.
- iv. That the allegations made against the appellant are completely baseless having no relation with the appellant. It is a matter of fact that after constitution of enquiry committee, it was the duty to prove the allegations against the appellant through cogent, reliable and trustworthy evidence and also after provision of a fair opportunity of hearing. The enquiry committee should have heard the stance of the appellant as well, but in the instant case the whole enquiry has been conducted behind the closed doors and is also one sided, wherein neither the appellant has been heard nor any proper or fair opportunity of hearing has been provided to the appellant, but the allegations were proved without any cogent or reliable evidences and as a result the appellant was punished in shape of transfer. Though the appellant has never committed any such things or could even think about any violation of rules or allegations, the aforesaid baseless allegations and

the enquiry conducted on the back of appellant, has not only caused mental stress to a disabled citizen of the country but has also lowered the high esteem of a positive minded / right thinking member of the society, where against the appellant reserve the right to challenge the allegations and the enquiry report in a separate round of litigation.

- v. That appellant could not be held responsible for the act never committed.
- vi. That appellant is innocent.
- vii. That the impugned order is against the law, rules and policy.
- viii. That appellant has never act in a manner, which comes under the meaning of disciplinary ground.
- ix. That appellant is serving the education department since the date of his appointment, and renders a long service, but the whole service of appellant has totally been ignored and overlooked.
- x. That discrimination has been committed with the appellant.
- xi. Further grounds would be agitated during the course of arguments with prior permission.


It is therefore, humbly requested that, on acceptance of this appeal, the impugned transfer order dated 04-10-2022, be declared illegal, unlawful, unconstitutional, void and the service of appellant may kindly be kept intact at Government Girls Primary School, Afsar

5

Abad, Saidu Sharif, Swat OR atleast near to the residency of appellant.

Any other relief which is otherwise deemed proper, lawful, efficacious may also be granted in favour of appellant.

Appellant:

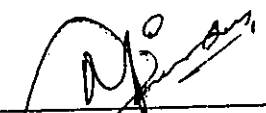


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Saif Ur Rehman  
(Chowkidar)

Contact: 0347-5743170

Counsel:



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Muhammad Imran Khoidad Khel  
Advocate High Court

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

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Service Appeal No. \_\_\_\_\_ / 2023

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Saif Ur Rehman.

... Appellant

- VERSUS -


Government of Khyber Pakhtunkhwa and others.

... Respondents

**Certificate**

It is certified that as per instruction received from my client that no such like other service appeal has earlier been filed before this Hon'ble Court.

**Appellant**

  
\_\_\_\_\_  
Saif Ur Rehman



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

Service Appeal No. \_\_\_\_\_ / 2023

Saif Ur Rehman.

... Appellant

- VERSUS -

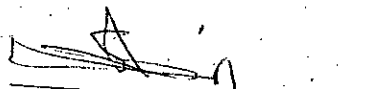
Government of Khyber Pakhtunkhwa and others.

... Respondents

**Affidavit**

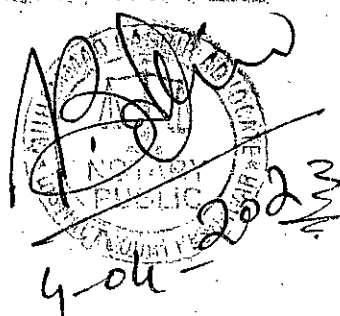
I, do hereby solemnly affirm and declares that, all the contents of this service appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed therein from this august court.

Deponent:



Saif Ur Rehman  
(Appellant)

ATTESTED



4-04-2023

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

Service Appeal No. \_\_\_\_\_ / 2023

Saif Ur Rehman.

... Appellant

- VERSUS -

Government of Khyber Pakhtunkhwa and others.

... Respondents

**Address of Appellant:**

Saif Ur Rehman S/o Ziarat Gul R/o Mohallah Shaheen Abad,  
Saidu Sharif, District Swat.

**Addresses of Respondents:**

1. Government of Khyber Pakhtunkhwa, through Secretary Secondary & Elementary Education, Khyber Pakhtunkhwa at Peshawar.
2. Director Secondary & Elementary Education, Khyber Pakhtunkhwa at Peshawar.
3. District Education Officer (Female), District Swat at Gulkada, Saidu Sharif, Swat.
4. Headmistress Government Girls Primary School Afsar Abad, Saidu Sharif, Swat.

**Appellant**



Saif Ur Rehman

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION DISTRICT SWAT  
OFFICE ORDER

In pursuance to the meeting of Departmental Selection Committee held on 09.07.2011 as contained in the minutes of the meeting issued vide this Office Endst:No 10339-45 dated 9.7.2011 The competent authority is pleased to order the appointment of the following candidates against the post and School mentioned to their names in BPS-01 (4800-150-9300) plus usual allowances as admissible under the rules except section 19 Khyber Pakhtun Khwa rules 1973 subject to the terms and conditions given at the end from the date of their taking over charge in the best interest of public services.

**DECEASED EMPLOYEE SONS.**

S.No	PK	Name /Parentage	Post where vacant	Post	D/O death	Remarks
1	80	Said Arif Shah S/O Mubarak shah R/O Amankot	GPS Shagai	Chow	13.3.1996	Died
2	80	Mohd: Ghani S/O Amir Sawab R/O Amankot	GGMS Amankot	Sweep	23.1.2011	Died
3	80	Nasrin D/O Abdul qayum R/O Faiz Abad	GGHS Haji Baba	Caller	25.3.2011	Died

**RETIRED 25% QUOTA**

S.No	PK	Name /Parentage	Post where vacant	Post	D/O retirement	Remarks
1	80	Mohammad Ibrahim S/O Darwesh R/O Khwaja Abad Mingora	GPS Malook Abad	Chow	29.10.1995	Retired
2	81	Sadar Bacha S/O Khairur Rahman R/O Amankot	GPS Patanay	Chow	15.9.1999	Retired
3	80	Farmani Gul S/O Gulbar R/O Gul Kada	GGHS Shah dara	Chow	15.08.2009	Retired

**DISABLED IN PK-80**

S.No	PK	Name /Parentage	Post where vacant	Post	Remarks
1	80	Saifur Rahman S/O Zinat Gul R/O Shahcen Abad	GGHSS Saidu No.I	Chow	Disable

**Open PK-80**

S.No	PK	Name /Parentage	Post where vacant	Post	Remarks
1	80	Fazal Rabi S/O Nawsherawani R/O Saidu Sharif	GGHS No.II Saidu	Chow	Open
2	80	Zainullah S/O bahadar Khan R/O saidu-Sharif	GCMHS Wadudia	Chow	Open
3	80	Khurshid S/O Sultani Mulk R/O Mingora	GHSS No.II Mingora	Chow	Open
4	80	Aftab Alam S/o Akbar Ali R/O Ingaro Dherai	GHS Ingaro Dherai	Sweeper	Open

**TERMS & CONDITIONS**

- 1). No TA/DA is allowed
- 2). Charge report should be submitted to all concerned
- 3). Their Appointment is purely made on contract basis and liable to termination at any stage/time with out Assigning any notice.
- 4). Their posts are not pension able.
- 5). They will produce health & Age certificate from the Medical Superintendent DHQ Hospital Swat
- 6). They will not be handed over charge if their age is less than 18 years and above 45 years.
- 7). In case of resignation they will have to give one month prior notice to the Department or forfeit one Month pay in lieu thereof to the Government.
- 8). They will be governed by Rules and Regulations issued by the Govt. from time to time.

(Sultan Mahmood Mian)  
Executive District Officer  
Elementary & secy: Edu:Swat

Endst:No 10347-57 Class-IV Appointment/2011 dated 09.07.2011

Copy forwarded to:-

- 01). The Secretary Govt: of Khyber Pakhtunkhwa Elementary & Secy: Education Peshawar.
- 02). The Directress Elementary & Secy: Education Khyber Pakhtunkhwa Peshawar.
- 03). The District coordination Officer Swat.
- 04). The District Accounts Officer Swat
- 05). The DO(M/F) E&SE Swat.
- 06-7). The DDO(M/F) E&SE Swat.
- 08). The Budget & Accounts Officer(E&SE) local Office.
- 09). The Principals/ Head Masters/Head Mistresses concerned
- 10). The Official Concerned
- 11). P.A. local Office.

Attested

Executive District Officer  
Elementary & secy: Edu:Swat

Annexure - 1

10



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

#: (0946) 9240214  
Email: deofswat@gmail.com

#: (0946) 9240214  
Web: www.female.sed.edu.pk

**OFFICE ORDER.**

**Whereas:** Mr. Saif ur Rahman Chowkidar GGPS Afsar Abad Saidu Sharif performing duty but locals submitted complaint against him regarding unethical attitude and misusing / exploiting his official position / capacity.

**Whereas:** enquiry committee constituted and enquiry conducted on 22-09-2022 where evidence collected, statements recorded and observations made by the committee & personally investigation made from the official accused where the guilt admitted and confessed.

**Whereas:** after probing into the matter and the committee for safe and pleasant environment at the school, recommended transfer of the said official accused to far flung areas for improvement and his conduct.

Keeping in view service discipline rules under Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) rules 2011 the official falls within the meaning of misconduct and the undersigned exercise her power conferred under the ibid rules & transfer the official accused on **DISCIPLINARY** grounds as per detail below with immediate effect.

S. No	Name & Post	From	To	Remarks
1	Mr. Saif ur Rahman Chowkidar	GGPS Afsar Abad	GGHS Deolai	On Disciplinary Ground
2	Mr. Pir Muhammad Khan Chowkidar	GGPS Jat Kot Kabal	GGPS Afsar Abad	Vice S. No: 01
3	Mr. Rozi Khan Chowkidar	GGPS Deolai	GGPS Jatkot	Vice S. No: 02

1. Charge report should be submitted to all concerned.
2. No TA / DA is allowed.

**DR. SHAMIM AKHTAR  
DISTRICT EDUCATION OFFICER (F)  
SWAT.**

Endst: No. 36 / P. F / Saif ur Rahman / Chow / GGPS Afsar Abad. Dated: 27/10/2022

Copy Forwarded for information and necessary action to the:-

1. Director E&SE KP, Peshawar.
2. Deputy Commissioner Swat.
3. District Monitoring Officer / EMA, Swat.
4. District Comptroller of Accounts Swat at Saidu Sharif.
5. Head Mistress GGHS Deolai, Swat with the direction to ensure compliance of the order accordingly under intimation to this office.
6. SDEO (F) Kabal with the direction to follow the order & submit report to the undersigned accordingly.
7. SDEO (F) Babozai with directions to relieve the official accused immediately & do the needful accordingly under intimation to this office.
8. Head teacher GGPS Afsar Abad & GGPS Jatkot Kabal, Swat for the compliance of the order.
9. Official Concerned with the directions to ensure compliance of the order immediately otherwise you will be marked absent and action will be taken against you accordingly.

**DR. SHAMIM AKHTAR  
DISTRICT EDUCATION OFFICER (F)  
SWAT**

A Hested

*[Handwritten signature]*

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (نی مپل) بمقام سید و شریف ضلع سوات

سیف الرحمان ولد زیارت گل مرحوم سکنہ محلہ شاہین آباد، سید و شریف تحصیل بابوزی ضلع سوات  
(چوکیدار حال متوجیہ گورنمنٹ گرلز ہائی سکول دیوبلی تحصیل کبل ضلع سوات) سائیل

ڈیپارٹمنٹل ایبل

درخواست براد نظر ثانی حکم و فیصلہ بحرارہ 14/10/2022

DA  
17/10/2022

جناب عالی! حسب ذیل عرض ہے۔

۱۔ یہ کہ سائیل دیہ محلہ شاہین آباد، سید و شریف تحصیل بابوزی ضلع سوات کارہائشی پیدائشی باشندہ ہے۔



۲۔ یہ کہ سائیل محکمہ تعلیم میں کلاس فور تعینات ہے یعنی چوکیدار کے پوسٹ پر اپنی ڈیوٹی سرانجام دے

رہا ہے۔

۳۔ یہ کہ سائیل کے پوسٹنگ گورنمنٹ گرلز پرائمری سکول آفس سید و شریف میں تھی جو کہ بروئے حکم مقررہ

14/10/2022 سائیل کو گورنمنٹ گرلز ہائی سکول دیوبلی تحصیل کبل ضلع سوات میں کی گئی ہے۔

۴۔ یہ کہ سائیل ایک ہاتھ پر معذور ہے یعنی سائیل کا دائیں ہاتھ نہیں ہے اور سائیل کیلئے اپنے ڈیوٹی کسی

دور دراز علاقے میں سرانجام دینا انتہائی مشکل اور اذیت بھرا ہے۔ کیونکہ سائیل روزانہ کے بنیاد پر

سید و شریف سے دیوبلی آنے جانے کا سفر کرتا ہے جس پر سائیل کا روزانہ کے بنیاد پر کرایہ کے مد میں

بہت زیادہ خرچہ آتا ہے اور سائیل کو بے انتہا تکلیف بھی پہنچتی ہے۔

(جاری ہے)

Attested

[Signature]

(۲)




- ۵۔ یہ کہ سائیل کا ایک ہاتھ نہ ہونے کی وجہ سے سائیل کرایہ کے گاڑی میں یا تو لٹک کر جاتا ہے یا گاڑی کے چھت پر بیٹھ کر دیوٹی کے طرف سفر کرتا ہے جو کہ سائیل کے زندگی کے ساتھ کھلوڑا ہے۔
- ۶۔ یہ کہ سائیل چھ بچوں کا واحد کفیل ہے اور کسی ناگہانی حادثہ کی صورت میں سائیل کے بیوی بچے دنیا میں تنہا رہ جائیں گے اور کوئی دوسرا ذریعہ آمدن بھی نہ ہے۔
- ۷۔ یہ کہ سائیل کا ٹرانسفر گورنمنٹ گریڈ ہائی سکول دیوٹی میں سے سنائی باتوں کی بنیاد پر عمل میں لایا گیا ہے جو کہ سائیل کے ساتھ انتہائی ظلم و زیادتی ہے۔
- ۸۔ یہ کہ سائیل کا ٹرانسفر واپس گورنمنٹ گریڈ ہائی سکول آفسر آباد سید و شریف یا سید و شریف میں کسی دوسرے نزدیک سکول میں کروائے تو سائیل کو کارزار حیات گزارنے میں آسانی ہوگی اور سائیل ہمیشہ کیلئے دعا گو رہیگا۔

عریضہ

سیف الرحمان ولد زیارت گل مرحوم سکندہ محلہ شاہین آباد، سید و شریف تحصیل بابوزی ضلع سوات (سائیل)  
(چوکیدار حال متعینہ گورنمنٹ گریڈ ہائی سکول دیوٹی تحصیل کبل ضلع سوات)

Attested



بار کونسل نمبر: <u>BC-11-2405</u>	  
بار ایسوسی ایشن نمبر: <u>187</u>	
رابطہ نمبر: <u>0333-9508552</u> ای میل ایڈریس: _____	
<b>ڈسٹرکٹ بار ایسوسی ایشن سوات</b>	

بعدالت جناب: مسٹر وسیم حسین محمد خواجہ محمد خواجہ

منجانب: <u>ریٹائرمنٹ</u>	دعویٰ اور خواہش: <u>مسٹر وسیم حسین</u>
صنف الرجسٹرڈ بنام	علت نمبر: _____
<u>محمد خواجہ</u> <u>محمد خواجہ</u> <u>محمد خواجہ</u>	مورخہ: _____
	جرم: _____
	تھانہ: _____

### بابت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام مسٹر وسیم حسین کیلئے محمد خواجہ محمد خواجہ محمد خواجہ کے اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کاروائی کو کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث کرنے، دعویٰ، جواب دعویٰ، اقبال دعویٰ اور درخواست برائے سرسبزگی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کاروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ پر داختم منظور قبول ہوگا، بدوران مقدمہ جو خرچہ و ہرجانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے،

لہذا وکالت نامہ لکھ دیا کہ سندر ہے

Accepted

مقام مسٹر وسیم حسین

ایڈووکیٹ دستخط:

الرقوم: 03/04/2023