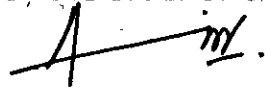


# FORM OF ORDERSHEET

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

Misc. application No. 314/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/05/2023	<p>The Misc. application in appeal no. 1279/2022 submitted today by Mr. Yasir Saleem Advocate. It is fixed for hearing before Single Bench at Peshawar on _____ . Original file be requisitioned.</p> <p>By the order of Chairman  For REGISTRAR</p>




5. *That the appellant is still performing his duties on place of his posting and he has neither been transferred nor posted but even than his salary has been stopped.*
6. *That if the subject notification dated 28-03-2023 is not suspended the very purpose of the instant appeal would become infructuous.*

*It is, therefore, most humbly prayed that on acceptance of this application the notification dated 28-03-2023 may kindly be suspended in the best interest of justice, till the final decision of the case.*

Dated:- 17-05-2023

Through:-

Appellant

  
Yasir Saleem  
Advocate High Court  
Peshawar.

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Block "A" Opposite MPA's Hostel, Civil Secretariat  
Phone No. 091 9222222, Email: sschoolmatef@gmail.com

Peshawar, Dated: 28/03/2023

CORRIGENDUM

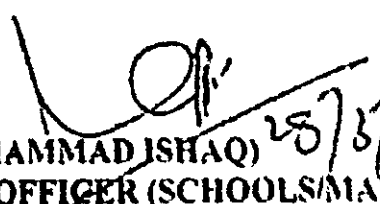
NO.SO(SME&SF)/5-18/Promotion/BS 17 to 18/2023: In partial modification of the Department Notification of even number dated 13.03.2023, the place of posting in respect of S.Syed ul Din SS Islamiyat (BS-18), appearing at S.No 237 may be read as SSS (BS-18) at GHS Darpa Kbel NWTD instead of SSS Islamiyat (BS-18) at GHSS Shalozan Kurram, to the best public interest.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Ends: of even No. & Date

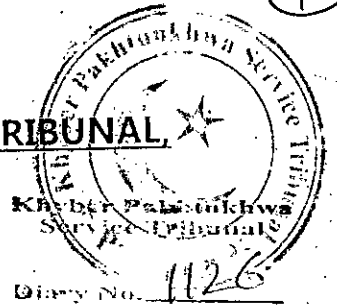
Copies forwarded to the:

- 1 Accountant General, Khyber Pakhtunkhwa Peshawar
- 2 Director, E&SE Khyber Pakhtunkhwa, Peshawar.
- 3 District Education Officer (Male) concerned.
- 4 District Accounts Officer concerned.
- 5 Director, EMIS E&SE Department.
- 6 PS to Advisor for CM, for E&SE Department.
- 7 PS to Secretary E&SE Department.
- 8 PA to Additional Secretary (Establishment) E&SE Department.
- 9 Officer concerned.
- 10 Office order file.

  
(MUHAMMAD ISHAQ) 28/3/23  
SECTION OFFICER (SCHOOLS/MALE)

1

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



Service Appeal No. 1279 /2022

Diary No. 1126

Dated 01-09-2022

**Akhtar Nawaz**, Headmaster (BPS-17) GHS Darpa Khel, North  
Waziristan District:

.....**Appellant**

**V E R S U S**

1. Govt. of Khyber Pakhtunkhwa, Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Director, Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Mir Said Khan Headmaster (BPS-17), under transferred to GHS Darpa Khel, North Waziristan.

.....**Respondents**

**SERVICE APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 30.05.2022 WHEREBY ONE MR. MIR SAID KHAN HEAD MASTER BPS-17 HAS BEEN POSTED / TRANSFERRED AGAINST THE POST OF HEAD MASTER GOVERNMENT HIGH SCHOOL DARPA KHEL NORTH WAZIRISTAN WHICH HAS ALREADY BEEN OCCUPIED BY THE UNDERSIGNED AND NEITHER THE UNDERSIGNED HAS BEEN TRANSFERRED NOR RELIEVED FROM THE SAID POST.**

Next-day

W

REGISTER

01/09/22

Prayer:

**ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL ORDER 30.05.2022 MAY KINDLY BE SET-ASIDE AND THE APPELLANT MAY BE ALLOWED TO CONTINUE HIS DUTIES ON HIS ALREADY OCCUPIED POST AT GOVERNMENT HIGH SCHOOL DARPA KHEL NORTH WAZIRISTAN AS HEAD MASTER (BPS-17).**

Certified to be true

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

A. No. 1279/2022  
Akhbar Nawaz vs Govt



08.11.2022.

Mr. Yasir Saleem, Advocate for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 30.05.2022 whereby private respondent No. 4 was posted as Head Master GHS Darpa Khel North Waziristan Tribal District mentioning it "(A.V.P) against vacant post" despite the fact that the appellant was already holding charge and performing his duty against the said post since 09.06.2021 and he has not completed normal tenure against the post. It was further argued that the appellant is still performing his duty as Head Master, GHS Darpa khel North Waziristan Tribal District and private respondent No. 4 has not taken over the charge against the post from the appellant as yet. The appellant submitted departmental appeal through registered mail on 31.05.2022 which was not responded within the statutory period hence the instant service appeal filed on 01.09.2022

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 12.12.2022. Alongwith the service appeal, an application for interim relief/temporary injunction to the effect to suspend the impugned Notification dated 30.05.2022 has been annexed. The operation of the impugned Notification dated 30.05.2022 is suspended only to the extent of private respondent No. 4, if already not acted upon.

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(Mian Muhammad)  
Member (E)

14.04.2023

Learned counsel for the appellant present.

SCANNED  
POST  
RECEIVED

Mr. Muhammad Tufail, Assistant alongwith Mr. Asad Ali Khan, Assistant Advocate General for official respondents present. None present on behalf of private respondent No. 4. Learned counsel for the appellant requested that although it was directed vide order dated 04.04.2023 that the appellant shall deposit the expenses of registered/A.D post for summoning of private respondent No. 4, however due to inadvertence the same could not be deposited, therefore, an opportunity may be granted to him for depositing of expenses of registered/A.D post. Private respondent No. 4 be summoned through registered/A.D post and to come up for reply/comments on 28.04.2023 before the S.B. Parcha Peshi given to the parties.

Appellant shall deposit expenses of registered/A.D post within 03 days.

\*Naccm Amin\*

(Salah-Ud-Din)  
Member (J)

28<sup>th</sup> April, 2023

Counsel for the appellant and Mr. Muhammad Jan, District Attorney for the respondents present.

Reply/comments on behalf of the respondents not submitted. Learned District Attorney requested for further time to contact the respondents. Another opportunity is granted. To come up for reply/comments on 15.05.2023 before the S.B. Parcha Peshi given to the parties.

Certified to be true copy (Fareeha Paul)  
Member (E)

\*Fazle Subhan P.S.\* EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar