


FORM OF ORDER SHEET

Court of _____

Non-Compliance Court Order Petition No. 341/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29/05/2023	<p>The Misc. application of Mr. Muhammad Irshad submitted today by Mr. Babar Hayat Khan Advocate. It is fixed for hearing before Single Bench at Peshawar on <u>31-05-2023</u>. Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL

Misc; CoC Application in
Non-compliance Court order Petition no. 341/2023

Service Appeal No.1002/2023

With Interim Relief

Muhammad Irshad..... Appellant

Versus

Nadeem Aslam Chaudry

Govt of KP & others Respondents

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Dated: 29.05.2023

Through

Applicant


BABAR HAYAT KHAN
ADVOCATE HIGH COURT

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Non-compliance Court order Petition No. 341/2023
Misc; CoC Application
In
Service Appeal No. 1002/2023

Muhammad Irshad S/O Niaz Khan (Sub-Divisional Education Officer) R/O Aimal Kala, PO Azeem Kala, Khandar Khankhel, Tehsil Domel, District Bannu.

..... Applicant

Versus

1. Nadeem Aslam Chaudry Chief Secretary, Civil Secretariate, Peshawar.
2. Mr. Motasim Billah Shah, Secretary Elementary and Secondary Education, Civil Secretariate, Peshawar.
3. Saif Ullah, District Education Officer (Male) Bannu, outside Miryan Gate, Bannu.
4. Mr. Riaz Khan (Management Cadre) (BS-17), SDEO, (Serial No. 02) Elementary and Secondary Education, Civil Secretariate, Peshawar.

..... Respondents

**APPLICATION FOR CONTEMPT PROCEEDINGS UNDER
RELEVANT LAW(S) /RULES AGAINST THE RESPONDENTS FOR
REFUSING TO OBEY THE ORDER DATED 10.05.2023 IN THE
ABOVE TITLED PENDIND APPEAL**

Respectfully Sheweth,

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1. That the titled appeal is pending before this honourable Tribunal wherein dated 01.06.2023 is fixed as the next hearing.
2. That on dated 10.05.2023, the honourable Tribunal has suspended the operation of the impugned notification to the extent of the applicant/appellant. (Copy of the order is attached as Annexure A)
3. That it is pertinent to mention here that the appellant/applicant has not relinquished the charge of the post, but astonishingly, the respondent no. 4 is claiming otherwise and has threatened me with dire consequences despite the fact that the appellant/applicant has produced the attested copy of the order of this honourable Tribunal.
4. That the respondent no. 2 has suspended/cancelled the impugned notification to the extent of applicant but respondent no. 3 has sheerly violated the order of this honourable tribunal by not allowing the applicant to resume the charge. (Copy suspension/withdrawal notification is attached as annexure B)
5. That now the respondent no. 3 has produced another vague notification wherein it has been shown the withdrawal notification has been kept in abeyance. (Copy of the notification is attached as Annexure C)
6. That the respondents have clearly violated the order of this honourable tribunal hence the applicant/appellant having no other remedy but to proceed contempt proceedings against respondents for disobedience the order dated 10.05.2023 of this honourable Tribunal.

It is therefore, most humbly requested to proceed contempt proceedings against respondents for

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disobedience of order dated 10.05.2023 of this honourable Tribunal and to implement the order in letter and spirit in order to secure the ends of justice. Any other relief which this honourable Tribunal deems appropriate in favour of the applicant.

Dated: 29.05.2023

Through

Applicant


BABAR HAYAT KHAN
ADVOCATE HIGH COURT

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BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL

Misc; CoC Application in

Service Appeal No.1002/2023
With Interim Relief

Muhammad Irshad..... Appellant

Versus

Govt of KP & others Respondents

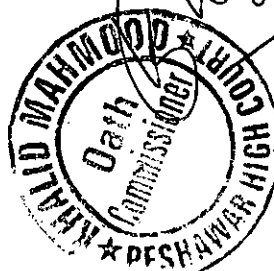
AFFIDAVIT

I, Muhammad Irshad S/O Niaz Khan (Sub-Divisional Education Officer) R/O Aimal Kala, PO Azeem Kala, Khandar Khankhel, Tehsil Domel, District Bannu, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Contempt Petition** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

Identified by:

BABAR HAYAT KHAN
Advocate, High Court

DEPONENT
CNIC #:11101-6968144-5



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL



Service Appeal No. 1002/2023
With Interim Relief

Muhammad Irshad S/O Niaz Khan (Sub-Divisional
Education Officer) R/O Aimal Kala, PO Azeem Kala,
Khandar Khankhel, Tehsil Domel, District Bannu.

Appellant 5070
Diary No. 3/5/2022
Dated 3/5/2022

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariate, Peshawar
2. Secretary Elementary and Secondary Education, Civil Secretariate, Peshawar.
3. Mr. Riaz Khan (Management Cadre) (BS-17), SDEO, (Male) Bannu, District Education office (Male) outside, Miryan Gate Bannu Civil Secretariate, Peshawar
4. Section Officer (Management Cadre). Elementary and Secondary Education. Civil Secretariate, Peshawar.

Respondents

3/5/2022
Registrar

**SERVICE APPEAL U/S 4 OF THE KPK
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED NOTIFICATION
BEARING NO. SO(MC)E&SED/4-
16/2022/Posting/ Transfer/MC/: DATED
14.03.2023, WHEREBY THE APPELLANT
HAS BEEN ILLEGALLY TRANSFERRED
WITHOUT OBSERVING THE RULES /
REGULATIONS / POLICY**

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Khyber Pakhtunkhwa
Services Tribunal
Peshawar

FORM OF ORDER SHEET

Court of _____

Case No. - _____

1002 /2023

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S.No.

Date of order proceedings

Order or other proceedings with signature of judge

1

2

3

05/05/2023



SCANNED
Peshawar

The appeal of Mr. Muhammad Irshad resubmitted today by Mr. Babar Hayat Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 16/05/23.

By the order of Chairman

REGISTRAR

10th May, 2023

1. Appellant alongwith his counsel present.
2. The appellant was posted as SDEO (M) Bannu from where he was transferred on 14.03.2023 without allowing him to complete normal tenure of two years, he was transferred from the post of SDEO (M) Bannu to the post of SDEO (M) Bankad Lower Kohistan. The appellant filed a writ petition No. 1102-P/2023 before the Hon'ble Peshawar High Court, Peshawar, which was decided on 28.03.2023 directing the respondent No. 1 to decide departmental appeal of the appellant within seven days. It was then the departmental representation of the appellant, filed against notification dated 14.03.2023, was regretted, hence, this appeal. This appeal is thus admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within 10 days. The district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for written reply/comments on 24.05.2023 before S.B.
3. As to the application for suspension of the operation of the impugned order dated 14.03.2023, it is directed that the

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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operation of the impugned order shall stand suspended to the extent of appellant, if not already acted upon. In case the appellant failed to deposit the expenses of TCS, within three days, the suspension order will have no effect.

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(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A.

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 25/5/23

Number of Words 270

Copying Fee 150/-

Urgent SP

Total 150/-

Name of _____

Date of 25/5/23

Date of Delivery of copy 25/5/23

" B " " 8 "



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9210626

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Dated: 16th May, 2023

NOTIFICATION

NO.SO(MC)E&SED/4-16/2022/Posting/ transfer /MC: In light of the honorable Khyber Pakhtunkhwa Service Tribunal Order dated 10.05.2023 in Service Appeal No.1001 & 1002/2023, this Department's Notification of even number dated 14.03.2023 regarding posting/transfer in respect of Mr. Muhammad Irshad appearing at Sr.No.4 and Mr. Muhammad Alam Din appearing at Sr.No.17 is hereby **Withdrawn/Cancelled**, in the best public interest.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
3. Additional Advocate General Khyber Pakhtunkhwa.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. Section Officer (Lit-II) E&SE Department.
6. District Education Officer (Male) Bannu.
7. District Accounts Officer Bannu.
8. PS to Advisor to Chief Minister on E&SE Khyber Pakhtunkhwa.
9. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
10. Officers concerned.

Naseer Abbas Khalil
16.05.23

(NASEER ABBAS KHALIL)
SECTION OFFICER (Management Cadre)



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C

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9210626

Dated: 23rd May, 2023

NOTIFICATION

NO.SO(MC)E&SED/4-16/2022/Posting/Transfer/MC/: The posting/transfer Notification of even number dated 16.05.2023 is hereby held in abeyance till further order, in the best public interest.

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. Section Officer (Lit-II) E&SE Department.
5. District Education Officers.(Male) Concerned.
6. District Accounts Officers Concerned.
7. PS to Minister E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa./
9. Master file.

111/1702
23.5.2023

(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

CERTIFICATE OF TRANSFER OF CHARGE

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1. Certificate that we have on the fore/afternoon of this day ___ / ___ / 200__ respectively made over and received charge of Office of the

2. Particular of cash and important secret and confidential documents handed over are noted on the reverse:-

Signature of relieved
Government servant

Designation

Station

Signature of relieving
Government servant

Designation

Dated

Forwarded to:.....

CERTIFICATE OF TRANSFER OF CHARGE

1. Certificate that we have on the fore/afternoon of this day ___ / ___ / 200__ respectively made over and received charge of Office of the

2. Particular of cash and important secret and confidential documents handed over are noted on the reverse:-

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Designation

Station

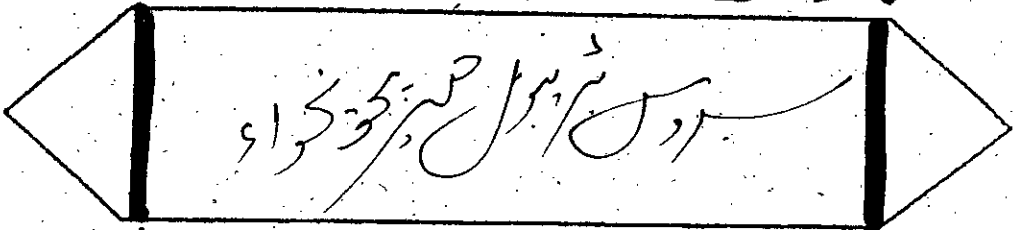
Signature of relieving
Government servant

Designation

Dated

Forwarded to:.....

بعدالت



محمد ارشد بنام حکومت

موزعہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی کی وجواب دی وکل کاروائی متعلقہ
آن مقام کیلئے اسٹریٹس ہیرالڈ صاحب آرٹیکل

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 ثالثہ فیصلہ برحلف دینے جواب دی اور اقبال دعویٰ اور
بسورت ڈگری کرنے اجراء اور وصولی چیک ورد پیسار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار 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 مذکورہ باختیارات حاصل ہوں گے اور اس کا ساتھ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سندر ہے۔

الرقوم 27 ماہ 20

واہ العیاد

Accepted by
Babar Haqat

Accepted by
Parazul