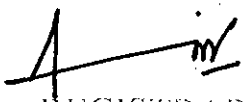


FORM OF ORDER SHEET

Court of _____

Appeal No. 1165/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/05/2023	<p>The appeal of Mr. Muhammad Tanveer resubmitted today by registered post through Mr. Hfikhar Ahmad Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on</p> <p>By the order of Chairman</p> <p> REGISTRAR.</p>

This is an appeal filed by Mr. Muhammad Tanveer today on 21/03/2023 (through registered Post) against the order dated 02.11.2022 against which he made/preferred departmental appeal/ representation on 10.02.2023 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 and also removing the following deficiencies.

- 1- Annexures of the appeal be attested. ✓ OK
- 2- Check list is not attached with the appeal. ✓ OK
- 3- Memo of appeal is not signed by the appellant neither his counsel. ✓ OK
- 4- Address of respondent no.3 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974. ✓ OK

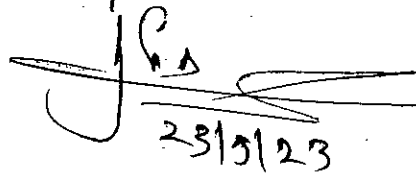
No. 1003 /ST,

Dt. 20-3 /2023.

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Iftikhar Ahmad Tanoli Adv.
High Court A.Abad.

objection removed



IFTIKHAR AHMED KHAN TANOLI
Advocate
26 Lower Chamber

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
DISTRICT ABBOTTABAD.

Appeal No. 1165 of 2023

Muhammad Tanveer

...APPELLANT

V E R S U S

Government of KPK through Secretary Education and others

...RESPONDENTS

SERVICE APPEAL

INDEX

S.No.	Description of Document	Annexure	Page No.
1.	Service Appeal alongwith Verification and affidavit	--	1-6-A
2.	Application for suspension	--	7-8
3.	Photocopy of the order dated 02.11.2022	"A"	9
4.	Copies of all the 4 order	"B", "C", "D" & "E"	10-13
5.	Copy of appeal	"F"	14
6.	Vakalat Nama	--	15

...APPELLANT

Through Counsel:

Dated: ~~20~~ 03-2023


20/03/2023
(IFTIKHAR AHMED TANOLI)
Advocate High Court Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
DISTRICT ABBOTTABAD.

Appeal No. 1165 of 2022

Muhammad Tanveer S/o Muhammad Ayub R/o Khail Nallah U/C Sawan
Mera District Mansehra.

...APPELLANT

V E R S U S

- 1) Government of KPK through Secretary Education.
- 2) District Education Officer (DEO) Mansehra.
- 3) Deputy District Education Officer (DDEO).
- 4) Adnan S/o Malik Aman Class-IV, Chowkidar presently Govt. Girls Primary School Devel R/o Village Khail Nullaha Union Council Sawan Mera District Mansehra.

...RESPONDENTS

**APPEAL KPK SERVICE TRIBUNAL ACT, 1974,
READWITH KPK CIVIL SERVANT RULE 1986
THE TRANSFER ORDER BEARING NO.8723-30
DATED 02.11.2022, THROUGH WHICH THE
APPELLANT / PETITIONER TRANSFER FROM
GGPS KHAIL NALLAH TO GGPS DEVEL.**

PRAYER:

**IT IS THEREFORE, REQUESTED THAT
THIS AUGUST TRIBUNAL MAY KINDLY BE SET-
ASIDE THE TRANSFER ORDER DATED**

02.11.2022 IN THE BEST INTEREST OF
JUSTICE.

Respectfully Sheweth

Brief Facts of the case are as under:

1. That the appellant / petitioner serving as chowkidar / Class-IV in Respondents department i.e. Government Girls Primary School Khail Nalla far last so many years and no complaint whatsoever has been lodged and received against the appellant and petitioner performing his duty honestly and efficiently.
2. That the all of sudden respondent especially respondent No.3 transfer*the petitioner vide order No. 8723-30 dated 02.11.2022 from Khail Nallah to village Devel which is situated at the distance of 4/5 hours Journey, from petitioner home, the same is unjust and liable to set-aside.
(Photocopy of the same order is annexed as Annexure "A")
3. That the Father of the appellant / petitioner is extremely aged and disable person which is

totally depends upon petitioner / his son, the only care taker. Similarly the petitioner belongs to a family which has crucial enmity in the area.

4. That the several request was made to respondents specially respondents No.2 and 3 but they did not considered the same.
5. That respondents kept the impugned order dated 02.11.2022 held in abeyance void order dated 21.11.2022 and on 17.12.2022 vide order No.11148-53 impugned transfer order was restored and against on 27.12.2022 that restoration order kept held in abeyance by the respondent on 08.02.2023 again respondent restored impugned transfer order. **(Copies of all the 4 order are annexed with this petition as Annexure ("B" , "C" , "D" & "E" respectively)**
6. That on 10.02.2023 petitioner filed on appeal before learned secretary education Peshawar the same is still un-replayed and pending before the authority. **(Copy of the Appeal is annexed as Annexure "F"**

7. That report stopped the salary of the Peshawar for last 2 month and marked absent in the school record of village Dival inspite of the fact that petitioner is serving in the main office of the respondent No.2.

GROUND:-

- a. That the conduct of the respondents toward the petitioner is malafide, discriminatory. Hence, respondents' department with malafide intentions has accommodated respondent No.4, who is blue eyed and influential having political backing, at the altar of the appellant, which is perverse, against the law and the impugned transfer order to the extent of respondent No.4 is liable to be set-aside.
- b. That the respondents' department was supposed to follow rules, regulations on the subject. Superior Court has held in so many cases that when law prescribe a thing which is to be done in a particular manner, that must be done in that manner and not otherwise.

The reason deter behind this maxim is that in case prescribed procedure is violated then there is likelihood of miscarriage of justice.

- c. That the respondents' department has led the appellant to the place which is utterly unknown to the principle of natural justice, good governance, fair play and cannon of ethics.
- d. That good governance demand that whatever is due to a person that must be given to him / her without further delay.
- e. That the other points shall be urged at the time of arguments with the prior permission of this Hon'ble Court.
- f. That, the instant appeal is well within time.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Appeal, this August Tribunal may kindly be

6 - A.

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
DISTRICT ABBOTTABAD.**

Appeal No. _____ of 2022

Muhammad Tanveer

...APPELLANT

VERSUS

Government of KPK through Secretary Education and others

...RESPONDENTS

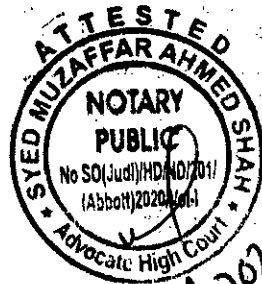
SERVICE APPEAL

AFFIDAVIT

I, **Muhammad Tanveer S/o Muhammad Ayub R/o. Khail Nallah U/C Sawan Mera District Mansehra, *Appellant***, do hereby solemnly affirm and declare on Oath that the contents of instant ***Service Appeal*** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal Court.

Dated:- 20/3/2022

DEPONENT



20/3/2022

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
DISTRICT ABBOTTABAD.

Appeal No. _____ of 2022

Muhammad Tanveer

...APPELLANT

V E R S U S

Government of KPK through Secretary Education and others

...RESPONDENTS

SERVICE APPEAL

=====

**APPLICATION FOR SUSPENSION OF THE IMPUGNED
ORDER TILL THE FINAL DISPOSAL OF THIS APPEAL /
PETITION.**

=====

Respectfully Sheweth,

1. That titled appeal is being filed before this Honourable Tribunal, contents of the same may be treated as an integral part of this application.
2. That appellants had brought a good Prima-Facie case and balance of convenience also lies in their favour and there is every likelihood for their success.
3. That if the respondent not restrained from enforcement of the impugned order appellant then appellant would

suffer irreparable loss and the purpose of filing instant appeal would become infructuous.

It is, therefore, humbly prayed that on acceptance of foregoing application, the respondents may graciously be suspend the transfer order dated 02.11.2022, till final disposal of the instant appeal.

[Signature]
...APPELLANTS

Through:

[Signature]
20/11/22

(IFTIKHAR AHMED TANOLI)
Advocate High Court Abbottabad

Dated:- 20/11/2022

AFFIDAVIT:

I, Muhammad Tanveer S/o Muhammad Ayub R/o Khail Nallah U/C Sawan Mera District Mansehra, *Appellant*, do hereby solemnly affirm and declare on Oath that the contents of instant *Application* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal Court.

Dated:- 20/11/2022

[Signature]
...APPELLANT



20/11/2022

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DISTRICT EDUCATION OFFICE (FEMALE)
MANSEHRA

@ deofmansehra@yahoo.com



ADJUSTMENT

Part "A"

The following transfer of class iv are hereby ordered under administrative ground on their own pay and grade in the interest of public service with immediate effect.

S.No	Name	From	To	Remarks
1	Muhammad Tanveer Chowkidar	GGPS Khail Nallah	GGPS Devel	Vice No 2
2	Adnan Chowkidar	GGPS Devel	GGPS Khail Nallah	Vice No1

Note:-

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

slid
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

Endst: No 8723-30 /

Dated 02/11/2022.

Copy to the:-

1. Director E&S Education, Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer Mansehra.
3. District Accounts Officer Mansehra.
4. SDEO (F) Mansehra.
5. Concerned Class IV.
6. Office File.

slid 2/11/22
DY: DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA



deofmansehra@yahoo.com



(+92) 0997-390035



P-10
Ans B

No. _____

Dated: _____/2022.

HELD IN OBAYENCE.

The Transfer order issued vide this office Endst No; **8723-30** Dated **02-11-2022** is hereby held in obeyance till the receipt of inquiry report.

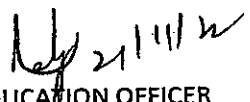

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

Dated ²¹21-11-2022

Endstt No: 9659-64

Copy to the:

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa.
2. District Monitoring Officer Mansehra.
3. District Account Officer Mansehra.
4. SDEO (F) Concerned.
5. Concerned C-IV.
6. Office File.


DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

P. (AP)

Ann C.

The transfer order held in abeyance since 21-11-2022 vide order No:9659-84 Dated:21-11-2022 is hereby withdrawn, while the original order issued vide this office Endst.No:8723-30 Dated:02-11-2022 is hereby restored on the basis of findings of inquiry in the interest of public service with immediate effect.

Note:-

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

S.H.
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

Endst: No 11148-53

Dated 17/12/2022

Copy to the:-

1. Director E&S Education, Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer Manshira.
3. District Accounts Officer Manshira.
4. SDEO (F) Manshira.
5. Concerned Class IV.
6. Office File.

S.H.
DY. DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

P. 12
DISTRICT EDUCATION OFFICE (FEMALE)
MANSEHRA

@ dcofmanshra@yahoo.com



No: _____

Dated: _____/12/2022

HELD IN OBEYENCE

The transfer/office order issued vide this office Endst No: 11148-53 Dated: 17/12/2022 is hereby held in abeyance till further order.

Note:-

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

S/A
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

Endst: No 11853-53 / 1

Dated 27 /12/2022.

Copy to the:-

1. Director E&S Education, Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer Mansehra.
3. District Accounts Officer Mansehra.
4. SDEO (F) Mansehra.
5. Concerned Class IV.
6. Office File.

Uy 27/12/22
~~DISTRICT EDUCATION OFFICER~~
~~(FEMALE) MANSEHRA~~



DISTRICT EDUCATION OFFICE (FEMALE) MANSEHRA



deofmansehra@yahoo.com



13
Ann "E"

OFFICE ORDER

As approved by the competent authority Para-3 Mst:Rehana Yasmeen District Education Officer (Female) Mansehra Consequent upon the acceptance of departmental appeal in respect of Mr: Adnan Chowkidar vide Directorate Elementary & Secondary Education KPK Peshawar Dated: 20/01/2023, the order issued under this office endorsement 8723-30 dated 02/11/2022 is hereby restored in the interest of public service with immediate effect.

Note:-

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

S/d
DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

Endst: No 2121-26 /

Dated 08 02/2023.

Copy to the:-

1. Director E&S Education, Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer Mansehra.
3. District Accounts Officer Mansehra.
4. SDEO (F) Mansehra.
5. Concerned Class IV.
6. Office File.

[Signature] 8/2/2023
DY: DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

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محبت جناب سیکرٹری ایمو کیشن صوبہ خیبر پختونخواہ پشاور

"F" Annex

اپیل بر خلاف النشر آرڈر نمبری 30-8723-8723 مورخہ 2-11-2022

تجویز مذکورہ نمبری 26-2121-2 مورخہ 8-2-2023

جناب عالی اپیل ذیل عرض ہے۔

1- ایڈوانس سائل حکومت تعلیم میں درجہ چہارم کا ملازم ہے جو گورنمنٹ پرائمری سکول خیل ند میں اپنی ڈیوٹی ادا کرتا ہے اور صاحب نے سیاسی اثر و رسوخ کے باعث میں اس کے گھنٹے مسافت کی دوری پر ایک دوسرے سکول گورنمنٹ پرائمری سکول دیول میں رومی جسکو گاڈن کے معززین نے مداخلت کر کے کچھ دنوں کے لیے رکھا دیا تھا لیکن اب دوبارہ مورخہ 8-2-2023 کو میری زالنشر بحال کر دیا گیا جو مستحق بر ارفاق نہیں ہے۔

2- یہ کہ میں نے پر چند لپٹے افسران کو بتایا کہ وہ مجھے اتنے دور زالنشر کریں جہاں میری جان کو بھی خطرہ ہے، بہت سارے مقامات بھی درنا ہونے میرے والد صاحب فقید اور معذور ہیں جو کہ چار بائی پوزنگی بسر کر رہے ہیں۔ میرے علاوہ آنکلی دیکھو بحال کرنے والا بھی کوئی نہیں۔

3- یہ کہ سائل کا گزشتہ ملازمت کا ریکارڈ میں صاف ستر ہے۔

لہذا اسے عاجد میری اپیل منظور کرتے ہوئے مذکورہ بالا زالنشر آرڈر کو کالعدم و منسوخ فرمایا جائے۔

الموقع: 10/02/23

محمد تنویر ولد محمد ایوب سیکرٹری ایڈمنسٹریشن سول سروس

تحصیل و ضلع حال سیرہ۔ محمد تنویر

وکالت نامہ

کورٹ فیس

بعدالت محمد تنویر صاحب پلاٹ نمبر ۱۴۲ سکس کراچی

عنوان: محمد تنویر بیم کورت ۱۴۲

منجانب: محمد تنویر

نوعیت مقدمہ:

باعث تحریر آنکے

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آن مقام

پلاٹ نمبر ۱۴۲ سکس کراچی

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقررات و فیصلے برحق دہینے اقبال دہی اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دہی کی تصدیق اور اس پر دھکا کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا وکیل صاحب کا لونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر فاختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ دہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز ہتھیار قلم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مقرر کردہ میں کوئی جزو ہتھیار ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست براد تجارت مالش بسینہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

الرقوم: ۲۰۱۲/۰۳/۲۰۱۳

بمقام: محمد تنویر

0314-5014407

المستقبل

Accepted:

محمد تنویر
2012/03/2013

المستقبل

محمد تنویر