


FORM OF ORDER SHEET

Court of _____

Appeal No. 1169 /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. Ihsan Ali presented today by Mr. Muhammad Rahim Shah Advocate. It is fixed for preliminary hearing before touring Single Bench-at Swat on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

URGENT FORM

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT
PESHAWAR

CASE TITLE

Ihsan Ali S/O Fazal Raziq, Patwari presently transferred to RRC Gul kada Swat.

.....APPELLANT

VERSUS

Deputy commissioner, Gulkada District Swat and others.

.....RESPONDENTS

Will you kindly treat the accompanying Appeal as urgent.

The grounds of Urgency is as under:

That urgent matter is involved in the captioned Appeal, therefore the captioned Appeal may very kindly be fixed as early as possible.

Your obediently


M. Rahim Shah Khan

Advocate High Court

0345-9524225

mrahimshah4@gmail.com

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

AT PESHAWAR

Service Appeal No. 1169 of 2023

Ihsan Ali S/O Fazal Raziq, Patwari presently transferred to RRC
Gul kada Swat.

.....APPELLANT

VERSUS

Deputy commissioner, Gulkada District Swat and others.

.....RESPONDENTS

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Appellant Through

MR SH
Muhammad Rahim Shah
Advocate, High Court

0345-9524225

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
AT PESHAWAR

Service Appeal No. 1169 of 2023

Ihsan Ali S/O Fazal Raziq, Patwari presently transferred to RRC
Gul kada, District Swat:

.....APPELLANT

VERSUS

1. Deputy Commissioner, Gulkada District Swat.
2. Commissioner Malakand, Saidu Sharif Swat.
3. Senior Member Board of Revenue, Peshawar, Civil
Secretariat Peshawar.
4. Muhammad Tahir Halqa Patwari Durshkhela, Tehsil Matta,
District Swat.

.....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL
ACT 1974 AGAINST THE FINAL ORDER DATED 27-04-2023 PASSED
BY RESPONDENT NO.2, WHEREIN THE ORIGINAL TRANSFER
OFFICE ORDER DATED 29-03-2023 OF THE RESPONDENT NO.1
WAS UPHELD.

Respectfully Sheweth:-

1. That appellant secured first position in requirement process conducted by the respondent, therefore appellant was appointment BPS-09 as a Patwari by the selection committee on 14-01-2021, furthermore appellant was posted in Land Acquisition Branch instead of Halqa Patwari. (Copy of

appointment order & posting order are attached as Annexure "A").

2. That after rendering satisfactory services in the Land Acquisition Branch, appellant was transfer and posted on dated 22-08-2022 as a Halqa Patwari Garai Shamozaï tehsil barikot district swat against the vacant post. (Copy of order is attached as Annexure "B").
3. That on the next day dated 23-08-2022, the above mention order was unilaterally withdrawn by the respondent No.1 without any lawful justification and authority. (Copy of the Notification is attached as Annexure "C").
4. That appellant served the department up-to the mark, and whatsoever no complaint has yet been made against him; therefore he was transferred and posted as a Halqa Patwari Durshkhela on 14-03-2023. (Copy of the transfer order is attached as Annexure "D").
5. That on 15-03-2023 appellant complying the order of respondent No.1 submitted his arrival report before the revenue officer for joining his official duty. (Copy of arrival report is attached as Annexure "E").
6. That after submission of his arrival report on 15-03-2023 the respondent No.4 denied to hand over his charge to the appellant. On 29-03-2023 all of a sudden respondent No.1 again pre maturely transfer the appellant to the RRC. (Copy of the order is attached as Annexur "F").
7. That appellant being aggrieved from the order dated 29-03-2023 filed a departmental representation before respondent No.2. (Copy of departmental representation is attached as Annexure "G").

m/s

8. That on 27-04-2023 the respondent No.2 without considering the government policy of posting and transfer, illegally dismissed the representation of appellant for no legal reason.
(Copy of order is attached as Annexure "H").

Now the appellant approach this hon'ble tribunal by filing the instant appeal on the following grounds inter-alia:

GROUND:

- a) That the order of respondent No.1 & 2 is against law and the result of colorful exercise of their authorities.
- b) That respondent No.1 & 2 made gross illegality by not following the government rules and regulations available on the subject.
- c) That all posting and transfer shall be strictly in public interest and shall not be abuse/misuse to victimize the government servant, but here the case of the appellant transfer was the result to victimize the appellant for no legal reason.
- d) That the normal tenure of posting SHALL BE TWO (02) YEARS, but in the present case appellant was pre-maturely transfer within fifteen (15) days which is against the law and principle laid down by apex court.
- e) That the impugned order is based on *mala fide* and political victimization for the reason that respondent No.4 have ties with the ruling class.

m.l.g.

PRAYER:

It is therefore most humbly prayed that on acceptance of this appeal the original order No.830/1/4/DK dated 29-03-2023 of the respondent No.1 and the appellate order dated 27-04-2023 of the respondent No.2 may kindly be declared illegal against law and liable to be set aside. Furthermore, the order No.643/1/4/DK of respondent No.1 dated 14-03-2023 may kindly be restored.

MR

Appellant

Ihsan Ali
Ihsan Ali

Appellant through

MR
Muhammad Rahim Shah
Advocate High Court

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
AT PESHAWAR

Service Appeal No. _____ of 2023

Ihsan Ali S/O Fazal Raziq, Patwari presently transferred to RRC
Gul kada Swat.

.....APPELLANT

VERSUS

Deputy Commissioner, Gulkada District Swat and others.

.....RESPONDENTS

CERTIFICATE:

Certified that no such like service appeal had been earlier filed by the
Petitioners before this Service Tribunal as per instruction of our
client.

LIST OF BOOKS:

1. Civil service Act 1973.
2. Constitution of Islamic Republic of Pakistan, 1973.
3. Law / Books as per need.

Appellant through

MRSH
Muhammad Rahim Shah

Advocate High court

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

AT PESHAWAR

Service Appeal No. _____ of 2023

Ihsan Ali S/O Fazal Raziq, Patwari presently transferred to RRC
Gul kada Swat.

.....APPELLANT

VERSUS

Deputy commissioner, Gulkada District Swat and others.

.....RESPONDENTS

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AFFIDAVIT:

I, Ihsan Ali S/O Fazal Raziq R/O Kota, Tehsil Barikot, District Swat, do hereby affirm and declare that all the contents of this service appeal are true and correct to the best of my knowledge and nothing has been kept Concealed before this Honorable Court.

Muhammad Ilyas
Muhammad Ilyas

ADVOCATE

OATH COMMISSIONER

District Courts Swat.

No. 59 Date 17-05-2023

DEPONENT _____

Ihsan Ali

Ihsan Ali S/O Fazal Raziq

CNIC# 15602-7275185-1

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
AT PESHAWAR

Service Appeal No. _____ of 2023

Ihsan Ali S/O Fazal Raziq, Patwari presently transferred to RRC
Gul kada Swat.

.....APPELLANT

VERSUS

Deputy commissioner, Gulkada District Swat and others.

.....RESPONDENTS

ADDRESSES OF THE PARTIES

APPELLANT

Ihsan Ali S/O Fazal Raziq Patwari presently transferred to RRC Gul
kada Swat.

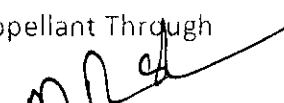
Mob: 03442241445

CNIC: 15602-7275185-1

RESPONDENTS

1. Deputy commissioner, Gulkada District Swat.
2. Commissioner Malakand, Saidu Sharif Swat.
3. Senior Member Board of Revenue, Peshawar, Civil Secretariat
Peshawar.
4. Muhammad Tahir Halqa Patwari Durshkhela, Tehsil Matta,
District Swat.

Appellant Through


Muhammad Rahim Shah
Advocate, High Court



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

AT PESHAWAR

CM _____ of 2023

In

Appeal No. _____ of 2023

Ihsan Ali S/O Fazal Raziq, Patwari presently transferred to RRC Gul kada Swat.

.....APPELLANT

VERSUS

Deputy Commissioner, Gulkada District Swat and others.

.....RESPONDENTS

APPLICATION FOR THE SUSPENSION OF THE OPERATION OF THE IMPUGNED TRANSFER ORDER DATED 29-03-2023 AND APPELLATE DATED 27-04-2023 MAY KINDLY BE SUSPENDED.

Respectfully Sheweth;

- MNS*
1. That the above title grievance appeal has been filed before this honorable tribunal, which is yet to be fixed.
 2. That strong prima facie case exist in favor of appellant because the impugned order is illegal void abenitio and liable to be set aside.
 3. That appellant has rendered long service to the department and there is strong case exist in favor of appellant if interim relief is not granted to appellant then appellant would suffer an irreparable loss which cannot be compensated through any other means.

It is therefore most humbly prayed that on acceptance of this application the operation of the impugned transfer order dated 29-04-2023 and appellate order dated 27-04-2023 may kindly be suspended till the final disposal of instant appeal.

Petitioner
Through

MNS
Muhammad Rahim Shah
Advocate high court

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

AT PESHAWAR

CM _____ of 2023
In
Appeal No. _____ of 2023

Ihsan Ali S/O Fazal Raziq, Patwari presently transferred to RRC Gul kada Swat.

.....APPELLANT

VERSUS

Deputy Commissioner, Gulkada District Swat and others.

.....RESPONDENTS

AFFIDAVIT

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I, Ihsan Ali S/O Fazal Raziq R/© Kota, Tehsil Barikot, District Swat, do hereby affirm and declare that all the contents of this suspension application are true and correct to the best of my knowledge and nothing has been kept Concealed before this Honorable Court.

DEPONENT *Ihsan Ali*
Ihsan Ali S/O Fazal Raziq

Muhammad Ilyas
ADVOCATE
OATH COMMISSIONER
District Courts Swat.

No. 59 Date 17-05-2023



OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

Tel No: 0946-9240336

Fax No: 0946-9240329

E-mail: Deputycommissionerswat1@gmail.com

No. 1624 /114,DK

Dated: 14/01/2021

ORDER:-

With the approval/recommendation of Departmental Promotion/Selection Committee in its meeting held on 05-01-2021 in the office of undersigned, the following candidates are hereby appointed as Patwaries (BPS-09) with immediate effect:-

S.No	Name of Candidate	Father's Name	Address
1-	Ihsan Ali	Fazal Raziq	Mohallah Wall Khel Kota Tehsil Barikot Swat.
2-	Gohar Ali	Muhammad Ayub Khan	Village Barthana Tehsil Matt Swat.
3-	Muhammad Tahir	Muhammad Saeed	Village Bar Sherpalam Tehsil Matta Swat.
4-	Abbas Khan	Fazal Ahad	Village Talgram Tehsil Charbagh Swat.
5-	Habib Ullah	Saif Ullah Khan	Mohallah Burhan Khel Taj Chowk Mingora Swat.
6-	Murad Khan	Muhammad Rahman	Village Bathana Tehsil Matta Swat.
7-	Murad Ali	Gul Zada	Mohallah Sher Abad Tehsil Charbagh Swat.
8-	Itbar Ayub	Shamsul Huda	Village Koz Kalay Madyan Tehsil Babrain Swat.
9-	Fawad Khan	Purdil Khan	Village Charbagh Tehsil Charbagh Swat.
10-	Rahman Ali	Muhammad Raziq	Village Gorra Tehsil Matta Swat.
11-	Altaf Hussain	Iqbal Hussain	Mohallah Barpalaw Panjigram Tehsil Babuzai Swat.
12-	Saeed Ullah	Bakht Nasar	Mohallah Sher Zada Khan Shinkad Tehsil Charbagh Swat.
13-	Iftikhar Ali	Muhammad Nawaz	Village Chalyar Tehsil Khwaza Khela Swat.
14-	Sohail Farooq	Muhammad Zahid	Mohallah Mianganocham Saidu Sharif Tehsil Babuzai Swat.
15-	Luqman Ali	Said Usman Ghani	Village Salanda Manglawar Tehsil Babuzai Swat.
16-	Haq Nawaz Khan	Qubad Khan	Mohallah Mukaram Khan Dakorak Tehsil Charbagh Swat.
17-	Jawad Khan	Amir Muhammad	Mohallah Shaheen Abad Saidu Sharif Tehsil Babuzai Swat.
18-	Fayaz Khan	Kaki	Village Malamjabba Tehsil Charbagh Swat.

Attested
MR
Advocate



OFFICE OF THE DEPUTY COMMISSIONER, SWAT

Tel No: 0946-9240336
Fax No: 0946-9240329
E-mail: Deputycommissionerswat1@gmail.com

No. 725 MC
Dated: 09/03/2021

ORDER

The following posting/transfer amongst the new recruited Patwari of this office noted against each is hereby ordered with immediate effect in the best of general public:-

S.No	Name of Patwari	From	To
1-	Mr. Ziaullah	Waiting for posting	NTR office (Court Attendance)
2-	Mr. Hussain Ahmad	-do-	-do-
3-	Mr. Nasar Khan	-do-	NTJ office (Court Attendance)
4-	Mr. Tariq Khan	-do-	-do-
5-	Mr. Fayaz Khan	-do-	ADK office (Court Attendance)
6-	Mr. Luqman Ali	-do-	DRA office
7-	Mr. Jawad Khan	-do-	NTLR office (Court Attendance)
8-	Mr. Sohail Farooq	-do-	Session Courts (Cell)
9-	Mr. Habibullah	-do-	-do-
10-	Mr. Altaf Hussain	-do-	-do-
11-	Mr. Ihsan Ali	-do-	LA Branch (Court Attendance)

No: 726-33/114/DK

DEPUTY COMMISSIONER SWAT.

Copy forwarded to:-

- 1- The Hon'ble District & Session Judge Swat.
- 2- The Naib-Tehsildar Revenue Swat.
- 3- The Naib-Tehsildar Judicial Swat.
- 4- The Naib-Tehsildar Land Reforms Swat.
- 5- Land Acquisition Branch (Local Office).
- 6- The District Revenue Account Swat.
- 7- Assistant District Kanungo Swat.
- 8- The Officials concerned for compliance.

DEPUTY COMMISSIONER SWAT.

Advocate

B, ⑫



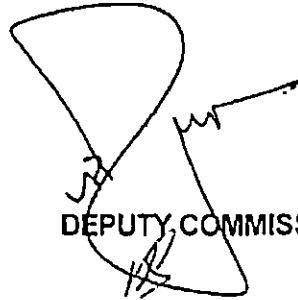
OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

Tel No: 0946-9240336
Fax No: 0946-9240329
E-mail: Deputycommissionerswat1@gmail.com

No. 2288 /11/4/DK
Dated: 22/08 /2022

ORDER:

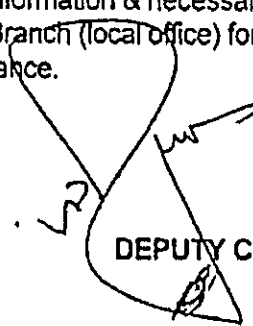
Mr. Ihsan Ali Patwari of this office (Presently posted in Land Acquisition Branch for Court attendance) is hereby transferred and posted to Halqa Gharrai Shamoza Tehsil Barikot Swat against the vacant halqa with immediate effect in the interest of general public.


DEPUTY COMMISSIONER SWAT.

No. 2289-93 /11/4/DK

Copy forwarded to:-

- 1- The Assistant Commissioner, Barikot Swat for information, please.
- 2- The Tehsildar, Barikot Swat for information & necessary action, please.
- 3- The Incharge, Land Acquisition Branch (local office) for information.
- 4- The official concerned for compliance.
- 5- Personal file.


DEPUTY COMMISSIONER SWAT.

etc
MRK



(13)

OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

Tel No: 0946-9240336

Fax No: 0946-9240329

E-mail: Deputycommissionerswat1@gmail.com

No. 2300 /1/4/DK

Dated: 23/08 /2022

ORDER:

Reference this office order bearing No. 2288/1/4/DK dated 22/08/2021 is hereby withdrawn with immediate effect in the interest of general public.


DEPUTY COMMISSIONER SWAT.

No. 2301-05 /1/4/DK

Copy forwarded to:-

1. The Assistant Commissioner, Barikot Swat for Information, please.
2. The Tehsildar Barikot Swat for Information & necessary action.
3. The Incharge, Land Acquisition Branch (Local Office) for Information.
4. The official concerned for compliance please.
5. Personal File.


DEPUTY COMMISSIONER SWAT.

Attested
MR
Advocate



OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

Fol No. 0946-0240326
Fax No. 0946-0240329
E-mail: Deputycommissioner@swat.gov.pk

No. 643 /11/1DK
Dated: 14/03/2023

ORDER:

The following posting/transfer amongst Patwaris of this office is hereby ordered with immediate effect in the public interest:-

S.No	Name of Patwari	From (Halqa)	To (Halqa)	Remarks
1-	Mr. Khalid Khan	Chinglatal	Baldara	Vice S.No. 05
2-	Mr. Murad Khan	Shangwatal	Chinglatal	Vice S.No. 01
3-	Mr. Hazrat Ali	NLR (Court Attendance)	Matta Kharirai	Vice S.No. 07
4-	Mr. Ihsan Ali	Land Acquisition Branch (Court Attendance)	Darushkhela	Vice S.No. 06
5-	Mr. Fazal Haque	Baldara	Report to Main Office till further orders	
6-	Mr. Muhammad Tahir	Darushkhela	-do-	
7-	Mr. Muhammad Israr	Matta Kharirai	-do-	

All the officials are hereby directed to submit arrival report/assume charge of the new stations immediately.

No: 644-Su /11/1DK

DEPUTY COMMISSIONER SWAT.

Copy forwarded to:-

1. The Assistant Commissioner, Matta for information, please.
2. The Tehsildar, Matta Shamezal for information & necessary action.
3. The Naib-Tehsildar, Matta Sibujni for information & necessary action.
4. The Naib-Tehsildar Land Reforms, Swat for information.
5. The Incharge Land Acquisition Branch (Local Office) for information.
6. The officials concerned for compliance.
7. Personal file.

DEPUTY COMMISSIONER SWAT.

Arrested

M. Ali

Scanned with CamScanner

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OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

Tel No: 0946-9240336
Fax No: 0946-9240329
E-mail: Deputycommissionerswat1@gmail.com

No. 830 /1/4/DK

Dated: 29 / 03 / 2023

ORDER:

The following posting/transfer amongst Patwaris of this office is hereby ordered with immediate effect in the public interest:-

S.No.	Name of Patwari	From (Halqa)	To (Halqa)	Remarks
1-	Mr. Fazal Haque	Main Office	Matta Kharirrai	Vice S.No. 02
2-	Mr. Hazrat Ali	Matta Kharirrai	NTLR (Court Attendance)	
3-	Mr. Insan Ali	Darushkhela	RRC (Court Attendance)	
4-	Mr. Muhammad Tahir	Main Office	Darushkhela	Vice S.No. 03

No: 831-36 /1/4/DK

DEPUTY COMMISSIONER SWAT.

Copy forwarded to:-

1. The Assistant Commissioner, Matta, for information, please.
2. The Tehsildar, Matta for information & necessary action.
3. The District Kanungo/Incharge RRC Swat for information, please.
4. The Naib-Tehsildar Land Reforms, Swat for information.
5. The officials concerned for compliance.
6. Personal file.

DEPUTY COMMISSIONER SWAT.

CTC
Arrested
M
Advocate

Scanned with CamScanner

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(17)

TO

THE COMMISSIONER MALAKAND
DIVISION, SAIDU SHARIF, SWAT.

APPLICATION FOR CANCELLATION OF TRANSFER
ORDER VIDE NOTIFICATION NO 830/ 1/ 4/ DK DATED
29/03/2023.

Respected sir,

Reference to subject above and to state that I was working as patwari in the land acquisition branch of court attendance in 2022. I was transferred to Halqa Gharrai Shamoza, Tehsil Barikot Swat vide notification No. 2288/1/4/DK dated 22/08/2022 but on the next day the above notification was withdrawn through notification No. 2300/1/4/DK dated 23/08/2022. Recently I was again transferred to Halqa DarushKhela, Tehsil Matta Swat vide Notification No. 643/1/4/DK dated 14/03/2023 but again I was transferred to RRC office vide notification No 830/1/4/DK dated 29/03/2023. The notification No 2300/1/4/DK dated 23/08/2022 and notification No. 830/1/4/DK dated 29/03/2023 are out of tenure. As I did not complete my service tenure. All the above-mentioned notification are attached with the application. Therefore, it is requested to cancel the notification No. 830/1/4/DK dated 29/03/2023 in order that I may continue my field work at mentioned station.

I shall be thankful to you.

*Assisted
Advocate*

Yours obediently,

Ihsan Ali

Patwari.

Ihsan Ali
4/4/2023

BEFORE THE COMMISSIONER, MALAKAND DIVISION
AT SAIDU SHARIF SWAT.

Case No.189/CMD

Date of Institution: 04/04/2023

Ihsan Ali Patwari RRC District Swat..... Appellant
VERSUS
The Deputy Commissioner, Swat Respondent

DEPARTMENT APPEAL AGAINST THE ORDER NO. 830/1/4/DK, DATED 29.03.2023 PASSED BY THE DEPUTY COMMISSIONER SWAT.

ORDER
27.04.2023

This order shall dispose of the appeal filed by the appellant Ihsan Ali Patwari RRC District Swat against the order dated 29.03.2023 passed by the Deputy Commissioner, Swat whereby the appellant was transferred to the RRC office.

I have gone through the case file and heard the appellant as well. Briefly stated the appellant has requested that during his period of service as patwari has been transferred time and again from one station to the other and similarly from the other station to some other without any cogent reason by the Deputy Commissioner Swat, therefore the appellant approached this forum for redressal of his grievances.

I have examined the case from all aspects and observe that:-

i) According to Section-10 of the Khyber Pakhtunkhwa Civil Servants Act 1973 "Every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government or Provincial Government or local authority, or a corporation or body setup or established by any such Government". Thus, no appeal lies against transfer orders is maintainable in the eye of law.

iii) No doubt, section-3 (1) of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules 1986 provides right of appeal to a civil servant but that right is only against an order passed or penalty imposed relating to the terms and conditions of his service by the competent authority in the instant case, however, the appellant hasn't suffered in so far as terms and conditions of his service are concerned.

The above facts lead me to the only conclusion that the instant appeal is incompetent and is liable to be dismissed. Hence dismissed accordingly.

ANNOUNCED TO BE TRUE COPY

Shahid Man
RECORDED TO BE TRUE COPY
Malakand Division
Saidu Sharif

Announced

OFFICE OF THE COMMISSIONER FOR
PROVINCE DIVISION

Date: 27/04/23
Order No: 08/05/23
Date of Delivery of Copies: 08/05/23

[Signature]
Commissioner Malakand Division

[Handwritten Signature]

