


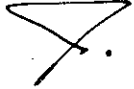
18.05.2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents present.

Learned counsel for the appellant stated that as certain development has taken place, however he is not in possession of the documents regarding the same, therefore, adjournment may be granted. Adjourned. To come up for arguments on 26.05.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KUST
Peshawar


(Muhammad Akbar Khan)
Member (E)


(Salah-ud-Din)
Member (J)

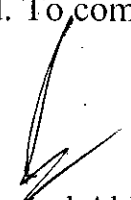
1st Feb, 2023


Clerk of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Last opportunity is granted to the appellant to argue the case on the next date failing which the case will be decided on the available record without arguments.

Adjourned. To come up for arguments on 11.05.2023 before D.B.

SCANNED
H.P.S.T
Peshawar



(Muhammad Akbar Khan)
Member (E)

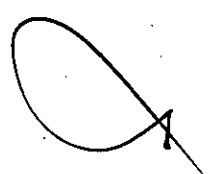

(Kalim Arshad Khan)
Chairman

11th May, 2023

1. Clerk of counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Counsel are on strike, therefore, the case is adjourned. Office is directed to notify the next date on the noticeboard as well as on the website. To come up for arguments on 18.05.2023 before D.B. P.P. given to the parties.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Kaleem Ullah

29.03.2022

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 3 present.

Appellant requested for adjournment on the ground that his counsel is unable to attend the Tribunal today due to illness. Adjourned. To come up for arguments on 02.06.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

2-6-2022

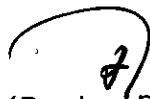
Proper DB not available The case is adjourned to 29-6-2022

Reader

29.06.2022

Learned counsel for the appellant present. Mr. Farhan, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 24.11.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

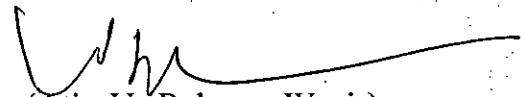
24/11/22

Due to deletion of the case to come up for the same on 1/2/23



06.01.2022


Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Qazi Ayaz litigation Officer and Iftikhar Assistant for official respondents No. 1 to 3 present and submitted reply/comments which is placed on file. Private respondent No.4 relies on the reply submitted by official respondents. To come up for rejoinder if any, and arguments before the D.B on 01.02.2021. Operation of the impugned order is suspended till the next date.


(Atiq-Ur-Rehman Wazir)
Member (E)

01.02.2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Qazi Muhammad Ayaz, Litigation Officer for the official respondents and private respondent No. 4 in person present.

Due to paucity of time arguments could not be heard. To come up for arguments on 29.03.2022 before the D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

S.A No. 7780/2021

08.12.2021


Counsel for the appellant present. Preliminary arguments heard.

The appellant has approached the Service Tribunal invoking its jurisdiction under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 22.10.2021 whereby the appellant was transferred and replaced by private respondent No.4. The appellant preferred departmental appeal to respondent No.1 on 04.11.2021 which was not responded to and where-after the instant service appeal was instituted in the Service Tribunal on 22.11.2021. Learned counsel for appellant contended that the appellant is Associate Professor of History (BS-19) whereas private respondent No.4 is Associate Professor of Economics (BS-19). The appellant was serving as Assistant Professor of History (BS-19)/Head of History Department at GPGC, Charsadda against the single sanctioned post at the said college. Whereas there are two sanctioned posts of Assistant Professor Economics (BS-19) and one post is still vacant. Private respondent No.4 being Associate Professor of Economics though posted against one of the two sanctioned posts of Associate Professor Economics (BS-19) but has been adjusted as Head of History department internally at GPGC Charsadda. Question therefore arises how can an Associate Professor of Economics would be able to teach History in the said college? Moreover, the impugned notification is coram-non-judice to have not been issued by the competent authority.

The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 06.01.2022 before S.B.

Appellant Deposited
Security & Process Fee

An application for suspension of the impugned order dated 22.10.2021 is also submitted with the memorandum of appeal which is accepted and the impugned order is suspended if not already acted upon till next date.


(Mian Muhammad)
Member(E)

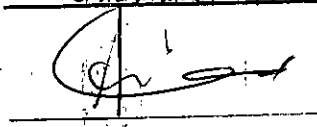
BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: Khurshid Khan vs Govt of KPK Through Chief Secretary 20/11/2021

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>M. Arif Jan</u>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A:G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	X	✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Muhammad Arif Jan

Signature: 

Dated: 22-11-2021

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No 7780 / 2021

Khurshid KhanAppellant

VERSUS

Govt. of KP through its Chief Secretary & others

....Respondents

I N D E X

S#	Description of documents.	Annexure	Pages
1.	Service Appeal with affidavit		1-4
2.	Stay application with affidavit		5-6
3.	Addresses of the parties		7
4.	Copy of impugned order dated 22.10.2021	A	8
5.	Copy of departmental appeal	B	9
6.	Wakalatnama		10

Appellant
Through



Muhammad Arif Jan
Advocate High Court

Chamber:

210, Al-Mumtaz Hotel, Hashtnagri,
G.T Road, Peshawar
Cell: 0333-2212213

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No _____ / 2021

Khurshid Khan, Associate Professor
at Govt. Post Graduate College, Charsadda

.....Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Peshawar.
- 2) Secretary Higher Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3) Principal Govt. Post Graduate College, Charsadda.
- 4) Muhammad Qasim, Associate Professor Economics, Govt. Graduate College, Ekka Ghund.

.....Respondents

**APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED 22.10.2021 VIDE WHICH
DEPARTMENTAL APPEAL WAS
PREFERRED, BUT UNRESPONDED
WITHIN THE STIPULATED PERIOD OF
TIME.**

PRAYER

**On acceptance of instant appeal, the
impugned order dated 22.10.2021 may
graciously be withdrawn and the appellant
may kindly be allowed to keep and**

effect, having no value in the eyes of law thus be set-aside/ withdrawn and the appellant may kindly be allowed to keep and continue his duties on his previous post and designation without any further delay, reason and justification.

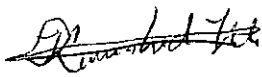
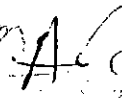
- B. That the appellant is serving the department with his full devotion and to the entire satisfaction of his superiors which is evident from his unblemished service record.
- C. That, it is, worth mentioning here that, the post/ designation of the appellant have been filled up through un-relevant person, who belongs to department of Economics (respondent No.4) and has no concern with the History, but the respondents with their ulterior motives not only filled up the post/ designation through the impugned order, but also deprived the students as well from their basic right of education, hence this act of the respondents is amounts to abuse of law and invites consideration of this hon'ble Tribunal.
- D. That the Economics department at respondent No.3 has one vacant post, but the authority concerned has not been filled the same through respondent No.4, but just to accommodate respondent No.4 with the designation of head of the department History, the impugned order has been passed, thus this practice is unfair and unjust and is also against the law, rules and regulation governing the subject matter.
- E. That there is no any regular Professor in the History department at respondent No.1 except the appellant, but respondent No.3 has put the bright future of the students at the mercy of visiting lecturer, which is also violative of law and policy.

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- F. That appellant is going to be retired next year and in such like situation the august Supreme Court of Pakistan directed the authorities/ departments regarding the posting/ transfer of any employee who is at the verge of his retirement.
- G. That respondent No.1 is/ was duty bound under the law to dispose-of the departmental appeal of the appellant, but he badly failed to do so.
- H. That any other grounds, with the permission of this Hon'ble Court, will be taken at the time of arguments.

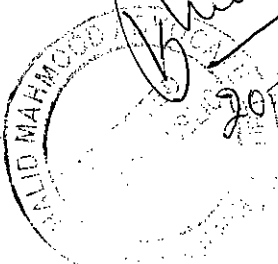
It is, therefore, most humbly prayed that on acceptance of instant appeal, the impugned order dated 22.10.2021 may graciously be withdrawn and the appellant may kindly be allowed to keep and continue his official duties with previous post/ designation etc.

Any other relief deemed fit in the circumstances of the case may also be granted.


Appellant
Through 
Muhammad Arif Jan
Advocate High Court

AFFIDAVIT

I, Khurshid Khan, Associate Professor at Govt. Post Graduate College, Charsadda do hereby affirm and declare on oath that the contents of instant Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.




Deponent

5

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No _____ / 2021

Khurshid KhanAppellant

VERSUS

Govt. of KP through its Chief Secretary & others

....Respondents

APPLICATION FOR SUSPENSION OF
OPERATION OF IMPUGNED ORDER/
NOTIFICATION DATED 22.10.2021 TILL
FINAL DECISION OF TITLED APPEAL.

Respectfully Sheweth:

- 1) That the above titled appeal is being filed before this hon'ble Tribunal alongwith instant application.
- 2) That the grounds of main appeal may kindly also be considered as part and parcel of this application.
- 3) That appellant has a good prima-facie case in his favour and is also sanguine about its success.
- 4) That balance of convenience also lies in favour of appellant.
- 5) That if the relief as prayed for is not granted and the impugned order is acted upon then the very purpose of titled appeal will become infructuous, hence this application.

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It is, therefore, prayed that on acceptance of this application, the relief as prayed for in the heading of this application may graciously be granted.

Khurshid Khan

Appellant

Through

MAJ

Muhammad Arif Jan

Advocate High Court

AFFIDAVIT

I, Khurshid Khan, Associate Professor at Govt. Post Graduate College, Charsadda do hereby affirm and declare on oath that the contents of instant Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

Khurshid Khan
20-11-21
ASSOCIATE PROFESSOR
GOVT. POST GRADUATE COLLEGE
CHARSADDA
DISTRICT JUDICIAL OFFICE
CHARSADDA
HIGHER SECONDARY SCHOOL
CHARSADDA

Khurshid Khan

(Deponent)

①

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No _____ / 2021

Khurshid KhanAppellant

VERSUS

Govt. of KP through its Chief Secretary & others

....Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Khurshid Khan, Associate Professor
at Govt. Post Graduate College, Charsadda

RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Peshawar.
- 2) Secretary Higher Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3) Principal Govt. Post Graduate College, Charsadda.
- 4) Muhammad Qasim, Associate Professor Economics, Govt. Graduate College, Ekka Ghund.

Appellant
Through


Muhammad Arif Jan
Advocate High Court



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

8

Dated Peshawar the 22nd October, 2021

Amer-A

NOTIFICATION

NO.SO(C-II)/HED/2-5/Posting/Transfer: The Competent Authority is pleased to order posting/transfer of the following teaching staff of college cadre in Higher Education Department, with immediate effect, in the best public interest:-

S#	Name & Designation	From	To	Remarks
1.	Mr. Khursheed Khan, Associate Professor of History (BS-19)	GPGC Charsadda	As Associate Prof. at GDC Ekka Ghund Mohmand	Vice Sr. No.2
2.	Muhammad Qasim, Associate Prof, of Economics (BS-19)	GDC Ekka Ghund Mohmand	As Associate Prof. at GPGC Charsadda	Vice Sr. No.1

-Sd-
SECRETARY
HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN:

Copy of the above is forwarded to the:

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director-IT, HEMIS Cell, Higher Education Department.
3. Principals of Govt. Colleges, concerned.
4. District Accounts Officers, concerned.
5. PS to Secretary, Higher Education Department.
6. Associate Professors concerned.
7. Section Officer (C-I), Higher Education Department.
8. Master File.

22/10/21
SECTION OFFICER (COLLEGES-II)

CPC

9

Amex-B'

PS/C.S Khyber Pakhtunkhwa

Diary No. 5677

Date 6/11/2021

Before the worthy Chief Secretary, Khyber Pakhtunkhwa, Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION DATED 22-10-2021 AGAINST WHICH THE APPELLANT HAS WRONGLY BEEN TRANSFERRED FROM GPGC CHARSADDA TO GDC EKKA GHUND.

Respected Sir,

The appellant humbly submits as under:

1. That the appellant was initially appointed as a lecturer and upon the outstanding performance, was promoted to assistant Professor and then Associate Professor.
2. That the appellant while performing his duties with full zeal and zest at GPGC Charsadda, was stunned when came to know about the impugned order.
3. That the appellant has earned good name amongst all and also has rich experiences and there is / was not any complaints or enquiry what so ever pending, hence the instant impugned order is the result of malafide and misuse of the powers.
4. The appellant also had unblemished service record of about twenty three (23) years.

It is therefore most humbly requested that the impugned order dated 22-10-2021 may graciously be withdrawn and the appellant may kindly be allowed to keep and continue his duties at the original place / an alternative the appellant may graciously be transferred to any nearest station keeping in view his last remaining two (2) year of service.

O/C
Shahid
4/11/2021

Yours's Sincerely



Khurshid Khan
Associate Professor
(History)

10

WAKALATNAMA

BEFORE THE HON'BLE KP Service Tribunal, Peshawar.

Khurshid Khan

Plaintiff(s)
Petitioner(s)
Complainant(s)

VERSUS

Gort & others

Defendant(s)
Respondent(s)
Accused(s)

By this, power-of-attorney I/we the said Khurshid Khan in the above case, do hereby constitute and appoint **MUHAMMAD ARIF JAN** Advocate as my attorney for me/us in my/our name and on my/our behalf to appear, plead, give statement, verify, administer oath and do all lawful act and things in connection with the said case on my/our behalf or with the execution of any decree or order passed in the case in my/our favour/ against which I/we shall be entitled or permitted to do myself/ourselves, and, in particular, shall be entitled to withdraw or compromise the case or refer it to arbitration or to agree to abide by the special oath of any person and to withdraw and receive documents and money from the Court or the opposite party and to sign proper receipts and discharges for the same and to engage and appoint any other pleader or pay him as his fee irrespective of my/our success or failure in case, provided that, if the case is heard at anyplace other than the usual place of sitting of the Court the pleader shall not bound to attend except on my agreeing to pay him a special fee to be settled between us.

Signature of Client

Khurshid Khan

Accepted.

Muhammad Arif Jan

Muhammad Arif Jan
Advocate High Court
Peshawar

Office No.210, Mumtaz Plaza
G.T Road, Hashtnagri Stop,
Peshawar City.
CNIC No.17201-2275748-7
Bc No.10-6663
Cell: 0333-2212213

Prof Raza Shah S...

September 15, 6:04 AM



In HOD group

Gov. Post Graduate College
Chakwal

Sanction Post

No	Subject	Total Sanction Post	Working Staff			Vacant Posts	Surplus Posts
1	Account & Management						
2	Arabic	1	1				
3	Archeology	1		1			
4	Art & Design						
5	Biology	2	1	1			
6	Botany	5	1	2	1	1	
7	Business Administration						
8	Chemistry	8	1	4	1	2	
9	Civics						
10	Commerce						
11	Computer Science (Information Technology)	7	3	2		2	
12	Economics	5		2	2	1	1 post already vacant
13	Education						
14	Electronics	5	1	1	1	2	
15	English	15	3	8	1	3	
16	Environmental Sciences						
17	Food & Nutrition						
18	Gender Studies	1				1	
19	Geography	2	1	1			
20	History	2			1	1	No teacher after transfer
21	History cum Civics	1				1	
22	Home Economics						
23	HPE	2	1	1			
24	Human Development						
25	Islamiat (Islamic Studies)	7	2	3	1	1	
26	Law	1				1	
27	Library Science	1	1				
28	Mathematics	8	3	3	2		
29	Pakistan Study	6	2	2		2	
30	Pashto	5	2		1	2	
31	Persian						
32	Philosophy	1				1	
33	Physics	8	7	1			
34	physiology						
35	Political Science	5	1	3	1		
36	Principal	1				1	
37	Psychology	1				1	
38	Resource & Facility Management						
39	Sociology	1				1	
40	Statistics	6	4	2			
41	Textile & Clothing						
42	Urdu	9	3	2	1	3	
43	Zoology	5	1	2	1	1	

حضرت جناب چیمبر میں صاحبانے سرسبز ٹریبونل لیشاور

جناب عالی!

پندرہ روزہ رہائش گزارش کرتا ہوں کہ میں بحیثیت Associate Professor
پائیر ایجوکیشن ڈیپارٹمنٹ میں کام کرتا ہوں۔ موجودہ سیشن میری
GPEC چارٹرڈ ہے۔

میری ریٹائرمنٹ میں عمر محدود سال ہیں۔ اور میری ساتھ
زکاوتی کرتے مجھے چارٹرڈ سے یکہ غور ڈیپارٹمنٹ کالج ٹریبونل لیشاور لیا گیا ہے۔
جبلہ میری Family لیشاور میں ہے۔

میری wife کی سرورس لیشاور میں ہے۔

میں نے آج صاحبان کی عدالت کا لیبہ میں case کے stay
جمع کر رہا ہے 2021/7780 Case No. تاریخ 22 نومبر 2021۔

میری case کی تاریخ ابھی Fix نہیں ہوئی ہے۔

سر آج میرا آخری دن ہے اور مجھے مسئلہ لیا جائیگا۔

لہذا آج صاحبان کی طرف سے بنائیت ادب کیساتھ عرض کرتا ہوں
کہ مجھے stay دینے کے احکامات صادر فرمادیں۔ سر خالق میر بعد میں
آج صاحبان کی طرف سے تفصیل سے آجائیں گے۔ میں نا اکر مرگ آج صاحبان
کو دعائیں دیتا رہوں گا۔ فقط
زائد آداب

العا

حرف

07-12-2021

~~Harshad Khan~~

خورشید خان لوری

Associate Professor

GPEC

Chas Sadda

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 7780/2021.

Khursheed Khan, Associate Professor at Govt. Postgraduate College, Charsadda
.....(Appellant)

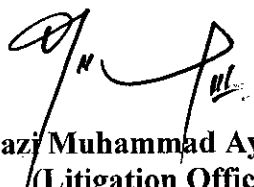
Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary and Others
.....(Respondents)

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.01 TO 03.

I N D E X

Sr. No.	Description of Documents	Page No.
1)	Joint Parawise Comments along with affidavit	1-3
2)	Reply to suspension application along with affidavit	4-5


Qazi Muhammad Ayaz
(Litigation Officer)
Higher Education Department, KPK

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7780/2021

Khurshid Khan, Associate Professor at Govt. Postgraduate College, Charsadda

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Peshawar.

....Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3.

RESPECTFULLY SHEWETH AS:

PRELIMINARY OBJECTIONS:

- 1) The appellant has not come to this Hon'able Tribunal with clean hands.
- 2) That the appellant has got not cause of action/locus standi to file the instant Service Appeal.
- 3) That the appellant is trying to conceal material facts from this Hon'able Tribunal and is not entitled to the extraordinary relief of this Court.
- 4) That the instant appeal is not maintainable in its present form.
- 5) That the appellant has been estopped by his own conduct to file the instant appeal.

FACTS:

- 1) Correct with further explanation that the appellant has been serving as Associate Professor of history at Govt. Postgraduate College, Charsadda since 15th October, 2018.
- 2) Correct to the extent that the appellant was serving as Associate Professor of History and was nominated as Head of Department of History which was an honorary responsibility not a budgetary or sanctioned post. The appellant willingly discontinued his teaching and administrative responsibilities after the notification and orally requested the Principal that he would submit charge relinquishing report after formal receipt of the notification through post office. Furthermore, posting and transfer is the prerogative of Provincial Government as Section-10 of the Civil Servant Act provides that:-

"10. Every Civil Servant shall be liable to serve anywhere within or outside the Province in any post under the Federal Government, or any Provincial Government or local authority, or a an corporation or body set up or established by any such Government.

Provided that nothing contained in this section shall apply to a Civil Servant recruited specifically to serve in a particular area or region: Provided further that where a Civil Servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favorable than those to which he would have been entitled if he had been so required to serve".

Therefore, the posting/transfer is made in the larger public interest keeping in view all aspects.

- 3) Incorrect, hence misleading that the appellant submitted departmental appeal against the notification dated 22.10.2021 directly in the office of Chief Secretary, Khyber Pakhtunkhwa dated 04.11.2021 and thus bypassed the office of Secretary, Higher Education, Director, Higher Education & concerned College Principal. It is worth to mention here that the appellant approached Service Tribunal on 08.12.2021 without waiting for the disposal of the departmental appeal which was not routed through proper channel.
- 4) Incorrect, hence misleading. The appellant has been dealt within the four corner of Law by fulfilling all codal formalities; therefore, the appellant has no cause of action to file the instant Service Appeal.

GROUND:

- A) Incorrect, hence misleading as the transfer order dated 22.10.2021 has been issued after fulfillment of all legal and codal formalities thus, the appellant may be directed to resume his duties immediately as per notification.
- B) That is the self assessment of the appellant, therefore, needs no comments to be offered.
- C) Incorrect, hence misleading that Respondent No. 4 has not been assigned any teaching responsibility in the Department of the History but only the administrative responsibility being more experienced in BS Program than the appellant.
- D) Not relevant to the merit of the case, moreover, as already explained in para-2 of the facts.
- E) Correct to the extent that there is no regular Professor of History in the college but two well qualified and experience Lecturers/Teachers have been hired on the recommendation of the appellant who are assigned to teach high level classes by the appellant.
- F) Incorrect and misleading, as the appellant is going to be retired from service on 31.01.2024 which does not come under the purview of the Supreme Court orders regarding transfer and posting as pleaded by the appellant.
- G) As explained in the proceedings paras.
- H) The respondents seek leave to raise additional grounds at the time of arguments.

PRAYER:

It is therefore, humbly prayed that the instant case is based on misconception/misrepresentation/misstatement, hence may graciously be dismissed with appropriate costs.

[Signature]
 Chief Secretary,
 Govt. of Khyber Pakhtunkhwa
 Respondent No. 01
Secretary
 Govt. Of Khyber Pakhtunkhwa
 Higher Education,
 Archives & Libraries
 Department.

[Signature]
Principal,
G.P.G.C
Charsadda
 Principal,
 Govt. Postgraduate College, Charsadda
 Respondent No. 03

[Signature]
Secretary
 Higher Education Deptt:
 Respondent No. 02
Secretary
 Govt. Of Khyber Pakhtunkhwa
 Higher Education,
 Archives & Libraries
 Department.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 7780/2021.

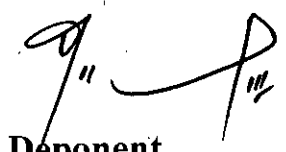
Khursheed Khan, Associate Professor at Govt. Postgraduate College, Charsadda
.....(Appellant)

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary and Others
.....(Respondents)

AFFIDAVIT

I, Qazi Muhammad Ayaz(Litigation Officer), Higher Education Department, do hereby solemnly affirm and declare on oath that the contents of the joint parawise comments on behalf of official Respondents are true & correct to the best of my knowledge & belief and nothing has been concealed from this Hon'able Tribunal.



Deponent.
CNIC:17301-7027499-5

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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7780/2021

Khurshid Khan, Associate Professor at Govt. Postgraduate College, Charsadda

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Peshawar.

....Respondents

REPLY TO APPLICATION FOR SUSPENSION OF OPERATION OF ORDER/NOTIFICATION DATED 22.10.2021 TILL FINAL DECISION OF TITLED APPEAL.

PRELIMINARY OBJECTIONS:

- 1) The appellant has not come to this Hon'able Tribunal with clean hands.
- 2) That the appellant has got not cause of action/locus standi to file the instant Service Appeal.
- 3) That the appellant is trying to conceal material facts from this Hon'able Tribunal and is not entitled to the extraordinary relief of this Court.
- 4) That the instant appeal is not maintainable in its present form.
- 5) That the appellant has been estopped by his own conduct to file the instant appeal.

RESPECTFULLY SHEWETH AS:

- 1) Correct.
- 2) No Comments.
- 3) Incorrect. That appellant has no prima-facie case in his favour and prima-facie there is no hope of success.
- 4) Incorrect, balance of convenience does not lie in favour of appellant.
- 5) Incorrect that the appellant is duty bound to assume the charge as per notification and disobedience of appellant comes within the ambit of misconduct.

PRAAYER:

It is therefore, humbly prayed that the application for suspension of operation of order/notification dated 22.10.2021 till final decision of the titled appeal, hence may graciously be dismissed.



Secretary,

Higher Education Deptt:

Govt. of Khyber Pakhtunkhwa

Response No. 11

Secretary
Govt. Of Khyber Pakhtunkhwa

Higher Education,

Archives & Libraries

Department.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 7780/2021.

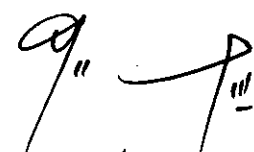
Khursheed Khan, Associate Professor at Govt. Postgraduate College, Charsadda
.....(Appellant)

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary and Others
.....(Respondents)

AFFIDAVIT

I, Qazi Muhammad Ayaz(Litigation Officer), Higher Education Department, do hereby solemnly affirm and declare on oath that the contents of reply to the suspension application on behalf of official Respondents are true & correct to the best of my knowledge & belief and nothing has been concealed from this Hon'able Tribunal.


Deponent.
CNIC:17301-7027499-5