

02<sup>nd</sup> May, 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.
2. Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Adjournd. To come up for arguments on 15.05.2023 before the D.B. Parcha Peshi is given to the parties.

SCANNED  
K-3T  
Peshawar



(Salah-ud-Din)  
Member (J)



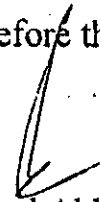
(Kalim Arshad Khan)  
Chairman

\*Nacem Amin\*

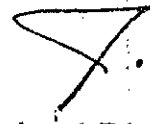
15.05.2023

Clerk of learned counsel for the appellant present. Mr. Asad Ali Khan, 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 not available today. Adjournd. To come up for arguments on 25.05.2023 before the D.B. Parcha Peshi given to the parties.



(Muhammad Akbar Khan)  
Member (E)



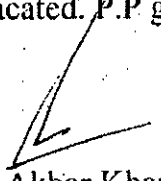
(Salah-ud-Din)  
Member (J)


\*Nacem Amin\*

11<sup>th</sup> April, 2023 | Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl: AG for the respondents present.

2 Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. A last chance is given to the appellant and his counsel to argue on 20.04.2023 before D.B. In case of failure of the appellant or his counsel to advance arguments on 20.04.2023, the suspension order, granted on 23.12.2021, and extended from time to time shall be deemed to have been vacated. P.P given to the parties.

SCANNED  
KPST  
Peshawar

  
(M. Akbar Khan)  
Member (Executive)

  
(Kalim Arshad Khan)  
Chairman

20.04.2023 Junior to counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl. A.G for the respondents present.

The Worthy Chairman is on leave today, the bench is, therefore incomplete. To come up for arguments on 02.05.2023 before the D.B. Parcha Peshi given to the parties.

  
(FAREEHA PAUL)  
Member (E)

\*Fazle Subhan P.S\*


20.03.2023

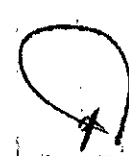
Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 31.03.2023 before D.B. Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar

  
(Muhammad Akbar Khan)  
Member (E)


  
(Rozina Rehman)  
Member (J)


31<sup>st</sup> Mar, 2023

Clerk to counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl: AG for the respondents present.

Clerk to counsel for the appellant submitted an application for adjournment on the ground that learned counsel is indisposed today. To come up for arguments on 11.04.2023 before D.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar

  
(Salah Ud Din)  
Member (Judicial)

  
(Kalim Arshad Khan)  
Chairman

21.02.2023


Bench is incomplete, therefore, case is adjourned to 24.03.2023 for the same as before.

  
Reader

1<sup>st</sup> Mar, 2023

The matter was fixed for 24.03.2023 but learned counsel for the appellant submitted an application for extension of interim relief granted by the Tribunal. The case file requisitioned for today. Subject to notice to the other side, the operation of the impugned order dated 25.11.2021 is suspended till 08.03.2023 while the date of hearing is also accelerated to 08.03.2023 before D.B, the date given by the learned counsel for the appellant himself. Learned Addl: AG be also put on notice for arguments for the date fixed.

SCANNED  
K. S. T  
Peshawar

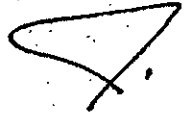
  
(Kalim Arshad Khan)  
Chairman


08<sup>th</sup> Mar, 2023

Counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 20.03.2023 before D.B. PP given to the parties.

SCANNED  
K. S. T  
Peshawar

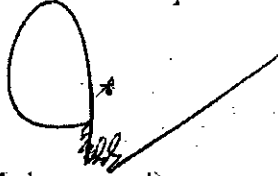
  
(Salah Ud Din)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman


03.11.2022

Appellant in person present. Mr. Asif Masood Ali Shah,  
Deputy District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his  
counsel is busy in the august Peshawar High Court, Peshawar.  
Adjourned. To come up for arguments on 15.11.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

15<sup>th</sup> Nov. 2022 Counsel for the appellant present.


Mr. Muhammad Jan, District Attorney for the respondents  
present.

Learned counsel for the appellant requested for adjournment  
in order to further prepare the brief. Adjourned. To come up for  
arguments on 02.12.2022 before the D.B.

SCANNED  
KPST  
Peshawar



(FAREEHA PAUL)  
Member(E)



(ROZINA REHMAN)  
Member (J)

2-12-22

Deleted from The list to come  
up on the next date 24-2-23



Reader

26.05.2022

Clerk to counsel for the appellant present. Mr. Noor Zaman, District Attorney for the respondents present.

Written reply/comments on behalf of respondents not submitted. On previous date, last opportunity was granted to the respondents for submission of written reply/comments but even today, they failed to submit their written reply/comments, therefore, the right of submission of written reply/comments of the respondents stands struck off. To come up for arguments on 30.06.2022 before D.B. In the meanwhile, operation of the impugned order shall remain suspended till date fixed.



(Mian Muhammad)  
Member (E)

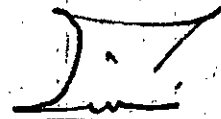
30.06.2022

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

Clerk of 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. Adjourned. To come up for arguments on 11.08.2022 before the D.B.



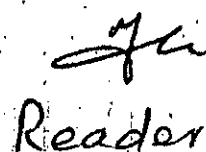
(Rozina Rehman)  
Member (J)



(Salah Ud Din)  
Member (J)

11.8.2022

Proper DB not available the case is adjourned to 3.11.2022



Reader

08.04.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

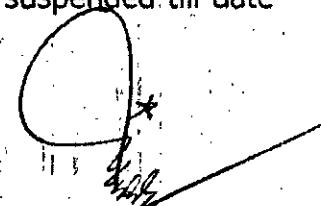
Written reply/comments not submitted. Notices to the respondents are not issued. Office is directed to issue notices to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 25.04.2022 before S.B. In the meanwhile, operation of the impugned order shall remain suspended till date fixed.

  
(MIAN MUHAMMAD)  
MEMBER(E)

25.04.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Faizan Zeb, SO for respondents present.

Written reply/comments not submitted. Representative of the respondents seeks further time to submit the same on the next date. Granted but as a last chance. To come up for written reply/comments on 26.05.2022 before S.B. In the meanwhile, operation of the impugned order shall remain suspended till date fixed.

  
(MIAN MUHAMMAD)  
MEMBER(E)

04.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 21.02.2022 for the same as before.

  
Reader

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.03.2022 for the same as before.

  
Reader

25.03.2022

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG present.

Written reply/comments on behalf of respondents not submitted. Notices be issued to the respondents for submission of written reply/comments. Notice be also issued to the appellant and his counsel for appearance. Adjourned. To come up for written reply/comments on 08.04.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER(E)



23.12.2021

Appellant present through counsel. Preliminary arguments heard and record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices of the be issued to the respondents for submission of reply/comments. To come up for reply/comments on 19.01.2022 before S.B.

Annexed with the memo of appeal is an application for interim relief. Notice of this application be served upon respondents. In the meanwhile, operation of the impugned order shall remain suspended, if not acted upon earlier.

Appellant Deposited  
Security & Process Fee

23/12/21

(Rozina Rehman)  
Member (D)

19.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

Reply/comments on behalf of official respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Granted. To come up for reply/comments before the S.B on 04.02.2022. In the meanwhile, the operation of the impugned order shall remain suspended till date fixed.



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

Form-A

# FORM OF ORDER SHEET

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

Case No.- 7894/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/12/2021	<p>The appeal of Mr. Samir Ullah presented today by Mr. Yasir Saleem Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>23/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

**KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR**

**CHECK LIST**

*Seemir Ullah*

**Versus**

*Court of KPK*

..... Appellant

..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <i>Yesir Saleem Advocate High Court</i>	✓	
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 AG/DAG?	✓	
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 cutting/overwriting?	✓	
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:- \_\_\_\_\_

Signature:- *[Signature]*

Dated:- \_\_\_\_\_

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 7894 /2021

Samir Ullah

.....Appellant

**VERSUS**

Government of KPK through Chief Secretary & others

.....Respondents

**INDEX**

S No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-4
2.	Application for suspension with affidavit		5-8
3.	Copy of notification dated 30.4.2021	A	6
4.	Copy of notification dated 05.05.2021	B	7
5.	Copy of notification dated 25.11.2021	C	8
6.	Copy of departmental appeal 26.11.2021 & postal receipts dated 26.11.2021	D&E	9-11
7.	Copy of letter dated 02.12.2021	F	12
8.	Wakalatnama		13

Dated: 17.12.2021

Through

*Samir*  
Appellant

*Yasir Saleem*  
Advocate, High Court  
Peshawar

Reconstructed on the order of Chairman  
and the same shall scanned again for record.

*Yasir Saleem*  
25/05/23  
Assistant Registrar

(1)

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR** Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No 7894/2021

Diary No. 8056

Date 20/12/2021

Samir Ullah ADEO, in the office of District Education Officer DDEO in OPS,  
North Waziristan.

.....Appellant

**VERSUS**

1. Government of KPK through Chief Secretary Civil Secretariat Peshawar.
2. Secretary Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Director, Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), North Waziristan.

.....Respondents/

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT  
1974 AGAINST THE ORDER DATED 25.11.2021 VIDE  
WHICH THE APPELLANT HAS BEEN TRANSFERRED  
FROM NORTH WAZIRISTAN AND HIS SERVICES HAS  
BEEN PLACED AT THE DISPOSAL OF DIRECTORATE  
OF E&SE AGAINST WHICH HIS DEPARTMENTAL  
APPEAL DATED 26.11.2021 HAS NOT BEEN RESPONDED  
TILL DATE.**

**PRAYER:-**

ON ACCEPTANCE OF THIS SERVICE APPEAL ORDER  
26.11.2021 TO THE EXTENT OF APPELLANT MAY KINDLY  
BE SET-ASIDE AND THE APPELLANT MAY BE ALLOWED  
TO CONTINUE HIS DUTIES AS ADEO, NORTH WAZIRISTAN  
WITH BACK AND CONSEQUENTIAL BENEFITS.

Respectfully Submitted:-

I very humbly submit few lines for your kind and  
sympathetic consideration.

1. That the appellant has been initially appointed as SST vide order dated  
01.01.2009.

led to-day  
Registrar  
20/12/2021

2. That ever since appointment the appellant had performed his duties as assigned with great zeal and devotion and there was no complaint what so ever regarding his performance.
3. That during the course of service the appellant was transferred as ADEO and was posted in the office of DEO North Waziristan vide order dated 10.08.2018.
4. That thereafter the appellant was transferred to Government High School Paryat District North Waziristan vide office order dated 30.04.2021. *(Copy of notification dated 30.4.2021 is attached as annexure A).*
5. That after performing his duties for 4 days order dated 30.04.2021 was cancelled / withdrawn vide notification dated 05.05.2021. *(Copy of notification dated 05.05.2021 is attached as annexure B).*
6. That while performing his duties in the said capacity he was again transferred from North Waziristan and his services were placed at the disposal of Directorate of Elementary & Secondary Education, Peshawar vide notification dated 25.11.2021. *(Copy of notification dated 25.11.2021 is attached as annexure C).*
7. That felling aggrieved from the office order dated 25.11.2021, the appellant filed his departmental appeal dated 26.11.2021 however the same has not been responded till date. *(Copy of departmental appeal 26.11.2021 & postal receipts dated 26.11.2021 are attached D& E).*
8. That the impugned transfer order is illegal, against the facts, constitutional and liable to be set-aside inter alia on the following grounds.

**GROUND OF SERVICE APPEAL:**

1. That the appellant has not been treated in accordance with law, hence his rights guaranteed and secured under the constitution are badly violated.

2. That in fact there exist no exigencies of service nor the order of transfer cannot be termed as the public interest and does not tenable in the eye of law.
3. That it is pertinent to mention here that the Election Commission has imposed ban on all kinds of posting / transfer till the Local Government Elections that are scheduled to be held on 19.12.2021. In this respect the District Monitoring Officer wrote letter to respondent No. 02 on 02.12.2021. *(Copy of letter dated 02.12.2021 is attached as annexure F).*
4. That the said order has badly affected the working environment in the office in the sense that the appellant is already working on the said post and the new incumbent is forcing to occupy the post.
5. That the impugned order is illegal, unlawful without lawful authority and passed with malafide intention in just to put the appellant in stress and mental & physical torture not in the prescribed period in violation of transfer posting policy the impugned order is passed is thus nality in the eye of law and thus not tenable.
6. That the appellant has not yet completed the normal tenure of his posting therefore the impugned order is also in violation of posting and transfer policy of the Provincial Government and also against the judgment of Apex Court reported in PLD 1995 Supreme Court Page 530 and 2013 PLD Supreme Court page 195.
7. That even otherwise it is not in the interest of department to make its employees rolling stone on one hand and the working atmosphere of the department is disturbed on the other hand and the employees are humiliated in their family life got disturbed.
8. That it is pertinent to mention here that the transfer of the appellant was infact politically motivated therefore, it is liable to be cancelled on this ground alone as the appellant is politically victimized.

- 9. That the impugned order is also illegal in the sense that the Election Commission has imposed ban in all kinds of posting / transfer within the province even then the appellant has been transferred due to political reasons on this ground too the impugned orders liable to be set aside.
- 10. That the appellant seeks leave of this Hon'ble Tribunal to take additional grounds at the time of arguments.

*It is therefore, humbly requested that on acceptance of this service appeal order 25.11.2021 to the extent of appellant may kindly be set-aside and the appellant may be allowed to continue his duties as DDEO, North Waziristan with back and consequential benefits.*

**Dated: 17.12.2021**

*Sameer*  
Appellant

Through

*Yasir Saleem*  
Yasir Saleem  
Advocate, High Court  
Peshawar

**CERTIFICATE:**

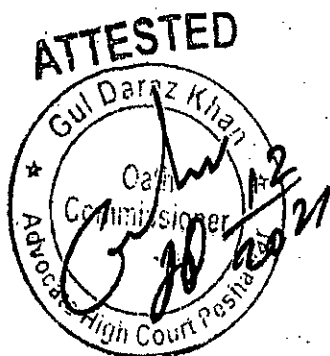
It is certified that no such like appeal has earlier been filed by the appellant before this Hon'ble Tribunal.

*[Signature]*  
ADVOCATE

**AFFIDAVIT**

It is solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

*Sameer*  
DEPONENT





5

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_/2021

Samir Ullah .....Appellant

**VERSUS**

Government of KPK through Chief Secretary & others  
.....Respondents

**APPLICATION FOR SUSPENSION OF THE OPERATION OF THE IMPUGNED TRANSFER NOTIFICATION DATED 25.11.2021 TO THE EXTENT OF APPELLANT TILL THE FINAL DISPOSAL OF THE INSTANT PETITION.**

Respectfully Sheweth,

The applicant humbly submits as under

1. That the captioned service appeal is being filed today before this Honorable Tribunal in which date is yet to be fixed.
2. That all the three ingredients for the grant of status quo strongly lies in favor of the applicant.
3. That the contents of the service appeal may kindly be treated as integral part of the instant application.
4. That the applicant has a very strong case of merits and if the impugned transfer notification dated 25.11.2021 is not suspended, the very purpose of the instant appeal would become infructuous.

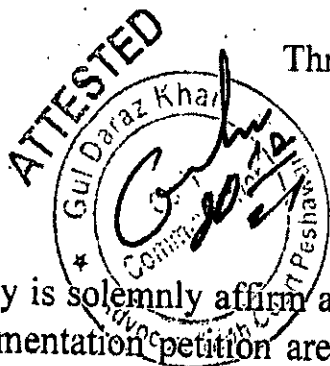
*It is therefore prayed that on the acceptance of this application the operation of the impugned transfer notification dated 25.11.2021 may kindly be suspended till the final disposal of the instant appeal.*

Sameer

Applicant

**YASIR SALEEM**  
Advocate, Peshawar

Through



**AFFIDAVIT:**

It is do hereby is solemnly affirm and declare on oath that the contents of the above implementation petition are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal

Sameer  
**DEPONENT**



**DIRECTORATE OF ELEMENTARY &  
SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR**

**NOTIFICATION**

In pursuance the Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department letter no SOG/E&SED/1-63/2021 dated 03-12-2021 the following postings/transfers hereby ordered in their own pay and EPS in the interest of public service with immediate effect.

Sr	Name & Designation	Place of present posting	Where posted as	Remarks
1	Mr. Samr Khan (ADEO/P&D) working since 10/08/2018	District Education Office North Waziristan	GIS Party District North Waziristan	Vice S.O. 2
2	Mr. Ihsan Ullah ADEO (Maran Shah)	District Education Office North Waziristan	ADEO (M) at D.E.O North Waziristan	Vice S.O. 2

**Note:-**

- 1 Charge reports should be sent to all concerned.
- 2 No TA/DA etc. are allowed.

**DIRECTOR**  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst. No. 6166-71 IA-12/ADEO (M) Dated Pesh: the 30/11 2021

Copy forwarded to the:-

- 1 Additional Director (Estab) Merged Districts Local Directorate
- 2 District Education Officer North Waziristan.
- 3 District Accounts Officer North Waziristan
- 4 Principal/Headmaster concerned.
- 5 SSTs concerned
- 6 PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

*alter*

**DEPUTY DIRECTOR (ESTAB)  
MERGED DISTRICTS**

*30/11/2021*

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR.**

**Notification**

Consequent upon approval of the competent authority, the Notification issued vide this Directorate under Endorsement No.6166-71 dated 30/04/2021, in respect of Mr.Samir Khan ADEO Office of the D.E.O North Waziristan under transfer to GHS Paryat District North Waziristan is hereby withdraw/cancelled in the interest of public service with immediate effect.

Compliance report should be sent to all concerned.

**Director**

Elementary and Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 6316-21 /A-12

Dated Peshawar: the 5/5/ 2021

Copy forwarded to the:-

- 1 District Education Officers North Waziristan
- 2 District Accounts Officer North Waziristan.
- 3 Head Master/Principal concerned.
- 4 Teacher concerned.
- 5 PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.

**Samir Khan**

Director (Estab)  
merged Districts

attache



Annex 'C' 8

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223533

Dated Peshawar the November, 25 2021

NOTIFICATION

NO.SO(SM)E&SED/7-1/2021/PT/G/MC: The Competent Authority is pleased to order the transfer of the following Officers of Elementary & Secondary Education Department, in the best public interest, with immediate effect:-

S#	Name & Designation	From	To
1.	Said Muhammad TC (BS-17)	Deputy District Education Officer (M) North Waziristan in OPS.	Services placed at the disposal of Directorate of E&SE Peshawar.
2.	Mr. Samir Ullah, TC (BS-16)	ADEO (P&D o/o DEO (Male) North Waziristan.	Services placed at the disposal of Directorate of E&SE Peshawar.
3.	Mr. Ihsan Ullah TC (BS-16)	ADEO o/o of DEO (Male) North Waziristan.	Services placed at the disposal of Directorate of E&SE Peshawar.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) North Waziristan.
4. District Account Officers, North Waziristan.
5. Director, EMIS E&SE Department.
6. PS to Minister for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Deputy Secretary (Admn) E&SE Department.
9. Officers concerned.
10. Office order file.

*M. Javed*  
*24-11-2021*  
*07/12/2021*  
*7/12/2021*

*(HAFEEZ UR REHMAN SHAH)*  
SECTION OFFICER (SCHOOLS MALE)

*advent*

The Chief Secretary KPK Peshawar

Subject: Departmental Appeal against the  
impugnant order at 25.11.2021.

It is brought into your kind notice that I was transferred to GHS pargal on dated 30/4/21, but the same order was again cancelled on dated 5.5.2021 in larger public interest. Now I was again transferred at the disposal of Directorate of Elementary and Secondary Education on dated 25.12.2021 which is against the govt of KPK transfer/posting policy.

Further stated that the Election Commission of PK that transfer/posting of govt servant will be banned during election tenure, so this transfer is also unlawful. So

1) In fact there exists no exigencies of service, so the order can be termed as in public interest and thus not tenable in the eye of law.

2) The impugnant transfer order is ultra vires of the jurisdiction and a violation of the transfer policy. The impugnant order was passed in violation of the policy and no relaxation has been granted.

and that authority has been established.

and that authority has been established.

and that authority has been established.

To,

The Honourable Chief Secretary KPK Peshawar.

Subject:

**DEPARTMENTAL APPEAL AGAINST THE  
IMPUGNED ORDER AT 25.11.2021.**

R/Sir

It is brought into your kind notice that I was transferred to GHS paryat on dated 30.04.21, but the same order was again cancelled on dated 5.5.2021 in larger public interest. Now I was again transferred at the disposal of Directorate of Elementary and Secondary Education on dated 25.12.2021, which is against the govt of KPK transfer / posting policy.

Further stated that the Election Commission of KPK that transfer / posting of Govt servant will be banned during Election Tenure, so this transfer is also unlawful so:

1. Infact there exists no exigencies of service nor the order can be termed as in public interest and than not tenable in the eye of law.
2. The impugned transfer order is illegal, passed without jurisdiction and in violation of posting and transfer policy the impugned order was passed in the ban period and no relaxation has been obtained from the competent authority thus nullity in the eye of law.

Prayer:

On the acceptance of this nullity in the eye of law, may be set aside and may be allowed as ADEO (P&D).

Sd/-

Sameer

*attitude*

No. 112

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. Ps.

50/-

Received a registered\* addressed to \_\_\_\_\_

Date-Stamp

Initials of Receiving Officer \_\_\_\_\_ \*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

If insured.

Insurance fee Rs.	5	Ps.		Weight		Kilo	
Name and address of sender	SECRETARY			(in words)		Grams	
	K.P. P. P. P.						20/11/2014

No. 112

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. Ps.

50/-

Received a registered\* addressed to \_\_\_\_\_

Date-Stamp

Initials of Receiving Officer \_\_\_\_\_ \*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

If insured.

Insurance fee Rs.	5	Ps.		Weight		Kilo	
Name and address of sender	SECRETARY			(in words)		Grams	
	K.P. P. P. P.						20/11/2014

No.F.G(5)/2021-DMO-LGE-REC/DMO  
Office of the  
District Monitoring Officer

Top Priority  
LG Elections Matter

To

Nowshera, the 2<sup>nd</sup> December, 2021

The Secretary,  
Elementary and Secondary Education Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject:- REVISED SCHEDULE FOR CONDUCT OF LOCAL GOVERNMENT ELECTION (FIRST PHASE) IN KHYBER PAKHTUNKHWA.

With reference to the subject cited above and to say that the Election Commission of Pakistan (ECP) in order to ensure conduct of ongoing Local Government Elections in Khyber Pakhtunkhwa honestly, justly and fairly in accordance with law and guard the corrupt practices, directed as under:

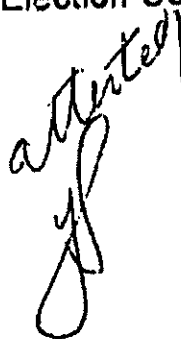
iii. Districts in respect of which election schedule of Local Government Elections has been issued, no transfers/postings of the Government Officers and Officials including Autonomous Bodies/Authorities shall be made without prior approval of the Commission till the publication of election results;

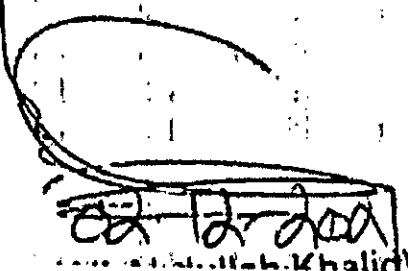
2. Whereas, it has recently been brought in knowledge of the undersigned that Mr. Raees Khan, SDEO (Male) (MC BS-17), Tehsil Pabbi, Nowshera being an Assistant Registration Officer working for ECP has been transferred vide your office Notification No. SO(SM/E&SED/7-1/2021/PT/G/MC/SDEOs dated 30<sup>th</sup> November, 2021 (copy enclosed) to District Buner which is a sheer violation of the aforesaid directions of the ECP.

3. In view of the above, it is directed to withdraw aforesaid transfer orders immediately under intimation to this office and no further posting/transfer be made in future in district Nowshera till the culmination of ongoing election process otherwise the matter will be put in knowledge of the Hon'ble Election Commission to proceed further.

Encl: As Above.



attested  


  
District Monitoring Officer



**POWER OF ATTORNEY**

In the Court of

K.P. Saif T. Malik Peshawar

SAMEER ULLAH

- } For
- } Plaintiff
- } Appellant
- } Petitioner
- } Complainant

**VERSUS**

Govt. Or KPK R.O. etc

- } Defendant
- } Respondent
- } Accused

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/We, the undersigned/ Appellant do hereby nominate and appoint

**YASIR SALEEM ADVOCATE HIGH COURT**, my true and lawful attorney, for me in my same and on my behalf to appear at K.P. Saif T. Malik to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at \_\_\_\_\_  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_

Executant/Executants Sameer Ullah  
Accepted subject to the terms regarding fee \_\_\_\_\_

  
**YASIR SALEEM**  
Advocate High Court

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT  
FR-4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt  
Mobile-0331-8892589. E-Mail yasirsaleemadvocate@gmail.com



MUHAMMAD IQBAL WAZIR

MINISTER FOR  
RELIEF, REHABILITATION & SETTLEMENT  
DEPARTMENT KHYBER PAKHTUNKHWA

No. RRS/KP/EASE/2021

Dated:

7.11.2021


To

The District Education Officer  
Tribal District N.W.

Subject: transfer of DDEO and others

Memo: Reference to the subject noted above above  
and to say that the following officers  
may kindly be replaced due to their harsh  
attitudes and manners for us please.

- 1, Said Muhammad DDEO N.W.
- 2, Sameer Ullah ADEO (PAD) N.W.
- 3, Ihsan ADEO N.W.

  
M Iqbal Wazir

IN THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR.

Service Appeal No. 7894 / 2021

Sameer Ullah

..... Appellant

**Versus**

Govt. of KPK & Others

..... Respondents

APPLICATION FOR ADJOURNMENT

**Respectfully Sheweth:**

3. That the titled case is pending adjudication before this Honourable Court and is fixed for 31-03-2023.
4. That the counsel for the appellant is ill, due to throat infection thus he would not be able to assist this Honourable Court on the date fixed.

**It is, therefore, respectfully prayed that on acceptance of this application, the case may kindly be adjourned, to any other date convenient to this Honourable Court.**

Dated:- 31-03-2023

Appellant

Through:-

*Yasir Saleem*  
**Clark of**  
**Yasir Saleem**  
Advocate, High Court,  
Peshawar.

**BEFORE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL, PESHAWAR**

Appeal No. 7894/2021

Q <sup>Sameer</sup> Safir Ullah VERSUS Government

Khyber Pakhtunkhwa  
Service Tribunal

Case No.

3905

Date

27/2/2023

**APPLICATION FOR EXTENSION  
OF INTERIM RELIEF ORDER  
ALREADY GRANTED BY  
THIS HON'BLE TRIBUNAL.**

**Respectfully Sheweth;**

The Appellant very humbly submit as under:

1. That the above titled Appeal is pending for adjudication on merits before this Hon'ble Tribunal, which is fixed for 24.03.2023.
2. That the Interim Relief has already been granted in the case of the appellant, which has expired and now is needed to be further extended for the ends of justice and good governance.

It is, therefore, respectfully requested that on acceptance of this application, the interim relief already granted in the case of appellant may please be further extended for the sake of justice and good governance because the same has been expired.

Through

Appellant

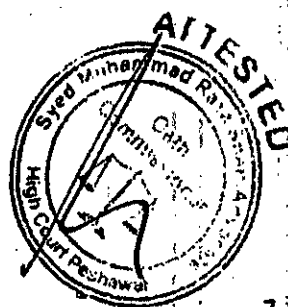
Yasir Saleem

Advocate, High Court

**AFFIDAVIT**

I, do hereby solemnly affirm and declare on Oath that the contents of above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*Safir*  
DEPONENT



27 FEB 2023