

BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR

In Re S.A 1294/2023

Muhammad Nawab

VERSUS

Govt. of Khyber Pakhtunkhwa Chief Secretary & Others

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Dated: 09/08/2023

N. W.  
Naid Wali  
Section Officer (Litigation)  
Industries Department  
9/8/23

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBNAL PESHAWAR**

W.P No.1294-P/2023

Muhammad Nawab

Versus

Govt. of Khyber Pakhtunkhwa through  
Chief Secretary and others

.....Appellant

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6932

Dated 09/08/23

.....Respondent

**Respectfully Sheweth:**

Parawise comments on behalf of respondent No. 2

**PRELIMINARY OBJECTIONS:**

1. That the Appellant have no locus standi/cause of action to file instant petition.
2. That the Appellant do not fall under the scope of "aggrieved person" as envisaged under Article 199 of the constitution and therefore does not have any locus standi to maintain the above petition.
3. The Appellant has not come to the court with clean hands.
4. The Service Appeal in hand is not competent in its present form.
5. That the appeal is barred by law & litigation.

**ON FACTS:**

- A. Pertains to record.
- B. Pertains to record.
- C. Pertains to record.
- D. It is incorrect. The appellant remained posted at Govt. College of Technology, Swabi. However, being the resident of Gadoon Amazai, the appellant was temporary deputed to look after the administrative affairs of Govt. Technical & Vocational Center (B) Gadoon Amazai, Swabi, till further orders (**Annex-A**)
- E. It is correct with further clarification that a brand-new bus was parked in open sky at GTVC(B) Gadoon from the last so many years. There was no proper use and parking facility available for the said bus. Obviously, the condition at the bus was deteriorating day by day. On the other hand, a conveyance was urgently required to GPI (W), Hayatabad, Peshawar for the pick and drop of Female/ Girls students. The Administrative Authority, therefore decided for shifting of the said bus from Swabi to Peshawar for its optimal utilization. The appellant, being employee of KP-TEVTA instead of facilitating the transfer/ shifting of said bus and compliance of the legal orders of the competent authority, instigated the local of the areas to stop the said/ process. In defiance the legal and valid

orders through his tactics, the Competent Authority was constrained to issue transfer order of the appellant. The appellant was transferred vide order dated 11.4.2023 (Annex-B) and relieving order of appellant issued vide dated 29-04-2023 (Annex-C).

It is pertinent to mentioned that after his relieving from GCT, Swabi, the appellant has not reported for duty till date. Necessary disciplinary action is, therefore, being taken against the appellant for his willful absence from duty (Annex-D).

- F. It is incorrect and false as elaborately explained in the preceding para.
- G. It is incorrect. As a matter of fact, as thoroughly probed into, the appellant hatched a conspiracy / plan for the stoppage of process of shifting of bus.
- H. It is incorrect. The appellant was transferred under Section 10 of the Civil Servant Act 1973 which states that:
- "Every Civil Savant 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 set up established by any such Government."*
- I. The appeal of the appellant was devoid of facts. The same was therefore, not entertained.
- J. It is incorrect as comprehensively explained in the preceding paras.

**GROUND:**

1. It is incorrect. The appellant has been rightly treated in accordance with law and constitution.
2. It is incorrect. The appellant was transferred under Section 10 of the Civil Servant Act 1973 which states the:  
*"Every Civil Savant 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 set up established by any such Government"*.
3. It is incorrect as explained in the preceding paras.
4. It is incorrect in view of aforementioned explained position.
5. It is incorrect in view of aforementioned explained position.
6. The respondent may also be allowed to take defense on other grounds at the time of hearing.

**PRAYER:**

It is, therefore, requested that appeal may graciously be dismissed with cost.

  
Secretary to Govt.  
Industries, Commerce & Technical  
Education Department

Secretary to  
Govt. of Khyber Pakhtunkhwa  
Industries, Commerce &  
Technical Education Dept.

Respondent No.2

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

In Re S.A 1294/2023

Muhammad Nawab

**VERSUS**

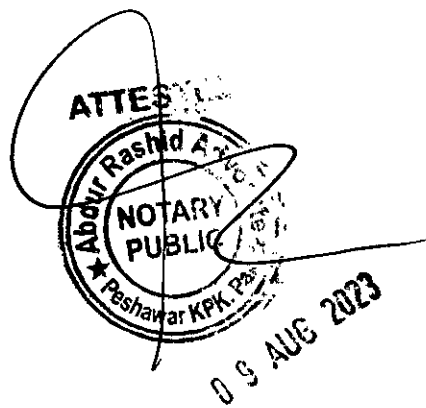
Govt. of Khyber Pakhtunkhwa Chief Secretary & Others

**AFFIDAVIT**

I, **Naid Wali (Section Officer Litigation)**, do hereby solemnly affirm and declare that all the contents of the accompanied comments are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

It is further stated that in this appeal, the answering respondents have neither been placed Ex-Partee nor their Defence have been struck off.

*Naid Wali*  
Naid Wali  
Section Officer (Litigation)  
Industries Department





TECHNICAL EDUCATION & VOCATIONAL  
TRAINING AUTHORITY KHYBER PAKHTUNKHWA  
5-771 Old Bara Road University Town Peshawar  
Web: [www.kptevta.gov.pk](http://www.kptevta.gov.pk)



**OFFICE ORDER**

The Competent Authority is pleased to depute Mr. Muhammad Nawab, Lecturer (BPS-17) Government College of Technology, Swabi, to perform his duty at Government Technical & Vocational Centre (Boys) Gadoon, till further orders.

The officer will continue to draw his salary and allowances against his original post at Government College of Technology, Swabi.

*of*

*sd*  
MANAGING DIRECTOR

Endst: No.KP-TEVTA/ESTT/PF/27-106/ 2335(1-4)

Dated 1-4- /2021.

Copy forwarded for information and necessary action to: -

1. The Principal, Govt: College of Technology, Swabi.
2. The Principal, Govt: Technical & Vocational Centre (Boys), Gadoon.
3. The Chief Administrator KP-STVET, Peshawar.
4. The Officer concerned.

*of*

*of*  
ASSISTANT DIRECTOR (ESTT):

*2/12/23*  
*18/10/23*



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**OFFICE ORDER**

In supersession of all previous orders issued in this regard, the Competent Authority is pleased to declare Mr. Nawab Khan, Lecturer BS-17 Govt. College of Technology, Swabi as Incharge Principal and Drawing & Disbursing Officer for all head of accounts of Govt: Technical & Vocational Centre (Boys) Gadoon Amazai with immediate effect till further orders.

Mr. Habib Ullah, Ex-Principal GTVC (B) Gadoon Amazai is hereby directed to hand over the charge of the Institute to Mr. Nawab Khan accordingly.

**MANAGING DIRECTOR**

Endst: No. TEVTA/ESTT/20-27 (142)/7587(1-4) Dated 23/11/2021.

Copy of the above is forwarded for information and n/action to: -

1. The Chairman, KP-STEVT, Head Office Peshawar
2. The Principal, Govt: College of Technology, Swabi.
3. The Principal, GTVC (Boys) Gadoon Amazai
4. Officer concerned.

For seen DS  
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22/11/21

Dir (CAP/HR)

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23/11/21

**ASSISTANT DIRECTOR (ESTT)**



**OFFICE ORDER:**

No.KP-TEVTA/ESTT/

In exercise of powers conferred under

Section-4(5) of KP-TEVTA Act, 2015, Mr. Nawab Khan, Senior Instructor (BPS-17), Govt College of Technology Swabi, is hereby transferred/posted **(Under report)** against the vacant post of Senior Instructor (BPS-17), at Govt Technical & Vocational Centre (B) Samar Bagh Dir Lower with immediate effect.

(ENGR: ABDUL GHAFFAR KHAN)  
MANAGING DIRECTOR.

Endst: No.KP-TEVTA/ESTT/3416(1-6)

Dated: 11/4/2023.

Copy forwarded for information and N/action: -

1. The District Accounts Officer, Swabi/Dir Lower.
2. The Principal, Govt College of Technology Swabi.
3. The Principal, Govt Technical & Vocational Centre (B) Samar Bagh Dir Lower.
4. PS to Managing Director, KP-TEVTA.
5. Officer concerned.
6. Master File.

*[Signature]*  
ASSISTANT DIRECTOR (ESTT)  
11/4/23

D.F.A as directed is submitted for  
your perusal and approval prior to  
issue order

*[Signature]*  
11/4/23

Director *[Signature]*

Seen.

F:\wahid\Transfer order 1.docx

*[Signature]*  
11/04/23

*[Signature]*  
18/07/23



GOVERNMENT COLLEGE OF TECHNOLOGY SWABI  
 Near Judicial Complex, Shahmansoor, Swabi  
 Phone: 0938 280 309 | Fax: 0938 280 207  
 Email: swabi.gct@kptepta.gov.pk | Web: www.kptepta.gov.pk



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**OFFICE ORDER.**

In response of office order Endst No: KP-TEVTA /ESTT/3416 (1-6)  
Dated: 11/04/2023 Mr. Nawab Khan Senior Instructor Electrical (BPS-17) of this college is hereby relieved from his duty on dated: -29-04-2023 (A.N) with immediate effect. with the advice to report for duty to the Principal GTVC (B) Samar Bagh Dir Lower.

PRINCIPAL

Endst: No. GCT/Swabi/PF/748 (1-6)

Dated 29/4 /2023.

Copy forwarded for information to:-

1. The Managing Director, KP-TEVTA Peshawar.
2. The Principal Govt: Technical & Vocational Center (B) Samar Bagh Dir Lower.
3. Mr. Nawab Khan DDO/Incharge Principal GTVC (B) Gadoon Industrial Estate Swabi
4. The District Accounts Officer Swabi/Samar Bagh Dir Lower.
5. Officer Concerned.
6. File concerned.

PRINCIPAL

*File*  
*fm*  
*15/5/23*

*Asst/Clark*

*DCA/HR*

*DD/ESH2*  
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No. KP-TEVTA/Estt/  
To

6006(C1-2)

Dated 13/7 2023.

Mr. Nawab Khan,  
Senior Instructor (BPS-17)  
Address: resident of Moh, Sher Ali Khel, Ganddof, Tehsil Topi,  
Swabi,

Subject: - ABSENTEE NOTICE UNDER RULE 3(D) & RULE(9) OF KP CIVIL  
SERVANTS (EFFICIENCY AND DISCIPLINE) RULES 2011

You, have been transferred/posted from Govt College of  
Technology, Swabi to Govt Technical & Vocational Centre (B) Samarbagh Dir  
(Lower) vide this office letter No. 3416(1-6) dated 11/04/2023. The Principal  
Govt College of Technology, Swabi relieved you from your duties vide letter  
No. 748 dated 29/04/2023. As per report vide letter No.1017 dated  
19/06/2023 received from the Principal Govt Technical & Vocational Centre  
(B) Samarbagh Dir Lower, you failed to report for duty till date.

Your this act is contrary to the Govt rules and also invites  
disciplinary action to be taken against you under KP, E&D rule 2011.

You are, therefore, directed through this notice to report for duty  
within 15 days of the issuance of this notice and also explain the reason of  
your absence <sup>from duties</sup> failing which an ex-parte decision i.e. Removal from service  
shall be imposed upon you under the 4 (b-iii) of the ibid rule.

Endst. No. KP-TEVTA/ESTT-/

6006(C1-2)

DEPUTY DIRECTOR (ESTT)

Dated 13/7 /2023.

Copy forwarded for information to: -

- 1- The Principal, Govt College of Technology, Swabi.
- 2- The Principal, Govt Technical & Vocational Centre (B) Samarbagh  
Dir Lower.
- 3- The Principal, Govt Technical & Vocational Centre (B) Gadoon  
Swabi.
- 4- PS to Managing Director, KP-TEVTA.
- 5- Personal file of the officer concerned.

DEPUTY DIRECTOR (ESTT)

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**AUTHORITY LETTER.**

Mr. Naid Wali, Section Officer (Litigation) Industries Department is hereby authorized to file parawise comments on behalf of Respondent No 2 in the service appeal No. 1294/2023 in the titled Muhammad Nawab VS Govt of Khyber Pakhtunkhwa through Chief Secretary and others in the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

  
**Secretary to Govt of Khyber Pakhtunkhwa  
Industries Department.**

Secretary to  
Govt. of Khyber Pakhtunkhwa,  
Industries, Commerce &  
Technical Education Dept.