


FORM OF ORDER SHEET

Court of

Appeal No.

1663 /2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/08/2023	<p>The appeal of Mr. Mazhar Iqbal is re-submitted today by Tariq Kamal Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <i>17.08.2023</i></p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

The appeal submitted by Mr. Tariq kamal Advocate today i.e. on 16.08.2023 is incomplete on the following score which is returned to him for completion and resubmission within 15 days.

1. Check list is not attached.
2. Proper rejection order of Departmental appeal in respect of appellant of the Commissioner Kohat Division, is not attached.
3. Appeal has not been flagged / marked with annexures marks.
4. One more set of copy /set along with annexures i.e. complete in all respect may also be submitted with the appeal
5. The documents that are to be provided must be legible.

No. 3062 /S.T,

Dt. 16-08 /2022

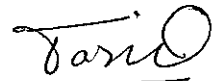

16-8-2023

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Tariq kamal Adv.
High Court Peshawar.

Sir,

The objection raised is immaterial the appeal may please be fixed before the Honourable Tribunal for consideration, please


16/8/2023

**BEFORE THE BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No 1663 Of 2023

Mazhar Iqbal

VERSUS

Commissioner Kohat and others

S.No.	Description of Documents	Annexure	Pages
1.	Grounds of Service Appeal		1-3
2.	Affidavit		4
3.	Application for temporary injunction with affidavit		5-6
4.	Addresses of parties		7
5.	Copy of Transfer Order Dated; 11-05-2023	"A"	8
6.	Copy of Transfer Order Dated; 08-08-2023	"B"	9
7.	Copy of Departmental Appeal and Order Dated; 15-08-2023	"C"	10
8.	Wakalet Nama		11

Dated; 16-08-2023

Appellant

Through

Manzoor Qadir
Manzoor Qadir
& *Tariq Kamal*
Tariq Kamal
Advocates High Court

**BEFORE THE BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. _____ Of 2023

Mazhar Iqbal

Patwari halqa Moza Kharasha District Hangu

.....Appellant

V E R S U S

- 1 Commissioner Kohat Division Kohat**
- 2 Deputy Commissioner Hangu**
- 3 Abdul Wahab Patwari halqa Moza Samana District Hangu**

.....Respondents

**APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974, AGAINST
THE ORDER DATED; 15-08-2023, VIDE WHICH
APPEAL OF THE APPELLANT HAS BEEN
REJECTED AGAINST THE TRANSFER
ORDER DATED; 08-08-2023,**

P R A Y E R;

On acceptance of the instant service appeal the impugned Orders of Respondent No. 1 and 2 Dated; 15-08-2023 and 08-08-2023 Respectively, may please be set-aside and declared as illegal and void-ab-initio and the appellant may be allowed to complete his tenure according to Posting Transfer Policy 2009.

Respectfully Sheweth;

Brief facts and grounds giving rise to the instant service appeal are as under;

1. That the appellant has been transferred from Moza Kotki to Kharasha vide order Dated; 11-05-2023. Copy of Transfer Order Dated; 11-05-2023 is attached as **ANNEXURE "A"**
2. That the appellant has been transferred again from Kharasha to Samana vide order Dated; 08-08-2023. Copy of Transfer Order Dated; 08-08-2023 is attached as **ANNEXURE "B"**
3. That the appellant preferred appeal to the respondent No. 1 which has been rejected vide order dated; 15-08-2023, hence the instant appeal on the following grounds. copy of departmental appeal and order dated; 15-08-2023 is attached as **ANNEXURE "C"**

GROUNDS

- A. That the impugned transfer order is in violation of Posting Transfer Policy 2009 as the appellant has been transferred just after 3 months without observing the policy in respect of tenure. This fact speaks volume in respect of malafide on the part of the respondent department.
- B. That the appellant has not been treated in accordance with law, Rules and his rights guaranteed under the law therefore, this conduct of the respondents tantamount to glare violation of the provisions of the Civil Servants laws.
- C. That the discriminatory and repeated transfer order of civil servant within the span of a few months made by the respondents irrespective of the consideration of public interest and issuance of such orders without any reason is mala fide, arbitrary, against the canons of justice, equity and fair play.

- D. That the transfer posting order is made contrary to the relevant rules and against the public interest and without allowing the appellant to complete his tenure, this august Tribunal is empowered to examine such administrative action by applying the principle of judicial review.
- E. That the impugned order is not backed by any legal or cogent reason and is a classic case of illegal and irregular exercise of power and mis-use of authority.
- F. That the appellant has not been dealt in accordance to article 4 and 25 of the constitution of Islamic Republic of Pakistan.
- G. That the acts and omission of respondent is against the KPK Civil Servant (Appointment, Promotion and Transfer rules 1989 as well as against the relevant provision of KPK Civil Service act 1973.
- H. That the Appellant seeks leave of this Honourable Tribunal to argue/raise additional grounds at the time of arguments.

It is therefore humbly submitted on acceptance of the instant service appeal the impugned Orders of Respondent No. 1 and 2 Dated; 15-08-2023 and 08-08-2023 respectively may please be set aside according to law.

Any such relief which this honorable court deems proper and just be granted to the Appellant against the respondents keeping in view the circumstances of the case.

Dated: 15-08-2023

Appellant

Through,

Manzoor Qadir

&

Tariq Kamal

Advocates High Court

CERTIFICATE:

It is certified that no other service appeal on the same subject has been filed before this Honourable Tribunal.

Tariq
Counsel

**BEFORE THE BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No

Of 2023

Mazhar Iqbal

V E R S U S

Commissioner Khat and others

APPLICATION FOR SUSPENSION OF OPERATION OF THE IMPUGNED POSTING TRANSFER ORDER OF THE APPELLANT DATED; 08-08-2023 TILL THE DISPOSAL OF THE ABOVE-MENTIONED APPEAL.

Respectfully Sheweth;

1. That the above-mentioned appeal along with this application has been filed before this honorable service tribunal, which has not been fixed.
2. That the appellant filed the above-mentioned service appeal against the impugned notification dated; 08-08-2023 whereby the appellant has been transferred from Kharasha to Samana.
3. That all the three ingredients necessary for the grant of Temporary Injunction are in favor of the appellant.
4. That the impugned order dated; 08-08-2023 has been issued by the respondents in utter disregard of law and prevailing rules.

it is therefore, most humbly prayed that on acceptance of this application the order dated; 08-08-2023 may please be suspended till the disposal of the above-mentioned appeal.

Dated; 16-08-2023

Applicant

Through

Manzoor Qadir
Manzoor Qadir

&

Tariq Kamal
Tariq Kamal

Advocates High Court

(4)

**BEFORE THE BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No

Of 2023

Mazhar Iqbal

VERSUS

Commissioner Kohat and others

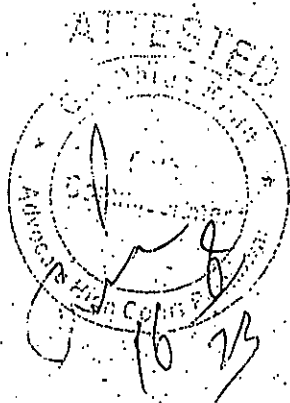
AFFIDAVIT:

I, **Mazhar Iqbal** Patwari halqa Moza Kharasha District Hangu Appellant, do hereby solemnly affirm and declare on Oath that the contents of the accompanying Application for temporary injunction along with interim relief, are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honourable Tribunal.

Deponent

Identified by;

Manzoor Qadir
Manzoor Qadir
Advocate High Court



(7)

**BEFORE THE BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No

Of 2023

Mazhar Iqbal

VERSUS

Commissioner Kohat and others

ADDRESSES OF PARTIES

APPELLANT

Mazhar Iqbal

Patwari-halqa Moza Kharasha District Hangu

RESPONDENTS

- 1 Commissioner Kohat Division Kohat
- 2 Deputy Commissioner Hangu
- 3 Abdul Wahab Patwari halqa Moza Samana District Hangu.

Dated: 16-08-2023.

Applicant

Through

Manzoor Qadir
Manzoor Qadir

&

Tariq Kamal
Tariq Kamal

Advocates High-Court



Deputy Commissioner Hangu

Tel: 0925-621175-623968

Fax: 0925-620050

Email: dc.hangu@gmail.com

No. 206 /Estab/DC (II)

Dated: 11/05/2023

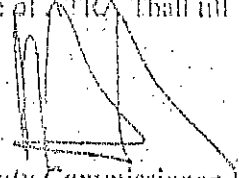
8

OFFICE ORDER:

Posting / transfer of the following revenue officials is hereby ordered with immediate effect in the best public interest.

S.No.	Name and Designation	From (Patwar Circle)	To (Patwar Circle)
1.	Abdul Wahab	Hangu	Samana
2.	Shams uz Zaman	Kharasha	Hangu
3.	Mazhar Iqbal	Kotki	Kharasha
4.	Noorullah	Karbogha Sharif	Tora Warai
5.	Asadullah	Dallan	Karbogha Sharif
6.	Muhammad Zahid	Ibrahimzai	Barh Abbas Khel / Bilyamina
7.	Obaidullah	Thall	Kotki
8.	Asar Muhammad	Kahi	Darsamand
9.	Jamal Abdul Nasir	Darsamand	Thall
10.	Salahuddin	Naryab	Muhammad Khwaja
11.	Momin Ali	Surozai/Doaba	Lodhi Khel
12.	Anjum Khanan	Muhammad Khwaja	Dallan
13.	Amjad Ali Khan	Samana	Races
14.	Umar Farooq	Togh Sarai	Naryab
15.	Naveed Afzar	Barh Abbas Khel / Bilyamina	Ibrahimzai
16.	Muntazir Ali	Bandajat	Surozai/Doaba
17.	Abid Hussain	Races	Togh Sarai
18.	Haidar Habib	Lodhi Khel	Kahi
19.	Zaheeruddin	Tora Warai	Bandajat

1. Mr. Anjum Khanan (Sr. # 12) will hold the additional charge of Patwar Circle Manji Khel till further orders.
2. Mr. Jamal Abdul Nasir (Sr. # 9) will hold the additional charge of PRA Thall till further orders.

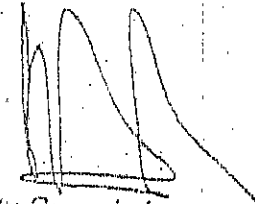

Deputy Commissioner
Hangu

Ends: Even No. & Date.

Copy forwarded for information to:

1. The Commissioner Kohat Division, Kohat.
2. The Secretary-I Board of Revenue, Peshawar.
3. The Additional Deputy Commissioner (G), Hangu
4. All Assistant Commissioner/Adtl. ACs District Hangu
5. Officials Concerned for strict compliance.

Attested
Yasir
16/8/23


Deputy Commissioner
Hangu



OFFICE OF THE DEPUTY COMMISSIONER, HANGU

Tel: 0925-621175 - 623960 Fax: 0925-620050

Email: dc.hangu@gmail.com

No. 723 /Estab/DC (H). Dated: 08 / 08 / 2023.

9

OFFICE ORDER:

Posting / transfer of the following Revenue officials is hereby ordered with immediate effect in the best public interest.

S.No	Name of Patwari	From (Patwar Halqa)	To (Patwar Halqa)
1.	Mazhar Iqbal	Kharasha	Samana
2.	Abdul Wahab	Samana	Kharasha

Deputy Commissioner
Hangu

dst: Even No. & Date:

by forwarded for information to:

1. The Commissioner Kohat Division, Kohat.
2. The Additional Deputy Commissioner (G), Hangu
3. The Assistant Commissioner, Hangu.
4. All Addl: Assistant Commissioner, District Hangu
5. Officials Concerned for strict compliance.

Deputy Commissioner
Hangu

Attested
Toriq
16/8/23

پختونخواہ جناب کمشنر صاحب کوہاٹ ڈویژن، کوہاٹ

De Hangu Appeal is rejected being based on frivolous grounds and of no administrative significance.

COMMISSIONER
KOHAT DIVISION KOHAT

اپیل برآمد Withdrawal / منسوخ کرانے ٹرانسفر آرڈر نمبری (H) / Estab / DC / 723 مورخہ 08.08.2023 جو کہ سائل کا تعلق

سیریل نمبر 01 پر بنام مظہر اقبال پٹواری حلقہ خرشہ سے سامانہ جناب ڈپٹی کمشنر صاحب ہنگو کی جانب سے کیا گیا ہے۔ حالانکہ سائل بحوالہ ڈ

کمشنر ہنگو اور ڈپٹی کمشنر (H) / Estab / DC / 006 مورخہ 11.05.2023 کو سیریل نمبر 03 بنام مظہر اقبال حلقہ کوگی سے خرشہ

ٹرانسفر ہوا ہے اور سائل کے دو ماہ بھی پورے نہیں ہوئے ہیں کہ موجودہ آرڈر کیا گیا ہے اور جیسا کہ جناب کو معلوم ہے کہ موجودہ قائم مقام

حکومت کی جانب سے اور ایکشن کمیشن کی جانب سے واضح احکامات ہیں کہ پوسٹنگ اور ٹرانسفر پر پابندی ہے۔

جناب عالی:

گزارش حسب ذیل ہے۔

۱۔ یہ کہ سائل جناب کے زیر سایہ بطور پٹواری اپنے خدمات خرشہ ہنگو میں سرانجام دے رہا ہے اور پچھلے دو ماہ کے اندر سائل کے دو مختلف

پوسٹنگ آرڈرز کرائی گئی ہے۔

۲۔ ایکشن کمیشن اور قائم مقام حکومت کی جانب سے بھی پوسٹنگ اور ٹرانسفر آرڈر پر پابندی عائد کر لی گئی ہے مگر پھر بھی جناب ڈپٹی کمشنر

صاحب ہنگو نے موجودہ حکومت کے آرڈرز کو بالائے طاق رکھتے ہوئے سائل کے پچھلے دو ماہ میں دو آرڈرز جاری کئے ہیں۔

۳۔ یہ کہ سائل کو موجودہ آرڈر کے پیش نظر مشکلات کا سامنا ہے اور سائل خرشہ کے مقام پر اپنے خدمات بطور پٹواری سرانجام دینے

کا خواہشمند ہے۔

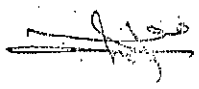
۴۔ یہ کہ اس بابت سائل کو جناب کی دادرسی مطلوب ہے اور ڈپٹی کمشنر صاحب ضلع ہنگو کے آرڈر مورخہ 08.08.2023 کو منسوخ

فرمانا مقصود ہے۔ اور سائل کو اپنے موجودہ جگہ خرشہ پر ہی تعینات رہنے دیا جاوے اور علاقہ کے عوام کی خدمت کا موقع دیا جاوے۔

نقطہ: 11.08.2023

استدعا ہے کہ حسب درخواست درخواست دادرسی فرمائی جاوے۔

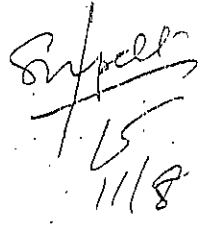
سائل:-

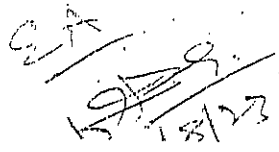


مظہر اقبال ولد محمد اقبال سکشن بلڈنگ پٹواری

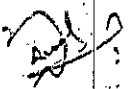
حال پٹواری حلقہ خرشہ ہنگو

موبائل نمبر 0333-5832333


11/8


15/8/23

استدعا



Recd: 10 Commissioner
Kohat Div. Kohat

15/08/23

بعدالت



2023

عظیم احمد

موزہ
مقدمہ
دکوی
۲۲

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکن کارروائی متعلقہ

آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوفہ کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز
دیکھیں صاحب کو واضح نامہ کرنے کے وقت زناالت و فیصلہ برطرف دینے کے جواب دہی اور اتنا ہی جرمی اور
باید ذمہ داری کرنے کے اجراء اور ذمہ داری چیک دروپیا عرضی و جرمی اور برخواست ہر قسم کی مقدمہ میں
زرا میں بر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ذمہ داری یا غلطی یا تاخیر کی برائگی اور منسوخی
نیز ذمہ داری کے اہل نمروائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور دیکھیں یا مختار قانونی کو اپنے ہمراہ لیا ہے۔ بجانے تقریر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساتھ
برداشتہ منظور قبول ہوگا۔ دوران مقدمہ میں جو توجہ دہر جائے التزامے مقدمہ کے سب سے رہوگا۔
کوئی تاخیر پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دیکھیں صاحب پابند ہوں گے۔ کہ پیروی
رہوگا کہ نہیں۔ لہذا اولت نامہ لکھ دیا کہ سند ہے۔

المترجم 16 ماہ الکت 2023

cell
03015932818
BC-10-6195

Accepted
Manzoor Dadic
Tarak