


FORM OF ORDER SHEET

Court of

Appeal No. 1668/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	16/08/2023	<p>The appeal of Mr. Qudrat Ali is re-submitted today by Mr. L. Nawab Ali Noor Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 21.08.2023.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

This is an appeal filed by Mr. Qudrat Ali today on 02.08.2023 against the order dated 06.04.2023 against which he made/preferred departmental appeal representation on 18.06.2023 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel, the appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/ marked with annexures marks.
- 3- Annexures of the appeal are unattested.

No. 2080/ST,  
Dt. 3/8/2023.

  
3/8/23  
REGISTRAR,  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR

Mr. I. Nawab Ali Noor Adv.  
High Court Peshawar.

*Respectfully Submitted*

*Needful one kindly put before  
the Court. As per order issued the Departmental  
appeal was marked 18/6/23 same  
was annulled while actually  
the departmental appeal was filed on  
18/4/23 which is not premature.  
So kindly put before the Court*

*(Signature)*  
11/8/23

**BEFOPR THE SERVICE TRABUNIL KPK HIGH PESHAWAR**

S. Appeal No. 1668 /2023

1. Qudrat Ali S/O Gul Sahib Khan R/O Tangori Chouk near  
Hasan petrol pump presently civil servant class IV at GHS  
Dabl Tehsil & Distt Karak.  
.....(Appellant).

**VERSUS**

1. Distt Education Officer Karak , KDA Karak & others.

.....(Respondents)

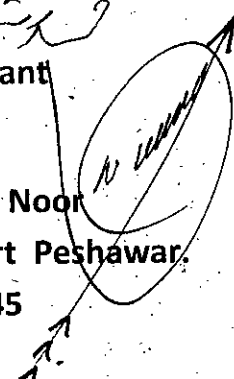
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Through

  
Appellant

L.Nawab Ali Noor  
Advocate High Court Peshawar.  
03469076945



①

**BEFORE THE SERVICE TRIBUNAL KPK HIGH PESHAWAR**

S. Appeal No. 1668 /2023

1. Qudrat Ali S/O Gul Sahib Khan R/O Tangori Chouk near  
Hasan petrol pump presently civil servant class IV at GHS  
Dabb Tehsil & Distt Karak.  
.....(Appellant).

**VERSUS**

1. Distt Education Officer (m) Karak , KDA Karak.  
2. Sajid Class IV GPS Munciple Comittee Tehsil & Distt Karak  
.....(Respondents)

**Appeal under section-4 of the N.W.F.P , Service Tribunal Act 1974 against the order dated 6.4.23 , through which appellant transferred from GPS Municipal Committee School to GHS Dabb against and one respondent no. 2 transferred to GPS Municipal committee karak against which appellant filed Departmental appeal on 18.4.23 same departmental appeal was not response within statutory period.**

**PRAYER:**

**On acceptance of this appeal the order dated 6.4.23 on base of which appellant was transferred from GPS Municipal Committee Karak to GHS Dabb and respondent no.2 transferred to GPS Municipal Committee on base of which appeal filed by appellant on 18.4.23 same no response of the respondent no.1 may please be set aside and appellant transfer order dated 2.6.23 over the GPS Municipal Committee may please be restore.**

Respectfully Sheweth

**Respectfully sheweth:**

1. That the appellant is civil servant performing his duty as class iv in GHS Lawger Chani Khel , belong from the mentioned above addresses in heading of the service appeal.
2. That appellant father was retired from education department in the year 2005 later on appellant was appointed but over

the order of Honorable High court on basis of COC appellant appointment order was issued on 31.12.2016 and as revenge appellant was posted to far flung land disputed school GHS Lawager Chani Khel.

3. That due to the resistance of land donated persons namely Naqeeb Ullha and Ismail and their father Ibrahim retired class iv Ismail class iv whom were not willing to allow appellant to perform his duty in this respect appellant approached to the concerned but no action whatsoever been initiated and finally due to the intervention of the Honorable court Distt & Session Judge Karak appellant took charge in presence of police on 31.12.2019.

4. That mentioned persons whom donated land done service & retired as class iv and their sons consider their own as owner of the GHS Lawager Chani Khel without any authority, consent of appellant, without any permission of high ups, without any justified reason, logic, cheated, pressurized, harass and due to the active role and executed an illegal agreement which author and signatory was the Headmaster of the cited school same illegal agreement is in possession of respondent Headmaster of lawager Chani Khel School through the same 50% salaries snatched from the day first till complaint of appellant round about year.

5. That as appellant is lay man, illiterate, under pressure of immediate boss of head master GHS Lawager Chani Khel Anwar Naqeeb Ullah, Ibrahim and Ismail whom are the resident of the cited area and appellant performed his duty far Flung area (outsider) whom on one side putting pressure over appellant of dire consequences on other side headmaster Anwar of cited School was also putted pressure to accept, act upon over the agreement otherwise termination of appellant from the service hence appellant was keep silent as no way other than the same was with appellant.

6. That meanwhile after round about eight months duty Govt released salaries of rupees 137000 which withdraw by the

concerned Headmaster through his own account and later on as per illegal, unlawful, void agreement as Bata on basis of 50% ratio divide the same and got handsome amount from appellant and same was continue.

7. That respondent Head Master concerned mentioned above was not competent to do nor he has the authority to do the same nor the same was Job / duty / responsibility / mandate, to do the same but done this criminal shameful, polluted act collectively with respondent so called school owners of the GHS Lawager Chani Khel.

8. That later appellant approached to the different like Chief Justice Supreme Court, Chief Justice PHC, Prim Minister Portal, Chief Minister Portal, Director FIA, DEO N (M) Karak, DC Karak, AC Karak and so many others even in news papers also along with legal notices to cited whom done criminal acts for quick action and finally inquiry been initiated by the Director Education whom made responsible the Headmaster Anwar but till date no action been initiated.

9. That as result of inquiry Headmaster of the cited school as revenge not only aggressive, made threat, plane to terminate the appellant in spite of the facts that he made responsible for his illegality force bata but the same time it is also question mark that over the recommendation of the inquiry officer till date appellant is under threat of termination as DEO has no interest to follow the recommendation nor any recovery been effected to appellant nor any disciplinary action against the Headmaster been initiated.

10. That as so called school owner didn't allow appellant to perform Govt duty finally they attack as result FIR been initiated against them and DEO order to appellant to attend the office of DEO.

11. That the then on 2.6.22 appellant was transferred to GPS Municipal Committee School Karak where appellant started his duty properly. ( Copy of the order dated 2.6.22 as annexure A).

12. That the then respondent no.2 also create problems also attack and didn't allow appellant for his Govt job, against which appellant approached filed complaints to authorities.

13. That once again on 6.4.23 due to the political interference of one Rahmat Salam Khattak whom is *Advisor to C.M.* on his

recommendations and strong interference appellant transferred to GHS Dabb. Copies of the relevant are annexure B.

14. That feeling aggrieved from the same appellant filed his departmental appeal before the concerned authority DEO (m) Karak but till the statutory period no response to appellant. *Copy attach as C.*

That having no other adequate remedy appellant approach this Honorable court on following amongst others:

**GROUNDS:**

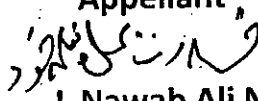
- a. That orders in question are based on malafide same is beyond the jurisdiction of the respondent no.1.
- b. That may kindly be noted that what the logic and reason of repeated transfer of appellant by the respondent same is no more than the punishment of appellant.
- c. That respondent department right from the begging Bering punishment and near past may also noted 2.6.22 & now the impugned order dated 6.4.23 what is this?
- c. That its clearly case of harassment not more than this.
- d. That over the political intervention, malafide intention baseless charges appellant under the punishment same is continue is/was against the service rules, illegal, unlawful, unconstitutional act of the respondents hence need the same to be declare illegal, unlawful, unconstitutional liable to be set aside.
- e. That when there is nothing in field nor made responsible the appellant for any specific relevant misconduct, corruption, illegalities' or any specific crime committed or violation of any law, hence question of discrimination before this Honorable court.
- f. That till date no such like action was aver taken was there for civil servant nor respondents have right to initiate the same which is also violation of the constitution and service rules on base of the same order in question liable to be set-aside.
- g. That under what law and circumstances punishment of the appellant was awarded when no fault and default on part of appellant reason best known to them.
- h. That under the constitution appellant has the same rights like other but same not extended equally which is injustice.

- i. That act of the respondent to pick and chose is not justified at any cost.
- j. That respondents adopt the policy of pick and chose which is against service rules and basic provision of the constitution.
- k. That action on the part of respondents amount to misuse of power and approach beyond from the jurisdiction under the law mentioned for.
- l. That superior court repeatedly delivered judgment in respect Art.4, 25 etc and present case respondents violate the same also.
- m. That under the law being civil servant same is the negligence of the respondents with malafide intention.

It is therefore most humbly prayed that on acceptance of this service appeal this honorable court may graciously be pleased to set aside / declare, null and void the orders dated 6.4.23 & restore order dated 2.6.22 of the GPS Municipal Committee Karak and may please direct the respondent not to harass further the appellant.

May please awarded any other relief for which appellant entitled not specifically mentioned deem appropriate may also awarded.

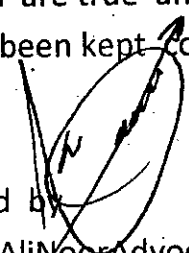
Through

Appellant  
  
 L. Nawab Ali Noor  
 Advocate High Court  
 Peshawar.

Certificate: certified that no such like S. Appeal is before this Honorable tribunal.

**AFFIDAVIT.**

I, Qudrat Ali S/O Gul Sahib Khan R/O Tangori Chouk near Hasan petrol pump presently civil servant class IV at GHS Dabb Tehsil & Distt Karak, do solemnly affirm and declare on oath that the contents of the accompanying S. Appeal are true and correct to the best of my knowledge and belief and nothing been kept concealed from this Honorable Tribunal.

Identified by  
  
 L. Nawab Ali Noor Advocate  
 03469076945

Deponent





Ans. A (6)

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE KARAK

OFFICE ORDER:

Mr. Qudrat Ali Khan Sweeper who is on the disposal of DEO Male Karak is hereby transferred/Adjusted at GPS Municipal Committee Karak against the vacant post of Chowkidar in his own pay & scale in the best interest of public service with immediate effect.

Note: - No TA/DA is allowed.  
Charge report should be submitted to all concerned.

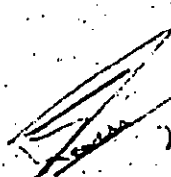
DISTRICT EDUCATION OFFICER  
(MALE) KARAK

Dated Karak the 21/6 2022

Enclst: No 924/16-6/22

Copy to the:

1. District Accounts Officer Karak.
2. Principal/Head Master Concerned...
3. SDEO Concerned.

  
2/6/22  
DISTRICT EDUCATION OFFICER  
(MALE) KARAK

*Rafiq*

Annex B- ⑦



**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) KARAK**

Address: KDA Karak

**OFFICE ORDER**

The Transfer/Adjustment of the followings Class-IV are hereby ordered to the schools noted against each in the best interest of public.

S. No	Name of Class-IV	Place of Working	Place of Posting
1	Aman Ullah N/Q	GMS Aman Kot (Karak)	GIS Lab (Karak)
2	Qudrat <del>Ali Khan</del>	GPS Municipal Committee (Karak)	GIS Lab (Karak)
3	Sajid Iqbal Chowkidar	GPS Mita Wala (Karak)	GPS Municipal Committee (Karak)

Note:-  
No TA/DA is allowed.  
Charge Report should be submitted to all concerned.

sd

DISTRICT EDUCATION OFFICER  
(MALE) KARAK

Endst: No. 1894-98

Dated Karak the 26/04/2023

Copy to the:-

1. District Accounts Officer Karak.
2. Principal/Head Master & SDEO Concerned.
3. District Monitoring Officer Karak.
4. EMIS-Local Office.
5. Office Copy.

*Yusuf 6/10/23*

DISTRICT EDUCATION OFFICER  
(MALE) KARAK

Endst No. 4422-24

Date: 6/4/2022

Copy forwarded to the

- 1) ASDEO official colony
- 2) Head teacher GPS Municipal Committee Karak
- 3) Head teacher GPS Mita Wala Karak

Sub-Division Education Officer  
Karak

Before the D.E.O (M) Karak Part C- 8

Departmental Appeal against the order dated 2/6/23 through which appellants was transferred from GPs Municipal Committee Karak to GHS Dabb.

Respectfully Submitted,

1. That appellants is Civil Servant / class iv.
2. That appellants priority repeated transfer.
3. That prior to the present on 2.6.22 appellants was transferred to GPs Municipal Committee Karak.
4. That during the caretaker Govt with influence of Rahmat Salam VTK on 6.4.23 appellants again transfer to GHS Dabb.
5. That Right from beginning till date respondents default treating / treated appellants discrimination.
6. That transfer in question against the transfer policy.
7. That transfer is to obliged blue eyed person & clear direction of one Rahmat Salam VTK.
8. That order is against the law, rules & violation of Constitution.
9. That during the caretaker transfer is illegal. It is humbly prayed that order dated 2/6/23 may please be cancelled & restore ord 2.6.22.

24/4/23

Appellant

22 No 15/23

بعدالت

Before The Service Tribunal  
K.P.K. Peshawar

Appellant

2 پنجاب  
بنام

Qudrat Ali

vs

Distt Education Officer (M)

Korak & Others

مورد

مقدمہ

دعویٰ

م

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام مسرور سٹریٹس میں کیے گئے اپیل جو ب علی کوثر ایڈووکیٹس کی طرف سے لکھی گئی ہے اور

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تر رٹائنٹ کے واسطے طلبہ ذیلے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک درو پیا از عری دعویٰ اور درخواست ہر قسم کی تصدیق  
زر اس پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا اس کی برآمدگی  
اور سنسوفی ٹیز دائر کرنے اپیل گمرانی ز لمر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے  
اور اس کا ساختہ پرداخت منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے  
سب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب یا مقدمہ  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

Accepted

Handwritten signature and stamp

الرقوم 2 ناہ 2 اگست 2023

11/11/2023  
3469076945

العہدہ

مقام مسرور سٹریٹس میں کیے گئے اپیل جو ب علی کوثر ایڈووکیٹس کی طرف سے لکھی گئی ہے اور