

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 1663/2023

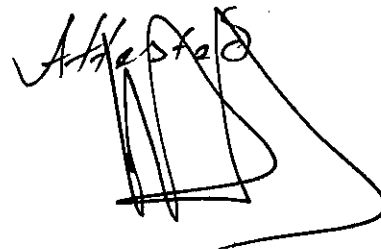
Mazhar Iqbal.....Appellant

VERSUS

Commissioner, Kohat and others.....Respondents

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**DEPUTY COMMISSIONER
HANGU**

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 1663/2023

Mazhar Iqbal.....Appellant
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 7347
Dated 05/09/23

Commissioner, Kohat and others.....Respondents

**JOINT PARA WISE COMMENTS ON BEHALF OF COMMISSIONER KOHAT
(RESPONDENT NO.01) AND DEPUTY COMMISSIONER HANGU
(RESPONDENT NO. 02)**

Respectfully Shewith:

Joint para wise comments on behalf of Commissioner Kohat Division Kohat (Respondent No.1) and Deputy Commissioner Hangu (Respondent No. 02) are as under:-

PRELIMINARY OBJECTIONS:

- i. That the appellant has got no locus standi.
- ii. That the appellant has no cause of action.
- iii. That the appeal is not maintainable in its present form.
- iv. That the appellant has not come to the court with clean hands.
- v. That the appeal is time barred and liable to be dismissed.

FACTS:

1. Correct (Annexure-A).
2. Correct (Annexure-B).
3. Correct (Annexure-C).

Grounds

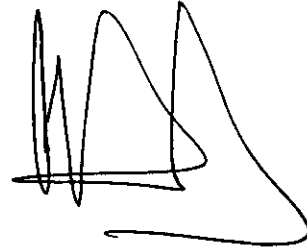
- A. Incorrect. The appellant has been transferred in the best public interest to ensure better service delivery in the district.

- B. Incorrect. The appellant has been transferred in accordance with the procedure in vogue. The appellant being Govt. servant has no right / choice to perform his duty at his own will.
- C. Incorrect. As explained in above Para A & B.
- D. Incorrect. The appellant was transferred on Administrative urgency to Halqa Samana to ensure peaceful conduct of day to day official affairs particularly Independence Day celebration of the instant year on this historical / visiting spot i.e. Samana.
- E. Incorrect. The appellant has unnecessarily approached this Hon'able tribunal to avoid his official obligations.
- F. Incorrect. The appellant has been treated in accordance with the rules / policy (Annexure-D).
- G. Incorrect. As explained in above Paras.
- H. Incorrect. The appellant is required to obey the law and he has no right for any grounds being devoid of any cogent reasons.

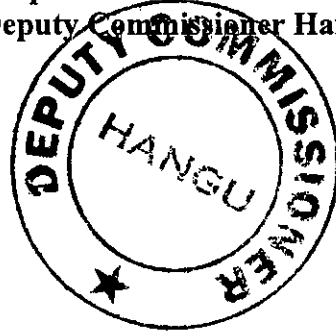
It is therefore, requested that this appeal may graciously be dismissed with cost.



Respondent No. 01
Commissioner, Kohat Division, Kohat
COMMISSIONER
KOHAT DIVISION KOHAT



Respondent No. 02
Deputy Commissioner Hangu



IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 1663/2023

Mazhar Iqbal.....Appellant

VERSUS

Commissioner, Kohat and others.....Respondents

REPLY ON APPLICATION ON BEHALF OF RESPONDENT NO. 01 & 02.

Respectfully Shewith,

1. The appellant has no locus standi to submit the instant appeal.
2. Appellant has got no cause of action.
3. Appellant has estopped to file the appeal.
4. There is nothing in the favor of appellant for grant of temporary injunctions being based on frivolous grounds and of no administrative significance.



Respondent No. 01
Commissioner, Kohat Division, Kohat



Respondent No. 02
Deputy Commissioner

DEPUTY COMMISSIONER
HANGU



Deputy Commissioner, Hangu
Tel: 0925- 621175-623968
Fax: 0925-620050
Email: dc.hangu@gmail.com
No. 206 /Estab/DC (II)
Dated: 11/05/2023

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	Sarozai/Doaba	Lodhi Khel
12.	Anjum Khanan	Muhammad Khwaja	Dallan
13.	Amjad Ali Khan	Samana	Races
14.	Umar Farooq	Togh Sarai	Naryab
15.	Naveed Alam	Barh Abbas Khel / Bilyamina	Ibrahimzai
16.	Muntazir Ali	Bandajat	Sarozai/Doaba
17.	Abid Hussain	Races	Togh Sarai
18.	Haidar Habib	Lodhi Khel	Kahi
19.	Zahccruddin	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 ATRA Thall till further orders.

dc

Deputy Commissioner
Hangu

Endst: 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/Addl: ACs District Hangu
5. Officials Concerned for strict compliance.

dc

Deputy Commissioner
Hangu

Attested

**DEPUTY COMMISSIONER
HANGU**



OFFICE OF THE DEPUTY COMMISSIONER, HANGU

Tel: 0925-621175 - 623968 Fax: 0925-620050

Email: dc.hangu@gmail.com

No. 783 /Etab/DC (H). Dated: 08 / 08 / 2023.

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**Endst: Even No. & Date.**

Copy 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

**DEPUTY COMMISSIONER
HANGU**

D/C

محکمہ پٹرول
11/08/23

محکمہ پٹرول
11/08/23

بکھنور 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 / کانسروخ کرانے ٹرانسفر آرڈر نمبری 08.08.2023 مورخہ 723/Estab/DC(H) جو کہ مسائل کا تبادلہ

سیریل نمبر 01 برہام مظہر اقبال پٹواری حلقہ خرشہ سے سائز جناب ڈپٹی کمشنر صاحب ہنگو کی جانب سے کیا گیا ہے۔ حالانکہ مسائل، حوالہ ڈپٹی

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

ٹرانسفر ہوا ہے اور مسائل 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 مسائل جناب کے زیر سایہ بطور پٹواری اپنے خدمات خرشہ ہنگو میں سرانجام دے رہا ہے اور پچھلے دو ماہ کے اندر مسائل 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 کی گئی ہے مگر پھر بھی جناب ڈپٹی کمشنر

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

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

کا خواہشمند ہے۔

۴۔ یہ کہ اس بابت مسائل کو جناب کی دادری مطلوب ہے اور ڈپٹی کمشنر صاحب ضلع ہنگو کے آرڈر مورخہ 08.08.2023 کو کنسروخ

فرمایا تھا کہ وہ ہے۔ اور مسائل کو اپنے موجودہ جگہ خرشہ پر ہی تعینات رہنے دیا جاوے اور علاقہ کے عوام کی خدمت کا موقع دیا جاوے۔

استدعا ہے کہ حسب درخواست درخواست دادری فرمائی جاوے۔

نقطہ: 11.08.2023

استدعا

15/08/23

15/08/23

11/8

مظہر اقبال ولد محمد اقبال سکند بڈھ میر پٹواری
حال پٹواری حلقہ خرشہ ہنگو

موبائل نمبر 0333-5832333

DEPUTY COMMISSIONER
HANGU



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

REGULATION WING

No. SO (Policy) (E&AD) 1-4/2023
Dated Peshawar, the 29th May, 2023

To

1. Additional Chief Secretary P&D Department Govt. of Khyber Pakhtunkhwa
2. Senior Member Board of Revenue, Govt. of Khyber Pakhtunkhwa
3. Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
4. All Divisional Commissioners in Khyber Pakhtunkhwa
5. All Heads of Attached Departments in Khyber Pakhtunkhwa
6. All Deputy Commissioners in Khyber Pakhtunkhwa

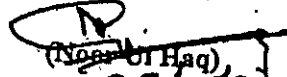
Subject: -
Dear Sir,

BAN ON POSTINGS AND TRANSFERS IN KHYBER PAKHTUNKHWA

I am directed to refer to the above cited subject and to convey that in view of the fragile fiscal position of the Provincial Government, the Hon'ble Chief Minister Khyber Pakhtunkhwa has been pleased to impose ban on inter-district posting and transfers of officers and officials under the Government of Khyber Pakhtunkhwa as per the following:

- i. There shall be complete ban on inter-district transfers in all the departments;
- ii. This ban shall not apply on transfers within the districts and within the Secretariat and Directorates. However, while proposing such transfers of officers/officials within the district, Directorates or the Secretariat, as the case may be, due diligence must be observed and tenure, suitability of the officers/officials for the posts and past performance must be taken into account;
- iii. In cases posting and transfer is necessitated due to some court orders or some administrative exigencies, ban relaxation will be obtained from Chief Minister through summary. For such posting/transfers, departments will put forth sound justifications. Subsequently in cases where NOC from Election Commission is required, cases will be taken up with ECP for ban relaxation by the concerned Administrative Departments.
- iv. This ban shall not apply on filling of vacant posts through recommendations of the Khyber Pakhtunkhwa Public Service Commission as Election Commission of Pakistan has already granted exemption in such cases.

Yours sincerely,


(Noor-ul-Haq)
Deputy Secretary (Policy) 1/29/23

ENDST: NO. & DATE EVEN

Copy is forwarded for information to:

1. Principal Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. CSO/PSO to Chief Secretary to Govt. of Khyber Pakhtunkhwa.
4. All Additional Secretaries/Deputy Secretaries/Section Officers in Establishment & Administration Department

D.C.	
A.D.C	
Sr.	Supdt
Dairy No	3602
Date	7/6/2023

Section Officer (Policy)

EA
Supdt.
8/6/23



DEPUTY COMMISSIONER
HANGU

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHAWA, PESHAWAR

Appeal No. :1663/2023

Mazhar Iqbal.....Appellant

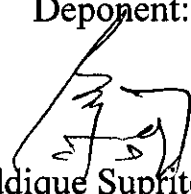
Versus

Commissioner Kohat & others.....Respondents

AFFIDAVIT

I, Umar Siddique, Superintendent (BPS-17), Deputy Commissioner Office, Hangu do hereby solemnly affirm and declare on oath that contents of the accompanying Parawise Comments on behalf of the Commissioner Kohat (Respondent No.1) and Deputy Commissioner Hangu(Respondent No. 02) are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal. *It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.*

Deponent:



Umar Siddique Supritendent O/o
Deputy Commissioner Hangu.
CNIC: 14101-0214971-9
Mobile No. 03329993999

NOOR KARIM ADVOCATE
M.A., LL.M (U.O.P)
04 SEP 2023
OATH COMMISSIONER /
NOTARY PUBLIC HANGU

OFFICE OF THE DEPUTY COMMISSIONER HANGU

AUTHORIZATION

Mr. Umar Siddique, Superintendent of this office is hereby authorized to submit affidavit & Para-wise comments in Appeal No. 1663/2023 titled Mazhar Iqbal VS Commissioner, Kohat & others on behalf of Commissioner Kohat (Respondent No. 01) and Deputy Commissioner Hangu (Respondent No. 02) in the Honorable Service Tribunal, Peshawar.

Deputy Commissioner
Hangu

DEPUTY COMMISSIONER
HANGU