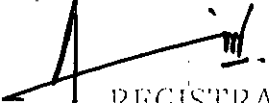


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 623/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.09.2023	<p>The implementation petition of Mr. Muhammad Bilal submitted today by Mr. Ahsan Bilal Langraw Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>12-0-2023</u>. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

P-07-A

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In Civil Misc/Execution Petition No _____ /2023

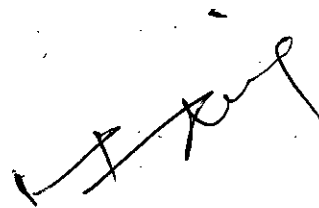
APPLICATION FOR EARLY FIXATION OF ABOVE TITLED
CASE: at principal seat at Peshawar.

RESPECTFULLY SHEWETH,

1. That an execution petition is being filed before this Honourable Court.
2. That the above titled petition is of an urgent matter and case is of D.I.KHAN.

It is, therefore, very humbly requested that keeping in view the facts, the same is requested to be fixed for an early date as soon as possible.

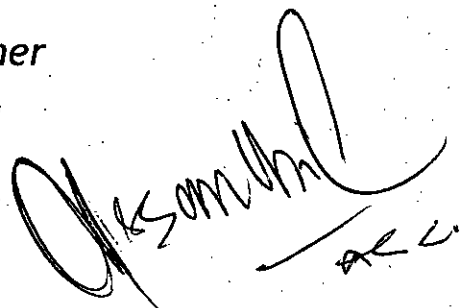
Dated: 11/09/2023



Petitioner

M. Bilal

Through



AHSAN BILAL LANGRAW

Advocate Supreme Court

**BEFORE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

In Civil Misc./Execution Petition No. 623 of 2023

Muhammad Bilal Vs. Govt. of K.P.K. etc
Civil Misc./Execution Petition

S#	Particulars of Documents	Annexure	Page No.
1.	Execution Petition and Civil Misc. Application <i>application for early hearing</i>	—	1-7(A)
2.	Copy of the D.O. Letter of the Advisor to Chief Minister	A	8-
3.	Copy of the transfer order dated 14.07.2023 <i>& Better copy</i>	B	9-10
4.	Copies of the service appeal with stay application <i>and order dated 11-8-2023</i>	C	11-14
5.	<i>Copy of the order dated 11.08.2023</i> <i>relating to the petitioner's</i> <i>dismissal under political pressure</i>	<i>D</i>	<i>15</i>
6.	Copy of the Notification bearing Endst No.2598-2602 dated 24.08.2023 <i>& arrival report</i>	E	15-16
7.	Copy of letter No.16087 dated 06.09.2023 of respondent No.3	F	17-18
8.	Copy of the Notification bearing Endst. No.4261-66/F. No.54/ADEOs/ (M)/Transfer D.I.Khan dated 08.09.2023 of respondent No.2 <i>& Better copy</i>	G	19
9.	Copy of pay slip of petitioner for the month of August 2023	H	20
10.	Copy of letter dated 01.09.2023 of respondent No.3 for "District Voter Education Committee"	I	21
11.	Copy of letter dated 05.09.2023 of Election Commission of Pakistan	J	22-24
12.	Vakalatnama	—	25

Yours Humble Petitioner

(Muhammad Bilal)

THROUGH COUNSEL

Dt. 11.09.2023

Malik Ahsan Bilal Langrah
Malik Ahsan Bilal Langrah
Advocate Supreme Court.

P-I

**BEFORE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Khyber Pakhtunkhwa
Service Tribunal

Civil Misc/Execution Petition No. 623 of 2023

Diary No. 7421

Dated 11/09/23

Muhammad Bilal, SST/ADEO (P&D), Office of DEO (Male) D.I.Khan.

PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Peshawar.
2. Director, Elementary & Secondary Education, Peshawar.
3. District Education Officer (Male), D.I.Khan.
4. Muhammad Rasheed SST (G) GMS Wanda Umar Khan under transfer case ADEO (P&D) at the O/O DEO (Male) D.I.Khan.

RESPONDENTS

**PETITION UNDER SECTION 7(2)(D) OF THE K.P.K.
PROVINCE SERVICE TRIBUNALS ACT FOR
IMPLEMENTATION/EXECUTION OF THE ORDER DATED
11.08.2023, PASSED IN SERVICE APPEAL
No.1635/2023.**

Respectfully Sheweth,

- i. That the petitioner was serving as Assistant District Education Officer (P&D) D.I.Khan and in the meanwhile he, due to political victimization i.e. on the basis of D.O. Letter of Advisor to Chief Minister, stood prematurely transferred to G.M.S. Wanda Umar Khan, and instead respondent No.4 having political backing was transferred and posted as ASDEO (P&D) D.I.Khan vide letter/transfer order dated 14.07.2023. Copies of the D.O. Letter

and transfer order dated 14.07.2023 are enclosed as **Annexure A & B.**

ii. That aggrieved of the transfer order dated 14.07.2023, the petitioner filed a Service Appeal No.1635/2023 before this Honourable Tribunal along with an application for the grant of interim injunction to suspend the operation of impugned transfer order. Copies of the service appeal with stay application are jointly enclosed as **Annexure C.**

iii. That this Honourable Court vide order dated 11.08.2023 was pleased to suspend the operation of impugned transfer order, however, in the meanwhile respondents exerted political pressure upon the petitioner and forcibly relieved him, however, petitioner did not assume the charge at the place of his impugned posting i.e. GMS Wanda Umar Khan. ~~_____~~

iv. That as the impugned transfer order dated 14.07.2023 was not completely acted upon and petitioner had not assumed the charge at GMS Wanda Umar Khan, therefore, in view of this partial compliance of the impugned transfer order, the Director Education vide Notification bearing Endst No.2598-2602 dated 24.08.2023, held the impugned order dated 14.07.2023 in abeyance. Copy of the Notification bearing Endst No.2598-2602 dated 24.08.2023 is enclosed as **Annexure E.**

v. That accordingly, petitioner resumed his position as ADEO(P&D) D.I.Khan, nevertheless, due to exertion of political pressure by respondent No.4, the respondent No.3 vide letter No.16087 dated 06.09.2023, informed the respondent No.2 that the transfer order dated 14.07.2023 was already acted upon, and thereby, concealed the fact that the same was partially acted upon. Copy of letter



Handwritten signature and initials, possibly 'D.I.Khan' and 'A.S.C.', written in black ink.

No.16087 dated 06.09.2023 of respondent No.3 is enclosed as **Annexure F.**

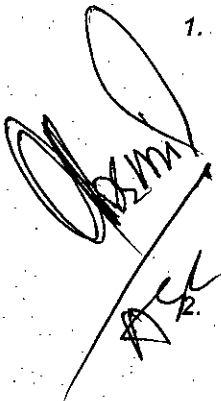
- vi. That, thereafter, the respondent No.2 vide Notification bearing Endst. No.4261-66/F. No.54/ADEOs/(M)/Transfer D.I.Khan dated 08.09.2023, cancelled the Notification dated 24.08.2023 and thereby practically restored the transfer order dated 14.07.2023. Copy of the Notification bearing Endst. No.4261-66/F. No.54/ADEOs/(M)/Transfer D.I.Khan dated 08.09.2023 of respondent No.2 is enclosed as **Annexure G.**
- vii. That aggrieved of the Notification dated 08.09.2023, and for effective implementation/execution of the order dated 11.08.2023 of this Honourable Tribunal, the petitioner is filing instant petition on, inter alia, the following grounds:

GROUND:

1. That, once the order dated 11.08.2023 of this Honourable Court was completely acted upon, and then such an action cannot be rolled-back by respondent at their own accord, without the notice and permission of this Honourable Tribunal.

That if respondents were having any reservations or grievances to the order dated 11.08.2023 and its onward compliance, then the better course was to place all such reservations/objections before this Honourable Tribunal; instead, due to extreme political pressure, issued Notification dated 08.09.2023 which by itself is contumacious, abominable and violative of the mandate of this Honourable Tribunal.

3. That in-fact the impugned transfer order dated 14.07.2023 was not completely acted upon and petitioner had not assumed the charge at GMS Wanda Umar Khan, therefore, in view of this partial action consequent upon impugned transfer order coupled with the fact that

A handwritten signature in black ink, appearing to be 'A. K. M.', is written over a diagonal line. Below the line, the initials 'A.K.' are written.

P-4

the transfer was politically motivated, the Director Education vide Notification bearing Endst No.2598-2602 dated 24.08.2023, held the impugned order dated 14.07.2023 in abeyance. Accordingly petitioner resumed his duties as ADEO (P&D) D.I.Khan, hence, no further action was required by respondents. Therefore, Notification dated 08.09.2023 is liable to be declared ineffective upon rights of the petitioner accrued to him by dint of order dated 11.08.2023 of this Honourable Tribunal.

4. That the order dated 11.08.2023 of this Honourable Tribunal is still operative as the petitioner, till date, holds the post of ADEO (P&D) D.I.Khan and in this regard his pay slip for the month of August 2023 (salary paid on 01.09.2023) is enclosed as **Annexure H**.

Moreover, the petitioner has been nominated for "District Voter Education Committee" by the respondent No.3 vide letter dated 01.09.2023 (**Annexure I**). Even, Election Commission of Pakistan too vide letter dated 05.09.2023 (**Annexure J**) directed the petitioner to participated in the training session for master trainers on 16 & 17 September, 2023. These are the letters which further prove the fact that petitioner still holds the post of ADEO(P&D) D.I.Khan.

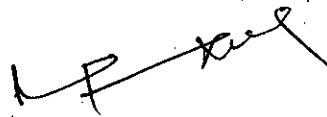
5. That respondents were bound by the verdict dated 11.08.2023 of Service Tribunal, but by issuing Notification dated 08.09.2023 they have in-fact shown dis-respect and disregard to the rule of law and the authority of this Honourable Tribunal. Thus, '*actions speak louder than words*' respondents are giving a clear message that they have no care of the directions of this Honourable Tribunal and they have provenly shown their disinterest to obey the verdict of this worthy Tribunal hence.

6. That the counsel for petitioner may be allowed to argue additional grounds at the time of arguments.

P-5

It is, therefore, humbly prayed that the respondents may please be directed to implement the Order dated 11.08.2023 in the letter and spirit and thereby withdraw the Notification dated 08.09.2023; with such other relief as may be deemed proper and appropriate by this Honourable Tribunal in the attending circumstances of the case.

Yours Humble Petitioner




(Muhammad Bilal)

THROUGH COUNSEL



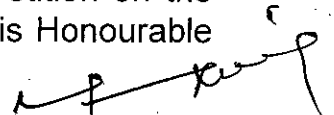
**Malik Ahsan Bilal Langrah
Advocate Supreme Court,
Stationed at D.I.Khan.**

Dt. 11.09.2023



CERTIFICATE

I, *the petitioner*, do hereby certify that it is the first petition on behalf of petitioner and no other Misc./Execution Petition on the subject has earlier been filed by the Petitioner in this Honourable Tribunal.



Petitioner

AFFIDAVIT:

I, *the Petitioner*, do hereby solemnly affirm & Declare on Oath that the contents of accompanying Misc/Execution Petition are true & correct to the best of my knowledge & belief and that nothing has been concealed from this Honourable Court.



**Identified by Counsel:
Malik Ahsan Bilal Langrah ASC**



Deponent

P-6

**BEFORE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

In Civil Misc/Execution Petition No. _____ of 2023

Muhammad Bilal Vs. Govt. of K.P.K. etc
Civil Misc./Execution Petition

**URGENT APPLICATION FOR THE GRANT OF INTERIM RELIEF
TO PLEASE SUSPEND THE OPERATION OF NOTIFICATION
DATED 08.09.2023, ISSUED BY RESPONDENT NO.2, TILL
FINAL OUTCOME OF THE EXECUTION PETITION.**

Respectfully Sheweth,

1. That an Execution Petition is being filed before this Honourable Court and grounds of same may please be considered as an integral part of this application.
2. That the applicant has got a strong prima facie case on the basis of law as well as facts and there is every likelihood of the success of Execution Petition hence, balance of convenience tilts in favour of the applicant.
3. That the applicant still holds the post of ADEO (P&D) D.I.Khan and on the basis of Notification dated 08.09.2023, respondents are pressurising the petitioner to relinquish the charge of the said post, which otherwise violative of the mandate of this Honourable Tribunal vide order dated 11.8.2023. Thus, non-grant of interim relief, as prayed for, would effect the rights of applicant adversely and it would be an irreparable loss for him.

It is, therefore, humbly prayed that on acceptance of the instant Civil Misc. Application the operation of Notification dated

P-7

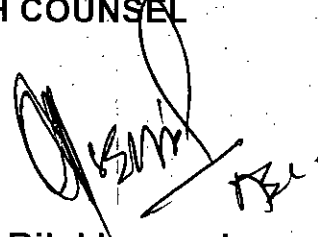
08.09.2023, issued by respondent No.2 may please be suspended till decision of the Execution petition, and in the meanwhile, status quo may kindly be ordered to be maintained.

Yours Humble Petitioner



(Muhammad Bilal)

THROUGH COUNSEL

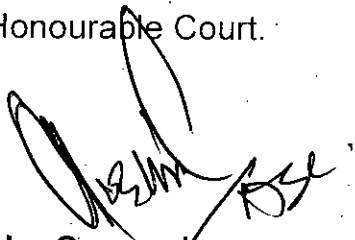


Dt. 11.09.2023

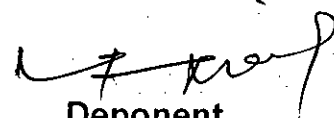
Malik Ahsan Bilal Langrah
Advocate Supreme Court,
Stationed at D.I.Khan.

AFFIDAVIT:

I, *the Petitioner*, do hereby solemnly affirm & declare on Oath that the contents of this Civil Misc. application are true & correct to the best of my knowledge & belief and that nothing has been concealed from this Honourable Court.



Identified by Counsel:
Malik Ahsan Bilal Langrah ASC



Deponent

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT.

20

Relief E&SED


Pl. Transfer the following officials in the relaxation of Ban.

1. Muhammad Rasheed
SST (G) from GMS
Wanda Umar Khan
to ADEO (P&D) in
o/o DEO (M) D.I. Khan.

AYM


2. Muhammad Bilal
~~was~~ ADEO (P&D) in
o/o DEO (M) D.I. Khan
to SST (G) GMS
Wanda Umar Khan.

DD-I (M)


AG
13/7/2022

Rahmat Salam Khattak
Advisor to Chief Minister
For Elementary &
Secondary Education

Subhan
17/7/22

P-9

BETTER COPY

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION:-

Consequent upon the relaxation of ban on posting/transfer inside the district accorded by the Competent Authority as per para-3 of the letter issued vide No. SO(5M)E&SED/5-17/2023 Peshawar dated 12.06.2023 and approval of the Competent Authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa), the transfer/posting of the following officers/officials are hereby ordered in their own pay & scale (s) with immediate effect in the best interest of public service.

S #	Name & Designation	From	To (posted as)	Remarks
1	Muhammad Ehsan Khan SSt	Services placed at the disposal of DEO (M) D.I. Khan	ASDLO (M) Circle Chodwan D.I.Khan	Vice S.No.2
2	Mr. Arjumand Khan SST	ASDEO (M) Circle Chodwan D.I.Khan	Services placed at the disposal of DEO (M) D.I.Khan	
3	Muhammad Rasheed SST (G)	GMS Wanda Umar Khan	ADEO (P&D) at the O/O DI.O(M) D.I.Khan	Vice S.No.4
4	Muhammad Bilal SST	ADEO (P&D) at the O/O DI.O(M) D.I.Khan	GMS Wanda Umar Khan	Vice S.No.3

TERMS & CONDITIONS:

1. Posting/Adjustment of Teaching Cadre Officer shall be considered as stop-gap arrangement till the arrival of Management Cadre officer.
2. The order of the above named SSTs will be effective subject to the condition that they will give an undertaking/affidavit on legal paper/stamp paper to DEO (M) D.I.Khan to the effect that he will not claim seniority of Manager Cadre.
3. Charge Report should be submitted to all concerned.
4. No TA/DA is allowed
5. The terms & conditions mentioned in their appointment order as SST Teaching Cadre will remain intact.

[Handwritten signature]
SST

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No.7156-60/F.No.54/ADE/Transfer/D.I.Khan

Dated 14/07/2023

Copy forwarded to the:

1. District Education Officer (M) D.I.Khan
2. District Account officer D.I.Khan.
3. Officer Concerned
4. PA to Director E&SE KPK Peshawar.
5. Master Copy:

Assistant Director (Estb M-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa



P-10 384

5

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

NOTIFICATION:

Consequent upon the relaxation of ban on posting/transfer inside the district accorded by the Competent Authority as per para-3 of the letter issued vide No. SO (SM) E&SE/D/5-17/2023 Peshawar dated 12-06-2023 and approval of the Competent Authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar), the transfer/posting of the following officers/officials are hereby ordered in their own pay & scale (s) with immediate effect in the best interest of public service.

Sl#	Name & Designation	From	To (posted as)	Remarks
1	Muhammad Ehsan Khan SST	Services placed at the disposal of DEO (M) D.I Khan	ASDEO (M) Circle Chodwan D.I Khan	Vice S No 2
2	Mr. Arjumand Khan SST	ASDEO (M) Circle Chodwan D.I Khan	Services placed at the disposal of DEO (M) D.I Khan	
3	Muhammad Rasheed SST (G)	GMS Wanda Umar Khan	ADEO (P&D) at the O/O DEO (M) D.I Khan	Vice S No 2
4	Muhammad Bilal SST	ADEO (P&D) at the O/O DEO (M) D.I Khan	GMS Wanda Umar Khan	Vice S No 3

TERMS & CONDITIONS:

1. Posting/Adjustment of Teaching Cadre Officer shall be considered as stop-gap arrangement till the arrival of Management Cadre officer.
2. The order of the above named SSTs will be effective subject to the condition that they will give an undertaking/affidavit on legal paper/stamp paper to DEO (M) D.I. Khan to the effect, that he will not claim seniority of Management Cadre.
3. Charge Report should be submitted to all concerned.
4. No TA/DA is allowed.
5. The terms & conditions mentioned in their appointment order as SST Teaching Cadre will remain intact.

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. 7156-60 F.No.54/ADEOs/Transfer/ D.I. Khan

Dated, 14/07 2023

Copy forwarded to the:

1. District Education Officer (M) D.I. Khan.
2. District Accounts Officer D.I. Khan.
3. Officers Concerned.
4. PA to Director E&SE KPK Peshawar.
5. Master Copy.

Assistant Director (Estab M-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa

14/7/2023

ANX-C/P-11

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 1635 /2023



Mr. Muhamamd Bilal SST (BPS-16),
ADEO (P&D) at the O/O DEO (Male) D.I.Khan under transfer to
GMS Wanda Umar Khan, D.I.Khan.

..... APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), D.I.Khan
- 4- Mr. Muhammad Rasheed SST (G) GMS Wanda Umar Khan under transfer case ADEO (P&D) at the O/O DEO (Male) D.I.Khan.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED TRANSFER ORDER DATED 14.07.2023 WHEREBY THE APPELLANT HAS BEEN PREMATURELY TRANSFERRED IN UTTER VIOLATION OF TRANSFER/ POSTING POLICY AND AGAINST THE APPELLATE ORDER DATED 08.08.2023 WHEREBY THE DEPARTMENTAL APPEAL HAS BEEN REJECTED/ FILED ON NO GOOD GROUNDS.

PRAYER:

That on acceptance of this appeal the impugned transfer order dated 14.07.2023 to the extent of appellant and private respondent No.4 and appellate order dated 08.08.2023 may very kindly be set aside and the appellant be retained as ADEO (P&D) at the O/O DEO (Male) D.I.Khan. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWENI
ON FACTS

Brief facts giving rise to the present appeal are as

under:

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

- 1- That appellant is the employee of the respondents department and performing his duty as ADEO (P&D) at the O/O DEO (Male) D.I.Khan since 16.03.2021 with zeal and zest and up to the entire satisfaction of her superiors. Copy of the order dated 16.03.2021 is attached as annexureA.
- 2- That while performing his duty with zeal and zest, the appellant was transferred to GMS Wanda Umar Khan prematurely vide impugned notification dated 14.07.2023 and the private respondent No.4 was posted against the post of appellant. Copy of the notification is attached as annexure.....B.
- 3- That appellant feeling aggrieved from the impugned transfer notification dated 14.07.2023 preferred departmental appeal on 24.07.2023 before the appellate authority which has been rejected vide appellate order dated 08.08.2023 on no good grounds. Copies of the departmental appeal and appellate order are attached as annexureC & D.
- 4- That it is pertinent to mentioned here the appellant having the MSc in the Management Sciences and was performing his duty with devotion and with professional skills, in this respect on 13.05.2023 a certificate of performance / appreciation certificate was issued in favour of the appellant by the concerned DEO. Copy of the degree and appreciation certificate is attached as annexureE.
- 5- That appellant having no other efficacious remedy but to file the instant appeal on the following grounds amongst the others.

GROUND:

- A- That impugned transfer notification dated 14.07.2023 and appellate order dated 08.08.2023 issued by the respondents are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated in accordance with law and rules by the respondent department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned transfer notification dated 14.07.2023 and appellate order dated 08.08.2023 is violative of Clause-I, IV & XIII of transfer/posting policy of Provincial Government as the same is not in the best interest of public service as well as is premature. Copy of Transfer posting policy is attached as Annexure
- D- That according to the transfer and posting policy of the respondent's

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 EXAMINED
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

P-13

transfer notification dated 14.07.2023 and appellate order dated 08.08.2023.

E- That the impugned transfer notification dated 14.07.2023 and appellate order dated 08.08.2023 appellate order has been issued by the respondents in arbitrary and mala fide manner, therefore, the same is not tenable in the eye of law and liable to be struck down.

F- That the impugned transfer notification dated 14.07.2023 and appellate order dated 08.08.2023 and appellate order are not passed in the public interest which is clear violation of judgments passed by this Honourable tribunal and Peshawar High Court, Peshawar.

G- That it is worth mentioning that the Election Commission of Pakistan vide notification dated 22.01.2023 banned all kinds of transfers/postings in the provinces of Khyber Pakhtunkhwa and Punjab. Copy of the Notification dated 22.01.2023 is attached as annexure G.

H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal may kindly be accepted as prayed for.

Dated: 09.08.2023

Through: **APPELLANT**
Kamran Khan
KAMRAN KHAN
UMAR FAROOQ
& *M. Mehmood Jan*
MEHMOOD JAN
ADVOCATES

AFFIDAVIT

I, Mr. Muhamamd Bilal SST (BPS-16), ADEO (P&D) at the O/O DEO (Male) D.I.Khan do hereby solemnly affirm 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.

EPC/ENT

Certified to be true copy
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

P-14

11.08.2023

1. Appellant alongwith counsel present and submitted an application for placing on file necessary documents. Application is allowed and documents are placed on file.



2. Learned counsel for the appellant argued that appellant was transferred vide impugned order dated 14.07.2023 against which he filed departmental appeal on 24.07.2023 which was rejected on 08.08.2023. The appellant filed instant service appeal on 09.08.2023 under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. He argued that despite ban imposed by Election Commission of Pakistan, appellant was prematurely transfer without completing normal tenure which is against the transfer/posting policy. He further argued that the appellant was transferred on political influence and not in the public interest. The appeal in hand is admitted to full hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant. To come up for written reply/comments on 25.08.2023 before S.B. P.P given to learned counsel for the appellant.

3. Alongwith the appeal there is an application of suspension of operation of impugned order dated 14.07.2023. In the meanwhile, operation of impugned order suspended till the date fixed, if not already acted upon.

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

R
(Rashida Bano)
Member (J)

*KaleemUllah

Date of Presentation of Application 11/8/23
Number of Words 47
Copying Fee 20
Urgent 23/
Total 23/
Name of Copyiest _____
Date of Completion of Copy 11/8/23
Date of Delivery of Copy 11/8/23

ANX-E/P-15

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

Phone: 091-9225344

Email: estabshmentmale1@gmail.com



NOTIFICATION

In compliance of the order dated 11-08-2023 passed by the Honorable Service Tribunal in Service appeal No. 1635/2023 case Titled Muhammad Bilal versus Government, the Notification bearing Endst: No. 7156-60/F.No. 54/ADEO/Transfer/DI Khan dated 14-07-2023 is hereby held in abeyance to the extent of Muhammad Bilal SST failing at S.No. 04 till final disposal of the Titled appeal by the Honorable Service Tribunal.

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 3578 - 2602 F.NO. 54/ADEOs (M) Transfers/D.I.Khan Dated 24/08 2023

Copy forwarded to the:

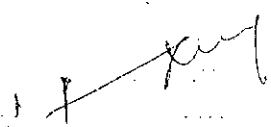
1. Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Learned Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. District Education Officer (M) D.I.Khan.
4. District Accounts Officer D.I.Khan.
5. Section Officer (Lit-II) Elementary & Secondary Education Department.
6. Assistant Director (Lit-II) Local Directorate.
7. Officer Concerned.

Assistant Director (Estab-M1)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

P-16

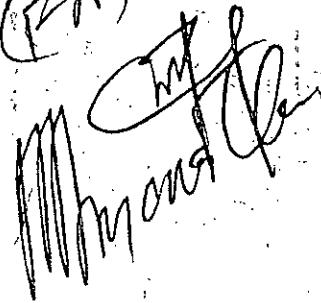
ARRIVAL REPORT

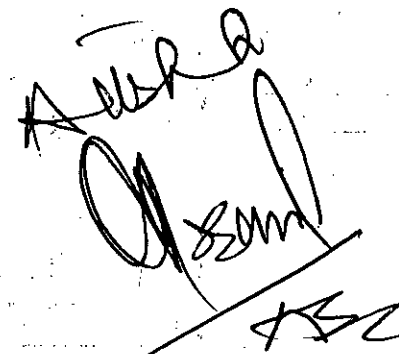
1 MR. MUHAMMAD BILAL Submit my Arrival today i.e 26-08-2023 against the post of ADEO (P&D) vide honorable Sevice Tribunal KPK order dated 11-08-2023 & Director Elementry & Secondary Education KPK Peshawar Endst No.2598-2602 Dated 24-08-2023.


Muhammad Bilal
ADEO (P&D)

Copy for information to:-

1. Learned Registrar KPK Service Tribunal Peshawar
2. PS to Secretery Elementry & Secondary Education.
3. PA to Director Elementry & Secondary Education.
4. District Account Officer D.I.Khan.

Arrival Accepted
on 26/8/23 (P&D)



ASL

ANIX - F / PIA (P)

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DIKHAN.

42

No. 16087 /

Dated Dikhan the 06 / 09 / 2023.

To

The Director,
E&SE Khyber Pakhtunkhwa,
Peshawar.

Subject:- APPEAL/APPLICATION.

Memo:-

Please Enclosed find here with self-explanatory Application in respect of Mr. Muhammad Rasheed EX-ADEO (P&D), with the remarks that his orders was acted upon accordingly, His Charge Report/Arrival Report and Source-II form are attached. Hence the same is send for your kind necessary action Please.

Handwritten signature and initials

Handwritten signature
DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN.
Dera Ismail Khan

DD-I (M)
Process immediately
being court case

Handwritten signature
07 / 09 / 2023

513
7/9/23

NXX-G/P-18

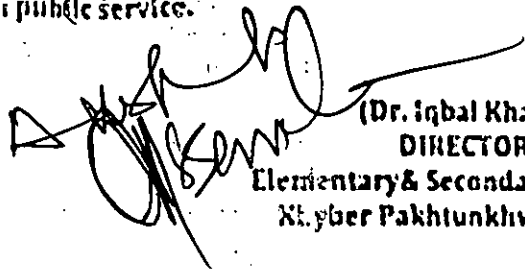


**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR**

NOTIFICATION

1. Whereas the appellant, namely Muhammad Bilal SST(07-16)/ADLO P21 at the office of District Education Officer (M) D.I Khan has invoked the constitutional jurisdiction under Article-212 of Islamic Republic of Pakistan, 1973 through filing Service Appeal No. 1635/2023 before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar against the Notification dated 11-07-2023, whereby, the appellant has been transferred from the post of ADLO (P21) to Lt. Wanda Umer Khan. Moreover, the appellant has also filed application for suspension of operation of the impugned order before the Honorable Court.
2. And whereas, as a result thereof, vide order dated 11-08-2023 of the Honorable Service Tribunal Peshawar, the operation of the impugned order has been suspended with the condition "It has already acted upon". In this regard, the Competent Authority complied with the order issued by the Honorable Tribunal & vide Notification bearing Enst No. 2598-2602 dated 24-08-2023 the impugned order dated 24-07-2023 was notified "as held in abeyance".
3. And whereas, in the meanwhile, the DEO (M) D.I Khan has submitted report to the Director of E&SE vide office letter No.16007 dated 06-09-2023 by stating therein that the impugned order dated 24-07-2023 has already been acted upon by the appellant as evident from the check, relinquished & arrival report as well as source-II submitted to the DAO concerned.
4. And whereas, in view of the report of the DEO (M) D.I Khan, it is evident that the conditional status-quo order dated 11-08-2023 is no more in field in favor of the appellant as per the directions of the Honorable Tribunal, hence, to meet the ends of justice, the Notification dated 24-08-2023 is liable to be re-called.

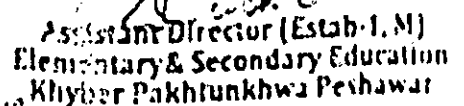
Now therefore, in compliance of the order dated 11-08-2023 of the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar & after going through the whole case record including report of the DEO (M) D.I Khan dated 06-09-2023, the undersigned being Competent Authority in the instant case, is of the considered view that the status-quo granted vide the order dated 11-08-2023 is no more in field as it has already been acted upon by the appellant. Hence, the Notification bearing Enst No. 2598-2602 dated 24-08-2023 is hereby recalled till the final disposal of the pending Service Appeal No. 1635/2023 before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar with immediate effect in the interest of public service.


(Dr. Iqbal Khan)
DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Enst. No: W261-66 / F.No. 54/ADEOs/(M)/Transfers D.I Khan

Dated Peshawar the 08/09/2023

- Copy forwarded for information & action to:**
1. Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
 2. Learned JAG Khyber Pakhtunkhwa Service Tribunal Peshawar.
 3. District Education Officer (Male) D.I Khan.
 4. District Accounts Officer D.I Khan.
 5. Section Officer (Lit-II) E&SE Department Khyber Pakhtunkhwa.
 6. Deputy Director (Legal) E&SE Khyber Pakhtunkhwa.
 7. Officer concerned.
 8. Office copy.


Assistant Director (Estab-I, M)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

P-17

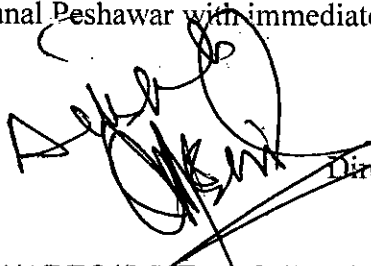
Better Copy

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA

NOTIFICATION

1. Where as the appellant, namely Muhammadi Bilal SST (BS-16)/ADEO P&XD at the office of District Education Officer (M) DI Khan has involved invoked the constitutional jurisdiction in the Article 212 of Islamic Republic of Pakistan, 1973 through filling a service appeal No. 1635/2023 before the Hon'able Khyber Pakhtunkhwa Service Tribunal Peshawar against the notification dated 14.07.2023, whereby, the appellant has been transferred from the post of ADO P&D to GMS Wanda Umer Khan. Moreover, the appellant has also filed application for suspension of operation of the impugned Order before the Hon'able Court.
2. and whereas as a result thereof, vide order dated 11.08.2023 of the Hon'able Service Tribunal Peshawar, the operation of the impugned order has been suspended with the condition "if not art leady acted upon". In this regard, the competent authority compiled with the order ibid of the Hon'able Tribunal and vide notification bearing endorsement No. 2598-2602 dated 24.08.2023 the impugned order dated 24.07.2023 was notified "as held in abeyance".
3. And whereas, in the meanwhile, the DEO (M) DI Khan has submitted report to the Directorate E&SE vide office letter No. 16087 dated 06.09.2023 by standing wherein that the impugned order dated 24.7.2023 has already acted upon by the appellant as evidence from the charge relinquished and arrival report as well as source II submitted to the DAO concerned.
4. And whereas, in the view of the report of the DEO (M) DI Khan, it is evident that the conditional status quo order dated 11.08.2023 is no more in field in favor of the appellant as per the directions of the Hon'able Tribunal, hence, to meet the end of justice, the notification dated 24.08.2023 is liable to be re-called.

Now therefore, in compliance of the order dated 11.08.2023 of the Hon'able Khyber Pakhtunkhwa Service Tribunal Peshawar and after having gone through the whole case record including report of DEO (M) DI Khan dated 06.09.2023, the undersigned being competent authority in the instant case, is off the considered view that the status quo granted vide the order dated 11.08.2023 is now more in the field as it has already been acted upon by the appellant. Hence, the notification bearing endorsement No 2598-2602 dated 24.08.2023 is hereby re-called till the final disposal of the pending service appeal No. 1635/2023 before the Hon'able Khyber Pakhtunkhwa Service Tribunal Peshawar with immediate effect in the interest of public service.



(Dr. Iqbal Khan)

Director Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst No. 4261-66/F.No. 54/ADEO/(M)/TransfcrDI Khan

Dated Peshawar the 08/09/2023

Copy forwarded to the:-

1. Learned Registrar Khyber Pakhtunkhwa Peshawar.
2. Learned AAG Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. District Education Officer Male DI Khan.
4. District Account Officer DI Khan.
5. Section Officer (LIT-II) E&SD Department KPK.
6. Deputy Director (Legal) E&SE Khyber Pakhtunkhwa.
7. Officer concerned.
8. Office Copy.

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Dist. Govt. KP-Provincial
District Accounts Office D.I.Khan
Monthly Salary Statement (August-2023)



Personal Information of Mr MUHAMMAD BILAL d/w/s of MUHAMMAD YOUNUS

Personnel Number: 00207109 CNIC: 1210194344473 NTN:
Date of Birth: 16.08.1988 Entry into Govt. Service: 14.05.2014 Length of Service: 09 Years 03 Months 019 Days

Employment Category: Vocational Temporary

Designation: ASSISTANT DISTRICT EDUCAT 80001837-DISTRICT GOVERNMENT KHYBE

DDO Code: DI6297-

Payroll Section: 002

GPF Section: 001

Cash Center:

GPF A/C No:

GPF Interest applied

GPF Balance:

522,826.00 (provisional)

Vendor Number: 30476612 - MUHAMMAD BILAL PLS-0215623335 UBL

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 16

Pay Stage: 6

Wage type		Amount	Wage type		Amount
0001	Basic Pay	41,630.00	1001	House Rent Allowance 45%	4,091.00
1210	Convey Allowance 2005	5,000.00	1300	Medical Allowance	1,500.00
2315	Special Allowance 2021	3,500.00	2341	Dispr. Red All 15% 2022KP	3,977.00
2347	Adhoc Rel Al 15% 22(PS17)	3,977.00	2378	Adhoc Relief All 2023 35%	14,570.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-4,960.00	3501	Benevolent Fund	-1,500.00
3609	Income Tax	-707.00	3990	Emp.Edu. Fund KPK	-170.00
4004	R. Benefits & Death Comp:	-650.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

Payable: 8,473.60 Recovered till AUG-2023: 1,414.00 Exempted: 0.90 Recoverable: 7,060.50

Gross Pay (Rs.): 78,245.00 Deductions: (Rs.): -7,987.00 Net Pay: (Rs.): 70,258.00

Payee Name: MUHAMMAD BILAL

Account Number: PLS-0215623335

Bank Details: UNITED BANK LIMITED, 210524 CIRCULAR ROAD CIRCULAR ROAD,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: DIKHAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: nbilalk1@gmail.com

System generated document in accordance with APPM 4.6.12.9(970929/26.08.2023/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/01.09.2023/16:52:11)

ANX-I/P-221



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN

No. 15701 /F.60/ECPI/ADEO (P&D)

Dated D.I.Khan the 01 / 09 /2023

To,

The District Election Commissioner
Dera Ismail Khan

Subject: RE-STRUCTING AND PROVISION OF FUNDS FOR DISTRICT VOTER
EDUCATION COMMITTEES (DVECS) ACROSS THE COUNTRY.

Memo.

Reference your letter No.F.1(53/2023-MCO (DEC) dated 01-09-2023, on the
subject cited above.

It is submitted for your kind honor that the following officer (BPS-16) is here by
nominated for further process.

S#	Name	Designation	Department	Contact Number
1.	Muhammad Bilal	ADEO (P&D)	Education	0333-9967044

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN

Endst; No. _____

Copy of the above is forwarded to the:-

1. Deputy Commissioner D.I.Khan.
2. Deputy Director (Election) Khyber Pakhunkhwa Peshawar.
3. ADEO (P&D) local office.
4. Master File.

DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN



ANX-J/P-22

No.F.7 (1)/2021-ElS (DEC)
OFFICE OF THE
DISTRICT ELECTION COMMISSIONER
D.I.KHAN

Al-Waris City near Bah-e-Dera
September 05, 2023

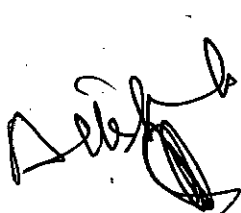
To

1. The Vice Chancellor, Gomal University D.I.Khan.
2. The Principal, RPDC (Male) D.I.Khan.
3. The Principal, GCMS D.I.Khan.
4. The Principal, GDC No.02 D.I.Khan.
5. The Principal, GDC No.03 D.I.Khan.
6. The Principal, GCT D.I.Khan.
7. The Principal, GGDC No.01 D.I.Khan.
8. The Principal, GGDC No.03 D.I.Khan.
9. The Principal, GGDC Paharpur D.I.Khan.
10. The District Education Officer (Male), D.I.Khan.
11. The District Education Officer (Female), D.I.Khan.

Subject: - TRAINING OF MASTER TRAINERS (ToMT) IN RESPECT OF UPCOMING GENERAL ELECTIONS.

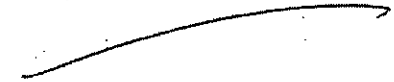
Kindly refer to the Provincial Election Commissioner, Khyber Pakhtunkhwa Peshawar office letter No.F.1 (8)/2022-Trg-GE-2023 (PEC) Vol-II dated 1st September, 2023 on the subject noted above and to state that the Hon'ble Election Commission has approved training plan for 02-days training of Master Trainers to be conduct on 16th to 17th September 2023 in Sheraton Guest House near Circuit House D.I.Khan.

2. In this regard, you are therefore requested to spare the concerned nominated master trainers, serving under your jurisdiction, from their regular duties during the said period. List of Master Trainers is attached for ready reference.


(ABDUL RAUF KHAN)
District Election Commissioner
D.I.Khan

Copy forwarded for information to:

1. The Regional Election Commissioner, D.I.Khan Division, D.I.Khan.
2. The Deputy Commissioner, D.I.Khan.


(ABDUL RAUF KHAN)
District Election Commissioner
D.I.Khan

P-23

LIST OF MASTER TRAINERS

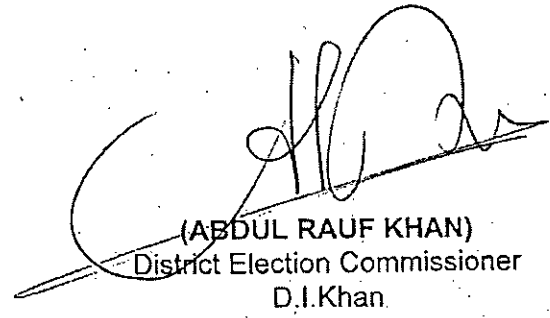
S. No.	Name	Designation	BPS	Place of Posting
1	2	3	4	5
1	Atiq Ur Rahman	Senior Instructor	19	RPDC (Male), D.I.Khan
2	Muhammad Ali Siddiqui	Principal	18	GHSS Daraban Khurd, D.I.Khan
3	Saqib Tanveer	Principal	18	GHSS Shorkot, D.I.Khan
4	Imran Hameed	Principal	18	GHSS Kech, D.I.Khan
5	Sher Zaman Khan	Assistant Professor	18	IBA, Gomal University, D.I.Khan
6	Irfan Ullah	Lecturer	17	Govt Degree College No.02, D.I.Khan
7	Raza Ullah Khan	Lecturer	17	Govt Degree College No.03, D.I.Khan
8	Amir Ahmad	Subject Specialist	17	GHSS Mandhra Kalan, D.I.Khan
9	Shujaat Ali	Lecturer	17	GCT, D.I.Khan
10	Muhammad Irfan	Assistant Professor	18	GCMS, D.I.Khan
11	Muhammad Bilal	ADEO (P&D)	16	Office of the DEO (Male), D.I.Khan
12	Muhammad Ramzan	Subject Specialist (IT)	17	GHSS No.01, Paharpur
13	Nayab Tabassum	Assistant Professor (Maths)	18	Govt Girls Degree College No.03, D.I.Khan
14	Rukhsana Bibi	Subject Specialist (Maths)	17	GGHSS Paharpur, D.I.Khan
15	Naheeda Khan	Subject Specialist (Urdu)	17	GGHSS Paroa, D.I.Khan
16	Zainab Habib	Assistant Professor (Physics)	18	Govt Girls Degree College Paharpur, D.I.Khan

[Handwritten signatures and initials]

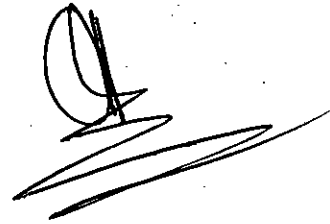
P-23

S. No.	Name	Designation	BPS	Place of Posting
1	2	3	4	5
17	Hina Rehman	Lecturer	17	Govt Girls Degree College No.01, D.I.Khan
18	Rehana Yasmin	Independent Monitor	—	SRSP, D.I.Khan
19	Salma Shaheen	Assistant Professor	18	Govt Girls Degree College Paharpur, D.I.Khan
20	Syeda Balghan Zahra	Assistant Professor	18	Govt Girls Degree College No.01, D.I.Khan

Dated: 05.09.2023.


(ABDUL RAUF KHAN)
District Election Commissioner
D.I.Khan.





MALIK AHSAN BILAL LANGRAW
ADVOCATE SUPREME COURT.

SUPREME COURT NO.5412 & KPK B.C NO.0929

K.P ST Peshawar

بعدالت جناب

Petitioners منجانب

M. Bilal Langraw et al

M/s. Execution Petition

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی وجوابدی برائے پیشی یا تصفیہ مقدمہ بمقام Pestana کیلئے

ملک احسن بلال لنگراہ ایڈووکیٹ سپریم کورٹ آف پاکستان

کو سب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو برو عدالت ہذا حاضر ہونا چاہتا ہوں گا۔ اور ہر وقت پکارتے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پشہری کے علاوہ کسی جگہ یا پشہری کے اوقات سے پہلے یا چھپے یا بروز تعطیل یہی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پشہری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پشہری کے اوقات کے آگے چھپے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جمانہ واپس کرنے کے بھی، موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کئی سخت پروا خط صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و لکھ تانی ایڈوانس گرانٹی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار یہ وصول کرنے اور رسید داخل کرنے اور دینے اور ہر قسم کے بیان دینے اور اس پر ثالثی یا راضی نامہ و فیصلہ برحلاف کرنے، اقبال ڈگری کا بھی اختیار ہوگا۔ اور اس صورت مقرر ہونے تاریخ پیشی مقدمہ مذکور ہر دن از پشہری صدر پیروی مقدمہ مذکورہ نظر ثانی رائیل و گرانٹی و ہر آمدگی مقدمہ یا منسوخی ڈگری یا کٹرف یا درخواست حکم استثنائی یا ترقی یا ترقی ٹیل از فیصلہ اجراءے ڈگری لکھی صاحب موصوف کو بشرط ادا ایگی علیحدہ جمانہ پیروی کا اختیار ہوگا اور تمام ساختہ پروا خط صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل یا گرانٹی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا پیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ایسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں۔ اور دروہان مقدمہ میں جو کچھ ہر جانہ التواء پڑا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پیروی کیلئے تاریخ پیشی تسلیم کرنا پڑے گا۔ اور صاحب موصوف کو اپورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ عدالت نامہ لکھ دیا ہے تاکہ سند ہے۔

سورہ 11 ماہ اکتوبر 2022

اور اچھی طرح سمجھ لیا ہے اور منظور قبول ہے۔

M. Bilal - Petitioner