

(1)

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar.

In Service Appeal No. 1061/2023.

Kashif.....Versus..... SMBR, Khyber Pakhtunkhwa & others.

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3.	Copy of the Transfer order dated 09-03-2023 in r/o Sajid Ali NT Miryan to Tehsil Bannu.	"B"	6
4.	Copy of the Transfer order dated 24-03-2023 in r/o Sajid Ali NT from Bannu to Naurang.	"C"	7
5.	Copy of the Transfer order dated 24-03-2023 in r/o Turab Shah/Respondent No. 3 NT from Naurang to Bannu.	"D"	8

PETITIONER

Through;



Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Dated; 18/09/2023.

OFFICE: Flat # C-1 Haji Murad Plaza, Opp: Bank of Punjab, Dalazak Road, Peshawar.
Cell# 0333-9153699 *** 0300-5895841

(2)

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar.

In Ref: to CM No. _____/2023

In

Service Appeal No. 1061/2023.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7657

Dated 19/09/23

Kashif Kanungo, Naib Tehsildar (OPS) Bannu. **Appellant.**

Versus

- (1) The Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- (2) The Commissioner, Bannu Division Bannu.
- (3) Turab Shah, Kanungo (BPS-11), Naib Tehsildar (OPS) Naurang.
..... **Respondents.**

Written Reply on behalf of the private Respondents No. 03
in service Appeal No. 1061/2023

Respectfully Sheweth:

Preliminary Objections:

- 1) That the appellant has no cause of action and locus-standi to approach this august Tribunal and to file the instant Service Appeal.
- 2) That the appellant has intentionally concealed the material facts from this honorable Tribunal.
- 3) That the appeal is not maintainable in its present form and the appellant has never come to this honorable court with clean hands and as such the appeal is liable to be dismissed throughout with coast.
- 4) That the appeal is hopelessly time-bard.
- 5) That in the light of Section 8 (4) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 that "Seniority in a Post, Service or Cadre to which a Civil Servant is promoted shall take effect from the date of regular appointment to the post".
- 6) That the contesting respondent No. 3 is more senior than that of the appellant.
- 7) That the Appellant has hopelessly challenged the varies of the Rules and Regulation promulgated by the Government regarding Posting and Transfer of a Civil Servants which is the domain of the Constitutional Courts and with outmost respect, this august Tribunal has no power and jurisdiction to adjudicate upon such matter.

FACTS.

1. Para-1 needs no reply.
2. Para-2 needs no reply.

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3. Correct to the extent that the Appellant being Girdawar (BPS-11) was once erroneously transferred to Tehsil Bannu vide order dated 29-09-2022 and was repatriated to his parent office (DC Bannu) on the following administrative grounds;

- (i) The Appellant is the permanent bonafide resident of Tehsil Bannu and as such, legally he could not be posted as Naibe Tehsildar at Tehsil Bannu due to conflict of interest.
- (ii) Secondly while erroneously posted to Tehsil Bannu, he was junior most Kanungo (BPS-11) amongst the Naib Tehsildar in Bannu Division.
- (iii) There were complaints of being involved in malpractice and such complaints from the public are available in his personal file.
- (iv) The Appeal in hand is defective one as the private respondent has never been posted against the post occupied by the appellant at Tehsil Bannu. As per documented transfer orders, the appellant was repatriated from Tehsil Bannu to his parent office (DC Bannu) vide order dated 09-03-2023 whereas one Sajid Ali Naib Tehsildar (BPS-14) Miryan (OPS) District Bannu was posted as Naib Tehsildar Bannu vide order dated 09-03-2023.
- (v) The private respondent No. 3 while belonging to Tehsil Kakki, has subsequently been transferred to Tehsil Bannu as Naib Tehsildar vide order dated 24 -03-2023.

4. Incorrect. The impugned transfer / repatriation of the appellant has never been caused due to political influence or Political victimization rather it was made on administrative ground as per documentary evidence.

5. Incorrect. The private respondent No. 3 while belonging to Tehsil Kakki and senior from the Appellant was subsequently transferred to Tehsil Bannu as Naib Tehsildar vide order dated 24 -03-2023 but his transfer was not made against the Appellant rather it was made against one Sajid Ali, Tehsildat Bannu.

6. Para-6 relates to official respondents hence needs no reply.

FACTS:

- a) Incorrect. Detailed reply has been given in Para-03 & 04 of the "Facts" above.
- b) Incorrect. Detailed reply has been given in Para-03 & 04 of the "Facts" above.

(4)

- c) Incorrect. Detailed reply has been given in Para-03 & 04 of the "Facts" above.
- d) Incorrect. Transfer of an employee is a part of service and without observing tenure policy transfer can also be made on administrative grounds.
- e) Para-"e" relates to official respondents hence needs no reply.
- f) Para-"e" relates to official respondents hence needs no reply.
- g) Incorrect. Detailed reply has been given in Para-03 & 04 of the "Facts" above.
- h) Incorrect. Anita Turab case is not attracted in the case in hand. Each and every case has its own facts and circumstances.
- i) Incorrect. Detailed reply has been given in Para-03 & 04 of the "Facts" above.
- j) Para-"j" relates to official respondents hence needs no reply.
- k) Para "k" is legal one.

It is therefore, humbly prayed that on acceptance of this written statement, the ppeal of the appellant may very graciously be rejected/dismissed throughout with heavy costs.

RespondentNo. 3.

Through

Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Dated;___/09/2022.

COUNTER AFFIDAVIT.

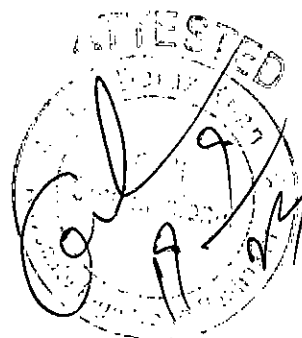
I, the undersigned Respondent No. 3 (Turab Shah), do hereby solemnly affirm and declare on oath that contents of the accompanying written Statement are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein.

IDENTIFIED BY:-

DEPONENT

Respondents No. 03 (Turab Shah)

Muhammad Usman Khan
Turlandi
Advocate Peshawar.



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OFFICE OF THE
COMMISSIONER
BANNU DIVISION

P.O. Box.12, Postal code 28100, Bannu
NO 142 /PO/Estab-23.
Dated: 9 /March, 2023
Phone: 0928-- 9270044 & 621144
Fax: 0928 - 9270041
E-mail: commissionerbannu1@gmail.com

ORDER

Mr. Kashif, Girdawar (BS-11) currently working as Naib Tehsildar Bannu is hereby repatriated to his parent office.

The above official shall deemed to have reported at his new place of posting forthwith.

Sd/-
Commissioner
Bannu Division

Even No & date
Copy to.

1. The Deputy Commissioner Bannu.
2. The Secretary-1, Board of Revenue, Khyber Pakhtunkhwa.
3. The District Comptroller of Accounts Bannu.
4. Naib Tehsildar concerned for compliance.
5. PS to Commissioner Bannu Division.

Secretary to Commissioner
Bannu Division

ATTESTED TO BE
TRUE COPY

Muhammad Usman Khan
Tufandi
Advocate Supreme Court
of Pakistan. No. 5045



OFFICE OF THE
COMMISSIONER
BANNU DIVISION

P.O. Box.12, Postal code 28100, Bannu
NO 141 /PO/Estab-23.
Dated: 9 /March, 2023
Phone: 0928-9770944 & 621144
Fax: 0928-9270041
E-mail: commissionerbannu@gmail.com

ORDER

Mr. Sajid Ali, Naib Tehsildar (BS-14) currently working as Tehsildar Miryan (OPS), District Bannu is hereby transferred with immediate effect and posted as Naib Tehsildar, Bannu.

The above Naib Tehsildar shall deemed to have reported at his new place of posting forthwith.

Naib Tehsildar Miryan will also look after the charge of the post of Tehsildar Miryan in addition to his own duties till further order.

Sd/-
Commissioner
Bannu Division

Even No & date
Copy to.

1. The Deputy Commissioner Bannu.
2. The Secretary-1, Board of Revenue, Khyber Pakhtunkhwa.
3. The District Comptroller of Accounts Bannu.
4. Naib Tehsildar concerned for compliance.
5. PS to Commissioner Bannu Division.

Secretary to Commissioner
Bannu Division

ATTESTED TO BE
TRUE COPY

Muhammad Usman Khan
Tufarufi
Advocate Supreme Court
of Pakistan. No: 5045



OFFICE OF THE
COMMISSIONER
BANNU DIVISION

7

P.O. Box 12, Postal code 28100, Bannu
NO 181 /PO/Estab-23.
Dated: 24 /March, 2023
Phone: 0928- 9270044 & 621144
Fax: 0928 - 9270041
E-mail: commissionerbannu@pwa.gov.pk

ORDER

Mr. Sajid Ali Naib Tehsildar (BS-14) currently working as Naib Tehsildar Bannu is hereby transferred with immediate effect and posted as Naib Tehsildar Naurang.

The above Naib Tehsildar shall be deemed to have reported at his new place of posting forthwith.

Sd/-
Commissioner
Bannu Division

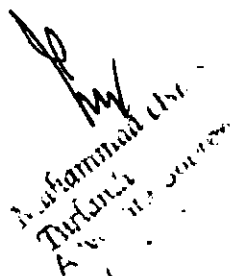
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3. The District Comptroller of Accounts Bannu.
4. Naib Tehsildar concerned for compliance.
5. PS to Commissioner Bannu Division.


Secretary to Commissioner
Bannu Division

ATTESTED TO BE
TRUE COPY


Muhammad Usman
Tehsildar
Bannu Division

(8)

E.O. (14)



**OFFICE OF THE
COMMISSIONER
BANNU DIVISION**

P.O. Box-12, Postal code 28100, Bannu
NO 180 /PO/Estab-23.
Dated: 24/March, 2023
Phone: 0928 - 9270044 & 621144
Fax: 0928 - 9270041
E-mail: commissionerbannu1@gmail.com

ORDER

Mr. Turab Shah Naib Tehsildar (BS-14) currently working as Naib Tehsildar Naurang is hereby transferred with immediate effect and posted as Naib Tehsildar Bannu.

The above Naib Tehsildar shall be deemed to have reported at his new place of posting forthwith.

Sd/-
Commissioner
Bannu Division


Even No & date

Copy to,

1. The Deputy Commissioner Bannu.
2. The Secretary-1, Board of Revenue, Khyber Pakhtunkhwa.
3. The District Comptroller of Accounts Bannu.
4. Naib Tehsildar concerned for compliance.
5. PS to Commissioner Bannu Division.


Secretary to Commissioner
Bannu Division

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