# BEFORE THE K.P.K SERVICE TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD

Appeal No. 1165/23

## Muhammad Tanveer

#### V/S

## Govt. of KPK through Secretary Education

# **REPLY ON BEHALF OF RESPONDENT NO.4**

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Advocate High Court Abbottabad

Through

Dated: 26 9\_/2023

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(SARDAR MUHAMMAD AZEEM) Copy of Keply & The oppicial Respondents and Dag abrady given in previous Date asig buy or Honourable Tribural QU 3

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# BEFORE THE K.P.K SERVICE TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD

Appeal No. 1165/23

Muhammad Tanveer

V/S

Gyber Pakhtukke ervice Tribunal Diary No. 19

Govt. of KPK through Secretary Education

# **REPLY ON BEHALF OF RESPONDENT NO.4**

Respectfully Sheweth:-

# PRELIMINARY OBJECTIONS

- That the transfer order of the appellant was passed on 02/11/2022 and appellant filed departmental appeal after 03 months and ten days on 10/02/2023 while limitation for filling of department appeal is 30 days thus departmental appeal of appellant is time barred hence, this appeal is not maintainable.
- 2. That the appellant has suppressed material facts from this Honourable Tribunal.

That the appellant was transferred from G.G.P.S Khail Nalla after 07 years due to his own conduct on the basis of number of complaints of local community and teacher of the school therefore, appellant has no locus standi / cause of action to file instant appeal. Moreover the school is situated in Village Khail Nalla, while the appellant is resident of another Village, Khail Bandi as per law, only a local person is accommodated on the post of Class-IV and respondent No.4 is more entitled by virtue of being a resident and giving free of cost land for the school.

- That the appellant is estopped by his own conduct to file the instant appeal.
- That the appellant has not come to this Honourable
  Tribunal with clean hands.
- 6. That the instant service appeal is not maintainable for non-joinder / mis-joinder of necessary parties and unnecessary party.
- 7. That the impugned transfer order was passed by District Education Officer (F) Mansehra and next

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higher authority is Director E&S Peshawar while appellant filed departmental appeal before Secretary Education, regarding this, Honourable Supreme Court of Pakistan held in its reported judgment PLD 1979 SC Page 856 that appeal to same authority or incompetent authority, such appeal is no appeal in the eyes of law thus appeal of the appellant is not maintainable.

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## <u>UPON FACTS;</u>

1) Para-1 of the appeal is incorrect hence denied, in response to it is submitted that appellant was posted in G.G.P.S Khail Nalla for the last 07 years and during this period the people of local community and the School Teachers Submitted number of complaints against the appellant to his High ups regarding his misbehavior and use of abusive language to the students as well as Teacher, more over due to bad attitude of the appellant not only School was badly effected but the peoples of local community also taken their children out from the School and now strength of the students in the School is only 6 copy of complaint, news clipping and inquiry report are annexed as Annexure "A".

- 2) Para-2 of the appeal is incorrect hence denied in response to it is submitted that transfer order of the appellant was passed by the competent Authority on the complaint of local community and Teachers of the School in the best interest of the School, Students and Teachers, whereas Respondent No. 4 was Transferred in G.G.P.S Khail Nalla in place of appellant and Respondent No. 4 has been performing his Duty continuously in the said School after assuming the charge of the post up till now. In this respect, copy of Departmental appeal and copy of order Book annexed as Annexure "B" & "C".
  - 3) Para-3 of the appeal is incorrect hence denied, in response to it is submitted that the appellant himself by firing, disabled his father and the two brothers of the appellant are there to look after the father of the appellant.
  - 4) Para-4 relates to Respondent No. 2 & 3 however if any request was made by the appellant which was not considerable, so it will not be considered.

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5)

Para-5 of the appeal is incorrect hence denied, in response to it is submitted that local community and Teachers of the School had made complaint against appellant for his misbehavior and use of abusive language to the students and Teachers and on the complaint, a regular inquiry was conducted against the appellant, and finally allegation were proved, therefore, the transfer of the appellant was made in the best interest of the School, student and Teachers, but the appellant by using political influence got an order of held in abeyance against transfer order, while Respondent No. 4 filed Departmental appeal against the order of held in abeyance before Director Education, Peshawar and on acceptance of Departmental appeal of the Dated order No. 4, transfer Respondent 02/11/2022, correctly under the law, Rules and policy was restored.

6) Para-6 of the appeal is incorrect hence denied, in response to it is submitted that appellant challenged impugned transfer order dated 02/11/2022 through instant appeal, and filed Departmental appeal against transfer order dated 02/11/2022 after three months and ten days i.e. on

10/02/2023 whereas limitation for filling of appeal before Departmental Authority is 30 days, thus departmental appeal is time bared hence this appeal is not maintainable. Furthermore impugned transfer order was passed by the district Education officer (F) Mansehra and next higher Authority is Director (E&S) KPK Peshawar while appellant Departmental appeal before Secretary filed Education, which is not appellate Authority. Regarding this Honourable Supreme Court of Pakistan held in its reported judgment PLD 1979 SC page 856, that appeal to same Authority who passed the order or incompetent Authority, Such appeal is not appeal in the eyes of law.

7) Para-7 of the appeal relates to the respondents No. 1 & 3, however serving of the appellant in the main office of the Respondent No. 2 lacks the proof.

## <u>GROUNDS;</u>

 a) Para "a" grounds of appeal is totally incorrect hence denied, in response to it is submitted, that transfer order of the appellant was passed after 07

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years serving in G.G.P.S Khail Nalla due to his own conduct in accordance with law, Rules and Policy. Moreover, no employee has any right to perform all the service in one station.

- b) Para "b" grounds of the appeal is incorrect hence denied, in response to it is submitted that comprehensive reply has already been given in ground A.
- c) Para "c" of the grounds of the appeal is incorrect hence denied, in response to it is submitted that under section 10 of Civil Servant Act 1973, every civil servant is Duty bound to serve any where in the province and no employee has any right to perform service at a particular station. Therefore ground of appeal is against the law.
- d) Para "d" of grounds of appeal is not correct, in response to it is submitted that comprehensive reply is already been given in Para "A" of grounds.
- e) Para "e" of grounds of Appeal needs no reply.

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f)

Para "f" of the grounds of appeal is incorrect hence denied in response to it is submitted that the appellant did not file Departmental appeal within time hence this appeal is not maintainable.

It is, therefore, most humbly prayed that the appeal of the appellant may kindly be dismissed with cost throughout in the interest of Justice.

**IDENT NO.4** ...RE

Through

(SARDAR MUHAMMAD AZEEM) Advocate High Court Abbottabad

Dated: 25 /2023

### AFFIDAVIT:-

I, Adnan son of Malik Aman, Class-IV G.G.P.S Khail Nallah Tehsil and District Mansehra, do hereby solemnly affirm and declare on oath that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

DEPONENT

Identified By:-

(SARDAR MUHAMMAD AZEEM) Advocate High Court Abbottabad



# BEFORE THE K.P.K SERVICE TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD

Appeal No. 1165/23

Muhammad Tanveer

V/S

Govt. of KPK through Secretary Education

# **REPLY TO APPLICATION ON BEHALF OF RESPONDENT NO.4**

Respectfully Sheweth:-

## PRELIMINARY OBJECTIONS

 That the petitioner has no locus standi / cause of action to file instant petition, because respondent No.4 has started the duties by taking the charge much before filling of this appeal. In the light of transfer order dated 02/11/2022 and is still doing it, while the appellant has been relieved from the school, thus the transfer order dated 02/11/2022 has been implemented much before filling of this appeal and the application has become infructuous. 2. That the appellant is not entitled for any discretionary relief due to concealment of facts and to his own conduct with the teachers and students.

#### FACTS:-

- In reply to Para No. 1 of the application it is submitted that this reply to the application may be considered as part of the reply to the appeal.
- 2. Para No. 2 of the petition is incorrect hence denied, in response to it is submitted that petitioner has no prima facie case nor balance of convenience lies in his favour.
- 3. Para No. 3 of the petition is incorrect hence denied, in response to it is submitted that the respondent No. 4 has started performing the Duties by taking the charge much prior to filling of this appeal in the light of transfer order dated 02/11/2022 and is still doing it, while the appellant has been relived off from the school and this fact has been admitted by the appellant himself in para No. 7 of the appeal thus, the transfer order has been implemented much before, filling of this

appeal and the application has become infructuous,

hence the question of lose does not arise.

It is therefore, respectfully prayed that the application of appellant may kindly be dismissed with cost throughout in the interest of justice.

...RESPONDENT NO.4

Through

\_/2023 Dated: <u>28/9</u>

# (SARDAR MUHAMMAD AZEEM) Advocate High Court Abbottabad

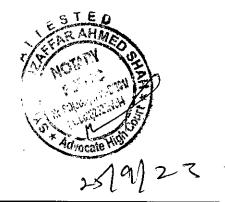
## AFFIDAVIT

I, Adnan son of Malik Aman, Class-IV G.G.P.S Khail Nallah Tehsil and District Mansehra, do hereby solemnly affirm and declare on oath that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

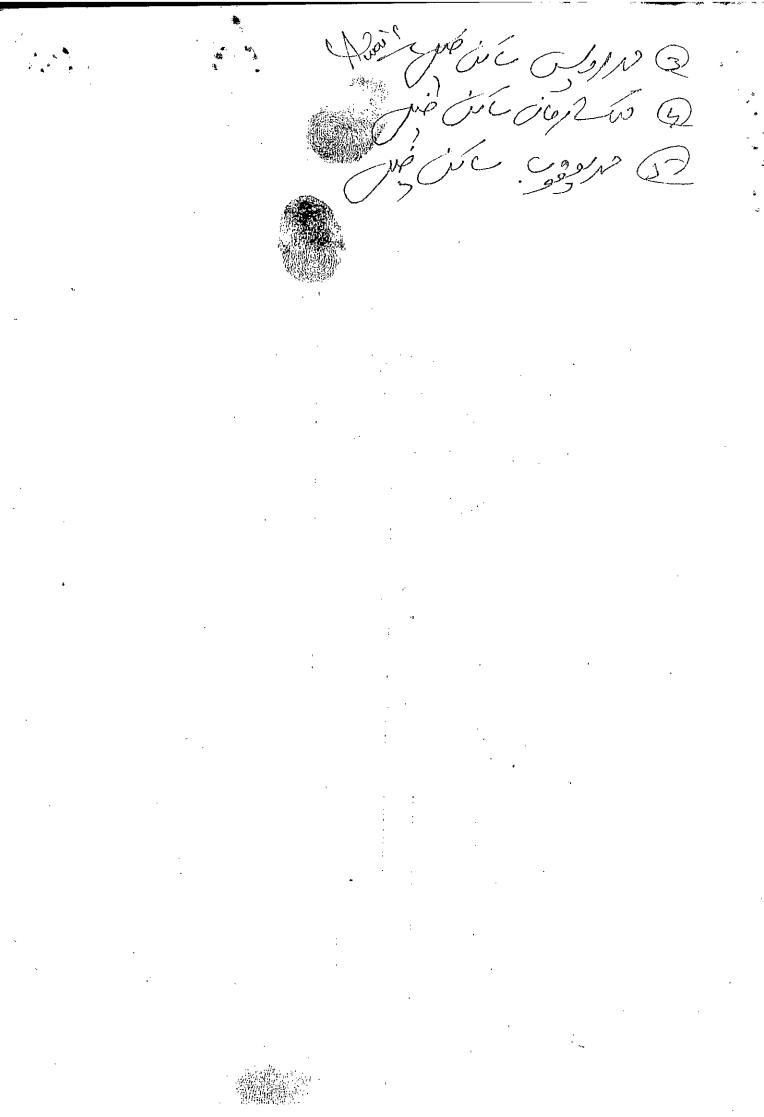
DEPONENT

Identified By:-

(SARDAR MUHAMMAD AZEEM) Advocate High Court Abbottabad



مزین مناج محمد مار زن مارس طالم مار مزید مناب محمد زن مارس مالی 4 10 100 G glip عفران: - درخواس برای زنواس ک 1 main موسرا ی موس ، ای مور المرد بر ای الم مرد الم 2 mg al an con courd for and ر الدف والمر الوب الوب المربع الطلاع و (1) USDUNE 6 D63 Lig No color w 10 pst Course of the book of the course of the courses of the 6, 9, - 16, vo 6 CANPO S.P. into fillos في من والم عن جرا الفرام من 20 ، مردم icer4 i flight and in the start of a 212 C 101 2015 -و سول کار جمعی جافی کار Ty a up pepi i versos NP, 16,5 (5)



بخدمت جناب ڈسٹر کمٹ ایجوکیشن آفیسر صلحہ (زنانہ) مدارس صلح ماسیم و۔ عنوان: - <u>درخواست برخلاف کلاس فور تنویر کور نمینٹ کرلز برائمری سکول خیر دار۔</u> جناب عالیہ ب

لپدابذر بعدور خواست عرض بے کہ اس کے خلاف حسب ضابطہ کاروائی کر کے اسے سکول سے تبدیل کیا جائے۔تاکہ بچ باطریق احسن تعلیمی کام سرانجام دے سکیں۔ سکیں۔

آپ کی میں نوازش ہوگی۔

اہلیان موضع خیل نلہ یہ حسنخط شامنى كارزيز دا، مذمل دواز 13503-6111873-5 / 1203-8111873-5 Burg (2) عمد اوريس فرلر ملك "أمان ا-1208 17 803 13 503-17 803 1 Wais دى. تركيشان لإيشان

شناحت کارڈ ولد ŀ (4) محمداشتیان - یعفرب - 2-84589 د- ده دار T حرر شفش - عبر الطنف 13503-0124333-7 @ ليافت عل - كالاخان 13503-67414013-9 happet Ah-Syeel Ahmed (7) سجیل احمد = اور تکریب 13.503-0888472-3 (8) وزير هر = ملى البر 13503-2006761-7 (9) 3. 1/ ... - 41/ Land 13803-06/6030-9 10/2 ( all a have the second 13507-6274222-9 ( 11) حرف الم = طل آمان ر 2) مكن أطان تحديد الرخان (٤) محرر فريق ١ 422019783074-9 مر لطيف (14) معرون خان عمد اکبر 13503-0543108-3 (21) minial 310-5 , 1.1 (15)

R. The 06/200

When

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المراري داري 3 11. (1.3) st. 31 33 ........ 2022 1 d 21 - 1919 9658 4 8 4 111 برغلاف - مذرجه نوم اور درنان جرمبراران توريز برايرى الحرك فسيل خلام " المراه ... اعوام ی رزم رس رحقوان، لونز OEO لغیر ساجره OSDEO لغیر <sup>(1)</sup> ا رادر في مع مع مع مع المرار الموار مي مراه الدره بي م مع ما مرد بي مي مع مع ما مرد الم الم ن تودند ترمز برابری به مول خوان مدر وز<sup>2</sup> زر -· · · بسکول بزای عارت دومردن ادر چاردواری بر حمق ؟ مس من تمام بذارى مى لات مريس . باول ادل مولم من ورقع ب رام ، را وجود کی بری کردن ی لعداد (6) جعرب - اور معای از ی خدان دیس رضا بدا . حقن میں بری تری قط س تھی ۔ جود مران عمانی اسل فاط عرقان جو را بود من آمان في ذاتي ملايت على - جرامي المكل محدث مرازمت المراج بر رابرد بر ع ی اس اید فرت و مارد اور ورد ارد كور كور المرا بالم 2012 19 (MUB) 66 PS 18-052022 010 311 0115 i de Garse Us Gars 2 1, 1 in G13 an - 11-202 an - Bus os nelive a gil u cino 3 - Pay in los 1 6 Tom في هذه الا في ودود كو في في في الذر في Relivered off or of why held chaganee - low One Ger

Page No 2 ین می اسول می کنین از بستی از کردن میر دو حوادیا ا المحال المرعرتان و عمالاه دو فررماره در در ال جد ان چر سرارون ی سرالرد مادون تحصی . حرب ا مدل ن سابره بی ما المحط لور ترمیره خاتون آده معلمین مدحد وف ا میں الحوں فر جمر تخبر چو سرار پر قدان ابرایات لانا ن اس مارور جوی سے الم اس بادر مر بروں ا و اس تھا اوں المع ور التي اور وارش روم م مم مي لريا ب حواز جو مرارد فی وادره ما حیان روزان المول ما ان الج بحق رسى مين مر دوتى فعر قرار موجائ - جو مراس ما دول مين تعلى الخام ، جها مشل م عوادی ماترات و مساط ت مردی و رو سور سور سور سور مردم مر ۲۲ عبران ادر این بر ایت سور جمع مربع تصح برن سور مردم علی اور زرانی مرا را زیر ای جو کہ لف میں ۔ 2)[] الجم عرفان في تمر المرار الرو عيث عر 30 - 1173 مردم 100 (11/100) ما ي أرد بال وفي جائ - مورة دون جرد الل مرد میں ریا از تا کی خوراک کارے بر رہا ہے - دولوں کا ریک آدمی مرد و مراج مراج - عوامی ارد می عراد، 2,0,0> NCAT Polyano3

بان -PT ورفي الم

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جناب عالی مود بار گزارش یه سے مرج معران Prc اور معرا ن حیل نار کی طرف سے كرارش كرثم يس كر كحرور مراغرى سكول خيل مله كاجو كيدار جعد تسنو ير استياني براطاق اور بركردار إسان بيد يربيار بي يحون سد اسكول كى مرين ميں بات ولوا كرمياق كرواتيك اسكول يس جعارو بعى يجود سي مكواتا ريّ ليم اور بعر سالادن اسلول سے تمان رہتا ہے اور یا رم یے گندگ سے ان پر ميموتر محمرو مكووايس اتح بيس جنكويم ماف ستحراكر ريتي ميس المكرار موسيد في سيراني اور مدين ما بان ماحتدان ريتاب اوريح مدين كاياتي تسترور سے یہ مرحلہ بین اسوروں یہ والد بن ایس کے اسکول سرندان د الم مس ار قرو المكول مس تعواد ۵،۵ ده گوم مع المربع ماد م مو اسکولی سے ظرر اور اور اور احد کند ریڈو مرک وجہ سے میں اپنے اس کے مدام بر قبیش ز رابلی. اور ک<sup>ر</sup> مراید اسال ب<sup>.</sup> رع مركون جرنيراو استراب 2 6 سكى . 2 عرو لونسيد للمرس اور اسكراب . نور سے بادی مردش مدال کرا ہے تھر لے گیا سے اور اسکول اور میں لوہان م ى رم ترديد أكراب المست حواس من ذاتى استقال سوم يه مردود الموالي سار، واليس كرابا حلي اور اليه كخلاف صب غراب كرراني كرو في الليك محون کے بہتر مستقبل اور اداد کے مہری کے لیے متر پل لدار ، اس : رہے۔ تکہ عربان حرلیزار کو اس کے حرکے کے طالق بیراں ہو ارد ار زار تکر عديان موزيد اسكول كى التلفين مسير خلط جكدال ارافى مدر در مرد - برامالا سے اراد میں کہ اس محمل او سو ار کو حور ، طور میں ندن تد ... تا در مدر و تكريم اين جون كواسلول سے دو اللے مرد بير رك بر أسكون ال مارنر معدد مرد در الالم ------ک تا دواد ۵ مرمبو تا در کتار Spelants Pte Dye 11 Sile

- pro sp 420-1755500- FTE 1 13503002 43339and the second sec 1-9- 11 13503-6744013 8 in the second of the 42201-97833074-9 Survey and in Energy S 1. 1. 5-3178-311 it is the contraction in a sitter want where the first of the the 541/ 13503 1598 41-5 1350 - 053 5108-5 In , 13503-0543110-5-Jie G. 1 2 3 3 92 7 7 2 4 1 1 1 1 1 1 1 1 1 5 1 2 1 1 1 1 1 5 1 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 5 1 5 1 5 1 5 1 5 1 5 1 5 1 5 1 5 1 5 · · · · · · · · · · · · · · 1. \* **T** 1 1 1 1 Contraction of the start of the second 2 · 3 · 1 · 1

في و المعند و المعتم دوم ) حل نا " این کول رائے / ربورسط معاشب ) (ربورٹ کی روشن کر ىار واتى كى . اتقارد فينج وكادمواني 29/11/2022 21/ 29 Jul 6/1/1/ 2005 Sidi Tibi on Jicho . . . . . . . is ASDED 1 ( Le'S al SDED لاب سرمل أنكو أثرى ملك mai g: am الم سکول میں جامز میں میں اور قام المنوني اعتران مورشي مي سكول س مرجح ومحمد ، دولون حركم از ارمان ادر شخیر دورش اسی س از دار ASDEO (Female) rcle Baffa (Mansehra) 9.11:2022 میں ، رور دملوں سکول میں توجر دیتے عرف کے الو رس at () - 10 - 20 علازم محف اور فرا فرا طرفان ٢٤ ارد مع الم من منول كا تلازر 2 كمر ص بر اور 2 وارش بر مشتمل س · 23 /12 23 23 VY

رائے / ربورسط مع اتقارق نے جُوکار واتی کی ىردلى. بىردلىي س مربر مرانو مرانو مردن THS pst mel الک انبره من موجود المركب مربع ، سدارل الموامري يم توريس الإيرازي سراح ا 2) 3 - ( + ( ) & ( ) & ( ) + ( ) ( ) ( ) كجرير من في المركم عمر فی می فرز در می کے زبانی بان ما مرا ادر مدرونی دا دا در فرا دیں - سارل کی حالت سرت البر سے لی میں کی کہانی مرب سے شہری کی ا فور فی عرب در تحدی کا لوز لولا Join Car the plande لال حو لدرا - بول کی توراح -

datio 18-9-2023 فرفت ون مالا-ار- ولم الل خاري فراري مالولاته عدان: درواست دری مار دجهای مرا) مان حرزین خون ود من مذارس هم ع جزير ادر فعاى عنى عنى ع مور جزيرار ود من مذارس هم ع جزير الم عرفان وارمد تربان جرمر المجرم الما مراما و الله المسال متراف مدر مول دونی ایک ایج طرف سرانی کار عمل اسک مول ساف ملک ای در قدای لوتون کا طف حکم ایک دن حاصل کی 2 مالف في سرا مو رولا مرالون لفي 8 مال فال نام من جرس الع مرابع  $= \mathcal{O}_{\mathcal{S}}^{\mathcal{S}} = \mathcal{O}$ واختری روم ما ف راز مین اور سول ما جنانی محمد می کا می می وجد کر سے نس کی ۔ مرکن میں ذری کو سنے برمان کو کو کا دوسر میں ان میں ہیں۔ در ان کی ان کی کی کو کی کو کو کا دوسر میں کے میں برکی دوسر برکی در ان کی کو کو کا دوسر میں کو کو کی کو کو کی کو والدة أر منول من أل على من عن عرف الله الله عن من الله المرد ضایا کول ای لو مطابق کولون نے اسلی سرمل کا در والس بن کی ، جس معرار انگوانسریسی تسلیل میں تک انگولاری روز کول کا کا ک اب فنا وقد اس تو درمان اس کو افس ما من کارا مر کا می کاند مر ار می رسو در از مربع المرسی می از اولی رفت المرکی رفت از ایسی کار المرکی رفت از المرکی رفت از المرکی رفت از الم  $c_{1} = \frac{1}{2} = \frac{1}{2$ - 6/5° LAPS PTE/ Lipo july PTG: 50

(Ľ فرلزيت شاقتىكددى آ 'حسم ا CD & LO 2201-9793074-9 فسالطي 32/2 دى فرامرىلى 3503-2781291-1 واجرعلى كالأفان \$503-0771874-3 لجبت بن م محمد الشربون رى غبت خال جراكم . 5503-0543110-5 (۲) ملک آمان 507-13922778-9 (5) <u>محراني</u> تحرير اليوب حرير اليوب 3503-1780301-1 فتكري تتمان (6) بحر الإلس 3503-01214333-7 وبررالطرف المحدث شفرة (7) عمد شيفيل في ومروف 12101-1499 839-9. (8) عمد الرساد 5-1 3503-5375395-9 ENSAN فحرار سالميان (9) 31/am/c ي. بيراكيس 3507-0543108-3 (م) محرمرون 13507-0619867-5 عيرا مرحن Safair M. (۱۱) عرفي مرجم 3503-05550 11-5 (12) جرانتهم city July UTUS OF STONE 1 Jb T le (13) ASDED (F) Philip (/DHAIRPERSON thensen ?? SGPS Khail Nalla 13503-5967938-0 PTC June UCINAPICI (2) مرزانهای 42301-7758566-0 رد) برب تشمیراز م 13507-8717623-0 CHAREZASCH GGPS Khail Malla AGRS KHARNA

entris Persilit and a part ידל . א הר . בכ גול נג אירו שי כ a dis-n - مواني أر مراع مي مول مي دار من دار ومرار عرزان نے والر دن آنان طور سے ، اور کامل کو کو ۔ اورا مرد حور ا ۲، من ممال في مور ماردر مور ارد وي مركز مركز مار مركز مار ۲، من ممال في مور ماردر مو س- مورای وله عدمان که دو و ده مول می زرد مو اور آن ے عدان جرای (جنسار) مراس سات اعانداری - وی تاک ے مار کا 2 - اور کرانے ان عرف) - تراون () منا) اور 2 0 - al 62 - a 60 00 - a 60 10 - a 60 - a 6 ت خدر الم درم عران بور الم درم من عدران بور الم الوالى كوتاى مراجى مسكوات مع لما ول الم الله مراد فر: ى رام الإطريق الم Sur ongo وران الرابي 18-09-2023 Jaingillie had Taich9

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# OFFICE OF THE ASSISTANT SUBDIVISIONAL EDUCATION OFFICER (FEMALE) CIRCLE PHULRA MANSEIJERA

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# DATED: 19 1 9 2023

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#### The District Education Officer (Female) Mangehra.

## Subject: <u>SUBMITION OF INOUIRY REPORT IN</u> ROO TANYEUB CHOWKIDAR GGPS DAWAL 1-

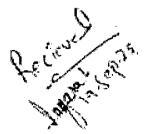
#### Memo,

- That in compliance with this affice order vide Endst No. 284 on Dated 13-09-2023, on the subject cited above, the undersigned visit school on dated 18-09-2023, the undersigned call the PTC members and local community.
- That the written statement of PTC members and local community reflects that Mr. Tanveer ex-Chowkidar of GGPS Deval he was not perform their daty properly, school cleaning and other activity are through school kids thus the students leave the school and school enrollment is decrease day by day, (Copy enclosed)
- That in previous several complaints and inquiry conducted against Mr. Tanveer and he was transferred.
- That FIR was also launched against Mr. Tanveer in Lassan Nawab police station on dated 02-10-2015. (Copy enclosed)
- That the Head Teacher of the said school show great satisfication on duty of Mr. Adnan Chowkidar.
- Therefore after careful review and study of the response of the local community and PTC members, and keeping in view the non-seriousness and allegations on part of Mr. Tanveer it seems that the previous decision taken by the that competent authority was based on facts.
- Keeping in view of the above written statement of local community and PTC members, if Mr. Tanveer are posted there some more incidents occur between different tribes so.

#### Recommendation/ Suggestion

Mr. Adnan Chowkldar working in said school all community and PTC members are satisfied on his duty so their order remains intact in this school.

#### Encl: All relevant record.



Mat: Tuhirs Syed ASDEO Circle Phulra Manschra 19 / 9/2023 1

#### DISTRICT EDUCATION OFFICE (FEMALE) MANSEHRA

deofmanschra@yzhoo.com

(+92) 0997-300926

/2019

Dated:

## No.\_\_\_\_\_ Notification

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AEII

The undersigned is pleased to constitute an Inquiry Committee consisting of the following officers for conduction of detailed inquiry in connection with complaints received from the Community against Mr;Tanveer Chowkidar GGPS Khail circle Phulra Mansehra.

<b>S</b> #	Name and Designation	Nominated As
1	Rehana Yasmeen SDEO (F) Mansehra	Chairperson
2	Farha Naz S&T GGHS Shahelia *	Member

Note;-

Inquiry Report should be submitted to the undersigned within 10 days positively.

> DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

Endst  $\frac{4371-75}{2}$  /Estt Dated the Mansehra  $\frac{22}{2}$  /2019 Copy to the:

- 1. Director Elementary & Secondary KPK Peshawar.
- 2. Deputy Commissioner Mansehra.
- 3. SDEO (Female) Mansehra.
- 4. Office File.

DISTRICT EDUCATION OFFICER (FEMALE) MANSERRA

STRICT EDUCATION OFFICER





الكوارى المواد 29 67 6 م مركز عفاط ٦: ٢ دورف جارم ٢ من ري ان معري عن SDEO(E بالن و اور مرفر ٥ تار آن د فسن الرائي في تعليم في در فراس المسلم مرضليف شخير و تعدار عمامة ل نام كا لزادته ما عبم وسط فر الكونيس أمن (F) مع مطالق ا دران علم براسس ، مطالق مر روان ، کمونی ادری می مدن سے ور ارتخاب مسلی مذکر اور اور الم يانه يترز جوندار تومكم مسوط (من تقس نمونك سيكل مذا س جمعًا في شخالي تركل من والع ومعرف المرك المرون المالية ومن الدارية وي المروت في المرف من مرار ما اور حمد ی کا اسط ملی تعلق سے کام جل درا تھا اور سول کو اپنی آجا ہے دلای شاہ ع- البتر جب ميونى اورى ي مى عبران سانوارى ى مى وسر حلام جريدار سوير اخلاق كالاس كمرية اسان من جوران المان سول مالين عمر شراس حرل في برر حضرات توحی دخط دستا اوران سے حجی سے ما سے صب را می درای کرا کمونی مرابی و مدار شخیم سیاسی ارا محرف می دهسی انعما مح ستول دلو کی مالی ک یاسی و توب می کلوم ک حلاقا امروس ما نبان کو مارو سی مراغیزی زیا امرینو ای ع ان استعال ( ما جو مدار کا مشوه م يحتر تنا أعرض اور من محمدون توسول بمحصر سے ماحمر دس اسلیح سول مراس طالبات کی لقدار استاني مح الريسي مورج طل الي توست طلاسكول س طالبات - 18 2 6 g 4 6 6 K س ماری میں عالی کو فرنظر کو جو بیل ہو پر کو میں دور میں ک ج

بستربوط نام لوقت فی سول کو است ترین کی ولا کامی مند. بر سال عصب کی انوازی کو است افزان کام وسرار شور سرار المح اس مسم ی برمادی کاما الم مح لله عموندی کم الم می ارتی ای کاما الم مح و و : تمدار شور کوگرز مرابع مسکولی یی بیانی می کواز : مرابع می سول می طرانس براه با در ام اس مورق بالروت منه و مساس لور بشرز ام جو مداری می معلق اور ى ما نيان خرمون اوسول براي نامي التربير بورج.

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Member Signalier



The Director Elementary and Secondary Education Department KPK Peshawar.

Subject:

DEPARTMENTAL APPEAL AGAINST ORDER NO.11853-59 DATED 27.12.22 ISSUED BY DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA WHEREBY TRANSFER ORDER OF THE APPELLANT DATED 17.12.2022 TO BE HELD IN ABEYANCE ILLEGALLY AGAINST THE LAW, RULES, POLICY WITHOUT JURISDICTION AND ABUSE OF POWER WHICH IS NOT SUSTAINABLE UNDER THE LAW AND LIABLE TO BE SET-ASIDE.

### Respected Sir!

- That, appellant was appointed as Chowkidar at G.G.P.S Deval Circle Darban vide order dated 18.05.22.
- 2. That, the appellant was performing his duties devotedly in concerned school as a Chowkidar with best interest of female students and teachers and no any complaint against the appellant.
- 3. That the peoples of the local community had made a complaint against chowkidar Tanveer for his bad behavior with the students and poor performance in school duty.
- That on the complaint of local community regular inquiry was conducted against said chowkidar and finally allegation of local community was proved against chowkidar in inquiry.



That on receiving the inquiry report, the chowkidar Tanveer was transferred vide order No.8723-30 dated 02.11.22 from G.G.P.S khail Nallah to G.G.P.S Devel and appellant was transferred from G.G.P.S Devel to G.G.P.S Khail Nallah.

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- 6. That the appellant after receiving of charge in G.G.P.S Khail Nallah started the duty according to the satisfaction of the students and teachers of the school and also got salary from the said school. Thus transfer order was implemented.
- 7. That after the transfer order is implemented the authority which passes the order does not have the power to conceal withdrawal or held in abeyance the order therefore order held in abeyance is against the law, rule, policy and without jurisdiction which is not sustainable under the law and liable to be set-aside.
- 8. That in compliance with the transfer order appellant received the charge of the post at G.G.P.S Khail Nallah and started his duty therefore under S.21 of General Clause Act valuable right accrued to appellant.
  - That the order of held in abeyance is not only against the law without jurisdiction but also without cogent and plausible reason hence not sustainable under the law.



**10.** That the order held in abeyance was passed with collusion of chowkidar Tanveer and on the basis of political influence which is not sustainable under + the law and liable to be set-aside.

11. That there is no provision available in Civil Servant Act 1973or Rule that any order can be held in abeyance.

It is, therefore, respectfully prayed that on acceptance of this departmental appeal impugned order of held abeyance may kindly be set-aside in the best interest of justice.

Yours Obediently

Adnan

Hermank

Chowkidar G.G.P.S Khail Nallah Circle Phulra Tehsil and District Mansehra

Dated 28-12-2022

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