

**BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR**

C.M No. \_\_\_\_\_/2023

IN Service appeal No.1448/2023.

**ZIA UR RAHAMN S/O HABIB UR RAHMAN R/O VILLAGE KANKOWAI TEHSIL  
MANDANR DISTRICT BUNER/PET GMS WUCHKHWAR KAWGA.**

**APPELLANT.**

**VERSUS**

1. D.E.O (Male) Buner.
2. HEAD MASTER GMS WUCHKHWAR KAWGA.
3. DISTRICT ACCOUNT OFFICER

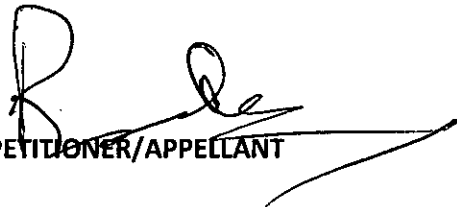
**RESPONDENT.**

4. DIRECTOR EDUCATION KP PESHAWAR.

**"Proforma Respondent"**

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| 03    | <u>Copy of order impugned End; 2620-25 dated<br/>27/07/2023.</u> | "A"      | 0-04    |

  
PETITIONER/APPELLANT

THROUGH COUNSEL

RAHIM KHAN  
Adv High Court  
Cell = 03439049185  
Office; at Distt; Courts Daggar Buner  
Dated 30/10/2023

**BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR**

C. M No. \_\_\_\_\_/2023.

In

Service Appeal No. 1448/2023

ZIA UR RAHAMN S/O HABIB UR RAHMAN R/O VILLAGE KANKOWAI TEHSIL  
MANDANR DISTRICT BUNER/PET GMS WUCHKHWAR KAWGA.

**APPELLANT.**

**VERSUS**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 8716

Dated 30-10-2023

1. D.E.O (Male) Buner.
2. HEAD MASTER GMS WUCHKHWAR KAWGA.
3. DISTRICT ACCOUNT OFFICER *Buner*
4. DIRECTOR EDUCATION KP PESHAWAR.

**RESPONDENT.**

**"Proforma Respondent"**

APPLICATION FOR IMPLEADMENT of Mr, MOHAMMAD HAROON PET GHS  
LANGAW (EMIS CODE NO 33958), TRANSFERED AND POSTED SUBSEQUENTLY  
IN G.M.S WACHKHWAR KAWGA DISTRICT BUNER (EMIS CODE 38288) VIDE  
ORDER End; No.2620-25 dated 27/7/2023.

**Respectfully sheweth;**

1. That the appellant/petitioner has been wrongly and PRE MATURE and even DURING BAN was transferred from GMS Wachkhwar Kawga Buner to GHS Janak Banda and then from Janak Banda to GHS Malka vide orders impugned, dated 09/01/023 and dated 07/03/023, on mala fide intention and even WITH OUT ANY COUNTER PART on administrative grounds without any impartial inquiry or personal hearing or any show cause Notice.
2. That after lapse of statutory period the title service appeal was filed which is pending before this Hon; Tribunal and next date is fixed in, as, 08/11/2023.
3. That meanwhile as though the service of the appellant/petitioner, has wrongly been removed vide order impugned end; No.3659-64 dated 01/08/2023, which falls in lis and is not sustainable in the eyes of law, however departmental appeal against the same has also been filed on 03/8/023 and the petitioner is waiting for any response or tell the 90 days statutory period is lapse.

4. That now, Mr, Mohammad Haroon PET has now been transferred from GHS Langaw to the GMS Wachkhar Kawga vide order impugned End; No. 2620-25 dated, 27/7/2023. Which is wrong and illegal however copy of the same is annexed as "A".
5. That the concerned Mohammad Haroon PET now subsequently transferred as PET to GMS wachkhar Kawga from GHS Langaw vide order dated 27/7/2023, impugned , is needed to be impleaded as private respondent No.3-A as per the due requirement of law and procedure being necessary party now.

Therefore it is humbly prayed that on acceptance of the instant C.M, the relief sought may be granted with further relief to which the petitioner/appellant is

Otherwise entitled under the law though not specifically prayed for in the instant CM.

PETITIONER/APPELLANT

THROUGH COUNSEL



RAHIM KHAN  
Adv High Court  
Cell = 03439049185

Office; at Distt; Courts Daggar Buner  
Dated 30/10/2023

CERTIFICATE

It is to certify that the entire contents of this Service Appeal are true and correct and that no such like service appeal or claim has been filed or made elsewhere in any forum or is pending before any court.



PETITIONER/APPELLANT

**BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR**

C.M No. \_\_\_\_\_/2023

IN Service appeal No.1448/2023.

ZIA UR RAHAMN S/O HABIB UR RAHMAN R/O VILLAGE KANKOWAI TEHSIL  
MANDANR DISTRICT BUNER/PET GMS WUCHKHWAR KAWGA.

APPELLANT.

VERSUS

1. D.E.O (Male) Buner.
2. HEAD MASTER GMS WUCHKHWAR KAWGA.
3. DISTRICT ACCOUNT OFFICER

RESPONDENT.

4. DIRECTOR EDUCATION KP PESHAWAR.

"Proforma Respondent"

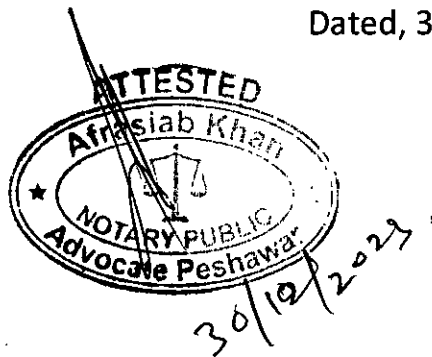
**AFFIDAVIT**

I, Ziaur Rahman PET GMS Wachkhar Kawga Buner/S/o Habibur Rahman, Petitioner/appellant, do hereby affirm and declare, on oath that the entire contents of the instant C. M petition, are true and correct and that no such like CM has been earlier filed in this Hon; Service Tribunal or is pending before adjudication in this Hon; Tribunal or before any other competent forum or court or has been decided ever ago.

Petitioner/Appellant/deponent.

CNIC NO.151012047226-9

Dated, 30/10/023





(4) "A"  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE DISTRICT EDUCATION OFFICER  
MALE BUNER



Phone & Fax No.0939-555110 Email: edobuner@gmail.com

**NOTIFICATION.**

In relaxation of ban granted by the Advisor to Chief Minister for Elementary and Secondary Education Khyber Pakhtunkhwa, the Competent Authority is pleased to order transfer in R/O the following officials to the schools noted against each in their own pay & scale in the best interest of public service with immediate effect.

| S. No | NAME & DESIGNATION      | CNIC            | FROM                                     | TO                                      | Remarks   |
|-------|-------------------------|-----------------|--|---|-----------|
| 1.    | HAKIM SHAH SCT          | 15101-0403405-3 | GHSS BAMPOKHA<br>EMIS Code: 35903        | GHS KINGARGALI<br>EMIS Code: 37248      | V.S.No.02 |
| 2.    | KAMRAN KHAN SCT         | 15101-0362825-9 | GHS KINGARGALI<br>EMIS Code: 37248       | GHSS BAMPOKHA<br>EMIS Code: 35903       | V.S.No.01 |
| 3.    | JAMSHID ALI CT          | 15101-7789016-7 | GMS JICA AGARAI<br>EMIS Code: 38803      | GHS NAWAGAI<br>EMIS Code: 33965         | A.V.P     |
| 4.    | SYED MUJTABA HUSSAIN CT | 15101-4866543-9 | GHS AMBELA<br>EMIS Code: 37049           | GHSS NAWAGAI<br>EMIS Code: 36633        | A.V.P     |
| 5.    | TAIMUR KHAN CT          | 15101-6976516-7 | GHSS KHANANO DHERAI<br>EMIS Code: 35923  | GHSS JANGAI<br>EMIS Code: 35918         | A.V.P     |
| 6.    | SARHAND ZEB CT          | 15101-5232066-5 | GHSS NAGRAI<br>EMIS Code: 35926          | GHSS KHANANO DHERAI<br>EMIS Code: 35923 | V.S.No.05 |
| 7.    | MUHAMMAD IBRAHIM CT     | 15101-9111153-5 | GMS SANGARA<br>EMIS Code: 39259          | GHS DAGGAR NO.2<br>EMIS Code: 35931     | A.V.P     |
| 8.    | ABDUR RAHMAN CT         | 15101-6039727-7 | GHS AMBELA<br>EMIS Code: 37049           | GHSS CHANAR<br>EMIS Code: 35905         | A.V.P     |
| 9.    | ZAHID ALI CT            | 15101-4829539-3 | GMS ASHEZO NAWAKALAY<br>EMIS Code: 37756 | GHS KARAPA<br>EMIS Code: 35920          | A.V.P     |
| 10.   | ZAHIR HUSSAIN CT        | 15101-1680126-1 | GHS LEGANAI<br>EMIS Code: 37051          | GHSS TORWARSAK<br>EMIS Code: 36631      | A.V.P     |
| 11.   | MUHAMMAD HAROON PET     | 15101-7152002-7 | GHS LANGAW<br>EMIS Code: 33958           | GMS WACH KHWAR<br>EMIS Code: 38288      | A.V.P     |
| 12.   | ASAD ULLAH PET          | 15101-4271786-3 | GHS ALAMI BANDA<br>EMIS Code: 33935      | GHS INZAR MAIRA<br>EMIS Code: 35050     | A.V.P     |

**Note:-**

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.

(IFTIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER  
MALE BUNER

Endst.No. 2620-25 Dated: 27 / 07 / 2023.

Copy is forwarded for information to the:-

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer EMA at Buner.
3. District Accounts Officer Buner at Daggarr.
4. A.D (IT) EMIS Local Office, Buner
5. Principals / Head Master / Incharges concerned
6. Officials concerned.

(Signature)  
DISTRICT EDUCATION OFFICER  
MALE BUNER



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**BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1448 /2023

ZIA UR RAHAMN S/O Habibur Rahman R/O Village Kankowai Tehsil Mandnar District Buner /P.E.T Govt; Middle School Wuch Khwar Kawga E & S Education Deptt; District Buner.

"APPELLANT"

VERSUS

1. D.E.O (Male) E & S Education Deptt; District Buner.
2. Head Master Govt; Middle School Wuch Khwar Kawga Buner.
3. District Accounts Officer Buner.

"Respondets"

4. Director Education E & S KP Peshawar..

"Proforma Respondent "

SERVICE APPEAL UNDER SECTION NO.4 OF THE SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER IMPUGNED NO.824 DATED 17/2/2023; ADDRESSED TO THE DISTT; ACCOUNTS OFFICER BUNER, WITH COPIES THERE OF ENDORSED TO THE APPELLANT AND OTHERS, WHEREBY, BY MISS USING OF POWER AND OFFICIAL STATUS, RESPONDENT NO.1 WITH COLLUSION OF RESPONDENT NO.2, HAS WRONGLY STOPPED THE MONTHLY PAY OF THE APPELLANT FROM 01/02/2023,DISPITE THE FACT, THE APPELLANT HAS REGULARLY BEEN PERFORMING HIS DUTY AT G.M. SCHOOL WACH KHWAR KOGA, WHILE AGAINST THE LAW AND RULES, ON MALA FIDE INTENTION AND ON PERSONAL GRUDGE BY COLLUSION OF THE RESPONDENT NO.3 ALSO, JUST TO TORTURE THE APPELLANT, UNWARRANTEDLY TO SUFFER THE APPELLANT AND HIS DEPENDENTS TO CAUSE UNWARRANTED FINANCIAL HARDSHIP FOR THEM, FOR COMPELLING THE APPELLANT TO OBEY THE ILLEGAL COMMAND OF THE RESPONDENTS NO. 1, WHO BY PASSING ILLEGAL ORDER END; NO.107-11 DATED 09/01/2023 & THEN BY A NOMINAL CORRIGENDUM THERE IN, ISSUED ANOTHER ORDER END; NO. 1130-34 DT 07/03/2023, WITH COLLUSION OF RESPONDENT NO.2, ON MALA FIDE INTENTION AND ILL WILL, JUST TO SATISFY THEIR PERSONAL GRUDGE, BY VIRTUE OF WHICH THE RESPONDENTS NO.1 & 2, PLANED PRE MATURE TRANSFER, EVEN DURING BANE AND AGAINST THE SPOUSE POLICY, WITHOUT COUNTERPART OF THE APPELLANT, WHICH WAS NOT LAW FULL, BEING MALA FIDE AND ILLEGAL AND WAS THEREFORE NOT EXISTED UNDER THE LAW, AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT BEING MERITORIOUS ONE WAS ACCEPTED BY THE HON; PROFORMA RESPONDENT NO. 4, AND DESPITE CLEAR DIRECTIONS OF THE PROFORMA RESPONDENT NO.4, THE RESPONDENT NO.1 & 2, BY DISOBEYING THAT DIRECTIONS, HAVE ILLEGALLY BEEN RESISTING, EVEN BY USING OF PHYSICAL FORCE TO RESTRAIN THE APPELLANT FROM PERFORMING HIS OFFICIAL DUTY AND PUT HIM IN LIFE THREAT.

Respectfully Sheweth

PRAY IN APPEAL

BY ALLOWING THE INSTANT APPEAL OF THE APPELLANT, THE RESPONDENT NO.1 & 2, BE DIRECTED TO WITHDRAW HIS ALL ILLEGAL ORDERS EVEN NO.824 DATED 17/02/2023 JUST TO ENFORCE AND IMPLEMENT END; NO. 1130-34 DATED 07/03/2023 AND END; 107-11 DATED, 09/01/2023, WHICH ARE NO MORE IN FIELD AND SUBSEQUENT NO. 1566 DATED, 01/04/2023, OR EVEN NOT TO STRESS OR DISTURB THE APPELLANT OR RESTRAIN THE APPELLANT FROM PERFORMING OF HIS OFFICIAL DUTY IN GOVT; MIDDLE SCHOOL WUCH KHWAR KAWGA BUNER, WHILE THE RESPONDENT NO.3 MAY BE DIRECTED TO RELEASE AND

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Appeal No. 1448/2023  
Zia ur Rahman vs Grant



03.10.2023

Learned counsel for the appellant present. Mr. Fazal

Mohmand, Additional Advocate General alongwith Mr. Ubaid-Ur-Rehman, A.D.E.O for the respondents present.

Reply/comments on behalf of respondents submitted through office on 25.08.2023 which are placed on file. Copy of the same handed over to learned counsel for the appellant. To come up for arguments on 03.10.2023 before D.B at camp court Swat. Parcha Peshi given to the parties.

SCANNED  
KF 3T  
Peshawar

(Muhammad Akbar Khan)  
Member (I)  
Camp Court Swat

03.10.2023

Learned counsel for the appellant present. Mr. Obaid-ur-Rehman, Superintendent alongwith Mr. Inayatullah Khan, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 08.11.2023 before the D.B at Camp Court Swat. Parcha Peshi given to the parties.

Certified to be true copy

(Rashida Bano) MEMBER  
Member (J) Khyber Pakhtunkhwa  
Camp Court Swat

(Salah-ud-Din)  
Member (J)  
Camp Court Swat

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