

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 280/2016

Date of institution ... 24.03.2016
Date of judgment ... 14.04.2017

Jaffar Shah,
Junior Trader Instructor, GTI, Bajour Agency.

... (Appellant)

VERSUS

1. **Govt. of Khyber Pakhtunkhwa**, through Managing Director, Khyber Pakhtunkhwa Technical Education & Vocational Training Authority, Khyber Pakhtunkhwa.
2. **Managing Director**, Khyber Pakhtunkhwa Technical Education & Vocational Training Authority, Khyber Pakhtunkhwa, 3/A Chinar Road University Town, Peshawar.
3. **Deputy Director**, Administration & Human Resource, Khyber Pakhtunkhwa Technical Education & Vocational Training Authority, Khyber Pakhtunkhwa, 3/A Chinar Road University Town, Peshawar.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE CIVIL SERVANT ACT, 1974 AGAINST THE ACT OF THE RESPONDENTS WHO ISSUED IMPUGNED ORDER DATED 17.11.2015, VIDE WHICH TRANSFER ORDER DATED 20.10.2015 OF THE APPELLANT FROM GOVERNMENT COLLEGE OF TECHNOLOGY BAJOUR AGENCY TO GOVERNMENT TECHNICAL VOCATIONAL CENTRE (B) CHARSADE HAS BEEN WITHDRAWN.

Mr. Tajdar Faisal Khan Mina Khel, Advocate.
Mr. Ziaullah, Government Pleader

.. For appellant.
.. For respondents.

MR. MUHAMMAD AMIN KHAN KUNDI
MR. AHMAD HASSAN

.. MEMBER (JUDICIAL)
.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: This service appeal has been filed against the order dated 17.11.2015 whereby the transfer order dated

*Mr. Ahmad Hassan
14.4.2017*

20.10.2015 of the appellant Mr. Jaffer Shah Junior Trader Instructor from GCT Bajour Agency to GTVC Charsadda was withdrawn by the respondents.

2. Brief facts of the present case are that appellant Jaffer Shah was appointed as Junior Trader Instructor (Electrical) in the Directorate General Technical Education & Manpower Training, Khyber Pakhtunkhwa on 23.05.2011. The appellant was given posting as junior trade instructor (Electrical) in Government Technical Institute (Bajour Agency). On 20.10.2015 the appellant was transferred from GCT Bajour Agency to GTVC Charsadda against the vacant post. However, the aforesaid order dated 20.10.2015 was withdrawn by the respondents vide order dated 17.11.2015. The appellant also challenged the order dated 17.11.2015 through departmental appeal but the same was not decided. Hence the present service appeal.

3. Learned counsel for the appellant argued that the appellant was appointed as Junior Trader Instructor (Electrical) in Government Technical Institute Khar (Bajour Agency) against the vacant post on 23.05.2011 by the competent authority. That he was regularly serving on the said post to the entire satisfaction of the superiors and there was no complaint against the appellant since appointment. It was also argued that the appellant was appointed in the hard area of Bajour Agency and after serving for more than four years he was transferred from GTC Bajour Agency to GTVC Charsadda against the vacant post vide order dated 20.10.2015. It was further contended that the respondents illegally and against the policy of the government withdrawn the aforesaid order dated 20.10.2015 through order dated 17.11.2015 within one month. He also stated that the impugned order dated 17.11.2015 was illegal, without any reason, against the policy of the government and liable to be set-aside and prayed for acceptance of appeal.

4. On the other hand learned Government Pleader for the respondents opposed the contention of learned counsel for the appellant and argued that the appellant was appointed by the competent authority and after serving as Junior Trader Instructor (Electrical) in Government Technical College Khar (Bajour Agency) he was

M. Jaffer Shah
14.4.2017

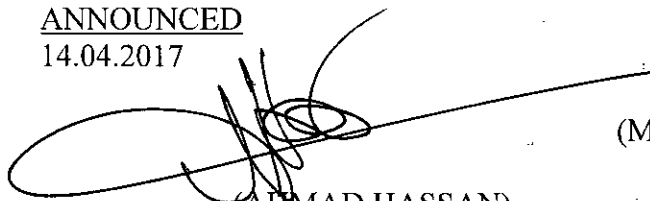
transferred to GVTC Charsadda against the vacant post. It was also contended that later on order dated 20.10.2015 was withdrawn by the competent authority. He further argued that there is no illegality in the impugned order dated 17.11.2015 and the aforesaid order has been rightly passed by the respondents and prayed for dismissal of appeal.

5. We have heard the arguments on both sides.

6. Perusal of the record revealed that the appellant was appointed as Junior Trade Instructor by the competent authority on the recommendations of Departmental Selection Committee as Junior Trade Instructor (Electrical) in Government Technical College Khar (Bajour Agency) against the vacant post and after serving for more than four years in the aforesaid hard area of Bajour Agency he was transferred to GVTC Charsadda against the vacant post vide order dated 20.10.2015. That the respondents had withdrawn order dated 20.10.2015 on 17.11.2015 without giving any reason and in violation transfer policy of the Provincial Government, therefore, the impugned order dated 17.11.2015 is illegal/void and not sustainable in the eyes of law. The respondents were given many opportunities to submit written reply/comments in the aforesaid service appeal and vide order sheet dated 28.07.2016 even last opportunity was also again extended but they did not bother to submit written statement and this Tribunal fixed the case for final arguments meaning thereby that the respondents have not controverted the contents of the appeal through written statement, hence we are constrained to accept the instant service appeal and set-aside the impugned order dated 17.11.2015 and direct the respondents to restore the order dated 20.10.2015. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

14.04.2017



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


14.04.2017

Appellant alongwith his counsel present. Mr. Ziaullah, Government Pleader for the respondents also present. Arguments heard and record perused.


Vide our detailed judgment of today consisting of three pages placed on file, we are constrained to accept the instant service appeal and set-aside the impugned order dated 17.11.2015 and direct the respondents to restore the order dated 20.10.2015. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

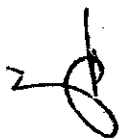
14.04.2017



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER



280/16

28.07.2016

Counsel for the appellant and Addl. AG for the respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity extended subject to payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 29.09.2016.


Chairman

29.09.2016

Appellant in person and Mr. Ziaullah, GP for the respondents present. Representative of the respondents is not in attendance. Written statement not submitted despite repeated opportunities including last opportunity which was further extended subject to payment of cost of Rs. 1000/-. As such no further opportunity is extended to the respondents for submission of written reply. The appeal is assigned to D.B for final hearing for 28.12.2016.


Chairman

28.12.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 14.04.2017 for arguments before D.B.


Chairman

31.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that Jaffar Shah appellant was serving as Junior Trade Instructor (BPS-10) ^{has been} transferred from GCT Bajaur Agency to GTVC (B) Charsadda against the vacant post which order was unilaterally withdrawn vide impugned order dated 17.11.2015 where against appellant preferred departmental appeal which was not answered hence the instant service appeal on 24.3.2016.

That the appellant was obliged to serve in the hard area for the defined period and after putting there more than 4 years service, he was transferred which order was illegally cancelled vide impugned order referred to above.

Points urged need consideration. Admit subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 23.5.2016 before S.B.

Appellant Deposited
Security & Process Fee




Chairman

23.5.2016

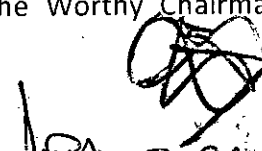

Appellant in person and Asstt. A.G for the respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 28.07.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 2180 /2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.03.2016	<p>The appeal of Mr. Jaffar Shah presented today by Mr. Tajdar Faisal Khan Mina Khel Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR-</p>
2	26-3-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>31-3-16</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIABUNAL,
PESHAWAR

Service Appeal No. 2180 /2016

Jaffer Shah _____ Appellant

Versus

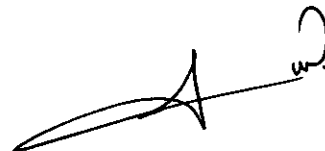
Govt. of Khyber Pakhtun Khwa & Others _____ Respondents

INDEX

S.NO.	PARTICULARS	ANNEX	P. NO.
1	Memo of Appeal <i>with Abstract</i>		1-6
2	True Copies of Appointment order & Advertisement	A & B	7-8
3	True Copy of order dated 20.10.2015	C	9
4	True Copy of impugned order 17.11.2015	D	10
5	True Copies of Representation dated: 04-12-2015	E	11
8	Wakalat nama		


Appellant

Through



TAJDAR FAISAL KHAN
MINA KHEL
Advocate High Court, Peshawar.

205-B, 4th Floor,
Town Tower, University Road,
Peshawar.
0333-9143005

(1)

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 280 /2016

Jaffar Shah,
Junior Trade Instructor, GTI, Bajour Agency.

.....Appellant

Versus

K.W.P. Province
Service Tribunal
Diary No. 2160
Date 24-3-2016

1. **Govt. of Khyber Pakhtunkhawa,**
Through Managing Director, Khyber Pakhtunkhawa Technical Education &
Vocational Training Authority, Khyber Pakhtunkhawa,
2. **Managing Director,**
Khyber Pakhtunkhawa Technical Education & Vocational Training Authority,
Khyber Pakhtunkhawa, .
3/A Chinar Road, University Town, Peshawar.
3. **Deputy Director,**
Administration & Human Resource,
Khyber Pakhtunkhawa Technical Education & Vocational Training Authority,
Khyber Pakhtunkhawa,
3/A Chinar Road, University Town, Peshawar.

.....Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE CIVIL
SERVANT ACT, 1974 AGAINST THE ACT OF THE
RESPONDENTS WHO ISSUED IMPUGNED ORDER DATED: 17-
11-2015, VIDE WHICH TRANSFER ORDER DATED 20.10.2015 OF
THE APPELLANT FROM GOVERNMENT COLLEGE OF
TECHNOLOGY BAJOUR AGENCY TO GOVERNMENT
TECHNICAL VOCATIONAL CENTRE (B) CHARSADE HAS
BEEN WITHDRAWN.

24/3/16

(2)

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED: 17-11-2015, VIDE WHICH TRANSFER ORDER OF THE APPELLANT DATED 20.10.2015 FROM GOVERNMENT COLLEGE OF TECHNOLOGY BAJOUR AGENCY TO GTVC, CHARSADDA HAS BEEN WITHDRAWN, MAY KINDLY BE SET ASIDE AND RESULTANTLY ORDER DATED 20.10.2015 MAY GRACIOUSLY BE GIVEN LEGAL EFFECT WHEREBY THE APPELLANT WAS TRANSFERRED TO GTVC, CHARSADDA.

Respectfully Sheweth!

Facts leading to filing of present appeal are as under:-

1. That the present appellant was duly appointed on 23.05.2011 pursuant to advertisement dated 01.03.2011 as Junior Trade Instructor (Electrical) in the Directorate General Technical Education & Manpower Training, Khyber Pakhtunkhwa.
{True Copies of Appointment order and Advertisement are annexed herewith as mark A & B}.
2. That the Appellant was given posting as Junior Trade Instructor (Electrical) in BPS-10 Government Technical Institute (B) Khar (Bajour Agency) against the vacant post.
3. That the Appellant after appointment, was working with great zest & zeal at his post, according to the rules of service and to the satisfaction of the Superiors and having no complaint against the present Appellant ever since his appointment.
4. That since Appellant is permanent resident of District Peshawar and ever since his appointment, he is working in hard areas against the post of Junior Instructor at Bajour Agency.
5. That Respondent No. 2 passed an order on 20.10.2015 for transfer of the Appellant from the GCT, Bajour Agency to GTVC Charsadda against vacant post.

Agency for transfer, and posting purpose is considered as hard areas and the provincial government envisaged a tenure for posting in Hard Areas.

- D. Because** after passing of transfer order dated 20.10.2015, the Respondents without any legal justification to withdrew the same which is illegal, arbitrary.
- E. Because** the impugned order is passed without assigning any reason and is contrary to section 24-A of the General Clauses Act.
- F. Because** the impugned order is hit by principle of locus Poententiae. Moreover, it is abundantly clear from impugned order that it is passed by the Respondent without any cogent reasons, which are unwarranted under the law and therefore the impugned order is nullity in the eyes of law.
- G. Because** there plethora of judgments of the superior courts wherein maximum time period of 3 years has been prescribed for posting at any station in normal circumstances but the Appellant is posted in Bajour for the last more than 5 years. And this action of the Respondents is against the various judgments of the superior courts and therefore, the same is illegal practice and such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public, hence the impugned order referred above is liable to be upheld on this score also.
- H. Because** the appellant has been made victim of discrimination, demerits, partiality and favoritism without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973, hence the impugned order detailed above are liable to be set at naught.
- I. Because** the Appellant was condemned unheard, his departmental appeal was not properly adjudicated in the manner as provided by the law. Further no chance of personal hearing was given to the present Appellant in order to redress his grievance which shows the mala fide of the Respondents, hence needs interference of this Hon'ble Tribunal.
- J. Because** the present impugned order is illegal, illogical, against facts, without jurisdiction and suffering from material irregularity, hence they are untenable and liable to be struck down.

K. The appellant crave for leave of the Hon'ble Tribunal to raise additional grounds at the time of arguments.


IT IS, THEREFORE, MOST RESPECTFULLY PRAYED THAT ON ACCEPTANCE OF THIS APPEAL:

- i. **An order of setting aside of impugned order dated: 17-11-2015 may kindly be passed.**
- ii. **The Respondent must be directed to give legal effect to order dated 20.10.2015 whereby the Appellant was transferred from GCT, Bajour Agency to GTVC(B) Charsadda against vacant post.**
- iii. **Any other relief, though not specifically asked for, deems appropriate to the Hon'ble Tribunal may also be granted.**



Appellant

Through:



TAJDAR FAISAL KHAN
MINA KHEL
Advocate High Court, Peshawar.

Note: That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.

(6)

**BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIABUNAL,
PESHAWAR**

Service Appeal No. _____/2016

Jaffer Shah _____ **Appellant**

Versus

Govt. of Khyber Pakhtun Khwa & others _____ **Respondents**

Affidavit:-

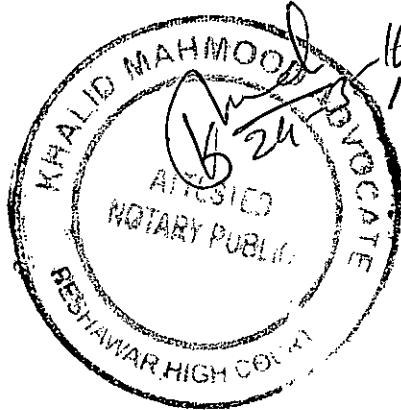
AFFIDAVIT

I, Jaffer Shah, Junior Trade Instructor (Electrical), Government College of Technology , Khar, Bajour Agency do hereby solemnly affirm & declare that the contents of the attached Appeal are true & correct to the best of my knowledge & belief and nothing has been concealed or with held from this Honorable Court.

Deponent

Identified by

Tajdar Faisal Mina Khel



17301-4455627-3

(7)

Annexure
A

آسامیاں خالی سے

نظامت فنی تعلیم وافرادی قوت و تربیت صوبہ خیبر پختونخوا

پوزیشن: ڈائریکٹر ایجوکیشن گراؤنگ اپ بلڈنگ کراچی نمبر 124 پشاور صدر

حکومت فنی تعلیم وافرادی قوت و تربیت صوبہ خیبر پختونخوا بشمول قاتا کے سکول امیدواروں سے سادہ کاغذ پر درج ذیل آسامیوں پر تقرری کے لئے موزوں امیدواروں سے درخواستیں مطلوب ہیں۔

نمبر شمار	نام آسامی	عمر کی حد	تالیف
1	جوئیئر ٹیکرک (مرادین) بنیادی نصاب سکول - 07 سال	28±18 سال	(الف) کسی تسلیم شدہ بورڈ سے میٹرک پاس۔ (ب) 30 الفاظ کی منٹ ٹائپنگ پینڈ متعلقہ زبان میں (کمپیوٹر میں مہارت رکھنے والے کو توڑی جوی ہونے کی ضرورت)۔ (ج) ٹائپنگ ٹیسٹ پاس کرنے والے کو ہونے کی ضرورت ہے۔
2	شاہد ٹیسٹ (مراد) خواتین (بنیادی نصاب سکول - 06 سال)	28±18 سال	(الف) میٹرک یا کسی منظور شدہ بورڈ سے مساوی تعلیمی قابلیت ہونے کی منظور شدہ ادارے سے G-III لیول کورس۔ (ب) میٹرک یا کسی منظور شدہ بورڈ سے مساوی تعلیمی قابلیت متعلقہ ٹریڈ میں 3 سالہ تجربہ اور کسی منظور شدہ ادارے سے ٹریڈ ٹیسٹ پاس کیا ہو۔
3	ایگزیکٹو ٹیکن (مراد) بنیادی نصاب سکول - 05 سال	28±18 سال	(الف) میٹرک یا کسی منظور شدہ بورڈ سے مساوی تعلیمی قابلیت ہونے کی منظور شدہ ادارے سے G-III لیول کورس۔ (ب) میٹرک یا کسی منظور شدہ بورڈ سے مساوی تعلیمی قابلیت متعلقہ ٹریڈ میں 3 سالہ تجربہ اور کسی منظور شدہ ادارے سے ٹریڈ ٹیسٹ پاس کیا ہو۔
4	جوئیئر ٹیکرک (مراد) خواتین (بنیادی نصاب سکول - 10 سال)	28±18 سال	(1) کسی بھی منظور شدہ دستخط شدہ ایڈمیٹیوٹ سے دو سالہ ٹریڈنگ ٹیٹیکٹ۔ (2) میٹرک یا کسی منظور شدہ بورڈ سے مساوی تعلیمی قابلیت متعلقہ ٹریڈ میں 7 سالہ تجربہ اور کسی منظور شدہ ادارے سے ٹریڈ ٹیسٹ پاس کیا ہو۔

شروط: وہ امیدوار جو کہ مطلوبہ قابلیت رکھتا ہو سادہ کاغذ پر اپنی درخواست اور اپنی اسناد کی تصدیق شدہ کاپیوں کے ساتھ زیر دستگی کو اس امیدوار کی اشاعت کے 15 دن کے اندر داخلہ پتہ پر پہنچانے سے پہلے سے دی ہوگی اور متروک تاریخ کے بعد موصول ہونے والی درخواستوں پر کسی کام کا غور نہیں ہوگا۔ سرکاری ملازمین اپنے عہدے کے توسط سے درخواستیں ارسال کریں۔ بالائی عمر میں رعایت کو منٹ کے مزید قوانین کے تحت دی جائے گی۔ ٹیسٹ دائرہ میں شرکت کرنے والوں کو کسی قسم کی اسے اڈی اسے نہیں دیا جائیگا۔

ڈائریکٹر جنرل (نظامت فنی تعلیم وافرادی قوت و تربیت صوبہ خیبر پختونخوا ایشاور)

INF (P) 614 Also available on www.khyberpaktunkhwa.gov.pk

1-3-2011

تاریخ -

A

Attested



**GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT**

OFFICE ORDER

Annexure 'B'

Consequent upon the recommendations of Departmental Selection Committee, the Competent Authority has been pleased to appoint Mr. Jaffar Shah S/O Mohammad Zahir Shah R/O Kocha Malik Wazir, H.No.618, new Kakshal Peshawar as Junior Trade Instructor (Electrical) in BPS-10 at Government Technical Institute (B) Khar (Bajaur Agency) against the vacant post with immediate effect on the terms and conditions: -

8

TERMS & CONDITIONS:-

- 1- He/She will for all intents and purposes, be Civil Servants except of purposes of pension or gratuity. In lieu of pension and gratuity, he/she will be entitled to receive such amount contributed by him/her towards Contributory Provident Fund (C.P.F) along with the contributions made by government to his/her account in the said fund, in the prescribed manner.
- 2- He/She will be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973, all the laws applicable to the Civil Servants and Rules made there under.
- 3- He/She will, initially be on probation for a period of two years extendable up to three years.
- 4- His/Her services will be liable to termination at any time without assigning any reasons, before the expiry of the period of probation. If his/her work during this period is not found satisfactory, in such event he/she will be given a month's notice of termination from service or one month's pay in lieu thereof. In case he/she wishes to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
- 5- His/Her services shall be liable to termination during initial/extended period of probation without any notice.
- 6- He/She will not be entitled to any TA/DA on his/her first appointment.
- 7- He/She shall produce medical fitness certificate from Medical Superintendent of the District concerned.
- 8- His/Her documents shall be subject to verification and in case of default this order may be cancelled by the appointing authority.
- 9- If the above terms and conditions are acceptable to him/her, he/she should report for duty to the Principal concerned within 30 days of the issue of this order failing which the offer of appointment will automatically be cancelled.

DIRECTOR GENERAL

DGTE&MT/E-stt-II/A-181/2548 (1-3)

Dated 23/05/2011.

Copy for forwarded for information and necessary action: -

- 1- The Agency Accounts Officer concerned.
- 2- The Principal concerned.
- 3- Mr. Jaffar Shah S/O Mohammad Zahir Shah R/O Kocha Malik Wazir, H.No.618, new Kakshal Peshawar
- 4- Personal file of the official concerned.
- 5- Office copy.

DEPUTY DIRECTOR (ADMN)

Attested



TECHNICAL EDUCATION & VOCATIONAL
TRAINING AUTHORITY KHYBER PAKHTUNKHWA
3/A Chinara Road University Town Peshawar
Phone No: 091-9216870/9218318/9218319
Web: www.kptevta.gov.pk

TEVTA
KHYBER PAKHTUNKHWA

OFFICE ORDER

Annexure C

9

The Competent Authority is pleased to order the following transfer/postings with immediate effect in the public interest:-

S.#	NAME OF OFFICIAL/DESIGNATION	PLACE OF POSTING
1	Mr. Jaffar Shah, Junior Trade Instructor (BPS-10) GCT, Bajour Agency	GTVC (B) Charsadda against vacant post.
2	Mr. Ali Bakht, Junior Trade Instructor (BPS-10) GTVC (B) Chakdara at Dir Lower.	GTI, Bajour Agency in Vice S.No.1

MANAGING DIRECTOR
(KP-TEVTA)

Dated 20-10-2015

Endst.No.KP-TEVTA/Estab:-II/PF/2775 (1-9)

Copy for information and necessary action to :-

- 1- The Agency Accounts Officer, Khar Bajaur.
- 2- The District Accounts Officer Charsadda.
- 3- The District Accounts Officer Chakdara.
- 4- The Principal, GTI, Khar Bajaur.
- 5- The Principal, GTVC (B) Charsadda.
- 6- The Principal, GTVC (B) Chakdara.
- 7- Officials concerned.
- 8- Master File.
- 9- Office copy.

*Pl. talk to Principal
GTVC Charsadda to
relieve the official
immediately so that
transfer order could
be implemented*

[Signature]

[DD:HR]

DEPUTY DIRECTOR (HR)

Attestee



TECHNICAL EDUCATION & VOCATIONAL
TRAINING AUTHORITY (KHYBER PAKHTUNKHWA)
3/A Chinar Road University Town Peshawar
Phone No: 091-9216870/9218318/9218319
Web: www.kptevta.gov.pk



Annexure 'D'

10

OFFICE ORDER

The Competent Authority is pleased to withdraw the transfer/postings of the following official vide this office order Endorsement No. Endst: No. KP-TEVTA/Estab: -II/PF/2775 (1-9) dated 20-10-2015, with immediate effect.

S.#	NAME OF OFFICIAL/DESIGNATION	PLACE OF POSTING
1	Mr. Jaffar Shah, Junior Trade Instructor (BPS-10) GTI, Bajour Agency	GTVC (B) Charsadda against vacant post.
2	Mr. Ali Bakht, Junior Trade Instructor (BPS-10) GTVC (B) Chakdara at Dir Lower.	GTI, Bajaur Agency in Vice S.No.1

MANAGING DIRECTOR
(KP-TEVTA)

Endst: No. KP-TEVTA/Estab: -II/PF/ 3124 (1-7)

Dated 17/11/2015

Copy for information and necessary action to: -

- 1- The Agency Accounts Officer, Khar Bajaur.
- 2- The District Accounts Officer Charsadda.
- 3- The District Accounts Officer Chakdara.
- 4- The Principal, GTI, Khar Bajaur.
- 5- The Principal, GTVC (B) Charsadda.
- 6- The Principal, GTVC (B) Chakdara.
- 7- Officials concerned.
- 8- Master File.
- 9- Office copy.

DEPUTY DIRECTOR
(ADM/HR)

Office order no

Attest

Mansoor Jan 15

[Diary No. 5606]

[Dated: 04-12-2015]

To

The Managing Director

Kp-TEVTA Peshawar

Annexure 'E'

(11)

Subject: - Revise to Transfer Order Dated, 20/10/2015

Respected Sir,

It is stated that I have Provincial servant and works at FATA Since last Five Years Under the order of this office. Now a days I have badly suffer from his Domestic Problems and continue my services very difficult here. In this connection Submitted Transfer case diary No.861 , Dated 19/02/2015 which has file to this office. Thus second time application submitted for Re-open of Transfer case Diary No.2786, Dated 17/06/2015.

After Eight Months lengthy processes the office concerned issued transfer order Ref: Endst: No. KP-TEVTA/Estab:- 11/PF/2775 (1-9)dated 20/10/2015 and also Director Admin/HR Order to Deputy Director Admin/HR to says the Principal GTVC Chakdara to Receive his official Immediately so that Transfer Order would be Implemented on 06/11/2015.

But unfortunately the office concerned transfer order withdraw on 17/11/2015.

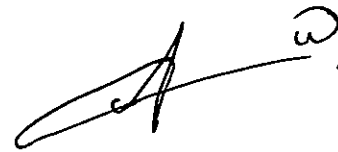
So it is requested to you that please Revise to this transfer Endst: No.KP-TEVTA / Estab:- 11/PF/2775(1-9)Dated 20/10/2015 as per the transfer policy for GTVC/SDC/GTI KPK/FATA and/ this is my Legal Right also.

Applicant

Jaffar Shah

Junior Trade Instructor(Elect)

GCT Khar Bajour Agency.



Attested

VAKALATNAMA

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ /2016

Jaffer Shah ...Versus... Govt. of Khyber Pakhtun Khwa & others


I, _____, do hereby appoint **Jahanzeb Mahsud, Tajdar Faisal & Junaid Zaman** Advocates, in the above-mentioned case, to do all or any of the following acts, deeds and things:-

- 1- To appear, act and plead for me/us in the above-mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
- 2- To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
- 3- To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of the proceedings.

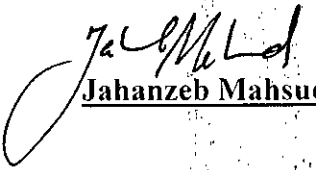
And hereby agree:

- (a) That the Advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remains unpaid.


In witness whereof I have signed this Vakalatnama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this 23rd day of March, 2016.


Signatures of Executants

Attested & Accepted by:


Jahanzeb Mahsud


Tajdar Faisal


Junaid Zaman

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No:280 of 2016.

JAFFAR SHAH VERSUS GOVT. OF KPK, ETC

Application for and on behalf of appellant/applicant for suspension of the operation of transfer order dated: 07-02-2017, (which is issued during pendency of appeal titled above) till final disposal of main appeal.

Respectfully Sheweth:

1. That the appellant/applicant filed the captioned service appeal in which 14-04-2017 is fixed as next date of hearing.
2. That at the time disposal of this application, the appeal and its supportive documents may be considered as integral part of this application.
3. That the impugned transfer order has been passed in blatant violation of service laws and rules and most importantly during the pendency of appeal titled above, so the applicant has a genuine prima facie case in his hand and he is sanguine in respect of his success.
4. That there is no legal cavil in passing of order of suspension of impugned transfer order dated: 07-02-2017 and if the said order is not suspended and status quo is not ordered, the main appeal would become infructuous and meaningless.

It is, therefore, most respectfully prayed that the operation of the impugned transfer order dated: 07-02-2017 may kindly be suspended and status quo be maintained till final disposal of main service appeal.

Through

Appellant 


Tajdar Faisal Minakhel
Advocate High Court, Peshawar

Dated: 25/02/2017

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No:280 of 2016.

JAFFAR SHAH


VERSUS

GOVT. OF KPK, ETC

AFFIDAVIT

I, **Jaffar Shah**, Junior Trade Instructor, GTI, Bajour Agency, do hereby solemnly affirm & declare that the contents of the attached application are true and correct to the best of my knowledge & belief & nothing has been concealed or withheld from this Honorable Court.

Identified by

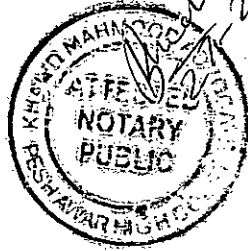


Tajdar Faisal Minakhel

Advocate



Deponent





10

10

10



FATA DEVELOPMENT AUTHORITY

Directorate of Technical Education

46-A, Sector B-2 Phase-V Near RMI Hospital Hayatabad, Peshawar

OFFICE ORDER.

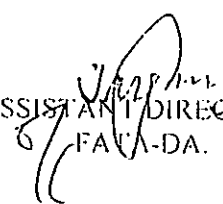
The competent Authority is pleased to transfer Mr. Jaffar Shah Junior Trade Instructor Govt. College of Technology, Khar Bajuar Agency to Technical Institute Sadda Kurram Agency against the vacant post under report.

Sd/-
CHIEF EXECUTIVE,
FATA DEVELOPMENT AUTHORITY
PESHAWAR.

Endst.No.DTE/Admn/FATA-DA/3-30/1861(1-5) Dated 07-02- 2017.

Copy for information and n/action to:-

- 1-2 The Agency Accounts Officer Khar Bajuar/ Kurram Agency Sadda.
- 3 The Principal, Govt. College of Technology, Khar Bajuar Agency.
- 4 The Principal, Govt. Technical Institute Sadda Kurram Agency.
- 5 The official concerned.


ASSISTANT DIRECTOR (TE)
FATA-DA.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1253 /ST

Dated 8 /5 / 2017

To


The Deputy Director Technical Education & Vocational Training Authority,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 280/2016, MR. JAFFAR SHAIL.

I am directed to forward herewith a certified copy of Judgement dated 14.4.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.