

محکمہ جناب چیئر مین صاحب سروس ٹریبونل KPK پشاور

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10034

Dated 21-12-2023

اپیل نمبر: 2444-2023

درخواست برآمد بحال کئے جانے ماہانہ تنخواہ بابت ماہ نومبر دسمبر 2023

جناب عالی!

سائل حسب ذیل عرض رساں ہے۔

1- کہ سائل محکمہ ایجوکیشن میں بطور ASDEO سرکل مانسہرہ تعینات ہے سائل گزشتہ 31 سال سے محکمہ ایجوکیشن میں اپنی ڈیوٹی احسن طریقے سے سرانجام دے رہا ہے۔

2- یہ کہ سائل کی 3 ماہ پہلے سیاسی بنیاد پر اور پسند اور ناپسند کی بنیاد پر دور دراز علاقے میں ٹرانسفر کر دی گئی تھی جس کے خلاف سائل کو Stay Order آپ کے معزز عدالت نے مورخہ 04-12-2023 کو دے دیا ہے جس میں محکمہ سے باقاعدہ جواب مانگا گیا جس میں 13-12-2023 کی تاریخ مقرر تھی محکمہ اس میں حاضر نہیں ہوا آج اس میں دوبارہ تاریخ مقرر تھی لیکن آج 21-12-2023 کی تاریخ مقرر تھی لیکن آج بھی محکمہ حاضر نہیں ہوا جو Stay مجھے ملا ہے وہ میں نے باقاعدہ تحریری طور پر اکاؤنٹ آفس مانسہرہ میں جمع کروا دیا تھا۔

3- یہ کہ سائل نے Transfer کے خلاف سروس ٹریبونل میں Appeal 2444/2023 دائر کیا جو کہ 04-12-2023 عرصہ دو ماہ سے تنخواہ بند ہوا ہے جو کہ محکمہ کی جانب سے ماہ نومبر و دسمبر تاحال نہ وصول ہوا ہے لہذا محکمہ نے اکاؤنٹ آفیسر سے written order مطالبہ کیا ہے۔

لہذا استدعا ہے کہ حسب ضابطہ تنخواہ بحال کرنے کا حکم صادر فرمائیں چونکہ سائل گھر کا واحد کفیل ہے بجز بمشکل گھر کے اخراجات پوری کرتا ہے۔ لہذا مشکور فرمائیں۔

المرقوم: 21-12-2023

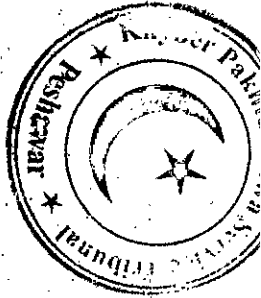
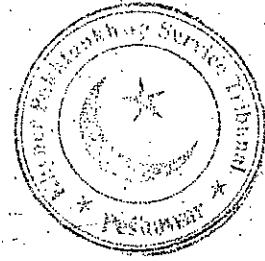
العرض

سائل رفیق جاوید ولد علی شیر ساکنہ مانسہرہ

ASDEO سرکل مانسہرہ

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 2444 /2023



Mr. Rafiq Javid, ASDEO (M),
Circle, Mansehra.

..... Appellant

VERSUS

- 1- The Secretary to Govt of KP (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Sub Divisional Education Officer Sub Division Mansehra.
- 4- The District Education Officer Male Mansehra.
- 5- MR. Muhammad Akmal ADEO (Sport & Pvt School). Mansehra.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT 1974, AGAINST THE RELIVING ORDER DATED 09/08/2023 BY INCOMPETENT AUTHORITY AND AGAINST THE TRANSFER ORDER DATED 25/08/2023, WHEREBY THE INELIGIBLE OFFICER WAS POSTED AGAINST THE POST OF APPELLANT (SDEO) AND AGAINST THE ADJUSTMENT ORDER DATED 29/08/2023 AND AGAINST REJECTION ORDER DATED 08/11/2023 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED WITHOUT SHOWING ANY REASON.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 09/08/2023, 25/08/2023, 29/08/2023 AND 08/11/2023 MAY PLEASE BE SET-ASIDE TO THE EXTENT OF APPELLANT BEING, PASSED FOR ULTERIOR MOTIVE AND BY INCOMPETENT AUTHORITY AND IN VIOLATION OF POSTING/TRANSFER POLICY. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT IN VIOLATION OF POSTING/TRANSFER POLICY AND RULES. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

04th Dec, 2023



3

1. Learned counsel for the appellant present and heard.
2. Respondent No.1 (Secretary to government of Khyber Pakhtunkhwa Elementary and Secondary Education Peshawar) is not at present considered as necessary or proper party, hence, his name is deleted from the panel of respondents. The office is directed to make entries in the relevant register as well as in the memo and grounds of appeal. The appellant is aggrieved of the order dated 09.08.2023 passed by the SDEO (M) Mansehra and the other passed by the District Education Officer (M) Mansehra on 25.08.2023. The learned counsel contends that none of the two officers, mentioned above, could order transfer of the appellant as the competency to transfer the ASDEO was that of the Director Education. However, the appellant filed departmental appeal, which was rejected by the Director Education on 08.11.2023, hence, this appeal. The appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fees within 10 days. The respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for reply/comments on 13.12.2023 before S.B. P.P given to the appellant.
3. As to the application for suspension of the operation of the impugned order dated 09.08.2023, 25.08.2023 and 29.08.2023, it is directed that the operation of the impugned orders shall stand suspended to the extent of appellant if not already complied by the appellant.

Adnan Shah

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Service Tribunal,
Peshawar
(Kalim Arshad Khan)
Chairman

A. No. 2444/2023
Refir (aved) is Grant

13th Dec. 2023

1. Junior to counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for official respondents present. Nobody present on behalf of private respondents, hence, placed ex-parte.
2. Request for adjournment was made by the learned AAG to submit reply on behalf of official respondents. Granted. To come up for reply/comments on 21.12.2023 before S.B. P.P given to the parties.

Mutazem Shah

Date of Presentation of Application 21-12-23
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Date of Completion of Copy 21-12-23
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(Kalim Arshad Khan)
Chairman

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar