


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 65/2024**

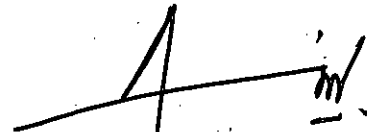
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/01/2024	<p>The appeal of Mr. Ajmal Khan resubmitted today by Mr. Meher Gul Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Ajmal Khan received today i.e. on 22.12.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Memorandum of appeal is not signed by the appellant.
- 4- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1 /S.T.

DT. 1-1 /2024

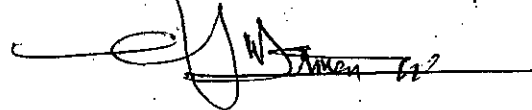


REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Meher Gul Adv.  
High Court Peshawar.

- 1 - check list attached.
- 2 - Appeal is flagged with annexures marks.
- 3 - Memorandum of appeal is signed by the Counsel of appellant; as well as Affidavit on the appeal (Grounds of Appeal) is duly signed by the Appellant.
- 4 - Two more copies/sets of the appeal along with annexures submitted.

Resubmitted after completion.



DT- 02 / 01 / 2024

( MEHER GUL )

Advocate

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 65 /2024.

Ajmal khan PSHT PBS-15 Govt Primary School No.2 SPIN KANA KALAN  
District Nowshera.

.....Appellant.

Versus

Government of Khyber Pakhtunkhwa through Secretary Education & Others

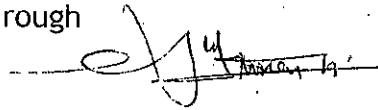
.....Respondents

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Appellant

Through



**MEHER GUL**

Advocate High Court, Peshawar

Cell No. 0306-2981781

(1)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 65 /2024.

Ajmal Khan PSHT PBS-15 Govt Primary School No.2 SPIN KANA KALAN District  
Nowshera.

.....Appellant.

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Education  
Civil Secretariat, Peshawar.
2. Director of Education, Peshawar.
3. District Education Officer (M), Nowshera.
4. ASDEO(M) Circle Pabbi, District Nowshera
5. Fazli Malik PSHT BPS-15 Govt Primary School No.2 Taru Jabba, Tehsil:  
pabbi District Nowshera

.....Respondents.

**APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED**  
**TRANSFER ORDER DATED 12-6-2023 OF RESPONDENT NO.3**  
**VIDE WHICH RESPONDENT NO.3 DECLARED HIS EARLIER**  
**TRANSFER ORDER ENDSTT NO.4115 DATED 30-3-2023 AS**  
**NULL AND VOID WITHOUT ADVANCING ANY PLAUSIBLE AND**  
**LEGAL JUSTIFICATION AGAINST WHICH DEPARTMENTAL**  
**APPEAL WAS PREFERRED BUT UN- RESPONDED WITHIN**  
**STIPULATED PERIOD OF TIME.**

Prayer:

On acceptance of this appeal the impugned Transfer Order dated 12-6-2023 of Respondent No.3 may very graciously be withdrawn/set aside being unlawful and without lawful authority, where as his earlier Transfer Order dated 30-3-2023 with respect to the transfer of appellant be restored and Respondents be further directed to issue charge certificate/charge Report to the appellant forthwith.

Respectfully sheweth;

The appellant humbly submits as under;

1. That the appellant is performing duty in Government Primary School No.2 at Spin Kana Kalan District Nowshera since 28-7-2015 continuously for almost 08 years.

2. That on 30-3-2023 Respondent No.3 was pleased to issue Transfer Order of appellant with direction that appellant will take over charge after the retirement of Mr Malik Hidayatullah PSHT BPS-15 of Government Primary School No.2 Taru Jabba, Tehsil pabbi, District Nowshera.

(copy of transfer Order dated 30-3-2023 of the Appellant is Annexure "A")

3. That few days ago on the retirement of the above stated official, the Appellant came to know about the impugned Order dated 12-6-2023 of Respondent No.3 and the charge certificate/charge report No.1238 dated 20-9-2023 issued to Respondent No.5.

( copy of impugned transfer Order dated 12-6-2023 and charge report dated 20-9- 2023 is Annexure "B" & "C" ).

4. That the appellant being aggrieved from the transfer Order dated 12-6-2023 of Respondent No.3 filed departmental appeal before Respondent No.2 vide Diary No.801 dated 25-9-2023, but the same has not been responded within stipulated period of time.

(copy of Departmental Appeal is Annexure "D")

5. That the appellant being aggrieved of the impugned Order dated 12-6-2023 and action and non-action of Respondent No.2 assailed the same in this appeal on the following amongst other grounds.

**Grounds:**

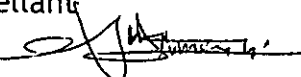
- A. That the act and omission of Respondent No.2 and the impugned Transfer Order dated 12-6-2023 of Respondent No.3 is patently illegal, unlawful, without lawful authority, hence liable to be set aside / withdrawn.
- B. That the appellant performing duty at Government Primary School No.2 Spin Kana Kalan for almost 08 years, so in this scenario declaring earlier Transfer Order dated 30-3-2023 null and void with respect to the transfer of appellant is against the law and norms of natural justice which is liable to rectification by this Honorable Tribunal .
- C. That passing the impugned Order dated 16-6-2023 and accommodating respondent No.5, and declaring the earlier transfer Order dated 30-3-2023 with respect to the transfer of appellant as null and void depict the arbitrary use of the authority on the part of respondent No.3, which prompt the indulgence of this honorable Tribunal.
- D. That the appellant is serving the department with his full devotion and to the entire satisfaction of his superior in Government primary School No.2 at SPIN KANA KALAN, for almost 08 years, but on the other hand the appellant was treated in a manner not warranted under the law and norms of natural justice.
- E. That declaring its earlier order null and void without advancing any legal justification for it, is clear cut manifestation of abuse of power and colorful exercise of authority on the part of Respondents which this honorable tribunal may interfere with.
- F. That Respondent No.2 was duty bound under the law to decide the departmental appeal of the appellant but he badly failed to do so,

which act of the Respondent is illegal under the law, hence has no legal footing to stand upon.

G. That other grounds will the appellant may urge at the time of arguments with permission of this honorable Tribunal.

*It is therefore, humbly prayed that on acceptance of this appeal the act and omission of Respondent No.2 and the impugned transfer Order dated 16-6-2023 of Respondent No.3 be set aside/withdrawn and Earlier transfer Order dated 30-3-2023 of Respondent No.3 with respect to the transfer of appellant be restored and Respondents be further directed to issue charge certificate/charge report to the Appellant forthwith in the interest of justice.*

Any other relief deemed fit in the circumstances of the case may also be granted to appellant.

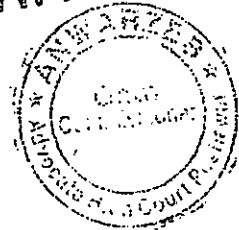
Appellant  
Through   
MEHER GUL  
Advocate High Court

**AFFIDAVIT**

I, Ajmal khan PSHT PBS-15 Government Primary School No.2 SPIN KANA KALAN District Nowshera do hereby affirm and declare on oath that contents of instant Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon,ble Tribunal.

  
ATTESTED

  
Deponent



22-12-2023

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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023.

Ajmal Khan PSHT PBS-15 Govt Primary School No.2 SPIN KANA KALAN District  
Nowshera.

.....Appellant.

Versus

Government of Khyber Pakhtunkhwa through Secretary Education & Others

.....Respondents

**APPLICATION FOR SUSPENSION OF OPERATION OF IMPUGNED**  
**ORDER DATED 12-6-2023 AND RESTORATION OF EARLIER**  
**ORDER DATED 30-3-2023 AND ISSUANCE OF CHARGE**  
**CERTIFICATE/CHARGE REPORT TO APPELLANT FORTHWITH**  
**TILL FINAL DECISION OF THE TITLED APPEAL.**

Respectfully sheweth:

The applicant/appellant submits as under;

1. That the above titled appeal is being filed before this hon'ble Tribunal along with instant application.
2. That the grounds of main appeal may kindly also be considered as part and parcel of this application.
3. That the applicant has good prima-facie case in his favor and is also sanguine about its success.
4. That the balance of convenience also lies in favor of appellant.



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5. That if the relief as prayed for is not granted the applicant may apprehend irreparable loss, hence this application.

*It is, therefore, humbly prayed that on acceptance of this application, the interim relief as prayed for in the heading of this application may graciously be granted till final decision of the instant appeal.*

Applicant /appellant

Through

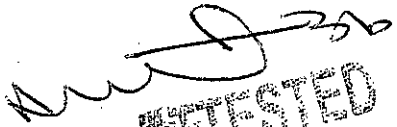
  
MEHER GUL

Advocate High Court

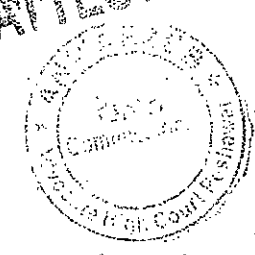
**AFFIDAVIT**

I, Ajmal khan PSHT PBS-15 Government Primary School No.2 SPIN KANA KALAN District Nowshera do hereby affirm and declare on oath that contents of instant Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon,ble Tribunal.

  
Deponent



ATTESTED



22-12-2022

7

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023.

Ajmal khan PSHT PBS-15 Govt Primary School No.2 SPIN KANA KALAN District  
Nowshera.

.....Appellant.

Versus

Government of Khyber Pakhtunkhwa through Secretary Education & Others

.....Respondents

**ADDRESSES OF THE PARTIES APPELLANT:**

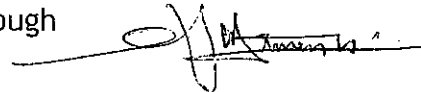
Ajmal khan PSHT PBS-15 Government Primary School No.2 SPIN KANA  
KALAN District Nowshera.

**RESPONDENTS:**

1. Government of Khyber Pakhtunkhwa through Secretary Education  
Civil Secretariat, Peshawa.
2. Director of Education, Peshawar.
3. District Education Officer (M), Nowshera.
4. ASDEO(M) Circle Pabbi ,District Nowshera
5. Fazli Malik. PSHT BPS-15 Government Primary School No.2 Taru  
Jabba, Tehsil: pabbi District Nowshera

Appellant

Through



Meher Gul

Advocate High Court, Peshawar.

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Annex A



OFFICE OF THE DISTRICT EDUCATION  
OFFICER(MALE) NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

OFFICE ORDER.

The Competent authority is pleased to adjust/Transfer Mr. Afnanul Khan PSHT BPS-15 GPS No; 2 Spin Kani Kalan To GPS No;2 Taru Jabba Pabbi Nowshera or his own grade and pay in the interest of public service with immediate effect.

Note:- No TA/DA is allowed.  
Charge report should be submitted to all concerned.  
The official will take over charge after the retirement of Mr. Malik Hidayat Ullah PSHT of the above school

(SHAH JEHAN)

DISTRICT EDUCATION OFFICER (M),  
NOWSHERA

Endstt: No 475-18/DEO (M) NSR/Estab Branch/Transfer/ Chowk(M) dated: 27/03/2023

Copy forwarded for information to the:-

- 1:- Sub: Divisional Education Officer (M) Concerned.
- 2:- District Monitoring Officer Nowshera.
- 3:- District Account Officer Nowshera.
- 4:- ASDEO (M) Circle Concerned
- 5:- Official Concerned.

DISTRICT EDUCATION OFFICER (M)  
NOWSHERA

ATC

AA



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Annex B

OFFICE OF THE DISTRICT EDUCATION OFFICER(MALE) NOWSHERA

(Office: Phone-81723-92202211, Fax-81723-92202211)

OFFICE ORDER.

The Competent authority is pleased to adjust/transfer Mr. Jam Malik PSMT UPS-15 GPS No: 1 Pitan Payan Tehsil Jhangera To GPS No:2 Tara Jabba Pabli Nowshera on his own grade and pay in the interest of public service with immediate effect.

- Note: -
- No TA/DA is allowed.
  - Charge report should be submitted to all concerned.
  - The official will take over charge after the retirement of Mr. Midayat Ur Rehman PSMT of the above School.
  - Any other transfer order except this will be consider as null and void

(SHAH JEHAN)

DISTRICT EDUCATION OFFICER (M) NOWSHERA

Endate: No 7728-32 / DDO (M) NSR/Estab: Branch/Transfer/ Chowk (M) dated: 12/06/2021

Copy forwarded for information to the:-

- 1:- Sub-Divisional Education Officer (M) Concerned.
- 2:- District Monitoring Officer Nowshera.
- 3:- District Account Officer Nowshera.
- 4:- ASDDO (M) Circle Concerned
- 5:- Official Concerned.

Handwritten signature and stamp on the left side of the page.

DISTRICT EDUCATION OFFICER (M) NOWSHERA

ATC  
Handwritten initials



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Anna C.

OFFICE OF THE  
ASSISTANT SUB DIVISIONAL EDUCATION OFFICER  
CIRCLE PABBI TEHSIL, PABBI DISTRICT NOWSI

No: 1238-40

Dated: 20/09/2023

## CHARGE CERTIFICATE

Mr. FAZLI MALIK (PSHT) s/o MUHAMMAD AMIR KHAN yc  
transferred vide DEO (M) NSR Endstt: No: 7728-32 dated 12/06/2023 from  
Payan Tehsil Jehanpura to GPS No 2 Taru Jabba Tehsil Pabbi.

Hence the charge is handed over to you today dated 20-09-2023 at

ATC

*[Handwritten signature]*

*[Handwritten signature]*

ASDEO (M) Circle  
Assistant  
Education  
Officer

(11) *وہاں سے* - *پاکستان* *پشاور* *2*

Before the worthy Director of Education, Peshawar

Departmental Appeal against the transfer order  
DEO (M) NSR Endsht No-7728-32 dt 12-6-2023  
vide which DEO NSR declared its previous order  
DEO (M) NSR Endsht No-4115-18 dt 30-3-2023  
as null and void, without any lawful justification

Annex D

Sir,

- The Appellant humbly submits as under;
1. That the Appellant performed his duty at GPS No-2 Spin Kani District NSR for almost more than 08 years.
  2. DEO NSR was pleased to issue transfer order of Appellant on 30-3-2023 with directions that Appellant will take over charge after the retirement of Mr Malik Hidayat Ullah PSHT of GPS No-2 Tary Jabba Tehsil Pabbi. (copy of order dt 30-3-2023 Annexed)
  3. That few days ago on the retirement of the above stated official, the Appellant came to know about the subsequent transfer order dt 12-6-2023 of DEO NSR, and of the charge certificate No-1238-46 dt 20-9-2023 issued by ASDEO (M) Circle Pabbi. (copies Annexed)
  4. That in view of the stated facts the subsequent transfer order is illegal and misuse of his official authority.

It is humbly prayed that on acceptance of this Departmental Appeal the subsequent transfer order dt 12-6-2023 of DEO NSR be set aside and the transfer order dt 30-3-2023 be declared to be intact and concerned official be directed to issue charge certificate/charge report to the Appellant forthwith.

Appellant *Ajmal Khan*

Mr Ajmal Khan PSHT BPS-15

GPS No-2 Spin Kani Kalan NSR

dt 25-9-2023


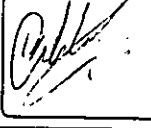
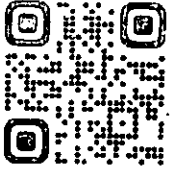
Cell No 0343.8781.683

*Ch/Ab*

No 801

25-9-2023

ATC  
*ATC*

150	123	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈریس: میرٹھ	PESHAWAR BAR ASSOCIATION	
بارڈنل ایسوسی ایشن نمبر: be-10-7554		
رابطہ نمبر: 0346-2981781		

بعدالت جناب: سرور سٹراٹجی سیرٹیفکیشن کے بارے میں

منجانب: ایڈووکیٹ	دعویٰ: سرور سٹراٹجی
اجمل خان - ایڈووکیٹ	علت نمبر:
بنام	مورد:
حکومت خیبر پختونخواہ	جرم:
سیکشن 174(1) آئی اے اے	تھانہ:

### بابت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام سرور سٹراٹجی سیرٹیفکیشن کے لیے میرٹھ ایڈووکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلہ برحلف دینے جواب دعویٰ انبال دعویٰ اور درخواست از ہر قسم کی تصدیق زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 22/12/20

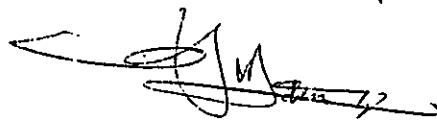
الم سید گواہ شد الع

مقام کے لیے منظور ہے

Attested &

Accepted

اس وکالت نامہ کی تصدیق کے لیے مندرجہ ذیل



ایڈووکیٹ