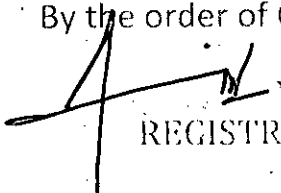


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 19 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.01.2024	<p>The implementation petition of Dr. Asim Saeed submitted today by Mr. Ahsan Bilal Langraw Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha Peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

EXECUTION NO. _____/2023

Dr. Asim Saeed

VS

GOVT. OF KPK & OTHERS

APPLICATION FOR FIXATION OF THE ABOVE TITLED CASE AT
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

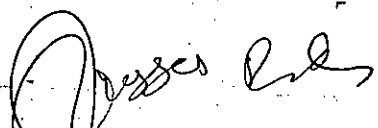
5. That the above mentioned case is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
6. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
7. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
8. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application the case may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Appellant/Applicant

Dated: 02/1/24

Through


AHSAN BILAL LANGRAW
ADVOCATE SUPREME COURT

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Civil Misc/Execution petition No. 19 /2024

**Dr. Asim Saeed
(Petitioner)**

VERSUS

**Govt; of KPK etc
(Respondents)**

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Ground Civil Misc/Execution and Application for Suspension with Affidavit	--	1-6
2.	Copy of impugn order dated 27/09/2023	A	7
3.	Copy of departmental appeal 02/10/2023 and rejection order of departmental appeal 11/12/2023	B&C	8-10
4.	Copy of service appeal No 2586/2023 and suspended order dated 15/12/2023	D	11-16
5.	Application submitted by petitioner for implementation on 15/12/2023	E	17-19
6.	Copy of order 01/12/2023 & letters	F&G	20-22
7.	Vakaltnama		23
8.		--	

Dated ___/01/2024

Your humble petitioner

Asim Saeed

Dr. Asim Saeed

Ahsan Bilal Langraw

Through counsel

Ahsan Bilal Langraw
Advocate Supreme court

2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Civil Misc/Execution petition No. 19 /2024

DR. ASIM SAEED son of Muhammad Saeed Resident of Basti Ustrana Shumali, Principal (BPS-18) presently serving under the domain of DEO (male), Dera Ismail Khan.

(Petitioner)

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10333

Dated 4-1-2024

VERSUS

1. **Govt; of KPK through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar, Block "A" opposite MPA's Hostel Civil Secretariat Peshawar.**
2. **Chief Secretary Govt; of Khyber Pakhtunkhwa Peshawar,**
3. **Director, Elementary and Secondary Education, KPK Peshawar.**
4. **Noor Sultan, SDEO (Sub Divisional Education Officer) (BS-17), Dera Ismail Khan. Presently posted as Deputy DEO (male) office, DIkhan.**

..... **(RESPONDENTS)**

PETITION UNDER SECTION 7(2)(D) OF THE K.P.K PROVINCE SERVICE TRIBUNALS ACT FOR IMPLEMENTATION/EXECUTION OF THE ORDER DATED 15/12/2023 PASSED IN SERVICE APPEAL NO .2586/2023

Note: Addresses given above shall suffice the object of service.

Respectfully Sheweth;

1. That the petitioner is serving in the Education Department since 21/04/1999.
2. That, the petitioner received impugned notification No. So(MC)E&SED/2-3/2022/ promotion/MC/Asim saeed /DDEO(M)

dated 27/09/2023 whereby the petitioner has been transferred from the post of deputy DEO (Male) Dera ismail khan to subject Specialist (Islamiyat BS-18)GHHS Ramak DIKhan and private respondent No-4(Junior office of BS-17) was assigned to hold the look after charge of the post Deputy DEO (male)DIKhan .copy of impugn order is annexed as **Annexure "A"**

3. That the petitioner feeling aggrieved from the impugn order SO(MC)E&SED/2-3/2022/ promotion/MC Asim saeed /DDEO(M) dated 27/09/2023, the petitioner preferred a departmental appeal on 02/10/2023 but the same met the fate of rejection vide impugned order of petitioner authority No SO(MC)E&SED/4/16/2022/dep.Appeal/Asim Saeed dated 11/12/2023.cpies of departmental appeal and rejection order are annexed as **Annexure B" and "c"**
4. That the petitioner prefere service appeal no 2585/2023 for redressal of grievance in the headnote of appeal.

GROUND S

1. That the petitioner filed a service appeal no 2586/2023 before the hounrable Tribunal which was fixed for hearing before the service tribunal and resultendly the impuen order dated 27/09/2023 was suspended on 15/12/2023 copy of order is annexed as **Annexure "D"**
2. That the petitioner submitted an application for the execution of order dated 15/12/2023 in the office of respondents on same day 15/12/2023 copy of application is annexed as **Annexure E"**
3. That the respondents were bound by the verdict 15/12/2023 of service Tribunal . in fact they have shown dis, respected and disregard to the role of law and authority of this Honourable Tribunal . Thus ,action speak louder than words, respondents are giving a clear message that they have no care of the directions of this Honourable Tribunal and they

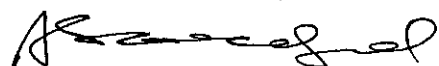
have provenly shown their disinterest to obey the verdict of this worthy Tribunal, Meanwhile the respondents issued an other transfer dated 01/12/2023. Copy of order annexed as **Annexure "F"**

4. That the counsel for petitioner may be allowed to argue additional grounds at the time of arguments.

It is, therefore, humbly prayed that the respondents may please be directed to implement the order dated 15/12/2023 in the letter and spirit and thereby withdraw the Notification dated 27/09/2023 and Notification No So (MC)E&SED/4-16/2023/PT/SDEOs dated 01/12/2023 with such other relief as may be deemed proper and appropriate by this Honourable Tribunal in the attending circumstances of the case.

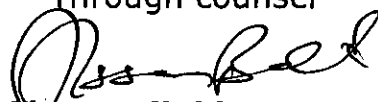
Dated 02/01/2024

Your humble petitioner



Dr. Asim Saeed

Through counsel




Malik Ahsan Bilal Langraw

Advocate Supreme Court of Pakistan.

CERTIFICATE

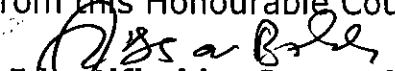
I, the petitioner, do hereby certify that it is the first petition on behalf in behalf of petitioner and no other Misc/Execution Petition on the subject has earlier been filed by the Petitioner in this Honourable Tribunal.



Petitioner

AFFIDAVIT

I, the petitioner, do solemnly affirm & declare on Oath that the contents of accompanying Misc/Execution Petition are true & correct to the best of my knowledge and nothing has been concealed from this Honourable Court



Identified by Counsel

Malik Ahsan Bilal Langraw ASC



Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In Civil Misc/Execution petition No. _____/2024

Dr. Asim Saeed Versus Govt. of KPK etc.

Civil Misc/Execution petition

URGENT APPLICATION FOR THE GRANT OF INTERIM RELIEF TO PLEASE SUSPEND THE OPERATION OF NOTIFICATION NO , SO (MC) E& SED/4-16/2023/PT/SDEOs DATED 01/12/2023,ISSUED BY RESPONDENTS NO 1 SOON AFTER ISSUEINCE OF NOTIFICATION NO SO(MC)E& SED /2-3/2022 PROMTION /MC/ ASIM SAEED /DDEO(M)DATED 27/09/2023 RESPONDENTS NO ,1 which was already suspended by KPST on dated 15/12/2023. TILL FINAL OUTCOME OF THE EXECUTION PETITION.

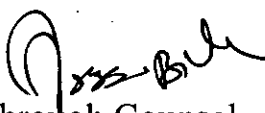
Respectfully sheweth .

1. That an Execution Petition is being filed before this Honourable Court and grounds of same may please be considered as an integral part of this application.
2. That the application has got a strong prima facie case on the basis of law as well as facts and there is every likelihood of the success of Execution Petition hence, Balance of convenience tilts in favour of the applicant.
3. That the non grant of interim relief, as prayed for ,would effect the rights of applicant adversaly and it would be an irreparable loss to him.

It is therefore ,humbly prayed that on the acceptance of the instant Civil, Misc. Application the operation of Notification dated

01/12/2023 issued by respondents No .1 may please be suspended till decision of the Execution petition ,and in the meanwhile ,status quo may kindly be ordered to be maintained.

Deponent


Through Counsel
Malik Ahsan Bilal langraw ASC

AFFIDAVIT:

I, the petitioner ,do solemnly affirm & Declare on Oath that the contents of accompanying Misc/Execution Petition are true & correct to the best of my knowledge and nothing has been concealed from this Honourable Court


Identified by Counsel
Malik Ahsan Bilal langraw ASC


Deponent





GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 991-9210626

Dated: 27th September, 2023

NOTIFICATION

NO.SO(MC)E&SED/2-3/2022/Promotion/MC/Asim Saeed/DDEO(M): Due to administrative exigencies Mr Asim Saeed, (TC BS 18), Deputy DEO (Male) D.I.Khan is hereby transferred posted as Subject Specialist (Islamiyat BS-18) GHSS Ramak D.I.Khan against the vacant post, with immediate effect.

Consequent upon the above, Muhammad Noor Sultan SDEO (M) D.I.Khan is hereby authorized to hold the Look After charge for the post of Deputy DEO (Male) D.I.Khan, in addition to his own duties, as stop gap arrangement, purely on temporary basis, till the arrival of regular officer, in the best public interest.

**SECRETARY TO THE GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Andst. of even No. & date:

Copy forwarded for information to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. Section Officer (School Male) E&SE Department.
5. District Education Officer (Male) D.I.Khan.
6. District Accounts Officer D.I.Khan.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officers concerned.
9. Master file.

111
(IMRAN ZAMAN)

27.9.23

SECTION OFFICER (Management Cadre)

ATTESTED

'B'

8-

CS Diriy No.
48/687
dt 18/10

**BEFORE THE WORTHY CHIEF SECRETARY
KHYBER PAKHTUNKHWA PESHAWAR**

Subject: **DEPARTMENTAL APPEAL/REPRESENTATION AGAINST IMPUGNED
NOTIFICATION ORDER NO. SO(MC)E&SED/2-
3/2022/Promotion/MC/Asim Saeed/DDEO(M) DATED 27/09/2023,
WHEREBY THE APPELLANT HAS BEEN TRANSFERRED AS SSS
(ISLAMIYAT BS-10) GHSS RAMAK DERA ISMAIL KHAN**

Respected Sir,

Appellant humbly submits as under:

1. That the appellant is serving in the Elementary & Secondary Education Department Khyber Pakhtunkhwa since 21.01.1999. The appellant has approximately more than 25 years length of service.
2. That, at present, the appellant has been serving as Deputy District Education Officer (Male) Dera Ismail Khan vide E&SE Department Notification dated 10.01.2022. During this period appellant gave meritorious services to the department in computerization of record and web development for the Middle Section, which is first ever project in KP. During this period the appellant received numerous appreciation certificates from the High-ups.
3. That, on 27.09.2023, the appellant received impugned Notification No. SO(MC)E&SED/2-3/2022/Promotion/MC/Asim Saeed / DDEO (M) dated 27.09.2023 whereby the appellant had been transferred from the post of Deputy District Education Officer (Male) Dera Ismail Khan to post of Senior Subject Specialist (Islamiyat BS-18) GHSS Ramak DIKhan and a junior officer of BS-17 was allowed to hold the additional charge of the post of Deputy DEO(M)DIKhan. It is clear discrimination with the appellant.
4. That the appellant was selected as **Principal (BS-18)** through Public Service Commission on 25.09.2015. The appellant is highly qualified having **Master Degree in Physics and PhD Degree in Education**. Astonishingly, the appellant had been posted as Subject Specialist **(Islamiyat BS-18)**. The impugned Notification clearly reflects the victimization of the appellant. It is pertinent to mention here that appellant had not exhausted his normal tenure of service as Deputy DEO (Male) DIKhan. This amount to sheer violation of service rules and transfer posting policy of the Government, hence, the transfer order mentioned above is liable to be set aside being premature.
5. That the above-mentioned transfer order is based on political victimization and nepotism, favoritism, made against the appellant, hence, liable to be set aside.

ASE / SOMC O/C
Sayy Diriy No 3146
dt 18/10

Scanned with AltaScanner

ATTESTED

6. That the Public servants are always considered to be the back bone of a country and the system, have to be protected against injustices enabling them to deliver to the best of their abilities.
 7. That though, transfer/posting is the discretion of the authority but it is the burden duty of authority that while exercising such discretion, the requirement of job, nature of duties, requisite capabilities and know-how of its performance, qualification of incumbent, seniority position etc must be considered. Thus, such discretion falls within the prerogative domain of Government, but it must not escape unnoticed that such discretion should be exercised in accordance with settled norms of justice, equity and fair play.
 8. That the impugned transfer/posting order is sought to be justified in the name of "public interest" without comprehending the implication thereof. Thus, the use of phraseology of "public interest" is basically a cover to justify such like transfers.
 9. That as per Service Laws every Civil Servant is liable to serve anywhere as posted by a competent authority but that does not state that civil servant can be posted or transferred by this regarding other relevant service, nor does it empower the authority to cut short the normal tenure of a posted/transferred Civil Servant, and particularly without assigning any reasons.
 10. That when ordinary tenure for posting has been specified in the law or rules made there under, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.
- In wake of submissions made above, the Impugned order No. SO(MC)E&SED/2-3/2022/Promotion/MC/ Asim Saeed / DDEO(M) dated 27/09/2023 may graciously be set aside/canceled/withdrawn in the large interest of justice.*

Dated: 02/10/2023

Yours' humble Appellant



Dr. Asim Saeed
Deputy DEO(M) Dera Ismail Khan
Principal BS-18
R/O Basti Ustrana Shumali DI Khan
0300-579-1911, 0344-939-3903

ATTACHED



'C' -10-
Annex "E"

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223588

No. SO (MC)E&SED/4-16/2022/dept. Appeal/Asim Saeed
Dated: 11th December 2023

To

Dr. Asim Saeed
Ex- Deputy DEO (Male)
District D.I.Khan

Subject: - **DEPARTMENTAL APPEAL/ REPRESENTATION AGAINST IMPUGNED NOTIFICATION ORDER NO. NO.SO(MC)E&SED/2-3/2022/ PROMOTION /MC/ASIM SAEED/DDEO(M) DATED 27.09.2023, WHEREBY THE APPELLANT HAS BEEN TRANSFERRED AS SSS (ISLMAYAT) GHSS RAMAK D.I. KHAN**

I am directed to refer to your appeal No. 3140 dated 02.10.2023, on the subject noted above and to state that your appeal has been examined and filed, having no legal ground.

11/12/2023
(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

Copy for information to the: -

PS to Secretary E&SE Department, Khyber Pakhtunkhwa.

SECTION OFFICER (Management Cadre)

ATTESTED

-11-

"D"

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR, AT CAMP DERA ISMAIL KHAN,

Service Appeal No. 2886 /2023

DR. ASIM SAEED son of Muhammad Saeed Resident of Basti Ustrana Shumali, Principal (BPS-18) presently serving under the domain of DEO (male), Dera Ismail Khan.

(Appellant)

VERSUS

1. **Govt; of KPK through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar, Block "A" opposite MPA's Hostel Civil Secretariat Peshawar.**
2. **Chief Secretary Govt; of Khyber Pakhtunkhwa Peshawar,**
3. **Director, Elementary and Secondary Education, KPK Peshawar.**
4. **Noor Sultan, SDEO (Sub Divisional Education Officer) (BS-17), Dera Ismail Khan. Presently posted as Deputy DEO (male) office, DIkhan.**

..... **(RESPONDENTS)**

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER NO. SO(MC)E&SED/2-3/2022/Promotion/MC/ Asim Saeed /DDEO(M) DATED 27/09/2023 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED AS SSS (ISLAMIYAT) AT GHSS RAMAK, DIKHAN AND APPEAL AGAINST THE ORDER NO. SO(MC)E&SED/4-16/2022/dep. Appeal/Asim Saeed DATED 11/12/2023, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED BY THE APPELLATE AUTHORITY.

ATTESTED

Note: Addresses given above shall suffice the object of service.

Respectfully Sheweth;

1. That the appellant is serving in the Education Department since 21/04/1999. The appellant has approximately more than 25 years length of service. Later on the appellant was selected and appointed as Principal (BPS-18) via KP, Public Service Commission. Copy of appointment order is annexed **Annexure "A"**.
2. That, before the issuance of impugn order the appellant was serving as Deputy DEO (male) Dera Ismail Khan since 10/01/2022. During this period the appellant gave meritorious services in computerization and web development in middle section, which is first ever project in KP. During this period the appellant received numerous appreciation certificates from the High-ups. Copy of notification dated 10/01/2022 is annexed as **Annexure "B"**.
3. That, on 27/09/2023, the appellant received impugned notification No. SO(MC)E&SED/2-3/2022/ Promotion/MC/Asim Saeed/DDEO(M) dated 27/09/2023 whereby the appellant has been transferred from the post of Deputy DEO (Male) Dera Ismail Khan to Subject Specialist (Islamiyat BS-18) GHSS Ramak DIKhan and private respondent No. 4 (Junior Office of BS-17) was assigned to hold the look after charge of the post of Deputy DEO (male) DIKhan. Copy of impugn order is annexed as **Annexure "C"**.
4. That feeling aggrieved from the impugn order SO(MC)E&SED/2-3/2022/Promotion/MC/Asim Saeed/DDEO (M) dated 27/09/2023, the appellant preferred a departmental appeal on 02/10/2023 but the same met the fate of rejection vide impugned order of appellate authority No SO(MC)E&SED/4-16/2022/dep.Appeal/Asim Saeed dated 11/12/2023. Copies of

ATTESTED

~~8~~

-13-

departmental appeal and rejection order are annexed as Annexure "D" and "E" respectively.

5. That the instant service appeal is being filed before this Honourable Tribunal for redressal of grievance as prayed for hereinafter on inter alia on the following grounds,

G R O U N D S

1. That the impugned transfer order is against service laws, rules and transfer policies and based on political victimization and nepotism, favoritism made against the appellant, hence, liable to be set aside.
2. That basically the appellant was selected via Public Service Commission as a **Principal** on 25/09/2015. The appellant is Masters in **Physics** (M.Sc Physics) and thereafter doctorate (Ph.D) in Education. Astonishingly, the appellant has been posted as Subject Specialist **(Islamiyat BS-18)**. The impugned notification clearly reflects the victimization of the appellant. Pertinent to mention here that appellant had not exhausted his normal tenure of service as Deputy DEO (Male). This amount to sheer violation of service rules and laws, hence, the transfer order mentioned above is liable to be cancelled being premature. Copies of academic certificates are annexed as Annexure "F".
3. That the Public servants are always considered to be the back bone of a country and the system, have to be protected against injustices enabling them to deliver to the best of their abilities.
4. That though, transfer/posting is the discretion of the authority but it is the burden duty of authority that while excessing such discretion, the requirement of job, nature of duties,

ATTESTED

requisite capabilities and know-how of its performance, qualification of incumbent, seniority position etc must be considered. Thus, such discretion falls within the prerogative domain of Government, but it must not escape unnoticed that such discretion should be exercised in accordance with settled norms of justice, equity and fair play.

5. That the impugned transfer/posting order is sought to be justified in the name of "public interest" without comprehending the implication thereof. Thus, the use of phraseology of "public interest" is basically a cover to justify the unjust transfers.
6. That as per service Laws every Civil Servant is liable to serve anywhere as posted by a competent authority but that does not state that civil servant can be posted or transferred by this regarding other relevant service, nor does it empower the authority to cut short the normal tenure of a posted/transferred Civil Servant, and particularly without assigning any reasons.
7. That when ordinary tenure for posting has been specified in the law or rules made there under, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

ATTESTED

8. That the impugned order of appellate authority was issued without perusing the relevant service record and was issued without assigning any reason, which can safely be term as non-speaking order. Hence, is liable to be set aside.
9. That this honourable Tribunal has ample powers to adjudge the matter under reference per prayer made hereby.
10. That counsel for the appellant may graciously be allowed to add to the grounds, on facts and on law as well, during the course of arguments, if needed be.

In wake of submissions made above, the instant service appeal may kindly be accepted. The impugn order No. SO(MC)E&SED/2-3/2022/Promotion/MC/Asim Saeed/DDEO(M) dated 27/09/2023 and impugn order No SO(MC)E&SED/4-16/2022/dep. Appeal/Asim Saeed of Appellate Authority may graciously be set aside/canceled/withdrawn in the large interest of justice.

Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant in the large interest of justice.

Dated ___/12/2023

Your humble appellant

Asim Saeed
Dr. Asim Saeed

Through counsel

Ahsan Bilal
AHSAN BILAL LANGRAW
Advocate Supreme Court of Pakistan.

ATTESTED

The Secretary Elementary and

Secondary Education Tehsistan

Subject:- Implementation of Service Tribunal

order sheet in service appeal No 2586/2023

Memo:-

With reference to, the subject cited

above it is requested in your kind favor

that Service Tribunal in appeal no 2586/2023

has granted status quo suspension of

orders dated 27-09-2023. It is therefore

requested in your kind favor to

implement the orders of honorable

Service Tribunal and oblige.

SOC (ML)

W

15/19

ATTACHED

Dy. D-E-OCM

Yours truly,
Dr. Amin Saad

D. S. Khan

-17-

~~11 E~~

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR, AT CAMP DERA ISMAIL KHAN.

Service Appeal No. 2886 /2023

DR. ASIM SAEED son of Muhammad Saeed Resident of Basti Ustrana, Shumali, Principal (BPS-18) presently serving under the domain of DEO (male), Dera Ismail Khan.

(Appellant)

VERSUS

1. **Govt; of KPK through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar, Block "A" opposite MPA's Hostel Civil Secretariat Peshawar.**
2. **Chief Secretary Govt; of Khyber Pakhtunkhwa Peshawar,**
3. **Director, Elementary and Secondary Education, KPK Peshawar.**
4. **Noor Sultan, SDEO (Sub Divisional Education Officer) (BS-17), Dera Ismail Khan. Presently posted as Deputy DEO (male) office, DIkhan.**

..... **(RESPONDENTS)**

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER NO. SO(MC)E&SED/2-3/2022/Promotion/MC/ Asim Saeed /DDEO(M) DATED 27/09/2023 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED AS SSS (ISLAMIYAT) AT GHSS RAMAK, DIKHAN AND APPEAL AGAINST THE ORDER NO. SO(MC)E&SED/4-16/2022/dep. Appeal/Asim Saeed DATED 11/12/2023, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED BY THE APPELLATE AUTHORITY.

ATTESTED

-18-

FORM OF ORDER SHEET

Court of _____

Appeal No. 2586/2023

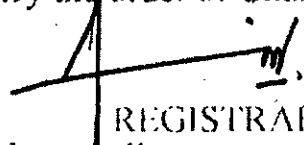


S.No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3

14/12/2023

The appeal of Dr. Asim Saeed presented today by Mr. Ahsan Bilal Langraw Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 15-12-2023. Parcha Peshi is given to the counsel for the appellant.

By the order of Chairman



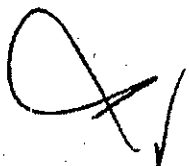
REGISTRAR

15th Dec. 2023

1. Learned counsel for the appellant present and heard.
2. Against the impugned order dated 27th September, 2023, the appellant has filed departmental appeal, which was filed on 11.12.2023, hence, the instant service appeal. Learned counsel for the appellant says that although the appellant was from Teaching Cadre but was posted by the department itself against the post of Deputy DEO (Male) D.I.Khan. He further agitated that the appellant was appointed as Principal vide Notification dated 25.08.2015 but he was given the post of Subject Specialist, Islamiat which was against the terms of his appointment order. The appeal is admitted to regular hearing subject to all just and legal objections. Appellant is directed to deposit security

Certified to be true copy

CHIEF CLERK
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



fee within 10 days. Mr. Naveed Ullah Shah Deputy Secretary present on behalf of Secretary Education Khyber Pakhtunkhwa he is directed to submit reply within a fortnight. Notice be issued to private respondent, the expenses of which will be deposited by the appellant. To come up for reply/comments on 22.12.2023 before S.B. P.P given to the learned counsel.

3. As to the application for suspension of the operation of the impugned order dated 27.09.2023, it is directed that the operation of the impugned order shall stand suspended to the extent of appellant if not already complied by the appellant.

[Handwritten Signature]
19/12/23

(Kalim Arshad Khan)
Chairman

Mutazem Shah

2nd Dec, 2023

1. Learned counsel for the appellant present. Mr. Habib Anwar Additional Advocate General alongwith Mr. Imran, Assistant for official respondents present. Mr. Khalid Mehmood, Advocate on behalf of private respondent No. 4 present and submitted Wakalatnama on behalf of private respondent No.4 which is placed on file.
2. Reply/comments on behalf of respondents not submitted. Representative of official respondents as well as private respondent No. 4 seeks time to submit reply/comments. This case pertains to camp court, D.I.Khan, therefore, let it be fixed for reply/comments on 16.01.2024 before S.B. *at Camp Court, D.I. Khan* P.P given to the parties.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Handwritten Signature]
(Muhammad Akbar Khan)
Member (E)

Date of Presentation of Application 03-01-24
Number of ~~Words~~ Page 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copyist Shahed
Date of Completion of Copy 03-01-24
Date of Delivery of Copy 03-01-24

"F" - 20-



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9210626

Dated. 1st December, 2023

NOTIFICATION

NO.SO (MC) E&SE/D/4-18/2023/PT/SDEOs The following posting/ transfer of SDEOs are hereby ordered with immediate effect, in the best public interest.

Sr#	Name	From	To	Remarks
1.	Mr. Noor Sultan MC BS-17	SDEO (M) D.I.Khan	Deputy DEO (M) D.I.Khan in OPS	AVP
2.	Muhammad Humayun MC BS-17	SDEO (M) SD Darazenda DIK	SDEO (M) D.I.Khan	V.S.No.1
3.	Muhammad Rashid TC BS-17	Head Master (BS-17) GHS Sikandar Sout DIK	SDEO (M) SD Darazenda DIK	V.S.No.2

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officers (Male) D.I.Khan.
5. District Accounts Officer D.I.Khan..
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

114
1-12-20
(IMRAN ZAMAN)
SECTION OFFICER (Management Car)

ATTESTED

"G" -21-



No.F.7 (1)/2021-EIs (DEC)
OFFICE OF THE
DISTRICT ELECTION COMMISSIONER
D.I.KHAN

Al-Waris City near Bab-e-Dera
December 26, 2023

To

The District Education Officer (Male),
D.I.Khan.

Subject: - IMPLEMENTATION OF SERVICE APPEAL NO.2586/2023 IN RESPECT OF
DR. ASSIM SAEED DEPUTY DEO (MALE) D.I.KHAN.

Please find enclosed herewith a copy of an application alongwith
enclosures submitted by Dr. Assim Saeed, Assistant Returning Officer, NA-45
(D.I.Khan-II), which is self-explanatory, for your information and perusal.

2. In this regard, it is therefore requested that kindly guide this office, in light
of the decision of the Khyber-Pakhtunkhwa Service Tribunal, Peshawar in Service
Appeal No.2586/2023 dated 15.12.2023 regarding current designation of the above
named officer to proceed further accordingly.


Encl: (05-Pages).


(ABDUL RAUF KHAN)
District Election Commissioner
D.I.Khan

Copy forwarded for information to:

1. The Regional Election Commissioner, D.I.Khan Division, D.I.Khan.
2. Dr. Assim Saeed, ARO NA-45 (D.I.Khan-II).

ATTACHED


(ABDUL RAUF KHAN)
District Election Commissioner
D.I.Khan

- 22 -



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN**

Tell: 09669280131
Email: deom.di@kpesa.gov.pk

No. 24496

Dated DIKhan the 30/12/2023

To,

The District Election Commissioner,
Dera Ismail Khan.

**Subject: IMPLEMENTATION OF SERVICE APPEAL NO 2586/2023 IN RESPECT OF DR. ASSIM SAEED
DEPUTY DEO (MALE) D.I.KHAN**

Memo:

Reference letter No. F-7(1)/2021-Eis(DEC) Dated 26/12/2023 from your office,

It is stated that after the issuance of Notification dated 27/09/2023, another transfer notification was issued on 01/12/2023 vide No. SO(MC)E&SED/4-16/2023/PT/SDEOs by the Secretary Elementary & Secondary Education, KP Peshawar. In the light of notification dated 01/12/2023 Mr. Muhammad Noor Sultan (Management Cadre) took over the charge as Dy: DEO(M) DIKhan in the office of the undersigned and he is working on said slot.

Moreover, Secretary E& S Education is competent authority to implement the judgment. Implementation is not in the domain of this office.


It is pertinent to mention here that DEO (M) DIKhan is not party/defandent in the said service appeal.


DISTRICT EDUCATION OFFICER
(MALE) DIKHAN

Endst No. _____

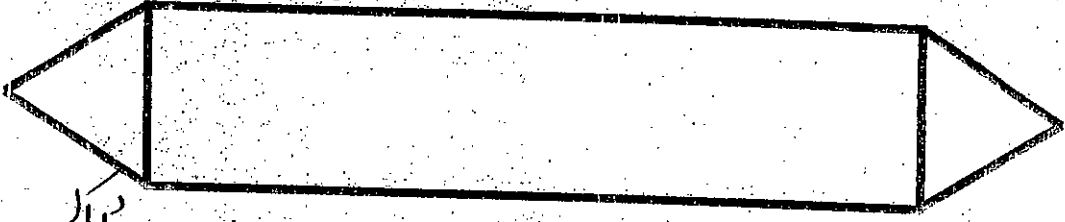
Copy for information to the:-

1. Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioner/D.R.O, Dera Ismail Khan.
4. Master file.


DISTRICT EDUCATION OFFICER
(MALE) DIKHAN

ATTACHED

بعدالت سپریم کورٹ اور



ڈاکٹر عامر سید

2 منجانب

ڈاکٹر عامر سید بنام گورنمنٹ

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل کاروائی متعلقہ
آن مقام لاہور کیلئے ملاک اسٹیشننگ لنگراہ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب وہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت
مقدمہ مذکور 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 بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے
سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔
کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔