# BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. <u>509</u>/202**2** 

ECANNED KPST Peshawar

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Appellant

Through

Syed Saud Shah Advocate High Court



### BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

#### PESHAWAR.

Khyber Pakhtukhwa Service Tribunal

Diary No. 397

Dated 10/03/2022

Service Appeal No. 509 /2023

Abdur Rasheed, PSHT, GPS Agra, Malakand......Appellant

#### Versus

- 1) Govt. of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education, Civil Secretariat, Peshawar.
- 2) Director Elementary and Secondary Education, near GHSS No.1, G. T Road, Peshawar
- 3) District Education Officer (M), Malakand...... Respondents

SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974.

### PRAYER:

On acceptance of this appeal, impugned order of transfer may also be declared null and void and be set aside.

RegistrarW

0 3 70 7 Respectfully Sheweth;

1) That the appellant is serving as P.S.H.T (BPS-15) and posted at GPS, Agra, Malakand.



- That it so happened that departmental inquiry was initiated against him due to certain alleged purchases made by the appellant for official purposes for the school. It is also relevant to mention here that on the directions of competent authority i.e. EDO the same was also deposited in the official head, accordingly. However he was awarded major penalty on 28.07.2017
- That feeling aggrieved of the same, the petitioner preferred an appeal to the appellate authority i.e. Director as a result of it, the major penalty of removal from service was converted into one post reduction of time scale from BPS-15 to BPS-14, and intervening period was considered as leave without pay. (Copy of appeal and order are annexed).
- 4) That it is noteworthy that during inquiry the petitioner was kept under suspension and was also deprived of the salary due for such period of time. Moreover, the petitioner was constrained to approach the quarter concerned for the release of his outstanding dues in lieu of salary, however no heed was paid on it, despite the directions of the higher authority in this respect.
- That instead of making any effort towards the materialization of the claim of the petitioner, it appears that the same has led to some kind of annoyance and displeasure in the mind of the competent authority, the respondent No.2. The same also led to the further aggravating of the miseries of the petitioner as he was suddenly transferred to a far flung area GPS Banjo. (Copy of transfer order is annexed). Moreover the appellant has also made representation against it but of no avail, therefore, the appellant is obliged to knock at the doors of this hon'ble Tribunal, inter alia on the following grounds:

### **GROUNDS:**

- That the actions and inaction on the part of the respondents are A) harsh and smack malafide to the great detrimental of the rights and terms and conditions of the service, hence liable to be cured through the instant service appeal.
- That the appellant is old, sick and at the verge of retirement, B) therefore, the sudden transfer of the petitioner to a far flung area on the basis of likes and dislikes, pick and choose and discriminatory in nature deserves to be set aside and annulled through the instant service appeal.
- C) That it is quite clear from the record that the respondents have not exercised power and authority aptly, justly and in accordance with law in light of the spirit of clause 24-A of General Clauses Act.

It is, therefore, prayed that on the acceptance of the instant service appeal, impugned order of transfer may also be declared null and void and set aside.

Appellant

Through

Advocate High Court

Certizicate: No earlier appeal has been Filed on the subject matter before This Tribunal.



# BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No/2022	
	-
Abdur Rasheed, PSHT	Appellant
Govt of K.P. through Secretary E&SE and others	Respondents
t · ·	
<u>AFFIDAVIT</u>	

I, Abdur Rasheed son of Umar Wahid R/o Agra, District Malakand, PSHT, GPS Agra, Malakand (appellant) do hereby affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this

Hon'ble Court.

Deponent CNIC No.15402-3551584-3



# <u>BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,</u> <u>PESHAWAR.</u>

Servi	ce Appeal No/2022	•
Abdu	ır Rasheed, PSHT	Appellant
	Versus	i i
Govt	of K.P. through Secretary E&SE and others	. Respondents
	ADDRESSES OF THE PARTIES	:
	ELLANT: or Rasheed, PSHT, GPS Agra, Malakand	
RES	PONDENTS:	
1)	Govt. of Khyber Pakhtunkhwa, through Secretary E Secondary Education, Civil Secretariat, Peshawar.	lementary and
2)	Director Elementary and Secondary Education, near T Road, Peshawar	GHSS No.1, G
3)	District Education Officer (M), Malakand	

Appellant

Through

Syed Saud Shah Advocate High Court



## OFFICE OF THE DISTRICT EDUCATION OFFICER (M) MALAKAND AT BATKHELA

Telephone No.0932-410261 f ix Na.0932-410010 Barill modificate Phase description into

### OFFICE ORDER.

The Competent Authority is pleased to transfer the following PSHT[Head Teachers to the discount noted against each on their own pay and scale in the interest of public service umia mate linte effect.

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. स - • भूते । •	MR MUHAMMAD AYAZ PSHT BPS-15	GPS BENJO BANDA	GPS AGRA	Vide 8 No.02
92.	MR> ABDUR RASHID PSHT BPS-15	GPS AGRA	GPS BENJO BANDA	Vide Strict 01 (on Administrative Grounds)

No TA/DA is allowed.

Charge report should be submitted to all concerned

(Maku rarbiM) DISTRICT EDUCATION OFFICES (MALE) MALAKANO.

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En Director E & SE K.P Peshawar for information please. Con

Deputy Commissioner Malakand. 2.

D M.O EMA Malakend. 3.

SDEOs (M) Batchela

District Accounts Officer, Malakand.

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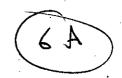
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Dated 10 101/2022

DISTRICT EDUCATION OFFICER (MALE) MALAKANO



# OFFICE OF THE DISTRICT EDUCATION OFFICER (M) MALAKAND AT BATKHELA



### OFFICE ORDER.

The competent authority is pleased to transfer the following PSHT/Head teachers to the station noted against each on their own pay and scale in the interest of public service with immediate effect;

S.No	Name of teacher & Designation	Present School	Transferred to	Remarks
· · ·	Mr. Muhammad Ayaz PSHT BPS-15	GPS BENJO Banda	GPS AGRA	Vice S No.
2.	Mr. Abdur Rashid PSHT BPS-15	GPS AGRA	GPS BENJO BANDA	Vide S. No.

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

(Midrar Ullah) District Education Officer (Male) Malakand

Endost No. 16526-32/F.No./Transfer

Copy forwarded for information and necessary action to the:

- 1. Director E&SE KP Peshawar for infoimration please,
- 2. Deputy Commissioner Malakand
- 3. DMO EMA Malakand
- 4. SDEOs (m) Batkhela
- 5. District Accounts Officer Malkanad
- 6. EMIS Cell
- 7. Master file.

District Education Officer (Male) Malakand



c.T.C.

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