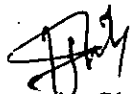


27.02.2020

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Arif Wazir A.D (Legal) for official respondents present. Learned counsel for private respondent No.4 present.

Learned counsel for the appellant requested for withdrawal of the present service appeal. Consequently the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.



(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED.
27.02.2020

18.02.2020

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Arif Wazir A.D for official respondents present. Learned counsel for private respondent No.4 present. Learned counsel for the appellant seeks adjournment. Adjourned by way of last chance. To come up for arguments on 27.02.2020 before S.B.



Member



Member

Service Appeal No. 733/2015

21.08.2019 Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for official respondents No. 1 to 3 and private respondent No. 4 alongwith his counsel present. Learned counsel for the appellant requested for adjournment. Adjourned to 30.09.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

30.09.2019 Due to general strike of the bar, the case is adjourned to 12.12.2019 before D.B.


Member


Member

12.12.2019 Appellant absent. Muhammad Islam Litigation Assistant representative of the respondent department present. Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 18.02.2020 before D.B. Appellant be put to notice for the date fixed.


Member


Member

18.03.2019 Miss Uzma Syed, Advocate for appellant and Asstt. AG alongwith Muhammad Islam, Litigation Officer for the respondents present.

Request for adjournment is made due to engagement of learned senior counsel for the appellant before the Honourable High Court today. Adjourned to 09.05.2019 before the D.B.


Member


Chairman

08.05.2019 Counsel for the appellant and Asst: AG for respondents present.

Due to paucity of time, the instant matter is adjourned. Adjourned to 21.06.2019 for arguments before D.B.


Member


Chairman

21.06.2019 Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General for official respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 21.08.2019 before D.B.


Member

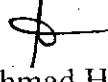

Member

18.10.2018

Counsel for the appellant present. Mr. Muhammad Riaz Painsdakhel, Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Granted. Case to come up for arguments on 29.11.2018 before D.B.



(Hussain Shah)
Member



(Ahmad Hassan)
Member

29.11.2018

Junior to counsel for the appellant and Mr. Muhammad Riaz Painsdakhel, Asstt. AG for the respondents present.

A request for adjournment was made on behalf of learned counsel for appellant as he is busy before the Hon'ble High Court. Adjourned to 28.01.2019 for arguments before the D.B.



Member



Chairman

28.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Islam, Litigation Assistant and counsel for private respondent no.4 present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 18.03.2019 before D.B.



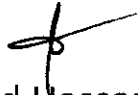
(Ahmad Hassan)
Member



(M. Hamid Mughal)
Member

05.04.2018

Junior to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney alongwith Muhammad Islam litigation Assistant for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available. Adjourn. To come up for arguments on 09.05.2018 before D.B



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

09.05.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 04.07.2018

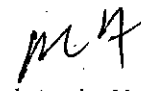

READER

04.07.2018

Counsel for the appellant present. Mr. Ziaullah, DDA for official respondents and counsel for private respondent no.4 present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.08.2018 before D.B.



(Ahmad Hassan)
Member



(Muhammad Amin Kundi)
Member

30.08.2018

Appellant with counsel and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 18.10.2018 before D.B.



(Ahmad Hassan)
Member

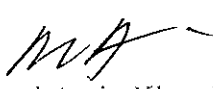
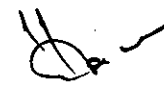



(Muhammad Amin Khan Kundi)
Member


13.10.2017

Counsel for the appellant present. Mr. Usman Ghani, District Attorney and counsel for private respondent No. 4 also present. Counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 15.12.2017 before D.B.

15.12.2017



(Muhammad Amin Khan Kundi) Member

(Muhammad Hamid Mughal) Member
Counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 20.02.2018 before the D.B.


Member


Chairman

20.02.2018

Due to non availability of D.B. Adjourned. To come up on 05.04.2018 before D.B.


(Gul Zeb Khan)
Member

14.11.2016

Counsel for the appellant, Assistant AG for official respondents and counsel for private respondent No. 4 present. Mr. Muhammad Aamir Nazir, learned Member (Judicial) is on leave, therefore arguments could not be heard. To come up for final hearing on 13.03.2017 before the D.B.


Chairman

13.03.2017


Counsel for appellant, Mr. Muhammad Adeel Butt, Additional AG for official respondents No. 1 to 3 and counsel for private respondent No. 4 present. Learned counsel for appellant requested for adjournment. Adjournment granted. To come up for arguments on 22.06.2017 before D.B.


(M. Aamir Nazir)
MEMBER


(ASHFAQUE TAJ)
MEMBER

22.06.2017

Counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant AG and counsel for private respondent No. 4 also present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 13.10.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Gul Zeb Khan)
Member

11.02.2016

Counsel for the appellant, Mr. Muhammad Islam, Assistant Litigation alongwith Addl: A.G for official respondents No. 1 to 3 and counsel for private respondent No. 4 present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 31.3.2016 before S.B.


Chairman

31.03.2016

Counsel for the appellant, Mr. Muhammad Islam Litigation Officer alongwith Addl. AG for official respondents No. 1 to 3 and counsel for private respondent No. 4 present. Written reply on behalf of official respondents No. 1 to 3 as well as by private respondent No. 4 submitted. The appeal is assigned to D.B for rejoinder and final hearing for 21.07.2016.


Chairman

21.07.2016

Counsel for the appellant and Addl. AG for respondents present. Rejoinder submitted copy of which is placed on file. To come up for arguments on 14.11.2016.


Member


Member

29.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially appointed as Naib Qasid in the office of Commissioner Bannu vide order dated 12.9.1992 where after his services were transferred to RTA Bannu and that vide order dated 13.12.2001 appellant was again posted as Naib Qasid in District Transport Authority and vide notification dated 16.2.2009 RTA was revived and appellant was directed to perform his duty as Naib Qasid in line with office order dated 20.2.2009. That the appellant was entitled to be adjusted against the post of Naib Qasid RTA but respondent No. 4 illegally appointed against the said post vide office order dated 6.3.2015 regarding which the appellant preferred departmental appeal on 3.4.2015 which was not responded and hence the instant service appeal on 1.7.2015.

Appellant Deposited
Security & Process Fee →



That the appellant is entitled to be adjusted against the post of Naib Qasid RTA in preference to respondent No. 4.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 27.10.2015 before S.B.


Chairman

27.10.2015




Appellant in person, Mr. Muhammad Islam, Assistant Litigation alongwith Addl: A.G for official respondents No. 1 to 3 and counsel for private respondent No. 4 present. Wakalat Nama submitted on behalf of private respondent No. 4. Requested for adjournment. To come up for written reply/comments on 11.02.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 733/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01.07.2015	<p>The appeal of Mr. Minhaj-ud-Din resubmitted today by Mr. Saadullah Khan Marwat Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2	2 → - 15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>03-7-15</u>.</p> <p> CHAIRMAN</p>
3	03.07.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 29.7.2015 before S.B.</p> <p> Chairman</p>

The appeal of Mr. Minhaj-u-Din Naib Qasid Union Council Kalu Khel Masti Khan Bannu resubmitted to-day i.e. on 01.04.2015 is again returned to the counsel for the appellant with the remarks that the copies of impugned order dated 06.3.2015 and departmental appeal are not attached with the appeal which may be placed on it and resubmit the same within 15 days.

No. 434 /S.T,

Dt. 2/4 /2015.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

in

Resubmitted after completion

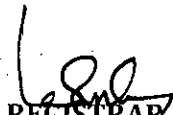
*copy of order dt. 6-3-2015
is not attached with the
appeal MR*

The appeal of Minhaj-ud-Din Naib Qasid Union Council kalu Khel Masti Khan Bannu received to-day i.e. on 18.03.2015 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Copy of adjustment order in r/o appellants mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of appointment order of respondent No.4 mentioned in para-10 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Copy of departmental appeal against the impugned order dated 6.3.2015 is not attached with the appeal which may be placed on it.
- 4- Annexures-B and C of the appeal are illegible which may be replaced by legible/better one.

No. 350 /S.T,

Dt. 19/3 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Sir
Submitted pl. Copy of adjustment order is attached with the appeal as Annex 'B' showing his name at s. No. 44 as Minhaj Khan instead of Minhajuddin.

Copy of appoint. of R. No. 4 is not available at present as & when becomes available, the same be placed on file. Memo, dept. appeal is not present at this time - Obj. No. 4 is complied with.

Resubmitted pl.

by

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 733 /2015

Minhaj-ud-Din

Versus


Secretary & others

INDEX

S.No	Documents	Annex	P.No.
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3.	Posting in UC, Kala Khel, 13.08.2001	"B"	6-8
4.	Posting in DTA, 13.12.2001	"C"	9
5.	Revival of RTA in KP, 16.02.2009	"D"	10-11
6.	Duties in RTA, 20.02.2009	"E"	12
7.	Representation, 28.11.2011	"F"	13
8.	Civil Suit, 20.09.2013	"G"	14-19
9.	Application for Return, 09.10.2013	"H"	20
10.	Order of Civil Judge, 30.01.2014	"I"	21-24
11.	Appeal to District Judge, 22.02.2014	"J"	25-28
12.	Judgment of District Judge, 10.02.2015	"K"	29-31
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15.	Appt: Order of R. No. 4, 06.03.2015	"N"	40
16.	Application for Copy, 10.03.2015	"O"	41
17.	Representation, 03.04.2015	"P"	42

Dated. 18.03.2015

Through

Appellant


Saad Ullah Khan Marwat
Advocate.
21-A Nasir Mension,
Shoba Bazar, Peshawar.
Ph:0300-5872676

1

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 733 /2015

**A.W.P. Province
Service Tribunal**

Diary No. 236

Dated 18-3-2015

Minhaj-ud-Din S/o Jamal-ud-Din, N/Q Union
Council, Kalu Khel Masti Khan, Bannu, Ex-Naib
Qasid, Commissioner, Bannu Division, Bannu. Appellant

Versus

1. Secretary, Govt. of KP, Transport
Department, Peshawar.
2. Director, Provincial Transport
Authority, KP, Peshawar.
3. Commissioner, Bannu Division,
Bannu/Chairman, RTA, Bannu.
4. Islam Bahadar, Naib Qasid, O/o RTA,
Bannu. Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT,
WHEREBY APPELLANT WAS NOT
ADJUSTED/POSTED IN RTA BANNU AND TO
SET ASIDE ORDER DATED 06.03.2015 OF R.
NO. 2, BEING OF NO LEGAL EFFECT AND
IMPROPER.**

Filed to the
Registrar
18/3/15

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That appellant was initially appointed as Naib Qasid in the Office of Commissioner, Bannu Division, Bannu vide order dated 12.09.1992 and served the office till the year, 2001 with devotion, being Civil Servant. (Copy as annex "A")

Re-submitted to the
Registrar
01/07/15

2. That appellant was then transferred to RTA, Bannu, yet Govt. launched plan of devolution in the department and then on 13.08.2001, appellant was adjusted/posted as Naib Qasid, Union Council, Kala Khel Masti Khan, Bannu at S. No. 44. (Copy as annex "B")
3. That on 13.12.2001, appellant was posted as Naib Qasid in District Transport Authority (DTA) by Assistant Coordination Office, Bannu. (Copy as annex "C")
4. That on 16.02.2009, Regional Transport Authority (RTA) was again established in KPK and the staff who was working previously in DTA was allowed to perform their duties in RTA till further orders vide order dated 20.02.2009. (Copies as annex "D" & "E")
5. That on 28.11.2011, appellant submitted application before Secretary, Transport Department, KP, Peshawar to adjust him in RTA, Bannu as Naib Qasid. (Copy as annex "F")
6. That by not resolving the matter, appellant filed Civil Suit before the Court of Senior Civil Judge, Bannu on 20.09.2013 to adjust him as such in RTA, being his parent office. (Copy as annex "G")
7. That on 09.10.2013, respondents submitted application to the court under O-7, R-11 for return of the suit to appellant which was accepted vide order dated 30.01.2014. (Copies as annex "H" & "I")
8. That on 22.02.2014, appellant filed appeal before District Judge, Bannu, which too met dead response vide judgment dated 10.02.2015. (Copies as annex "J" & "K")
9. That on 21.02.2015, Revision Petition before the Hon'ble High Court was filed which too was rejected with further direction to appellant to seek redressal of his grievances before proper forum. (Copies as annex "L" & "M")
10. That on 06.03.2015, R. No. 4 was appointed as Naib Qasid in the office of RTA, Bannu without proper procedure i.e. test, interview, etc. (Copy as annex "N")

11. That appellant submitted application on 10.03.2015 to the authority for supply of copy of the said order but without any response. (Copy as annex "O")
12. That on 03.04.2015, appellant submitted representation before R. No. 1 to set aside order dated 06.03.2015 of R. No. 4 but without any response till date. (Copy as annex "P")

Hence this appeal, inter alia, on the following grounds:-

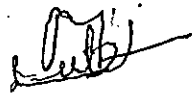

GROUND S:

- a. That from order of appointment dated 12.09.1992, it was crystal clear that appellant was Civil Servant in the office of Commissioner, Bannu Division, Bannu.
- b. That devolution plan by posting appellant as Naib Qasid in Union Council did not change his former status.
- c. That by posting/adjusting appellant as such in any department/authority does not mean change of his previous position.
- d. That Regional Transport Authority was later on converted into District Transport Authority but subsequently its position was restored to RTA, so the same made no difference.
- e. That appellant was misguided by the then Counsel for invoking jurisdiction of Civil Courts. Yet the same was too in good faith.
- f. That at present, appellant is performing his duties in Union Council, Kala Khel, Bannu as Naib Qasid but this hierarchy bore no rules for further promotion to the next higher grad/post.
- g. That R. No. 4 was appointed on the recommendation of local MPA without advertising the said post and to adhere to legal course, so the same has no legal effect as the subject matter was pending disposal, being disputed post amongst the appellant and the department, so during pendency, order of appointment dated 06.03.2015 was not legally required.
- h. That by not adjusting/posting appellant permanently in RTA, being parent department, the action of respondents is based on inferior motive.

It is, therefore, most humbly prayed that on acceptance of the appeal, appellant be permanently adjusted/posted in RTA by setting aside order dated 06.03.2015 to be of no legal effect, with such other relief as may be deemed proper and just in circumstances of the case.

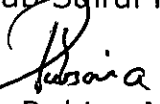
Dated. 18.03.2015

Through


Appellant

Saad Ullah Khan Marwat


Arbab Saiful Kamal

&


Miss Rubina Naz,
Advocates.

A

5 12-9-92

OFFICE ORDER

Mr Minhaj-ud-Din s/o Jamal-ud-Din r/o Chack Dadan Tehsil and Distt: Bannu is hereby appointed as Naib Qaid in the office of the Commissioner, Bannu Division with immediate effect on temporary basis on the following terms and conditions.

- i) He will be on probation for a period of one year which may be extended if deemed necessary by the appointing authority;
- ii) He has to join duty at his own expense.
- iii) The offer is subject to the condition that he is domiciled in U.P.P. (Bannu Division)
- iv) He will have to produce medical certificate of fitness/age.
- v) His services will be governed by such rules and orders as may be issued by government for the category of government servants to which he will belong.

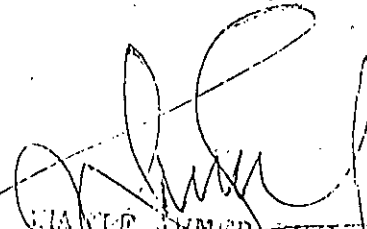
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hukh
21-9-13

(SHARIF AHMED KHAN)
COMMISSIONER BANNU DIVN BANNU

NO 581-83 /FA(G)

dated 12/9/1992

- Copies to :
- 1. District Accounts Officer, Bannu.
 - 2. Mr Minhaj-ud-Din appointee
 - 3. Office file.


(SHARIF AHMED KHAN)
COMMISSIONER BANNU DIVISION BANNU

ATTESTED
Coping Agent
Lower Court Bannu
12-2-94

Attested
by

B

6

Dated, August 13th, 2001

OFFICE ORDER

Following officials are hereby adjusted/posted on the seats mentioned in front of their name with immediate effect. The Secretaries must also look after the Additional Union Council assigned to them till further orders.

S. No.	Name & Designation	Post
1.	Atif Faraz Village Secretary Union Council	Secretary Union Council Ghoriwalla Additional Charge of Union Council Kakki.
2.	Javed Iqbal Village Secretary Union Council	Secretary Union Council Jani Khel Addl: Charge of UC
3.	Muhammad Ishaq Village Secretary Union Council	Secretary Union Council Bakka Khel
4.	Muhammad Nafid Village Secretary Union Council	
5.	Muhammad Ismail Village Secretary Union Council	
6.	Muhammad Sadiq Shah Village Secretary Union Council	
7.	Muhammad Nasir Village Secretary Union Council	
8.	Muhammad Sadiq Village Secretary Union Council	
9.	Amirullah Village Secretary Union Council	
10.	Muhammad Zahoor Village Secretary Union Council	
11.	Shah Saood Village Secretary Union Council	
12.	Said Zarin Village Secretary Union Council	
13.	Sikandar Khan Village Secretary Union Council	
14.	Sher Nawaz Village Secretary Union Council	
15.	Feroz Khan Village Secretary Union Council	
16.	Alam Zeb Khan Village Secretary Union Council	
17.	Muhammad Nazif Village Secretary Union Council	
18.	Zafran Ali Shah Village Secretary Union Council	
19.	Masihullah Village Secretary Union Council	
20.	Maqsoom Ali Village Secretary Union Council	
21.	Muhammad Nazir Village Secretary Union Council	
22.	Abdullah Village Secretary Union Council	
23.	Akhtar Zaman Junior Clerk ADRD Office Bannu (BPS-5)	
24.	Muhammad Ibrar Khan, (BPS-7) Senior Clerk Commissioner Office Bannu	
25.	Amir Zada Khan, Junior Clerk DC, Office Bannu	

	(BPS-5)	
26.	Asadullah Khan, Junior Clerk DC, Office Bannu (BPS-5)	
27.	Sadiq Zaman, Junior Clerk DC, Office Bannu (BPS-5)	
28.	Rafidullah Khan, Junior Clerk DC, Office Bannu (BPS-5)	
29.	Mir Qabad Shah, Daftari DC Office, Bannu (BPS-2)	
30.	Attaullah Khan, Bhishti DC Office, Bannu	
31.	Saddar Nawaz, Naib Qasid DC Office Bannu	
32.	Zubair Muhammad Khan, Record Lifter DC, Bannu	
33.	Waidullah Khan Chowkidar DEO Primary (M) Education Department	
34.	Muhammad Ayaz Khan, Chowkidar DEO (F) Primary Office Edu: Department Bannu	
35.	Nek Nawaz Khan Chowkidar DEO (F) Primary Office Edu: Department Bannu	
36.	Pilladar Khan, Naib Qasid ADRD Office Bannu	
37.	Abid Khan, Naib Qasid ADRD Office Bannu	
38.	Ahmad Nawaz, Naib Qasid ADRD Office Bannu	
39.	Amjad Khan, Naib Qasid ADRD Office Bannu	
40.	Rafiq Khan S/o Raqib Khan Naib Qasid ADRD Office Bannu	
41.	Rafiq Khan II, Naib Qasid ADRD Office Bannu	
42.	Niaz Khan, Naib Qasid ADRD Office Bannu	
43.	Laiq Khan, Naib Qasid Commissioner Office Bannu	Naib Qasid, Union Council Manesh Khel
44.	Minhaj Khan, Naib Qasid Commissioner Office Bannu	Naib Qasid, Union Council, Kalu Khel Masti Khan ✓
45.	Nawab Khan, Naib Qasid Commissioner Office Bannu	Naib Qasid Union Council
46.	Hafizullah Khan, Naib Qasid Commissioner Office Bannu	
47.	Amir Zada, Naib Qasid Commissioner Office Bannu	
48.	Asmatullah Khan, Bhishti Commissioner Office Bannu	
49.	Jilad Shah, Mali Commissioner Office Bannu	
50.	Tariq Khan, Mali Commissioner Office Bannu	
51.	Sali Akbar Khan, Chowkidar Commissioner Office Bannu	
52.	Gul Khan, Chowkidar Commissioner Office Bannu	
53.	Arifullah Khan, Chowkidar	

	Commissioner Office Bannu	
54.	Mehboob Khan, Naib Qasid Commissioner Office Bannu	
55.	Ayaz Khan, Naib Qasid Commissioner Office Bannu	
56.	Naeem Maseeh, Sweeper Commissioner Office Bannu	
57.	Ghafoor Shah, Sweeper Commissioner Office Bannu	
58.	Khairullah Khan, ADRD Office Lakki Marwat	
59.	Umer Jan, Chowkidar ADRD Office Bannu	

Sd/-
(Sayed Khan Orakzai)
District Coordination Officer,
Bannu

Even No. & date.

Copy to.

1. Secretary to Governor NWFP, Peshawar.
2. Secretary to Govt. of NWFP Establishment Department, Peshawar.
3. Coordinator (Devolution), LG&RD Department NWFP, Peshawar.
4. P.S to Chief Secretary NWFP, Peshawar.
5. Executive District Officer Finance & Planning Department, Bannu.
6. District Accounts Officer, Bannu.
7. Office File.

Attested
by

Sd/-
District Coordination Officer,
Bannu

17

S. No.	Name and Designation	Post
1.	Air Faraz Village Secretary Union Council	Secretary Union Council Ghorwala additional charge of Union Council Karkai
2.	Javed Iqbal Village Secretary Union Council	Secretary Union Council Mandan Addition Charge of Union Council Mita Khel
3.	Muhammad Ishtaq Village Secretary Union Council	Secretary Union Council Kaha Khel Masi Khan
4.	Muhammad Nafid Village Secretary Union Council	Secretary Union Council Sina Khel Addition Charge of Union Council Shamshi Khel
5.	Muhammad Ismail Village Secretary Union Council	Secretary Union Council Amanah Addition Charge of Union Council
6.	Muhammad Saadiq Shah Village Secretary Union Council	Secretary Union Council Shama Khel Addition Charge of Union Council Havel Landak
7.	Muhammad Nisar Village Secretary Union Council	Secretary Union Council Sina Addition Charge of Union Council Minahat Bankaz
8.	Muhammad Saadiq Village Secretary Union Council	Secretary Union Council Havel Addition Charge of Union Council Bizen Khel
9.	Aminullah Village Secretary Union Council	Secretary Union Council Havel Addition Charge of Union Council Amanah Khel
10.	Muhammad Zahoor Village Secretary Union Council	Secretary Union Council Khandar Khan Khel Addition Charge of Union Council Asperka Wazari
11.	Shah Saood Village Secretary Union Council	Secretary Union Council Zehra Piba Khel Addition Charge of Union Council Ahal Han Khel
12.	Said Zarin Village Secretary Union Council	Secretary Union Council Nair Jattar Khan
13.	Skandar Khan Village Secretary Union Council	Secretary Union Council Khan Sheer Ahmed Addition Charge of Union Council Dandi
14.	Sheer Nawaz Village Secretary Union Council	Secretary Union Council Panna Skandar Khel
15.	Reoz Khan Village Secretary Union Council	Secretary Union Council Fozai Skandar Khel
16.	Amer Zeb Khan Village Secretary Union Council	Secretary Union Council Fozai Skandar Khel
17.	Muhammad Nazif Village Secretary Union Council	Secretary Union Council Khwarand
18.	Zafar Ali Shah Village Secretary Union Council	Secretary Union Council Havel Khwarand
19.	Masudhah Village Secretary Union Council	Secretary Union Council Havel Khwarand

Following officers are hereby adjusted/posted on the seats mentioned in front of their name with immediate effect. The Secretaries must also look after the additional union council assigned to them till further orders.

OFFICE ORDER

Dated, August 13, 2001.

6

13

20	Muqsoom Ali Village Secretary Union Council	Secretary Union Council Bazar Ahmed Khan.
21.	Muhammad Nazir Village Secretary Union Council	Secy: Union Council Jani Khel Addl: Charge of UC Hindi Khel.
22.	Abdullah Village Secretary Union Council	Secretary Union Council Balda Khel.
23.	Akhtar Zaman, Junior Clerk ADRD Office Bannu (BPS-5)	Secretary Union Council Nezam Dharma Khel (BPS - 6) in his own pay & Scale
24.	Muhammad Ibrar Khan, (BPS-7) Senior Clerk Commissioner Office Bannu.	Secretary Union Council Khujari (BPS---6) in his own pay & Scale
25.	Amir Zada Khan, Junior Clerk DC, Office Bannu (BPS-5)	Secretary Union Council Takht Khel Wazir (BPS - 6) in his own pay & Scale
26.	Asadullah Khan, Junior Clerk DC, Office Bannu (BPS-5)	Secretary Union Council Bharat (BPS-- 6) in his own pay & Scale
	Saddiq Zaman, Junior Clerk DC, Office Bannu (BPS-5)	Secretary Union Council Shahbaz Khel (BPS - 6) in his own pay & Scale
28.	Rafidullah Khan, Junior Clerk DC, Office Bannu (BPS-5)	Secretary Union Council Jhanda Khel (BPS - 6) in his own pay & Scale
29.	Mir Qabid Shah, Daftari DC Office, Bannu, (BPS---2)	Naib Qasid Union Council Bazar Ahmed Khan (BPS - 1) in his own pay and Scale
30.	Attaullah Khan, Bhishi DC Office, Bannu	Naib Qasid Union Council Khwajamad
31.	Saddar Nawaz, Naib Qasid DC Office Bannu	Naib Qasid Union Council Nezam Dharma Khel
32.	Zubair Muhammad Khan, Record Lister DC, Bannu.	Naib Qasid Union Council City II
33.	Waidullah Khan, Chowkidar DEO Primary (M) Education Department	Naib Qasid Union Council Maifdan.
34.	Muhammad Ayaz Khan, Chowkidar DEO (F) Primary Office Edu: Department Bannu.	Naib Qasid Union Council Ghoriwala.
35.	Nek Nawaz Khan Chowkidar DEO (F) Primary Office Edu: Departme: Bannu.	Naib Qasid Union Council Khandar Khan Khel.
36.	Pilladar Khan, Naib Qasid ADRD Office Bannu	Naib Qasid Union Council Hinjal.
37.	Abid Khan, Naib Qasid ADRD Office Bannu	Naib Qasid Union Council Lalozai.
38.	Ahmed Nawaz, Naib Qasid ADRD Office Bannu	Naib Qasid Union Council Sikandar Khel Bala.
39.	Anjad Khan, Naib Qasid ADRD Office Bannu	Naib Qasid Union Council Mina Khel.
40.	Rafiq Khan s/o Raqib Khan, Naib Qasid ADRD Office Bannu	Naib Qasid Union Council Ghari Sher Ahmed
41.	Rafiq Khan-II, Naib Qasid ADRD Office Bannu	Naib Qasid Union Council Bharat.
42.	Niaz Khan, Naib Qasid ADRD Office Bannu	Naib Qasid Union Council Latou Khel.
43.	Laiq Khan, Naib Qasid Commissioner Office Bannu	Naib Qasid Union Council Miranish Khel.
44.	Mintah Khan, Naib Qasid Commissioner Office Bannu	Naib Qasid Union Council Kala Khel Mastikhan
45.	Nawab Khan, Naib Qasid Commissioner Office Bannu	Naib Qasid Union Council Bize Khel.
46.	Halizullah Khan, Naib Qasid Commissioner Office Bannu	Naib Qasid Union Council Maza Khel.

46.	Anwar Zada, Naib Qasid Commissioner Office Bannu	Naib Qasid Union Council Asperka Waziran Khel
47.	Asmatullah Khan, Bhishti Commissioner Office Bannu	Naib Qasid Union Council City
48.	Jilani Shah, Mali Commissioner Office Bannu	Naib Qasid Union Council Dera Shah.
49.	Tariq Khan, Mali Commissioner Office Bannu	Naib Qasid Union Council Shamsi Khel.
50.	Salim Akbar Khan, Chowkidar Commissioner Office Bannu	Naib Qasid Union Council Khujari.
51.	Gul Khan, Chowkidar Commissioner Office Bannu	Naib Qasid Union Council Kakki
52.	Arifullah Khan, Chowkidar Commissioner Office Bannu	Naib Qasid Union Council Matta Khel.
53.	Mehboob Khan, Naib Qasid Commissioner Office Bannu	Naib Qasid Union Council Mumbati Barakzai.
54.	Ayaz Khan, Naib Qasid Commissioner Office Bannu	Naib Qasid Union Council Bakka Khel.
55.	Naeem Maseeh, Sweeper Commissioner Office Bannu	Naib Qasid Union Council Hindi Khel.
56.	Ghaffoor Shah, Sweeper Commissioner Office Bannu	Naib Qasid Union Council Domel.
57.	Khanullah Khan, ADRD Office Lakki Marwat.	Naib Qasid Union Council Nana Khel.
58.	Umer Jan, Chowkidar ADRD Office Bannu.	Naib Qasid Union Council Jhandu Khel.

Handwritten signature
by

(Sayed Khan Orakzai)
District Coordination Officer,
Bannu

Even No. & date.

Copy to.

1. Secretary to Governor NWFP, Peshawar.
2. Secretary to Govt. of NWFP, Establishment Department Peshawar.
3. Coordinator (Devolution), LG&RD Department NWFP, Peshawar.
4. P.S. to Chief Secretary NWFP, Peshawar.
5. Executive District Officer Finance & Planning Department, Bannu.
6. District Accounts Officer, Bannu.
7. Official concerned.
8. Office File.

District Coordination Officer
Bannu

C 9

OFFICE OF THE DISTRICT COORDINATION OFFICER, BANNU.

No. 2958-59/DCO/Estab

Dated 13 / 12 / 2001.

OFFICE ORDER.

Mr. Minhaj ud Din, Naib Qasid of this office is hereby posted as Naib Qasid in the District Transport Authority Bannu in the best interest of Public.

Sd/-
Assistant Coordination Office,
Bannu.

Even No & Date

1. Copy to P.S to DCO Bannu.
2. Assistant DTA Bannu.
3. Official concerned.

Sd/-
Assistant Coordination Officer,
Bannu.

Attested
by

C

9

13-12-01

OFFICE OF THE DISTRICT COORDINATION OFFICER, BANNU

NO 2958-59/DCO/Estab

Dated 13/12 /2001.

OFFICE ORDER

Mr. Minhaj ud Din, Naib Qasid of this office is
by posted as Naib Qasid in the District Transport Authority
Bannu in the best interest of public.

Minhaj
21-9-13

Assistant Coordination Officer,
Bannu.

Even. No & Date

1. Copy to P.S to DCO Bannu.
2. Assistant DTA Bannu.
3. Official concerned.

Minhaj
Assistant Coordination Officer,
Bannu.

Minhaj
ky



10 16-2-09
D
GOVERNMENT OF NWFP.
TRANSPORT DEPARTMENT

21-9-13
NOTIFICATION.

PESHAWAR THE DATED 16/02/2009

No. SO (TD)/3(18)/2009. In exercise of the powers conferred by Section-46 of the Motor Vehicle Ordinance 1965 (West Pakistan Ordinance XIX of 1965) and in supersession of all previous notifications in this regard, the competent authority is pleased to establish the following Regional Transport Authorities in the province of NWFP:-

S.No.	Name of Authority	Membership	Area of jurisdiction
01.	Regional Transport Authority, Peshawar.	1. Commissioner, Peshawar Division, Peshawar (Chairman) 2. RPO Peshawar Range (Member). 3. Executive District Officer, Works & Services Department, Peshawar (Member). 4. Secretary RTA, Peshawar (Member/Secretary)	1. Peshawar District 2. Nowshera District 3. Charsadda District
02	Regional Transport Authority, Kohat.	1. Commissioner, Kohat Division, Kohat (Chairman) 2. RPO Kohat Range (Member). 3. Executive District Officer, Works & Services Department, Kohat (Member). 4. Secretary RTA, Kohat (Member/Secretary)	1. Kohat District 2. Karak District 3. Hangu District
03	Regional Transport Authority, Bannu.	1. Commissioner, Bannu Division, Bannu (Chairman) 2. RPO Bannu Range (Member). 3. Executive District Officer, Works & Services Department, Bannu (Member). 4. Secretary RTA, Bannu (Member/Secretary)	1. Bannu District 2. Lakki Murwat District
04	Regional Transport Authority, Hazara.	1. Commissioner, Hazara Division, Abbottabad (Chairman) 2. RPO Hazara Range, Abbottabad (Member). 3. Executive District Officer, Works & Services Department, Abbottabad (Member). 4. Secretary RTA, Hazara, Abbottabad (Member/Secretary)	1. Abbottabad District 2. Manshera District 3. Haripur District 4. Kohistan District 5. Battagram District

05	Regional Transport Authority, Malakand.	<ol style="list-style-type: none"> 1. Commissioner, Malakand Division, Saidu Sharif (Chairman) 2. RPO Malakand Range (Member). 3. Executive District Officer, Works & Services Department, Malakand (Member). 4. Secretary RTA, Malakand (Member/Secretary) 	<ol style="list-style-type: none"> 1. Swat District 2. Shangla District 3. Bunner District 4. Chitral District 5. Dir (Lower) District 6. Dir(Upper) District 7. Malakand District Protected area
06	Regional Transport Authority, Dera Ismail Khan.	<ol style="list-style-type: none"> 1. Commissioner, D.I.Khan Division, F.I.Khan (Chairman) 2. RPO D.I.Khan Range (Member). 3. Executive District Officer, Works & Services Department, D.I.Khan (Member). 4. Secretary RTA, D.I.Khan (Member/Secretary) 	<ol style="list-style-type: none"> 1. Tank District 2. D.I Khan District
07	Regional Transport Authority, Mardan	<ol style="list-style-type: none"> 1. Commissioner, Mardan Division, Mardan (Chairman) 2. RPO Mardan Range, (Member). 3. Executive District Officer, Works & Services Department, Mardan (Member). 4. Secretary RTA, Mardan (Member/Secretary) 	<ol style="list-style-type: none"> 1. Mardan District 2. Swabi District

Sd/-

Secretary to Government of NWFP,
Transport Department
Dated Peshawar, the 16/02/2009

Endost: No. SO (TD)/3(18)/2009.

Copy is forwarded to the:-

1. Secretary to Governor, NWFP.
2. PSO to Chief Minister, NWFP.
3. PSO to Chief Secretary NWFP.
4. PS to Additional Chief Secretary NWFP.
5. All Administrative Secretaries to Government of NWFP.
6. All Head of attached Departments, NWFP.
7. Provincial Police Officer, NWFP.
8. Registrar Peshawar High Court Peshawar.
9. All Divisional Commissioners, NWFP.
10. All Regional Police Officers in NWFP.
11. All District Coordination Officers./Political Agents in NWFP.
12. Accountant General, NWFP.
13. Secretary PTA NWFP Peshawar.
14. All Regional Transport Authorities, NWFP.
15. All District Officers (R&E)/Collectors in NWFP.
16. PS to Senior Minister NWFP.
17. All P.Ss to Provincial Ministers/Advisors in NWFP.
18. Secretary Public Service Commissioner, NWFP Peshawar.
19. Registrar Service Tribunal, NWFP Peshawar.
20. All District Accounts Officers in NWFP.
21. Manager Government Printing Press & Stationery Department, NWFP for Publication in the official gazette.

Attested
by

[Signature]

OFFICER (TRANSPORT)

E

12



COMMISSIONER
BANNU DIVISION

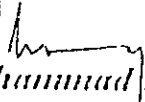
P.O. Box 12, P. O. Code 23100, Bannu
NO. R.C. 12/1/1/PSD/stab/09/12

Dated the 20 February, 2009.
Phone: (0923) 70944 & 9270729
Fax: (0923) 9270647
e-mail: commissioner-bannu@bannu.gov

OFFICE ORDER :

0-3
Amir
21-9-13
In pursuance of the Notification bearing No. SO(TD)/3(18)/2009, Dated 16.02.2009, Transport Department, Government of NWFP, Peshawar, Mr. Naimat Ullah Khan, Assistant to Commissioner (Political) Bannu Division is hereby nominated as Secretary, Regional Transport Authority Bannu Division in addition to his own duties and till further orders.


The staff already working in previously DTA will perform their duties in RTA till further orders.

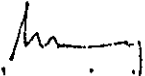

(Muhammad Hameed)
Commissioner
Bannu Division

Even No. & Date.

Copy to.

1. The Secretary to Govt. of NWFP, Transport Department, Peshawar.
2. The Regional Police Officer, Bannu Region, Bannu.
3. The District Coordination Officer, Bannu.
4. The District Coordination Officer, Lakki Marwat.
5. The Assistant to Commissioner (Poll) Bannu Division.
6. The EDO Works & Services Department, Bannu.
7. Staff of previously DTA now RTA Bannu.
8. Office file.


by


Commissioner
Bannu Division

F

13

0-3

The Secretary,
Transport Department,
Khyber Pakhtunkhwa Peshawar.

Ans
21-9-13

Subject:- ADJUSTMENT AS NAIB QASID IN REGIONAL TRANSPORT AUTHORITY BANNU.

Sir,

Respectfully submitted that I was appointed as Naib Qasid in defunct Commissioner's Office, Bannu on 13.9.1992. After devolution of departments, I being surplus employee was adjusted in Assistant Coordination Officer, Bannu as Naib Qasid Union Council Kala Khel Masti Khan. As I had worked in defunct RTA while posted as Naib Qasid in the defunct Commissioner's Office Bannu therefore the Assistant Coordination Officer, Bannu was pleased to depute me for work as Naib Qasid in the District Transport Authority Bannu (now RTA Bannu). Since then I am working as Naib Qasid in RTA Bannu in addition to my own duty. I have learnt from reliable source that a post of Naib Qasid has been sanctioned for Regional Transport Authority Bannu.

It is therefore, requested that keeping in view my experience in RTA work I may please be adjusted as Naib Qasid in Regional Transport Bannu.

Yours Obediently,

Ans
by

[Signature] 28/11/11

(Manhaj-ud-Din)
Naib Qasid ACO's Office Bannu.
(working as Naib Qasid RTA Bannu.)

Belgium Jurisdiction

لہذا 9 جنوری 1992ء صاحبِ عدالت کی عدالت میں جج صاحبِ عدالت کی عدالت میں
نمبر 113، روم 21، ٹیبل 1، 300، 14-12-1992ء

منہاج الایف، لاہور، لاہور ایف ایف جیٹ ڈاٹن کمپنی پبلشنگ
حال نائیب عامہ ریجنل ٹریڈیٹ انکوائری پبلشنگ ہاؤس

11/18/113
DANAB
S.C. 3

نام

11/18/113 منہاج الایف ریجنل ٹریڈیٹ منہاج الایف ڈاٹن کمپنی پبلشنگ ہاؤس اور
12/18/113 سکریٹریٹ PTA ٹریڈیٹ منہاج الایف ڈاٹن کمپنی پبلشنگ ہاؤس اور
13/18/113 ریجنل ٹریڈیٹ ریجنل ٹریڈیٹ انکوائری پبلشنگ ہاؤس
14/18/113 انٹرنیشنل ڈویژن پبلشنگ ہاؤس اور PTA پبلشنگ ہاؤس

مقام

مقام :- ریجنل ٹریڈیٹ انکوائری منہاج الایف ڈاٹن کمپنی پبلشنگ ہاؤس اور
9/12/1992 ریجنل ٹریڈیٹ انکوائری (RTA) منہاج الایف ڈاٹن کمپنی پبلشنگ ہاؤس اور
9/13/1992 ریجنل ٹریڈیٹ انکوائری (RTA) منہاج الایف ڈاٹن کمپنی پبلشنگ ہاؤس اور
8/13/2001 ریجنل ٹریڈیٹ انکوائری (RTA) منہاج الایف ڈاٹن کمپنی پبلشنگ ہاؤس اور
8/13/2001 ریجنل ٹریڈیٹ انکوائری (RTA) منہاج الایف ڈاٹن کمپنی پبلشنگ ہاؤس اور
8/13/2001 ریجنل ٹریڈیٹ انکوائری (RTA) منہاج الایف ڈاٹن کمپنی پبلشنگ ہاؤس اور

ATTESTED

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Lawyer Court Room

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طاریحہ

من ملاحظہ لکچور نائب نامہ ریٹین کوکل مالڈفیل سٹی خان ٹیون تبدیل
 اور فورم $\frac{12}{2001}$ کو $\frac{13}{2006}$ کو ریٹین کوکل مالڈفیل سٹی خان ٹیون سے مدعی کو
 ڈسٹریٹ ٹریبلٹورٹ اگڈارٹی ٹیون تبدیل کرایا گیا۔ اور سال 2006 میں
 RTA بحال ہو کر حکم جاری ہوا کہ DTA میں ڈیوٹی دینے والے گلڈریٹین
 RTA میں ڈیوٹی سرانجام دینے والے من ملاحظہ بنائیت حلوں گت
 بنائیت دار سے RTA ٹیون میں لکچور نائب نامہ ڈیوٹی سرانجام
 دے رہا ہے۔ اور اسراران مالڈ کو کسی قسم کی استغاثت کا مقدمہ فراہم نہیں
 کیا ہے۔ اب بجٹ سال 2011-12 میں RTA ٹیون سے اسٹیشن
 نائب نامہ ر جونیئر ملکر چوکیدار کی پوسٹیشن section
 ہوتے ہیں۔ چونکہ نائب نامہ کی پوسٹیشن خالی ہے۔ اور من ملاحظہ جوڈ
 خالی پوسٹیشن نائب نامہ RTA میں ایڈجسٹ کیے جانے کا حقدار
 ہے۔ حقدار قرار دیا جاوے۔ بحق مدعی برصلاف مدعا علیہ
 مد فریہ قدم

مدعی۔ دعویٰ ملنے ڈگری اجراء حکم استماع دعویٰ تکمیل بدین دھنوں
 کہ مدعا علیہ کو حکم دیا جاوے کہ وہ RTA ٹیون میں نائب نامہ کی
 خالی پوسٹیشن مدعو بہ مندرجہ بالا عہدوں پر کسی کی تینائی کرنے کرانے
 اس پر کسی کی ترائسز کرنے کرانے۔ انکو اس میں ترائسز سے ترائسز کرانے سے
 باز رہیں۔ اور من ملاحظہ کو پوسٹیشن مدعو بہ پر ایڈجسٹ کریں

ATTESTED

Copying Agency
 Lower Court Bannu

بحق مدعی برصلاف مدعا علیہ مد فریہ قدم

12/2/11 جاری ہے

صفحہ نمبر 3

مالیت مقدمہ لغزوں کورٹ میں . مالیت مقدمہ لغزوں اختیار کماکت عدالت

مدالت مبلغ = /200 روپیہ

مدالت مبلغ = /15 روپیہ

مدب مبلغ = /200

مدب مبلغ = /15

21/9/13
S.C.J. BANARSI

جناب عالی! دعوت ملک ذیل ہے

۱۱ یہ کہ من ملک جو کہ ضلع لغزوں چک ڈاڈان کا مالک ہے اور شہر
پاس ہے۔ نقل شناختی کارڈ، سکول سرٹیفکیٹ، نقل خود مسائل سرٹیفکیٹ لف میں

۱۲ یہ کہ من ملک حوض 12⁹ کوکشنر آفس لغزوں میں لکھور نائب قاصد
1992 581-83/PA(9) حوض 12⁹ لف ہے
تعمیرات ہوئے نقل آفس ایرڈر نمبر

۱۳ یہ کہ من ملک حوض 13⁹ کو ریجنل ٹرانسپورٹ اتھارٹی انٹرن
1992
آفس میں لکھور نائب قاصد ڈکویٹی سرانجام دینے لگا۔ نقل جاری
رپورٹ لف ہے۔

۱۴ یہ کہ حوض 13⁸ کو نظام کی تبدیلی کے بناء ریجنل ٹرانسپورٹ
2001
اتھارٹی کو ڈسٹریکٹ ٹرانسپورٹ اتھارٹی میں تبدیل کر دیا

گیا۔ اور من ملک سرپیس ملازمین میں اکثر من ملک

کو DTA سے حوض 13⁸ کو لوین کونسل کمالہ ضلع مستی خان
2001
میں ٹرانسفر کر دیا گیا۔ اور ملک لوین کونسل کمالہ ضلع مستی خان

میں سے ڈکویٹی سرانجام دینے لگا۔ نقل آفس ایرڈر نمبر

13⁸ PS/Deco/Estab/D/2001 حوض 13⁸ لف ہے
(جاری ہے)

12/2/14

حرفہ نمبر 4

OF
21/9/13
J. BANNU

15 یہ کہ مندرجہ صورت 13¹²/₂₀₀₁ کو لوہین کولیل کا درجیل مستی خان بنوں سے ڈسٹریٹ ٹرانسپورٹ اتھارٹی بنوں ٹرانسپورٹ ہوکر ڈیوٹی سرانجام دینے لگا۔ تن آف آرڈر نمبر 2958/59/Deco/EST طے 13¹²/₂₀₀₁ حرفہ نمبر 4

16 یہ کہ سال 2009 میں ریجنل ٹرانسپورٹ اتھارٹی (RTA) بحال ہوکر حکم صادر ہوا کہ ڈسٹریٹ ٹرانسپورٹ اتھارٹی بنوں میں کام کرنے والے ڈیوٹی سرانجام دینے والے ملازمین RTA میں ڈیوٹی سرانجام دینے تن آف آرڈر نمبر 20²/₂₀₀₉ طے 26-33/PS/AST طے RTA کے تحت دیا گیا ہے۔
17 یہ کہ مندرجہ RTA میں بنیاد حلوں لگتے۔ دیانت داروں سے لیکر نائب مامد ڈیوٹی سرانجام دے رہا ہے۔ اور امیزن بالاد کو کسی قسم کی شغایت کا موقع فراہم نہیں کیا ہے۔

18 یہ کہ اب RTA بنوں میں سال 2011-12 کے بجٹ میں نائب مامد اسٹیٹ۔ جوئیئر ملرک۔ جوگندار کی لوسٹ section ہوئے ہیں۔ اور

RTA بنوں میں نائب مامد کی کوسٹ تاحال خالی ہے جس پر ایڈجسٹمنٹ کے خاطر ملنے سے جب منالک درخواست بھی دتی ہے۔ تن بجٹ اسٹیٹ سال 2011-12 کے تحت دیا گیا ہے۔
عدوی حرفہ 28-11-11 حرفہ نمبر 4

19 یہ کہ صوبائی حکومت نے بنوں حقوق پر ڈھاکہ ڈالنے کے خاطر لیکچر اسٹار کے مقامی افراد کو لکچر انداز کرتے ہوئے فلاح جاریہ کا سکونتی باشندہ کو RTA بنوں میں لیکچر جوئیئر ملرک کے عینات کرایا گیا ہے۔ اور اسی طرح عبدالرحیم خان جوگندار

ATTESTED

Copying Agency
Bannu

رجسٹر ہے

12214

صنعتی تنظیم

01
19/1/13
J. BANNU

جو برائے لوزنگ ضلع بھکروت کا ماتحتہ ہے کو جس RTA میں سے لکھور

جو کنڈیکر تصنیف کرایا ہے۔ جسکے نائب قاصد کی خالی لوہٹ پر کسی مدعا علیہ

ضلع بنوں کے بجائے دوسرے ضلع کے فرد کو تصنیف کرنے کے

درپے ہے۔ جسکے پالیسی کے مطابق عدالت فور لوشوں پر

مخاص افراد کو تصنیف کیا جائیگا اور من مدعی جسکے

RTA میں سے ڈپوٹی لکھور نائب قاصد سرالحام کے درپے ہے

اور مدعی لوہٹ مذکورہ پر ایڈجسٹ کیے جانے کا حقدار

ہے۔ حقدار تیار دیا جاوے۔ نقل آفس آرڈر بابت تقرری فریڈر ملنگ

سوی ملنگ خان سکونت ضلع حارسہ لہرنہ 2010 (6) 10 (TPT) SO فورہ 7/10/13

ARRIVAL رپورٹ تیار ہے۔ کہ وہ مدعی کو لوہٹ

نائب قاصد جسکے خالی ہے پر ایڈجسٹ کریں مگر مدعا علیہ

مثال مشور کرتے رہے۔ اور اب صاف اگلا ہے

ایسے دعوت نڈا دائر کرنے کی ضرورت لاحق ہوئی۔

11 یہ کہ بنائے دعوت مدعی کو فورہ 7/10/13 سے جسکے بنائے حمایت

از صاف اگلا مدعا علیہ سے اندر حدود تحصیل و ضلع بنوں

D: پیدا ہوئی ہے۔ ایسے عدالت دیوانی بنوں کو اختیار

حمایت حاصل ہے

ATTESTED
Agency
Bannu

جاری ہے 12/2/14

1. Registration No. 538
 2. Date of presentation of application 12-2-14
 3. Name of the applicant of the file 12-2-14
 4. Name of the person of copy 12-2-14
 5. Name of the person of copy 12-2-14
 6. Name of the person of copy 12-2-14
 7. Name of the person of copy 12-2-14
 8. Name of the person of copy 12-2-14

Attested by

20/9/13
 20/9/13

ATTESTED
 Copying Agency
 12-2-14

[Signature]

سید قاضی علی

[Signature]
 Attest

20/9/13
 سید قاضی علی
 سید قاضی علی
 سید قاضی علی

[Signature]

سید قاضی علی

20/9/13
 سید قاضی علی
 سید قاضی علی
 سید قاضی علی
 سید قاضی علی

21/9/13
 21/9/13
 21/9/13

لہذا اللہ ضیاء سول بیج صاحب نے 9 جنوری

منہاج الدین

بنام

صوبائی حکومت و عدلیہ

05

دعویٰ استوار ہے و غیرہ

[Handwritten signature]

09-10-13

درخواست زیر آرڈر 7 جول 10 پر ایس و ایس فرم کے تحت دعویٰ مدعی پر جوائنت خدیل

صبا - عالی ! مدعا علیہ صوبہ ذیل عرفیہ سے ہے
1) یہ کہ مدعی حکومت کا ملازم ہے جبکہ آرڈر کے قانون سرکاری

کے تحت service tribunal کے شکل میں proper forum ہے

2 - یہ کہ آرڈر کے آئین و قانون کا فعل عدالت کو اختیار سماعت حاصل

نہ ہے -

لہذا اس کے عاصد دعویٰ مدعی و ایس فرم کے
تحت کے رجسٹرڈ صادر فرم کے پر ہے

عورف 9/10/2013

بذریعہ سید گوہر گزنی پبلشرز

بذریعہ عاصد مدعا علیہ 09/10/2013

[Handwritten signature]

ATTESTED
12-2-14

Attested by

ORDER SHEET

Court of _____ Page _____

Case Title: _____ of _____

No. and Date | Order of the Proceeding with signature of Judge or Magistrate and that of parties or counsel where necessary.

Dr-3

21-9-13

Handwritten notes in Urdu script.

Plaintiff along with Counsel present admits the contents to be correct. Be registered. Notice Status quo be issued to defds. The defds be summoned for 2-10-13 Only

OMER AZMAT KHAN
CIVIL JUDGE-III
BANNU

Dr-4

2-10-13

Handwritten Urdu text detailing the proceedings.

ATTESTED

Copying Agency
Lower Court Bannu

12-2-14

Dr-5

9-10-13

Handwritten Urdu text detailing the proceedings.

Signature
OMER AZMAT KHAN
CIVIL JUDGE-III
BANNU

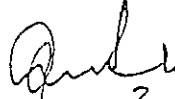
OMER AZMAT KHAN
CIVIL JUDGE-III
BANNU

10 16-01-2014

24

Plaintiff alongwith counsel present. An application was submitted by representative for defendants No. 01 to 04 for setting aside ex-parte proceedings. The learned counsel for plaintiff stated at bar that he has no objection on acceptance of said application. In this respect his signature obtained on the margin of instant application as token of proof. Therefore, instant application is hereby accepted

File to come up for order over application U/O 7 R. 10 CPC on 30-1-2014.


OMAR AZMAT KHAN
Civil Judge-IX,

O-----11
30-01-2014

Plaintiff alongwith counsel and representative for defendants present. This order is going to decide an application U/O 7 R 10 CPC filed by the defendants for return of plaint.

The petitioner/ applicant contends that he is a regular employee of the government. It is further contended that in case of any matter regarding his service there is a proper forum available i.e., service tribunal. It is further contended that the civil court lacks jurisdiction, therefore the plaint may be returned to the plaintiff to be filed at proper forum.


The plaintiff/ respondent on the other hand contested this application by filing his written reply.

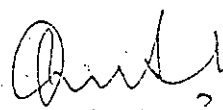
Arguments from both sides were heard and record was perused.

The defendants have taken a plea that as per Section 9 of CPC the Civil Court has got jurisdiction to entertain all the suits. This is however admitted fact that the plaintiff is employee of the government of Pakistan. In case of any matter pertain to the service of a government official, there is a proper forum constituted for this purpose, i.e., service tribunal. In the circumstances jurisdiction of the civil court is barred. With these contentions instant application is hereby disposed of and the original plaint be returned. Copy of the plaint be placed on file. No order as to cost.

Case file be consigned to the record room after its completion.

ANNOUNCED:
30-01-2014


by


OMAR AZMAT KHAN
Civil Judge-IX, Bannu

1. Registrar
2. D.A.
3. D.O.
4. D.C.
5. D.C.
6. D.C.
7. D.C.
8. D.C.
9. D.C.
10. D.C.
11. D.C.
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15. D.C.
16. D.C.
17. D.C.
18. D.C.
19. D.C.
20. D.C.

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Lower Court Bannu
12-2-14

J
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BEFORE THE HON'BLE DISTRICT JUDGE, BANNU.

CIVIL APPEAL NO _____/2014

Minhaj-Ud-Din S/O Jamal-Ud-Din, resident of Chak Dadan
Tehsil and district Bannu (Presently Naib Qasid
Regional Transport Authority district Bannu)

(Appellant)

V E R S U S

1. Government of Khyber Pukhtunkhwa , through its
Secretary Transport, Peshawar.
2. Secretary PTA Transport Khyber Pukhtunkhwa
Peshawar.
3. Assistant Secretary Regional Transport Authority
district Bannu.
4. Commissioner, Bannu Division District
Bannu/Chairman RTA District Bannu.

(Respondents)

CIVIL APPEAL UNDER SECTION 104 R/W ORDER LXIII 1(a)
OF THE CPC AGAINST THE ORDER DATED 30-01-2014.

VIDE WHICH THE PLAINT IN ORIGINAL HAS BEEN
RETURNED TO THE APPELLANT/PLAINTIFF UNDER ORDER
7 RULE 10 OF THE CPC BY THE CIVIL JUDGE-IX, BANNU.

PRAYER:

ON ACCEPTANCE OF THIS APPEAL, THE ORDER OF
RETURN OF PLAINT UNDER ORDER 7 RULE 10 OF THE CPC
DATED 30-1-2014 BY THE LEARNED CIVIL JUDGE-IX, BANNU MAY
VERY GRACIOUSLY BE SET ASIDE BEING MIS COCEIVED AND NOT
IN ACCORDANCE WITH LAW AS THE CIVIL COURT HAS GOT
JURISDICTION TO ENTERTAIN THE APPELLANT'S CASE/PLAINT
AND THEREBY DIRECTING THE LEARNED TRIAL COURT TO
ADJUDICATE UPON THE APPELLANT'S CASE STRICTLY ON MERIT
AND IN ACCORDANCE WITH LAW.

BRIEF FACTS

Respectfully sheweth:

- 1) That the appellant instituted a Civil suit No.143/1 on 21-9-2013 in the Court of Senior Civil Judge, Bannu which was entrusted to the court of learned Civil Judge-IX, Bannu, wherein the defendants instead of submitting their written statement straight away moved an application under Order 7 rule 10 of the CPC for return of the plaint whereupon, on 30-01-2014, the learned trial court returned the original plaint to the appellant/plaintiff with an observation " that the appellant is an employee of the Government of Pakistan and in case of any matter which pertains to the service of a Government official, there is a proper forum constituted for this purpose, i.e the Service tribunal and the jurisdiction of Civil Court is barred. (Copy of order dated 30-01-2014 is annexed herewith).
- 2) Feeling aggrieved of the same, the appellant approaches this Honourable court for indulging in the matter, inter alia on the following grounds:-.

GROUNDS

- I) **That** the very order of the learned trial court by returning the plaint to the plaintiff/appellant with the direction to knock at the door of Service Tribunal is against law, facts, service tribunal Act, 1974, hence un-tenable.
- II) **That** the Section-4 of Service Tribunal Act, 1974 is very much clear in this respect, wherein it

is mentioned that if any term and condition of the existing service is violated, then in such case, Service tribunal has got jurisdiction, however, in the instant case, no term and condition pertaining to existing service of appellant, is violated but the same are still intact and he seeks appointment/adjustment on other budgetary post, so Service tribunal cannot step in such like matters.

III) **That** the petitioner has been condemned unheard as the matter has not been adjudicated upon by the learned trial court in accordance with law and the order passed by the learned trial court is the result of mis reading and non-reading of factual aspect of the appellant's case.

IV) **That** the learned trial court has not applied its judicial mind while passing the impugned order.

V) **That** the learned trial court has not exercised jurisdiction vested in it under the law, rather the same has been exercised with material irregularity and illegality.

VI) **That** the Appellant seeks permission to rely and advance additional grounds at the time of hearing of instant Civil appeal.

It is, therefore, humbly prayed that on acceptance of the instant Appeal, the order of return of plaint dated 30-1-2014 under Order 7 rule 10 of the CPC by the learned Civil judge-IX, Bannu may very graciously be set aside being mis conceived and not in accordance with law as the Civil court has got jurisdiction to entertain the appellant's case/plaint and thereby directing the

learned trial court to adjudicate upon the appellant's case strictly on merit and in accordance with law.

Dated 22/02/2014

Minhaj-Ud-Din
(Appellant)

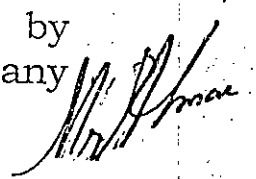
Through counsel



Muhammad Usman Khan
Advocate High Court, Bannu

CERTIFICATE

It is to certify that as per information conveyed by Appellant, no such Civil appeal is filed earlier before any Forum.

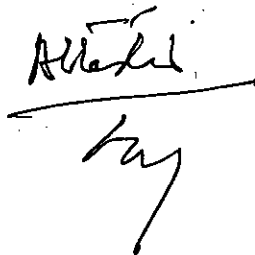
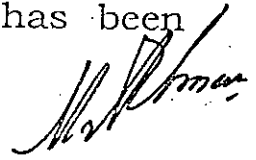


Advocate

AFFIDAVIT

I, Muhammad Usman Khan, Advocate High Court, Bannu on behalf of Appellant, do hereby solemnly affirm and declare on oath that as per information conveyed to me by my client, the contents of instant appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable court.

Deponent



K

29

IN THE COURT OF MUHAMMAD HUSSAIN
DISTRICT JUDGE BANNU

Civil Appeal No. 23/13 of 2014
Date of Institution: 22-02-2014
Date of Decision: 10-02-2015

Minhajuddin s/o Jamal Ud Din resident of Chak Dadan Tehsil & District
Bannu (APPELLANT)

V E R S U S

Govt. of K.P & 3 others. (RESPONDENTS)

J U D G M E N T

This appeal has been preferred against order dated 30-01-2014, passed by learned Civil Judge-IX, Bannu, vide which plaint of the appellant was returned to him under Order VII, Rule 10 C.P.C.

~~Attested~~
Copylest
District & Session Judge
Bannu
19-2-15 2.

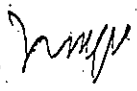
Brief facts of the case, as per record, are that, on 21-09-2013, the appellant, Minhajuddin, filed a civil suit against the respondents (Government of Kyber Pakhtunkhwa & 3 others) seeking a decree for declaration and permanent prohibitory and mandatory injunction, In his plaint, it was alleged by the appellant/plaintiff that, on 12-09-1992, he had been appointed as 'Naib-Qasid' in the office of Commissioner Bannu, and, presently, is performing his

Muhammad Hussain
District Judge, Bannu

duty as 'Naib-Qadid' in the office of Regional Transport Authority, as per order of the Commission Bannu, dated 20-02-2009 and since posts of 'Naib-Qasid' are vacant in the office of R.T.A, therefore, he is entitled to be appointed on the same but the respondents are bent upon to appoint someone from another district. The respondents/defendants, in response, moved an application under Order VII, Rule 10 C.P.C seeking return of his plaint to the plaintiff for want of jurisdiction. The learned Civil Judge-IX, after hearing both the parties, accepted the said application and returned his plaint to the appellant/plaintiff to present the same before proper forum, i.e. The Service Tribunal. Aggrieved, thereby, the plaintiff has filed the appeal in hand.

3. I have already heard arguments of learned Counsel for the parties and, with their valuable assistance, have gone through the record.

4. Perusal of record, particularly the plaint, shows that the same is not only vague but relates to the terms and conditions of a civil servant. In Para 7 of his plaint, the plaintiff says that he is, presently, performing his duty as 'Naib-Qasid' in the office of R.T.A but, on the other hand, seeks appointment on the same post in the office of R.T.A which creates ambiguity regarding the relief sought. Similarly, a bare perusal of his plaint clearly shows that the same is regarding the terms and conditions of service as he,

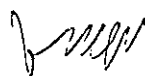

Muhammad Hussain
 District Judge, Bannu

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 District & Session Judge
 Bannu
 19-2-15

admittedly, is serving as 'Naib-Qasid' in the office of R.T.A. and, as per provisions of sub-section (2) of section 3 of the North-West Frontier Province Service Tribunal Act (I of 1974), a Tribunal, constituted under the said Act, shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, therefore, civil courts have got no jurisdiction to entertain any suit relating to the terms and conditions of a civil servant. The learned Trial Court, thus, has rightly returned plaint of the appellant/plaintiff to him for presenting the same before the said forum, vide its order impugned herein.

The impugned order, therefore, needs no interference and is kept maintained by dismissing the appeal in hand. Parties are, however, left to bear their own costs.

Announced
10-02-2015

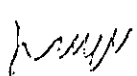

(Muhammad Hussain)
District Judge, Bannu


CERTIFICATE 
District Judge, Bannu

~~Attested~~
~~Copyist~~
~~District & Session Judge~~
~~Bannu~~
19-2-15

I certify that my above judgment consists of 03 pages. I have read and signed each page of this judgment, after making necessary corrections therein.

- 10-02-2015
- Registration No. 372
- 2- Date of Presentation of Application 10-2-15
- 3- Date of Receipt of the file 19-2-15
- 4- Date of Preparation of copy 19-2-15
- 5- Date of Delivery of copy 19-2-15
- 6- No. of copies / words 31
- 7- Ordinary Fee 51
- 8- Urgent Fee 5
- 9- Total Fee 51


(Muhammad Hussain)
District Judge, Bannu
10-02-2015

Attested


4 32

BEFORE THE PESHAWER HIGH COURT BANNU BENCH.

CIVIL REVISION PETITION NO 24-B/2015

Minhaj-Ud-Din S/O Jamal-Ud-Din, resident of VILLAGE
Chak Dadan Tehsil and district Bannu.....
(Petitioner)

V E R S U S

1. Government of Khyber Pukhtunkhwa , through its Secretary Transport, Peshawar.
2. Secretary PTA Transport Khyber Pukhtunkhwa Peshawar.
3. Assistant Secretary Regional Transport Authority district Bannu.
4. Commissioner, Bannu Division District Bannu/Chairman RTA District Bannu.

(Respondents)

CIVIL REVISION PETITION UNDER SECTION 115 OF CIVIL PROCEDURE CODE (V OF 1908) AGAINST THE JUDGMENT AND DECREE DATED 10-2-2015, IN CIVIL APPEAL NO.23/13 OF 2014 PASSED BY THE LEARNED DISTRICT JUDGE BANNU, VIDE WHICH THE APPEAL FILED BY THE PETITIONER WAS DISMISSED BY UPHOLDING ORDER PASSED BY THE TRIAL COURT IN CIVIL SUIT NO.143/1 ON 30-01-2014, WHEREBY THE PLAINT IN ORIGINAL HAS BEEN RETURNED TO THE PETITIONER/PLAINTIFF UNDER ORDER 7 RULE 10 OF THE CPC.

ATTESTED

PRAYER:

EXAMINER
Peshawar High Court,
Bannu Bench

ON ACCEPTANCE OF THIS REVISION PETITION, BOTH THE IMPUGNED JUDGMENT AND DECREE AS WELL AS THE ORDER OF THE LEARNED COURTS BELOW MAY VERY GRACIOUSLY BE SET ASIDE BEING MIS COCIEVED AND NOT IN ACCORDANCE WITH LAW AS THE CIVIL COURT HAS GOT JURISDICTION TO ENTERTAIN THE PETITIONER'S CASE/PLAINT AND THEREBY DIRECTING THE LEARNED TRIAL COURT TO ADJUDICATE UPON THE APPELLANT'S CASE STRICTLY ON MERIT AND IN ACCORDANCE WITH LAW.

BRIEF FACTS

Respectfully sheweth:

1) That the Petitioner/plaintiff had instituted a Civil suit No.143/1 on 21-9-2013 in the Court of Senior Civil Judge, Bannu which was entrusted to the court of learned Civil Judge-IX, Bannu, wherein the defendants instead of submitting their written statement straight away moved an application under Order 7 rule 10 of the CPC for return of the plaint whereupon, on 30-01-2014, the learned trial court returned the original plaint to the appellant/plaintiff with an observation " that the appellant is an employee of the Government of Pakistan and in case of any matter which pertains to the service of a Government official, there is a proper forum constituted for this purpose, i.e the Service tribunal and the jurisdiction of Civil Court is barred. **(Copies of plaint and order etc, of the trial court (Civil Judge-IX, Bannu) dated 30-01-2014 is annexed as annexure "A" & "B" respectively).**

2) That feeling aggrieved from the same, the petitioner has filed civil appeal before the learned District Judge, Bannu but the said appeal was also dismissed by upholding the order dated 30-01-2014 of the learned Civil Judge-IX, Bannu.

(Attested copies of memo of appeal, judgment and decree dated 10-2-2015 of the District Judge, Bannu are annexed herewith as annexure "C" & "D" respectively).

2015
Registrar

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Court
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That now the petitioner has got no other choice but

to seek the indulgence of this Honourable court by invoking its revisional jurisdiction, inter alia on the following grounds:-

GROUND S

- I) **That** both the courts below have erred in law and have mis-interpreted the terms and condition of Service of Civil Servants as envisaged in Civil Servant Act, 1973 and various precedents of the superior courts and by declaring the petitioner's case as pertaining to terms and condition of service of civil servants is totally the exercise of jurisdiction by both the courts below, not vested in them under the law.
- II) **That** both the courts below have exercised the jurisdiction but with material illegality and irregularity, thus both the Judgments and decree are the classic example of mis-carriage of justice.
- III) **That** the petitioner's case is of adjustment /appointment on new budgetary post in RTA and by declaring it a case U/S 4 of Service Tribunal Act, (I of 1974) is non-application of judicious mind and is the result of mis-reading and non-reading of the record and relevant law and rules of the petitioner's case.
- IV) **That** both the courts below have not exercised the jurisdiction vested in them under the law, rather the same has been exercised with material irregularity and illegality.
- V) **That** the petitioner seeks permission to rely and advance additional grounds at the time of hearing of instant Civil appeal.



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NER
High Court,
Bench

instant Revision petition, both the impugned judgment and decree as well as the order of the learned courts below may very graciously be set aside being mis conceived and not in accordance with law as the civil court has got jurisdiction to entertain the petitioner's case/plaint and thereby remanding/directing the learned trial court to adjudicate upon the petitioner's case strictly on merit and in accordance with law.

Dated 21 /02/2015

Minhaj-Ud-Din

(Petitioner)

Through counsel,

[Signature]

Muhammad Usman Khan
Advocate High Court, Bannu

CERTIFICATE

It is to certify that as per information conveyed by petitioner, no such Civil Revision is filed earlier before any Forum.

[Signature]

Advocate

AFFIDAVIT

I, Minhaj-Ud-Din S/O Jamal-Ud-Din, resident of Chak Dadan Tehsil and district Bannu, the petitioner, do hereby solemnly affirm and declare on oath that as per information conveyed to me by my client, the contents of instant Civil Revision petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable court.

Filed by :-

[Signature]

ATTESTED

Deponent

No. 368

EXAMINER
Peshawar High Court,
Bannu Bench

Certified that the above was verified on solemn affirmation before me in office this 21st

day of Feb 2015 by Minhaj Ud Din

S/o Jamal Ud Din r/o Bannu

who was identified by Muhammad Usman Adv

who is personally know to me

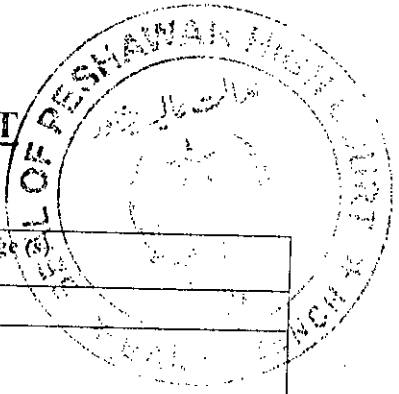
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Filed Today
28 FEB 2015
Additional Registrar

PESHAWAR HIGH COURT,
BANNU BENCH

FORM OF ORDER SHEET



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
05.03.2015	<p><u>C.R. No.24 -B/2015.</u></p> <p><u>Present:-</u> Muhammad Usman Khan advocate for petitioner.</p> <p>****</p> <p><u>MUHAMMAD YOUNIS THAHEEM, J :-</u> Minhaj-ud-Din, the petitioner through instant revisional jurisdiction, has challenged the order/judgment dated 10.02.2015 of District Judge Bannu, whereby the order/judgment dated 30.01.2014 of civil Judge-IX, Bannu was dismissed.</p> <p>2. Brief facts of the case are that the petitioner filed a suit against the respondents for declaration, permanent prohibitory and mandatory injunction. He averred in his plaint that he is was appointed as Naib Qasid on 12.09.1992 in the office of Regional Transport Authority, Bannu but after</p>

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TESTED

WAZIR
Peshawar High Court,
Bannu Bench

changing the system it merged into District Transport Authority, he went in surplus pool, thereafter adjusted in other offices and now lastly he is serving as Naib Qasid under District Transport Authority, Bannu, but after restoration of Regional Transport Office, he is also entitled to be adjusted in RTA Office. The suit of petitioner was entrusted to learned Civil Judge-IX, Bannu. The respondents were summoned. On appearance they submitted an application under Order VII Rule 10 CPC for return of his plaint, which was ultimately accepted and appeal filed there against was also met the same fate, hence the instant revision petition.

3. I have heard arguments of learned counsel for petitioner, in motion and perused the available record.

4. Perusal of the record reveals that admittedly, the petitioner is a govt. Employee serving as Naib Qasid in the District Transport Office, Bannu



ED

but he want to be adjusted at Regional Transport Office Bannu. The matters regarding transfer, adjustment of civil servant are squarely fall under the terms and conditions of service, as such, come within the domain of Service Tribunal. As the separate Courts have been established for the purpose, the Civil Courts have no jurisdiction to entertain the same. The provision of Article 212(2) of the Constitution of Islamic Republic of Pakistan, 1973 bars the jurisdiction of other Courts, which read as:

212 (2) Notwithstanding anything hereinbefore contained, where any Administrative Court or Tribunal is established under clause (1) no other Court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such administrative Court or Tribunal extends and all proceedings in respect of any such matter which may be pending before such other Court

TESTED

WAZIR
Sawar High Court,
Bannu Bench

immediately before the establishment of the Administrative Court or Tribunal other than an appeal pending before the Supreme Court shall abate on such establishment.

In the sub article *ibid* express bar has been imposed that all other Courts have no jurisdiction to entertain any proceedings in case of service tribunal established for the purpose, hence, the learned civil Court as well as appellate Court has rightly returned the plaint of petitioner under Order VII Rule 10 CPC, for which no exception can be taken.

5. In view of above, this petition stands dismissed in limine, however, the petitioner is at liberty to seek redressal of his grievances from the competent Court/tribunal.

Announced:
05.03.2015

Sd/-Muhammad Younis Thaheem, J

CERTIFIED TO BE TRUE COPY

For Officer

Peshawar High Court, Daman Bench
Authorised Under Article 87 of
the Qanun-e-Shahadat Order 1984

13/3/15

Attested
by

10/3

کثرت صاحب سیرٹیفکی ریکورڈنگ اور ریسورٹ
ایکسچارج ہونے

Appoinment کے دوران درج ذیل پر آئل آف
class IV

صاحب علی: گڈ ریسورٹ فریڈم اور دفعہ دو ایس
کے سیرٹیفکی RTA ہونے سے دو
class IV کے ہوتے ہیں۔
ہر سال کے ہونے کے حقوق
دفعہ آئل آف Appoinment کے دوران
کے آئل آف کے ہونے کے ہونے کے ہونے
اس کے
فصل 3/15 کے ہونے کے ہونے کے ہونے

اللہ
by

P.

42

Ry. No. 1285

dt 3.4.15

The Secretary,
Transport Department
Govt. of Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 06.03.2015.
PASSED BY DIRECTOR, TRANSPORT KHYBER PAKHTUNKHWA
PESHAWAR.

Respectfully Sheweth:

1. That the appellant was appointed as Naib Qasid in the office of defunct Commissioner, Bannu Division on 12.09.1992 and served in the said capacity till 2001.
2. That the appellant was transferred and posted as Naib Qasid in the Regional Transport Authority and served there till devolution plan of 2001.
3. That after devolution the appellant became surplus and subsequently adjusted in Union Council Kala Khel Masti Khan.
4. That the Regional Transport Authority was revived in the year 2009 and the previous staff of RTA was allowed to work in the said authority.
5. That appellant had requested for posting in the Regional Transport Authority but his request was not acceded to by the authorities concerned.
6. That the appellant knocked the doors of various forums for relief but in vain.
7. That Director Transport Khyber Pakhtunkhwa was also approached but he has passed the impugned order and denied due right to the appellant hence this Departmental appeal.

GROUND OF APPEAL:

1. That the order dated 06.03.2015, is against the law, rules and policy.
2. That the appellant was not afforded opportunity to explain his case.
3. That the order dated 06.03.2015, is arbitrary and usurped the right of the appellant.

In view of the above, facts it is humbly prayed that order dated 06.03.2015, may please be set aside and the appellant posted in Regional Transport Authority Bannu.

Dated: 03.04.2015.

[Handwritten Signature]
3/4/15

Minhaj-ud-Din
S/o Jamal-ud-Din, N/Q Union
Council, Kala Khel Masti Khan,
Bannu, Ex-Naib Qasid, Commissioner,
Bannu Division, Bannu.

No. 1285

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

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28

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Initials of Receiving Office: *[Signature]* Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

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Insurance fee Rs. *[Signature]* Weight *[Signature]* Kilo Grams

Name and address of sender *[Signature]*

[Handwritten Signature]

بعد الت چاپ سرویس ٹریبونل صوبہ سندھ پشاور

اسلانت

مخانب

منہاج الدین بنام سیکرٹری ٹریبونل پشاور

دعویٰ اسل

باعث شکریہ ایٹکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے سعد اڈاس خان سروسٹے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کیلئے یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقدمہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سامنے پروا ختم منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا مد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المرقوم

العبد

العبد

العبد

11
ارباب سٹیٹ انکال
ایڈووکیٹ

سعد اللہ خان مرقت
ایڈووکیٹ

منہاج الدین

من رومیہ خان
ایڈووکیٹ



23817

ایڈووکیٹ/دستخط
بارکول ابار ایسوسی ایشن
رابطہ نمبر: 03005963605

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: صوبائی سروسز سوسائٹی

منجانب: رسانہ میں	دعویٰ:
منجانب: 	علت نمبر:
	موردہ نمبر:
	جرم:
	تھانہ:

بابت تحریر آنکہ

اسلام آباد

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

ان مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو راضی نامہ کرنے و تقریر کجالت و فیصلہ برعلت دینے جو جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز ضرورت پڑنے پر پیروی یا اپیل کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل کی طرف جانی و پیروی کرنے کا اختیار ہوگا اور ضرورت پڑنے پر مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے مجاہدے سے اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ میں منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے حساب سے ہوگا وہ وکیل موصوف وکیل کے اختیار 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 مندر ہے۔

المرقوم: 27/07/2015

الع بد ————— واہ شد ————— الع بد

مقام اصحہ کے لئے منظور ہے۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.733/2015

Minhaj-ud-Din.....**Appellant**

Versus

Secretary Transport KPK & others.....**Respondents**

**WRITTEN STATEMENT ON BEHALF OF THE
RESPONDENT NO.4 (ISLAM BAHADAR) IS
AS UNDER:**

Respectfully Sheweth:-

The Written Statement on behalf of the respondent No.4 is as under:

Preliminary Objection:

- I. That the appellant has got no cause of action against the respondent No.4.
- II. That the appellant has concealed the main important facts from this Honourable Tribunal with malafide intention as such the appeal is liable to be dismissed without further proceedings.

- III. That the appeal is premature as such the appellant is not entitled for any relief from this Honourable Tribunal.
- IV. That the service appeal is not within time.
- V. That the appellant has not adopted the procedure mentioned in the Service Tribunal Act under Section-4 before filing of the present appeal as such appeal is not competent and maintainable in its present form.
- VI. That the appellant can not claim posting, Transfer as a fundamental right.

ON FACT:

1. That Para No.1 of the appeal is not relates to the respondent No.4.
2. That the Para No.2 of the appeal does not concern with the replying respondent.
- 3-5. That Para No.3 to 5 of the appeal does not concern with the respondent No.4.
- 6-9. That Paras No.6 to 9 does not concerned with the replying defendant. The civil court has got no jurisdiction in the service matter.

10. That Para No.10 of the appeal is correct to the extent that respondent No.4 was appointed as Naib Qasid in the office of the RTA. The rest of Para is incorrect because the respondent No.4 has been appointed after fulfill all legal formalities according to law and as such appellant has got no cause of action against the replying respondent.
11. That Para No.11 of the appeal does not concerned the replying respondent.
12. That Para No.12 of the appeal is incorrect the appellant has no right to file any Departmental Appeal because there i no order against the appellant.

GROUND S:

- A. That Para A of the grounds of appeal does not relates to the respondent No.4.
- B-C. That Paras No.B & C of the grounds of appeal are legal however the appellant can not claim a specific post and place of his own choice as a right.
- D. That Para No.D of the ground of appeal does not concerned with the replying respondents.

10. That Para No.10 of the appeal is correct to the extent that respondent No.4 was appointed as Naib Qasid in the office of the RTA. The rest of Para is incorrect because the respondent No.4 has been appointed after fulfill all legal formalities according to law and as such appellant has got no cause of action against the replying respondent.
11. That Para No.11 of the appeal does not concerned the replying respondent.
12. That Para No.12 of the appeal is incorrect the appellant has no right to file any Departmental Appeal because there i no order against the appellant.

GRUNDS:

- A. That Para A of the grounds of appeal does not relates to the respondent No.4.
- B-C. That Paras No.B & C of the grounds of appeal are legal however the appellant can not claim a specific post and place of his own choice as a right.
- D. That Para No.D of the ground of appeal does not concerned with the replying respondents.

- E. That Para No.E of the ground of appeal is incorrect. Ignorance of law is no excuse. As such appellant is not entitled to any relief.
- F. That Para No.F of the ground of appeal is incorrect.
- G. That Para No.G of the ground of appeal is incorrect. The appointment of the respondent No.4 has been made according to the Rules Regularization of the law. That order dated 06.03.2015 of the appointment of the respondent No.4 is legal and correct.
- H. That Para No.H of the ground of appeal is incorrect detail reply has been submitted above Paras.

It is therefore humbly prayed that the appeal of the appellant is not competent not maintainable, barred by limitation and law which may please be dismissed with costs.

Through

اسلام آباد
Respondent No.4


Muhammad Saleem
Advocate High Court

Dated 30.03.2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.733/2015

Minhaj-ud-Din.....Appellant

Versus

Secretary Transport KPK & others.....Respondents

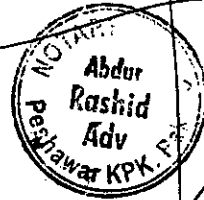
AFFIDAVIT

I, Islam Bahadar S/o Arif Khan (respondent No.4), do hereby solemnly affirm and declare on oath that the contents of the accompanying **Written Statement** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

اسلام بہادر

DEPONENT

ATTESTED



31/3/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 733 / 2015

Minhaj-Ud-Din

Appellant.

Copy

Vs

Secretary Transport, Khyber Pakhtunkhwa and Others.

Respondents

Written reply on behalf of Respondents No 01 to 03.

Preliminary objections:-

1. That the appellant got no cause of action.
2. That the appellant is stopped by his own conduct to sue.
3. That the appellant has not come to court with clean hands.
4. That the service appeal is not maintainable due to mis-joinder & non-joinder of necessary parties. The designation of the respondent No. 02 is incorrectly mentioned
5. That the appellant has no locus-stand to file the instant Service Appeal.
6. That due to non-compliance of Section 80 of CPC, the service appeal is not maintainable.
7. That the appellant comes to the court with malafide intention as such the suit is frivolous, vexatious & baseless.
8. That the service appeal is bad for the purpose of court fee, suit valuation and jurisdiction.
9. That the answering respondents are entitled for special costs U/S 35-A CPC.
10. That the Appeal is barred by law. Furthermore the appellant has not filed departmental appeal before filing the appeal in Service Tribunal. The instant service appeal is badly time barred.
11. That the court got no jurisdiction to entertain the instant service appeal.
12. That the appellant is not entitled for any interim relief as such the service appeal is in-fractious, frivolous, vexatious & baseless

Fact on merits:

Respectfully sheweth:

The parawise comments on behalf of Respondents No. 01 to 03 are as under: -

1. Para No. 1 of the appeal dose not relate to the answering respondents.
2. Para No. 2 of the appeal dose not relate to the answering respondents.
3. Para No. 3 of the appeal dose not relate to the answering respondents.
4. Para No. 4 of the appeal is incorrect. The appellant was not appointed as a Naib Qasid in the District Transport Authority.
5. Para No. 5 of the appeal is incorrect. The petitioner was appointed as Naib Qasid on 12-09-1992 and later-on adjusted/posted in the union Council Kalla Khel Masti Khan on the same post (copy is enclosed at **Annex-A of Appeal**).
6. Para No. 6 of the appeal is correct to the extent that the appellant filed Civil Suit for adjustment as Naib Qasid in the Court of Senior Civil Judge Bannu which was dismissed on the ground that Civil Court is not proper forum to dispose off service appeal.
7. Para No. 7 of the appeal is correct. Reply given in above paras.
8. Para No. 8 of the appeal is correct. Reply given in above paras.
9. Para No. 9 of the appeal is correct to the extent that the appellant filed a writ petition in the Peshawar High Court Bannu Bench Bannu which was dismissed.

10. Para No. 10 of the appeal is incorrect. Respondent No. 4 was appointed after fulfilling all legal formalities mentioned under law. According to Rule 12 (3) of Appointment, Promotion and Transfer Rules 1989 "initial recruitment to posts in Basic Pay Scale 1 to 2 or equivalent shall ordinarily be made on local basis".
11. Para No. 11 of the appeal is incorrect hence denied.
12. Para No. 12 of the appeal is incorrect due to the reason that the appellant stated in the said para that he submitted representation on 03-04-2015 however, it is evident from the copy of appeal that the appellant signed it on 18-03-2015. The appeal is also badly time bared.

Grounds:-

- a) Para No. (a) of the appeal is subject to proof, hence denied.
- b) Para No. (b) of the appeal is incorrect. Detail reply has already been given in the above paras.
- c) Para No. (c) of the appeal is incorrect. Appellant cannot be adjusted as jNaib Qasid in the RTA. Detail reply is already given in above paras.
- d) Para No. (d) of the appeal is incorrect to the extent that the actual position was restored to RTA. *He is a staff of Commissioner office Bannu.*
- e) Para No. (e) of the appeal is incorrect.
- f) In reply to Para No. (f) of the appeal it is stated that appellant may get relief from relevant authorities as appellant was not employee of the Transport Department.
- g) Para No. (g) of the appeal is incorrect hence, denied.
- h) Para No. (h) of the appeal is incorrect hence, denied.

It is, therefore, humbly prayed that on acceptance of instant reply, the Service appeal may kindly be dismissed with cost accordingly and any other remedy deem proper in the matter, may also be granted in favour of answering respondents in the larger interest of natural justice.



Secretary (R-01)
Transport & Mass Transit Department
Govt. of Khyber Pakhtunkhwa



Director (R-02)
Transport & Mass Transit
Khyber Pakhtunkhwa



Commissioner (R-03),
Bannu Division/Chairman RTA Bannu

JURE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

vice Appeal No. 733 / 2015

Minhaj-Ud-Din

Appellant.

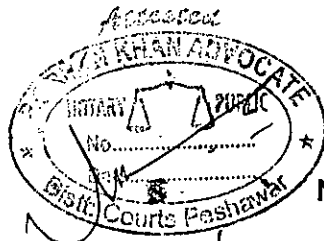
Vs

Secretary Transport, Khyber Pakhtunkhwa and Others.

Respondents

AFFIDAVIT

I, Mr Fazal Ur Rehman, Superintendent, Provincial Transport Authority Khyber Pakhtunkhwa do here by solemnly affirm and declare that the contents of the parawise reply submitted by Respondents No 01,02 & 03 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.



DEPONENT

NIC# 17301-11969715

(5) No candidate shall be appointed to a post unless he is found, after such medical examination as Government may prescribe, to be in good mental and bodily health and free from physical defect likely to interfere in the efficient discharge of his duties.

12. Zonal and Divisional representation: - (1) Except as otherwise specifically provided in any rule for the time being in force, initial recruitment to posts in Basic Pay Scales 16 and 17 and other posts in Basic Pay Scales 3 to 15 borne on Provincial cadre shall be made in accordance with the Zonal quota specified by Government from time to time:

⁵¹Provided that initial recruitment to the post of Civil Judge/Judicial Magistrate/Allaqa Qazi (BPS-18) shall also be made in accordance with the zonal quota specified by the Government from time to time.

(2) Initial recruitment to posts in Basic Pay Scales 3 to 15 borne on divisional or district cadre shall be made from amongst bona fide residents of the division or district concerned, as the case may be.

(3) Initial recruitment to posts in Basic Pay Scales 1 and 2 or equivalent shall ordinarily be made on local basis.

PART-IV

AD HOC APPOINTMENT

13. **Requisition to Commission:**-When under any rule for the time being in force, a post is required to be filled in through the Commission, the appointing authority shall forward a requisition on the prescribed form to the Commission immediately after it is decided to fill in the post, or if that is not practicable and the post is filled on ad hoc basis as provided in rule 14, within two months of the filling of the post.

14. **Ad hoc Appointment:**-(1) When the appointing authority considers it to be in the public interest to fill in a post falling within the purview of the Commission urgently, it may, pending nomination of a candidate by the Commission, proceed to fill in such post on ad hoc basis for a period not exceeding ⁵²[one year] by advertising the same in accordance with the procedure laid down for initial appointment in Part-III of these rules.

(2) Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding ⁵³[one year], may be filled in by appointing authority otherwise than through the Commission on a purely temporary basis after advertising the vacancy.

⁵¹ Proviso to rule-12 added vide Notification No. SOR-VI(E&AD)1-27/08, dated 03-07-2008

⁵² The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

⁵³ The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

Minhaj ud Din

Versus

S.A No. 733/2015

Secretary & Others

REPLICATION

Respectfully Sheweth,

PRELIMINARY OBJECTION.

All the 12 preliminary objections of official respondents and 6 of contesting respondents No. 4 are illegal and incorrect. No reason in support of the same are ever given as to why appellant has no cause of action, estoppels, unclean hands, lack of mis & non-joinder of parties, without locus standi, non compliance of Section 80 of CPC, malafide, court fee, jurisdiction, special cost, barred by law, time barred and appeal is baseless.

ON FACTS

- 1-9. These paras of the Official Respondents as well as of the Private Respondents do not rebut contention of the paras of the appellant, so were admitted correct by them.
4. Not correct. The para of the appeal is correct regarding performance of duties in RTA till further orders.
5. Not correct. Appellant was the basic employee of RTA but was adjusted / posted in Union Council, Kala Khel, Masti Khan, yet practically appellant was performing duties in the office of Commissioner as of district Transport Authority office.
6. Admitted correct by the respondents regarding filing of civil suit in the court of Senior Civil Judge, Bannu.
- 7-8. Admitted correct by the respondents.
10. Not correct. The para of the appeal is correct regarding appointment of R. No. 4 in the office of RTA, Bannu without

following proper procedure, advertisement, test, interview, etc.



- 11. Not correct. Appellant submitted department appeal to the authority on 10.03.2015.
- 12. Not correct. Appellant submitted representation before the authority vide registry No. 1285, dated 03.04.2015.

GROUNDS:


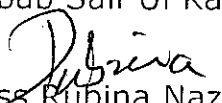
All the grounds of the appeal are legal and correct while that of the replies of official and private respondent are illegal and incorrect. The same are reaffirm again.

It is, therefore, most humbly requested that the appeal be accepted as prayed for.

Through


Appellant

Saadullah Khan Marwat

Dated: .07.2016

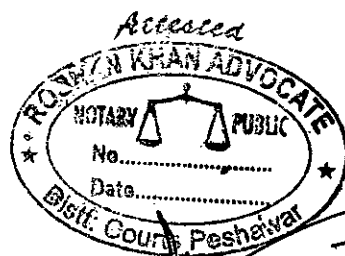

Arbab Saif Ul Kamal

Miss Rubina Naz
Advocates,

AFFIDAVIT

I, Minhaj ud Din S/o Jamal ud Din, Appellant do hereby solemnly affirm and declare that contents of the **Appeal & replication** are true and correct to the best of my knowledge and belief and that of the reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.


DEPONENT



21.7.16