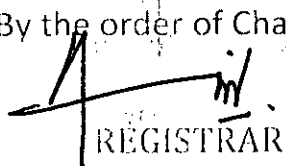


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 102/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	24.01.2024	<p>The implementation petition of Mr. Rafiq Javed submitted today by Mr. Syed Noman Ali Bukhari Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha Peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

6 set

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

E. P. No. 102/2024
Case No. _____/2024
IN

Service Appeal No: 2444/2023

RafiqJaved

V/S

EducationDeptt:

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of COC	-----	01-02
2.	Copy of order	- A -	03-04
3.	Copy of documents	-B-	5-7
4.	VakalatNama	-----	08


PETITIONER

RafiqJaved

THROUGH:


SYED NOMAN ALI BUKHARI

&

(UZMA SYED)

ADVOCATES, HIGH COURT

Cell No: 0311-9440376

①

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

E P. No. 102/2024

COC No. _____/2024

IN

Service Appeal No:2444/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10750

Dated 24/1/24

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

..... Appellant

VERSUS

- 1- The Secretary to Govt of KP (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Sub Divisional Education Officer Sub Division Mansehra.
- 4- The District Education Officer Male Mansehra.

.....RESPONDENTS

.....

**APPLICATION FOR INITIATE CONTEMPT OF
COURT PROCEEDING UNDER ORDER 39 RULE (2) OF
CIVIL PROCEDURE CODE FOR NO IMPLEMENTING
THE ORDER DATED 04/12/2023.**


.....

RESPECTFULLY SHEWETH:

1. That the applicant/appellant filed Service Appeal No.2444/2023 in this august Tribunal against the impugned transfer order dated 09/08/2023, 25/08/2023 and 08/11/2023.
2. That the said appeal was heard on 04/12/2023 in Preliminary Hearing stage. The said appeal was Admitted and impugned order was suspended vide tribunal order dated 04/12/2023. (Copy of order Dated 04.12.2023 is attached as annexure-A).
3. That the appellant neither relive the charge nor handed over the charge to respondent so the order has not been complied by the appellant and the department itself not handed over the charge to other junior official without consent and handed over the same to the respondent after the suspension order which is evident from the salary letter and attendance register. Copy of the document is attached as annexure-B.

4. That the respondents were totally failed in taking any action regarded the Hon'able Tribunal order dated 04/12/2023 and not adjusted appellant against his post and salary of the appellant was also stopped.
5. That not obeying the direction of the Honourable Tribunal by the respondents is amounting to disobedience and Contempt of Tribunal.
6. That being the Apex Tribunal of the Province, the direction of the Honourable Tribunal are binding on each and every organ of the province and cannot be denied or refused at any cost.
7. That the respondents (competent authority) are legally bound to act as directed by the Honourable Tribunal.
8. That inaction of the respondents and unwillingness to obey the direction of the Honourable Tribunal clearly amounts to Contempt of Tribunal.

It is, therefore, most humbly prayed that on acceptance of this application the Contempt of Court Proceedings may be initiated against the respondents for not obeying the Honorable Tribunal's order dated 04/12/2023. The respondent's further please be directed to adjust the appellant against his own post as early as possible to meet the ends of justice and salary of the appellant may also be released. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of applicant/appellant.


APPLICANT/APPELLANT
 Rafiq Javed

THROUGH:


 (SYED NOMAN ALIBUKHARI)
 ADVOCATE, HIGH COURT.

AFFIDAVIT:


It is affirmed and declared that the contents of the above Execution Petition are true and correct to the best of my knowledge and belief.

ATTESTED

 **DEPONENT**



1-224

A-3


BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 2444 /2023

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

..... Appellant

VERSUS

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

.....RESPONDENTS

.....

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

PRAYER:

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

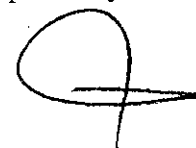
Appeal No. 2444/2023
Rafiq Javid vs Govt

(4)

04th Dec, 2023

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

Adnan Shah



(Kalim Arshad Khan)
Chairman

Manshra

B 204

Sll: 1

P Sec:001 Month:December 2023
MA6320 -Sub Divisional Education
SUB DIVISIONAL EDUCATION

Rolls #: 00218700 Buckle: 371

Name: MUHAMMAD AKMAL KHAN
ASSISTANT SUB DIVISIONAL

CNIC No.1350305131703

GPF Interest Applied
16 Active Permanent

NTN:
GPF #: EDUMA010047
Old #:

MA6320 -03

PAYS AND ALLOWANCES:

0001-Basic Pay	82,310.00
1001-House Rent Allowance 45%	4,091.00
1210-Convey Allowance 2005	5,000.00
1947-Medical Allow 15% (16-22)	1,924.00
2148-15% Adhoc Relief All-2013	1,100.00
2199-Adhoc Relief Allow @10%	737.00
2315-Special Allowance 2021	3,500.00
2341-Dispr. Red All 15% 2022KP	7,852.00
2347-Adhoc Rel Al 15% 22(PS17)	7,853.00
Gross Pay and Allowances	142,385.00

DEDUCTIONS:

IT Payable 39,286.98 Deducted 37,913.00	TAX: (3609) 6,548.00
GPF Balance 272,218.00	Subrc: 4,960.00
3501-Benevolent Fund	1,500.00
3990-Emp.Edu. Fund KPK	170.00
4004-R. Benefits & Death Comp:	650.00

Total Deductions

13,828.00

128,557.00

D.O.B
02.04.1973

30 Years 07 Months 024 Days

LFP Quota:
ALLIED BANK LIMITED MAIN BRANCH
0012006391-1

~~ATTESTED~~

Manshra

S#: 1

P Sec:001 Month:November 2023
MA6319 -District Education Officer
DISTRICT EDUCATION OFFICE

Pers #: 00218700 Buckle: 371
Name: MUHAMMAD AKMAL KHAN
ASSISTANT DISTRICT EDUCAT
CNIC No.1350305131703
GPF Interest Applied
16 Active Permanent

NTN:
GPF #: EDUMA010047
Old #:

MA6319 -03

PAYS AND ALLOWANCES:

0001-Basic Pay	80,050.00
1001-House Rent Allowance 45%	4,091.00
1210-Convey Allowance 2005	5,000.00
1947-Medical Allow 15% (16-22)	1,924.00
2148-15% Adhoc Relief All-2013	1,100.00
2199-Adhoc Relief Allow @10%	737.00
2315-Special Allowance 2021	3,500.00
2341-Dispr. Red All 15% 2022KP	7,852.00
2347-Adhoc Rel Al 15% 22(PS17)	7,853.00
Gross Pay and Allowances	140,124.00

DEDUCTIONS:

IT Payable 43,857.66 Deducted 31,365.00	TAX: (3609) 6,266.00
GPF Balance 267,258.00	Subrc: 4,960.00
3501-Benevolent Fund	1,500.00
3990-Emp.Edu. Fund KPK	170.00
4004-R. Benefits & Death Comp:	650.00
6075-Adj GPF	14,580.00

Total Deductions

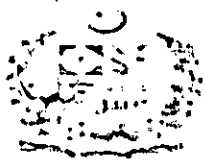
28,126.00

111,998.00

D.O.B
02.04.1973
30 Years 06 Months 023 Days

LFP Quota:
ALLIED BANK LIMITED MAIN BRANCH
0012006391-1

ATTESTED



Office of the
 DISTRICT ACCOUNTS OFFICER
 MANSEHRA
 Phone # 0997-920133

(6) (2)

SD (Source-II)
 Manshra
 15/12/23
 16/12/23

NOTED BY 2022-23 191-193

DATED 26.12.2023

25/12/23
 D/1/DEO

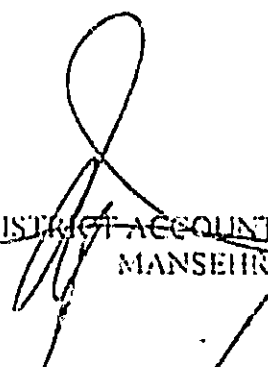
To
 ✓ The Sub Divisional Education Officer (Male)
 Manshra,

SUBJECT: ACTIVATION OF PAY IN R/O MR. RAFIQUE JAVED, ASDEO UNDER TRANSFER TO GISS, PERHINA.

Memo.

Find enclosed herewith an Application, alongwith Order sheet issued by I.P.L. Service Tribunal, Peshawar in r/o above named officer for compliance or otherwise as your office may deem appropriate. In case your office agrees to release Pay to the Officer, then Source-II duly signed by the DDO may be submitted to this office.

Encl As above.


 DISTRICT ACCOUNTS OFFICER
 MANSEHRA

Copy to:

- i) The DEO (M), Manshra.
- ii) Mr. Rafiq Javed, ASDEO

DISTRICT ACCOUNTS OFFICER
 MANSEHRA

APPROVED

**PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY**

FORM E-PAY02

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (MALE) BANPA

FOR THE MONTH OF DECEMBER 2023

7

DDO Code:

51 A 6 3 3 0

Description:

Pay Active

Employee Name:

MUHAMMAD AAMAL

National ID:

Card Number:

Salary Status:

Start Date:

Sick Sup

Grade (Pay Scale Group):

1 6 ASDEO (MD CIRCLE) MANSHEHRA

Info Type	Field ID	GENERAL DATA CHANGE		CHANGE IN PAYMENTS/DEDUCTIONS					Effective Date	Remarks		
		New Grades	Wage Type	Basic	House	Adi	Other	Rate				
		PAY ACTIVE	0001									

01-12-2023

Pay active due to ASDEO post.
DEO (MD) Manshehra transfer to
SDEO (MD) Manshehra under
Edst No: 7651-58. Dated 25-08-
2023.

ATTESTED

Prepared By

Audited/Checked By

Entered/Verified By

**Sub-Divisional Edu. Officer
(Male) Manshehra**

20/12/2023

بعدالت

KP Service Point

2 مخانب Rajeev Sawed

بنام

۵۹

Education Dept

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

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

آن مقام سپار کیلئے مسوولان صلی علیہ السلام مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق و فراہم پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظرتانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سنڈر ہے۔

Received
20/11/2019

Signature

20

ماہ

المرقوم

الع د گ الع

کے لئے منظور ہے۔

مقام