


FORM OF ORDER SHEET

Court of _____

Appeal No. 191/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	26/01/2024	<p>The appeal of Haji Nawab presented today by Mr. Muhammad Arif jan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No 191 / 2024

Haji Nawab Assistant BPS-16

.....Appellant

VERSUS

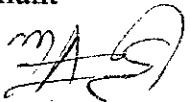
Secretary Higher Education, & others

....Respondents

I N D E X

S#	Description of documents.	Annexure	Pages
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Appellant
Through


Muhammad Arif Jan
Advocate High Court

Chamber:

212, New Qatar Hotel, Sikandar
town G.T Road, Peshawar
Cell: 0333-2212213

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No 191 / 2024

Haji Nawab Assistant BPS-16 Govt; Girls Degree College Daggar Buner.

.....Appellant

VERSUS

- 1) Secretary Higher Education, Khyber Pakhtunkhwa, Education Department, Peshawar.
- 2) Director Higher Education, Khyber Pakhtunkhwa, G.T road, Peshawar.
- 3) Principal Govt; Girls Degree College Daggar Buner.

.....Respondents

***APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER DATED 17-10-2023
VIDE WHICH DEPARTMENTAL APPEAL
WAS PREFERRED, BUT UNRESPONDED
WITHIN THE STIPULATED PERIOD OF
TIME, HENCE THE INSTANT APPEAL.***

Respectfully Sheweth;

- 1) That names and addresses of the parties given in the head note of this service appeal are true and correct for effecting services upon the parties.
- 2) That the appellant is posted as Assistant BPS-16 in the office of respondent No-3 and is/was performing his duties with full zeal and zest and to the entire satisfaction of his superiors.
- 3) That on 17-10-2023 the worthy Director (respondent No-2) transferred the appellant to Govt. Degree College, Totalai,

Buner. (Copy of letter dated 17-10-2023 is attached as ANNEX-A).

- 4) That the appellant filed representation/appeal against the impugned order dated 17-10-2023 before respondent No-1 on 24-10-2023, but the same is un responded till date, hence the instant appeal which is within time. (Copy of representation/appeal is attached as ANNEX-B).
- 5) That the impugned order dated 17-10-2023 and further Non-disposal of departmental appeal are based upon mala-fide, illegal, without jurisdiction, arbitrary, discriminatory, void ab-initive against the law and facts on the following grounds.

GROUND:

- A. Because, the act, commission and omission of respondents and the office order/ Notification No-18135-40/CA-VII/Estb Section Regional Directorate Malakand Swat dated 17-10-2023 passed by respondent No-2 (**hereinafter impugned**) and further the non-disposal of departmental appeal of the appellant by respondent No-1 is patently illegal, unlawful, without lawful authority, of no legal effect, having no value in the eyes of law, thus liable to be set-aside/ withdrawn and the appellant may kindly be allow to keep and continue his duties on his previous post and designation with all service benefits without any further delay, reason and justification.
- B. Because, admittedly the care taker government of Khyber Pakhtunkhwa took over the charge just to look after the daily affairs of Provincial Government but knowingly all these facts and banned over the posting/transfer of civil servants, intentionally intercepted and by misusing the powers, respondent No-2 issued the impugned order without any good reason and justification or the reason best known to them.
- C. Because, from the bare perusal of the afore referred impugned order dated 17-10-2023, it is very much clear

that the same has not been passed in the exigency of the service, but it is very much clear on the instance of some political person, hence the department adopted the policy of **"pick and choose" and of "Might is Right"** and dealing with the appellant in discriminating way despite the facts that the appellant has not completed the specified period, as the appellant is performing his duties in light of transfer order dated 10-04-2023, thus the impugned transfer order has no legal sanctity in the eyes of law and this type of practice is always condemned by this Hon'ble Tribunal as well as apex court of this country. **(Copy of order dated 10-04-2023 is attached as ANNEX-C).**

- D. Because, the transfer order is against the policy relating to the transfer and posting being issued by the government of KP from time to time.
- E. Because, the impugned transferred order is otherwise not sustainable for being based on mala fide and having without application of independent mind and thus liable to be set at naught by this Hon'ble Tribunal.
- F. Because, the appellant is serving the department with his full devotion and to the entire satisfaction of his superiors which is evident from his unblemished service record thus respondent No-3 herself requested the department for cancellation of the impugned order that's why the impugned order is not acted upon till date. **(Copies of letter dated 17-11-2023 of request and salary slip are attached as ANNEX-D).**
- G. Because, there is no any complaint, enquiry or any other departmental proceeding pending or initiated against the appellant till date but respondents issued the impugned order which is against the law, rules and regulations governing the subject matter thus invites consideration of this Hon'ble Tribunal.
- H. That any other grounds, with the permission of this Hon'ble Tribunal will be raise at the time of arguments.

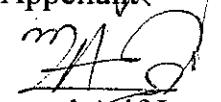
4

It is, therefore, most humbly prayed, that on acceptance of the instant appeal, the impugned order dated 17-10-2023 passed by respondent No-2 against the appellant may graciously be set aside/withdrawn being against the law rules and regulation governing the subject matter and the appellant may kindly be allowed to keep and continue his official duties with previous post/ designation etc with all service benefits.

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

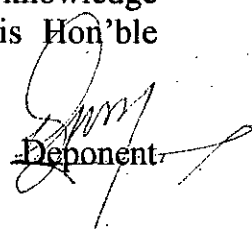

Appellant

Through


Muhammad Arif Jan
Advocate High Court

AFFIDAVIT

I, Haji Nawab Assistant BPS-16 Govt; Girls Degree College Daggar Buner do hereby affirm and declare on oath that the contents of instant Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent



(5)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No _____ / 2024

Haji Nawab Assistant BPS-16

.....Appellant

VERSUS

Secretary Higher Education, & others

....Respondents

APPLICATION FOR SUSPENSION OF OPERATION OF
IMPUGNED ORDER/ NOTIFICATION DATED 17-10-2023
TILL FINAL DECISION OF TITLED APPEAL.

Respectfully Sheweth:

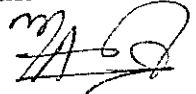
- 1) That the above titled appeal is being filed before this Hon'ble Tribunal along with instant application.
- 2) That the grounds of main appeal may kindly also be considered as part and parcel of this application.
- 3) That appellant has a good prima-facie case in his favour and is also sanguine about its success.
- 4) That balance of convenience also lies in favour of appellant.
- 5) That if the relief as prayed for is not granted and the impugned order is acted upon then the very purpose of titled appeal will become infructuous, hence this application.

It is, therefore, prayed that on acceptance of this application, the relief as prayed for in the heading of this application may graciously be granted.

6

Appellant

Through



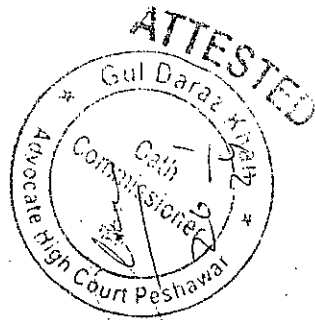
Muhammad Arif Jan
Advocate High Court

AFFIDAVIT

I, Haji Nawab Assistant BPS-16 Govt; Girls Degree College Daggar Buner do hereby affirm and declare on oath that the contents of application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



DEPONENT



7

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No _____ / 2024

Haji Nawab Assistant BPS-16

.....Appellant

VERSUS

Secretary Higher Education, & others

....Respondents

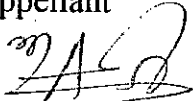
ADDRESSES OF THE PARTIES

APPELLANT:

Haji Nawab Assistant BPS-16 Govt; Girls Degree College Daggar
Buner

RESPONDENTS:

1. Secretary Higher Education, Khyber Pakhtunkhwa, Education
Department, Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, G.T road,
Peshawar.
3. Principal Govt; Girls Degree College Daggar Buner.

Through Appellant

Muhammad Arif Jan
Advocate High Court



(8) Anna-A

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
RANO GHARI NEAR CHAMKANI MOR, PESHAWAR**



E-mail: dhekpesh@gmail.com Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar1

Dated Peshawar the 17/10/2023

OFFICER ORDER:

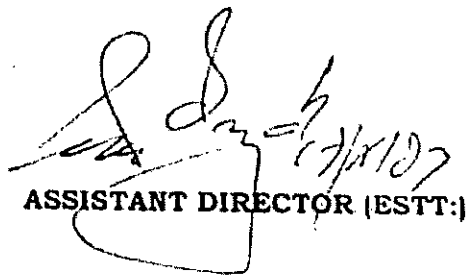
The Competent Authority (Director, Higher Education) is pleased to Transfer Mr. Haji Nawab, Assistant (BPS-16) from Govt. Girls Degree College Daggar, Buner to Govt. Degree College Totali, Buner with immediate effect in the best public interest.

DIRECTOR, HIGHER EDUCATION

Endst: No. 18135-40 /CA-VII/Estb: Section/ Regional Directorate Malakand Swat (V-01)

Copy of the above is forwarded to the: -

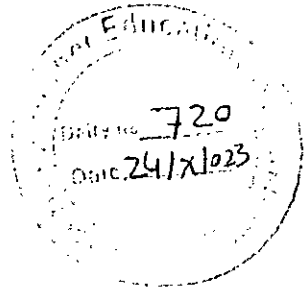
1. Director, Regional Director Malakand at Saidu Sharif Swat.
2. Principal, Govt. Girls Degree College Daggar Buner.
3. Principal, Govt. Degree College Daggar Buner.
4. District Account Officer, Buner.
5. Official concerned.


ASSISTANT DIRECTOR (ESTT:)

CTC


16/10/2023

ص ۷ - عالی



تجزیاتی کمیٹی کے ہدف کی وجہ سے ریجنل ڈائریکٹر صاحب نے میرے خلاف ڈائریکٹر یا ایڈیٹر ایجوکیشن سٹاف کے تشکیلاتی کارے میں اعتماد کو ریٹکٹ کرنا شروع کیا اور ڈائریکٹر صاحب نے ڈائریکٹر ایجوکیشن سٹاف کے خلاف مختلف قسم کی تشکیلاتی سفارشات کی درخواستیں اور درخواستیں جمع کرائیں۔ اس نے جبور ہو کر اس کو ہدف بنا دیا۔ اس دوران ڈائریکٹر صاحب نے ایجوکیشن سٹاف کو اس کے ہدف کے خلاف ڈائریکٹر صاحب سے ڈائریکٹر ایجوکیشن سٹاف کے ہدف کے متعلق فائل ڈائریکٹر یا ایڈیٹر ایجوکیشن سٹاف کو بھیجا۔ اس کے بعد ڈائریکٹر صاحب نے ایجوکیشن سٹاف کو ہدف کے خلاف بیان دیا۔ لیکن ریجنل ڈائریکٹر صاحب نے اس کو بحال کیا۔ ریجنل ڈائریکٹر صاحب سے ڈائریکٹر یا ایڈیٹر ایجوکیشن سٹاف کے دوبارہ دوبارہ ہدف ایجا۔ اس کے فائل دوبارہ جمع دین، اور ریجنل ڈائریکٹر صاحب کے عالی آرڈر منسوخ کرنا دوبارہ Statement of charges/chargesheet پر کئی تبدیلیاں کی۔ لیکن ریجنل ڈائریکٹر صاحب نے ہدف پر وقت میں نہیں دیا۔ جسے دھکی دینے کے لیے اس سے استغناء (Statement) کریں۔ اس میں ایک اور کو حوالہ دینا ہے۔ مردن جسے دھکی دیا ہے۔ اس کے لیے اس کے لیے جسم سے ہل جمع کیا لیکن اس کے خلاف اس کے ساتھ ڈائریکٹر ایجوکیشن سٹاف کے ساتھ Re-include اور رٹائن۔

CRC
2

② اس نے ملے کھانے یا بسٹل وارڈن کو نکالو۔ یا بسٹل وارڈن میں کھانے کی سہولتیں سے روکنا۔
 10
 یا بسٹل وارڈن کو کھپو۔ کہ اسے یا بسٹل سے جلی جائے۔ تو وہ جو کھانے کا کچن ہے اور یہ کھانا بھی یا بسٹل
 کون ہو رہے نکالنے والے۔ یا بسٹل وارڈن کو لہر نہیں نکالنی ہے اور یہ کھانا بھی یا بسٹل
 ساتھ ہے۔ لیکن ریجنل ڈائریکٹر بھی بہ وقت دھکی کر دیتے تھے۔ کہ اسے میرا ماتیا میں
 جاگتے۔ اس وقت سے ریجنل ڈائریکٹر صاحبان میرے خلاف شکایتی - اور
 خلاف بیانی کی وجہ سے تباہ کیا۔

③ مرنیل / جی ایم سی گورنمنٹ گورنمنٹ ڈگری کالج ڈر لہرنہ عارضی بنیاد پر بنے
 میں دو دن پہلے وہ Master College کے ساتھ 5 مارچ 2023-2722 تاریخ 2023-2023
 جاری کیا۔ پھر صدر دفتر میں میرے خلاف مرنیل کے ساتھ آؤ کھٹا گیا۔ کہ اس
 کا آرڈر کینسل کریں۔ اور بار بار دہرائی دیتے تھے۔ یہ 60 ٹیکسز میں سے کئی کئی
 میرے خلاف تھے۔ مرنیل صاحبان آرڈر کینسل کرنے سے انکار کیا۔ کہ میں نے ان کو
 اپنے سامنے لولے بلا لیا ہے۔ میں اس کا آرڈر کینسل نہیں کر سکتا۔ ان کے
 ٹیکسز کو مسترد کر دیا کہ ریجنل ڈائریکٹر صاحب اس کے خلاف ہے تو وہ ٹیکسز
 ریجنل ڈائریکٹر صاحب کے آفس چلے گئے اور اس کو میرے خلاف خلاف بیانی کی
 تو ریجنل ڈائریکٹر صاحبان میرے آرڈر کینسل کیا۔ اور اس نے یہ کینسل آرڈر
 1507 تاریخ 2023/9/17 جاری کیا۔

④ سب سے بنیاد پر پہلے میرے تباہی مراد ان ہوا تھا۔ اور میں نے سندھ ریجنل
 بائیس ایجوکیشن آفس میں اپیل جمع کیا تھا۔ اور میرا اپیل منظور ہوا
 اور میرا تباہی گورنمنٹ ڈگری کالج ڈر لہرنہ کر دیا۔ اور ڈر لہرنہ
 بلا 2023/10/15/28-33/29/2023 تاریخ 10-4-2023 جاری کیا۔ کہ میں نے اپنے
 کہ اس کو میرا تباہی ہوا میرا Fenura پورا نہیں ہے اور میرا دوبارہ
 تباہی کیا۔
 لہذا پھر لہرنہ ڈر لہرنہ اس کے خلاف بیانی کے مسائل کا تباہی اور لہرنہ
 18135-40/29/Estab Section/2023 تاریخ 17-10-2023 کو منسوخ کرنا کے
 احکامات صادر ہوئے۔ تو لہرنہ میں باقی ہوئی۔

صاحبی خواجہ
 ڈائریکٹر گورنمنٹ ڈگری کالج ڈر لہرنہ
 تاریخ 10/2023

CC



(4)

DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA

Annex-C

RANO GHARI NEAR CHAMKANI MOR, PESHAWAR

E-mail:- dhekpkesh@gmail.com Facebook.com/dhekpkeshavar Twitter.com/dhekpkeshavar1

Dated Peshawar the 10/4/2023

TRANSFER ORDER:

The Competent Authority (Director Higher Education) is pleased to transfer Mr. Haji Nawab, Assistant (BPS-16) under transfer to Government Degree College, Lundkhuwar (Mardan) is hereby transferred and posted at Government Girls Degree College, Daggar (Buner) against the vacant post with immediate effect in the best interest of public.

Note:

- i. Charge report shall be submitted to all concerned.
- ii. No. TA/DA is allowed.
- iii. MIS Profile shall be updated accordingly.

DIRECTOR, HIGHER EDUCATION

Endst. No. 5728-33/CA-VII/Estt: Branch/GGDC Daggar (Buner) 135 Vol-1 P-104

Copy of the above is forwarded for information/necessary action to the:-

1. Principal, Government Degree College, Jowar (Buner).
2. Principal, Government Degree College, Lundkhuwar (Mardan).
3. Principal, Government Girls Degree College, Daggar (Buner).
4. District Accounts Officer, Buner.
5. District Accounts Officer, Mardan.
6. Official Concerned.

(Gohar Khan)

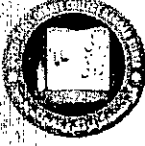
DEPUTY DIRECTOR (ESTABLISHMENT)

CC

[Signature]

CamScanner

CamScanner



GOVERNMENT GIRLS DEGREE COLLEGE DAGGAR, BUNER

Phone.No: 0939-511436 Email: ggdcdaggar@gmail.com
Twitter: @ggdcdaggar1 FB: www.facebook.com/ggdcdaggar.buner.7

No.565/

Dated.07/11/2023.

To,

The Director,
Higher Education Khyber Pakhtunkhwa,
Peshawar.

Subject: - **TRANSFER CANCELLATION OF HAJI NAWAB ASSISTANT.**

Sir,

The college has been facing some serious problems due to the inexperienced Lab Assistant transfer (Against J/Clerk) from GDC Daggarr to GGDC Daggarr, Buner vide Regional Director Malakand Swat. Endost No.1840-45/RDM-2023 Dated.4th Oct,2023.

Mr. Haji Nawab who has been very successful in carrying out ministerial duties smoothly has been transferred to GDC Totalai, Buner.

So, I request you to transfer Mr. Haji Nawab Assistant back to GGDC Daggarr, Buner in the best interest of the institution and students.

It shall be very fruitful if this letter is considered and the said assistant is transferred back.

PRINCIPAL
GOVT GIRLS DEGREE COLLEGE
DAGGAR BUNER.

CTC

13

Government of Khyber Pakhtunkhwa
District Accounts Office Bunair at Dagga
Monthly Salary Statement (December-2023)



Personal Information of Mr HAJI NAWAB d/w/s of AMIR NAWAB

Personnel Number: 00275184 CNIC: 1510103588837 NTN: 0
Date of Birth: 01.01.1974 Entry into Govt. Service: 05.08.1993 Length of Service: 30 Years 04 Months 028 Days

Employment Category: Active Permanent

Designation: Assistant 80000522-GOVERNMENT OF KHYBER PAKH
DDO Code: BD4152-PRL GOVT GIRLS COLLEGE DAGGAR BUNE
Payroll Section: 001 GPF Section: 001 Cash Center: 00
GPF A/C No: GPF Interest applied **GPF Balance:** 236,795.00 (provisional)
Vendor Number: 30303571 - MR.HAJI NAWAB (S/C) GDC DAGGAR BUNER
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 16 Pay Stage: 16

Wage type		Amount	Wage type		Amount
0001	Basic Pay	64,230.00	1001	House Rent Allowance 45%	4,091.00
1210	Convey Allowance 2005	5,000.00	1300	Medical Allowance	1,500.00
1912	Compen Allow 20% (16-N1)	1,500.00	2148	15% Adhoc Relief All-2013	613.00
2199	Adhoc Relief Allow @10%	417.00	2315	Special Allowance 2021	3,500.00
2341	Dispr. Red All 15% 2022KP	6,029.00	2347	Adhoc Rel Al 15% 22(PS17)	6,029.00
2378	Adhoc Relief All 2023 35%	21,689.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-4,960.00	3501	Benevolent Fund	-1,500.00
3609	Income Tax	-3,075.00	3990	Emp.Edu. Fund KPK	-170.00
4004	R. Benefits & Death Comp:	-650.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	450,000.00	-15,000.00	390,000.00

Deductions - Income Tax

Payable: 35,484.75 Recovered till DEC-2023: 17,039.00 Exempted: 0.59- Recoverable: 18,446.34

Gross Pay (Rs.): 114,598.00 Deductions: (Rs.): -25,355.00 Net Pay: (Rs.): 89,243.00

Payee Name: HAJI NAWAB
Account Number: CUR-3164-7
Bank Details: NATIONAL BANK OF PAKISTAN, 231704 DAGGAR BUNIR DAGGAR BUNIR,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: BUNER Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address: City: Email: hajinawab911@gmail.com

14

WAKALATNAMA

BEFORE THE HON'BLE JP Svc Tribunal Pesh

Haj Nawab
VERSUS

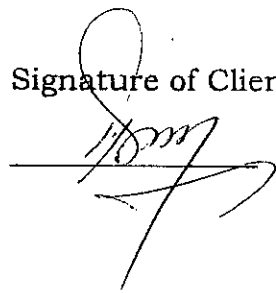
Plaintiff(s)
Petitioner(s)
Complainant(s)

Secretary of all

Defendant(s)
Respondent(s)
Accused(s)

By this, power-of-attorney I/we the said Imdad in the above case, do hereby constitute and appoint **MUHAMMAD ARIF JAN** Advocate as my attorney for me/us in my/our name and on my/our behalf to appear, plead, give statement, verify, administer oath and do all lawful act and things in connection with the said case on my/our behalf or with the execution of any decree or order passed in the case in my/our favour/ against which I/we shall be entitled or permitted to do myself/ourselves, and, in particular, shall be entitled to withdraw or compromise the case or refer it to arbitration or to agree to abide by the special oath of any person and to withdraw and receive documents and money from the Court or the opposite party and to sign proper receipts and discharges for the same and to engage and appoint any other pleader or pay him as his fee irrespective of my/our success or failure in case, provided that, if the case is heard at anyplace other than the usual place of sitting of the Court the pleader shall not bound to attend except on my agreeing to pay him a special fee to be settled between us.

Signature of Client



Accepted?



Muhammad Arif Jan
Advocate High Court

Peshawar

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G.T Road, Hashtnagri Stop,

Peshawar City.

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