

# FORM OF ORDER SHEET

Court of .....

Appeal No. 200/2024

S No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29/01/2024	The appeal of Mr. Zakir Ullah resubmitted today by Mr. Muhammad Rahim Shah Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on

By the order of Chairman

  
REGISTRAR

The appeal of Mr. Zakir Ullah received today i.e on 22.01.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal are unattested.
- 2- Check list is not attached with the appeal.
- 3- Affidavit is not attested by the Oath Commissioner.
- 4- Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 5- Memorandum of appeal is not signed by the appellant.
- 6- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 166 /S.T.

DE 24/1 /2024.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

M. Rahim Shah Adv.  
High Court at Swat.

*For, Re-submitted after  
removing the objection  
M. Ran.*

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

Service Appeal No. 200 of 2024

Zakir ullah S/O Muhammad Rashed Kanungo Cirlice Sibujni Tehsil  
Matta District Swat.

.....APPELLANT

**VERSUS**

Deputy Commissioner, District Swat and others.

.....RESPONDENTS

**INDEX**

S.#	Description	Annexure	Pages No
1.	Service Appeal along with Affidavit		
2.	Address of the parties		1-5
3.	Application from the suspension along with affidavit		6
4.	Copy of transfer letter dated 15/03/2023.		7-8
5.	Copy of the order dated 02/10/2023	A	9
6.	Copy of representation	B	10
7.	Wakalatnama	C	11-12
			13

**Applicant through**

*M Rahim Shah*

**Muhammad Rahim Shah**  
**Advocate, Supreme Court of Pakistan**

**Office: Continental Plaza Makanbagh, Mingora, Swat**

**Cell No: 0345-9524225**

(1)

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

Service Appeal No. 200 of 2024

Zakir ullah S/O Muhammad Rashed Kanungo Cirlice Sibujni Tehsil  
Matta District Swat. ....APPELLANT

**VERSUS**

1. Deputy Commissioner, District Swat.
2. Commissioner, Saidu Sharif Swat.
3. Government of Kp through sectary Revenue and estate  
Peshawar Sectariate, Peshawar.

.....RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE**  
**TRIBUNAL ACT 1974 AGAINST THE OFFICE ORDER No**  
**2468/1/3/DK DATED 02.10.2023 PASSED BY**  
**RESPONDENT NO.01 WHEREIN THE APPELLANT WAS**  
**TRANSFER FROM KANONGO CIRCLE SIBUJNI TO**  
**KANONGO CIRCLE GULIBAGH/CHARBAGH, WHICH WAS**  
**CHALLENGE BEFORE RESPONDENT No 02 BY FILING**  
**DEPARTMENTAL APPEAL No 196/CMD DATED 04.10.2023**  
**WHICH IS STILL PENDING.**

**Respectfully Sheweth:**

1. That appellant is the bona fide resident of tehsil Matta District Swat, initially the petitioner was appointed as Halqa putwari in 2004 in the revenue department by the competent authority after the completion of codel formalities.
2. That on 15-03-2023 the appellant was transfer from kanungo circle-II Barikot to Kanungo circle-I Sejbuni Matta by the competent authority.(COPY OF THE ORDER AS ANNEXURE "A" )

2

3. That ON 02-10-2023 the appellant was illegally /pre-maturely transfer to kanungo circle Gulibagh /Charbagh on the recommendation of political figure .(COPY OF THE ORDER IS ATTACHED AS ANNEXURE "B")
4. That appellant being aggrieved of the above illegal order filed a departmental appeal/representation before respondent No 02 which is still pending for adjudication .(COPY OF THE REPRESENTATION AS ANNEXURE "C" )

Now the appellant being civil servant having no other remedy available hence approach this honorable court on the following ground inter alia:


### **GROUNDS**

1. That the order of respondent No 02 is illegal and against the mandatory provision of law available on the subject.
2. That respondent violated the transfer/posting policy available on the subject, wherein the normal tenure of posting shall be three years subject to the condition that for the office/official posted in attracted area the tenure shall be two years and for the hard area the tenure shall be one year.
3. That the respondent failed to give any reason of public importance in the said transfer, therefore liable to be set aside.
4. That the impugned order is the result of colorful exercise of the authority which is against the fundamental rights enshrined in the constitution of Islamic republic of Pakistan

**PRAYER**

It is therefore most humbly prayer that on the acceptance of this instant writ petition the impugned order dated 02-10-2023 may kindly be declare illegal, void abenitio, against law and restored the office order dated 15-03-2023.

Appellant  
  
**Zakir ullah**

Appellant through  
  
**Muhammad Rahim Shah**  
Advocate Supreme Court of Pakistan

(4)

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

Service Appeal No. \_\_\_\_\_ of 2024

Zakir ullah S/O Muhammad Rashed Kanungo Circe Sibujni Tehsil  
Matta District Swat.

.....**APPELLANT**

**VERSUS**

Deputy Commissioner, District Swat and others.

.....**RESPONDENTS**

**CERTIFICATE:**

Certified that no such like service appeal had been earlier filed by  
the Appellant before this Service Tribunal as per instruction of our  
client.

**LIST OF BOOKS:**

1. Civil service Act 1973.
2. Constitution of Islamic Republic of Pakistan, 1973.
3. Law / Books as per need.

**Applicant through**



**Muhammad Rahim Shah**  
**Advocate, Supreme Court of Pakistan**

(5)

**BEFORE THE SERVICE TRIBUNAL KHYBER**

**PAKHTUNKHWA AT PESHAWAR.**

CM \_\_\_\_\_ of 2024

In

Appeal No. \_\_\_\_\_ of 2024

Zakir ullah S/O Muhammad Rashed Kanungo Circle Sibujni Tehsil  
Matta District Swat.

.....**APPELLANT**

**VERSUS**

Deputy Commissioner, District Swat and others.

.....**RESPONDENTS**

**AFFIDAVIT**

I, Zakir ullah S/O Muhammad Rashed Kanungo Circle Sibujni Tehsil Matta District Swat. do hereby affirm and declare that all the contents of this service appeal are true and correct to the best of my knowledge and nothing has been kept Concealed before this Honorable Court.

DEPONENT \_\_\_\_\_

Zakir Ullah Kanungo Circle Sibujini

15601-4046412-9



0

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA AT PESHAWAR**

Service Appeal No. \_\_\_\_\_ of 2024

Zakir ullah S/O Muhammad Rashed Kanungo Cirlice Sibujni Tehsil  
Matta District Swat.

.....**APPELLANT**

**VERSUS**

Deputy Commissioner, District Swat and others.

.....**RESPONDENTS**

**ADDRESSES OF THE PARTIES**

**APPELLANT**

Zakir ullah S/O Muhammad Rashed Kanungo Cirlice Sibujni Tehsil  
Matta District Swat.

**RESPONDENTS**

1. Deputy Commissioner, District Swat.
2. Commissioner, Saidu Sharif Swat.
3. Government of Kp through sectary Revenue and estate  
Peshawar Sectaricate, Peshawar.

**Applicant through**



**Muhammad Rahim Shah**

**Advocate, Supreme Court of Pakistan**

(71)

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

Service Appeal No. \_\_\_\_\_ of 2024

Zakir ullah S/O Muhammad Rashed Kanungo Cirlice Sibujni Tehsil  
Matta District Swat.

.....APPELLANT

**VERSUS**

Deputy Commissioner, District Swat and others.

.....RESPONDENTS

**APPLICATION FOR THE SUSPENTION OF THE IMPUGNED  
ORDER DATED 02.10.2023 TILL THE FIANL DECISION OF THE  
INSTANT APPEAL.**

**RESPECTFULLY SHEWETH;**

- 1 That the above titled appeal has been filed before this honorable court which is yet to be fixed.
- 2 That strong prima facie case exist in favor of the applicant because the impugned order is the result of violation of law and rules, therefore the case of the applicant is legally sound.
- 3 That if this honorable court did not suspend the impugned order the applicant would suffer irreparable loss.
- 4 That the balance of convenience is also lies in favor of the applicant.

**Prayed ;**

It is therefore most humbly prayed that on acceptance of this application the operation of this impugned notification may kindly be suspended till the final disposal of the instant appeal.

**Applicant through**

*M. Rehman*

**Muhammad Rahim Shah  
Advocate, Supreme Court of Pakistan**

①

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

Service Appeal No. \_\_\_\_\_ of 2024.

Zakir ullah S/O Muhammad Rashed Kanungo Circle Sibujni Tehsil  
Matta District Swat.

.....**APPELLANT**

**VERSUS**

Deputy Commissioner, District Swat and others.

.....**RESPONDENTS**

**AFFIDAVIT**

I, Zakir Ullah, do hereby affirm and declare that all the contents of  
this application are true and correct to the best of my knowledge  
and nothing has been kept Concealed before this Honorable Court.

DEPONENT \_\_\_\_\_

Zakir Ullah Kanungo Circle Sibujini

15601-4646412-9



OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

Tel No: 0946-9240336  
Fax No: 0946-9240329  
E-mail: Deputycommissionerswat1@gmail.com

No. 668 /1/3/DK

Dated: 15/03/2023

**ORDER:**

The following posting/transfer amongst Kanungos of this office is hereby ordered with immediate effect in the public interest:-

S.No	Name of Kanungo	From (Circle)	To (Circle)	Remarks
1-	Mr. Zakirullah	Kanungo Circle-II Barikot	Kanungo Circle-I Sibujni Matta	Vice S.No. 02
2-	Mr. Shah Nawaz	Kanungo Circle-I Sibujni Matta	Office Kanungo Bahrain	Against the vacant Kanungo Circle

All the officials are hereby directed to submit arrival report/assume charge of the new stations immediately.

No: 669-74 /1/3/DK

DEPUTY COMMISSIONER SWAT.

Copy forwarded to:-

1. The Assistant Commissioners, Matta and Bahrain for information, please.
2. The Tehsildar/Naib-Tehsildars, Matta and Bahrain for information & necessary action.
3. The officials concerned for compliance.
4. Personal file of the official concerned.

DEPUTY COMMISSIONER SWAT.

ET  
M/R

ET  
M/R



OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

Tel.No: 0946-9240336  
Fax No: 0946-9240329  
E-mail: Deputycommissionerswat1@gmail.com

No. 2468 /1/3/DK  
Dated: 02/10 /2023

(B)

**ORDER:**

The following posting/transfer amongst Kanungos of this office is hereby ordered with immediate effect in the public interest:-

S.No	Name of Kanungo	From (Circle)	To (Circle)	Remarks
1-	Mr. Zakiullah	Kanungo Circle-I Sehuni Matta	Kanungo Circle Charbagh	Against the vacant circle
2-	Mr. Shah Nawaz Khan	Office Kanungo Bahrain	Kanungo Circle-I Sehuni Matta	Vice S.No. 01

No. 2469-4 /1/3/DK

DEPUTY COMMISSIONER SWAT.

Copy forwarded to:-

1. The Assistant Commissioners, Bahrain, Charbagh and Matta for information, please
2. The Tehsildars, Bahrain, Charbagh and Matta for information and necessary action.
3. The officials concerned for compliance.
4. Personal file.

DEPUTY COMMISSIONER SWAT.

AT  
MRE

CPC  
MRE

Page No. (10)

Office of the Deputy Commissioner SWAT.

Tel No: 0946-9240336

Fax No: 0946-9240329

E-mail Deputy Commissioner SWAT1@gmail.com.

No: 2468/1/310

Dated: 02/10/202

**ORDER:**

The following posting/transfer amongst  
Kharungos of this office is hereby ordered  
with immediate effect in the public interest:-

S. No	Name of Kharungo	From (circle)	To (circle)	Remarks
1	Mr. Zahir Ullah	Kharungo circle- I Sebyini Matta	Kharungo circle Gulibagh charbagh	Against the vacant circle
2	Mr. Shah Nawaz Khan	office Kharungo Bahraim	Kharungo circle- I Sebyini Matta	Vices. No. of

etc

Deputy Commissioner SWAT

No 2469-76/1/310K.

copy forwarded to:-

- 1: The assistant commissioners, Bahraim charbagh and Matta for information, please.
- 2: The Tehsildars, Bahraim charbagh and Matta for information and necessary action
- 3: The officials concerned for compliance.
- 4: Personal file

etc  
M. Khan

Deputy Commissioner SWAT

(11)

(C)

**BEFORE THE COMMISSIONER, MALAKAND DIVISION, SAIDU  
SHARIF DISTRICT SWAT.**

Departmental Appeal/ Representation No. \_\_\_\_\_ of 2023

Mr. Zakir Ullah S/o Muhammad Rashad Khan R/o Pashtonai,  
Tehsil Matta District, Swat . . . . . **Appellant**



**VERSUS**

Deputy Commissioner, District Swat at Saidu Sharif.  
..... **Respondent**

Appeal against the office Order No.2468/1/3/DK Dated 02-10-2023, wherein the appellant was prematurely/illegally transferred to Kanoungo Circle Gulibagh, Charbagh from Kanoungo circle 1 sebjuni Matta.

Respectfully Sheweth:

The appellant submits as under:

- 1) That the appellant was appointed as a Halqa Patwari in 2004, while rendering meritorious services on different Patwar Circle and finally transferred on 05-03-2023 as a **Kanoungo** Circle 1 Sejbuni Matta by the competent authority. (copy of the office order dated 05-3-2023 is attached as annexure A)
- 2) That on 02-10-2023 the appellant was illegally/ premature transferred to Kanoungo Circle gulibagh/charbagh on the recommendation of political figure.

That now the appellant approached before the competent authority on the following grounds inter alia

- a) That the order of the respondent is illegal without jurisdiction hence liable to be set aside.
- b) That the appellant served only five months in the Kanoungo Circle 1 Sebujni but, respondent malafidely an illegally/prematurely transferred to Kanoungo Circle gulibagh/charbagh, which is against the rules & regulations available on the subject.
- c) That respondent colorfully exercised his authority which is time & again discourage by the august court.
- d) That the impugned order is the result of political motivations by the authority, which is not warranted by law.
- e) That it is the mandate of law every civil servant would serve for specific period mentioned in the rules & regulations, but here the respondent malafidely exercised his authority for no legal reason by personal specific transferred.

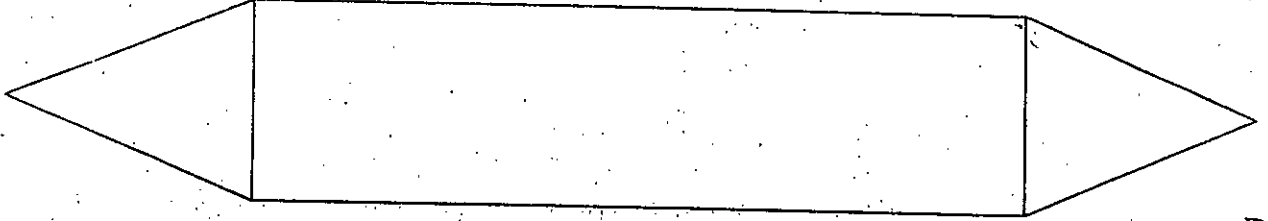
It is therefore most humbly prayed that on acceptance of this appeal the impugned order dated 02-10-2023 may kindly be declared illegal/without jurisdiction hence liable to be set aside and restored office Order dated 05-03-2023 in the best public interest.

CFC  
MRL

**APPELLANT**

Mr. Zakir Ullah S/o Muhammad  
Rashad Khan R/o Pashtonai, Tehsil  
Matta District, Swat





مورخہ ۲۰۲۲ء منجانب  
مقدمہ ذاکر اللہ بنام ڈپٹی کمشنر سوات  
دعویٰ سروس اپیل نمبر  
جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام کیلئے محمد رحیم شاہ ایڈووکیٹ سپریم کورٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دیے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ 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 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا۔ و دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے 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 حد سے باہر تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم ۲۰۲۲ء ماہ جنوری ۲۰۲۲ء

العہد گواہ

Accepted  
in  
Affidavit

کے لئے منظور ہے۔

بمقام

Accepted  
MR