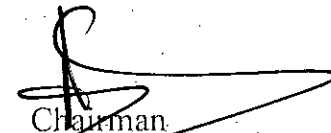


1310/15

06.04.2016

None present for the appellant despite repeated calls.
Mr. Muhammad Zubair, Sr.GP for the respondents present. The
court time is over. Dismissed for want of prosecution. File lbe
consigned to the record room.

ANNOUNCED
04.06.2016


Chairman
Camp court, Swat.
04.06.16.


13.01.2016

Appellant with counsel present. Learned counsel for the appellant requested for adjournment. To come up for preliminary ^{hearing} before S.B on 3.2.2016 at Camp Court Swat.


Chairman
Camp Court Swat


3.2.2016

Counsel for the appellant present. Seeks Adjournment. To come up for preliminary hearing before S.B on 9.3.2016 at Camp Court Swat.


Chairman
Camp Court Swat

09.03.2016

None present for appellant due to strike of the Bar. Adjourned for preliminary hearing before S.B to 6.4.2016 at Camp Court Swat.


Chairman
Camp Court Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1310/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.11.2015	<p>The appeal of Mr. Muhammad Imran presented today by Mr. Rahim Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p> <p>This case is entrusted to Touring Bench Swat for preliminary hearing to be put up thereon <u>7-12-15</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
3.	7.12.2015	<p>none present for appellant. Notice to appellant and his counsel be issued for preliminary hearing for 13.01.2016 before S.B at Camp Court Swat.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman Camp Court Swat</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWAWA PESHAWAR.

Service Appeal No. 1310 /2015.

MOHAMMAD IMRAN JUNIOR CLERK GOVT; HIGHER SECONDARY SCHOOL
SHALBONDAI DISTT; BUNER. "APPELLANT"

VERSUS

Govt' of Khyber Pukhtoonkhwa through Secretary Education K.P at Peshawar
and others. "Respondents"

INDEX

S.No	Description	Annexure	Page
1	Memorandum of Service Appeal		1 to 4A
2	Addresses of Parties		5
3	Affidavit		6
4	Commendation Certificate of Respondent No:4 dated, 6/6/2015	A	7-9
5	Copy of the order dated,29/8/2013 Regarding dual charge of GGHS Bagra issued by respondent No: 3	B	10
6	Copy of good performance certificate of resp; No.5 dated,24/7/2015	C	11
7	Copy of order No.85-90 dated,07/07/2015 passed by respondent No:3	D	12
8	Copy of cancellation order passed by respondent No.3 vide No.8825-28 dt,13/7/2015	E	13
9	Copy of impugned office order No.169 dated, 15/7/2015 passed by respondent No :3	F	14
10	copy of Relieving slip of respondent No.6	G	15-16
11	Copy of departmental Appeal dated 24/7/015	H	17-19
12	attested copy of writ petition and orders of interim relief granted by the honourable Peshawar High Court Mingora Bench Darul Qaza Swat on dated 6/8/2015 in w/petition No.386/2015	I	20-27
13	Wakalat Nama		

Through counsel

APPELLANT


Rabim Khan

Advocate, HIGH Court Peshawar
Office at distt; Courts Daggar Buner

Cell= 03439049185

dated. 20/11/2015

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWAWA PESHAWAR.Service Appeal No. 1310 /2015.MOHAMMAD IMRAN JUNIOR CLERK GOVT; HIGHER SECONDARY SCHOOL
SHALBONDAI DISTT; BUNER. " APPELLANT"N.W.F. Province
Service TribunalDiary No. 1375
dated 24-11-15

VERSUS

1. Govt' of Khyber Pukhtoonkhwa through Secretary Education K.P at Peshawar.
2. Director Elementary and Secondary Education Khyber Pukhtoonkhwa at Peshawar .
3. Distt; Education Officer Female Distt; Buner at Daggar .
4. Head Mistress Govt; Girls Higher Secondary School Shalbondai Distt; Buner .
5. Head Mistress Govt; Girls High School Bagra Distt; Buner.
6. Mushtaq Junior Clerk Govt; Girls High School Bagra Distt; Buner .

"Respondents"

APPEAL UNDER SECTION NO. 4 OF THE SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED OFFICE ORDER ENDST; NO.169 DATED 15/07/2015, PASSED BY THE RESPONDENT NO.3, BY VIRTUE OF WHICH, THE APPELLANT HAS BEEN TRANSFERRED AGAINST THE LAW AND POLICY EXISTS.

Pray in Appeal ;

On acceptance of this Service Appeal the impugned office order endst; No.169 dated, 15/07/2015, passed by the respondent No.3, may kindly be set a side and the previous position of the appellant, just before the enforcement of the impugned office order, may kindly be re stored in the G.G.H.S Shalbondai Distt; Buner. And in addition ;

Any other relief to which the appellant is also entitled under the law , may also be graciously granted in favour of the appellant.

Respectfully sheweth ;

1. That the appellant was appointed and posted as Junior Clerk in G.G.H.S Bagra and since then he has been serving in the education

Filed to
Registrar
2015

BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 985 / 2013.

FARZANA SARWAR

VS

GOVT. OF K.P.K. ETC.

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth,

Rejoinder on behalf of Appellant is as under: -

REJOINDER TO THE PRELIMINARY OBJECTIONS:

Preliminary Objections as taken by the Respondents are illegal and unlawful because while raising the same, the Respondents had not cited any lawful reason or justification in support thereof in respect of cause of action, unclean hands, maintainability etc hence the same are mere routine objections having nothing to do with the merits of the case.

REJOINDER TO THE FACTS:

1. Para-1 to 3 had been admitted correct hence needs no rejoinder.
2. Para 4 of the Comments have not been specifically denied by the Respondents hence no rejoinder is required.
3. Para 5 of the Comments is neither legal nor proper. In fact no such order was ever communicated to the Appellant rather the Order Annexed as (*Annexure G*) is in knowledge of the Appellant.
4. Para 6 & 7 of the Comments are misleading one hence denied. In fact the Appellant was in connection with the Respondents

17/2004

Cuplet's Asst.

PS Larkin

Asst Asst BPS 16
Commission Office

15/8008

and she submitted almost all the replies of the explanations etc issued to her however it is added that for the purpose of submitting reply to any authority it is not necessary to have adopted proper channel. Moreover, since she was in connection with the Respondents, therefore, proper course was to serve her with a Charge Sheet etc instead of which the Respondents adopted ex-parte procedure, which is against the law and norms of justice.

5. The Comments as offered in Para 8 are itself wrong and are result of misinterpretation of law. If the Appellant was in connection with the Respondents than they should have adopted proper procedure.
6. In response to Para 9 & 10 of the Comments it is added that the Appeal of the Appellant against Impugned Order was filed after the statutory period mentioned in the law hence the Respondents were legally not competent to decide the same.

REJOINDER TO THE GROUNDS

Grounds as taken by the Appellant in its Appeal are just and proper while that of comments as filed by all the Respondents are unjust, illegal and unlawful hence need no replication.

It is, therefore, requested that Appeal of the Appellant be accepted as prayed for.


Appellant

Through:

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

17/2004

Captain SST

PS Liaison

Asst Asst BPS 16
Commission Office

BEFORE NWFP SERVICE TRIBUNAL

PESHAWAR

SERVICE APPEAL NO. 985 / 2013.

FARZANA SARWAR

GOVT. OF K.P.K. ETC.

AFFIDAVIT

I, FARZANA SARWAR, W/o Shahid Mehmood, Ex. Probation Officer, BPS-16, District Courts, Peshawar. R/o House No-G-125, Street No. 7, Canal Town, Nasir Bagh, Peshawar, Appellant, do hereby on oath

affirm and declare that the contents of the Rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

Deponent

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

Handwritten notes: 1873 or 1872, Selection Grade, B-17 or Handwritten in March 1874, (A101), 2002, 2010 - 2011, 2012, 2013, 2014

Handwritten notes: 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030

enlisted as constable 9.1.10

posted to Regular Police 15.07.2011



28-1-14 } absent
24-2-14 }

28-2-14 } absent
1-5-14 }
M. D
2-27

Bygones recorded paid.

Sick:
not accounted
heard.

To 15.8.14 R.H.S

DA R. 12.8.15
SA 15.09.15

appet 35T.09) G.H.S
ABDEO Male j.p.
vacant on 26.06.2015
Since 11.07.14.
Had over one year tenure

P.R. 6 applied on 7.8.15 inted 7 app

DA 25.08.15
SA 31.12.15

as PST. 1973

June 84 Selection Grade

Regular B-17 as Head Constable in March 1991

(A10U)
2003 Deputation Deputy Regional Director

2010 — Panel Report

Appel 1615/2011

BPS 18

Promoted May 29, 2013 w.e.f

Transfer + Promotion

DA 30.5.13
SA 16.09.13

2009

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR. AT CAMP COURT SWAT CASES FIXED FOR
3.02.2016

REPLY.

1. S.A 895/2015	Habibullah	vs	Police
2. S.A 1054/2015	Gul Khuban	vs	Education
3. S.A 1638/2013	Hidayat Ullah	vs	Education
4. S.A 872/2015	Ijaz Khan	vs	Police
5. S.A 1098/2015	Yousaf Ali Shah	vs	Revenue
6. S.A 1227/2015	Sultan Badshsh	vs	Education
7. S.A 955/2014	Mst. Shakeela Naz	vs	Education
8. S.A 751/2015	Khairullah	vs	Police
9. S.A 1281/2014	Abdul Malik	vs	Education
10. S.A 1253/2014	Muhammad Yousaf	vs	Education
11. S.A 187/2015	Usmani Gul	vs	Police
12. S.A 320/2013	Fazal Ahad	vs	H. Education
13. S.A 356/2015	Mst. Nasreen Iqbal	vs	Education
14. S.A 1105/2015	Muhammad Yar	vs	Police
15. S.A 375/2015	Usman Shah	vs	Commissioner
16. S.A 893/2015	Anwar Saddat	vs	Police
17. S.A 892/2015	Haidar Zaman	vs	Police
18. S.A 891/2015	Khalid Khan	vs	Police
19. S.A 713/2015	Ali Khan	vs	Police
20. S.A 1157/2015	Zahiq Hussain(4)	vs	Local Govt.

Reader

S#	Name	Name of Post
1	Mr. Saleem Nawaz S/O Karim Nawaz District D.I.Khan	Sub Engineer
2	Mr. S. Ashfaq Ahmad S/O S. Jamil ud Din District Malakand	-do-
3	Mr. Murtaza Ali S/O Abdul Haq District Malakand	-do-
4	Mr. Saqar Gul S/O Abdul Jalil District Lakki Marwat	-do-
5	Mr. Samiullah S/O Khuda Baksh District D.I.Khan	-do-
6	Mr. Abdul Shahid Sadiqui S/O Abdul Azim District Dir Upper	-do-
7	Mr. Ashfaq Ahmad S/O Muhammad Shuiab District Malakand	-do-
8	Mr. Kashif Raza S/O S. Abid Hussain District D.I.Khan	-do-
9	Mr. Waqas Ali S/O Farzand Ali District Nowshera	-do-
10	Mr. Muskan Shah S/O Mehmood Shah District Mardan	-do-
11	Mr. Ishtiaq Ahmad T/O Tahmeed Ullah District Charsadda	-do-
12	Mr. Zohaib Khan S/O Jehanzeb Khan District Mardan	-do-
13	Mr. S. Hassan Ali S/O S. Ajmal Shah District Charsadda	-do-
14	Mr. Moshin Ali S/O Muhammad Pervez District D.I.Khan	-do-
15	Mr. Muqrada S/O Afsar Ali District Peshawar	-do-
16	Mr. Muhammad Qaisar Khan S/O Babu Jan District Mardan	-do-
17	Mr. Muhammad Ifikhar S/O Chainar Gul District Mardan	Stenotypist
18	Mr. Noor Muhammad S/O Jamroz Khan District Peshawar	-do-
19	Mr. Shah Khalid S/O Waffadar Khan District Swabi	-do-
20	Mr. Aziz Ullah S/O Abid Ullah Khan District Bannu	-do-
21	Mr. Farhanullah S/O Aziz Ullah District Bannu.	-do-

(SYED BILQIS SHAH)
Section Officer (E-II)
WAS Deptt. (Member)

(ALLAUDDIN KHAN GANDAPUR)
Chief Engineer PHE (Chairman)

(AFSAR ALI GURESHI)
Administrative Officer PHE
(Secretary)

(ABEUL BASITIR)
ADO PHE (Member / Representative)

Annexure "C" 10

University of Peshawar (Pakistan)

Session ANNUAL 1957

MUSAMMAD RAMZAN Son of ABDUR RAHMAN and a student
of DISTRICT ABBOTTABAD having passed the prescribed Examination
held in December 1957, is this day admitted by the University of Peshawar to the Degree of

Bachelor of Education

In the SECOND Division in Theory

In the FIRST Division in Teaching Practice

In the SECOND Division in Aggregate

Passed also in GUIDANCE & COUNSELLING as an Optional Subject.

The Examination was taken as a whole / in parts

Serial No. 008603

Registration No. 86-A-6181

Roll No. 3500

Result Declared on April 16, 1958



[Signature]
Registrar

[Signature]

Countersigned


[Signature]
Vice-Chancellor

[Signature]
Head Master
Govt. Middle School
Banda Lamba P.T.O.

Public Health Engineering Department

Final Seniority List of Sub Engineer (BPS-11) as stood on 31.08.2013

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
93	Mumtaz Khan	Zardad Khan	Bannu	DAE (C)	01.03.1963	27.12.1987	11.02.2009	
94	Imtiaz Muhammad	Hazrat Wali	Swabi	DAE (C)	09.01.1971	20.12.1994	11.02.2009	
95	Shujaul Mulk	Shahi Mulk	Swat	DAE (C)	01.04.1970	03.10.1995	11.02.2009	
96	Shahid Ayaz	Mir Shad Ali	Karak	DAE (M)	03.03.1963	07.02.1990	11.02.2009	
97	Zahid Ullah		Dir	DAE (C)	11.08.1972	28.06.1995	11.02.2009	
98	Farman Ullah	Farid Gul	Bannu	DAE (C)	04.04.1971	26.09.1995	11.02.2009	
99	Abdul Salam	Mir Khalim Khan	D.I.Khan	DAE (C)	25.08.1968	02.07.1995	30.07.2009	


Chief Engineer (South)
Public Health Engg: Department
Khyber Pakhtunkhwa Peshawar


Endstt: No. 05/E-16/PHE

Dated Peshawar the

28/10/2013

Copy of the Seniority List is forwarded to the:-

- 1 - Chief Engineer (North) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar.
- 2 - All Superintending Engineers in Public Health Engg: Department Khyber Pakhtunkhwa.
- 3 - All Executive Engineers in Public Health Engg: Department Khyber Pakhtunkhwa.
- 4 - Section Officer (Estt) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar


Administrative Officer (South)
Public Health Engg: Department
Khyber Pakhtunkhwa Peshawar

~~Handwritten signature~~

Handwritten signature

Muhammad Ramzan

12/3/2015

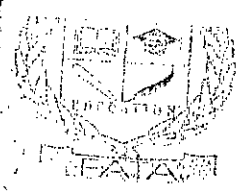
Main body of handwritten text, likely a letter or petition, containing multiple lines of Urdu script.

Handwritten text at the bottom of the main body, possibly a closing or reference.

Muhammad Ramzan
Appellant
Bejoor the I.A.P.S Service Tribunal

Handwritten text in a box, possibly a date or reference number.

وکیلانہ



15

Annex - R/10

FATA SECRETARIAT
DIRECTORATE OF EDUCATION

Warsak Road Peshawar

No. 2351-11 /11
A-1/General/AAEO

6/10

To

All the Agency Education Officers
in FATA

Subject: SELECTION CRITERIA FOR THE POST OF AAEO (M/F)

I am directed to convey the following criteria duly approved by the competent authority for transfer against the post of AAEO (M/F) in your respective Agencies for strict compliance while submitting proposal to this Directorate:-

- i) Seniority position of those to be considered for posting as AAEO/MF should be in the top 10 of the SETs seniority list of the concerned Agency/FR
- ii) Should have clean record of service and no departmental proceedings should be pending against any of those included in the panel
- iii) Should have the ability to deal with the public tactfully and have moral courage to carry out proper responsibility
- iv) A panel of at least three SETs in order of seniority should be prepared for a single post for selection of one through interview
- v) Recommendation of concerned Agency Education Officer would also be considered but not binding
- vi) Knowledge of Budget/Accounts, PC-IV and APT rules including procedure in disciplinary cases will be considered as additional qualification
- vii) Maximum tenure of the post will be five years based on good performance otherwise, the incumbent could be posted out any time on administrative grounds/poor performance
- viii) Once an official has completed 05 years tenure, he/she will not be re-posted as AAEO
- XI) Due to acute shortage of science teachers in high schools SET (Science) will not be considered for the post of AAEO

N

ABDEL DIRECTOR (ESTAB)

ABDEL DIRECTOR (ESTAB)

CC

- 1 PS to Secy A&C FATA Secretariat
- 2 PA to DE FATA Local Directorate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR. AT CAMP COURT SWAT CASES FIXED FOR
3.02.2016

PRELIMINARY HEARING

- | | | | |
|------------------|----------------|----|-----------|
| 1. S.A 94/2016 | Muhammad Jan | vs | Education |
| 2. S.A 95/2016 | Hashim Khan | vs | Police |
| 3. S.A 1329/2015 | Numan Khan | vs | Police |
| 4. S.A 1434/2015 | Fazal Rabi | vs | Education |
| 5. S.A 1310/2015 | Muhammad Imran | vs | Education |
| 6. S.A 1350/2013 | Anwar Sultana | vs | Education |
| 7. S.A 99/2016 | Rajab Ali | vs | SMBR |

EXECUTION PETITION

- | | | | |
|-----------------|-------------------|----|--------|
| 1. E.P 131/2015 | Syed Shaheen Shah | vs | Health |
| | | | Reader |

Annexure "B" 9

BA



University of Peshawar

(Pakistan)

Session ANNUAL 1996

MUHAMMAD RAMZAN

Son

of

ABDUR REHMAN

and a student

of GOVT. POSTGRADUATE COLLEGE ABBOTTABAD.

having passed the prescribed examination

held in

AUGUST

1996;

is this day admitted by the

University of Peshawar

DEGREE VERIFIED & FOUND CORRECT

to the Degree of

Bachelor of Science

Quake

SUPERINTENDENT DEGREE SECTION

in the

THIRD

division.

The Examination was taken as a whole

(ETIKHAR HUSSAIN KHAN)

UNIVERSITY OF PESHAWAR

Serial No. 012709

Registered No. 56-A-6181

Roll No.

80059

Result declared on MARCH 31, 1997



Registrar

Countersigned

M O I

Vice-Chancellor

Attested

18

Serial No. 003803



Registration No. 08-P-6083

Roll No. 46049

HAZARA UNIVERSITY

Mansehra, Pakistan

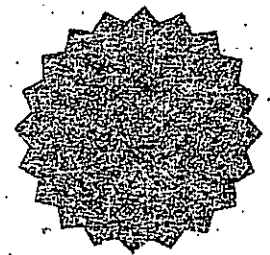


The University in recognition of the fulfilment of prescribed requirements has conferred upon
Mr / Ms Muhammad Ramzan Son / Daughter of Abdur Rehman

The Degree of **MASTER OF ARTS** in Urdu
in the examination held in August, 2011 session Annual 2011 (Private)

He / She was placed in Second Division / Grade / CGPA.

The examination was taken in parts.



Controller of Examinations

Date 31-Jan-2012

Vice Chancellor


Head Master
Govt H.S. School
Nathiyagali, Abbottabad

Registrar

OFFICE OF HEAD MASTER GHS Nathiagali AT

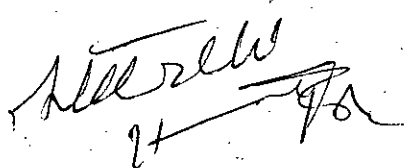
Annual Exam SSC 2014, Result in R/o Muhammad ^{Rauzen} SGT ^{Nathia} GHS ^{gal}

SNo	Name	post	class	subject	No of student appeared	Passed	fail	result
1	Muhammad Rauzen	SGT	10th B	Maths	20	18	02	90%
	- do -	- do -	9th A B	Chemistry	35	34	01	97%


Abdul Sattar Shah
Head Master
G.H.S. Nathia Gall
Abbottabad

Principal
GHS Nathiagali

Issue date 3-10-2014


24/10/14

Rangay 22

Synopsis of Mr. Muhammad CT/PET/... GMS/GHS/GHSS Nathia District Abbottabad

S. No	YEAR	Nature of Report Recorded by	V,GOOD/Good/Average/Poor	Pen picture/General Remarks	Signed by Name of Reporting Officer C/Officer	Adverse remarks (if any)	Conveyed or not	Expunged Or not
1	2007-08	Reporting Officer	V. Good	Honest, Hard worker and punctual teacher	<i>[Signature]</i>			
		Counter Signing Officer			<i>[Signature]</i>			
2	2008-09	Reporting Officer	V. Good	Honest Hardwork & punctual	<i>[Signature]</i>			
		Counter Signing Officer			<i>[Signature]</i>			
3	2009-10	Reporting Officer	V. Good	Honest Hardworker & punctual Teacher	<i>[Signature]</i>			
		Counter Signing Officer			<i>[Signature]</i>			
4	2010-11	Reporting Officer	V. Good	Honest Hardworker & punctual teacher	<i>[Signature]</i>			
		Counter Signing Officer			<i>[Signature]</i>			
5	2011-13	Reporting Officer	V. Good	Honest Hardworker & punctual teacher	<i>[Signature]</i>			
		Counter Signing Officer	V. Good	Honest Hardworker & punctual teacher	<i>[Signature]</i>			

[Signature]
 Abdul Sattar Shah
 Head Master
 G.H.S. Nathia Gall
 Abbottabad

[Signature]

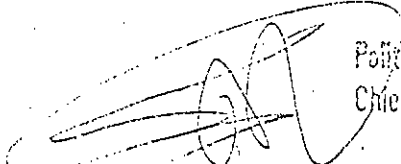
[Signature]

Subject:- APPOINTMENTS AGAINST THE VACANT POSTS OF SUB ENGINEER / STENOPIST & DEO.

It has come in to the notice of Honourable Chief Minister, NWFP, that a number of posts of Sub Engineer / Stenotypists & DEO are lying vacant in PHE. While discussing the matter of appointments against these posts with Chief Engineer PHE, on more than one occasions, it was told that the posts of BPS-10 and above are to be filled-in through PSC. Where on the other hand due to implementation of Devolution Plan, the Commission is not clear as to whether appointments against these posts, is the prerogative of the respective District or Provincial Governments.

In view of above, the Honourable Chief Minister NWFP, has been pleased to direct to consider the application of the following personnels for their appointments against the vacant posts by the Departmental Authority to bridge the gap of the staff & to ensure smooth working of the newly separated / established PHE Department. Necessary sanction to the condonation of the requisite codal formalities if any will be accorded by the competent authority at due course of time separately:-

<u>S.No</u>	<u>Name of Applicant</u>	<u>Name of Post</u>
1.	Mr. Tariq Nawaz Khan S/O Amir Nawaz Khan District Bannu.	Sub Engineer
2.	Mr. Muhammad Sajjad S/O Banut Khan District D.I.Khan.	-do-
3.	Mr. S.M. Ihsan Shah S/O S.M.Hassan Shah District D.I.Khan	-do-
4.	Mr. S.M Ali Sajjad S/O S.Abid Hussain Shah District D.I.Khan.	-do-
5.	Mr. Abdul Samad S/O Abdul Mueed District Malakand.	-do-
6.	Mr. Shaukat Ali S/O Ghulam Qadir District Karak.	-do-
7.	Mr. Muhammad Ali Noor S/O Noor Muhammad District D.I.Khan	-do-
8.	Mr. Irshad Elahi S/O Shah Nawaz District D.I.Khan	-do-
9.	Mr. Hussain Zaman S/O Syed Zaman District Malakand.	-do-
10.	Mr. Saleem Nawaz S/O Karim Nawaz District D.I.Khan.	-do-
11.	Mr. S.Ashfaq Ahmad S/O S.Jamil ud Din District Malakand.	-do-
12.	Mr. Murtaz Ali S/O Abdul Haq District Malakand.	-do-
13.	Mr. Sahar Gul S/O Abdul Jalil District Lakki Marwat.	-do-
14.	Mr. Samiullah S/O Khuda Baksh District D.I.Khan.	-do-
15.	Mr. Abdul Shahid Sadiqui S/O Abdul Azim District Dir Upper.	-do-
16.	Mr. Asfaq Ahmad S/O Muhammad Shuiab District Malakand.	-do-
17.	Mr. Kashif Raza S/O S.Abid Hussain District D.I.KLhan.	-do-
18.	Mr. Waqas Ali S/O Farznad Ali District Nowshera.	-do-
19.	Mr. Muslim Shah S/O Mehmood Shah District Mardan.	-do-
20.	Mr. Ishtiaq Ahmad S/O Tahmeed Ullah District Charsadda.	-do-
21.	Mr. Zohaib Khan S/O Jehanzeb Khan District Mardan.	-do-
22.	Mr. S. Hassan Ali S/O S.Ajmal Shah District Charsadda.	-do-
23.	Mr. Mohsin Ali S/O Muhammad Pervez District D.I.Khan.	-do-
24.	Mr. Muqtada S/O Afsar Ali District Peshawar.	-do-
25.	Mr. Iftikhar S/O Chainar Gul District Mardan.	-do-
26.	Mr. Noor Muhammad /O Jamroz Khan District Peshawar.	Stenotypiest
27.	Mr. Aziz Ullah SD/O Abid Ullah District Bannu.	-do-
28.	Mr. Farhan Ullah S/o Aziz Ullah District Bannu.	-do-
29.	Mr. Murtaz S/O Afsar Ali District Peshawar	-do-
		D.E.O


Political Secretary to
Chief Minister NWFP

2. department under supervision of respondents No.1 to 5, efficiently ,punctually and honestly. In this connection for ready reference, as a supporting document, a copy of Certificate dated,6/6/2015, issued in this regard by the respondent No.4 for agitating the issuance of the impugned office order , commending the excellent performance of the appellant is annexed as "A".
3. That the appellant had also performed his duty additionally, as dual charges ,bothe in Shalbondai and Bagra after his transfer from Bagra to Shalbondai ,during the period of long leave of the respondent No.6 (w.e.f. 29/8/2013 to 30/09/2014). Copies both, the order dated,29/8/2013 and good performance certificate of resp; No.5 dated,24/7/2015 are annexed as "B" & "C" .
4. That once ago the respondent No.3 vide her order No.85-90 dated,07/07/2015, allegedly to be in the interest of public service ,the appellant and others were transferred ,wherein the appellant was transferred from G.G.H.S. S Shalbondai to the office of the respondent No.3 and the same was after a few days , cancelled herself /respondent No.3 vide No.8825-28 dt,13/7/2015, same as in the interest of the public service. copies of both the orders are annexed for ready reference as "D" & "E" .
5. That after cancellation of the aforementioned office order dated,7/7/2015, on dated,13/7/2015 already annexed, the appellant was once again transferred vide impugned office order No.169 dated,15/7/2015 after a short space of two days to G.G.H.S Bagra , where the appellant had twice, on initial appointment for about 5/6 years and in a shape of dual charge up to 30/09/2014 remained on duty . While in a both occasions of transfer of the appellant ,the respondent No.6 was intended to be transferred definitely to G.G.H.S.S Shalbondai . which shows that no public interest therein was involved in both times transfer of the appellant because vide the former transfer order also in place of the appellant the respondent No.6 was transferred to Shalbondai and vide the impugned office order again also the respondent No.6 was transferred to the same station i.e Shalbondai and even after cancellation of the former transfer order dated 13/7/2015, the respondent No.6 while taken over charge in Shalbondai on dated, 8/7/2015 has not returned to his previous station of duty i.e Bagra despite the fact that the stay of the

6. respondent No.6 at GGHS Bagra was less than one year . copy of the impugned order datad 15-07-2015 and the Relieving slip of respondent No.6 are annexed as "F" & "G".
7. That to achieve their goal soon, the respondent No.3 had stopped salary of the appellant without deciding the departmental appeal of the appellant dated 24/7/2015, and though the interim relief was granted by the honourable Peshawar High Court Mingora Bench Darul Qaza Swat on dated 6/8/2015 in w/petition No.386/2015 hence the appellant unavoidably had complied with the impugned order under protest. Copy of departmental Appeal dated 24/7/015 and attested copy of writ petition and orders are annexed as "H &"I".
8. That as per directions of the Honourable Peshawar High Court as the departmental appeal of the appellant has not been decided even was promised up to last day , since the statuary period has been lapsed the appellant having no alternative adequate relief except to file this service appeal on the grounds among other inter alia.

GROUNDS

- A. That the appellant is a low paid Govt; Servant and he has already served twice in the same station/GGHS Bagra, even for the last chance w.e.from 29/6/2013 to 30/9/2014, during the long leave period of the respondent No.6. So the impugned transfer order passed by the respondent No.3 with un due favoure of the respondent No.6 on ill well and mala fide intention and against the policy exists is not tenable but kiable to be set a side under the rules and policy.
- B. That the stay of the respondent No.6 was less than one year and under the transfer policy exists , he had no right to be transferred on his own choice unless and until he did not complete his normal tenure at Bagra.
- C. That the transfer order impugned dated 15/7/2015 was not in the public interest but was in undue favour of the respondent No.6 hence not tenable under the law and policy.

- D. That the appellant has been repeatedly been transferred and even vide impugned office order with a short space of time which is against and hated by the law hence not tenable.
- E. That further arguments will be made with the permission of this honourable Tribunal in support of the instant service appeal at the time of arguments.

Therefore it is most humbly prayed that on acceptance the instant serves appeal the impugned order No.169 dated 15/7/2015 may graciously be set a side in favour of the appellant by restoring the previous posting of the appellant at a station Govt; Girls Higher Secondary School Shalbondai Buner.

Any other relief to which the appellant is entitled under the law may also be granted in favour of the appellant.



APPELLANT

Through counsel



Rahim Khan

Advocate, HIGH Court Peshawar,
Office at distt; Courts Daggar Buner
Cell= 03439049185

dated. 20/11/2015

CERTIFICATE

It is to certify that the contents of this service appeal is true and correct to the best of my knowledge and belief.



APPELLANT

4A

BEFORE THE SERVICE TRIBUNAL KHIBER PAKH-
TOONKHWA AT PESHAWAR.

Service APPEAL NO. _____/2015.

Mohammad Imran Junior clerk
Govt: Higher Secondary School Shalander

V.S.
Govt: of KP through Secretary Education
KP Peshawar and others.

APPLICATION FOR CONDONATION
OF DELAY, OF About two days.

Respectfully Sheweth.

1. That the Service appeal of the appellant is being Filed in this Honourable Tribunal.
2. That the instant Service appeal was got prepared on dated 20-11-2015 and due to weekend on Saturday and Sunday the same was intended to be submitted on Monday 23/11/2015.
3. That on the way from Distt: Buner to Peshawar the vehicle of the appellant was sudden become out of order and the appellant therefore could not be able to keep continue his journey on Monday and unavoidably the instant Service appeal is ~~Filed~~ being Filed on 24/11/2015.
4. That if any delay is notified is requested to be Condoned.

Therefore it is Prayed that on acceptance of this application the relief sought may kindly be granted to the appellant

through Counsel.

Dated, 23-11-2015.

Rahim Khan
Advocate High Court
Peshawar at Dist Courts Daggar

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA PESHAWAR.

Service Appeal No. _____/2015.

**MOHAMMAD IMRAN JUNIOR CLERK GOVT; HIGHER SECONDARY SCHOOL
SHALBONDAI DISTT; BUNER. " APPELLANT"**

VERSUS

**Govt' of Khyber Pukhtoonkhwa through Secretary Education K.P at Peshawar
and others**

ADDRESSES OF PARTIES.

**MOHAMMAD IMRAN JUNIOR CLERK GOVT; HIGHER SECONDARY SCHOOL
SHALBONDAI DISTT; BUNER. " APPELLANT"**

1. Govt' of Khyber Pukhtoonkhwa through Secretary Education K.P at Peshawar and others .
2. Director Elementary and Secondary Education Khyber Pukhtoonkhwa
a. at Peshawar .
3. Distt; Education Officer Female Distt; Buner at Daggar .
4. Head Mistress Govt; Girls Higher Secondary School Shalbondai Distt;
Buner .
5. Head Mistress Govt; Girls High School Bagra Distt; Buner.
6. Mushtaq Junior Clerk Govt; Girls High School Bagra Distt; Buner .

"Respondents"

Imran

APPELLANT

Through counsel



Rahim Khan

Advocate, HIGH Court Peshawar

Office at distt; Courts Daggar Buner

Cell= 03439049185

dated. 20/11/2015

MOHAMMAD IMRAN JUNIOR CLERK GOVT; HIGHER SECONDARY SCHOOL
SHALBONDAI DISTT; BUNER. " APPELLANT"

VERSUS

Govt of Khyber Pukhtoonkwa through Secretary Education K.P. at Peshawar
and others

ADDRESSES OF PARTIES.

MOHAMMAD IMRAN JUNIOR CLERK GOVT; HIGHER SECONDARY SCHOOL
SHALBONDAI DISTT; BUNER. " APPELLANT"

1. Govt of Khyber Pukhtoonkwa through Secretary Education K.P. at Peshawar and others .
 2. Director Elementary and Secondary Education Khyber Pukhtoonkwa .
a. at Peshawar .
 3. Distt; Education Officer Female Distt; Buner at Daggar .
 4. Head Mistress Govt; Girls Higher Secondary School Shalbondai Distt; Buner .
 5. Head Mistress Govt; Girls High School Bagra Distt; Buner .
 6. Mustaf Junior Clerk Govt; Girls High School Bagra Distt; Buner .
- "Respondents"

APPELLANT

Through counsel

Rahim Khan
Advocate, HIGH Court Peshawar
Office at distt; Courts Daggar Buner
Cell = 03439049182
dated. 20\11\2012

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHW A PESHAWAR.

Service Appeal No. _____/2015.

**MOHAMMAD IMRAN JUNIOR CLERK GOVT; HIGHER SECONDARY SCHOOL
SHALBONDAI DISTT; BUNER. " APPELLANT"**

VERSUS

**Govt' of Khyber Pukhtoonkhwa through Secretary Education K.P at Peshawar
and others . "Respondents"**

AFFIDIVITE

I , Mohammad Imran Junior Clerk office of the Principal ^{Head Master} Government High School Bagra, District Buner, do here by affirm and declare that the contents of this service appeal are true and correct to the best of my knowledge and believe and that nothing has been concealed from this honourable tribunal. It is also affirmed that no such like appeal is pending before this honourable tribunal.

[Signature]

ATTESTED



[Signature]

DEPONENT

Date: 20/11/2015

15101-7542981-3

Ar. A. P. ?



خدمتِ خدای DED صاحبہ المہتری ریڈ سیکنڈری ایجوکیشن ایلووسر

صداغ عالمہ

تذکرہ کی پیش کی گئی ہے کسی لا فیس و راجع ہے

مذکورہ بالا کے لئے آپ صاحبہ کی سہولت سے اسکول کے لئے

گجراتیوں کا ٹریسنگ کر کے دیں۔ مہتمم بڑے فیر ہائی اس کا

ڈیوٹی سر کرنے کیونکہ وہ ایک ایسے نادر اور Dutiful

شخص ہے اور یہ اسکول کا میر کام صحیح طریقے سے اور ہر وقت

سیرت کے لئے ان کے لئے سے فیس کا عمل منتقلی کا سامنا کرنا پڑتا ہے

کیونکہ جس طرح سے وہ کام کرتی ہے اس لئے اور اتنا عملی جس کام

کے لئے کرتی ہے۔ منتقلی

مفتی اعظم

Encl. No 334 dated 6/6

علت یہ ہے

انہی راج کے لئے منتقلی اسکول میں ہائی اس کے لئے

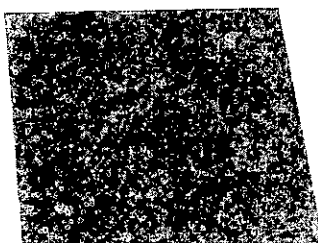
Accepted and

Accepted by

Rahim Khan

Principal

PRINCIPAL
GHSS Shalbandi
Distt Buner



P-8.

1

OFFICE OF THE DISTRICT COORDINATION OFFICER BUNER.

No. _____ /Estt:/8/S&L.

Dated Daggar the 20/5/2005.

OFFICE ORDER.

Consequent upon the recommendations of the District Selection Board Buner the following individuals are hereby appointed as Junior Clerks (BPS-5) out of quota reserved for open merit at the stations noted against each (as contained in the minutes of the meeting held on 12/05/2005) on contract basis on the terms and conditions given below with effect from the date of their taking over charge in the interest of public service.

S.No.	Name and address	Place of posting
1.	Said Ashraf Ali S/o Mohammad Sher, R/o Nawagai Distt: Buner.	GHSS Nagrai
2.	Gawhar Rehman S/o Noor Rehman, R/o Sura Distt: Buner.	GGHS Chinglai
3.	Bahar Ali S/o Abdul Akbar, R/o Nawagai, District Buner.	GHS Khararai
4.	Jan Mohammad S/o Sherin Jan, R/o Batai, District Buner.	GHS Batai
5.	Iqbal Hussain S/o Amir Aman, R/o Chanar District Buner.	G. College Daggar
6.	Sabir Shah S/o Said Abdullah Shah, R/o Dukada Distt: Buner.	GHS Katkala
7.	Wazir Zada S/o Shah Zada, R/o Bajkata Distt: Buner.	GGHS Jowar
8.	Imran Khan S/o Sher Bahadar Khan, R/o Bazargai District Buner.	GGHS Bazargai
9.	Sher Zaman Khan S/o Noor Ali Khan, R/o Chanar District Buner.	GHS Jowar
10.	Altaf Hussain S/o Zar Bahisht, R/o Karapa District Buner.	Dy: D.O(M), Buner
11.	Mohammad Imran S/o Mohammad Anwar, R/o Amnwar District Buner.	GGHS Bagra
12.	Shamsul Hadi S/o Sahib Zada R/o Kalpanai District Buner.	GHS Maradu

Terms & Conditions.

i. They will be placed in minimum of BPS-5 with usual allowances as permissible to the Government Servant of the same pay scale.

ii. Their services will be governed under the Government of NWFP Contract Policy 2002.

iii. Their initial contract will be for three (3) years, which shall be automatically terminated. However, fresh contract would be executed if the job is required to be continued, subject to their satisfactory performance.

iv. Either party can terminate the contract on two months notice or two months salary in lieu thereof.

v. They will be provided equal opportunities for local training.

vi. They will be provided same facilities under Benevolent Fund as admissible to the Government Servants at the rates to be prescribed by the Government.

vii. They will avail the benefit of Contributory Provident Fund through 5% contribution of minimum of their pay and 5% contribution to be made by the government.

viii. They will not contribute to GPF and shall not be entitled for Pension and Gratuity benefits.

ix. Charge report should be submitted to all concerned.

If the above offer of appointment on contract basis is acceptable to them on the above terms and conditions, they are advised to report for duty at their stations, after medical examination from the Medical Superintendent concerned.

DISTRICT COORDINATION OFFICER,
BUNER.

Attested
[Signature]
[Signature]
[Signature]

427-58

P-8.

No. _____ /Estt./S&L.

Copy forwarded to: -

1. The Secretary Schools & Literacy, NWFP, Peshawar.
2. The Director Schools & Literacy, NWFP, Peshawar.
3. The Assistant Coordination Officer, Buner.
4. The HRDO of this office.
5. The EDO Schools & Literacy, Buner with the request to verify academic Degrees/testimonials of the officials from S.No.1 & 6 from the concerned Boards/Universities under intimation to this office.
6. The Principals/Head Masters concerned.
7. The District Accounts Officer Buner, for necessary action.
8. Officials concerned for compliance:

MAM
DISTRICT COORDINATION OFFICER,
BUNER.

Attested
P. J. [Signature]
[Signature]
[Signature]

(9) ~~Annex "B"~~ ~~Annex "B"~~ P-10

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) DISTRICT BUNER

OFFICE ORDER,

Mr, Muhammad Imran Junior Clerk Govt;Girls High school Shalbandai is hereby directed that he will perform an additional duty as Junior clerk at Govt;Girls High School Bagra till further orders in the best interest of public service.

Note:

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

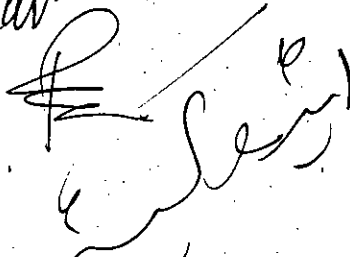
(ZAIB UN NISA)
DISTRICT EDUCATION OFFICER (F)
DISTRICT BUNER

Endst:-No. 7032-34 Date 29/8 /2013

Copy for information to the.

1. District Accounts Officer Buner.
2. Head Mistress Concerned.
3. Office File.


DISTRICT EDUCATION OFFICER (F)
DISTRICT BUNER

Attested And
Accepted by
Rahim Khan


OFFICE OF THE HEAD MISTRESS G.G.H.S. Bagra
TO WHOME IT MAY CONCERNED.

It is Certified that Mohammad Imran Junior clerk G.G.H.S. Shalbondai Buner has additionally performed duty as dual charge in G.G.H.S. Bagra as Junior clerk during the period from 29-8-2013 to 30-9-2014. His performance was commendable in all respects and It is also Certified that Mushtaq Junior clerk of this school, proceeded on long leave has taken over his charge on 01-10-2014 (F.N) in this school, on expiry of his leave.

c.c/d
Muhammad Imran J.C
G.G.H.S. Shalbondai

Head Mistress
G.G.H.S. Bagra
Distt: Buner
24-07-2015

Ar
Ar
C
11
Attested
Sik
Sik

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BUNER.

OFFICE ORDER

The competent authority is pleased that the following clerks are hereby adjusted/transfer to the school noted against their name on own pay and scale from the date of taking over charge in the interest of public service.

S.N	Name of Teacher	From	To	Remarks
1	Qiahat Zar S/C	GGHSS Totalai	DEO(F) Office	VS No.2
2	Riazwan ullah S/C	DEO(F) Office	GGHSS Totalai	On Disciplinary ground
3	Nisar Ahmad S/C	DEO(F) Office	GGHSS Panjar	On Disciplinary ground
4	Fazli Subhan S/C	GGHSS Panjar	DEO(F) Office	VS.No.3
5	Zartaj J/C	DEO(F) Office	GGHS Kingargalai	On Disciplinary ground
6	Muhammad Imran J/C	GGHSS Shalbandai	DEO(F) Office	VS.No.5
7	Abbas Khan J/C	GGHS Nawagai	GGHS Nogram	On Disciplinary ground
8	Mian Quraish J/C	GGHSS Kalpanai	GGHS Anghapur	On Disciplinary ground
9	Mushtaq J/C	GGHSS Bagra	GGHSS Shalbandai	VS No.6
10	Qaimar Ali Shah J/C	GGHSS Pachakalay	GGHS Bagra	VS No.9
11	Musharaf Shah J/C	GGHS Jowar	GGHSS Pachakalay	On Disciplinary ground
12	Inamul Haq J/C	GGHS Anghapur	GGHS Charorai	On Disciplinary ground

- Note:
1. No TA/DA is allowed.
 2. charge should be submitted to all concerned.

(RABIA ANEES)
DISTRICT EDUCATION OFFICER(F)
BUNER

ENDST/No 85-90 Dated 7/7 2015

Copy of the above is forwarded to the:-

1. District Monitoring Office Buner.
2. District Accounts Officer Buner at Dggar
3. PA to Deputy Commissioner buner.
4. PA to Director (E&SE) Khyber pakhtun khwa peshawar.
5. Head Mistress Concerned.
6. Official concerned.

Rabia Anees
DISTRICT EDUCATION OFFICER(F)
BUNER

Attested
R. S. S. S.
S. S. S. S.

R

48

Anx "E"

213

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BUNER

OFFICE ORDER

The order issued by this office Endst.No 85-90 dated 07-07-2015 is hereby cancelled with immediate effect in the interest of public service

(RABIA ANEES)
DISTRICT EDUCATION OFFICER(F)
BUNER

ENDST;No 8825-28 Dated 13/7 2015

Copy of the above is forwarded to the:-

1. District Monitoring Officer Buner at Dggar.
2. A.D.O (Estb;)Local office.
3. Head Mistress Concerned.
4. Official concerned.

Rabia Anees 13/7/15
DISTRICT EDUCATION OFFICER(F)
BUNER

Attested
R. J. B.
13/7/15

R

(73)

Annex 'F'

(Pr 14)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BUNER.

OFFICE ORDER

The competent authority is pleased that the following clerks are hereby adjusted/transfer to the school noted against their name on own pay and scale from the date of taking over charge in the interest of public service

S.No	Name of Teacher	From	To	Remarks
1	Muhammad Imran J/C	GGHSS Shalbandai	GGHS Bagra	On longest tenure
2	Mushtaq J/C	GGHS Bagra	GGHSS Shalbandai	V.S.No.1

- Note;
1. No TA/ DA is allowed.
 2. charge should be submitted to all concerned.

(RABIA ANEES)
 DISTRICT EDUCATION OFFICER (F)
 BUNER

ENDST: No 169 Dated 15/7 2015

Copy of the above is forwarded to the:-

1. District Monitoring Officer Buner
2. District Accounts Officer Buner at Dggar
3. PA to Deputy Commissioner Buner.
4. PA to Director (E&SE) Khyber Pakhtun Khwa Peshawar.
5. Head Mistress Concerned.
6. Official concerned.

Rabia Anees 14/7/15
 DISTRICT EDUCATION OFFICER (F)
 BUNER

Attested
[Signature]
[Signature]

[Signature]

[Handwritten signature]

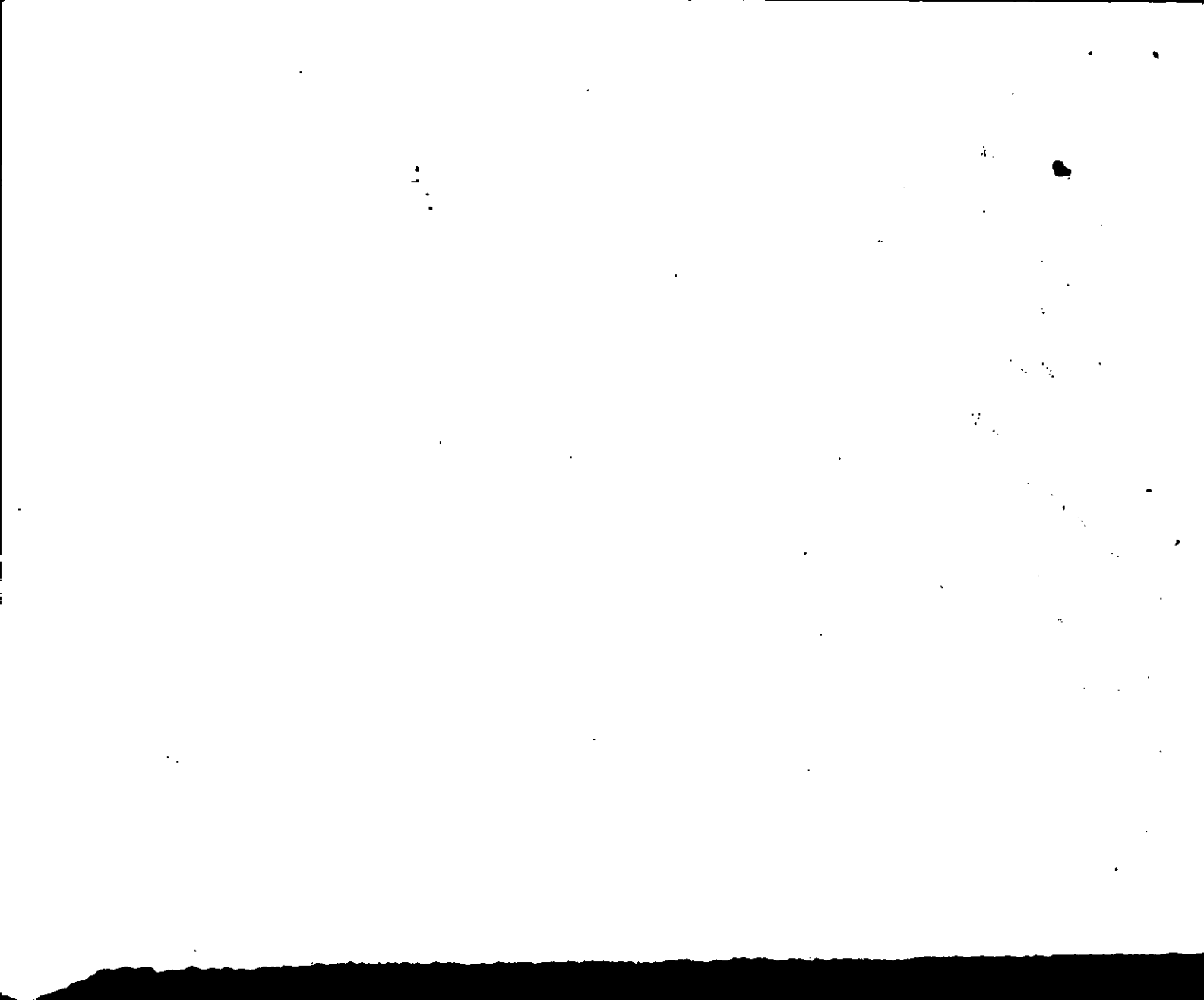
Head Mistress
GHS Bagera Buner

[Handwritten signature]

Mr. Mushtaq J/Clerk Govt. Girls High School Bagera Buner has been transferred to Govt. GI
Higher Secondary School Shalbandai Vide DDO (T) Buner Endst: No.85-90 Dated: 07/07/2015.
He is hereby relieved from his duty on 08-07-2015 before noon.
He is directed to take over charge on 08-07-2015 after noon.

RELIEVING STMP

[Handwritten signature]
15/7



کیمیکل				ایسٹیبلیشمنٹ				جوئر کلاک				تاریخ
Chemical				Narb Dasid				Jouir Clerk				تاریخ
روزانہ	آد	روزانہ	آد	روزانہ	آد	روزانہ	آد	روزانہ	آد	روزانہ	آد	تاریخ
P	-	P	-	P	1500	P	9:00	(M)	1:20	(M)	8:30	1
P	-	P	-	P	1100	P	9:00	(M)	2:30	(M)	8:15	2
P	-	P	-	P	1100	P	9:00	(M)	2:00	(M)	8:00	3
P	-	P	-	P	1100	P	9:00	(M)	2:00	(M)	8:10	4
P	-	P	-	P	SUNDAY		SUNDAY		SUNDAY		-	5
P	-	P	-	P	1100	P	9:00	(M)	1:30	(M)	8:15	6
P	-	P	-	P	1100	P	9:00	(M)	1:00	(M)	8:15	7
P	-	P	-	P	1100	P	9:00	Transferred to GCHSS				8th November
P	-	P	-	P	1100	P	9:00	Shalbandi vide DFO (F)				9
P	-	P	-	P	1100	P	9:00	Bunel Edort No				10
P	-	P	-	P	1100	P	9:00	85-90 dated 7-7-2015				11
P	-	P	-	P	SUNDAY		Released on 8-8-2015				12	
P	-	P	-	P	1100	P	9:00	at this school ending				13
P	-	P	-	P	1100	P	9:00					14
P	-	P	-	P	1000	P	9:00					15
P	-	P	-	- Public Holidays -								16
P	-	P	-									17
P	-	P	-									18
P	-	P	-	SUNDAY								19
P	-	P	-	P	1100	P	9:00					20
P	-	P	-	P	1100	P	9:00					21
P	-	P	-	P	1100	P	9:00					22
P	-	P	-	P	1100	P	9:00					23
P	-	P	-	P	1100	P	9:00					24
P	-	P	-	P	1100	P	9:00					25
P	-	P	-	SUNDAY								26
P	-	P	-	P	1100	P	9:00					27
P	-	P	-	P	1100	P	9:00					28
P	-	P	-	P	1200	P	9:00					29
P	-	P	-	P	1100	P	9:00					30
P	-	P	-	P	1500	P	9:00					31

Local Children
 GCHS 5618
 Street Ball...

Attested
 31/1/2015

(16)

Amx "A" er

P. 17

17

Registered A.D

To,

The Director
Elementary and Secondary Education,
Khyber Pukhtoonkhwa Peshawar.

Through:

Proper Chanel

Subject:

**APPEAL AGAINST THE ORDER, PASSED BY THE D.E.O FEMAL
BUNER, VIDE HER OFFICE END: No 169 dated 15-07-2015 , BY
VIRTUE OF WHICH THE APPELLANT HAS BEEN TRANSFERRED
AGAINST THE RULES AND POLICEY EXIST , UNDER POLITICAL
PRISSURE AS WELL AS ON MALAFIDE INTENTION.**

Respectfully Sheweth:

1. That the appellatant has been serving punctually and efficiently since his 1st day of appointment in the education department on his existing post as junior clerk. Therefore entire past service of the appellatant is free of any disciplinary proceedings or any penalty there to. Copy of Certificate of Head ^{School} Mistresses GGHS Shalbandai is attached.
2. That the appellatant not only on the post he has been originally posted, but since 29-06-2013 up to 30-09-2014 also performed additional duty of Junior clerk in place of Mushtaq, Junior clerk GGHS Bagra, who had granted leave under political influence and he was proceeded abroad for earning more than his monthly salary in Pakistan and on expiry of which he submitted his arrival report on 01-10-2014. Copy of Certificate regarding honest and efficient performance of the appellatant given by the Head Mistresses GGHS Bagra is attached.

Attended
R. J. J. J.
R. J. J. J.

3. That recently on mala fide intention and ill well, just to adjust Mr, Mushtaq Junior clerk who is the real brother of Mr. Shah Jehan P.S to Minister Usher Zakat and Religious Affairs of the provincial Govt: of KP and by putting political pressure by the concerned Minister, the appellatant was included in a combined transfer order issued vide D.E.O Female, Buner end: No: 85-90 dated 07-07-2015 and was transferred to her office in place of one who was allegedly transferred on disciplinary grounds but the same order was cancelled vide No: 8825-28 dated 13-07-2015. copies of both the orders are annexed for ready reference.

4. That both the aforementioned orders of dated 07-07-2015 and 13-07-2015 as mentioned, against para 3 of this appeal, were allegedly made to have been issued in the interest of public service wherein the appellatant was transferred to D.E.O Female Buner office, while after intervals and space of only two days i.e on 15-07-2015, the appellatant has once again transferred from GGHS Shalbandi to GGHS Bagra, not to the office of D.E.O Female Buner, where from Mushtaq Junior clerk was proceeded abroad on leave and on expiry of his leave on 01-10-2014 he has taken charge of his post in the same station/Bagra where his stay is less than one year.

5. That the above shuffling, which allegedly shown as in the public interest is actually just to please the Minister concerned against the policy and interest of the Department and public, merely just to replace and adjust the eye blued and near and dear of the Minister concerned likewise Mushtaq Junior clerk which is not tenable under the law and transfer policy exist.

Therefore keeping in view the circumstances and facts, explained above, it is humbly prayed that the transfer order issued vide D.E.O female Buner end: No: 169 dated 15-07-2015, being unlawful, on mala fide intention and ill well, under political pressure, may kindly be set aside in favour of the appellatant.

Yours obediently

Imran

Mohammad Imran

Junior clerk

Gout: Girls High School Shalbandai Buner
Dated: 24-07-2015

Attested

[Signature]

(Handwritten mark)

P- 19

327 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 on which no acknowledgement is due.

Rs. Ps.

Date Stamp: 182

Name of Receiver: *ABIE*

Name and address of sender: *W. S. Dutt*

Weight: *1/2* Grams

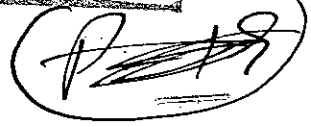
Insurance fee: *8* Rs.

Post Office: *W. S. Dutt*

Attested and
 Accepted by
 Rahmi Khan Advocate
Rahmi Khan

Amey "I" S

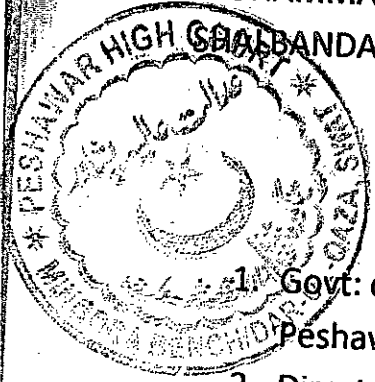
P-20



BEFORE THE PESHAWAR HIGH COURT MINGORA BANCH DARUL QAZA SWAT

W.P NO. B 86-M /2015

MOHAMMAD IMRAN JUNIOR CLERK GOVT: GIRLS HIGHER SECONDARY SCHOOL SHALBANDAI DISTRICT BUNER.



"PETITIONER"

VERSUS

1. Govt: of Khyber Pukhtoonkhwa through secretary Education Department ; Peshawar.
2. Director Elementary and Secondary Education Khyber Pukhtoonkhwa Peshawar.
3. District Education Officer Female Buner at Daggar.
4. Head Mistress Govt: Girls Higher Secondary School Shalbandai.
5. Head Mistress Govt: Girls High School Bagra.
6. Mushtaq Junior clerk Govt: Girls High School Bagra Buner.

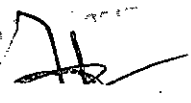
"RESPONDENTS"

WRIT UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKITAN 1973

Respectfully sheweth that;

FACTS.

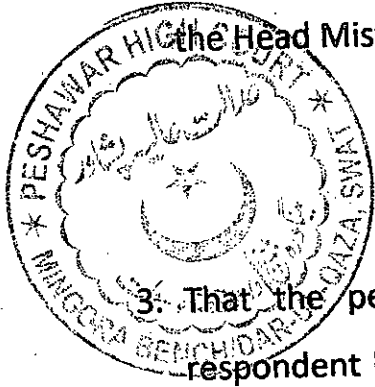
1. That the petitioner has been serving in the education department under the supervision of the respondents No: 1 to 5 since his 1st day of appointment as junior clerk efficiently, punctually and honestly. In this connection commendation certificate wherein jointly the authority/ respondent No: 4 has also requested the respondent No: 3 for cancelation of the transfer order dated: 07-07-2015 , which proves the fact , and annexed as "A".

FILED


(2)

P-27

2. That the petitioner has also performed duty as Junior clerk at Govt: Girls High School Bagra during the period with effect from 29-06-2013 to 30-09-2014 in compliance to the D.E.O Female , Buner , office order , end: No.7632-34 dated: 29-08-2013 , while the respondent No. 6 was on long leave , and dual charge in addition to his own was entrusted to the petitioner which the petitioner has also efficiently and honestly performed . Copies of the order dated: 29-06-2013, and of the certificate , granted by the Head Mistress Govt: Girls High School Bagra , is annexed as "B" & "C".



3. That the petitioner was included in a transfer order, issued by the respondent No. 3 vide No. 85-90 dated 07-07-2015 , allegedly to be in the interest of public service, and the petitioner was transferred from his existing station , shalbandai , to the office of the respondent No.3 which was subsequently after a few days also cancelled by the respondent No. 3, herself , vide No. 8825-28 dated 13-07-2015, shown also as in the interest of public service .copies of both the orders or annexed as "D" & "E".

4. That after cancellation of the afore mentioned order dated 07-07-2015, on dated 13-07-2015 annexure "E". the petitioner has once again transferred vide impugned order end No.169 dated 15-07-2015 after two days interval to Govt: Girls High School Bagra , where the petitioner remained on duty in a shape of dual charge , up to 30-09-2014 and the respondent No.6 has under political pressure of the Minister Ushar, Zakat and Religious affairs Khyber Pukhtoonkhwa Government , with whom the real brother of the respondent No. 6 , namely , Shah Jehan is P.S , been transferred from G.G.H.S Bagra to G.G.H.S.S shalbandai despite the fact that stay of the

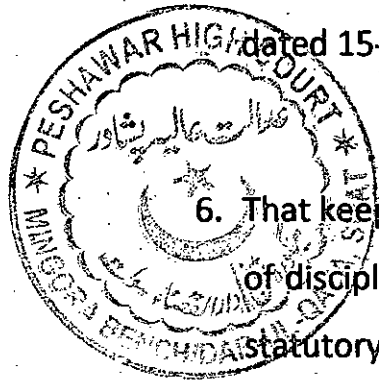
A handwritten signature and a small rectangular stamp are located at the bottom left of the page.

(3)

(F-22)

respondent No. 6 at Bagra is less then one year. Copy of the impugned order date 15-07-2015 is annexed as " F " .

5. That as a reaction the respondent No. 3 has stopped the monthly salary of the petitioner unlawfully while the petitioner has filed a departmental appeal as a first legal step and have not so far handed over his existing charge of duties and more harsh unlawful actions are also expected and possible from side of the respondent No.3 , beside her hot temper. Though the petitioner has filed a departmental appeal against the impugned order dated 15-07-2015 , on dated 24-07-2015. copy annexed as "G" .



6. That keeping in view the expected harsh and bold unlawful orders in a shape of disciplinary proceedings , the petitioner despite waiting for the expiry of statutory period of 90 days , having no alternative adequate remedy except to file the instant write petition on the grounds amongst others inter alia .

Grounds

A. That the petitioner is a low paid Government employee and he has already served on dual charge bases (at Bagra) with effect from 29-06-2013 to 30-09-2014 during the leave period of respondent No. 6 , so the impugned posting & transfer order at Bagra, passed by respondent No. 3 is on ill well ,mala fide intention and against the transfer policy exist . so is not tenable under the law.

B. That the stay of the respondent No. 6 in G.G.H.S Bagra is less than one year , who under the transfer policy exist has no right to be transferred unless and until his normal tenure at Bagra is completed .

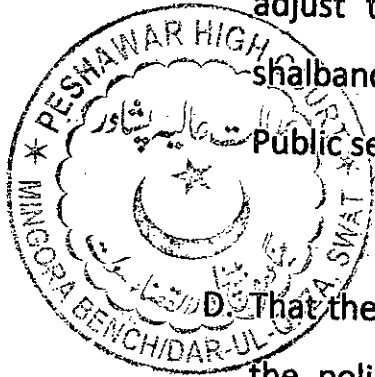
FILED TODAY
30 JUL 2015

✓
Additional Registrar

(67)

(P-23)
R

C. That the respondent No. 3 has issued a transfer order of 12 clerks vide No. 85-90 dated 07-07-2015 annexure " D " whereby the petitioner was transferred , allegedly to be in the interest of public service , from shalbandai, being existing station of the petitioner, to the office of the respondent No.3 , which was later on, cancelled on dated 13-07-2015 annexure " E " also in the interest of public service . which after the issuance of the impugned order dated 15-07-2015, annexure " F " seems that the orders of dated 07-07-2015 , 13-07-2015 and 15-07-2015 , all are under political pressure and merely the whole practice was for the purpose just to adjust the respondent No.6 , either by hooks or cooks, in his village shalbandai . which is not legally required , and not falls in the interest of Public service but actually the same was in the interest of respondent No. 6.



D. That the petitioner has been transferred on mala fide intention and against the policy exists by the respondent No.3 and also monthly pay of the petitioner has been stopped unlawfully for which the respondent No.3 has no powers or competency , under the law.

E. That the impugned order dated , 15-07-2015 and stoppage of pay of the petitioner on part of the respondent No.3 are unlawful and mala fide, hence are liable to be set a side.

F. That further arguments in support of the instant petition well be made with the prier permission of this affix court at the time of arguments.

FILED TODAY

30 JUL 2015

ADDITIONAL JUDGE

P-24(24)

Therefore its humbly prayed that on acceptance of this writ petition the impugned order No. 169 dated 15-07-2015 may be set a side and the respondents No: 1 to 5 , may be directed to release the monthly pay of the petitioner for the period attached and with out illegal break for future.

Amman
PETITIONER

Through Counsel

Rahim Khan
Rahim Khan
Advocate

High Court Peshawar
At Distt: Courts Dagger Buner
Cell NO. 0343 9049185
Dated: 28-07-2015



INTERIM RELIEF

By way of interim relief the operation of the impugned Order No. 169 Dated. 15-07-2015 may be suspended , till the disposal of this writ petition.

Through Counsel

Rahim Khan
Rahim Khan
Advocate

High Court Peshawar
At Distt: Courts Dagger Buner

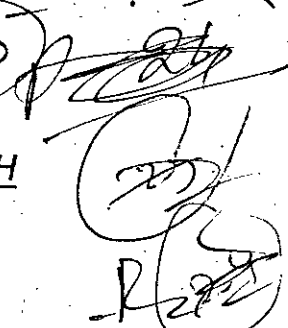
CERTIFICATE

Its certified that the contents of this writ petition are true and correct to the best of my knowledge and belief and that no such like writ petition on the same subject matter is pending before this affix court.

Amman
Petitioner

Dated. 28-07-2015

[Signature]
2015

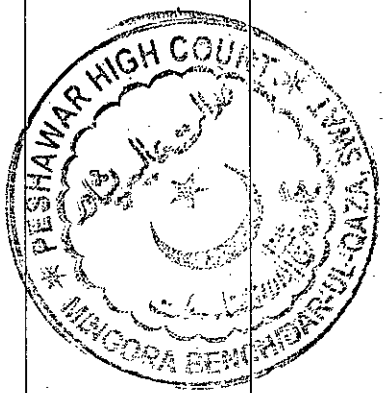
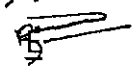
(P-25) 

PESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

Court of

Case No. of

Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
	06.08.2015	<p><u>Interim relief</u> <u>In W.P No.386/2015.</u></p> <p>Present: Mr. Rahim Khan, Advocate for petitioner.</p> <p style="text-align: center;">***</p> <p>Notice of the interim relief be given to the other side for 09.09.2015.</p> 

(P-26)

[Signature]

[Signature]

IPESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

Court of

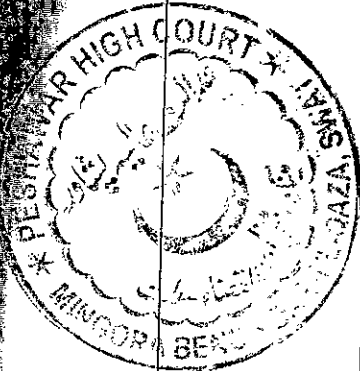
Case No..... of.....

Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
	09.9.2015	<p><u>W.P. No. 386/2015</u> <u>With Interim Relief (N).</u></p> <p>Present: Mr. Rahim Khan, advocate for the petitioner. ***</p> <p><u>SYED AFSAR SHAH, J.-</u> Through the instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, Muhammad Imran, the petitioner, has made a prayer for issuances of an appropriate writ directing the respondents to cancel his transfer order made vide End: No. 169 dated 15.7.2015.</p> <p>2. We have heard arguments of the learned counsel for the petitioner and gone through the available record.</p> <p>3. Admittedly and as is evident from the record, the petitioner was junior clerk in G.G.H.S.S. Shalbandai. Vide order impugned herein he was transferred to G.G.H.S. Bagra. The petitioner is a civil servant and the matter of transfer relates to terms and conditions of his service, so, the jurisdiction of all other Courts including</p> <p style="text-align: right;">7 +</p>



27

the High Court was specifically ousted because of the provisions contained in Article 212 of the Constitution and when confronted with the situation learned counsel for the petitioner was not in a position to controvert the above legal aspect of the case. The petitioner has already filed appeal with the competent authority and in the given circumstances, we mean in view of the specific bar, the petition stands dismissed in *limine* with the direction to the petitioner to adhere to the proper *fora*, if so advised.



Announced.
Dt: 09.9.2015.

Sd-Syed Ameer Shah-J

Sd. Haider Ali Khan-J

Certified to be true copy

EXAMINER

Peshawar High Court, Mingora/Dar-ul-Qaza, Swat
Authorized Under Article 67 of Constitution of 1973

DGE

S.No... 3697
Name of Applicant... Rehman
Date of Presentation of... 7-10-15
Date of Completion of...
No of Copies... 60 P
Urgent Fee...
Fee Charged... 20/-
Date of Delivery of Copies... 7-10-15

بعدالت بحسن صبر و بردباری و در حد امکان

الشاهد

مورخہ 20 فروری 2015ء منجانب اسلام آباد
مقدمہ محمد عمران
دعویٰ سرس اسیل
بجزم
باعت خرید آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دیکل
کارروائی متعلقہ آن مقام سرس اسیل کے درجہ اولیٰ درجہ اولیٰ
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 بر حلف دیے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک نہ 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 برآمد 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 پداختہ منظور و قبول ہوگا۔ 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 ہے تو وکیل صاحب پابند نہ ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

المرقوم 20 باہ فروری 2015ء

محمد عمران صاحب

مقام سرس اسیل کے لئے منظور ہے
Accepted & Accepted
Rahim Khan
Advocate High Court
Peshawar at Dist Courts Dagga