

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1050/2019

Date of Institution ... 09.08.2019

Date of Decision ... 07.11.2019

Anwar Sadat (Drawing Master) S/O Jan Zarin R/O Village Wari, Post Office, Wari,  
District Dir Upper. ... (Appellant)

VERSUS

District Education Officer, (M) Dir Upper and three other. ... (Respondents)

-----  
MR. FAZAL SHAH MOHMAND,  
Advocate

--- For appellant.

MR. ZIAULLAH,  
Deputy District Attorney

--- For respondents no.1 to 3

MR. NOOR MUHAMMAD KHATTAK,  
Advocate

--- For respondent no.4

MR. AHMAD HASSAN  
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)  
--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the  
parties heard and record perused.

ARGUMENTS:

02. Learned counsel for the appellant argued that he was serving as Drawing Master (BPS-16) at GHS, Shang, District Upper Dir and his wife Mst. Janat Begum was also discharging duty as SST at GGHS, Wari, District Upper Dir. As both the husband and wife were civil servants, therefore, spouse policy of the provincial government was also applicable in the case in hand. The appellant and private respondent got one step promotion from BPS-15 to BPS-16 vide Finance Department letter dated 12.04.2016. That through order dated 22.03.2019,

respondent no.4 was adjusted at GHSS Gamseer against a vacant post but through another order dated 01.04.2019, he was posted at GHSS, Shang against the post of the appellant, whereas the appellant was sent in place of the above respondent. On a written application filed by the appellant, order dated 22.03.2019 was withdrawn vide office order dated 04.04.2019, thereafter, respondent no.1 issued impugned transfer order dated 30.04.2019, whereby the appellant was adjusted at GMS kaskai karpat, Dir Upper against a vacant post of D.M. It compelled the appellant to file departmental appeal, which remained un-answered, hence, the present service appeal. The appellant also filed civil suit but was withdrawn subsequently. Impugned transfer order was based on malafide, ill will and against norms of justice. The appellant was posted in a far flung hilly area situated at a distance of 50 kilometers from his house. It was humanly not possible for him to perform duty as such a remote place.

03. Leaned counsel for private respondent no.4 at the very outset invited attention to clause-XIII of Posting/Transfer Policy of the Provincial Government, where under it shall be ensured that posting of proper persons on proper posts etc-is made. He also pointed out that he appellant being a D.M (BPS-15) was posted at GMS Kaskai Karpat, while his client being senior to the appellant and having been regularly promoted to BPS-16 was adjusted at Shang Dir Upper vide order dated 30.04.2019. As a sequel to the order referred to above he assumed the charge and started performing duty. Moreover, this Tribunal suspended transfer order dated 30.04.2019, vide order sheet dated 27.08.2019. The appellant was basically a DM (BPS-15) and under the invogue policy, he was eligible to serve at GMS Kaskai Karpat, whereas the post of SDM (BPS-16) was available at GHS, Shang thus both the employees were adjusted against the right posts referred to above. He further argued that through order dated 12.04.2016 the appellant was granted (BPS-16) as

personal and post was available at GHS, Shang thus both the employees adjusted against the right posts referred to above. He further argued that through order dated 12.04.2016, the appellant was granted BPS-16 through up-gradation on personal basis. He had already completed normal tenure at GHS, Shang as the post at GHSS Gamseer was not vacant, therefore, promotion of private respondent no.4 was not actualized.

04. Learned DDA argued that the appellant was awarded one step promotion (personal pay scale non-gazetted BPS-16), while private respondent no.4 was promoted from the post of D.M to S.D.M on regular basis vide order dated 22.02.2019. He further clarified that posts of D.M were of three kinds, D.M(BPS-15), D.M (BPS-16) (personal pay scale non-gazetted BPS-15) and S.D.M (BPS-16) and position code of BPS-16. The appellant had already completed normal tenure at the place of previous posting. The appellant and his wife were performing duties within a radius of 15 Kms. Impugned order was passed in accordance with law and rules.

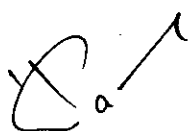
**CONCLUSION:**

05. The appellant in the present service appeal is aggrieved of impugned transfer order dated 30.04.2019. To cut the long story short, both the appellant and private respondent no.4 were granted one step promotion from BPS-15 to BPS-16 vide order dated 12.04.2016. Subsequently, private respondent no.4, got promoted on regular basis to BPS-16 vide order dated 22.02.2019. Learned counsel for the appellant during the course of arguments was unable to establish the claim whether an employee of BPS-15 could be posted against a post of BPS-16 and that in violation of invogue policy? We are inclined to agree with the stance taken by the learned counsel for private respondent no.4 and learned DDA that the appellant was given right posting according to his status. Moreover, the appellant had completed

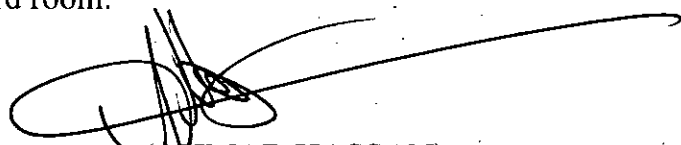
normal tenure at GHS, Shang thus his claim for retention was also hit by posting/transfer policy of the provincial government. Again when learned counsel for the appellant was confronted on this point was clueless and failed to come up with convincing arguments. In these circumstances, case of the appellant is devoid of merits and not worth consideration.

06. Now coming to the plea taken by the appellant about posting in a far flung hilly area and his wife was also serving SST under the administrative control of respondents and presently posted at GGHS Wari, Dir Upper, therefore, spouse policy could also be attracted in the matter. We leave it to the good judgment of the respondents to extend all possible help, if genuine grievances of the appellant could be redressed in a sympathetic manner to enable him to perform duty with full devotion and dedication. We hope these observations would not cause any prejudice to the decision on this service appeal.

07. As a sequel to the above, the instant appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HMAID MUGHAL)  
Member




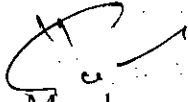
(AHMAD HASSAN)  
Member

ANNOUNCED  
07.11.2019

04.11.2019

Junior to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Sardaraz ADO for official respondents present. Learned counsel for private respondent No.4 present. Representative of official respondents submitted copy of working paper and promotion order dated 22.02.2019 which is placed on file. Junior to counsel for the appellant seeks adjournment as learned senior counsel is not in attendance. Adjourn. To come up for arguments on 07.11.2019 before D.B.

  
Member

  
Member

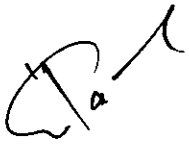
**Order**

07.11.2019 Counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Sardaraz, ADO for official respondents no. 1 to 3 and counsel for private respondent no.4 present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the instant appeal is dismissed. Parties are left to bear their own cost. File be consigned to the record room.

Announced:  
07.11.2019

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

A. No. 1050/2019

30.10.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Nadar, Superintendent for official respondents No. 1 to 3 and private respondent No. 4 alongwith his counsel present.

The case was argued at some length by the parties concerned. Learned counsel for private respondent No. 4 pressed that in pursuance of order dated 22.02.2019, he was promoted from the post of D.M to SDM (BPS-16) with immediate effect, while the appellant was serving in BPS-15. His attention was drawn to order dated 12.04.2016, whereunder both the appellant and private respondent No. 4 were granted one step promotion from BPS-15 to BPS-16. On the other hand, vide office order dated 01.04.2019 the private respondent No. 4 and appellant were shown as SDM (BPS-16). Respondents are directed to provide copy of minutes promotion of DM to SDM (BPS-16) alongwith order dated 22.02.2019 and further confirm that vacant post at GHSS Gamseer was not available at the result of which order dated 22.03.2019 to the extent of private respondent No. 4 remained unimplemented. Case to come up for record and arguments on 04.11.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

Service Appeal No. 1050/2019

17.10.2019

Counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Sardaraz Khan, ADO for official respondents No. 1 to 3 and Miss. Rabia Muzaffar, Advocate on behalf of private respondent No. 4 present and submitted Vakalatnama.

The instant appeal was assigned today to D.B by Chairman of this Tribunal. Learned counsel for the appellant submitted rejoinder and reply to application for vacation of status-quo order/suspension order which ~~are~~ placed on record. Learned counsel for the appellant seeks adjournment for arguments. Adjourned to 25.10.2019 for arguments before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

25.10.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. Respondent are directed to direct the representative to attend the court and submitted copy of service book and entire record of inquiry. Adjourned. To come up for record and arguments on 30.10.2019 before D.B.

(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

08.10.2019

Counsel for the appellant, Addl. AG alongwith Sardaraz Khan, ADO for official respondents and counsel for private respondent No. 4 present.

Joint written reply has been submitted on behalf of respondents No. 1, 2 and 3 while private respondent No. 4 has also furnished reply. Learned counsel for appellant requests for time to submit rejoinder and also argue the application for vacation of restraint order passed on 27.08.2019.

Adjourned to 17.10.2019 on which date arguments shall positively be addressed regarding the application of respondent No. 4.

  
Chairman

17.10.2019

Apropos to the order dated 08.10.2019 instant matter is assigned to Division Bench today as written reply/comments have already been submitted by all the respondents.

  
Chairman



1050/19

12.09.2019

Counsel for the appellant and Addl. AG for the official respondents present. Mr. Mir Zaman, Advocate for respondent No. 4 present and submitted Wakalatnama in his favour, which is placed on record.

Respondents seek further time. Adjourned to 25.09.2019 on which date the requisite reply/comments shall positively be furnished. As required on 27.08.2019, the operation of order dated 30.04.2019 shall remain suspended till next date of hearing, if not already acted upon.

  
Chairman

25.09.2019

Counsel for the appellant and Addl. AG Sardaraz Khan, ADEO on behalf of official respondents and private respondent No. 4 in person present.

Respondent No. 4 has submitted an application for vacation of restraint order ~~required~~ <sup>passed</sup> on 27.08.2019 which is placed on record and a copy whereof handed over to learned counsel for the appellant. To come up for reply/hearing on the said application as well as reply/comments on the memorandum of appeal on 08.10.2019. The restraint order shall remain operative till the date fixed.

  
Chairman

27.08.2019

Counsel for the appellant present.

Contends that the appellant was granted one step promotion from BPS-15 to BPS-16 vide sanction order dated 12.04.2016 and for all practical purposes he was considered as Senior D.M as noted in office order dated 01.04.2019. Despite the appellant was transferred/adjusted at GMS Kaskay Karpal Dir Upper from GHS Shang purportedly on the ground that the respondent No. 4 was newly promoted and the post of D.M BPS-15 was upgraded to BPS-16 at GHS Shang. Further stated that the wife of appellant is performing duty as SST (General) at GGHSS Wari Bala, therefore, the impugned adjustment dated 30.04.2019 is also against the wedlock policy of civil servants issued by the Provincial Government.

In view of available record and arguments of learned counsel instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 12.09.2019 before S.B.

The appeal is accompanied by an application for suspension of operation of impugned order dated 30.04.2019. Notice of the application be given to the respondents for the date fixed. The operation of order dated 30.04.2019 shall remain suspended till next date of hearing, if not already acted upon.

Appellant Deposited  
Security & Process Fee

27/8/19

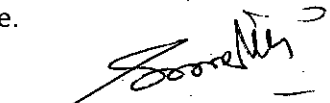

  
Chairman

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - \_\_\_\_\_ 1050/2019 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/08/2019	<p>The appeal of Mr. Anwar Sadat presented today by Mr. Akbar Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	19/08/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/08/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

21/2/19

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

SERVICE APPEAL NO. 1050 /2019

Anwar Sadat (Drawing Master) S/o Jan Zarin .....Appellant

**V E R S U S**

District Education Officer, (M) DIR Upper and Others ..... Respondents.

**INDEX OF DOCUMENTS**

S. No.	Description of documents.	Annexure	Pages.
1.	Service Appeal	-	1-3
2.	Affidavit	-	4
3.	Addresses of the parties	-	5
4.	Application for suspension		6-7
5.	Copies the pay slip for the month of July, 2019).	"A-A/1"	8-9
6.	Copy of Sanction Order	B	10
7.	(Copies of Office Orders/letters	"C-C/1"	11-12
8.	Copies of review /appeal and office order letter	"D-D/1"	13-14
9.	Copy of impugned office order/letter	"E"	15
10.	Copies of the Departmental appeal	"F"	16-17
11.	Vakalatnama		

APPELLANT  
(ANWAR SADAT)

Through

AKBAR ALI

Advocate, High Court,  
Peshawar.

Cell: 0300-5959601

Dated: 09/08/2019

Office Address: Office No .10, Babu Plaza opposite Abadat  
Hospital, Nishtar Abad, Peshawar.

1

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

**Khyber Pakhtunkhwa  
Service Tribunal**

SERVICE APPEAL NO. 1050 /2019

Diary No. 1169

Dated 09/8/2019

Anwar Sadat (Drawing Master) S/o Jan Zarin R/o Village Wari, Post Office  
Wari, District Dir Upper. ....Appellant

**VERSUS**

1. District Education Officer, (M) DIR Upper.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Education, Government of Khyber Pakhtunkhwa, Peshawar.
4. Aslam Khan S/o Qasim Khan R/o Village Wari, Post Office Wari, District Dir Upper. .... Respondents.

**APPEAL UNDER SECTION-4 OF THE SERVICES TRIBUNAL ACT, 1974, R/W ALL ENABLING PROVISIONS OF LAW, GOVERNING THE SUBJECT, AGAINST THE IMPUGNED ORDER/ LETTER No 1037-41/F.NO.52/DEO(M) /SEB/ADO (S) DATED Dir (U) the ;30/04/2019 ISSUED BY RESPONDENT NO. 01 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**Filed to Day**  
*[Signature]*  
**Registrar**  
29/8/19

**PRAYER:**

**On acceptance of this appeal the impugned ORDER/ LETTER NO 1037-41/F.NO.52/DEO(M) /SEB/ADO (S) DATED DIR (U) THE ; 30/04/2019 may very kindly be set aside and the respondents may kindly be directed to act in accordance with law and the appellant be allowed to work at the place of posting (GHS Shang) and Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.**

**RESPECTFULLY SHEWETH:**

**ON FACTS:**

- 1- That appellant is bonafide resident of District Dir Upper and is employee of the respondent's Department and is serving as Drawing Master (BPS-16) at Government High School, Shang , District Upper Dir. That right from appointment till date the

appellant has served the respondent Department quite efficiently and up to the entire satisfaction of his superiors.

- 2- That the appellant is performing his duties with zeal and zest in respondents department since 2005 with unblemished record and It is also pertinent to mention here that the Wife of the Appellant namely Miss Janat Begum is also serving in the Respondent's Department as SST (Secondary School Teacher) at GGHS, WARI, District Dir and under the Spouse/ Wedlock policy both spouse have to work at the nearest place of their posting.

**(Copies the pay slip for the month of July, 2019 is annexure "A-A/1").**

- 3- That the appellant and respondent No.04 along with other were awarded one step promotion from BPS -15 to BPS-16 vide letter No. 967-71/ F.No.52/DEO (M) Dir (U) /SEB dated Dir the 12/04/2016 issued by the office of Respondent No.01.

**(Copy of Sanction Order is annexure "B").**

- 4- That recently the Respondent No.01 issued office order vide letter No. 43-46/ F.No.52/DEO (M)/Estb (S) Dated 22/03/2019 wherein the Respondent No.04 was adjusted at GHSS Gamseer against vacant post with immediate effect and subsequently issued another office order vide letter No. 172-75/ F.No.52/ DEO (M)/Estb (S) Dated 01/04/2019 wherein the Respondent No.04 was adjusted at GHSS Shang against the post of appellant and appellant was adjusted at the place of Respondent No.04.

**(Copies of Office Orders/letters are annexure "C-C/1").**

- 5- That the appellant feeling aggrieved of aforesaid order, filed review petition against the above mentioned office order/letter of Respondent No. 01 and which was later on withdrawn vide office order letter No. 357-59/ F.No. /ADEO (S)/ Estb Dated 04/04/2019 by Respondent No.01.

**(Copies of review /appeal and office order letter are annexure "D-D/1").**

- 6- That thereafter respondent No.01 issued the impugned office order/letter No. 1037-41/F.NO.52/DEO(M)/SEB/ADO(S)DATED Dir (U) the ; 30/ 04/ 2019 with malafide intentions, without jurisdiction and connivance of respondent No.04 thereby, the appellant approached respondents to withdraw the impugned Order/Letter as the same is illegal, void and against the law and rules on the subject, hence ineffective upon the rights of the appellant, and may be declared as illegal, null and void, not maintainable and liable to be struck down but they are reluctant to do the needful.

**(Copy of impugned office order/letter is annexure "E").**

- 7- That appellant feeling aggrieved from the order dated 30.04.2019 filed Departmental appeal followed by civil suit before the Senior Civil Judge, Dir Upper, which has been withdrawn to file appeal before this Hon'ble Tribunal but however, it is pertinent to mention here that wherein status quo was granted in favor of the appellant vide order dated 08.05.2019.

**(Copies of the Departmental appeal is annexure "F").**

- 8- That appellant feeling aggrieved from the impugned order dated 30.04.2019 filed Departmental appeal but no reply has been received so far. Hence the appellant filed the instant appeal on the following grounds amongst the others.

**GROUNDS:**

- A- That the impugned order dated 30.04.2019 issued by the respondent No.1 is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
  - B- That appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
  - C- That the impugned order is in violation of the transfer, posting policy of the provincial Government as transfer is always made in public interest and not at the whims and wishes of anyone.
  - D- That the impugned order is not a speaking order as required under the law and as such not tenable in the eyes of law.
  - E- That the impugned order is pre mature and as such liable to be struck down on this score alone.
  - F- That the Wife of the Appellant namely Miss Janat Begum is also serving in the Respondent's Department as SST (Secondary School Teacher) at GGHS, WARI, District Dir. and under the Spouse/ Wedlock policy both spouse have to work at the nearest place of their posting.
  - G- That the impugned order has been issued on the directions of the respondents No.2 and not as per transfer posting policy, thus not maintainable.
  - H- That the order is based on malafide as the appellant has made a rolling stone.
  - I- That appellant seeks permission to advance other grounds and proofs at the time of hearing/arguments.
- It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 09.08.2019

APPELLANT  
  
(ANWAR SADAT)

THROUGH:   
AKBAR ALI  
ADVOCATE, HIGH COURT,  
PESHAWAR.

4

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

**SERVICE APPEAL NO. \_\_\_\_\_/2019**

Anwar Sadat (Drawing Master) S/o Jan Zarin R/o Village Wari, Post Office Wari, District Dir Upper. ....Appellant

**V E R S U S**

1. District Education Officer, (M) DIR Upper.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Education, Government of Khyber Pakhtunkhwa, Peshawar.
4. Aslam Khan S/o Qasim Khan R/o Village Wari, Post Office Wari, District Dir Upper. .... Respondents.

**AFFIDAVIT**

I, Anwar Sadat (Drawing Master) S/o Jan Zarin R/o Village Wari, Post Office Wari, District Dir Upper, do hereby solemnly affirm and declare on oath that the contents of the accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT *Anwar Sadat*

CNIC No. 15702-7537191-9

*Anwar Sadat*  
KHALID MAHMOOD  
ATTESTED  
NOTARY PUBLIC  
PESHAWAR  
9/11/19



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

**SERVICE APPEAL NO. \_\_\_\_\_/2019**

Anwar Sadat (Drawing Master) S/o Jan Zarin .....**Appellant**

**V E R S U S**

District Education Officer, (M) DIR Upper and Others..... **Respondents.**

**ADDRESSES OF THE PARTIES**

**Appellant.**

Anwar Sadat (Drawing Master) S/o Jan Zarin R/o Village Wari, Post Office Wari, District Dir Upper.

**Respondents**

1. District Education Officer, (M) DIR Upper.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Education, Government of Khyber Pakhtunkhwa, Peshawar.
4. Aslam Khan S/o Qasim Khan R/o Village Wari, Post Office Wari, District Dir Upper.

**APPELLANT**  
*Anwar Sadat*  
**ANWAR SADAT**

Through

*AKBAR ALI*  
**AKBAR ALI**  
Advocate, High court,  
Peshawar.

8

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

SERVICE APPEAL NO. \_\_\_\_\_/2019

Anwar Sadat (Drawing Master) S/o Jan Zarin .....Appellant

**V E R S U S**

District Education Officer, (M) DIR Upper and Others ..... Respondents.

**APPLICATION FOR SUSPENSION OF THE IMPUGNED**  
**OFFICE ORDER/ LETTER No 1037-41/F.NO.52/DEO(M)**  
**/SEB/ADO (S) DATED Dir (U) the ;30/04/2019 THEREBY**  
**RESTRAINING RESPONDENTS NOT TO HANDING /**  
**TAKING OVER CHARGE AND TRANSFER /ADJUST**  
**THE APPLICANT/ APPELLANT TILL THE FINAL**  
**DISPOSAL OF THE APPEAL BY MANTAINING STATUS**  
**QUO.**

Respectfully Submitted:-

1. That this application is being filed along with the accompanying appeal, the grounds of which may kindly be considered as an integral part of this application.
2. That the applicant has got prima facie case, and is sanguine of its success as the impugned order is illegal, null & void and not maintainable.
3. That the balance of convenience lies in favour of applicant/appellant and if status quo is maintained and the applicant <sup>is</sup> not relieved, there would be no inconvenience to respondents and in case of not granting status quo, the applicant/appellant would be inconvenienced.
4. That if the respondents are not restrained from the illegal acts and omissions, the applicant/appellant will suffer an irreparable loss in shape of mental torture.

①

It is therefore most humbly, prayed that an order as prayed herein above may kindly be passed in favour of the applicant/appellant.

AND any other relief deemed proper and just in the circumstances may also be granted in favour of the applicant/Plaintiff.

Dated: 09.08.2019

Applicant/Appellant

Through

*Answer*

*Advocate.*

**AFFIDAVIT:-**

Stated on oath that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

*Answer*  
Deponent  
KHALID MAHMOOD  
ATTORNEY  
ATTESTED  
NOTARY PUBLIC  
PESHAWAR HIGH COURT

Dist. Govt. NWFP-Provincial  
District Accounts Office Dir Upper  
Monthly Salary Statement (July-2019)

8



A

**Personal Information of Mr ANWAR SADAT d/w/s of JAN ZARIN**

Personnel Number: 00278285 CNIC: 1570275371919  
Date of Birth: 16.01.1978 Entry into Govt. Service: 14.04.2005

NTN:  
Length of Service: 14 Years 03 Months 019 Days

**Employment Category: Active Temporary**

Designation: DRAWING MASTER 80708119-DISTRICT GOVERNMENT KHYBE

DDO Code: DP6169-Dir Upper

Payroll Section: 001 GPF Section: 001 Cash Center: 65  
GPF A/C No: Interest Applied: Yes GPF Balance: 349,501.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 12

Wage type		Amount	Wage type		Amount
0001	Basic Pay	37,150.00	1000	House Rent Allowance	2,727.00
1924	UAA-OTHER 20%(16 G/NG)	1,500.00	2148	15% Adhoc Relief All-2013	775.00
2175	Medical Allowance	1,451.00	2199	Adhoc Relief Allow @10%	556.00
2211	Adhoc Relief All 2016 10%	2,868.00	2224	Adhoc Relief All 2017 10%	3,715.00
2247	Adhoc Relief All 2018 10%	3,715.00	2264	Adhoc Relief All 2019 10%	3,715.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs3340	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-202.00	3990	Emp.Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp:	-1,089.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 4,032.55 Recovered till JUL-2019: 202.00 Exempted: 1612.62 Recoverable: 2,217.93

Gross Pay (Rs.): 58,172.00 Deductions: (Rs.): -5,581.00 Net Pay: (Rs.): 52,591.00

Payee Name: ANWAR SADAT

Account Number: C/A 3998-0

Bank Details: NATIONAL BANK OF PAKISTAN, 231323 WARI, DIR UPPER WARI, DIR UPPER., DIR UPPER

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: DIR

City: DIRPROPER

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Email: anwarsadatdm@gmail.com

*On*  
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Dist. Govt. NWFP-Provincial  
District Accounts Office Dir Upper  
Monthly Salary Statement (July-2019)

9



"A/1"

**Personal Information of Miss JANAT BEGUM d/w/s of KHAIRUR RAHMAN**

Personnel Number: 00278746 CNIC: 1570224122556 NTN:  
Date of Birth: 20.03.1980 Entry into Govt. Service: 23.04.1998 Length of Service: 21 Years 03 Months 010 Days

**Employment Category: Active Temporary**

Designation: SECONDARY SCHOOL TEACHER 80001948-DISTRICT GOVERNMENT KHYBE

DDO Code: DP6059-HLM GGHS WARI

Payroll Section: 001

GPF Section: 002

Cash Center: -

GPF A/C No: EDUDP000582

Interest Applied: Yes

GPF Balance:

375,671.00

Vendor Number: -

**Pay and Allowances:**

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 16

Pay Stage: 12

Wage type		Amount	Wage type		Amount
0001	Basic Pay	37,150.00	1000	House Rent Allowance	2,727.00
1550	Special Allowance	800.00	1924	UAA-OTHER 20%(16 G/NG)	1,500.00
2148	15% Adhoc Relief All-2013	705.00	2175	Medical Allowance	1,277.00
2199	Adhoc Relief Allow @10%	478.00	2211	Adhoc Relief All 2016 10%	2,612.00
2224	Adhoc Relief All 2017 10%	3,715.00	2247	Adhoc Relief All 2018 10%	3,715.00
2264	Adhoc Relief All 2019 10%	3,715.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs3340	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-214.00	3990	Emp.Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp:	-1,089.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 4,270.15 Recovered till JUL-2019: 214.00 Exempted: 1707.54 Recoverable: 2,348.61

Gross Pay (Rs.): 58,394.00 Deductions: (Rs.): -5,593.00 Net Pay: (Rs.): 52,801.00

Payee Name: JANAT BEGUM

Account Number: 3990-8

Bank Details: NATIONAL BANK OF PAKISTAN, 231323 WARI, DIR UPPER WARI, DIR UPPER., DIR UPPER

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILL GOGIAL WARI

City: DIRPROPER

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: janatbegumct@gmail.com

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OFFICE OF THE DISTRICT EDUCATION OFFICER, (MALE) DIR UPPER.

SANCTION ORDER.

In pursuance of the Finance Department Notification No. FD/SO (FR) -7-20/2015 dated 30/6/2015 and Finance Department (Regulation Wing) letter memo No. KC/FD/SO (FR)7-20/2015 -16 dated 23/02/2016 as admissible the formal sanction to the award of one step promotion from BPS no 15 to BPS No. 16 ( Rs.12910-1035-43960) to the following employees of Elementary & Secondary Education Department Dir Upper is hereby accorded with effect from 1<sup>st</sup> July 2015.

S.No	Name of Teacher	Designation	School	Remarks
01	Rahmat Zarin	D.M	GMS Rokhan	---
02	Bakht Zada	D.M	GMS Sheratkal	--
03	Anwar Sadat	D.M	GMS Shung	---
04	Saif ur Rahman	D.M	GMS Pataw	---
05	Siraj ud Din	D.M	GMS Nasir Abad	---
06	Hamidullah	D.M	GMS Bandi Bala	--
07	Wahidullah	D.M	GMS Gandat	--
08	Farooq Mahmood	D.M	GMS Surbat	---
09	Ashfaq Ahmad	D.M	GMS Katigam	--
10	Samiullah	D.M	GMS Chappar	--
11	Imad ud Din	D.M	GMS Dir Khan	--
12	Masihullah	D.M	GMS Matar	--
13	Javed Iqbal	D.M	GMS	---
14	Aslam Khan	D.M	GMS Saqib Abad	---
15	Saeedullah	D.M	GMS Rehankot	---

Note:- Necessary entries to this effect should be made in their service books accordingly.

(Moin ud Din Khatak)  
District Education Officer,  
Dir Upper.

Endst: No. 967-71 / F.No.52/DEO (M) Dir(U)/SEB Dated Dir the 12/4/2016.

Copy forwarded to the:-

01. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
02. District Accounts Officer Dir Upper.
03. Deputy District Education Officer (Male) local office.
04. Principals/ Head Masters concerned.
05. Teachers concerned.

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District Education Officer,  
Dir Upper.



# OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

Dir Upper (Phone # 0944-884100) E-mail: [deomdirupper@gmail.com](mailto:deomdirupper@gmail.com)

## OFFICE ORDER

Consequent upon their promotion from D.Ms, ATs, PETs BPS-15 to the post of Senior (DM), Senior AT, Senior PET PBS-16 (Rs. 18910-1520-64510) plus usual allowance as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and conditions given below with immediate effect vide Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Notification Endst No.4591-96/F.No.1/Promotion Senior Teachers (B-16)2019 Peshawar the Dated: 22-02-2019 they are hereby further adjusted in the schools noted against each with immediate effect.

### 1. DM to Senior Drawing Master (BPS-16),

S.#	Sen:#	Name of Teacher	Present School	School where Adjusted	Remarks
1	02	Aslam Khan	GMS Kaskay Karpai	GHSS Gamseer	A.V.P
2	04	Khurshid Alam	GMS Jandrai	GHS Bin Bala	A.V.P

### 2. AT to Senior AT (BPS-16),

1	41	Nazir Ud Din	GMS Chiragali	GHSS Qulandai	Promoted to SAT BPS-16 Vice No.2
2		Ajbar Khan SAT BPS-16	GHSS Qulandai	GHS Rokhan	Adjusted against Vice No.3 SAT Post
2		Muhammad Ismail (AT) B-15	GHS Rokhan	GMS chiragali	Adjusted against Vice No.1 BPS-15 AT Post

### 3. PET to Senior PET (BPS-16),

1	1	Majid Ullah	GMS Bandagai	GHS Shingara	Promoted to SPET BPS-16 Vice No.2
		Sarfraz Khan PET B-15	GHS Shingara	GMS Bandagai	Adjusted against Vice No.1 BPS-15 Post

### TERMS AND CONDITIONS:-

- 01- They would be on probation for a period one year extendable for another one year.
- 02- They will be governed by such rules and regulations as may be issued from government time to time.
- 03- Their services can be terminated at any time, in case their performance is found unsatisfactory during the probation period. In case of miss-conduct they will be preceded under the rules framed from time to time.
- 04- Charge reports should be submitted to all concerned.
- 05- Their enter-se-Seniority on lower post will remain intact.
- 06- No /TA/DA is allowed for joining their new post.
- 07- They will give an undertaking to be recorded in their service books to the effect that if any overpayment is made to them in light of this order will be recovered and if they are wrongly promoted. They will be reversed to the previous post.
- 08- Before handing over charge their document may be checked if they have not the required/relevant qualifications as per rules, they may not be handed over charge of the post.

(MUHAMMAD TAHIR)  
DISTRICT EDUCATION OFFICER (M)

DIR UPPER

Endst No. 43-46 /F.No.52/DEO (M)/Estb (S) Dated: 22 / 03 /2019

Copy forwarder for information to the:-

- 01- Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 02- District Accounts Officer Dir Upper.
- 03- Principal/Head Master/In-charge concerned.
- 04- Teachers concerned.

  
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# OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

Dir Upper (Phone # 0944-884100) E-mail: deomdirupper@gmail.com

## OFFICE ORDER

Consequent upon their promotion from D.Ms, ATs, PETs BPS-15 to the post of Senior (DM), Senior AT, Senior PET, BPS-16 (Rs. 18910-1520-64510) plus usual allowance as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and conditions given below with immediate effect vide Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Notification Endst No.4591-96/F.No.1/Promotion Senior Teachers (B-16)2019 Peshawar the Dated: 22-02-2019 they are hereby further adjusted in the schools noted against each with effect from 01/03/2019.

### 1. DM to Senior Drawing Master (BPS-16)

S.#	Sen:#	Name of Teacher	Present School	School where Adjusted	Remarks
1	02	Aslam Khan	GMS Kaskay Karpat	GHSS Shang	
2	04	Khurshid Alam	GMS Jandrai	GHS Bin Bala	Vice No.3
3		Anwar Sadaat	GHSS Shang	GMS Kaskay Karpat	A.V.P Vice No.1

### 2. AT to Senior AT (BPS-16)

S.#	Sen:#	Name of Teacher	Present School	School where Adjusted	Remarks
1	415	Nazir Ud Din	GMS Chiragall	GHSS Qulandal	Promoted to SAT BPS-16 Vice No.2
2		Ajbar Khan SAT BPS-16	GHSS Qulandal	GHS Rokhan	Adjusted against Vice No.3 SAT Post
2		Muhammad Ismail (AT) B-15	GHS Rokhan	GMS Chiragall	Adjusted against Vice No.1 BPS-15 AT Post

### 3. PET to Senior PET (BPS-16)

S.#	Sen:#	Name of Teacher	Present School	School where Adjusted	Remarks
1	1	Majid Ullah	GMS Bandagal	GHS Shingara	Promoted to SPET BPS-16 Vice No.2
2		Sarfraz Khan PET B-15	GHS Shingara	GMS Bandagal	Adjusted against Vice No.1 BPS-15 Post

### TERMS AND CONDITIONS:

- 01- They would be on probation for a period one year extendable for another one year.
- 02- They will be governed by such rules and regulations as may be issued from government time to time.
- 03- Their services can be terminated at any time, in case their performance is found unsatisfactory during the probation period. In case of miss-conduct they will be preceded under the rules framed from time to time.
- 04- Charge reports should be submitted to all concerned.
- 05- Their enter-se-Seniority on lower post will remain intact.
- 06- No TA/DA is allowed for joining their new post.
- 07- They will give an undertaking to be recorded in their service books to the effect that if any overpayment is made to them in light of this order will be recovered and if they are wrongly promoted. They will be reversed to the previous post.
- 08- Before handing over charge their document may be checked if they have not the required/relevant qualifications as per rules, they may not be handed over charge of the post.

**MUHAMMAD TAHIR**  
DISTRICT EDUCATION OFFICER (M)  
DIR UPPER

Endst No: 179-75 F.No:52/DEO (M)/Estb (S) Dated: 01/1/4/2019

Copy forwarder for information to the:-

- 01- Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 02- District Accounts Officer Dir Upper.
- 03- Principal/Head Master/In-charge concerned.
- 04- Teachers concerned.

**MUHAMMAD TAHIR**  
DISTRICT EDUCATION OFFICER (M)  
DIR UPPER

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بخدمت جناب مشیر تعلیم خیر بخت خواہ (3) (13)

محوالہ درخواست برائے اظہر ثانی SDM پروموشن آرڈر نمبر 43-46 اور 75-78

"D"

جناب عالی

موردیہ گزارشیں ہیں کہ ڈیر بالا میں حالیہ پروموشن کے آرڈر جسٹسٹ  
 آرڈر میں بعض سے زیادتی کی گئی ہے جس میں GHSS سٹنڈ ڈیر بالا میں DM لی بی ایس 16  
 کے جسٹس سے ایفے فراہم منعی سر انجام دے رہا ہوں۔ GHSS سٹنڈ میں صرف  
 DM لی بی ایس 15 کا Sanctioned پوسٹ موجود ہے۔ 22/03/2019 کو DEO  
 مردانہ ڈیر بالا نے Adjustment آرڈر کیا تھا۔ اور اس آرڈر کے منظر عام پر آنے والا  
 گیا اس آرڈر کا نقل درخواست ہی کے ساتھ منسلک ہے۔ اس آرڈر میں اسلم  
 خان SDM کا ایڈجسٹمنٹ GHSS کا مسیئر ڈیر بالا میں حالیہ پوسٹ  
 پر کیا گیا تھا۔ اور بعد میں در سر آرڈر 19-4-19 کو دوبارہ کیا گیا جس میں  
 اسلم خان کو GHSS سٹنڈ میں مسیئر جگہ ایڈجسٹ کیا گیا ہے اور میرا تبادلہ  
 GHSS کے کٹر پکٹ کو کیا گیا ہے۔ GHSS کے کٹر پکٹ میرے کٹر پکٹ کا کٹو میٹر  
 دور ہے۔ وہاں ٹرانسپورٹ کی سہولت بھی ہے۔ میری وائف (Wife) بھی  
 GHSS کے ریٹری بل میں آسے پورڈ لوٹی انجام دے رہی ہے۔ میرے گھر میں میرے  
 علاوہ کو دوسرا فرد نہیں ہے اور میں اپنے بیٹوں اور wife کو گھر میں آگیا  
 ہوں جو پورڈ سکتا۔ Wedlock پالیسی کے مطابق میرے حال پر رحم فرمائیں۔  
 اس لئے آپ صاحبان کی خدمت اقدس میں عرض کی جاتی ہے کہ اسلم  
 خان SDM کے ایڈجسٹمنٹ GHSS کا مسیئر پر کرنے کے احکامات  
 کے تحت عملدرآمد ہو سکتا ہے۔

بزرگہ عیسیٰ دعا اور دعا ہے

انجمن اعلیٰ اذیت اور اذیت  
 16 لی بی ایس 16  
 GHSS سٹنڈ ڈیر بالا  
 مورخہ 3-4-2019

(PTO) DEO (M)  
 Div Upper  
 Resolved as per his order dated 3/4/19  
 and resolved as desired by CM  
 03/04/19

TESTED TO BE TRUE COPY

DEO(M) Dir(Upper)

---

Cancel order No 172-73  
dated 01/01/2019

Secretary & Secretary General  
Ministry of Education  
Kuala Lumpur, Malaysia  
/miller

DDO(M)

3/4/19

Do as directed by the Director

Fr  
3/4/19

6

19

11D/11

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DISTRICT DIR UPPER.

OFFICE ORDER.

As per direction of worthy Director E&SE Khyber Pakhtunkhwa on the body of appeal submitted by Mr, Anwar Sadat DM GHS Shang, Office order issued vide this office No:-172-75 Dated:-01/04/2019 is hereby with drawn from the date of its issuance, how order bearing Endst No: -43-46 dated: 22/03/2019 will remain intact and valid.


All the teachers are directed to compliance with the order in letter and spirit.

DISTRICT EDUCATION OFFICER  
MALE DIR UPPER

Endst No 257-59 / F: No; /ADEO(S)/Estab/ Dated Dir Upper the: 04/04/2019.

Copy forwarded to:

- 1- Director Elementary & Secondary Education Khyber Pakhtunkhwa for information.
- 2- Principals Head masters concerned for information.
- 3- Official concerned.

  
DISTRICT EDUCATION OFFICER  
MALE DIR UPPER

  
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(S)

(15)

"E"

**OFFICE OF THE  
DISTRICT EDUCATION OFFICER, MALE DIR UPPER.**  
PH NO.0944-881400 FAX -0944-880411 Email [deomdirupper@gmail.com](mailto:deomdirupper@gmail.com)

**OFFICE ORDER.**

As per direction of worthy Director E&SE Khyber Pakhtunkhwa, Mr. Aslam Khan adjustment order vide this office No.357-59 dated 04-04-2019 is hereby cancelled. Due the post of GHS Shung upgraded from DM BPS-15 to BPS-16 SDM, according to the policy Mr. Aslam Khan SDM newly promoted is hereby adjusted at GHS Shung against SDM BPS-16 post & Mr. Anwar Sadat DM BPS-15 adjusted at GMS Kaskai Karpal Dir Upper against DM BPS-15 vacant post. This office issued order No. 172-75 /F.No.52/DEO(M)/Estab(S) dated 01-04-2019 is hereby stand.

/

**DISTRICT EDUCATION OFFICER,  
(MALE) DIR UPPER.**

No. 1037-41 /F.No.52/DEO(M)/SEB/ADO(S) Dated Dir (U) the: 30/04 2019.  
Copy forwarded for information to:-

- 01- Director of E&SE Khyber Pakhtunkhwa Peshawar.
- 02- District Accounts Officer Dir Upper.
- 03- Dy: District Education Officer.
- 04- Head Master Concerned.
- 05- Accountant Concerned.
- 06- Officials Concerned.
- 07- Office Record.

  
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**DISTRICT EDUCATION OFFICER,  
(MALE) DIR UPPER.**

خدمت جناب ڈائریکٹر ایمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ

NO- 1037-41/F.NO52/DEO (M) / SEB / ADO (S) عنوان: درخواست اپیل برائے تینخ ارڈر

F 1

Dated the 30-04-2019

جناب عالی

مودبانہ گزارش یہ ہے کہ میں محسبیت DM (BPS -16) GHS شنگ میں اپنی ڈیوٹی سرانجام دے رہا ہوں۔ حالیہ پروموشن ارڈر میں اسلم خان DM کو GHSS گام سیر میں SDM کی خالی پوسٹ پر ارڈر نمبر Dated /22/03/2019 کے مطابق ایڈجسٹ کیا گیا تھا۔ پھر دس دن بعد اس کا ایک دوسرا ارڈر کیا گیا جو کہ over transfer تھا دوسرے ارڈر کا نمبر 01/04/2019 Dated 172-75 ہے۔ میں نے وارسی کے لئے آپ کی خدمت اقدس انصاف کی درخواست کی جس پر آپ صاحبان نے اس مسئلے کو میرٹ کی بنیاد پر حل کرنے کے احکامات جاری کیئے۔ جس پر عمل کرتے ہوئے DEO دیر بالا نے ارڈر نمبر 357-59 مورخہ 04/4/2019 کے مطابق ارڈر نمبر 172-75 مورخہ 1/04/2019 کو منسوخ کیا اور ارڈر نمبر Dated 22/03/2019 43-46 کو بحال کیا اور اسلم خان کو GHSS گام سیر میں محسبیت SDM چارج لینے کے احکامات جاری کیئے۔ لیکن اس نے ارڈر نمبر 357-59 کو obey نہیں کیا ہے۔ اس طرح پھر اس نے اثرسوخ کو استعمال کرتے ہوئے مورخہ 30/04/2019 کو ایک اور ارڈر کر دیا۔ جس کا نمبر 1037-41 ہے۔ جس میں مجھے بہت دور GMS کسکے کرپاٹ ٹرانسفر کیا گیا ہے۔ میری بیوی بھی محکمہ تعلیم میں SST(G) کی حیثیت سے GGHSS wari bala میں اپنی ڈیوٹی سرانجام دے رہی ہے۔ اس لئے wedlock پالیسی کے مطابق میرا حق دیا جائے۔ میرے گھر میں کوئی زمین بیٹا بھی نہیں ہے کہ وہ میرے عدم موجودگی میں گھر کی حفاظت کر سکے۔ اسلئے آپ صاحبان کی خدمت میں میں نہایت اٹھساری کے ساتھ گزارش کی جاتی ہے کہ ارڈر نمبر 1037-41-No-52/DEO(M)/SEB/ADO(S) کو Dated the 30/04/2019 منسوخ کرنے کے احکامات صادر فرما کر مکھور فرماویں۔ ضروری کاغذات درخواست حذا کے ساتھ منسلک ہیں۔ بندہ عمر بھر دعا گو رہے۔

مورخہ 7-5-2019

العارض

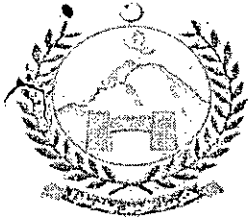
Amended

انور سادات ڈرننگ ماسٹر GHS Shang دیر بالا

655

7/5/19

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(17)

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA PESHAWAR.**

No. 4712/F. No 12/PST(Male) General.  
Dated Peshawar the 17/05/2019.

To,

The District Education Officer (M)  
Dir Upper.

Subject: - **APPEAL.**

Memo:-

I am directed to refer to the appeal and on the subject cited above along with an application in respect of Mr. Anwar Sadat DM GHS Shang District Dir Upper, deal the case as per rules/policy.

*17/5/2019*  
Assistant Director (Estab)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.



Endst: No. \_\_\_\_\_/

Copy forwarded to the:-

01. P.A to Director Elementary and Secondary Education local office.

*S-d*  
Assistant Director (Estab :)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.

*Q*  
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وقت 50	20198	PBA PESHAWAR BAR ASSOCIATION		
ایڈویکیٹ:		پیش اور بار ایسوسی ایشن ڈیپٹی چیئرمین پختونخواہ		
بار کونسل ایسوسی ایشن نمبر:				
رابطہ نمبر:				

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPELLANT	پنجاب:	دعویٰ:
ANWAR SADAT		علت نمبر:
بینام		موضوع:
DEO (M) DIR UPPER		جرم:
AFZAL SHAH		تہقاند:

**باعت تحریر آگے**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی متعلقہ  
 FAZAL SHAH MOHAMMAD ASLI  
 PESHAWAR کے لیے AKBAR ALI Advocate & کوویل مقرر  
 کے آقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 رضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کے طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 سوا کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی اجلہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے  
 المرقوم:

**PESHAWAR BAR ASSOCIATION  
 KHYBER PAKHTUNKHWA**

مقام کے لیے منظور ہے۔

Accepted  
 9-8-2019

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 309

LECTURE 10

1954

LECTURE 10



**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

OF 2019

Anwar Sadat

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Department

(RESPONDENT)  
(DEFENDANT)

I/We Aslam Khan

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 12 / 9 / 2019

Aslam  
CLIENT

ACCEPTED  
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&  
MIR ZAMAN SAFI  
ADVOCATES

OFFICE:  
Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Mobile No.0345-9383141

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

**C.M. NO. \_\_\_\_\_/2019**

**IN**

**APPEAL NO.1050/2019**

**ANWAR SADAT**

**VS**

**EDUCATION DEPTT:**

**APPLICATION ON BEHALF OF THE PRIVATE  
RESPONDENT NO.4 (MR. ASLAM KHAN, SDM) FOR  
VACATION OF STATUS QUO/SUSPENSION ORDER  
DATED 27.08.2019 ISSUED BY THIS AUGUST TRIBUNAL  
IN THE ABOVE TITLED SERVICE APPEAL**

**R/SHEWETH:**

- 1- That the above mentioned service appeal is pending adjudication before this august Tribunal which is fixed for hearing today on 25.09.2019.
- 2- That appellant filed the above mentioned appeal against the order dated 30.04.2019 whereby the appellant was posted as DM (BPS-15) at GMS Kaskai Karpat, Dir Upper, while the private respondent being senior to the appellant was promoted to the post SDM (BPS-16) and further adjusted at GHS Shung, Dir Upper. Copy of the seniority list is attached as annexure.....**A.**
- 3- That in response to the said order dated 30.04.2019 the private respondent took over the charge against the post SDM (BPS-16) at GHS Shung, Dir Upper and started performing his duty. Copy of the charge report is attached as annexure.....**B.**
- 4- That this Tribunal suspended the transfer order dated 30.04.2019 vide order sheet dated 27.08.2019 "the operation of the impugned order dated 30.04.2019 shall remain suspended, if not already acted upon". Copy of the order sheet is attached as annexure.....**C.**
- 5- That basically the appellant is serving as DM (BPS-15) which is available at GMS Kaskai, Karpat, Dir Upper while the post SDM (BPS-16) is available at GHS Shung (BPS-16), therefore, both the employees were adjusted on their right position in stations mentioned above.
- 6- That the appellant cannot satisfy all the three necessary ingredients under order 39 rules 1 and 2 which is must according to the Supreme Court, Judgments.

7- That no prior notice has been issued to the appellant before issuance of the status quo order dated 27.08.2019.

8- That as the order has been passed by the proper Government authority; therefore under 56 (d) of the Specific Relief Act such order cannot be stayed/suspended.

It is therefore, most humbly requested that the status quo/suspended order dated 27.08.2019 granted by this august Tribunal in favor of the appellant may very kindly be vacated.

PRIVATE RESPONDENT NO.4

  
**ASLAM KHAN**

THROUGH:

  
**NOOR MOHAMMAD KHATTAK**

  
**MIR ZAMAN SAFI**  
**ADVOCATE**

A-3

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DIR UPPER**  
**SENIORITY LIST OF DRAWING MASTER BPS-15 (M), CORRECTED UP TO 15/08/2018**

1	2	3	4	5	6	7	8	9	10	11	12
S.No	Name of Teacher	Father's Name	D-O Birth	Designation	Name of School	Ac: Qualif:	Prof: Qualif:	Division	D-O 1st Apptt: in Edu Dept	D-O regular Apptt: as DM 8-15	Remarks
1	Sher Zamin	Sher Zada	14/03/1972	DM B-15	GMS Sundal	FA	DM	2nd	05/04/1999	05/04/1999	Not Eligible
2	Aslam Khan	Qasim Khan	15/05/1977	DM B-15	GMS Kaskai Karpal	BA	DM	2nd	15/12/1999	28/12/2004	Eligible
3	Saeedullah	Amir Khan	02/07/1972	DM B-15	GMS Rehankot	MA	DM/M.Ed	2nd	31/12/1999	28/12/2004	Refused
4	Khurshid Alam	Bakht Alam	20/01/1971	DM B-15	GMS Jandari	BA	DM	2nd	01/01/2000	28/12/2004	Eligible
5	Farooq Mehmood	Jehan Zeb	01/12/1976	DM B-15	GMS Surbat	MA	DM	2nd	01/01/2000	28/12/2004	
6	Rahmat Zarin	Zarin Khan	02/01/1978	DM B-15	GMS Rokhan	BA	DM	2nd	01/01/2000	28/12/2004	
7	Muhammad Inayatullah	Ali Zer Shah	21/04/1974	DM B-15	GHS Beyar	MA	DM	2nd	14/04/2005	14/04/2005	
8	Ashfaq Ahmad	Gul Khan	03/02/1977	DM B-15	GMS Patao	BA	DM	2nd	14/04/2005	14/04/2005	
9	Javid Iqbal	Gul Bahadar	04/01/1978	DM B-15	GMS Kandow Jaber	BA	DM	2nd	14/04/2005	14/04/2005	
10	Anwar Sadat	Jehan Zarin	16/01/1978	DM B-15	GMS Shang	BA	DM	2nd	14/04/2005	14/04/2005	
11	Sher Nawab Khan	Qalandar Khan	05/02/1978	DM B-15	GHS Jelar	BA	DM	2nd	14/04/2005	14/04/2005	
12	Masihullah	Shafiullah	04/10/1978	DM B-15	GMS Mattar	MA	DM/B.Ed	2nd	14/04/2005	14/04/2005	
13	Mujahid Shah	Mohd Zahir shah	16/05/1979	DM B-15	GMS Barkand	BA	DM	1st	14/04/2005	14/04/2005	
14	Gul Sher Khan	Bawar Khan	07/10/1979	DM B-15	GMS Balkore	BA	DM/B.Ed	1st	14/04/2005	14/04/2005	
15	Samiullah	Ahmad	03/01/1980	DM B-15	GMS Umrilai	MA	DM	2nd	14/04/2005	14/04/2005	
16	Hanifullah	Kashar Khan	02/02/1980	DM B-15	GMS Bandi(B)	BA	DM	2nd	14/04/2005	14/04/2005	
17	Sahib Zada	Lal Mohd	03/02/1980	DM B-15	GMS Katigam	BA	DM	2nd	14/04/2005	14/04/2005	
18	Bakht Zada	Mohd Zamin	03/12/1980	DM B-15	GMS Shertkal	MA	DM/M.Ed	2nd	14/04/2005	14/04/2005	
19	Sirajud Din	Mian Jan	03/07/1982	DM B-15	GMS Nasir Abad	MA	DM/B.Ed	2nd	14/04/2005	14/04/2005	
20	Wahidullah	Mohd Afzal	02/10/1983	DM B-15	GMS Achar (B)	BA	DM	2nd	14/04/2005	14/04/2005	
21	Saifur Rahman	Badshah Rahim	04/11/1983	DM B-15	GMS Pataw	BA	DM	2nd	14/04/2005	14/04/2005	
22	Hakim Khan	Mian Abdullah	02/12/1976	DM B-15	GMS Doon Serai	BA	DM	1st	14/05/2005	14/05/2005	
23	Muhammad Ali	Sher Zor Khan	15/03/1978	DM B-15	GMS Kakad	BA	DM	2nd	05/10/2005	05/10/2005	
24	Burhanud Din	Abas Khan	28/04/1983	DM B-15	GMS Shawoor	BA	DM	2nd	12/01/2006	03/01/2009	
25	Muhammad Tayab	Ahmad Rahim	01/01/1987	DM B-15	GMS Sundal	BA	DM	2nd	12/01/2006	03/01/2009	
26	Alam Zeb Ali Shah	Mian Mohd Rafiq	04/03/1982	DM B-15	GMS Shamorgar	MA	DM	2nd	12/04/2006	03/01/2009	

*Handwritten signature and stamp:*  
 District Education Officer  
 Male Dir Upper

District Education Officer  
 Male Dir Upper

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27	Shahabud Din	Amir Hasham Khan	13/02/1987	DM B-15	GMS Duro	MA	DM	2nd	20/11/2008	03/01/2009
28	Bakht Wali Khan	Badrud Din	03/02/1981	DM B-15	GMS Almas	BA	DM	2nd	03/01/2009	03/01/2009
29	Mohammad Dost	Ali Stan	04/12/1984	DM B-15	GMS Sunnai	BA	DM	2nd	03/01/2009	03/01/2009
30	Aziz Ahmad	Sher Mohammad	25/04/1987	DM B-15	GMS Changal	MA	DM	2nd	03/02/2009	03/02/2009
31	Inamur Rahman	Sultan Mohammad	04/08/1981	DM B-15	GHS Bela	MA	DM	2nd	03/02/2009	03/02/2009
32	Imran Khan	Mohd Yousaf	06/09/1982	DM B-15	GMS Bandagai	BA	DM	2nd	03/02/2009	03/02/2009
33	Inayatul Haq	Mohd Amin	04/07/1985	DM B-15	GMS Tarpatar	MA	DM	2nd	03/02/2009	03/02/2009
34	Rahmanullah	Fazal Raziq	17/02/1986	DM B-15	GMS Kaskai Karpai	BA	DM	2nd	03/02/2009	03/02/2009
35	Saifur Rahman	Waliur Rahman	02/01/1987	DM B-15	GMS Bandan	BA	DM	2nd	03/02/2009	03/02/2009
36	Asadullah	Saeedullah	25/04/1987	DM B-15	GMS Shahikot	BA	DM	2nd	03/02/2009	03/02/2009
37	Sanaullah	Said Rahmat	06/06/1988	DM B-15	GMS Hattan	MA	DM	2nd	03/02/2009	03/02/2009
38	Ashfaq Ahmad	Fida Muhammad	20/04/1985	DM B-15	GMS Kass Chindakot	MA	DM/M.Ed	1st	01/12/2006	01/03/2009

Ala

A. H. H. H.  
Asst. Dir. Education  
District Sports/Phy. (M)  
District Dir. Upper

Charge Report

B-5

It is certified that Mr Aslam Khan

SDM took the charge of his duty

at G.H.S Shang to day on 03-05-2019

before noon. According to the order No

1037-41/F No 52/DEO (M) / SEB/ADO (S) Dir

Dated 30-04-2019.

Endost No - 647

Charge taken by  
Aslam Khan SDM

Shang

Change handedover by  
Headmaster GHS

Head Master  
GHS Shang  
District Dir (U)

AUG 29, 2019 9:28:17 AM



C-6

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

Khyber Pakhtunkhwa  
Service Tribunal

SERVICE APPEAL NO. 1050 /2019

Case No. 1169  
Date 09/18/2019

Anwar Sadat (Drawing Master) S/o Jan Zarin R/o Village Wari, Post Office Wari, District Dir Upper. ....Appellant

**VERSUS**

1. District Education Officer, (M) DIR Upper.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Education, Government of Khyber Pakhtunkhwa, Peshawar.
4. Aslam Khan S/o Qasim Khan R/o Village Wari, Post Office Wari, District Dir Upper. .... Respondents.

APPEAL UNDER SECTION 4 OF THE SERVICES TRIBUNAL ACT, 1974 BY ALL ENABLING PROVISIONS OF LAW GOVERNING THE SUBJECT AGAINST THE IMPUGNED ORDER/ LETTER No 1037-41/F.NO.52/DEO(M) /SER/AIO (S) DATED Dir (U) the 30/04/2019 ISSUED BY RESPONDENT NO. 01 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Filed to Day  
Registrar

**PRAYER:**

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

On acceptance of this appeal the impugned ORDER/ LETTER NO 1037-41/F.NO.52/DEO(M) /SER/AIO (S) DATED DIR (U) THE : 30/04/2019 may very kindly be set aside and the respondents may kindly be directed to act in accordance with law and the appellant be allowed to work at the place of posting (GHS Shang) and Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**RESPECTFULLY SIGNED:**

**ON FACTS:**

1. That appellant is bonafide resident of District Dir Upper and is employoe of the respondent's Department and is serving as Drawing Master (BPS-16) at Government High School, Shang . District Upper Dir. That right from appointment till date the

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27.08.2019

Counsel for the appellant present.

Contends that the appellant was granted one step promotion from BPS-15 to BPS-16 vide sanction order dated 12.04.2016 and for all practical purposes he was considered as Senior D.M as noted in office order dated 01.04.2019. Despite the appellant was transferred/adjusted at GMS Kaskay Karpal Dir Upper from GHS Shang purportedly on the ground that the respondent No. 4 was newly promoted and the post of D.M BPS-15 was upgraded to BPS-16 at GHS Shang. Further stated that the wife of appellant is performing duty as SST (General) at GGHSS Wari Bala, therefore, the impugned adjustment dated 30.04.2019 is also against the wedlock policy of civil servants issued by the Provincial Government.

In view of available record and arguments of learned counsel instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 12.09.2019 before S.B.

The appeal is accompanied by an application for suspension of operation of impugned order dated 30.04.2019. Notice of the application be given to the respondents for the date fixed. The operation of order dated 30.04.2019 shall remain suspended till next date of hearing, if not already acted upon.

Certified to be true copy

CHIEF  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Chairman

Date	28-8-19
Number of Words	1200
Copying fee	12-
Urgent	4-
Total	16-
No.	28-8-19
...	28-8-19



**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA  
PESHAWAR**

Service appeal No .....1050/2019.

Mr. Anwar Sadat (Drawing Mastar) S/O Jan Zarin R/O Village Wari, Post office Wari District  
Dir Upper-----Appellant.

**Versus**

1. District Education Officer Male Dir Upper.
2. The Director Elementary & Secondary Education Peshawar.
3. Secretary, Education, Govt of Khyber Pakhtunkhwa Peshawar Peshawar.
4. Aslam Khan S/O Qisam Khan R/O Village Wari District Dir Upper.  
-----Respondents.

**Written reply on behalf of respondents.**

**Respectfully sheweth**

**PRELIMINARY OBJECTIONS**

1. That the appellant has no cause of action.
2. That the appellant has not come to the Service Tribunal with clean hands.
3. That the appellant has been, stopped by his own conduct to file the instant appeal.
4. That the appellant has no locus standii.
5. That the appeal is not maintainable in its present form.
6. That the appeal is time barred.
7. That the appeal is bad due to non-joinder and misjoinder of necessary parties.

**OBJECTIONS ON FACTS.**

1. Pertain to the personal record of the appellant, hence need no comments.
2. Pertain to the personal record of the appellant, hence need no comments.
3. Incorrect and it is submitted in this regard that the appellant was awarded one step

promotion (Personal Pay Scale, non gazetted BPS,16) while the respondent No,4 namely Aslam Khan was promoted from the post of Drawing Master (DM) to senior Drawing Master (SDM) and was awarded regular BPS,16.

4. Incorrect, and it is submitted in this regard that the Drawing Master (DM) post is BPS,15 while the senior Drawing Master (SDM) is of BPS No, 16 and it is further submitted that the DM/DM of personal pay scale No, 16 are drawing salary against Drawing Master position code. While the SDM,s have been drawing salaries against the position codes of SDM BPS,16. It is worth mentioning to say that the DM one posts of three kinds.

- i. DM BPS,15.
- ii. DM BPS, 16 personal pay scale non-gazetted and having the position code of BPS,15.

- iii. SDM BPS NO, 16 and possessing position code of BPS.16.
5. The respondents have acted in accordance with law and policy.
6. Incorrect , hence denied.
7. Incorrect , hence denied.
8. Incorrect, hence denied.

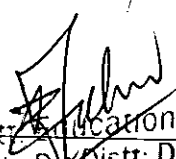

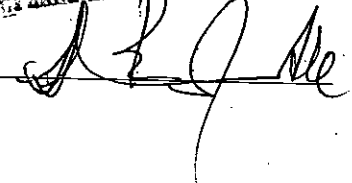
**OBJECTIONS ON GROUNDS**

- A. Incorrect. The impugned order dated 30-04-2019 is according to law, facts and norms.
- B. Incorrect, the appellant has been treated in accordance with law and as such no violation of any law.
- C. Incorrect, the impugned order is in accordance with transfer/posting policy of provincial Government.
- D. Incorrect.
- E. Incorrect
- F. Incorrect, spouses /wife & husband are performing their respective duties of there domiciles within the radius of 15 KM.
- G. Incorrect.
- H. Incorrect.

**PRAYER**

It is therefore, humbly prayed that on acceptance of this comments, the appeal may kindly be dismissed with cost in the favor of respondents please.

**RESPONDENTS**

1. District Education Officer (M) Dir Upper   
District Education Officer  
Male Dir Dist: Dir Upper
2. Director E&SE KPK Peshawar   
Director  
Elementary Education  
Khyber Pakhtunkhwa Peshawar
3. Secretary E&SED KPK Peshawar 

A-3

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DIR UPPER  
 SENIORITY LIST OF DRAWING MASTER BPS-15 (M), CORRECTED UP TO 15/08/2018

1	2	3	4	5	6	7	8	9	10	11	12
S.No	Name of Teacher	Father's Name	D-O Birth	Designation	Name of School	Ac: Qualif:	Prof: Qualif:	Division	D-O 1st Apptt: in Edu Dept	D-O regular Apptt: as DM B- 15	Remarks
1	Sher Zamin	Sher Zada	14/03/1972	DM B-15	GMS Sundal	FA	DM	2nd	05/04/1999	05/04/1999	Not Eligible
2	<del>Aslam Khan</del>	Qasim Khan	15/05/1977	DM B-15	GMS Kaskal Karpat	BA	DM	2nd	15/12/1999	28/12/2004	Eligible
3	Saeedullah	Amir Khan	02/07/1972	DM B-15	GMS Rehankot	MA	DM/M.Ed	2nd	31/12/1999	28/12/2004	Refused
4	Khurshid Alam	Bakht Alam	20/01/1971	DM B-15	GMS Jandari	BA	DM	2nd	01/01/2000	28/12/2004	Eligible
5	Farooq Mehmood	Jehan Zeb	01/12/1976	DM B-15	GMS Surlat	MA	DM	2nd	01/01/2000	28/12/2004	
6	Rahmat Zarin	Zarin Khan	02/01/1978	DM B-15	GMS Rokhan	BA	DM	2nd	14/04/2005	14/04/2005	
7	Muhammad Inayatullah	Ali Zer Shah	21/04/1974	DM B-15	GHS Beyar	MA	DM	2nd	14/04/2005	14/04/2005	
8	Ashfaq Ahmad	Gul Khan	03/02/1977	DM B-15	GMS Patao	BA	DM	2nd	14/04/2005	14/04/2005	
9	Javid Iqbal	Gul Bahadar	04/01/1978	DM B-15	GMS Kandow Jaber	BA	DM	2nd	14/04/2005	14/04/2005	
10	<del>Anwar Sadat</del>	Jehan Zarin	16/01/1978	DM B-15	GMS Shang	BA	DM	2nd	14/04/2005	14/04/2005	
11	Sher Nawab Khan	Qalandar Khan	05/02/1978	DM B-15	GHS Jelar	MA	DM/B.Ed	2nd	14/04/2005	14/04/2005	
12	Masihullah	Shafiqullah	04/10/1978	DM B-15	GMS Mattar	BA	DM	1st	14/04/2005	14/04/2005	
13	Mujahid Shah	Mohd Zahir shah	16/05/1979	DM B-15	GMS Barkand	BA	DM/B.Ed	1st	14/04/2005	14/04/2005	
14	Gul Sher Khan	Bawar Khan	07/10/1979	DM B-15	GMS Balkore	MA	DM	2nd	14/04/2005	14/04/2005	
15	Samiullah	Ahmad	03/01/1980	DM B-15	GMS Umralai	BA	DM	2nd	14/04/2005	14/04/2005	
16	Hanifullah	Kashar Khan	02/02/1980	DM B-15	GMS Bandi(B)	BA	DM	2nd	14/04/2005	14/04/2005	
17	Sahib Zada	Lal Mohd	03/02/1980	DM B-15	GMS Katigam	MA	DM/M.Ed	2nd	14/04/2005	14/04/2005	
18	Bakht Zada	Mohd Zamin	03/12/1980	DM B-15	GMS Shertkal	MA	DM/B.Ed	2nd	14/04/2005	14/04/2005	
19	Sirajud Din	Mian Jan	03/07/1982	DM B-15	GMS Nasir Abad	BA	DM	2nd	14/04/2005	14/04/2005	
20	Wahidullah	Mohd Afzal	02/10/1983	DM B-15	GMS Achar (B)	BA	DM	2nd	14/04/2005	14/04/2005	
21	Saifur Rahman	Badshah Rahim	04/11/1983	DM B-15	GMS Pataw	BA	DM	1st	14/05/2005	14/05/2005	
22	Hakim Khan	Mian Abdullah	02/12/1976	DM B-15	GMS Doon Serai	BA	DM	2nd	05/10/2005	05/10/2005	
23	Muhammad Ali	Sher Zor Khan	15/03/1978	DM B-15	GMS Kakad	BA	DM	2nd	12/01/2006	03/01/2009	
24	Burhanud Din	Abas Khan	28/04/1983	DM B-15	GMS Shawoor	BA	DM	2nd	12/01/2006	03/01/2009	
25	Muhammad Tayab	Ahmad Rahim	01/01/1987	DM B-15	GMS Sundal	BA	DM	2nd	12/04/2006	03/01/2009	
26	Alam Zeb Ali Shah	Mian Mohd Rafiq	04/03/1982	DM B-15	GMS Shamorgar	MA	DM	2nd	12/04/2006	03/01/2009	

Attended  
 District Education Officer  
 District Dir Upper

District Education Officer  
 Male Dir Upper

4

27	Shahabud Din	Amir Hasham Khan	13/02/1987	DM B-15	GMS Duro	MA	DM	2nd	20/11/2008	03/01/2009
28	Bakht Wali Khan	Badrud Din	03/02/1981	DM B-15	GMS Almas	BA	DM	2nd	03/01/2009	03/01/2009
29	Mohammad Dost	Ali Stan	04/12/1984	DM B-15	GMS Sunnai	BA	DM	2nd	03/01/2009	03/01/2009
30	Aziz Ahmad	Sher Mohammad	25/04/1987	DM B-15	GMS Changal	MA	DM	2nd	03/01/2009	03/01/2009
31	Inamur Rahman	Sulfan Mohammad	04/08/1981	DM B-15	GHS Bela	MA	DM	2nd	03/02/2009	03/02/2009
32	Imran Khan	Mohd Yousaf	06/09/1982	DM B-15	GMS Bandagai	BA	DM	2nd	03/02/2009	03/02/2009
33	Inayatul Haq	Mohd Amin	04/07/1985	DM B-15	GMS Tarpatar	MA	DM	2nd	03/02/2009	03/02/2009
34	Rahmanullah	Fazal Raziq	17/02/1986	DM B-15	GMS Kaskai Karpai	BA	DM	2nd	03/02/2009	03/02/2009
35	Saifur Rahman	Waliur Rahman	02/01/1987	DM B-15	GMS Bandan	BA	DM	2nd	03/02/2009	03/02/2009
36	Asadullah	Saeedullah	25/04/1987	DM B-15	GMS Shahikot	BA	DM	2nd	03/02/2009	03/02/2009
37	Sanaullah	Said Rahmat	06/06/1988	DM B-15	GMS Hattan	MA	DM	1st	01/12/2006	01/03/2009
38	Ashfaq Ahmad	Fida Muhammad	20/04/1985	DM B-15	GMS Kass Chindakot	MA	DM/M.Ed	1st		

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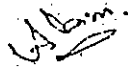
*Handwritten signature*  
Asst. Dir. Education  
G.D. Sports & Phys. Edu.  
District Dir. Upper...

Charge Report


B-5

certified that Mr Aslam Khan  
SDM took the charge of his duty  
at GHS Shang to day on 03-05-2019  
before noon. According to the order no  
1037-41 / F No 52/DEO (M) / SEB / ADO (S) Dir.  
Dated 30-04-2019.

Endost NO — 647

Charge taken by  
Aslam Khan SDM  


Charge handed over by  
Headmaster GHS  
Shang.

  
Head Master  
GHS Shang  
District Dir (U)



# OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

Dir Upper (Phone # 0944-884100) E-mail: deomdirupper@gmail.com

## OFFICE ORDER

Consequent upon their promotion from D.Ms, ATs, PETs BPS-15 to the post of Senior (DM), Senior AT, Senior PET BPS-16 [Rs: 18910-1520-64510] plus usual allowance as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and conditions given below with immediate effect vide Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Notification Endst No.4591-96/F.No.1/Promotion Senior Teachers (B-16)2019 Peshawar the Dated: 22-02-2019 they are hereby further adjusted in the schools noted against each with effect from 01/03/2019.

### 1. DM to Senior Drawing Master (BPS-16)

S.#	Sen:#	Name of Teacher	Present School	School where Adjusted	Remarks
1	02	Aslam Khan	GMS Kaskay Karpal	GHSS Shang	Vice No.3
2	04	Khurshid Alam	GMS Jandral	GHS Bin Bala	A.V.P
3		Anwar Sadaat	GHSS Shang	GMS Kaskay Karpal	Vice No.1

### 2. AT to Senior AT (BPS-16)

1	41	Nazir Ud Din	GMS Chiragali	GHSS Qulandal	Promoted to SAT BPS-16 Vice No.2
2		Ajbar Khan SAT BPS-16	GHSS Qulandal	GHS Rokhan	Adjusted against Vice No.3 SAT Post
2		Muhammad Ismail (AT) B-15	GHS Rokhan	GMS chiragali	Adjusted against Vice No.1 BPS-15 AT Post

### 3. PET to Senior PET (BPS-16)

1	1	Majid Ullah	GMS Bandagal	GHS Shingara	Promoted to SPET BPS-16 Vice No.2
2		Sarfraz Khan PET B-15	GHS Shingara	GMS Bandagal	Adjusted against Vice No.1 BPS-15 Post

### TERMS AND CONDITIONS:

- 01- They would be on probation for a period one year extendable for another one year.
- 02- They will be governed by such rules and regulations as may be issued from government time to time.
- 03- Their services can be terminated at any time, in case their performance is found unsatisfactory during the probation period. In case of miss-conduct they will be preceded under the rules framed from time to time.
- 04- Charge reports should be submitted to all concerned.
- 05- Their enter-se-Seniority on lower post will remain intact.
- 06- No TA/DA is allowed for joining their new post.
- 07- They will give an undertaking to be recorded in their service books to the effect that if any overpayment is made to them in light of this order will be recovered and if they are wrongly promoted. They will be reversed to the previous post.
- 08- Before handing over charge their document may be checked if they have not the required/relevant qualifications as per rules, they may not be handed over charge of the post.

(MUHAMMAD TAHIR)


DISTRICT EDUCATION OFFICER (M)

DIR UPPER

Endst No. 174-75 /F.No.52/DEO (M)/Estb (S) Dated: 01/04 /2019

Copy forwarder for information to the:-

- 01- Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 02- District Accounts Officer Dir Upper.
- 03- Principal/Head Master/In-charge concerned.
- 04- Teachers concerned.

  
DISTRICT EDUCATION OFFICER (M)  
DIR UPPER



(S)

15

**OFFICE OF THE  
DISTRICT EDUCATION OFFICER, MALE DIR UPPER.**  
PH NO.0944-881400 FAX -0944-880411 Email [deomdirupper@gmail.com](mailto:deomdirupper@gmail.com)

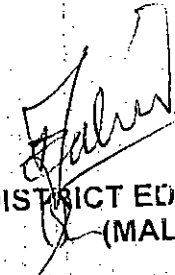
**OFFICE ORDER.**

As per direction of worthy Director E&SE Khyber Pakhtunkhwa, Mr. Aslam Khan adjustment order vide this office No.357-59 dated 04-04-2019 is hereby cancelled. Due the post of GHS Shung upgraded from DM BPS-15 to BPS-16 SDM, according to the policy Mr. Aslam Khan SDM newly promoted is hereby adjusted at GHS Shung against SDM BPS-16 post & Mr. Anwar Sadat DM BPS-15 adjusted at GMS Kaskai Karpat Dir Upper against DM BPS-15 vacant post. This office issued order No.172-75 /F.No.52/DEO(M)/Estab(S) dated 01 04-2019 is hereby stand.

**DISTRICT EDUCATION OFFICER,  
(MALE) DIR UPPER.**

No. 1037-41 /F.No.52/DEO(M)/SEB/ADO(S) Dated Dir (U) the; 30/04 2019.  
Copy forwarded for information to:-

- 01- Director of E&SE Khyber Pakhtunkhwa Peshawar.
- 02- District Accounts Officer Dir Upper.
- 03- Dy: District Education Officer.
- 04- Head Master Concerned.
- 05- Accountant Concerned.
- 06- Officials Concerned.
- 07- Office Record.

  
**DISTRICT EDUCATION OFFICER,  
(MALE) DIR UPPER.**

(S)

UNTESTED  
FOR TRUE COPY



DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.

No. 4712/F. No 12/PST(Male) General.  
Dated Peshawar the 17/05/2019.

To,

The District Education Officer (M)  
Dir Upper.

Subject: - APPEAL.

Memo:-

I am directed to refer to the appeal and on the subject cited above along with an application in respect of Mr. Anwar Sadat DM GHS Shang District Dir Upper, deal the case as per rules/policy.

*17/05/2019*  
Assistant Director (Estab)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.  
*1/10/19*

Endst: No. \_\_\_\_\_/

Copy forwarded to the:-

01. P.A to Director Elementary and Secondary Education local office.

*S. d.*  
Assistant Director (Estab :)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.

RECEIVED  
17/05/2019  
D. E. O. U. P.



(6)

(14)

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DISTRICT DIR UPPER.**

**OFFICE ORDER.**

As per direction of worthy Director E&SE Khyber Pakhtunkhwa on the body of appeal submitted by Mr, Anwar Sadat DM GHS Shang, Office order issued vide this office No:-172-75 Dated:-01/04/2019 is hereby with drawn from the date of its issuance, how order bearing Endst No: -43-46 dated: 22/03/2019 will remain intact and valid.

All the teachers are directed to compliance with the order in letter and spirit.

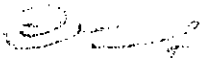
DISTRICT EDUCATION OFFICER  
MALE DIR UPPER

Endst No 357-59 / F: No; /ADEO(S)/Estab/ Dated Dir Upper the: 04/04/2019.

Copy forwarded to:

- 1- Director Elementary & Secondary Education Khyber Pakhtunkhwa for information.
- 2- Principals Head masters concerned for information.
- 3- Official concerned.

  
DISTRICT EDUCATION OFFICER  
MALE DIR UPPER

  
ATTESTED  
TO BE TRUE COPY

**BEFORE THE SERVICE TRIBUNAL PESHAWAR.**

SA No.1050/2019.

Anwar Sadat (Drawing Master) S/O Jan Zarin R/O Village Wari Dir Upper.-----Petitioners.


Versus

Govt: of KPK and others -----Respondents.

**AFFIDAVIT.**

I, Mr: Sardaraz Khan ADEO (Lit) o/o DEO Male Dir Upper, do hereby solemnly affirm and declare on oath that the contents of the joint written reply submitted by respondents No.1 to 3 are true and correct to the best of my knowledge and belief as per office record and that nothing has been concealed from this Hon: Court.

Deponent



**SARDARAZ KHAN**

**ADEO(LIT) OFFICE OF THE DISTRICT  
EDUCATION OFFICER MALE  
DIR UPPER.**

CNIC. NO.15702-2476972-1

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

**IN APPEAL NO. 1050/2019**

**ANWAR SADAT**

**VS**

**EDUCATION DEPTT:**

**INDEX**

<b>S#</b>	<b>PARTICULAR OF DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGES</b>
1	Reply	-----	1 - 2
2	Seniority list	<b>R</b>	3 - 4
3	Charge report	<b>R1</b>	5.

**PRIVATE RESPONDENT NO. 4**

THROUGH:

  
**NOOR MOHAMMAD KHATTAK**  
ADVOCATES, PESHAWAR

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**IN APPEAL NO. 1050/2019**

**ANWAR SADAT**

**VS**

**EDUCATION DEPTT:**

**REPLY ON BEHALF OF PRIVATE RESPONDENT NO. 4 (MR. ASLAM KHAN, SDM (BPS-16) GHS SHANG DIR UPPER**

**R/SHEWETH:**

**PRELIMINARY OBJECTIONS:**

1. That the appellant has got no cause of action/locus standi to file the instant appeal.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the instant appeal is not maintainable in its present form.
5. That the appeal is bad due to Non-Joinder & Mis-Joinder of necessary parties.
6. That the appeal of the appellant is time barred.
7. That the appellant has concealed materials facts from this Honorable Tribunal.

**ON FACTS:**

1. Pertains to the appellant's own record, hence needs no reply.
2. Incorrect and not replied accordingly. That the appellant is working as DM (BPS-15) and the post of DM is available at GMS Kasaki Karpal, Dir upper, therefore, he was posted at the concerned station due to availability of post. That replying respondent No.4 being senior from the appellant was promoted to the post of SDM (BPS-16) and posted at GHS Shung, Dir Upper. Copy of the seniority list is attached as annexure.....**R.**
3. Incorrect and not replied accordingly. That appellant is working against the post of DM (BPS-15) which is available at GMS Kaskai Karpal, Dir Upper and the concerned authority rightly placed his posting at GMS Kaskai Karpal, Dir Upper. Furthermore, the replying respondent No.4 is also posted against the right post of SDM (BPS-16) which is available at GHS Shung, Dir Upper vide order dated 30.04.2019 and in compliance of the said order the replying respondent No.4 took over the charge against the post of SDM (BPS-16) and started performing hid duty quite efficiently and upto the entire satisfaction of his superiors. Copy of the charge report is attached as annexure.....**R1.**
4. Admitted correct to the extent of transfer orders while the rest of Para is incorrect. That the concerned authority has placed duties of both the

employees according to their designation as well as in light of Section-10 of the Civil Servant Act, 1973.

5. Pertains to record hence needs no comments. Furthermore, the appellant concealed the fact from this Honorable Tribunal and has got suspension order dated 27/09/2019 while the replying respondent was already took over the charge at GHS Shung Dir Upper and started performing his duty with zeal and zest. That due to the above mentioned suspension order dated 27.09.2019 the replying respondent N.4 is dislocated from his place of posting and due to that reason the monthly salary of the private respondent has also been stopped because there is no post of SDM (BPS-16) available at GMS Kaskai Karpal, Dir Upper. It pertinent to mention that the appellant is also performing his duty against the wrong post at GHS Shung, Dir Upper.
6. Incorrect and misconceived. The replying respondent already clarified the situation in the above Para-5.
7. Pertains to record hence needs no comments.
8. No comments.

**GROUND:**

All the grounds of main are incorrect, baseless and not in accordance with law rules. That the appellant and replying both were posted against the right places of posting according to their designations.

It is therefore, most humbly prayed that on acceptance of this reply the appeal of the appellant may kindly be dismissed with cost.

Date: 08-10-2019

**PRIVATE RESPONDENT NO. 4**

  
**ASLAM KHAN**

THROUGH:

  
**NOOR MOHAMMAD KHATTAK**

&

  
**MIR ZAMAN SAFI**  
ADVOCATES, PESHAWAR

RA-3

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DIR UPPER**  
**SENIORITY LIST OF DRAWING MASTER BPS-15 (M), CORRECTED UP TO 15/08/2018**

1	2	3	4	5	6	7	8	9	10	11	12
S.No	Name of Teacher	Father's Name	D-O Birth	Designation	Name of School	Ac: Qualif:	Prof: Qualif:	Division	O-O 1st Apptt: In Edu Dept	D-O regular Apptt: as DM.B- 15	Remarks
1	Sher Zamin	Sher Zada	14/03/1972	DM B-15	GMS Sundal	FA	DM	2nd	05/04/1999	05/04/1999	Not Eligible
2	<del>Aslam Khan</del>	Qasim Khan	15/05/1977	DM B-15	GMS Kaskal Karpal	BA	DM	2nd	15/12/1999	28/12/2004	Eligible
3	Saeedullah	Amir Khan	02/07/1972	DM B-15	GMS Rehankot	MA	DM/M.Ed	2nd	31/12/1999	28/12/2004	Refused
4	Khurshid Alam	Bakht Alam	20/01/1971	DM B-15	GMS Jandari	BA	DM	2nd	01/01/2000	28/12/2004	Eligible
5	Farooq Mehmood	Jehan Zeb	01/12/1976	DM B-15	GMS Surbat	MA	DM	2nd	01/01/2000	28/12/2004	
6	Rahmat Zarin	Zarin Khan	02/01/1978	DM B-15	GMS Rokhan	BA	DM	2nd	14/04/2005	14/04/2005	
7	Muhammad Inayatullah	Ali Zer Shah	21/04/1974	DM B-15	GHS Beyar	MA	DM	2nd	14/04/2005	14/04/2005	
8	Ashfaq Ahmad	Gul Khan	03/02/1977	DM B-15	GMS Patao	BA	DM	2nd	14/04/2005	14/04/2005	
9	Javid Iqbal	Gul Bahadar	04/01/1978	DM B-15	GMS Kandow Jaber	BA	DM	2nd	14/04/2005	14/04/2005	
10	<del>Arif Sadaq</del>	Jehan Zarin	16/01/1978	DM B-15	GMS Shang	BA	DM	2nd	14/04/2005	14/04/2005	
11	Sher Nawab Khan	Qalandar Khan	05/02/1978	DM B-15	GHS Jelar	BA	DM	2nd	14/04/2005	14/04/2005	
12	Masihullah	Shafiullah	04/10/1978	DM B-15	GMS Mattar	MA	DM/B.Ed	2nd	14/04/2005	14/04/2005	
13	Mujahid Shah	Mohd Zahir shah	16/05/1979	DM B-15	GMS Barkand	BA	DM	1st	14/04/2005	14/04/2005	
14	Gul Sher Khan	Bawar Khan	07/10/1979	DM B-15	GMS Balkore	BA	DM/B.Ed	1st	14/04/2005	14/04/2005	
15	Samiullah	Ahmad	03/01/1980	DM B-15	GMS Umralai	MA	DM	2nd	14/04/2005	14/04/2005	
16	Hanifullah	Kashar Khan	02/02/1980	DM B-15	GMS Bandi(B)	BA	DM	2nd	14/04/2005	14/04/2005	
17	Sahib Zada	Lal Mohd	03/02/1980	DM B-15	GMS Katigam	BA	DM	2nd	14/04/2005	14/04/2005	
18	Bakht Zada	Mohd Zamin	03/12/1980	DM B-15	GMS Shertkal	MA	DM/M.Ed	2nd	14/04/2005	14/04/2005	
19	Sirajud Din	Mian Jan	03/07/1982	DM B-15	GMS Nasir Abad	MA	DM/B.Ed	2nd	14/04/2005	14/04/2005	
20	Wahidullah	Mohd Afzal	02/10/1983	DM B-15	GMS Achar (B)	BA	DM	2nd	14/04/2005	14/04/2005	
21	Saifur Rahman	Badshah Rahim	04/11/1983	DM B-15	GMS Pataw	BA	DM	2nd	14/04/2005	14/04/2005	
22	Hakim Khan	Mian Abdullah	02/12/1976	DM B-15	GMS Doon Serai	BA	DM	1st	14/05/2005	14/05/2005	
23	Muhammad Ali	Sher Zor Khan	15/03/1978	DM B-15	GMS Kakad	BA	DM	2nd	05/10/2005	05/10/2005	
24	Burhanud Din	Abas Khan	28/04/1983	DM B-15	GMS Shawoor	BA	DM	2nd	12/01/2006	03/01/2009	
25	Muhammad Tayab	Ahmad Rahim	01/01/1987	DM B-15	GMS Sundal	BA	DM	2nd	12/01/2006	03/01/2009	
26	Alam Zeb Ali Shah	Mian Mohd Rafiq	04/03/1982	DM B-15	GMS Shamorgar	MA	DM	2nd	12/04/2006	03/01/2009	

Attended  
 District Education Officer  
 District Dir Upper

District Education Officer  
 (Male Dir Upper)

4

27	Shahabud Din	Amir Hasham Khan	13/02/1987	DM B-15	GMS Duro	MA	DM	2nd	20/11/2008	03/01/2009	
28	Bakht Wali Khan	Badrud Din	03/02/1981	DM B-15	GMS Almas	BA	DM	2nd	03/01/2009	03/01/2009	
29	Mohammad Dost	Ali Stan	04/12/1984	DM B-15	GMS Sunnai	BA	DM	2nd	03/01/2009	03/01/2009	
30	Aziz Ahmad	Sher Mohammad	25/04/1987	DM B-15	GMS Changal	MA	DM	2nd	03/02/2009	03/02/2009	
31	Inamur Rahman	Sultan Mohammad	04/08/1981	DM B-15	GHS Bela	MA	DM	2nd	03/02/2009	03/02/2009	
32	Imran Khan	Mohd Yousaf	06/09/1982	DM B-15	GMS Bandagai	BA	DM	2nd	03/02/2009	03/02/2009	
33	Inayatul Haq	Mohd Amin	04/07/1985	DM B-15	GMS Tarpatar	MA	DM	2nd	03/02/2009	03/02/2009	
34	Rahmanullah	Fazal Raziq	17/02/1986	DM B-15	GMS Kaskal Karpat	BA	DM	2nd	03/02/2009	03/02/2009	
35	Saifur Rahman	Waliur Rahman	02/01/1987	DM B-15	GMS Bandan	BA	DM	2nd	03/02/2009	03/02/2009	
36	Asadullah	Saeedullah	25/04/1987	DM B-15	GMS Shahikot	BA	DM	2nd	03/02/2009	03/02/2009	
37	Sanallah	Said Rahmat	06/06/1988	DM B-15	GMS Hattan	MA	DM	2nd	03/02/2009	03/02/2009	
38	Ashfaq Ahmad	Fida Muhammad	20/04/1985	DM B-15	GMS Kass Chindakot	MA	DM/M.Ed	1st	01/12/2006	01/03/2009	

*Alay*

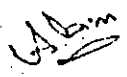
*A. H. H. H.*  
A. H. H. H. Education  
Sports & Rec. (M)  
District Dir. Upper

= Charge Report :-


R1 - (5)

It is certified that Mr Aslam Khan  
SDM took the charge of his duty  
at G.H.S Shang to day on 03-05-2019  
before noon. According to the order No  
1037-41 / F No 52/DEO (M) / SEB / ADO (s) Dir  
Dated 30-04-2019.

Endost No — 647

Charge taken by  
Aslam Khan SDM  


Charge handed over by  
Headmaster GHS  
Shang.

  
Head Master  
GHS Shang  
District Dir (U)



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

SPAW  
6/7/19

Service Appeal No 1050/2019.

**Anwar Sadat ..... Appellant.**

**V E R S U S**

**DEO & Others..... Respondents**

**REPLICATION ON BEHALF OF THE APPELLANT.**

**REPLY TO PRELIMINARY OBJECTIONS.**

All the objections raised by the respondents are incorrect and as such denied. The appellant has got a valid cause of action and locus standi to bring the present appeal, in instant appeal all necessary parties have been impleaded, the appellant has come to this honorable tribunal with clean hands and the appellant is not estopped by his conduct to file instant appeal. Instant appeal is maintainable, is well within time, the appellant has concealed nothing from this honorable Tribunal and as the appellant was illegally transferred without following the law & rules on the subject, therefore, filed the instant service appeal.

**REPLY TO FACTS/GROUNDS:**

Comments of the respondents are full of contradictions, rather amounts to admissions and are based on malafide. Respondents have failed to show that the version of the appellant is incorrect. Even respondents have failed to show and substantiate their version referring to any law and rules. In the circumstances, the appellant cannot be subjected to premature transfer being senior or junior, as the same does not matter as per relevant law and rules. The appellant could not be deprived of his rights without any omission or commission on his part and he has been deprived of his rights guaranteed by the Constitution and law of the land.

The appellant was illegally transferred, which order being in violation of the transfer posting policy. Hence is liable to be struck down. The impugned order is premature and sane reasoning, which is against the law and principles of natural justice, the impugned order is as such not tenable in the eyes of law and liable to be set aside on this score alone.

In the circumstances the appellant has not been treated according to law and rules being his fundamental right. The impugned order is in total disregard of the law and rules and as such alien to law which cannot be maintained.

**It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.**

**Dated:-17-10-2019.**

**Appellant**

Through

  
**Fazal Shah Mohmand**

&

  
**Akbar Ali**

Advocates, Peshawar

### **AFFIDAVIT**

I, Anwar Sadat (Drawing Master) S/O Jan Zarin R/O Wari P/O Wari District Dir Upper, (the appellant), do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



19  
**DEPONENT**

**CNIC#15702-7537191-9**