

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 1112/2019

Date of Institution ... 30.08.2019

Date of Decision ... 08.10.2019

Nawab Zada son of Gul Zada, R/O Shenkai Alizai, Tehsil Khar, District Bajaur.
... (Appellant)

VERSUS

The Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
and three others. ... (Respondents)

Mr. Akhunzada Ahmad Saeed,
Advocate.

... For appellant

MR. HAMID FAROOQ DURRANI,

... CHAIRMAN

JUDGMENT


HAMID FAROOQ DURRANI, CHAIRMAN:-

1. The appellant is aggrieved from transfer order dated 31.07.2019 whereby he was transferred from District Education Office Bajaur to GHSS Gardai, Bajaur. His departmental appeal against the order was rejected on 28.08.2019.

It is the case of appellant that due to blood feud the father of appellant was shot dead near the entrance of Education Department. Thereafter, there were life threats to the appellant and the place of his posting under the impugned order was at quite a distance from his residence.

2. Learned counsel for the appellant heard and record perused.

3. On 25.09.2019 the respondent No. 3/District Education Officer, District Bajaur was required to appear before the Tribunal in order to apprise regarding application of mutual transfer between the appellant and respondent No. 4 which was submitted on 12.09.2019 i.e. during the pendency of instant appeal.

 The respondent No. 3 accordingly appeared today and stated that the impugned transfer was a result of execution of Government policy regarding

reshuffling of ministerial staff working in DEO (M/F) offices in the Education Department. The memo issued in that regard on 17.07.2019 was duly attached with the comments submitted by the respondents. Attending to the proposition regarding mutual transfer order of appellant and respondent No. 4 it was stated that the government had imposed complete ban on mutual transfers through instrument dated 14.02.2019. The joint request of appellant and respondent No. 4 could, therefore, not be processed.

4. The available record suggests that on 25.01.2017 the appellant was transferred and posted at DEO office Bajaur through order issued by respondent No. 2/Director of Education FATA. The impugned order was made on 31.07.2019, well after the completion of normal tenure by the appellant under the posting/transfer policy of Provincial Government. In the impugned order, as many as 10 officials working in BPS-11 and BPS-14, were transferred/posted. It appears that the order was issued in pursuance to the directions regarding reshuffling of ministerial staff and was apparently in the interest of public service. The appellant, therefore, could not make out a case for interference by this Tribunal. It is important to note that in the departmental appeal, submitted by appellant on 02.08.2019, the only ground taken was regarding his incomplete tenure.

In view of the above, the appeal in hand does not have merits calling for its admission for regular hearing. The same is, therefore, dismissed in limine.

File be consigned to the record room.


(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
08.10.2019

Appeal No-1112/2019
Nawabzada vs Govt

11.09.2019

Counsel for the appellant present.

Learned counsel argued the matter at some length and then requested for adjournment of instant appeal in order to enable the appellant and one Umar Daraz Junior Clerk BPS-11 for submission of joint application to the departmental authority for mutual transfer.

Keeping in view the grave and serious threat to the life of appellant, as noted in the memorandum of appeal and supported by documentary evidence, the operation of impugned transfer order may be suspended till the adjourned date, it is added.

The submission of learned counsel appears to be reasonable, therefore, instant appeal is adjourned to 25.09.2019. Till next date the operation of notification dated 31.07.2019 shall remain suspended to the extent of appellant, if not already complied with.

Chairman



25.09.2019

Counsel for the appellant present.

Learned counsel has produced copy of application for mutual transfer between the appellant and respondent No. 4 dated 12.09.2019 and states that no action has been taken by the respondents thereon till date.

In the circumstances, notice be issued to respondent No. 3/DEO District Bajaur to apprise the Tribunal regarding the fate of mutual transfer application on next date of hearing.

Adjourned to 08.10.2019. The restraint order passed on 11.09.2019 shall remain operative till next date of hearing.

Chairman

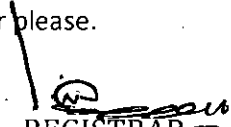



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1112/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/08/2019	<p>The appeal of Mr. Nawab Zada presented today by Mr. Akhunzada Ahmad Saeed 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 30/8/19 </p>
2-	02/09/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/09/19.</u></p> <p style="text-align: right;">  CHAIRMAN </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1112 /2019

Nawab Zada.....Appellant

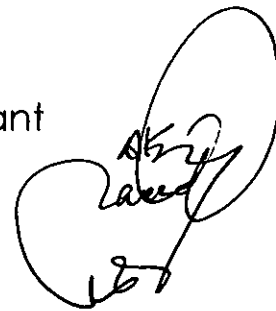
V E R S U S

The Secretary E&SE Peshawar & others.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal		1-7
2.	Affidavit		8
3.	Application for suspension alongwith Affidavit		9-11
4.	Addresses of parties		12
5.	Copy of transfer/ adjustment order	A	13
6.	Copies of criminal proceedings & extract from newspaper	B & C	14-22
7.	Copy of the Application	D	23
8.	Copy of the impugned transfer order dated 31.07.2019	E	24
9.	Copy of the Departmental Appeal & rejection order	F & G	25-27
10.	Wakalatnama		28

Through Appellant



Akhuzada Ahmad Saeed

Advocate High Court

15-B, Haroon Mansion,

Khyber Bazar, Peshawar

Cell No.0333-2902529

Dated 30.08.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1112 /2019

Diary No. 1218

Dated 30/8/2019

Nawab Zada Son of Gul Zada,
R/o Shenkai Alizai, Tehsil Khar, District Bajour

.....Appellant

V E R S U S

1. The Secretary Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar
2. The Director Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar
3. The District Education Officer, District Bajour
4. Umar Daraz,
DEO Office, District Bajour.....Respondents

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT,
1974, AGAINST THE IMPUGNED ORDER
DATED 31.07.2019 WHEREBY THE
APPELLANT WAS TRANSFERRED FROM DEO
OFFICE BAJOUR TO GHS DEHRAKAI
BAJOUR AND THE IMPUGNED ORDER OF
RESPONDENT NO.2 DATED 28.08.2019
WHEREBY DEPARTMENTAL APPEAL OF
APPELLANT WAS REGRETTEED/REJECTED.**

Filed to-day

Registrar

30/8/19

Prayer

By accepting this appeal,

- a) That impugned transfer order dated 31.07.2019 whereby the appellant was transferred from DEO Office Bajour to GHS Dehrakai Bajour and**
- b) The impugned order of respondent No.2 dated 28.08.2019 whereby he rejected/regretted the departmental appeal of the appellant may please be set aside to the extent of appellant and**
- c) Consequently respondents may please be directed to retain/continue the appellant on his earlier post.**
- d) Any other relief deems fit and appropriate in the circumstances of the instant appeal may also be passed.**

Respectfully Sheweth:

1. That initially the appellant was transferred/adjusted at Agency Education Officer, Bajour Agency on 25.01.2017. (Copy of transfer/adjustment order is attached as annexure "A").
2. That the father of the appellant namely Gul Zada (deceased) was working as a teacher at primary school Civil Colony, District Bajour and was residing in residential accommodation (Quarter) at Civil Colony, Khar, District Bajour.
3. That due to bloodshed enmity the father of the appellant was residing alongwith his family at Civil Colony Khar, District Bajour for security reason that one day the father of appellant was going to Education Department for some important work but unfortunately he was shot dead near the gate of Education department. (Copies of criminal proceedings & extract from newspaper are attached as annexure "B" & "C" respectively).

4. That thereafter the appellant submitted an application for transferring the residential quarter into his name which was previously allocated to the appellant's father. So the application of the appellant was accepted and the above mentioned quarter was allotted on his name. (Copy of the Application is attached as annexure "D").
5. That recently the appellant was transferred from DEO Office Bajour to GHS Dehrakai District Bajour on 31.07.2019. (Copy of the impugned transfer order dated 31.07.2019 is attached as annexure "E").
6. That the appellant submitted departmental appeal against the impugned transfer order before respondent No.2 but the same was regretted/rejected. (Copy of the Departmental Appeal & rejection order is attached as Annexure "F" & "G" respectively).
7. That the appellant is having no other remedy but to move this August Tribunal for the following amongst other grounds:

GRUNDS:-

- A. That the appellant was transferred to far-flung area of District Bajour which may make him vulnerable to his rivals as the appellant may be easily targeted during his journey, hence the blood feud, which has already taken one precious life (Appellant father) cannot be undermined in case of the appellant, who has been subjected to go through a life risk, therefore, the impugned transfer order dated 31.07.2019 to the extent of the appellant and the impugned order dated 28.08.2019 is liable to be set aside and the appellant is liable to be retained continued to hold his earlier post which was existed at civil policy Khar which was safe area for his life security.
- B. That the appellant is the only guardian and sole earning hand of his family and the impugned transfer order has created a high fear amongst the family of the appellant. So on this score too the impugned transfer order is liable to be set aside and the appellant is having a right to be retained on his earlier post.

- C. That the impugned transfer order is premature as the appellant has not completed his tenure on the post, therefore the impugned transfer order to the extent of appellant is liable to be set aside.
- D. That any other ground, not specifically mentioned, may be raised at the time of arguments, with the prior permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that by accepting this service appeal,

- a) That impugned transfer order dated 31.07.2019 whereby the appellant was transferred from DEO Office Bajour to GHS Dehrakai Bajour and**
- b) The impugned order of respondent No.2 dated 28.08.2019 whereby he rejected/regretted the departmental appeal of the appellant may please be set aside to the extent of appellant and**

- c) Consequently respondents may please be directed to retain/ continue the appellant on his earlier post.
- d) Any other relief deems fit and appropriate in the circumstances of the instant appeal may also be passed.

N/Hade

Appellant
Through


Akhunzada Ahmad Saeed
Advocate High Court

Dated 30.08.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2019

Nawab Zada.....**Appellant**

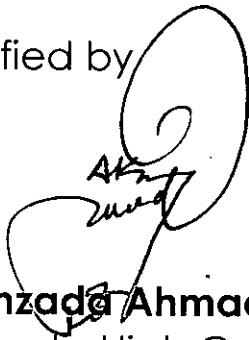
V E R S U S

The Secretary E&SE Peshawar & others.....**Respondents**

A F F I D A V I T

I, Nawab Zada Son of Gul Zada, R/o Shenkai Alizai, Tehsil Khar, District Bajour, 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 Court.

Identified by

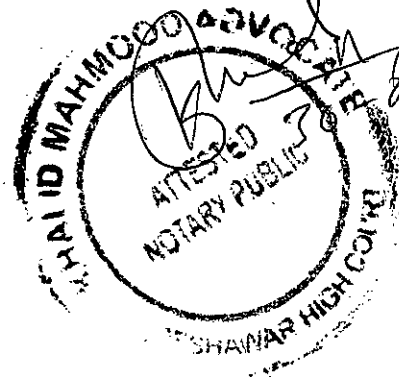


Akhuzada Ahmad Saeed
Advocate High Court

DEPONENT

CNIC#:21103-1885136-5

Cell No.0300-0592450



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2019

In

Service Appeal No. _____/2019

Nawab Zada.....**Appellant**

V E R S U S

The Secretary E&SE Peshawar & others.....**Respondents**

**APPLICATION FOR SUSPENDING THE
OPERATION OF THE IMPUGNED TRANSFER
ORDER DATED 31.07.2019 TILL THE FINAL
DISPOSAL OF THE MAIN SERVICE APPEAL.**

Respectfully Sheweth:

1. That the titled Service Appeal is being filed before this Hon'ble Tribunal in which no date of hearing is fixed.
2. That the grounds of main appeal may be considered as integral part of this application.
3. That the balance of convenience also lies in favour of the appellant.
4. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.

5. That if the operation of the impugned order dated 31.07.2019 is not suspended then the appellant would suffer irreparable loss.

It is, therefore, most humbly prayed that by accepting this application, the operation of the impugned transfer order dated 31.07.2019 may please be suspended to the extent of the appellant, till the final disposal of the main appeal.

Appellant
Through



Akhunzada Ahmad Saeed
Advocate High Court

Dated 30.08.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2019

In

Service Appeal No. _____/2019

Nawab Zada.....**Appellant**

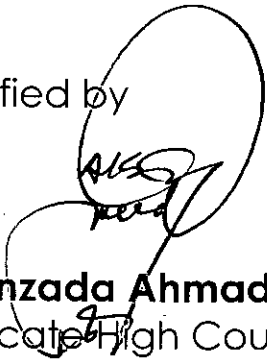
VERSUS

The Secretary E&SE Peshawar & others.....**Respondents**

AFFIDAVIT

I, Nawab Zada Son of Gul Zada, R/o Shenkai Alizai, Tehsil Khar, District Bajour, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by



Akhuzada Ahmad Saeed
 Advocate High Court

DEPONENT

CNIC#:21103-1885136-5

Cell No.0300-0592450



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2019

Nawab Zada.....**Appellant**

V E R S U S

The Secretary E&SE Peshawar & others.....**Respondents**

ADDRESSES OF PARTIES

A P P E L L A N T:

Nawab Zada Son of Gul Zada,
R/o Shenkai Alizai, Tehsil Khar, District Bajour

R E S P O N D E N T S

1. The Secretary Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar
2. The Director Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar
3. The District Education Officer, District Bajour
4. Umar Daraz,
DEO Office, District Bajour

Appellant

Through


Akhunzada Ahmad Saeed
Advocate High Court

Dated 30.08.2019



13
A
DIRECTORATE OF EDUCATION
FATA SECRETARIAT
WARSAK ROAD PESHAWAR, PAKISTAN
PH: 091-9210166, FAX: 091-9210216
at

TRANSFER / ADJUSTMENT ORDER

The transfer / adjustment of the following Ministerial Staff are hereby ordered in their own pay & scale to the Office / Institutions mentioned against their names from the date of taking over charge in the best interest of public service.

S/No	Name of Official with Designation/Station	Transfer /Adjusted at	Remarks
01.	Muhammad Zada Junior Clerk (B-11) Agency Education Office Bajaur Agency.	GHSS Gardai Bajaur Agency.	Vice S#02
02.	Mr. Nawab zada Junior Clerk (B-11) GHSS Gardai Bajaur Agency.	Agency Education Office Bajaur Agency.	Vice S#01

Note: -1. Charge report should be submitted to all concerned.
2. TA / DA etc:is not allowed.

Director Education FATA

Endst: No. 12773-77/file E-4/Bajaur

Dated 25 / 01 / 2017

Copy to the:-

1. Agency Education Officer Bajaur Agency.
2. Agency Accounts Officer Bajaur Agency.
3. Principal GHSS Gardai Bajaur Agency.
4. PA to Director Education FATA.
5. Officials concerned.

Attested

25/1/2017
Deputy Director (F&A)

25/1/17

14

IN THE COURT OF ASSISTANT POLITICAL AGENT/
ADDL: DIST: MAGISTRATE KHAR HAJAUR AGENCY.

STATE THROUGH Rahim Zada S/o Amir Zada R/o Shinki Alizai
Bajaur,....Complainant.

VERSUS

1. Rehan S/o Mal Shah R/o Shinki Alizai Bajaur.
2. Mohtamim Khan S/o Lal Shah Zada R/o Shinki Alizai Bajaur.
.....(Accused)

CHARGE- U/S 302, 34 PPC/11 PCR.

ORDER OF REFERENCE
U/S 11 PCR.

The case in brief is that today on 30/7/99, one Gul Zada, a teacher of Govt; Primary School, Civil Colony Khar while coming towards his house in his wheel chair was fired upon by accused Rehan S/o Mal Shah accompanied by his accomplice Mohtamim Khan S/o Lal Shah Zada R/o Shinki Alizai Bajaur. The victim Gul Zada received about 8 bullet injuries. He was rushed to the hospital where he succumbed to his injuries.

Both the accused were arrested red handed alongwith a 30 bore pistol, two magazines and seven(7) rounds by the levies.

One Rahim Zada S/o Amir Zada nephew of the deceased was accompanying the deceased being handicape is an eye witness and lodged a complaint and charged Rehan S/o Mal Shah and Mohtamim Khan R/o Shinki Alizai for the commission of the murder of his uncle Gul Zada.

Statement of both the accused were recorded wherein both the accused confessed to have killed the deceased. They contended that they have taken revenge.

The accused are charged for a cold blooded murder of an handicape serving teacher who used to use a wheel chair for his daily routine. The offence was committed within the premises of Civil Colony Khar where Govt; offices of various departments and residential houses are situated. The public therefore usually take it a serious matter to commit any offence within the premises of Civil Colony Khar.

To put the accused to trial, case of the accused is therefore referred to the following council of elders U/s 11 PCR for giving its opinion/award on the issues framed :-

P/2/

Accepted
[Signature]
P/2/

[Signature]
15/8/99

P/2.

9

Jirga members.

1. Malik Mohammad Yar of Kasai Salarzai.
2. " Kabal Khan of Arang/
3. " Malik Khazista Gul of Qazafi/Bandagai.
4. " Haji Fazal Karim of Bare Salarzai.
5. " Ghulam Rasool Khan of Matha Shah Salarzai.

ISSUES.

1. Is it not fact that accused Rehan and Mohtamim Khan committed the murder of Gul Zada?
2. What punishment the C/Es recommend in addition to the punishment provided by law?
3. Any other recommendation the C/Es may like to make?

The C/Es is directed to hear the accused. make necessary inquiries and submit its opinion/award.

Dated.

30/7/99.

Attested to be a true copy

[Signature]
Asstt. Political Agent
Addl; Distt; Magistrate
Khar Bajaur Agency.

[Signature]
24/8/99
Sd/-
Asstt. Political Agent
(Bajaur Agency)

[Signature]
Attested

12/5

IN THE COURT OF ASST. POLITICAL AGENT/
ADDL. DISTT. MAGISTRATE KHAR BAJOUR AGENCY.

- 1. Gul Zeda (P) Plaintiff
- 2. Gul Zeda (D) Defendant
- 3. Shinki Alizai

Case No. 108 of 1998

CLAIM ENEMY.

There is an old enmity between Gul Zeda etc and Gul Shab Zeda etc of Shinki Alizai. The case was decided in favour of Gul Zeda Plaintiff according to the PCR/jirga on 23.12.95 in this court. The agrieved party went on Appeal in the court of Commissioner PCR, Peshawar who vide his order dated 29.10.95, with the directions that "to frame the prop issues of the dispute and then get a conclusive findings from the same jirga".

In compliance with the above directions parties were summoned and the case was referred to the old jirga on the issues duly framed.

The jirga members consulted the parties, and inquired in to the matter. They have submitted a unanimous award of pages 156 to 160, which is according to the Rewaj and based on facts.

I see no reason to interfere in the unanimous award of the council, I therefore accept the award: Punishment page, 156, 157, 158, 159, 160. Case File be sent to the Political Tehsildar Khar for execution.

ANNOUNCED.

7.3.98.

Asstt: Political Agent/
Addl; Distt; Magistrate
Khar Bajour Agency.

MS
2/11/98
Attested

در حساب اسسٹنٹ پولیسٹن الجینٹ صاحب خاں باجوڑ
صاحب عالی!

مؤدبانہ گزارش ہے۔ کہ سہمیان لعل شہزادہ، مال خان، جنت
اور نذیب ساکنان شنگل علی زئی تحصیل خاران کے ساتھ میرا قرض کے لیے
کاتنازعہ دشمنی بند ہو چکی ہے۔ جبکہ اس میں جوئے کے دو دفعہ فیصلے
کے جاننے کے لیے غرض سے بار بار اپیلیں کرتا رہتا ہے۔ آخری فیصلہ جو
7/98 کو ہو چکا ہے۔ اور اس کے خلاف تیسرا ماہ بعد 2/99 کو ایڈیشنل سیشن جج
کی عدالت میں اپیل داخل کی ہے۔

عالمیجاہ!
کو ختم ہونا والا ہے۔ دوا ختم ہونا پر مخالف فریق کا پہلے کی طرح ہمارا
گھوٹنٹوں میں بڑا بڑا ہتھیاروں کا ارادہ ہے جس سے بھی کئی افراد خانہ
زخمی ہو چکے ہیں۔ اور اگر دوبارہ یہ سلسلہ جاری رکھا۔ تو گھوکے اندر حضور کو
عورتوں اور دیگر افراد خانہ کے زخمی معذور یا مر جانے کا خطرہ ہو سکتا ہے
منیٹ ادب اور عاجزی سے التماس کرتا ہوں۔ کہ مخالف فریق کو
صیاد میں توسیع فرمائیں۔ امید ہے کہ انہوں نے انہی ذاتی دلچسپی سے
عام دشمنی کا سایہ زبا بڑھے الٹے آئے اور اس کا خیر کا اجر عظیم ملے
العارض
آپ کا تابعدار ماسٹر گل زادہ اور محمد زادہ آف شنگل
حالت: بیرون 15/11/99

Handwritten notes and signatures at the bottom of the page, including a signature that appears to be 'Attest' and some illegible text.

عنوان :- یادداشت نامہ

جناب عالی! موڈ بانہ گذارش ہے۔ کہ مسمیٰ لعل شہزادہ ساکن شینگ اور
 کے ساتھ گزشتہ دو سالوں سے بیادشمن چلی آرہی ہے۔ متنازعہ ٹیس میں جتنے جوڑے بتور
 کئے گئے ہیں۔ اس کی ساری نقل کاپیاں درخواست کے ساتھ منسلک ہیں۔
 ستای جوڑے کے فیصلے سے احراف کرتے ہوئے اُس نے کٹشنر پشاور ڈویژن کو اپیل کی۔ وہاں پر
 بھی فیصلہ انصاف کے تقاضوں کے مطابق میرا حق میں کی گئی۔ اور فائل آپ صاحبان کو
 عمل در آمد کیلئے بھیجی گئی۔ لیکن جوڑا اور کٹشنر صاحب حکم نامہ ماننے پر مخالف فریق کو جیل
 بھیجا گیا۔

جناب والا! آپ صاحبان نے اصلاحی بنامہ پر اُن کو موزم 96-9-11 کو ضمانت پر رہا کر دیا۔ تاکہ
 اُن کو وقت مل سکے کہ اپنے آدمیوں کے ساتھ مشورہ کر کے فیصلے کو عملی شکل دی جائے۔
 لیکن ضمانت پر رہا ہونے کے بعد اصلاحی رویہ اختیار کرنے کی بجائے وہ دوبارہ دشمنی
 پر اتر آئے۔ چونکہ اُن کا اور ہمارا گھر بہت قریب ہیں۔ لعل شہزادہ کے مقابلے میں میں
 بہت کمزور ہوں۔ اور وہ ہر لحاظ سے طاقت ور ہے۔ وہ دن رات میرا گھر میں
 پتھر مار رہے ہیں۔ اور دوسری قسم کی غیر قانونی اور غیر اخلاقی حرکتیں اور کاروائیاں کرتا رہتا ہے
 جو کہ میرے لئے مالی اور جانی خطرہ ہے

اسلئے استدعا کی جاتی ہے کہ ضمانت پر رہا شدہ شخص لعل شہزادہ ساکن شینگ اور
 اُن کے ضامن گومک آف شینگ اور فردوس خان آف شینگ کو اپنے عدالت طلب کر کے
 اُن کو مقید کیا جائے کہ ان غیر قانونی کارروائیوں سے باز رہے۔ اور متعلقہ فیصلے کا پاس کریں
 اور اُن سے ضمانت لی جائے کہ وہ مجھے کسی قسم کی مالی اور جانی نقصان نہیں دینگے ورنہ بصورت دیگر
 وہ اور اُن کے ضامن ذمہ دار ہونگے اظہاراً رپورٹ پیش خدمت ہے۔

العارضہ

موزم :- 17/9/96

ماسٹر گل زادہ ساکن شینگ

حالا: ریول کالونی خار

Leader
 from the Justice
 1996

Attest
 17/9/96

اسٹنٹ ڈائریکٹر ایجنٹ صاحب خار باجوڑ ایجنسی دایم

عنوان: تحفظ

جناب عالی!

نوڈ بانہ گذارش یہ ہے کہ میں گورنمنٹ پرائمری سکول

سول کالونی خار میں ایک پرائمری سکول ہوں۔ اور یہاں کالونی میں رہتا ہوں۔

عالیجاہ! میرا ساتھ ایک شخص سسی لعل شہزادہ ساکن شینگے کا پڑائی دشمنی ہے۔

چند لعل شہزادہ سے مجھے اور میرا بچوں کا جانی و مالی خطرہ ہے۔

اور سٹیئر ڈرائیج سے معلوم ہوا ہے کہ انہوں نے مجھ پر جان سے مارنے کا

تیاری کی ہے۔ جبکہ میں سرکاری ملازم ہونے کے ساتھ ساتھ یہاں محنتی

یعنی کالونی میں اپنے بچوں سمیت رہتا ہوں۔ اور سزاور رہتا ہوں۔

لہذا بذریعہ درخواست ملتحق ہوں کہ

لعل شہزادہ اور اس کے بھائیوں اور بھتیجیوں سے پراسن اپنے اور بچے

اور میرا بچوں کے تحفظ کے خاطر بھاری ضمانت لی جائے۔

بڑا عمر بھر دُعا رہے گا

24-10-1996

العارض

سول کالونی خار

آریہ کا تابدار خاں سکرٹنگل زادہ

Handwritten signature and stamp

Attest

Handwritten initials

Handwritten signature

Handwritten signature

24/4

کنزرنہ جناب پولیٹیکن ایجنٹ صاحب باجوڑ ایجنسی

PT-Kha

درخواست صحیح مابین P2 call both parties

فریق اول = سائٹنگ زون وغیرہ + Elders to solve the matter
فریق دوم = لعل شہزادہ وغیرہ سائٹنگ

11.6.11
جناب عالی

17/3 کو سائٹنگ ڈرائش ہے۔ کہ میں 94 میں سسی لعل شہزادہ ساکن شنگ

نے میرا بھتیجے کو پکڑا کر چالیس روز تک جیل میں رکھا۔

آخر ایک دن میرا بھتیجا بھاگ کر ٹھوڑے بن گیا۔

عالیجاہ! اس وقت سے مذکورہ شخص نے میرا گھر کو گھیر لیا ہے۔

اور میرا گھر کے چاروں طرف مورچہ زن ہے۔ میرا گھر میں پتھر مارنا

اور فائرنگ کرنا حسب معمول ہے۔

گھر میں محصور افراد کو راشن لے جانے یا بیمار کو ڈاکٹر دوائی

وغیرہ کی اجازت نہیں دیتا۔ اور نہ باہر کوئی آسکتا ہے۔

حضورہ اللہ! صلح کے سلسلے میں APA صاحب خاں اور خاندان صاحب خاں

کوشش کر رہے ہیں۔ لیکن کافی وقت گزر چکا جبکہ محصور افراد

کی روک ٹوک ختم ہوا ہے۔ جو کہ ان کی تباہی اور ہلاکت کا ہی باعث بنی ہے۔

لہذا آپ صاحبان میری فرمائش پر اور لعل شہزادہ کے

درمیان صلح کرانے کی ذمہ داری سنبھال کر جلد از جلد کارروائی کا

حکم صادر فرمادیں۔

بجوزیہ 93/95

ساکن شنگ

ایجنسی

APA

من زراعت و
تعمیرات

آپ کا تالیدار

Attested

باجوڑ ایجنسی میں ایجوکیشن دفتر کے قریب معذور ٹیچر کا قتل

لیویز کے دو سپاہیوں نے ملزمان کو گرفتار کر لیا، پولیٹیکل حکام کی طرف سے نقد انعام کا اعلان

دفتر واقع ہیں صبح دس بجے مقامی سکول کے ایک معذور ٹیچر گل زاوہ جو دونوں پاؤں سے مفلوج ہونے کی بناء پر وہیل چیئر کے ذریعے کسی ضروری کام کیلئے ایجنسی ایجوکیشن کے دفتر جارہا تھا جب

بقیہ نمبر 20 صفحہ 10 پر

خار باجوڑ (نمائندہ شرق) باجوڑ ایجنسی میں دو مسلح افراد نے ایجوکیشن دفتر کے سامنے مقامی سکول کے ایک معذور ٹیچر کو اندھا دھند فائرنگ کر کے موت کے گھاٹ اتار دیا، تفصیلات کے مطابق باجوڑ ایجنسی کے ہیڈ کوارٹر سول کالونی خار جہاں تمام سرکاری

باجوڑ ایجنسی
مقامی سکول
مقامی سکول
مقامی سکول

وہ بین گیت کے قریب پہنچا تو اچانک دو مسلح افراد نے ان پر ہتھولے سے اندھا دھند فائرنگ کر کے اسے موت کے گھاٹ اتار دیا۔ باجوڑ لیویز کے دو سپاہیوں نادر خان اور گلاب خان نے کمال جرات کا مظاہرہ کرتے ہوئے دونوں ملزموں کو اسلحہ سمیت قابو کر لیا، قتل کی وجہ ذاتی دشمنی کا شاخسانہ بتایا گیا ہے، اسٹیشن پولیسنگ ایجنٹ نے صحافیوں سے گفتگو کرتے ہوئے کہا کہ ایجنسی ہیڈ کوارٹر کے تقدس کو پامال کرنے والے ملزموں کے خلاف سخت کارروائی کی جائے گی اور فیصلہ دو دن کے اندر سنایا جائے گا، پولیسنگ ایجنٹ نے ملزموں کو گرفتار کرنے والے سپاہیوں کیلئے نقد انعام اور تعزیری اسناد دینے کا اعلان کیا۔

اسناد دینے کا اعلان کیا۔

کھنڈر میں۔ لولینکل اہلیت سے۔ باور اہلیت
 لولینکل کو کھنڈر میں۔

سوال نمبر 101

ضیا علیؑ جو دنیا گزاری میں ہے وہ میرا والد کل زیادہ حکم

یوگین میں پھر تھا اور پھر ٹری سکول سول کالج میں

درجات سے اتمام دے رہا تھا اور پھر ایسے سال پھول کے ساتھ

سول کالج خاری کو اہل میں رہا تھا پھر پھر

نور صبر 1937 کو ان کو دشمنوں نے قتل کر دیا۔

جو تہ پھر یہ تھا اور پھر سول کالج کے پھر ٹری۔ اور پھر

ٹر پھر سول کالج اور پھر جہاں سول کالج میں زیر تعلیم میں

اور جہاں آ۔ جہاں کو معلوم ہے گاڈل میں بیماری

دستی ہے اور جہاں پھر منتقل ہو گیا بیماری ساری خاندان کے لیے

استیاضی عطرت ہے اور ساتھ میں جہاں کی تعلیم کا سہرا ہے

جو تہ اب میں خاندان کا سہرا ہے سول کالج اور پھر سول کالج

گاڈل میں کلاس لگا کر پھر پھر سول کالج

لہذا اسٹریڈ علی جانی ہے کہ میرا مرحوم والد کل زیادہ پھر نام ہی الائنٹ

کو اہل پھر نام لیا جہاں میں اپنے چورے میں جہاں کی تعلیم جاری رکھو

Handwritten signature and notes in Urdu script.

سہرا لہذا
 لولینکل زیادہ کلاس لگا
 والد مرحوم پھر کل زیادہ
 اور پھر سول کالج
 دستی کلاس



District Education Office Bajaur at Khar

No. _____ Dated 07/2019
Email aeobajaur@gamil.com Voice & Fax +92942220395

TRANSFER ORDER

In compliance Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar letter No. 410972/F.No A-23/MS/Tenure/Ministerial staff in KP dated Peshawar the 17/7/2019, Transfer order of the following ministerial staff is here by ordered to the schools/office noted against their names on their own pay and scale in the interest of public service.

S. No	Name of official	From	To	Remarks
1.	Mr. Wali Rahman S/Clerk BPS-14	DEO Office Bajaur	GHSS Gardai	Vice S.No.02
2.	Mr. Zafarullah S/Clerk BPS-14	GHSS Gardai Bajaur	DEO Office Bajaur	ViceS.No: 01
3.	Mr.Muqtadir Shah S/Clerk BPS-14	DEO office Bajaur	GHS Ghazi Baba	Vice S.No.04
4	Mr. Gula Jan S/Clerk BPS-14	GHS Ghazi Baba	DEO Office Bajaur	Vice S.No.3
5	Mr. Nawab Zada J/C BPS-11	DEO Office Bajaur	GHS Dehrakai Bajaur	Vice S.No.6
6	Mr. Umar Daraz J/C BPS-11	GHS Dehrakai Bajaur	DEO Office Bajaur	Vice S.No.5
7	Mr.Hazrat Yousaf J/C BPS-11	DEO Office Bajaur	GHS Sahib Abad Bajaur	Vice S.No 8
8	Mr. Hassan Gul J/C BPS-11	GHS Sahib Abad	DEO Office Bajaur	Vice S.No:7
9	Mr. Khan Zad Gul J/C BPS-11	DEO Office Bajaur	GHS Barkhalozo Bajaur,	Vice S.No.10
10	Mr. Amir Zada J/C BPS-11	GHS Barkhalozo	DEO Office Bajaur	Vice S.No.9

Note:
Necessary entries should be made in the S/Book.
No TA/DA is allowed.

**District Education Officer
Bajaur**

Endst: No: 8518-25 Dated 31-07- 2019

Copy of the above is forwarded to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Director Education newly merged districts KPK Peshawar.
3. Principals/Head Masters Concerned.
4. District Accounts Office Bajaur.
5. ADEO Concerned.
6. Accountant of the local office.
7. EMIS Section Local Office.
8. Official Concerned.

MS

Attested

**District Education Officer
Bajaur**



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar
PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936

No. _____ / _____ / 2019

G

To

The District Education Officer
District Bajaur

Subject: APPEAL

Memo:

I am directed to enclose here with a self explanatory application along with transfer order copies in r/o Mr. Nawab Zada Junior Clerk on the subject cited above & to state that the cancelation of transfer appeal is hereby regretted.

Deputy Director (F&A)

Endst: No 1623-24 Dated 28/8 / 2019.

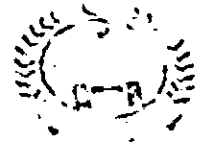
Copy forwarded to the :

- 1. Applicant Concerned.
- 2. PA to Director E&S Education Khyber Pakhtunkhwa Peshawar.

Handwritten signature and text:
Attested

Handwritten signature:
Deputy Director (F&A)

PHILIP...
RHYPER...
FOR...



APPEAL

The undersigned...

Deputy Director (2/2)

Date: 2/2/20

Deputy Director (2/2)

To,

The Director
Elementary & Secondary
Education KPK Peshawar.

Subject: DEPARTMENTAL APPEAL

R/Sir,

With due respect I beg to state that undersigned is working as Junior clerk in District Bajaur under your kind control, the undersigned intend to bring to your notice few line with hope that these shall be considered sympathetically.

1. That the undersigned has been transferred from office of DEO Bajaur to GHS Deraki.
2. That the undersigned has not complete his normal tenure (03 years).
3. That above name school is situated in far flung area of District Bajaur and Secluded spots as well as lack of civic amenities.
4. That the undersigned has severe enmity cases and it extremely risky to perform there.
5. That the undersigned has served up to the entire satisfaction of the immediate officers and there exist no adverse on record.

In view of the above, it is very kindly requested that the transfer order may be cancelled so as to avoid future complications and life risk of the undersigned.

put up on file
DIA
21/8/19

Attested

Yours, faithfully,
N. Zada
(Nawab Zada)
J/Clerk

گورنمنٹ ڈپارٹمنٹ - ڈائریکٹریٹ آف ایڈمنسٹریشن (DAD) ایسٹ اور

معاون حکمران ایپل

صاحب عالی د
عقد بائیں ڈائریکشن کی لائی ہے۔ ہم بندہ کا تقرر کیا گیا
محنت کار DEO افس کو صورت 25⁰¹ 2017 کو ہوئی ہے۔
پوش DEO کی جڑ بننے کو تبدیل کیا گیا ہے اور بندہ
کا Tenure پورا نہیں ہوا ہے۔

میں نے اپنے اہلکاروں کے طور میں حکمران کے
کی لائی ہے۔ آج کے لیکن ہرگز بندہ کا تقرر
منوع اس بندہ کو DEO افس میں اپنے
اسکا بہت کار فرما وہ

08
02
2019

ایسٹ

فوا - زادہ کار
DEO افس کی طرف

AKZ
meed
801
Atkistan

Put up on file
2/8/19

WAKALATNAMA
(Power Of Attorney)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Naamab Zada.....
(Petitioner)
(Plaintiff)
(Applicant)
(Appellant) ✓
(Complainant)
(Decree Holder)

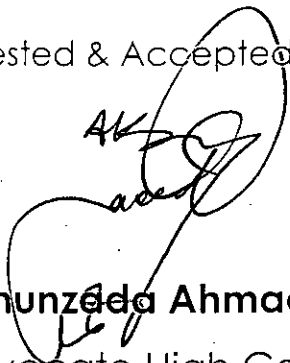
VERSUS

The Secretary E & SE Peshawar & others.....
(Respondent) ✓
(Defendant)
(Accused)
(Judgment Debtor)

I/ We, _____ The undersigned _____ in the above
noted Service Appeal, do hereby appoint **Mr. Akhonzada**

Ahmad Saeed, Advocate to appear, plead, act, compromise, withdraw or
refer to arbitration for me/us as my /our counsel in the above noted matter,
without any liability for their default and with the authority to engage/ appoint
any other Advocate/Counsel at my/our matter.

Attested & Accepted By.



Akhonzada Ahmad Saeed


Advocate High Court, Peshawar

15-B, Haroon Mansion, Khyber Bazar,

Peshawar

Cell No.0333-2902529

Signature of Executants


Naamab Zada

s/o Col Zada

To

The District Education Officer
Bajaur

Subject: Application for Mutual Transfer

Dear Sir

We are pleased to make this application for mutual transfer made upon mutual consent. I, Umar Daraz working as a Junior Clerk in Education Office Civil Colony Khar request you to kindly approve this arrangement made with Nawab Zada Junior Clerk GHS Dherakai. I am happy to go back to GHS Dherakai from where I am being transferred to this office. GHS Dherakai is easier and convenient for me to work in as the school is also close to my house.

Mr. Nawab Zada is also happy to be transferred back and continue working in Education Office Civil Colony Khar as a Junior Clerk.

Signing this application below is a proof of our mutual consent and reveals that we don't have any objection to this process.


We will appreciate your kindness and support for authorizing this mutual transfer application.

Thanking you in anticipation.

Yours' obediently

1. Umar Daraz J/C Education Office Khar

21106-0239635-5


12/09/2019

2. Nawab Zada J/C GHS Dherakai

21103-1885138-5


12/09/2019



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT
PAYROLL SYSTEM

PAYMENT ADVICE

Bajaur at Khar

S#: 13
Pers #: 50157395 Buckle:

P Sec: 001 Month: July 2019
BJ0056 -SECONDARY EDUCATION
Min. Of K.A & N.A & S. F. R

Name: UMAR DARAZ KHAN
BPS COMPUTER OPERATOR

DEPTT CODE
NTN:
GPF #:
Old #:

CNIC No. 2110602396655
GPF Interest Applied
12 Active Temporary
PAYS AND ALLOWANCES:
0001-Basic Pay 18,120.00
1000-House Rent Allowance 1,961.00
1210-Convey Allowance 2005 2,856.00
1300-Medical Allowance 1,500.00
1500-Computer Allowance 1,500.00
1528-Unattractive Area Allow 1,700.00
2148-15% Adhoc Relief All-2013 330.00
2199-Adhoc Relief Allow @10% 243.00
2211-Adhoc Relief All 2016 10% 1,354.00
Gross Pay and Allowances 35,000.00

BJ0056
18,120.00
1,961.00
2,856.00
1,500.00
1,500.00
1,700.00
330.00
243.00
1,354.00
35,000.00

DEDUCTIONS:
GPF Balance 86,527.00
3661-E. E. F (Exchange)
3701-Benevolent Fund (Exchange)
3705-Beath Cmp (Exch)
QUALIFYING SERVICE YRS MON

NET AMOUNT PAYABLE
Subrc:

2,220.00
100.00
180.00
600.00



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT
PAYROLL SYSTEM

PAYMENT ADVICE

Bajaur at Khar

S#: 14
Pers #: 50157395 Buckle:

S# Se
BJ00

Name: UMAR DARAZ KHAN
BPS COMPUTER OPERATOR

DEPTT CODE
NTN:
GPF #:
Old #:

CNIC No. 2110602396655
GPF Interest Applied
12 Active Temporary
PAYS AND ALLOWANCES:
2224-Adhoc Relief All 2017 10%
2247-Adhoc Relief All 2018 10%
2264-Adhoc Relief All 2019 10%

18,120.00
1,961.00
2,856.00
1,500.00
1,500.00
1,700.00
330.00
243.00
1,354.00
35,000.00

Gross Pay and Allowances
DEDUCTIONS:
GPF Balance 86,527.00
NET AMOUNT PAYABLE

QUALIFYING SERVICE YRS MON



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

No.SO(SM)E&SED/7-1/2019/Posting/Transfer/General
Dated Peshawar the September 16, 2019

To

All the District Education Officers (Male & Female),
Khyber Pakhtunkhwa, Peshawar.

Subject: - **COMPLETE BAN ON POSTING/TRANSFER**

I am directed to refer to the subject cited above and to state that complete ban on posting/transfers of Teaching Staff in the Elementary and Secondary Education Department was imposed by the Hon'ble Chief Minister Khyber Pakhtunkhwa vide this Department notification dated 14.02.2019.

However, it has been observed by the Competent Authority that the DEOs (Male & Female) are issuing Posting/Transfers orders at their level which is sheer violation of ban imposed by Hon'ble Chief Minister Khyber Pakhtunkhwa. The Hon'ble Chief Minister, Khyber Pakhtunkhwa, has taken serious notice of the non-compliance of the order and has directed to observe complete ban in the entire province with no provision of relaxation of ban by any officer.

Encl: As Above:

S. Rafiq
16/09/2019
(SHAHID RAFIQ)
SECTION OFFICER (SCHOOLS MALE)

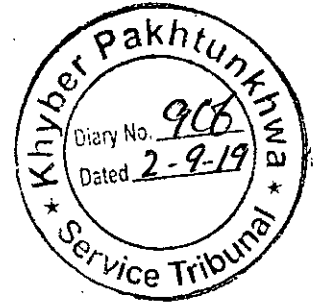
Endst: Even No. & Date:

Copy of the above is forwarded to the:

1. PSO to Chief Minister Khyber Pakhtunkhwa.
2. PSO to Chief Secretary Khyber Pakhtunkhwa.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar for similar action.
4. Director Education, Merged Areas Districts, Peshawar for similar action.
5. PS to Secretary, E&SE Department.
6. PA to Deputy Secretary (Admn), E&SE Department.

S. Rafiq
16/09/2019
SECTION OFFICER (SCHOOLS MALE)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR



C.M. No. _____/2019
In
Service Appeal No.1112/2019

Nawab Zada.....**Appellant**


V E R S U S

The Secretary E&SE Peshawar & others.....**Respondents**

APPLICATION FOR EARLY HEARING
OF THE TITLED SERVICE APPEAL

Respectfully Sheweth:

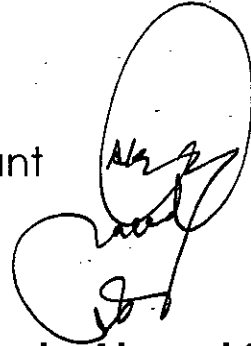
1. That the titled Service Appeal is pending before this Hon'ble Tribunal which is now fixed for 11.09.2019.
2. That the appellant has also filed stay application alongwith the titled Service Appeal regarding transfer and posting, furthermore, the appellant has neither relinquished the charge of his previous post nor assumed the charge of new post.
3. That it is just, fair as well as larger interest of justice that the titled Service Appeal be heard at the earliest.

*Shall remain fixed
on 11/9/2019*


*put up
to the
court
with relevant
appeal
Readers concerned.
For [Signature]
2/12/19*

It is, therefore prayed that by accepting this application, the titled Service Appeal may please be fixed and heard at the earliest.

Through Appellant



Akhuzada Ahmad Saeed
Advocate
high Court Peshawar

Dated 02.09.2019

Verification: It is verified that the contents of the application are true and correct as per the instructions of my client.



Deponent