

FORM OF ORDER SHEET

Court of _____

Appeal No. _____

345/2024

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
|-------|---------------------------|--|

3. 05/03/2024

The appeal of Mr. Muhammad Ayyaz resubmitted today by Malik Haider Awan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 13-03-24. Parcha Peshi is given to counsel for the appellant.

By the order of Chairman


REGISTRAR

This is an appeal filed by Mr. Muhammad Ayyaz today on 12.01.2024 against the order dated 28.10.2023 against which he made/preferred departmental appeal/representation on 10.11.2023 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- 1- In the memo of appeal the word petitioner is used but there exists no provision in the Service Tribunal Act 1974.
- 2- Memorandum of appeal is not signed by the appellant.
- 3- Annexure-C of the appeal is incomplete.
- 4- Page nos. 9 & 17 of the appeal are illegible which may be replaced by legible/better one.

No. 103 /ST,

Dt. 15/1/2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Nazir Ahmad Adv.
High Court Peshawar.

R/sis,

Resubmitted objections no 1 to 4 removed
respectively. Please place before the bench.
/ms

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal NO. _____/2024

M. AYYAZ

VS GOVT. OF KPK & OTHERS.

APPLICATION FOR FIXATION OF THE ABOVE TITLED Appeal AT
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned Appeal is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application the _____ may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Dated: 5/3/24

Through

Appellant/Applicant

Maalik Haider Ali Anwar
Attc

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Appeal No. 345 /2024

Muhammad Ayyaz

SCANNED
KPST
Peshawar
...APPELLANT

VERSUS

Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar

...RESPONDENTS

**APPEAL
INDEX**

| S.No. | Description of Document | Annexure | Page No. |
|-------|---|----------------|----------|
| 1. | Appeal, alongwith affidavit, certificate | -- | 1-6 |
| 2. | Copies of applications/complaints & inquiry reports | "A", "B" & "C" | 7-18 |
| 3. | Transfer impugned ORDER ENDST NO.8748-53/INQUIRYC-IV F No.02 DATED 28-10-2023 | "D" | 19 |
| 4. | Copies of departmental appeal | "E" | 20-24 |
| 5. | Copies of Writ Petition & orders dated 06.12.2023 | "F" & "G" | 25-31 |
| 6. | Suspension Application | -- | 32 |
| 7. | Wakalat Nama | | 33 |

Dated:- ___/___/2024

...Appellant

Through Counsel:

(MALIK HAIDER ALI AWAN)

Advocate High Court, Abbottabad
BC : 19-1214

malik-haider157@yahoo.com
20, Lawyers Chamber Hayat Shikher
Cherpaolawyers Plaza, Abbottabad.

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR KPK

Service Appeal No. 345 /2024

Muhammad Ayyaz S/o Muhammad Ashraf R/o Mohallah Rasoliyaan House # 044 P.O Nawanshehr Chatri Tehsil and District Abbottabad (CT, G.H.S Jabbrin, District Abbottabad)

.....Appellant

V E R S U S

District Education Officer (Male) District Abbottabad.

.....Respondent

APPEAL U/S 4 OF KP SERVICES
TRIBUNAL ACT 1974 AGAINST THE
TRANSFER/ADJUSTMENT ORDER ENDST
NO. 8748-53/INQUIRY C-IV-F NO. 02
DATED 28/10/2023 ISSUED BY D.E.O
(MALE) ABBOTTABAD SAID
ORDER/NOTIFICATION IS ILLEGAL,
AGAINST LAW, VOID-AB-INITIO AND
LIABLE TO BE SET ASIDE IN THE BEST
INTEREST OF JUSTICE.

Prayer:

On acceptance of instant petitioner/appeal, this Hon'ble Court may set aside the impugned transfer/adjustment order/notification dated 28/10/2023 issued by respondent No.2 and may respondents be directed to transfer/adjust appellant back to the G.H.S Jabryaan where already appellant was posted or any other relief this court may deem fit be granted in favour of appellant.

Respectfully Sheweth:

1. That, the appellant is serving in the education department for last 17 years since 09/04/2005 and performed his duties honestly, efficiently and to the entire satisfaction of his superiors and rules of department.

- 2
2. That, the Appellant was posted in the Government High School Jabbriaan District Abbottabad 02 years ago since then he is performed his duties in the said school.
 3. That, Appellant filed a 02 complaints against the one Ishtiaq Hussain (Naib Qasid) and one inquiry was conducted in School, one inquiry was conducted by the Deputy Director Education and last inquiry was conducted by the Principal G.H.S.S. No.01 in this regard and Ishtiaq Hussain was found guilty. (Copies of applications/complaints & inquiry reports are attached for perusal are annexed as annexure "A" "B" & "C").
 4. That, after above referred inquiries DEO-Abbottabad (Male) along with Ishtiaq Hussain (Head Master) transferred the Appellant illegally against the law and circumstances. (Transfer impugned ORDER ENDST NO.8748-53/INQUIRYC-IV F. No:02 DATED 28-10-2023 is annexed as annexure "D").
 5. That, on this Appellant filed departmental appeal before the respondent no 01 on 13.11.2023 through post but so far till today they did not respond. (Copies of departmental appeal annexed as annexure "E").
 6. That, Honorable High Court issued direction to Department/Respondent No 01 to decide the fate of appeal pending before him within a month and condoned the limitation period on 06.12.2023 after this direction of Honorable Court one months has been elapsed hence as well as respondent did not obey the order of Honorable High Court, hence appeal is well within time. (Copies of Writ Petition & orders dated 06.12.2023 are annexed as annexure "F" & "G").
 7. That, feeling aggrieved the Appellant submits the following grounds for cancellation of the said order on compassionate grounds:-

GRUNDS:-

3

1. That, Ishtiaq Hussain (Naib Qasid) was back by the Head Master of the School name Mr. Muhammad Arshad who by deceiving the Appellant took the signature on relieving chit by saying that this is final inquiry report and sign the same for disposal and thereafter gave relieving chit to Appellant which is against the law and fundamental rights of the Appellant hence impugned order is liable to be set aside.
2. That, it is against the spirit of natural justice that complainant is awarded with the same punishment like accused who found guilty during inquiries hence the impugned transfer order is not maintainable.
3. That, impugned order is clearly hitting the self-respect of Appellant and had made stood the Naib Qasid and a Teacher on same footing which is black spot in the history of Education Department.
4. That, it is clearly mention in the findings of Internal and external inquiry reports that Ishtiaq Hussain NQ used to misbehave with the Teachers of the School but management (Head Master) did not take any action against him.
5. That, all inquires clearly suggests that Ishtiaq Hussain NQ is culprit and has been backed by the Head Master but instead of transferring Head Master and Ishtiaq Hussain NQ of GHS Jabbriaan Appellant was transferred from the said School and this has caused Appellant severe mental agony, harassment and humiliation and has also damaged the reputation of a noble profession of Teaching.
6. That, other faculty members of GHS Jabriaan Abbottabad also supported the version of Appellant but was overlooked by the DEO-ATD (Male).

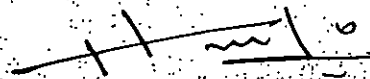
- 4
7. That, at this footing the Appellant deserves sympathetic consideration to serve at Jabbriaan School.
 8. That, it is humbly submitted that future of profession of Teaching is at stake and pre-mature transfer is illegal void not maintainable..
 9. That, matter in question is urgent in nature that's why prior to decision or finding of departmental appeal Appellant assailed the same before this forum.

PRAYER:-

It is, humbly prayed that on acceptance of the instant appeal the Posting/Transfer ORDER ENDST NO.8748-53/INQUIRYC-IV F No.02 DATED 28-10-2023 may kindly be set aside.

...APPELLANT
Muhammad Ayyaz
(C.T) G.H.S Jabbriaan
ABBOTTABD

Through Counsel:



(MALIK HAIDER ALI AWAN)
Advocate High Court, Abbottabad.

Dated:- _____/2024

VERIFICATION:-

Verified that the contents of instant Appeal are true and correct as per my information and that nothing has been concealed therein.

Dated:- _____/2024

...APPELLANT

5

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Appeal No. _____/2024

Muhammad Ayyaz

...APPELLANT

V E R S U S

Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar

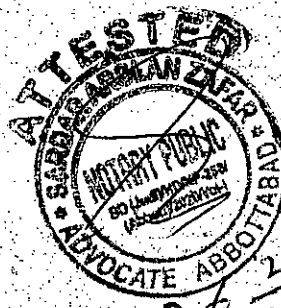
...RESPONDENTS

**APPEAL
AFFIDAVIT**

I, Muhammad Ayyaz S/o Muhammad Ashraf R/o Mohallah Rasoliyaan House# 044 PO Nawanshehr Chatri Tehsil and District Abbottabad. (CT,G.H.S Jabbrin, District Abbottabad) *appellant* do hereby solemnly affirm, and declare that the contents of forgoing *service appeal* are true and correct to the best of my knowledge and nothing has been suppressed from this Honourable Court.

Dated:- _____/2024

...DEPONENT



Handwritten signature of the deponent.

6

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Appeal No. _____/2024

Muhammad Ayyaz

...APPELLANT

VERSUS

Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar

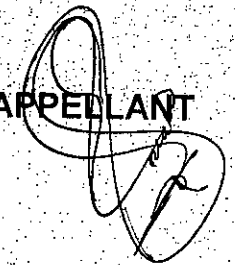
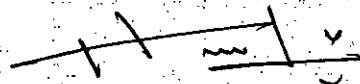
...RESPONDENTS

**APPEAL
CERTIFICATE**

*Certified that no such Appeal under the same case title has
earlier been filed before this Hon'ble Tribunal.*

Through:

...APPELLANT



Dated:- _____/2024

(MALIK HAIDER ALI AWAN)
Advocate High Court, Abbottabad.

ANNEXURE

جناب صاحب سید صاحب گورنمنٹ ہائی جسٹریاں ایبٹ آباد

Tanig Khan
P. I. Investigation
The matter of Report
ایبٹ آباد

عنوان! درخواست برائے ازالہ عالم کلوج اور اخصیات

در ذیل گزارشات مجددانہ اور غور طلب اقدامات کی حالت میں
یہ کہ آئندہ محترم جناب سید صاحب گورنمنٹ ہائی جسٹریاں ایبٹ آباد سے کرمیاں باہر
نہ رکنے کا حکم دیا گیا۔ جو کہ ہماری سر آئینیں پر۔

یہ کہ طارق محمود صاحب ایس ایس ٹی جنرل ٹری پر باہر بیٹھے تھے۔ میں موڈ بانہ لڑنے سے
جناب طارق صاحب سے درخواست کی اور وہ سٹاف روم میں آ گئے۔ اور ٹری لٹا دی گئی۔
یہ کہ نائب صاحب امتیاز حسین نے میرے اور میرے خاندان کو عالم کلوج کی اور نازیبا
الفاظ کا استعمال کیا۔ اس کی باتیں سن کر میں نظر انداز کر کے چلا گیا۔

یہ کہ نائب صاحب امتیاز حسین نے سٹاف روم میں کلاس خرابا کر اور سبوا بیاں
ایس ایس ٹی سے معافی ہو نازیبا عالم کلوج بھی کی۔ اور دھمکیاں بھی دیں گئیں۔
اب جناب سے استدعا ہے کہ میں بھی اس مسئلہ کا عزت دار پھر ہوں۔ میرے ساتھی
جانے والی زیادتی کا ازالہ کیا جائے۔ اس کے خلاف قانونی تادیبی کارروائی عمل
میں لائی جائے۔ اگر مسئلہ میں اس کے خلاف کارروائی نہیں کی جاسکتی
تو مجھے حاکم بالا اور قانون کا سہارا لینے کی اجازت دلا جائے۔
میں گزارش ہوگی۔

الکمار علی
محمد ایاز سیٹھی
گورنمنٹ ہائی جسٹریاں
جناب ایبٹ آباد
19/08/23

المترجم 19 اگست 2023

محرم جناب ڈی سی او صاحب ڈسٹرکٹ ایبٹ آباد

عنوان! درخواست برائے ازالہ امتیاز امتیاز ملوں اور کالم کونج (ایبل) کے بارے میں
25/09/2025
DBOCMS

جناب عالی!

درج ذیل گزارشات پسمردانہ اور غور طلب اور اہمیت کے حامل ہیں۔
1۔ یہ کہ مورخہ 19 اگست 2025ء کو گورنمنٹ ٹائی سکول جیٹریاں ایبٹ آباد
مائب مامد استیقای عین نے مجھے اور میرے خاندان کو کالم کونج کی اور نامہ پانچواں

کا استعمال کیا۔
2۔ یہ کہ میں نے اسی وقت سکول کے پرنسپل صاحب کو درخواست دی تھی میری داد دہی اسکے
پرنسپل صاحب نے سکول کے اندر انٹروٹی کروائی جس پر 20 دن لگے۔ اور اس

کا کوئی فیصلہ نہ ہو سکا۔
3۔ یہ کہ مورخہ 7 ستمبر 2025ء کو میں نے سکول سے دی جانے والی درخواست کی کاپی لے کر
تعلیم کے دفتر میں درخواست دی جس کو ڈپٹی ڈی او جناب لغیر صاحب نے وارک
کیا۔ اور داد دہی کی یقین دہانی کروائی۔

4۔ یہ کہ سکول میں اور نہ ہی تعلیم کے دفتر میں میری داد دہی نہ ہو سکی۔ اور مائب مامد
کے خلاف کوئی قانونی تادیبی کارروائی نہیں ہوئی اور مجھے دور دراز ٹرانسفر کرنے کا فیصلہ کر
خاموش کرایا جا رہا ہے۔

5۔ یہ کہ میرا اس سکول میں ڈیڑھ سال ہوا ہے۔ استیقای عین مائب مامد کا اس سے پہلے
میں اساتذہ کرام کے ساتھ ایسا رویہ رہا ہے۔ جس نے تم پر کثرت موجود ہے۔

4۔ یہ کہ تعلیمی دستگاہ میں اگر کلاس فور ملان میں اساتذہ کرام کے ساتھ اس طرح کا
شیب امتیاز دیتے ہوگا۔ تو وہاں تسلیم حاصل کرنے والے طلباء پر اس کے سخت اثرات مرتب
ہوئے گئے۔

اب جناب سے استدعا ہے کہ میری درخواست پر پسمردانہ غور فرماتے ہوئے امتیاز
کو اس کی غنیمت نفس کا فائدہ دیا جائے اور شفاف انٹروٹی کروا کر میری داد دہی
کی جائے۔
عین گزارش ہوگی



العامر
قلمی ایبٹ آباد
گورنمنٹ ٹائی سکول جیٹریاں
0315-0550166

الموافق 20 ستمبر 2025

تذکرہ معزز جج صاحب عالی اور صاحب محترم انجمن قضاہ پاکستان - لاہور - لاہور ایسٹ ایبڈ
محترم انجمن قضاہ کے اہل

جناب عالی

درخواست نمبر 19/19/2005 کی ترقی پانچواں نمبر 5-8764-5-28
کو جو کہ درخواست نمبر 19/19/2005 کی ترقی پانچواں نمبر 5-8764-5-28
کو جو کہ درخواست نمبر 19/19/2005 کی ترقی پانچواں نمبر 5-8764-5-28

i. میری پہلی ترقی 19/19/2005 کی ترقی پانچواں نمبر 5-8764-5-28
میں SPST، PST اور PSHT کی پوسٹ پر اپنے فرائض سر انجام دیا گیا۔

ii. درخواست نمبر 19/19/2005 کی ترقی پانچواں نمبر 5-8764-5-28
میں میری ترقی پانچواں نمبر 5-8764-5-28 کی ترقی پانچواں نمبر 5-8764-5-28

iii. ترقی پانچواں نمبر 5-8764-5-28 کی ترقی پانچواں نمبر 5-8764-5-28
میں میری ترقی پانچواں نمبر 5-8764-5-28 کی ترقی پانچواں نمبر 5-8764-5-28

iv. ترقی پانچواں نمبر 5-8764-5-28 کی ترقی پانچواں نمبر 5-8764-5-28
میں میری ترقی پانچواں نمبر 5-8764-5-28 کی ترقی پانچواں نمبر 5-8764-5-28

v. ترقی پانچواں نمبر 5-8764-5-28 کی ترقی پانچواں نمبر 5-8764-5-28
میں میری ترقی پانچواں نمبر 5-8764-5-28 کی ترقی پانچواں نمبر 5-8764-5-28

vi. ترقی پانچواں نمبر 5-8764-5-28 کی ترقی پانچواں نمبر 5-8764-5-28
میں میری ترقی پانچواں نمبر 5-8764-5-28 کی ترقی پانچواں نمبر 5-8764-5-28

vii. ترقی پانچواں نمبر 5-8764-5-28 کی ترقی پانچواں نمبر 5-8764-5-28
میں میری ترقی پانچواں نمبر 5-8764-5-28 کی ترقی پانچواں نمبر 5-8764-5-28

ADJ (S)
for Full Pay

محمد ایاز شیخ

EB-11
2013

2-11-83

محضوړ جناب ڈی ای او صاحب محکمہ تعلیم مردانہ ضلع ایبٹ آباد

درخواست برائے اپیل

عنوان!

جناب عالی!

درخواست بمراد کینسل آرڈر کئے جانے چٹھی نمبر 8748 محررہ 28/10/2023 بوجہ ہونے دھوکہ بعد ازاں من سائل جو سائل کی درخواست پر بعد از انکوائری ہونے کے الزام عہد مسی اشتیاق حسین نائب قاصد کے ہمراہ من سائل کو غیر قانونی طور پر ٹرانسفر کر دیا گیا ہے جو کہ من سائل کے حقوق پر کالعدم ہے۔ درخواست ذیل عرض ہے۔

- i- میری پہلی تعیناتی 9 اپریل 2005ء کو ہوئی اور 17 سال میں نے مختلف پرائمری سکولوں میں SPST، PST اور PSHT کی پوسٹ پر اپنے فرائض منصبی سرانجام دیتا رہا۔
- ii- گورنمنٹ ہائی سکول جڑیاں میں میرے دو سال ہوئے ہیں۔
- iii- نائب قاصد اشتیاق حسین کے خلاف میں نے تین درخواستیں دی ہیں ایک انکوائری سکول میں ہوئی دوسری انکوائری ڈپٹی ڈی او صاحب نے کی اور پھر تیسری انکوائری پرنسپل نمبر 1 سکول اکرام الحق صاحب نے کی فائنل انکوائری رپورٹ ہوئی جس میں الزام علیہ اشتیاق حسین نائب قاصد مجرم (Guilty) ثابت ہوا۔
- iv- انکوائری کے بعد درخواست گزار کو بھی ٹرانسفر کر دیا گیا کیونکہ کلاس فورس کا ساتھ ہیڈ ماسٹر محمد ارشد صاحب دے رہے تھے اور انہوں نے ذاتیات کی بناء پر میرے خلاف محکمہ کو لکھ کر دیا۔
- v- ہیڈ ماسٹر محمد ارشد صاحب نے مجھ سے کہا کہ فائنل انکوائری رپورٹ مکمل ہو گئی ہے آپ اس پر دستخط کریں انہوں نے مجھ سے دستخط لئے اور بعد میں مجھے (Release) کر دیا اور کہا کہ اب تمہارا چارج ختم ہو گیا ہے۔
- vi- کیا یہ قانون ہے کہ درخواست گزار کو بھی مجرم (Guilty) بندے کی طرح سزا دی جائے؟
- vii- اگر محکمہ نے یہ آرڈر کینسل نہ کیا تو PHC-Atd-Bench سے رجوع کروں گا۔

عین نوازش ہوگی

العارض

محمد ایاز سی ٹی

المرقوم 2 نومبر 2023ء

INTERNAL SECURITY

INQUIRY REPORT

10

ANNEXURE B

PROLOGUE:-

This inquiry report is somewhat extensive and lengthy. But it was necessary to pinpoint all the elements involved in this whole incident. And as I know this was the first incident in present staff so according to the proverb "Nip the evil in the bud" it was necessary to investigate all the factors involved in this incident and get to the bottom of the matter so that such incidence can be remedied. This report is a clear message for all the staff that they should concentrate on their deputed liabilities and keep themselves away from any kind of controversy.

Moreover, I request not to make an opinion without reading the whole report, please.

FACT AND FINDINGS:-

Keeping in view allegations of both parties, There are four questions which I had to inquire and investigate.

1. Whether Mr. Ishtiaq Hussain (N/Q) abused in absence of Mr. Muhammad Ayaz (CT) while in presence of Saad Iqbal (SST) and Muhammad Ayaz (Chowkidar).
2. Whether Mr. Ishtiaq Hussain (N/Q) abused and threatened Mr. M. Ayaz (CT) on his face.
3. What is the nature of the allegations of Mr. Ishtiaq (N/Q).-Whether these are true or baseless.
4. What is the nature and authenticity of applications moved by Mr. Ayaz (Chowkidar) and Mr. Ishtiaq (N/Q) during the process of inquiry.

Now I come to question # 1, which is the main cause of the whole dispute. Although no explicit evidence was found but I am convinced, this is true that Mr. Ishtiaq (N/Q) abused to Mr. M. Ayaz in his absence.

REASONS:-

11
The offence was present. The behavior of Mr. Ayaz (CT) was not good and fair with Mr. Ishtiaq (N/Q) during last few days (as told by Mr. Ishtiaq). And on the time of the offence the chair was taken away by Mr. Ayaz (CT) from Mr. Ishtiaq Hussain. Which annoyed Mr. Ishtiaq and a reaction from him could be expected. So, it is assumed that he abused in reaction of Mr. Ayaz (CT)'s action.

- ii. To judge the authenticity of statements of witnesses I merely asked them that they would have to give their statement on Quran Pak. In reply, the witness No 1 Saad Iqbal (SST) was ready at once. While the witness No 2 who was favouring Mr. Ishtiaq Hussain refused to give testimony on Quran Pak.
- iii. Mr. Ishtiaq Hussain himself refused to give testimony on Quran Pak. Ironically, he was ready to give testimony on Quran Pak when he was asked whether he abused Mr. Muhammad Ayaz on his face. (During the investigation of Question, No 2 of this inquiry)
- iv. Mr. Muhammad Ishtiaq (N/Q) himself told me before the incident that the behaviour of Mr. M. Ayaz was insulting with me. And I could do nothing but abuse him in his absence. (For catharsis, I think)

2-

As for the second question that is, "whether Mr. Ishtiaq Hussain (N/Q) abused Mr. Ayaz (CT) on his face, I say this is not true. This is a baseless allegation.

REASON:

- i. Mr. Ayaz (CT) could not provide an evidence even a minor evidence nor he provided any clue in favour of his allegation.
- ii. Mr. Ayaz (CT) stated that he simply passed away and went towards Headmaster when Ishtiaq Hussain abusing him. (Annexure v - point 3)
How can it possible that a man after hearing nonsense remarks could not respond. And impulsive man like Mr. Ayaz (CT) can never be expected to pass away silently after listening abusive language. (look

12

Annexure ix-point 8). Furthermore Mr. Ayaz (CT) did not even complain this to Headmaster sb. at that moment. While Headmaster sb. was present at some distance.

III. Mr. Ayaz (CT) statements in this regards are contradictory. He says, "Mr. Ishtiaq was cursing in low tone, I listened and went away" (Annexure v-point 3) In his application he says, "Mr. Ishtiaq abused me and my family". At one place he uses the word برا بھلا کہا and at other place he use the word گالم گلوچ کی

In his verbal statement he replied to one of my query as "I clearly heard Mr. Ishtiaq was abusing me. I have no doubt. And I am ready to give testimony on Quran Pak". While on a telephonic conversation he told me that Mr. Ishtiaq was saying something in ambiguous language and I guessed from his face and gestures that he was abusing me.

Moreover in reply to my question No 3 at Annexure-iv, his answer (Annexure-V point 3) is not state forward.

IV. Mr. Ishtiaq (N/Q) refused to take oath on Quran Pak when I asked him whether he abused Mr. Ayaz (CT) in his absence.

But he was instantly ready to take oath when I asked him whether he abused Mr. Ayaz (CT) on his face.

A person who deny to take oath on one occasion and gets ready to take oath on another occasion, It means he shall be wrong at first occasion and he shall be truly right on second occasion.

So in this regard Mr. Ishtiaq N/Q. stance is true that he did not abuse Mr. Ayaz (CT) on face to face.

3 - In reply to Question No 3 I shall say that the application of Mr. Ishtiaq Hussain (CT) is nothing but a try to counter the situation. Because allegations have no solid ground. During interview with Mr. Ishtiaq

(4)

13

(N/Q) he could not provide solid reasons or any proof. His allegations that Mr. Ayaz (CT) keeps pistol in the school has been proved baseless during the investigation. No one in the school has ever seen a pistol in the school and the pistol is not a small ring that could be hidden.

4-

Reply of Question No 4: During the inquiry process Mr. Ishtiaq again lodged an application against the behaviour of Mr. Ayaz (CT).

Mr. Ayaz (Chowkidar) also lodged application complaining the rude behavior of Mr. Ayaz (CT).

I found no questionable offence in these applications. These are routine matters. Such matters go on in the departments and they are solved verbally.

RECOMMENDATIONS:-

1. The act of abusing in absentia by Mr. Ishtiaq has been proven. But I do not recommend any proceedings against him. Because no court of law gives punishment on the act of abusing in absentia. This is morally condemnable but legally it can not be punishable. The people abuse to P.M and Army chiefs in their absence. In the department every person abuses to every other person in absentia and it is a simple way of catharsis. If we do a proceedings against this act than we should be ready to face such cases every other day.

The act of M. Ayaz (CT) in this regard can not be ignored. He provided solid reasons for committing this act. Why and for what authority had he taken away the chair from Mr. Ishtiaq. Mr. Ishtiaq has the fully right to use armchair because ;

- i. He is a sciatica patient.
- ii. He is using it at the place of his duty.

The orders of Headmaster have been taken misconstrued.

(14)

Headmaster sb. did not order that chair can not be used while performing duties. A teacher who takes his class in the ground he may use chair. I myself have seen the teachers using chairs in the varandah of middle section while completing their attendance register, doing a paper work and checking of note books. The Headmaster sb did not forbade them.

So if Mr. Ishtiaq is using chair on his place of duty, what is wrong with it. If he is a class iv, it does not mean he is not a human being. He has feelings as a teacher has. And he has self respect as a teacher has. Class four are already belongs to oppressed community. And we try to oppressed them in the departments. It is shameful.

In this dispute, Mr. Ayaz (CT) and Mr. Ishtiaq (N/Q) both are equally responsible. So they both deserve equal treatment.

2. The allegations against Mr. Ayaz (CT) in the application lodged by Mr. Ishtiaq could not be proved.

3. At the last stage of my inquiry I asked the teachers in the staffroom whether any one wanted to add his remarks in the inquiry. Some of the teachers burst upon me and asked me that I was not taking my inquiry on right lines. They tried to influence me. Mr. Raja Tahir Habib (D.M) blamed me with clear cut words. He said "Tariq sb is trying his best to convict Mr. Ayaz (CT)" and to save Ishtiaq Hussain. This clearly shows some of the teachers attitude. And in this respect Mr. Ishtiaq (N/Q) is quite right in his statement (Annexure ix-point 7&10). He says some teachers are involved in grouping and they have bias attitude towards me.

After listening the statement of Raja Tahir Habib and the remarks of some other teachers I can fully convinced that there is a grouping in the school premises. The grouping is disaster for conducive environment of learning. So it must be crushed with iron hands.

ENDING:-

The role of one person, Saad Iqbal can not be ignored. He played the role of Massi Museebatay (ماسی مصیبتے). He told Mr. Ayaz (CT) that Ishtiaq Hussain was abusing him. If he did not do so then there would be no crisis.

15

It is amazing that Mr. Ayaz (CT) personally heard Ishtiaq Hussain abusing and threatening him (as he himself claimed Annexure v-point 3) but he did not respond a single word, even he did not complain this to the Headmaster in his immediate meeting after this incidence. But he became hyper and immediately lodged application against Ishtiaq Hussain after listening from Saad Iqbal (SST). Mr. Saad Iqbal is a young and energetic teacher. He is new in the department. Perhaps he may not know the institutional politics. It is responsibility of Head of school to guide and gave positive counseling to new and young teachers so that they may not spoil their energies and capabilities by indulging themselves in controversies. They should utilize their energies and capabilities in positive direction.

The last words,— "I smell that the target is not a person in front. The target is some other person and it will be disclosed Sooner or later". This is my assumption and there are three reasons behind this assumption.

- i. Mr. M. Ayaz (CT) told me more than one time that this case would never be resolved here and would be gone to higher authorities. He said, "I have no hope for settlement of case within the boundary of school". It means that he has determined to take the case to higher authorities.
- ii. Mr. Ishtiaq (N/Q) said to Jirga council to do apologies ten times to Mr. Ayaz (CT). But Mr. Ayaz (CT) did not back down an inch from his stance and insisted for written confession of the crime. It shows the intention of Mr. Ayaz (CT) to carry the case up to the higher authorities. And why does he want to take the case to higher authorities?
- iii. Two days ago I saw a quotation newly written by Mr. Ayaz (CT) on the white board of staff room it is stated as

حضرت حسن بصری سے پوچھا گیا کہ قیامت کے دن سب سے زیادہ چیخ و پکار کس کی ہو گی؟ تو آپ نے فرمایا اس شخص کی چیخیں زیادہ ہوں گی جسے اللہ تعالیٰ نے کوئی منصب دیا اور اس نے اس منصب کو لوگوں پر ظلم اور نا انصافی میں استعمال کیا۔ حساب تو دینا پڑے گا۔

16

This is not difficult to understand that for whom it was written and what message it carries. The last sentence was amazing. It has no correlation with the original quotation. "حساب تو دینا بڑے کا"

This is a message and to whom it is given, it will not be difficult to understand.

"May Allah have mercy on all of us"

THE END

INQUIRY PERSON

Tariq Mehmood

TARIQ MEHMOOD

SST (G)

GHS JABRIAN ABBOTABAD

Dated: 06/9/2023

Attested

[Signature]

(1) Two days before the incident, the Headmaster asked Ishtiaq Hussain N/Q and M Ayaz (chowkidar) to pick up all the arm chairs from the verandah and from laboratory and put them in the staff room due to some disciplinary reason.

(2) The next day Mr. Ayaz (C.T) was coming with some teachers and he saw one of class IV sitting on an arm chair outside Headmaster office. Mr. Ayaz went straight to Headmaster Sb and asked " We are not allowed to sit on arm chair outside the rooms, so why class IV is sitting outside on a chair." The Headmaster replied that I didn't forbid you to sit on the chair, you could sit on two chairs but inside the rooms.

(3) The day after (which is the day of incident) Ghulam Musa Sb (SCT) was doing some paperwork while sitting on an arm chair outside the Headmaster's room. Mr. Ayaz (C.T) came to him and humbly requested not to sit on a chair outside as the teachers are not allowed to sit in. Ghulam Musa Sb stood up and went away.

(4) The above 3 lines are according to the statements of Mr. Ayaz Sb (C.T) while Ishtiaq Hussain N/Q statements are some what different. He said, " I am a sciatica patient. I took permission from Headmaster Sb to use arm chair. The day before the incident I was sitting on a chair at my place of duty. I saw Mr. Ayaz Sb coming towards me. I stood up and sat on the stool nearby. He grabbed the chair and took away it saying if we were not allowed why he is sitting in the chair. The next day (day of incident), Musa Sb (SCT) was sitting on my stool and doing some paperwork. I brought chair for him and requested to sit on it. While he was sitting on the chair Mr. Ayaz came here and forbade him to sit there. Mr. Musa took his papers and went away.

(5) The next part that had happened to me and I (Mr. Tariq SST) am eye witness of this as follows. After the departure of Ghulam Musa Sb I (Mr. Tariq Mehmood SST) came there and sat on the same chair where Musa Sb (SCT) were sitting. While I was busy in my paperwork Mr. Ayaz (C.T) came and called me into the staff room. I went to the staff room and Mr. Ayaz humbly requested me not to sit on an arm chair outside as we teachers were not allowed to sit in. I said " You are quite right and I am agree with you." Then I left the place and after my leaving Mr. Ayaz (C.T) picked up the chair and put it into the room.

(5) The next part as stated by Mr. Ayaz (C.T). He said, " I put the chair into the room and went towards the Headmaster who is standing on the ground. When I passed by Ishtiaq Hussain, I listened he was abusing me and my family in low tone. I ignored and went away. When I left Mr. Ishtiaq went into the staff room and he abused me and gave threats in front of Saad Iqbal (SST) and M. Ayaz (chowkidar).

(7) Mr. Ishtiaq Hussain N/Q refused this and told that he didn't abuse at all.

(9) Both the parties put forward their application to Headmaster against each other and I (Mr. Tariq Mehmood SST) was deputed as inquiry person to investigate the dispute.

INQUIRY PERSON

Tariq Mehmood SST
Tariq Mehmood SST (G)

BETTER COPY OF THE PAGE NO. 17
Summary of the Dispute

(1) Two days before the incident, the Headmaster asked Ishtiaq Hussain N/Q and M. Ayaz (Chowkidar) to pick up all the arm chairs from the Virandah and from laboratory and put them in the staff room due to some disciplinary reason.

(2) The next day Mr. Ayaz (C.T) was coming with some teachers and he saw one of class IV sitting on an arm chair outside Headmaster office. Mr. Ayaz went straight to Headmaster Sb and asked "We are not allowed to sit on arm chair outside the rooms, so why class IV is sitting outside on a Chair." The Headmaster replied that I didn't forbid you to sit on the chair, you could sit on two chairs but inside the rooms.

(3) The day after (which is the day of incident) Ghulam Musa Sb (SCT) was doing some paperwork while sitting on an arm chair outside the Headmaster's room. Mr. Ayaz (C.T) came to him and humbly requested not to sit on a chair outside as the teachers are not allowed to sit in. Ghulam Musa Sb stood up and went away.

(4) The above 9 lines are according to the statements of Mr. Ayaz Sb (C.T) while Ishtiaq Hussain R/O statements are somewhat different. He said "I am a sciatic patient took permission from the Headmaster Sb to use arm chair. The day before the incident I was sitting on a chair at my place of duty. I saw Mr. Ayaz Sb coming towards me. I stood up and sat on the stool nearby. He grabbed the chair and took away it saying if we were not allowed why he is sitting in the chair. The next day (day of incident), Musa Sb (SCT) was sitting on my stool and doing some paperwork. I brought chair for him and requested to sit on it. While he was sitting on the chair Mr. Ayaz came here and forbade him to sit there Mr. Musa took his papers and went away.

(5) The next part that had happened to me and I (Mr. Tariq SST) am eye witness of this as follows. After the departure of Ghulam Musa Sb I (Mr. Tariq Mehmood SST) came there and sat on the same chair where Musa Sb (SCT) where sitting. While I am busy in my paperwork Mr. Ayaz (CT) Came and called me into the staff room. I went to the staff room and Mr. Ayaz humbly requested me not to sit on an arm chair outside as we teachers were not allowed to sit in. I said "You are quite right and I am agree with you". Then I left the place and after my leaving Mr. Ayaz (CT) picked up the chair and put it into the room.

(6) The next part as stated by Mr. Ayaz (CT). He said "I put the chair into the room and went towards the Headmaster who is standing on the ground. When I passed by Ishtiaq Hussain, I listened he was abusing me and my family in law tone. I ignored and went away. When I left Mr. Ishtiaq went into the staff room and he abused me and gave threats in front of Saad Iqbal (SST) and M. Ayaz (Chowkidar).

(7) Mr. Ishtiaq Hussain N/Q refused this and told that he didn't abuse at all.

(8) Both the parties put forward their application to Headmaster against each other and I (Mr. Tariq Mehmood SST) was deputed as inquiry person to investigate the dispute.

INQUIRY PERSON
TARIQ MEHMOOD SST(G)

سوال (1) - آپ کب سے حکیمہ تعلیم میں تعینات ہیں اور کس یوسٹ پر کام کر رہے ہیں۔

(ج) میں حکیمہ تسلیم میں 13 اپریل 2022ء کو پی ایس ٹی پوسٹ پر مہرتی ہوا تھا۔ اور اب عرصہ دو سال کے کئی پوسٹ پر گورنمنٹ ٹائی ٹول چیزیاں میں اپنے فرائض منصبی سرانجام دے رہی ہوں۔

سوال (2) اس سے پہلے آپ کس یوسٹ پر تعینات رہے ہیں اور کون کون سے سکولوں میں رہے ہیں۔

(ج) اس سے پہلے میں پی ایس ٹی، ایس پی ایس ٹی اور پی ایس ایچ ٹی کی پوسٹ پر تعینات رہا ہوں۔ اور GPS مومن آباد، GPS ٹنگڑی، GPS لنگڑے، GPS براءت خان، GPS بمالہ، جانیٹ کا ماڈل ڈیپارٹمنٹ اور GPS ماڈرن بازار۔

سوال (3) اس سکول میں آپ کب سے کام کر رہے ہیں۔

(ج) اکتوبر 2022ء میں اس سکول میں پی ایس ایچ ٹی کے کئی کی پروموشن میں مہرا آرڈر ہوا تھا۔ اس سکول میں میرے دو سال ہوئے ہیں۔

سوال (4) آپ کا اشتیاق کیا ہے؟ کیا سائڈ ٹیپ حاصل ہوا اور

(ج) کسی بات پر تبلیغ کلاسی ہوئی۔ تمام اساتذہ کرام کے ساتھ اس کا رویہ درست نہیں۔ میری اشتیاق کے ساتھ کوئی تبلیغ کلاسی نہیں ہوئی۔ تمام اساتذہ کرام کے ساتھ اس کا رویہ درست نہیں۔

سوال (5) اگر اس کے علاوہ کئی بات فہم نہ کرنا چاہتے ہوں تو اشتیاق حسین کی پوسٹ پائی کی جاتی ہے۔ اس کے خلاف آج تک کوئی قانونی کارروائی نہیں ہوئی۔ سکول میں صافی مائیکرو اس کی غیر اخلاقی حرکات کو دہرایا جاتا ہے۔ جس کی وجہ سے یہ بار بار اس طرح کی حرکات کرتا ہے۔ اسے آزادی کامل ہیلد یہ کسی استاد کے ساتھ کوئی کارروائی ہی کر سکتا ہے۔ تمام اساتذہ کرام اس کی سازشوں سے پناہ مانگتے ہیں۔ اور اس سے بچتے رہتے ہیں۔

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

TRANSFER.

The Following teachers/C-IV are hereby transferred against the school recorded against them on their own pay and scale in the interest of public service with immediate effect.

| S.No | Name/Designation | From | To | Remarks |
|------|--------------------------|--------------------|---------------------|-----------------|
| 01 | Muhammad Ayyaz, CT | GHS Jabbrian | GMS Banda Qazi ATD | V/S.No.2 |
| 02 | Raja Khizar, CT | GMS Banda Qazi ATD | GHS Jabbrian ATD | V/S.No.1 |
| 03 | Ishtiaq Hussain, N/Qasid | GHS Jabbrian ATD | SDEO (M) Abbottabad | Ag: Vacant Post |

Note:-

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

District Education Officer (M)
Abbottabad

Date 28/10/2023

Endst No: 8748-53 /InquiryC-IV F.no.02

Copy forwarded to the :-

1. District Accounts Officer Abbottabad.
2. SDEO (M) Abbottabad.
3. Headmaster GHS Jabbrian ATD.
4. Headmaster GMS Banda Qazi ATD.
5. AD EMIS Local Office Abbottabad.
6. Official Concerned.

DY: District Education Officer (M)
Abbottabad.

BEFORE THE DIRECTOR OF EDUCATION K.P.K
PESHAWAR.

ANNEXURE E

Muhammad Ayyaz CT, G.H.S Jabbrian, District Abbottabad

...PETITIONER

DEPARTMENTAL APPEAL AGAINST THE TRANSFER/
ADJUSTMENT ORDER ENDST NO.8748-53/INQUIRYC-IV
F No.02 DATED 28-10-2023. ISSUED BY D.E.O (MALE)
ABBOTTABAD.

Respectfully Sheweth,

Facts:-

1. That, the petitioner is serving in the education department for last 17 years since 09-04-2005 and performed his duties honestly, efficiently and to the entire satisfaction of his superiors and rules of department.
2. That, the petitioner was posted in the Government High School Jabbriaan District Abbottabad 02 years ago since then he is performed his duties in the said school.
3. That, petitioner filed a 03 complaints against the one Ishtiaq Hussain (Naib Qasid) and one inquiry was conducted in School, one inquiry was conducted by the Deputy Director Education and last inquiry was conducted by the Principal G.H.S.S. No.01 in this regard and Ishtiaq Hussain was found guilty. (Copies of

applications/complaints & inquiry reports are attached for perusal).

4. That, after above referred inquiries DEO- Abbottabad(Male) along with Ishtiaq Hussain transferred the petitioner illegally against the law and circumstances. (Transfer ORDER ENDST NO.8748-53/INQUIRYC-IV F No.02 DATED 28-10-2023 is annexed for perusal)

5. That feeling aggrieved the petitioner submits the following grounds for cancellation of the said order on compassionate grounds:-

GRUNDS:-

1. That, Ishtiaq Hussain (Naib Qasid) was back by the Head Master of the School name Mr. Muhammad Arshad who by deceiving the petitioner took the signature on relieving chit by saying that this is final inquiry report and sign the same for disposal and thereafter gave relieving chit to petitioner which is against the law and fundamental rights of the petitioner hence impugned order is liable to be set aside.
2. That, it is against the spirit of natural justice that complainant is awarded with the same punishment like accused who found guilty during inquiries hence the impugned transfer order is not maintainable.
3. That, impugned order is clearly hitting the self-respect of petitioner and had made stood the Naib Qasid and a

Teacher on same footing which is black spot in the history of Education Department.

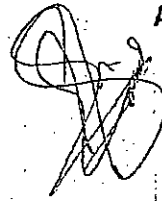
4. That, it is clearly mention in the findings of Internal and external inquiry reports that Ishtiaq Hussain NQ used to misbehave with the Teachers of the School but management (Head Master) did not take any action against him.
5. That, all inquires clearly suggests that Ishtiaq Hussain NQ is culprit and has been backed by the Head Master but instead of transferring Head Master and Ishtiaq Hussain NQ of GHS Jabbriaan petitioner was transferred from the said School and this has caused petitioner severe mental agony, harassment and humiliation and has also damaged the reputation of a noble profession of Teaching.
6. That, other faculty members of GHS Jabriaan Abbottabad also supported the version of petitioner but was overlooked by the DEO-ATD (Male).
7. That, at this footing the petitioner deserves sympathetic consideration to serve at Jabbriaan School.
8. That, it is humbly submitted that future of profession of Teaching is at stake.

PRAYER:-

It is, humbly prayed that on acceptance of the instant departmental appeal the Posting/Transfer

DATED 28-10-2023 may kindly be set aside.

...PETITIONER
Muhammad Ayyaz
(C.T) G.H.S Jabbrian,
ABBOTTABD



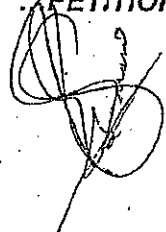
Dated:- 10/11 /2023

VERIFICATION:-

*Verified that the contents of instant Departmental Appeal
are true and correct as per my information and that nothing has
been concealed therein.*

Dated:- 10/11 /2023

PETITIONER



Copy Sent to DEO-ATD-Male

24

No. **1471** for Insurance Notices see reverse. Rs. **80**
RGL117094670 in case of
 uninsured letters of not more than
 the initial weight prescribed in the
 Post Office Guide or on which no
 acknowledgment is due.

Received a registered
 addressed to D. C. [Signature]

Write here "letter", "postcard", "packet" or "parcel"
 with the word "insured" before it when necessary.
 Initials of Receiving Officer [Signature]
 Insured for Rs. (in figures) 1000 (in words)

Insurance fee Rs. 5 Ps. 00 (in words) Weight 100 Kilo Grams
 Name and address of sender [Signature]

No. **1472** for Insurance Notices see reverse. Rs. **80**
RGL117094571 in case of
 uninsured letters or not more than
 the initial weight prescribed in the
 Post Office Guide or on which no
 acknowledgment is due.

Received a registered
 addressed to D. C. [Signature]

Write here "letter", "postcard", "packet" or "parcel"
 with the word "insured" before it when necessary.
 Initials of Receiving Officer [Signature]
 Insured for Rs. (in figures) 1000 (in words)

Insurance fee Rs. 5 Ps. 00 (in words) Weight 100 Kilo Grams
 Name and address of sender [Signature]

3.

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.

25

W.P.No. _____ of 2023

Muhammad Ayyaz S/o Muhammad Ashraf R/o Mohallah Rasoliyaan House# 044
PO Nawanshehr Chatri Tehsil and District Abbottabad. (CT,G.H.S Jabbarian,
District Abbottabad).

...PETITIONER

V E R S U S

1. Provincial Government KPK through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) District Abbottabad.

...RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973 AS AMENDED TILL DATE
AGAINST THE TRANSFER/ ADJUSTMENT
ORDER ENDST NO.8748-53/INQUIRYC-IV-F No.03
DATED 28-10-2023. ISSUED BY D.E.O (MALE)
ABBOTTABAD SAID ORDER / NOTIFICATION IS
ILLEGAL, AGAINST LAW, VOID AB-INITO AND
LIABLE TO BE SET ASIDE IN THE BEST
INTEREST OF JUSTICE.**

Respectfully Sheweth,

**The facts leading rise to the instant Writ Petition
are as under;**

Facts:-

1. That, the petitioner is serving in the education department for last 17 years since 09-04-2005 and performed his duties honestly, efficiently and to the entire satisfaction of his superiors and rules of department.
2. That, the petitioner was posted in the Government High School Jabbarian District Abbottabad 02 years

ago since then he is performed his duties in the said school.

3. That, petitioner filed a 03 complaints against the one Ishtiaq Hussain (Naib Qasid) and one inquiry was conducted in School, one inquiry was conducted by the Deputy Director Education and last inquiry was conducted by the Principal G.H.S.S. No.01 in this regard and Ishtiaq Hussain was found guilty. **(Copies of applications/complaints & inquiry reports are attached for perusal are annexed as annexure "A" "B" & "C")**.
4. That, after above referred inquiries DEO-Abbottabad (Male) along with Ishtiaq Hussain (Head Master) transferred the petitioner illegally against the law and circumstances. **(Transfer impugned ORDER ENDS T NO.8748-53/INQUIRYC-IV F No.02 DATED 28-10-2023 is annexed as annexure "D")**.
5. That, on this petitioner/appellant filed departmental appeal before the respondent no 03 on 13.11.2023 through post but so far till today they did not respond. **(Copies of departmental appeal annexed as annexure "E")**.
6. That, feeling aggrieved the petitioner submits the following grounds for cancellation of the said order on compassionate grounds:-
7. That, under the circumstances referred to herein above para, petitioner is left with no other option but to invoke the Constitutional jurisdiction for the issuance of directions Hence this petition, inter-alia on the following grounds:-

GRUNDS:-

1. That, Ishtiaq Hussain (Naib Qasid) was back by the Head Master of the School name Mr. Muhammad Arshad who by deceiving the petitioner took the signature on relieving chit by saying that this is final inquiry report and sign the same for disposal and thereafter gave relieving chit to petitioner which is against the law and fundamental rights of the petitioner hence impugned order is liable to be set aside.

2. That, it is against the spirit of natural justice that complainant is awarded with the same punishment like accused who found guilty during inquiries hence the impugned transfer order is not maintainable.
3. That, impugned order is clearly hitting the self-respect of petitioner and had made stood the Naib Qasid and a Teacher on same footing which is black spot in the history of Education Department.
4. That, it is clearly mention in the findings of Internal and external inquiry reports that Ishtiaq Hussain NQ used to misbehave with the Teachers of the School but management (Head Master) did not take any action against him.
5. That, all inquires clearly suggests that Ishtiaq Hussain NQ is culprit and has been backed by the Head Master but instead of transferring Head Master and Ishtiaq Hussain NQ of GHS Jabbriaan petitioner was transferred from the said School and this has caused petitioner severe mental agony, harassment and humiliation and has also damaged the reputation of a noble profession of Teaching.
6. That, other faculty members of GHS Jabriaan Abbottabad also supported the version of petitioner but was overlooked by the DEO-ATD (Male).
7. That, at this footing the petitioner deserves sympathetic consideration to serve at Jabbriaan School.
8. That, it is humbly submitted that future of profession of Teaching is at stake and pre-mature transfer is illegal void not maintainable..
9. That, matter in question is urgent in nature that's why prior to decision or finding of departmental appeal petitioner assailed the same before this forum.
10. That, respondents are duty bound to fulfill their obligations as per law and this court can condone limitation in the best interest of justice.
11. That no other efficacious, alternate and speedy remedy is available to petitioner except this petition.
12. That Court fees stamp paper worth Rs.500/- is attached herewith.

28

INTERIM RELIEF:

That, the contents of forgoing petition are good and prima facie arguable and balance of convenience is also tilts in appellants favor, if impugned order is not suspended the petitioner will suffer irreparable loss and purpose of petition will be defeated therefore, impugned order/notification may be suspended till the final disposal of titled petition.

PRAYER:

ON ACCEPTANCE OF INSTANT PETITION, THIS HONORABLE COURT MAY SET ASIDE THE IMPUGNED TRANSFER/ ADJUSTMENT ORDER/NOTIFICATION DATED 28-10-223 ISSUED BY RESPONDENT NO 3 AND MAY RESPONDENTS BE DIRECTED TO TRANSFER/ADJUST PETITIONER BACK TO THE G.H.S JABRYAAN WHERE ALREADY PETITIONER WAS POSTED OR ANY OTHER RELIEF THIS COURT MAY DEEM FIT BE GRANTED IN FAVOR OF PETITIONER/APPELLANT.

...PETITIONER

Through:

Dated: 30-11 /2023


(MALIK HAIDER ALI AWAN)
Advocate High Court,
Abbottabad.

VERIFICATION:-

Verified that the contents of the instant Writ Petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Dated: 30-11 /2023

...PETITIONER

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.

W.P.No. _____ of 2023

Muhammad Ayyaz

...PETITIONER

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and
Secondary Education, Khyber Pakhtunkhwa, Peshawar & others

...RESPONDENTS

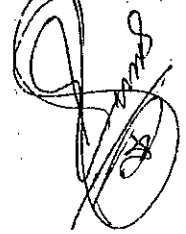
WRIT PETITION

AFFIDAVIT

I, Muhammad Ayyaz S/o Muhammad Ashraf R/o Mohallah Rasoliyaan House#
044, PO Nawanshehr Chatri Tehsil and District Abbottabad. (CT, G.H.S Jabbarian,
District Abbottabad), **petitioner**, do hereby declare that the contents of
instant **Writ Petition** are true and correct as per information furnished by
my **client** and that nothing has been concealed from this Honourable
Court.

DEPONENT

13191-09/26/8-1



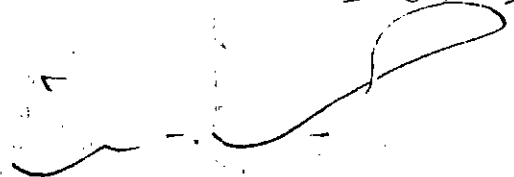
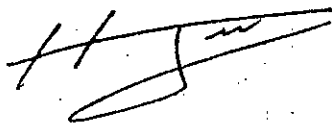
Dated:- 30/11/2023

63087616

IDENTIFIED BY:

M. Ayyaz 30
Mohallah Rasoliyaan
House no 044 Chatri Distt
Nov 23
M. Ashraf

(MALIK HAIDER ALI AWAN)
Advocate High Court, Abbottabad



30/11/23

6

30

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.

1558-A
W.P.No. of 2023

Muhammad Ayyaz S/o Muhammad Ashraf R/o Mohallah Rasoliyaan House# 044
PO Nawanshehr Chatri Tehsil and District Abbottabad. (CT,G.H.S Jabbriaan,
District Abbottabad).

...PETITIONER

V E R S U S

1. Provincial Government KPK through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) District Abbottabad.

...RESPONDENTS

*WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973 AS AMENDED TILL DATE
AGAINST THE TRANSFER/ ADJUSTMENT
ORDER ENDST NO.8748-53/INQUIRYC-IV-F No.03
DATED 28-10-2023. ISSUED BY D.E.O. (MALE)
ABBOTTABAD SAID ORDER / NOTIFICATION IS
ILLEGAL, AGAINST LAW, VOID AB-INITO AND
LIABLE TO BE SET ASIDE IN THE BEST
INTEREST OF JUSTICE.*

Respectfully Sheweth,

*The facts leading rise to the instant Writ Petition
are as under;*

Facts:-

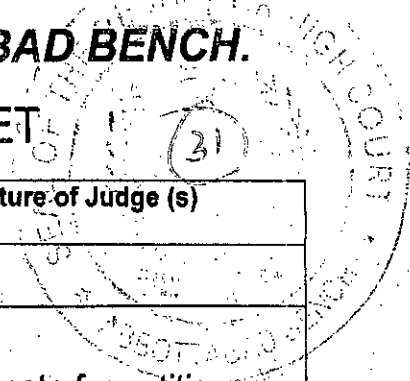
1. That, the petitioner is serving in the education department for last 17 years since 09-04-2005 and performed his duties honestly, efficiently and to the entire satisfaction of his superiors and rules of department.
2. That, the petitioner was posted in the Government High School Jabbriaan District Abbottabad 02 years

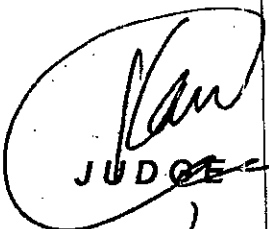
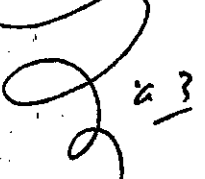
FILED TODAY

ADDL REGISTRAR
P.H.C. ABBOTTABAD BENCH
21/10/23

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET



| Date of Order of Proceedings | Order or other Proceedings with Signature of Judge (s) |
|------------------------------|---|
| 1 | 2 |
| 06.12.2023 | <p><u>W.P.No.1558-A/2023.</u></p> <p>Present: Malik Haider Awan, Advocate for petitioner.</p> <p style="text-align: center;">***</p> <p><u>KAMRAN HAYAT MIANKHEL, J.-</u> At the very outset, learned counsel for petitioner stated at the bar that he does not press this writ petition if direction is given to the respondent No.2 to dispose of his appeal pending before him within shortest possible time.</p> <p>Hence, this writ petition is dismissed being not pressed. However, the respondent No.2/Director Elementary and Secondary Education, Khyber Pakhtunkhwa Peshawar is directed to decide the fate of appeal pending before him filed by the petitioner within a month from receipt of the order of this court.</p> <p>Announced 06.12.2023</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p> |

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2024

Muhammad Ayyaz **VERSUS** Director ^{EESE} Govt of KP & Others**APPLICATION TO GRANT STATUS QUO / INTERIM RELIEF THE IMPUGNED NOTIFICATION DATED 28.10.2023 TILL THE DISPOSAL OF MAIN APPEAL.****Respectfully Sheweth;**

1. That the above mentioned appeal is pending before this Hon'ble Tribunal and is to be fixed.
2. That in the titled appeal the appellant has challenged the transfer order issued by the respondents which is against the law.
3. That all the three ingredients of stay/interim are in favour of the appellant.
4. That there is no bar submitted such like an applications.

It is, therefore, humbly prayed that on acceptance of the instant application, this application the impugned notification dated 28.10.2023 issued by the respondents be set aside till the disposal of the case.

Dated: 12/01/2024.

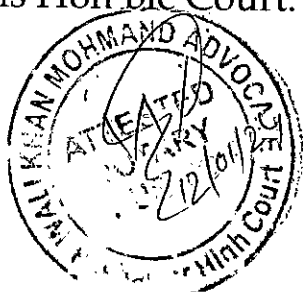
Through

~~Appellant / Applicant~~




Malik Haider Ali Awan
Advocate High Court
Abbottabad.

AFFIDAVIT

It is stated that on oath that, the contents of the accompanied application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.



[Signature]
DEPONENT

| | | |
|--|--|---------------------------------------|
| قیمت 50 روپے | 28155 | پشاور بار ایسوسی ایشن، خیبر پختونخواہ |
| ایڈوکیٹ: HAIDER ALI | بار کونسل ایسوسی ایشن نمبر: bc-19-1396 | رابطہ نمبر: 0314-3367454 |
|    | | |

بعدالت جناب: Hon'ble Chairman KP Services Tribunal

| | |
|----------------------|-----------|
| منجانب: | |
| M. Ayyaz | علت نمبر: |
| بنام | مورخہ: |
| Govt. of KP & others | جرم: |
| | تھانہ: |

بابت تحریر آئکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام Peshawar کیلئے صلک حیدر علی (اعوان) حیدر علی بموکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کالہ اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر نمائندگی و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگزانی و نظر ثانی و پیروی کرنے کا اختیار 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 جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو فرچہر جاننے التوائے مقدمہ کے سبب سے ہوگا یا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

PESHAWAR BAR ASSOCIATION
KHYBER PAKHTOONKHA

المرقوم: 21/01/2024

بند واہ شد الو بند

Peshawar

Accepted

Accepted

Attested