


# FORM OF ORDER SHEET

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

**Appeal No. 850/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/06/2024	<p>The appeal of Mr. Muhammad Basharat presented today by Mr. Rizwan Ullah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 14.06.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

In Re:

Service Appeal No. \_\_\_\_\_/2024

Muhammad Basharat: ..... **APPELLANT**

**VERSUS**

Settlement Officer, Mansehra & others. .... **RESPONDENTS**

**APPLICATION FOR FIXATION OF**  
**TITLED CASE BEFORE THE PRINCIPAL**  
**SEAT AT PESHAWAR.**

**Respectfully Sheweth:**


1. That the titled appeal is being filed before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
2. That case of the applicant/appellant is urgent in nature and therefore be fixed before the principal seat at Peshawar.
3. That the applicant/appellant has been transferred from Mouza Dhodial Malkal with the direction to report to Settlement Office Mansehra, which is illegal, against the law, unjust and liable to be set aside.

4. That if the case is not fixed as early as possible, the applicant/appellant will suffer irreparable loss.

It is, therefore, prayed that by accepting this application, the titled case may kindly be fixed and heard at Principal Seat, Peshawar.

Through

  
Applicant/Appellant

  
**RIZWAN ULLAH**  
Advocate High Court

Dated: 14.06.2024

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

Service Appeal No. 856 /2024

Muhammad Basharat. . . . . **APPELLANT**

**VERSUS**

Settlement Officer, Manshehra & others. . . . . **RESPONDENTS**

**I N D E X**

<b>S.No.</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Service Appeal with Affidavit		1-5
2.	Application for Suspension with Affidavit		6-7
3.	Addresses of the Parties		8
4.	Copy of the Transfer Order dated 31.05.2023	A	9
5.	Copy of the Transfer Order dated 04.06.2024	B	10-11
6.	Copies of the Departmental Appeal and Order dated 13.06.2024	C & D	12-13
7.	Wakalatnama		14

Through

  
Appellant



**RIZWAN ULLAH**  
Advocate High Court  
Cell: 0315-9394958

Dated: 14.06.2024

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

Service Appeal No. 850 /2024

Muhammad Basharat S/o Muhammad Munshi  
Settlement Patwari Halqa,  
Dhodial Malkal, District Mansehra. . . . . **APPELLANT**

**VERSUS**

1. Settlement Officer, Mansehra.
2. Director Land Records/Chief Settlement Officer,  
Khyber Pakhtunkhwa.
3. Jawad Hussain, Patwari Halqa, Mouza Jabar Kalas,  
Richari. Mansehra . . . . . **RESPONDENTS**

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974**  
**AGAINST THE ORDER DATED 04.06.2024, WHEREBY**  
**THE APPELLANT HAS BEEN TRANSFERRED FROM**  
**MOUZA DHODIAL MALKAL, WITH THE DIRECTION TO**  
**REPORT TO THE SETTLEMENT OFFICE, MANSEHRA,**  
**AND AGAINST WHICH THE APPELLANT FILED**  
**DEPARTMENTAL APPEAL WHICH HAS BEEN DISMISSED**  
**VIDE ORDER DATED 13.06.2024.**

**Respectfully Sheweth:**

Brief but relevant facts of the case are as follows:-

1. That the appellant was transferred to Mouza Dhodial Malkal vide order dated 31.05.2023. The appellant was performing his duties with full zeal and zest to the best of his abilities and entire satisfaction of his superiors. (Copy of the Transfer Order is attached as annex "A").
2. That before completing normal tenure of 03 years at aforesaid station, the appellant has been transferred from Mouza Dhodial Malkal with the direction to report to the Settlement Office, Mansehra, vide office order dated 04.06.2024. (Copy of the Transfer Order is attached as annex "B").
3. That the transfer order is against the posting/transfer policy of the provincial government, wherein it has been clearly mentioned that a normal tenure shall be 03 years.
4. That aggrieved of the aforesaid transfer order the appellant approached the respondents time and again to redress his grievance, but in vain. The appellant filed a departmental appeal for redress of his grievance which is dismissed vide order dated 13.06.2024. (Copies of the Departmental Appeal and Order are attached as annex "C" & "D").
5. That having no other remedy, the appellant is constrained to file the instant appeal, on the following amongst other grounds;

**GROUNDS:-**

- A. That the treatment met to the appellant is against the law, illegal, unlawful and without lawful authority, hence calling interference of this Hon'ble Tribunal.
- B. That the treatment met to the appellant is against the posting/transfer policy of the provincial government wherein it has been clearly mentioned that a normal tenure shall be 03 years.
- C. That posting order is based on malafide for extraneous consideration, politically motivated and is result of colorful exercise of powers.
- D. That the appellant has not been treated in accordance with law, rules and policy on the subject matter, which is not only against the Article-4 of the Constitution of Islamic Republic of Pakistan, 1973 but also the same is against the fundamental rights enshrined and protected under the constitution of Islamic Republic of Pakistan, 1973.
- E. That the posting of the appellant is not in public interest or service exigency, which is against the dictums of august Supreme Court of Pakistan and this Hon'ble Tribunal.
- F. That the appellant craves permission of this Hon'ble Tribunal to rely on other grounds at the time of arguments and produce any additional document, if required in support of his petition.

It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned transfer order dated 04.06.2024 and order dated 13.06.2024, whereby the departmental appeal of the appellant has been dismissed may kindly be declared against the law, illegal, unlawful and without lawful authority and set aside and the respondents be directed to allow the appellant to perform his duties at Mouza Dhodial Malkal, Mansehra.

Any other relief deemed appropriate by this Hon'ble Tribunal in the circumstances of the case, which has not been specifically prayed for, may graciously be granted.

  
Appellant

Through



**RIZWAN ULLAH**  
Advocate High Court

Dated: 14.06.2024



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

Service Appeal No. \_\_\_\_\_/2024

Muhammad Basharat. .... APPELLANT

**VERSUS**

Settlement Officer, Mansehra & others. .... RESPONDENTS

**AFFIDAVIT**

I, Muhammad Basharat S/o Muhammad Munshi, Settlement Patwari Halqa, Dhodial Malkal, District Mansehra, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



*[Handwritten Signature]*

DEPONENT

CNIC: 13503-0757467-3

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

In Re:

Service Appeal No. \_\_\_\_\_/2024

Muhammad Basharat. . . . . **APPELLANT**

**VERSUS**

Settlement Officer, Mansehra & others. . . . . **RESPONDENTS**

**APPLICATION FOR SUSPENSION OF**  
**THE IMPUGNED ORDER DATED**  
**04.06.2024, TILL THE FINAL DECISION**  
**OF INSTANT APPEAL.**

**Respectfully Sheweth:**

1. That the titled appeal is being filed before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
2. That the applicant/appellant has a prima facie case in his favour and he is sanguine of its success.
3. That the balance of convenience also lies in favour of the applicant/appellant.
4. That if the impugned order is not suspended, the applicant/appellant will suffer an irreparable loss and the very purpose of titled appeal would become infructuous.

It is, therefore, prayed that by accepting this application, the operation of the impugned order dated 04.06.2024 may please be suspended, till the final decision of instant appeal.

Through

  
Applicant/Appellant

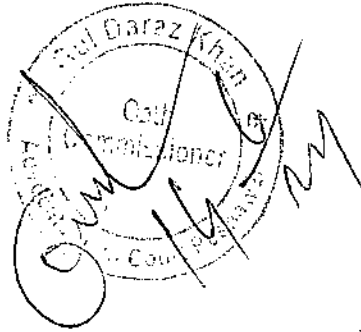
  
**RIZWAN ULLAH**  
Advocate High Court

Dated: 13.06.2024

### AFFIDAVIT

I, Muhammad Basharat S/o Muhammad Munshi, do hereby solemnly affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

  
DEPONENT  
CNIC: 13503-0757467-3



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

Service Appeal No. \_\_\_\_\_/2024

Muhammad Basharat. . . . . **APPELLANT**

**VERSUS**

Settlement Officer, Mansehra & others. . . . . **RESPONDENTS**

**ADDRESSES OF THE PARTIES**


**APPELLANT:**

Muhammad Basharat S/o Muhammad Munshi  
Settlement Patwari Halqa,  
Dhodial Malkal, District Mansehra.

**RESPONDENTS:**

1. Settlement Officer, Mansehra.
2. Director Land Records/Chief Settlement Officer,  
Khyber Pakhtunkhwa.
3. Jawad Hussain, Patwari Halqa, Mouza Jabar Kalas,  
Richari.

Through Appellant

  
**RIZWAN ULLAH**

Advocate High Court

Dated: 17.06.2024



9  
Annexure "A"  
**OFFICE OF THE  
SETTLEMENT OFFICER  
MANSEHRA**

Mansehra dated the: 31-05-2023

**OFFICE ORDER**

No. SO (Mansehra)/ 665-69

Mr. Muhammad Basharat Settlement

Patwari waiting for posting in this office is hereby assigned Settlement/Revenue work of Patwar Halqa Dhodial Malkal against the vacant post with immediate effect in the best public interest. He is further directed to submit a fortnightly plan for completing the Settlement work of said Halqa by the target date within a week positively.

*Schmlyz*  
Settlement Officer  
Mansehra.

Endst: No & Date Even  
Copy forwarded to:

1. The Director Land Records/Chief Settlement Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner Mansehra.
3. The concerned Tehsildar/Naib Tehsildar.
4. The concerned Field Kanungo.
5. Official concerned.

*Schmlyz*  
Settlement Officer  
Mansehra.

*Schmlyz*  
**ATTESTED**

Amruxwe  
B

(10)

OFFICE OF THE  
SETTLEMENT OFFICER  
MANSEHRA

OFFICE ORDER



Competent Authority is pleased to issue the following order with effect from 10/10/2010.

S. No.	Name of Party	From	To	Remarks
1	M. Iqbal Hussain	Mouza Jabar Kalas Rahbar	Mouza Dildar Malkal	He will hold the charge in Mouza Jabar Kalas in Mouza Dildar Malkal from 10/10/2010 onwards.
2	Muhammad Bashir	Mouza Dildar Malkal	Report to Settlement Office	

SETTLEMENT OFFICER  
MANSEHRA

Date: 09/10/2010

1. The Director, Land Records, Chief Settlement Officer, Mansehra
2. The Deputy Commissioner, Mansehra
3. Assistant Commissioner, Mansehra
4. Assistant Commissioner, Bahra Palmat
5. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa
6. PS to Commissioner Hazara Division, Abbottabad.
7. The concerned Tehsildar, Naro Tehsildar.
8. The concerned Field Kanungo.
9. Others concerned.

SETTLEMENT OFFICER  
MANSEHRA

*(Signature)*

ATTESTED

11

**OFFICE OF THE  
SETTLEMENT OFFICER  
MANSEHRA**

**OFFICE ORDER**

Competent authority is please to issue the following transfer/posting orders in the best public interest with immediate effect.

S.No.	Name of Patwari	From	To	Remarks
01.	Mr. Jawad Hussain	Mouza Jabar Kalas Richari	Mouza Dhodial Malkal	He will hold the charge of Mouza Jabar and Kalas Richari in addition to his own duties till further order.
02.	Muhammad Basharat	Mouza Dhodial Malkal	Report to Settlement Office	

**Sd/-  
SETTLEMENT OFFICER  
MANSEHRA**

No. 5-24-32 SO(M)

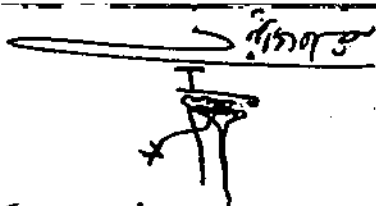
**Copy to:-**

1. The Director Land Records/Chief Settlement Officer Khyber Pakhtunkhwa.
2. The Deputy Commissioner Mansehra
3. Assistant Commissioner Mansehra
4. Assistant Commissioner Bafa Pakhal.
5. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa.
6. PS to Commissioner Hazara Division, Abbottabad
7. The concerned Tehsildar/Naib Tehsildar
8. The concerned Field Kanungo
9. Patwaris concert.

**Sd/-  
SETTLEMENT OFFICER  
MANSEHRA**

  
ATTESTED

ATTESTED



الوجه التالى

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(13)

Annexure "D"



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF LAND RECORDS  
REVENUE AND ESTATE DEPARTMENT**

@LandrecordKP

Phone: 091-9210057

E-Mail: [landrecord.kpk@gmail.com](mailto:landrecord.kpk@gmail.com)

[lb.com/landrecord.kpk](http://lb.com/landrecord.kpk)

No. LR-V/ 5780  
Peshawar dated the 13/06/2024

Muhammad Basharat  
Patwari, Settlement Officer Manshra

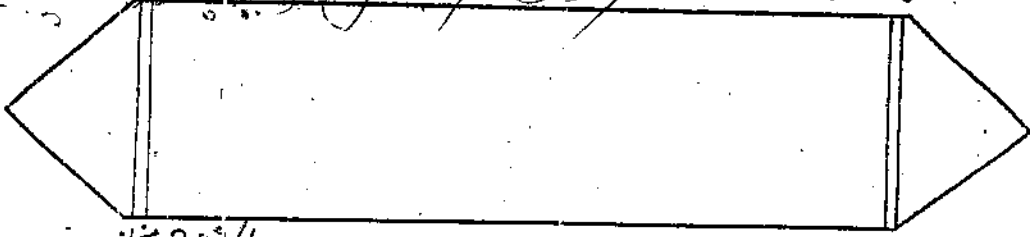
SUBJECT: DEPARTMENTAL APPEAL

I am directed to refer to the subject noted above and to inform you that your appeal has been examine and filed by the competent authority.

  
Deputy Director Land Records,  
Khyber Pakhtunkhwa.

  
**ATTESTED**

# بعدالت سردوش ٹریبیونل کے لیے درخواست



تاریخ 26 مئی 2023ء

مدرسہ اعلیٰ اسلامیہ اسلامیہ

موزخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام لندن کیلئے صوبہ اللہ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالتہ فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو ہمیشہ وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے وہ ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 13 ماہ جون 2023ء

العبد گواہ العبد

مقام کے لئے منظور ہے۔

Attested & Accepted by  
Rana

10  
08/05/2023  
1111 #13583-07574673

14-A

**PAKISTAN** National Identity Card  
ISLAMIC REPUBLIC OF PAKISTAN

Name: Muhammad Basharat

Father Name: Muhammad Munshi

Gender: M Country of Stay: Pakistan

Identity Number: 13503-0757467-3 Date of Birth: 25.08.1990

Date of Issue: 28.06.2022 Date of Expiry: 28.06.2032

Holder's Signature

13503-0757467-3

504411283551

Registrar General of Pakistan

گشده کارڈ ملے پر قریبی لیٹر بکس میں ڈال دیں