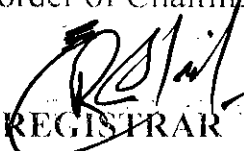


FORM OF ORDER SHEET

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

**Appeal No. 861/2024**

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1-    | 24/06/2024                | <p>The appeal of Mr. Gul Faraz presented today by himself. It is fixed for preliminary hearing before Single Bench at Peshawar on 26.06.2024. Parcha Peshi given to the appellant.</p> <p>By the order of Chairman</p> <p><br/>REGISTRAR</p> |

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**

**PESHAWAR**

**Khyber Pakhtunkhwa  
Service Tribunal**

Service Appeal No. /2024

Diary No. \_\_\_\_\_

Gul Faraz

Dated \_\_\_\_\_

.....**APPELLANT**

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary Govt of Khyber  
Pakhtunkhwa and others

.....**Respondents**

**APPLICATION FOR FIXATION BEFORE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL PESHAWARAT  
PRINCIPAL SEAT PESHAWAR ON 28.06.2024.**

**RESPECTFULLY SHEWETH,**

1. That the above title service appeal is being filed before this Honorable Tribunal.
2. That the case relates to jurisdiction of camp court Bannu, but there was no chance for availability of court at Bannu in near future.
3. That the counsel for appellant belong to DIKhan and some other cases are fixed at Principal Seat Peshawar on 26.06.2024.
4. That it is urgent matter and if not fixed at Principal seat Peshawar then appellant will suffer irreparable loss and petition will become infructuous.

It is, therefore, very humbly requested that keeping in view the above facts, above titled service appeal maybe fixed on 26.06.2024 before Principal seat at Peshawar.

Dated: 22/6/2024

Appellant

Through Counsel  
**Khalid Mahmood**  
Advocate High Court D.I.Khan

Mob # 0336-4330001

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

Service Appeal No. <sup>861</sup>/2024

Gul Faraz

Vs

Govt of KPK Etc

INDEX

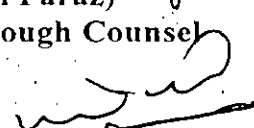
| S No. | Description of Documents   | Annexure, | Page Number |
|-------|--|-----------|-------------|
| 1.    | Copy of Grounds of Appeal alongwith affidavit.                     | ---       | 1-6         |
| 2.    | CM with affidavit  |           | 7-8         |
| 3.    | Copy of Notification Dated 22.11.2022                              | A         | 9           |
| 4.    | Copy of impugned Notification Dated 21.03.2024                     | B         | 10          |
| 5.    | Copy of the COC and writ petition with judgement dated 18/11/2019  | C         | 11-23       |
| 6.    | copy of departmental appeal dated 22.03.2024 with postal receipt   | D         | 24-25       |
| 7.    | Copy of notification dated 10 <sup>th</sup> June 2024              | E         | 26          |
| 8.    | Copy of the departmental appeal dated 20.06.2024 <i>re receipt</i> | F         | 27-28       |
| 9.    | Copy of letter no SO(E-1)/E&AD/9-88/2019 dated 08.02.2019          | G         | 29          |
| 10.   | copy of judgment dated 07/08/2019                                  | H         | 30-33       |
| 11.   | Wakalat Nama   |           | 34          |

Yours Humble Appellant

(Gul Faraz)

Through Counsel

Dated: 22/06/2024

  
Khalid Mahmood  
Advocate High Court  
Stationed at D.I.Khan  
0336-4330001

(1)

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

Service Appeal No. <sup>861</sup>/2024

Mr. Gul Farazson of Shahid Khan resident of Kach Banda Karak Ex-Deputy  
DEO(M) Lakki Marwat District D.I.Khan Presently posted as SDEO Hangu.

.....**APPELLANT**

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary KPK, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar Khyber Pakhtunkhwa Peshawar.
3. Shoukat Ali Jan Teaching cadre (BPS-17) Government High School Baru Laki marwat presently serving as Deputy DEO(M) Lakki Marwat against management post.

.....**RESPONDENTS**

**SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL ACT 1974, AGAINST THE**  
**NOTIFICATION BEARING NO. SO(MC)E&SED/4-**  
**16/2024/PT/MC/SDEO DATED 21/03/2024, ISSUED BY THE**  
**RESPONDENT NO.2. AND NON-DECIDING THE**  
**DEPARTMENTAL APPEAL DATED 22.03.2024**

**PRAYER:**

**ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE OFFICIAL  
RECONDENTS MAY KINDLY BE DIRECTED TO CANCEL THE IMPUGNED  
ORDER BEARING NO. SO(MC)E&SED/4-16/2024/PT/SDEO DATED 21/03/2024  
BE DECLARED AS VOID AB-INITIO WITHOUT LAWFUL AUTHORITY,  
AGAINST THE NORMS OF NATURAL JUSTICE AND INEFFECTIVE UPON  
THE RIGHTS OF APPELLANT**

**Note:** The addresses of the parties given above are sufficient for the purpose of services.

Respectfully Sheweth,

Appellant through counsel humbly submits as under.

1. That the appellant is serving as Deputy DEO (M) in education department and remained at different stations as and when directed.
2. That the appellant was lastly transferred and posted as Deputy DEO (M) Lakki Marwat vide notification no SO(MC)E&SED/4-16/2022/posting/Transfer/MC dated 22.11.2022, during his stay at the above-mentioned post, he left no stone unturned to improve the condition of department. The copy of notification dated 22.11.2022 is annexed as **Annexure-A**.

3. That while serving as such, the appellant has been prematurely transferred from the post of Deputy DEO (M) Lakki Marwat vide impugned notification dated 21.03.2024 in which appellant was placed as OSD at directorate while one Mr. Shoukat Ali Khan BPS-17 (Teaching Cadre) has been posted vice the appellant as Deputy DEO (M) Lakki Marwat. Copy of the impugned notification is annexed as **Annexure-B**.
4. That appellant filed COC petition no 161/2024 in line with writ petition no 2937/2009 because respondent has posted Teaching cadre officer against the post of Management cadre which is violation of judgement dated 18.11.2009 in writ petition no 2937/2009 which is pending before the Honorable Peshawar High Court Peshawar for adjudication. Copy of the COC and writ petition with judgement dated 18/11/2019 are annexed as **Annexure C**.
5. That appellant filed departmental appeal dated: 22.03.2024 against order dated 21.03.2024. The copy of departmental appeal dated 22.03.2024 with postal receipt are annexed as **Annexure-D**.
6. That respondent no 2 again posted as SDEO Hangu vide notification no SO(MC)E&SED/4-16/2024/PT/SDEO/Kohistan dated 10<sup>th</sup> June 2024, before 12 days completing the statutory period of departmental appeal i.e. 90 days malafide to make it infructuous. Copy of notification dated 10<sup>th</sup> June 2024 is annexed as **Annexure E**.
7. That appellant also preferred departmental appeal 20.06.2024 against notification dated 10<sup>th</sup> June 2024. Copy of the departmental appeal dated 20.06.2024 with postal receipt is annexed as **Annexure F**.
8. That departmental appeal dated 22.03.2024 was not decided in statutory period, Therefore, the appellant has been left with no option but to file present service appeal before this honorable tribunal for cancellation of notification dated 21/03/2024 on inter alia, the following grounds:

**GROUND:**

- i. That there are two cadre in the education department of Khyber Pakhtunkhwa. First is management cadre who can only be assigned duties relating to management of department whereas the second is teaching cadre, whose duty is to teach student in the school only and they do not have any concern with management of department. In this context Honorable Peshawar High Court

vide judgement dated 18/11/2009 in writ petition no 2937/2009 was pleased to observe:

*“As the provincial government has taken a firm decision that all those teachers belonging to teaching cadre shall be posted in education institution to teach the student according to their qualifications while those belonging to administrative cadre shall only hold the post relating to administration therefore, petitioners must deliver according to the policy of government and because they are highly qualified teachers, it is not befitting to hold administrative posts because they are getting benefits but students are suffering, thus they shall go to their respective places, where they are required to do the job- -“*

2. If such statement is correct, then it is clearly in violation of the policy laid down by provincial government, therefore copy of this order be sent to secretary higher education, Government of NWFP and learned advocate general and it is directed that the policy so laid down must be implemented in full and no pick and choose policy shall be adopted in the matter.

ii. That in view of ibid judgement dated 18.11.2009 the establishment department Khyber Pakhtunkhwa Issued letter no SO(E-1)/E&AD/9-88/2019 dated 08.02.2019 (Annexure-G) directing the secretary E&SE and others to implement the said judgement in letter and spirit.

iii. That the respondent no. 2 in utter disregard of judgement dated 18.11.2009 in writ petition no 2937/2009 issued notification no SO(MC) E&SED/4-16/2024/PT/MC/SDEO dated 21.03.2024 vide which respondent no 3 teaching cadre BPS-17 has been replaced with petitioner despite the fact that petitioner with BPS-17 belongs to management cadre and no inter-se transfer posting of management and teaching cadre can be made and similarly an employee of teaching cadre cannot be posted in the seat of management cadre.

iv. That the impugned Notification NO. SO(MC)E&SED/4-16/2024/PT/MC/SDEO Dated:21/03/2024(in Which appellatant was placed as OSD)is the outcome of mala-fide, result of political victimization, without jurisdiction, without lawful authority and having no binding effect upon rights of appellatant. Because placing as OSD is tantamount to penalizing the officer because the expression “OSD” is not known to either the Civil Servant Act, 1973 or the Civil servants Appointment, Promotion and Transfer Rulers, 1973---No officer can be posted as OSD. Which is Cleared from the judgment of honorable supreme count of Pakistan Bench of 6 Judges(P L D. 2011 Supreme Court 963) and according to

another judgment of Supreme Court of Pakistan” that government officials were required to be promoted or transferred on merit and that no one could be placed as officer on special duty. (OSD) as a punishment(2013 S C M R 1), on this score too, the impugned notification is liable to be cancelled.

- v. That the normal tenure for an officer is 3 years as per rules and policy but appellant was prematurely transferred which is against the rules and policy of government. Responded No 3 was posted as Deputy DEO(M) Lakki Marwat being a teaching cadre official. Hence in the presence and posting of MC officer, he should be removed and may be sent to his original post because Management post purely reserved for management Cadre. Responded No 3 is not eligible and fit to work as Deputy DEO (M) Lakki Marwat.
- vi. That in other judgement dated 07/08/2019 titled Muhammad Usman Vs govt of KPK etc in service appeal No 409/2019, the honorable Tribble decided in para 6, **“both the appellant and private respondent no 7 belong to teaching Cadre but were blessed with Administrative cadre post one after the other”**. and according to para 11. **“In the light of above, the respondent department is directed to appoint suitable officer belonging to administrative cadre as ADEO (sports) District Tank. The posting order of both the appellant and private respondent No 7 against the administrative cadre post of ADEO (sports) tank shall be treated as cancelled. The respondent department is also directed to forth with recall, all the transfer orders of the teachers against the administrative post”**.On this score the notification dated 25/5/2024 is liable to be cancelled. The copy of judgment dated 07/08/2019 is annexed as (Annexure-H).
- vii. That despite the orders in writ petitions, declaration of this Honorable Court and the order COC passed by this Honorable Court the respondent has been continuing his Service as Deputy DEO. and in presence of MC Officer; the teaching cadre was posted against the post of management cadre.
- viii. That impugned notification has been issued to oblige the political figure of area and therefore the same is having no legal sanctity and not worth to be maintained.
- ix. That public officers and public functionaries are bound to obey the laws, rules, procedures and being a public servant, they are required to serve the public and it is not in their duties to bow before the politicians. Impugned notification



5

dated 21.03.2024 is therefore nullity in the eyes of law and rights of appellant are required to be protected from the influence of political figures.

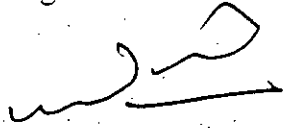
- x. The order dated 10.06.2024 is also based on malafide to make the departmental appeal infructuous.
- xi. That the counsel for appellant may be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that the present service appeal may graciously be allowed as prayed for and thereby the impugned notification dated 21.03.2024 and subsequent illegal order dated 10.06.2024 may kindly be cancelled and as result thereof the posting of appellant as Deputy DEO (Male) Lakki Marwatvide notification dated 22.11.2022, may kindly be restored.

Dated 22/06/2024

Appellant

Through Counsel

  
Khalid Mahmood

Advocate High Court  
Stationed at D.I.Khan



6

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

Service Appeal No. /2024


Gul Faraz

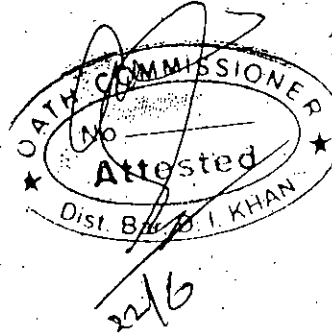
Vs

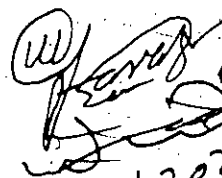
Govt of KPK Etc

***AFFIDAVIT***

I, Mr. Gul Faraz, MC (BPS-17) OSD Education department do hereby solemnly affirm and declare on oath that all the Para-wise contents of this appeal are true and correct to the best of my knowledge and nothing has been concealed deliberately from this Honorable Court.

  
Identified by Counsel  
**KHALID MAHMOOD**  
Advocate High Court  
Stationed at D.I.Khan  
03364330001



  
Deponent 14202-296024  
14202-2960284-1

BEFORE THE HONORABLE SERVICE TRIBUNAL,

KHYBER PAKHTUNKHWA

CM Petition No. \_\_\_\_\_/2024

in

Service Appeal No. \_\_\_\_\_ of 2024

Gul Faraz

Vs

Govt of KPK Etc

APPLICATION WITH THE REQUEST TO SUSPEND THE OPERATION OF IMPUGNED NOTIFICATION No. SO(MC)E&SED/4-16/2024/PT/MC/SDEODATED: 21-03-2024AS WELL AS SUBSEQUENT NOTIFICATIONDATED 10.06.2024 ISSUED BY RESPONDENT NO 2, TILL FINAL DECISION OF SERVICE APPEAL AND IN THE MEANWHILE RESPONDENT MAY ALSO BE ABSATINED FROM TAKING ANY ACTION DETRIMENTAL TO THE SERVICE CAREER OF THE APPELLANT.

Respectfully Sheweth,

1. That a service appeal is being filedbefore this Honorable Tribunal and grounds of same may please be considered as an integral part of the subject appeal.
2. That appellant transferred from Deputy DEO(M)Lakki Marwat to Directorate and Respondent No. 3 (Teaching Cadre BPS 17) appointed as Deputy DEO (M) Lakki Marwatagainst management cadre post vide notification dated 21-03-2024which is clear cut violation of the judgements of High Court as well as this Honorable Tribunal.
3. That the appellant has got a good prima facie case on law as well as on facts and there is every likelihood of the success of the service appeal. Hencebalance of convenience tilts in favor of appellant.
4. That the impugned Notification is on the basis of nepotism and favoritism because the tenure ofappellant has not been completedtherefore in case of non-suspension of impugned notification, the appellant will suffer an irreparable loss.

*It is, therefore, humbly prayed that on acceptance of the present CM petition, the operation of impugned Notification dated 21.03.2024 as well as subsequent notification dated 10.06.2024 may please be suspended and respondents may please be desisted from taking any action detrimental to the service career of appellant till decision of service appeal.*

8

Yours Humble Appellant

Gul Faraz

Through Counsel

Khalid Mahmood,  
Advocate High Court  
Stationed at D I Khan  
0336-4330001

Dated: 22/06/2024

**AFFIDAVIT**

I, Mr. Gul Faraz, MC (BPS-17) OSD Education department do hereby solemnly affirm and declare on oath that all the Para-wise contents of this <sup>are</sup> ~~are~~ <sup>apparent</sup> ~~are~~ <sup>CM are</sup> are true and correct to the best of my knowledge and nothing has been concealed deliberately from this Honorable Court.

**Identified by Counsel:**  
**Khalid Mahmood**  
**Advocate High Court**  
**Stationed at D.I.Khan**

OATH COMMISSIONER  
No. \_\_\_\_\_  
Attested  
Dist. Bar, D. I. KHAN  
22/6

Deponent 14202-7960289



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9221388

Amr (A)  
9

Dated: 22<sup>nd</sup> November, 2022

**NOTIFICATION**

**NO.SO(MC)E&SED/4-16/2022/Posting/Transfer/MC:** The following posting/ transfers are hereby ordered with immediate effect, in the best public interest:-

| Sr. No | Name of officer                     | Present place of posting         | Proposed Posting                         |
|--------|-------------------------------------|----------------------------------|--|
| 1.     | Mst. Gul Faraz<br>MC (BS-17)        | Deputy DEO (Male) Tank<br>in OPS | Deputy DEO (Male) Lakki<br>Marwat in OPS |
| 2.     | Dr. Zain Ullah<br>Principal (BS-18) | GHSS Hathala D.I. Khan           | Deputy DEO (Male) Tank<br>V.S.No.1       |

2. The officers are directed to submit compliance report within a week time positively.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officer Tank/Lakki Marwat.
5. District Accounts Officer Tank/Lakki Marwat.
6. PS to Minister, E&SE, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Master file.

*Naseer*  
22.11.22

(NASEER ABBAS KHALIL)  
SECTION OFFICER (Management Cadre)

Stationed at...

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Alex (B) (C)  
(S)

Dated, the Peshawar 21<sup>st</sup> March 2024

## NOTIFICATION

NO.SO(MC)E&SED/4-16/2024/PT/MC/SDEO: The following posting / transfers are hereby ordered with immediate effect, in the best public interest: -

| Sr. No | Name of officer                   | From                            | To   |
|--------|-----------------------------------|---------------------------------|--|
| 1.     | Mr. Gul Faraz<br>MC BS-17         | DDEO (Male) Lakki Marwat in OPS | Services placed at the disposal of Directorate of E&SE |
| 2.     | Mr. Shoukat Ali Khan,<br>TC BS-17 | GHS Wanda Baru Lakki Marwat     | DDEO (Male) Lakki Marwat in OPS Sr. No. 1              |

SECRETARY TO THE GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male) concerned.
4. District Account Officer concerned.
5. Director EMIS, E&SE Department with the request to upload same on the official website of the department.
6. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. SDEO (Male) concerned.

(ARSALAN AHMED) 21/3/24  
SECTION OFFICER (Management Centre)

Attested  
WS

ATTESTED  
KHALID MOHAMMAD  
Advocate High Court  
Stationed J. E. K. P.

A-1120  
11

**BEFORE THE HONORABLE PESHAWAR  
HIGH COURT, PESHAWAR**

COC Petition No. 161-P /2024

In line and with reference to

Writ Petition No. 2937/2009 decided on 18/11/2009

Gul Faraz son of Shahid Khan, Resident of Kach band, Karak,  
presently serving as Deputy DEO Male Lakki Marwat  
(Management Cadre)

Petitioner

VERSUS

1. Masood Ahmad, Secretary, Elementary & secondary  
education, Khyber Pakhtunkhwa, Peshawar
2. Mr Shoukat Ali Jan, TC (BS-17) Government High School  
Baru Laki Marwat, Presently Posted as DDEO (Male) Lakki  
Marwat.

Respondents

3/

ATTESTED

**KHALID MASOOD**  
Advocate General Court  
Stationed at D.I. Khan

COC PETITION UNDER ARTICLE 104 OF  
THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN 1973 WITH  
OTHER ENABLING PROVISIONS OF LAW TO  
INITIATE CONTEMPT OF COURT  
PROCEEDINGS AGAINST  
RESPONDENTS/COMTEMNORS, WHO ARE  
DISOBEYING AND VIOLATING THE  
VERDICT DATED 18.11.2009 OF THIS  
HONOURABLE COURT IN WRIT PETITION  
NO 2937-P/2009.

Respectfully Sheweth,

1. That there are two cadres in the Education Department of  
Khyber Pakhtunkhwa. First is management cadre who can  
only be assigned duties relating to management of the  
department whereas the second is teaching cadre, whose  
duty is to teach students in the school only and they do not

have any concern with management of the department. In this context this Honorable Court vide judgement dated 18.11.2009 in writ petition no 2937/2009 was pleased to observe:

“As the provincial Government has taken a firm decision that all those teachers belonging to teaching cadre shall be posted in the education institution to teach the students according to their qualifications while those belonging to administrative cadre shall only hold the posts relating to administration. Therefore, petitioners must deliver according to the policy of the Government and because they are highly qualified teachers, it is not befitting to hold administrative posts, because they are getting benefits, but students are suffering. Thus they shall go to their respective places, where they are required to do their job.

1. If such statement is correct then, it is clearly in violation of the policy laid down by the Provincial Government, therefore, copy of this order be sent to the Secretary High education, Government of NWFP and learned advocate General and it is directed that the policy so laid down must be implemented in full and no pick and choose policy shall be adopted in the matter.

Copy of the writ petition along with judgement dated 18.11.2009 is enclosed as Annexure-A.

That in view of the ibis judgement dated 18.11.2009, the establishment department, Khyber Pakhtunkhwa issued letter No SO(E-1)/E&AD/9-88/2019 dated 08.02.2019 (Annexure B) directing the secretary E&SE and others to implement the said judgement in the letter and spirit.

3. That respondent No 1 in utter disregard of the judgement dated 18.11.2009 in writ petition no 2937/2009 issued notification NO SO(MC)ESSED/4-16/2024/PT/MC/SDEO dated 21<sup>st</sup> march 2024 Annexure-Cvide which respondent No 2 Teaching cadre has been replaced with the petitioner despite the fact that petitioner belongs to management cadre and no inter-se transfer/posting of the management and teaching cadre can be made. and similarly an

3/3/

ATTESTE

KHALID AHMAD KHAN  
Advocate High Court

employee of Teaching cadre cannot be posted on the seat of Management cadre.

4. That petitioner submitted an application to Respondent no 1 to revise his action and cancel the notification dated 21<sup>st</sup> march 2024 which is in fact contumacious to the judgement dated 18.11.2009 but the said application has not been considered. Similarly respondent no 2 was also informed but he too is exerting pressure upon the petitioner to hand over him the charge of management post. Copy of the application of petitioner to respondents with postal receipts is enclosed as Annexure D.

5. That the notification dated 21<sup>st</sup> march 2024 as to transfer of respondent no 2 teaching cadre in the place of petitioner at management cadre, is without any rhyme and reason, amounts to contempt of judgement of this honorable court thus petitioner has been left with only option to file present contempt of court petition against the contemnors for their wilful disobedience of the judgement dated 18.11.2009 of this Honorable Court on, inter-alia the following grounds:

GROUND S

a. That respondent no 1 while posting the teacher of Teaching cadre at the post of management cadre has committed a gross contempt of the judgement dated 18.11.2009 of this honorable court by not complying with directions contained therein. Thus, respondents have frustrated and abused the process of law by ignoring and disobeying the clear cut directions of this August court.

b. That the respondents have in fact shown disrespect and disregard to the rule of law and the authority of this Honorable Court. Thus, action speak louder than words, respondents / contemnors are giving a clear message that they have no care of the directions of this honorable court and they have provenly shown their dis-interest to obey the verdict of this august court. Hence, respondents are required to be dealt with iron hands.

3/

WILD MEMPHOIC  
WORLD HUNTER  
WORLD OF HUNTER



it would not be out of place to mention that the establishment department Khyber Pakhtunkhwa too, vide letter no SO(E-1)/E&AD/9-88/2019 dated 8/2/2019 directed all the concerned to make compliance of the judgement dated 18.11.2009.

- c. That inaction of respondents in obeying the judgement of this honorable court despite clear cut directions, amounts to contempt of the judgement dated 18.11.2009 of this honorable court and as such, they are required to be dealt with iron hands.
- d. That contemnors have purposely, willfully and knowingly disobeyed the sacrosanct directions of this honorable court and hence they have acted in the most ignominious and unbecoming manner showing scant regard to the judgement of this Honorable Court which conduct on the part of contemnors is palpably, manifestly and gravely contumacious, abominable and makes them liable to be dealt with, in accordance with the law and punished severely for willfully, deliberately and intentionally flouting, defying and disobeying the judgement of this Honorable Court.
- e. That interest of justice demands that contemnors may be dealt with and punished severely in accordance with law for their wilful, deliberate and intentional disobedience of the order of directions of this honorable court, so that, no one should dare to disobey the directions of this Honorable Court.

That Counsel of the petitioner may please be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that respondents/contemnors may please be proceeded under contempt of court and they may kindly be punished with imprisonment and/or fine in accordance with law for violation of this Honorable Court.

3/

ADVOCATE  
 KHALID MEHMOOD  
 Advocate  
 Stationed at D. J. Khan

(15)

It is further prayed that respondents may please be directed to make compliance of the judgement dated 18.11.2009 of this Honorable Court in the letter and spirit.

Yours humble Petitioner



Gul Faraz

Through Counsel

Dated: 23/3/2024



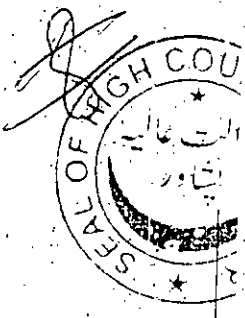
Khalid Mahmood  
Advocate High court  
Stationed at Dikhan  
Cell: 03364330001

ATTESTED



KHALID MAHMOOD  
Advocate High court  
Stationed at Dikhan

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**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

Writ Petition No. 2937/2009

1. Wasi Ullah,  
Assistant Controller Secrecy BISE Abbottabad.
  2. Ihsan Ullah,  
Assistant Controller Secrecy BISE Mardan.
  3. Muhammad Rehman,  
Assistant Controller Secrecy BISE Kohat.
  4. Wajah-ud-Din,  
Assistant Controller Secrecy BISE D.I.Khan.
  5. Naeem Shah,  
Assistant Controller Conduct BISE Peshawar.
  6. Aman Ullah,  
Assistant Controller Secrecy BISE D.I.Khan.
  7. Awaz Khan,  
Assistant Controller Conduct BISE Abbottabad. . . Petitioners
- Versus
1. Chief Secretary N.W.F.P Peshawar.
  2. Secretary Education,  
Elementary & Secondary Education Peshawar.
  3. Chief Minister N.W.F.P, Peshawar.
  4. Director (Elementary & Secondary Education) Peshawar.
  5. All Chairman Boards  
Elementary & Secondary Education NWFP. . . Respondents

=====

**WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN, 1973, TO THE EFFECT THAT THE  
ORDER OF RESPONDENT NO.2 DATED  
24.10.2009 AND SUBSEQUENT WITHDRAWAL**

ATTESTED  
*[Signature]*

**KHALID MEHMOOD**  
Advocate High Court  
Stationed at D.I.Khan

**FILED TODAY**  
*[Signature]*  
Dep. Secy  
07/10/2009

ATTESTED  
EXAMINER  
Peshawar High Court  
Peshawar

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ORDERS OF ALL THE PETITIONERS FROM THE CONCERNED BOARD IS ILLEGAL AND LIABLE TO BE SET ASIDE.

=====

**Respectfully Sheweth:**

1. That all the petitioners were properly appointed in all concerned Boards by the controlling authority on deputation basis and served in their respective Boards to the entire satisfaction of their superior.
2. That no complaints were there against the petitioners either departmentally nor from public side.
3. That on 24.10.2009 the respondent No.2 issued letter No.SO(S)E&SE(2009)Misc. through which all the Chairmans of Boards of N.W.F.P Intermediate and Secondary Education and Directors were directed to withdraw the services of all SET (Science) posted as head master, SET (Technical) and Subject specialist on their original post and on the basis of said letter/ notification, the services of all the petitioners were withdrawn from respective Board, the petitioners were directed to report the concern department, feeling aggrieved this Writ Petition is filed on the following grounds;

**GROUND S:**

- A. That all posts of Assistant Controller in Board of Intermediate and Secondary Education are always filled through deputation for the period of 3 years as evident from the Board Calendar.

ATTESTED



KHALID MEHMOOD  
Deputy Registrar  
Sesioned at D.I.K

HEED TIRAY

Deputy Registrar

07 NOV 2009

ATTESTED

EXAMINER

Peshawar High Court  
Peshawar

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*[Handwritten mark]*

- B. That all the petitioners belong to School Cadre and posted in concern Boards as a Assistant Controller for a period of 3 years as per terms and conditions settle with the School directorate and all petitioners were repatriated from the concerned post before completion of 3 years.
- C. That all Board Chairmans/ Secretary filled through deputation process and are still working on the concerned seats and their services are not withdrawn, which is a clear discrimination.
- D. That the services of the petitioners are withdrawn on the ground that petitioners belong to teaching cadre although the post of Chairman, Secretary also belong to teaching cadre, but they are still working on respective seats.
- E. That petitioners were removed on the ground that petitioners belong to teaching cadre and now the seats are filled through college lecturers etc that also belongs to teaching cadre and further the petitioners know better than the college lecturers because all Boards are concerned upto the classes of intermediate only.
- F. That the Board Calendar is still existed i.e. not amended and the notification issued by the respondent No.2 is in conflict with the Board Calendar.
- G. That Chief Minister is the Controlling Authority of the petitioners and all petitioners were appointed by prior approval from the Controlling Authority and now without getting any approval from the controlling authority, the services of the petitioners were repatriated, which is against lawful authority.

ATTESTED  
*[Signature]*  
 KHALID MEHMOOD  
 Advocate High Court  
 Stationed at D.I. Khan

~~SECRET~~  
*[Signature]*  
 Deputy Commissioner  
 -07 NOV 2007

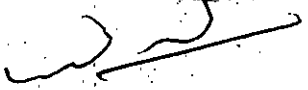
ATTESTED  
 EXAMINER  
 Peshawar High Court  
 Peshawar

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H

- H. That some SET who belong to general cadre are still working on deputation basis and their services are not withdrawn, which is discrimination which also belong to teaching cadre.
- I. That all schools contribute 80% shares in financing/ admission to BISE in N.W.F.P and college contribute only 20% so the removal of the petitioners on the ground belong to School cadre is total discrimination, which is liable to be set aside.
- J. That through the said notification, the fundamental rights of the petitioners are violated and discriminated with the others which is liable to be struck down through this Writ Petition.
- K. That petitioners are appointed through public service commission and lecturers also appointed through public service commission, so it is discrimination with petitioners.
- L. That some other grounds may be adduced during the course of arguments.

ATTESTED



KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

It is, therefore, prayed that on acceptance of this Writ Petition, the notification/ order dated 24.10.2009 may be set aside and on the basis of same letter/ notification, all subsequent withdrawals of the petitioners may also be set aside and petitioners may be allowed to serve on their respective seats and no adverse action should be taken against the petitioners.

FILED TODAY  
Deputy Registrar  
07 NOV 2009

ATTESTED  
EXAMINER  
Peshawar High Court  
Peshawar

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Any other relief, which is not specifically asked for may also be granted to the petitioners.

**INTERIM RELIEF:**

That the impugned order may be suspended till the decision of the instant Writ Petition.

Petitioners  
Through

**M. AMIN KHATTAK LACHI**  
Advocate, Peshawar

Dated: 06.11.2009

**CERTIFICATE:**

Certified that no such like Writ Petition has earlier been filed by the petitioner before this Honourable Court as per instructions of my client.

  
Advocate

**LIST OF BOOKS:**

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Case Law according to need.

  
Advocate

**ATTESTED**

**KHALID MEHMOOD**  
Advocate High Court  
Stationed at D.I. Khan

Denial Registrar  
07 NOV 2009

**ATTESTED**  
**EXAMINER**  
Peshawar High Court  
Peshawar

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**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

Writ Petition No. 2937/ 2009

Wasi Ullah & others. . . . . Petitioners

Versus

Chief Secretary N.W.F.P Peshawar & others. . . . . Respondents

**AFFIDAVIT**

I, M. Amin Khattak Lachi Advocate, Peshawar, as per instructions of my client, do hereby solemnly affirm and declare that the contents of the accompanying **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I. Khan

DEPONENT

FILED TODAY  
Deputy Registrar  
07 NOV 2009

No. 12311:  
Certified that the above was verified on solemnly affirmation before me in office, this 7th day of Nov 2009 at M. Amin Khattak Lachi Adv. Peshawar who was identified by ↑ Who is personally known to me.  
Oath Commissioner  
Peshawar High Court, Peshawar.

CERTIFIED TO BE TRUE COPY  
EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of the Qanoon-e-Shahadat Act 1984  
25 MAR 2024

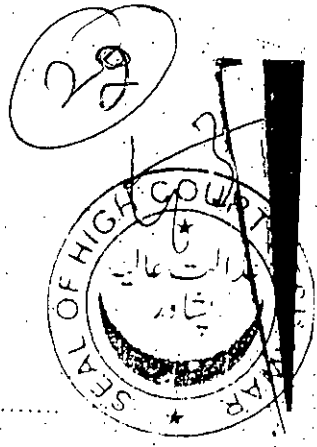


PESHAWAR HIGH COURT, PESHAWAR.

FORM OF ORDER SHEET

Court of .....

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



| Serial No. of Order or Proceedings | Date of Order or Proceedings. | Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.  |
|------------------------------------|-------------------------------|---|
|                                    | 18-11-2009                    | <p><u>W.P No.2937/2009 with I.R.</u></p> <p><u>Present:</u> Mr. Muhammad Amin Khattak Lachi, Advocate, for the petitioners.</p> <p style="text-align: center;">*****</p> <p><u>DOST MUHAMMAD KHAN, J:-</u> As the Provincial Government has taken a firm decisions that all those teachers belonging to teaching cadre shall be posted in the Education Institution to teach the students according to their qualifications while those belonging to administrative cadre shall only hold the posts relating to administration. Therefore, the petitioners must deliver according to the policy of the Government and because they are highly qualified teachers, it is not befitting to hold administrative posts, because they are getting benefits, but the students are suffering thus, they shall go to their respective places, where they are required to do the job. The plea of the learned counsel for the petitioners that similarly placed Teachers/ Professors/Lecturers belonging to Colleges have been retained on administrative posts.</p> |

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khar

ATTESTED  
EXAMINER  
Peshawar High Court  
Peshawar

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*[Handwritten signature]*

2. If such statement is correct then, it is clearly in violation of the policy laid down by the Provincial Government, therefore, copy of this order be sent to the Secretary Higher Education, Government of NWFP, and the learned Advocate General and it is directed that the policy so laid down must be implemented in full and no pick and choose policy shall be adopted in the matter.

Petition disposed of.

Announced.  
Dated. 18.11.2009.

~~\_\_\_\_\_~~  
JUDGE

*[Handwritten signature]*  
JUDGE

38273  
~~25-03-2024~~

CERTIFIED TO BE TRUE COPY  
EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 18-7 of  
the Qanun-e-Shahadat Act 1984  
25 MAR 2024

8-  
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~~25-03-2024~~  
~~25-03-2024~~  
3/16

ATTESTED  
*[Handwritten signature]*  
KHALID MEHMOOD  
Advocate  
Stationed at Peshawar

M 18000  
20-11-09  
20-11-09

Date of Presentation of Application  
No. of Pages  
Assessing fee  
Date of Preparation of Copy  
No. of Copies of Copy

Aug 21 (D)

(24)

To: The Worthy Chief Secretary  
Khyber Pakhtunkhwa Peshawar.

Through: Secretary, Elementary & Secondary Education Department Peshawar.

Subject: APPEAL AGAINST NOTIFICATION NO. SO(MC)E&SED/4-16/2024/PT/MC/SDEO,  
DATED 21.03.2024

Most Respectfully Sir,

With due regards it is stated that I belong to Management cadre and recently my posting has been replaced with one Mr. Shoukat Ali Khan Teaching cadre vide notification No. SO(MC)E&SED/4-16/2024/PT/MC/SDEO, DATED 21.03.2024 prematurely. However, it is for your kind information that Honorable Peshawar High Court vide judgement dated 18.11.2009 in writ petition No. 2937/2009 was pleased to restrain the posting of teachers against management post. Moreover, in this respect the establishment department Khyber Pakhtunkhwa has also issue letter No. SO(E-1)/E&AD/9-88/2019 dated 08.02.2019, wherein directions for compliance of judgement dated 18.11.2009 have been issued to the Secretary E&SE and others (copies enclosed).

Now, the Secretary Elementary & Secondary Education has ordered to the posting of teaching cadre officer in the place of petitioner against the post of management cadre, therefore, I request your good-self to please cancel the referred notification dated 21<sup>st</sup> march 2024 and the same is in fact violation of the above noted judgement of the August Court.


Yours Obediently,

Dated: 22/03/2024

  
Gul Faraz

DDEO Male Lakki Marwat

ATTESTED

  
KHALID MEHMOOD  
Advocate  
Peshawar High Court

25

address of sender

743

For Ins. RGL124218894  
Stamps attached except in case of  
uninsured letters of not more than  
the initial weight prescribed in the  
Post Office. vide or on which no  
acknowledgement is due.

Rs. Ps.

60 -

Registered in

Date-Stamp

\*Write here "letter", "postcard", "packet" or "parcel"  
with the word "insured" before it when necessary.  
(in words)

Receiving Officer  
paid for Rs. (in figures)

Postage fee Rs.  
Name and address

Rs. Ps. (in words)

Weight  
Kilo Grams

ATTESTED

WALID MEHMOOD  
Magistrate High Court  
D.I. Khan



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9210626

Amir (E)

26

Dated, the Peshawar 10<sup>th</sup> June, 2024

**NOTIFICATION**

**NO.SO(MC)E&SED/4-16/2024/PT/SDEO/KOHISTAN:** The following posting / transfer is hereby ordered with immediate effect, in the best public interest: -

| Sr. No | Name of officer             | From                | To                          |
|--------|-----------------------------|---------------------|-----------------------------|
| 1.     | Mr. Gul Faraz<br>(MC BS-17) | Waiting for posting | SDEO (Male) Hangu,<br>A.V.P |

SECRETARY TO THE GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male) Hangu.
4. District Account Officer Hangu.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Master file.

(JANBAZ AHMED)  
SECTION OFFICER (Management Cadre)

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

Amef (F)  
(27)

To: The Worthy Chief Secretary  
Khyber Pakhtunkhwa Peshawar.

Through Secretary, Elementary & Secondary Education Department Peshawar.

Subject: APPEAL AGAINST NOTIFICATION NO. SO(MC)E&SED/4-16/2024/PT/MC/SDEO/KOHISTAN DATED 10<sup>th</sup> June 2024.

Most Respectfully Sir,

With due regards it is stated that I belong to Management cadre and previously my posting has been replaced with one Mr. Shoukat Ali Khan Teaching cadre vide notification No. SO(MC)E&SED/4-16/2024/PT/MC/SDEO, DATED 21.03.2024 prematurely and I was posted as OSD at Directorate Peshawar, then I filed departmental appeal dated 22.03.2024 before your good-self through proper channel (Secretary Elementary & Secondary Education Department Peshawar), but no decision was conveyed till date and astonishingly twelve days before completing statutory period of previous departmental appeal, I was posted at Hangu vide Notification dated 10.06.2024 inspite of cancellation of my previous order. However, it is for your kind information that Honorable Peshawar High Court vide judgement dated 18.11.2009 in writ petition No. 2937/2009 was pleased to restrain the posting of teachers against management post. Moreover, in this respect the establishment department Khyber Pakhtunkhwa has also issue letter No. SO(E-1)/E&AD/9-88/2019 dated 08.02.2019, wherein directions for compliance of judgement dated 18.11.2009 have been issued to the Secretary E&SE and others (copies enclosed).

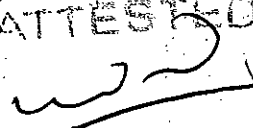
Therefore, I request your good-self to please cancel the referred notification dated 10.06.2024 and restore my posting as Deputy DO Lakki Marwat.

Yours Obediently,

Dated: 20/06/2024.

  
Gul Faraz

DDEO Male Lakki Marwat

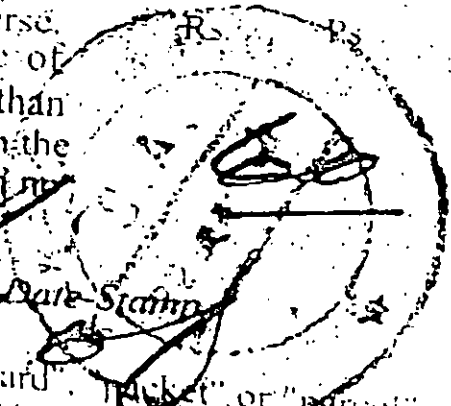
ATTESTED  
  
KHALID MEHMOOD  
Advocate High Court

28

RGL124126569

No. 685

For Insurance Notices see reverse.  
Stamps affixed except in case of  
insured letters of not more than  
the initial weight prescribed in the  
Postal Guide or on which no  
acknowledgement is due.



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Date Stamp

Write here "letter", "postcard", "packet", or "parcel"  
with the word "insured" before it when necessary  
(in words)

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Name and  
address  
of sender

Weight  
(in words)

Nil  
Gross

*Post Office*

*Post Office*



Govt  
29

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

NO. SO (E-I)/E&AD/O-BB/2019  
Dated Peshawar, the February 8, 2019

To

- 1) The Secretary to Government of Khyber Pakhtunkhwa, Higher Education Department
- 2) The Secretary to Government of Khyber Pakhtunkhwa, E&SE Department.
- 3) The Secretary to Government of Khyber Pakhtunkhwa, Industries Department.

**SUBJECT: - REQUISITIONING OF SERVICES.**

Dear Sir

I am directed to refer to the subject cited above and to say that the competent authority has observed that certain Teaching cadre officers are posted out of their cadre since long. Moreover, some teachers/professors are seeking requisitions from different Departments for posting against managerial or administrative posts, hindering deliverance of quality based education to the students. Consequently, competent authority has desired to invite your attention towards the following judgment of Peshawar High Court Peshawar ( in WP No 2937/2009) (Copy enclosed):-

"As the Provincial Government has taken a firm decisions that all those teachers belonging to teaching cadre shall be posted in the Education Institution to teach the students according to their qualifications while those belonging to administrative cadre shall only hold the posts relating to administration. Therefore, the petitioners must deliver according to the policy of the Government and because they are highly qualified teachers, it is not befitting to hold administrative posts, because they are getting benefits, but the students are suffering thus, they shall go their respective places, where they are required to do the job.

2. In view of the above, the competent authority has desired that the above mentioned judgment of the PHC be implemented, in letter and spirit, under intimation to this Department, for perusal of Competent Authority.

Yours faithfully,

(SHITAO AHMAD)  
SECTION OFFICER (Estt. I)

ATTESTED

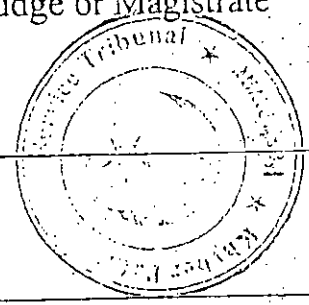
KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan



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~~17~~

| Sr. No | Date of order/proceedings | Order or other proceedings with signature of Judge or Magistrate |
|--------|---------------------------|--|
| 1      | 2                         | 3  |



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**Service Appeal No. 409/2019**

Date of Institution ..... 01.04.2019  
 Date of Decision ..... 07.08.2019

Muhammad Usman S/o Khan Gul District Tank presently  
 SST/ADEO (Sports), District Education Office, Tank.

**Appellant**

**Versus**

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Peshawar.
2. Deputy Secretary (Estab), Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
3. Director, Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
4. Assistant Director, Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
5. District Education Officer, (Male) Tank.
6. Muhammad Farooq, SST, GHS Umar Adda, Tehsil & District Tank.

**Respondents**

**Mr. Muhammad Hamid Mughal** ----- **Member(J)**  
**Mr. Ahmad Hassan** ----- **Member(E)**

JUDGMENT  
MUHAMMAD HAMID MUGHAL, MEMBER: Appellant

present. Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for official respondents present. Private respondent No.7 alongwith his counsel present.

2. Brief facts of the case are that Director Elementary &

*[Handwritten signature]*

*[Handwritten signature]*

**MOHAMMAD MEHMOOD**  
 Advocate High Court

07.08.2019

8. 2019

**ATTESTED**

*[Handwritten signature]*

Khyber Pakhtunkhwa


Peshawar

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7/12


Secondary Education Department Khyber Pakhtunkhwa, Peshawar (respondent No.3) vide order dated 16.08.2018 transferred the appellant Muhammad Usman (SST General) from GMS Kot Kat, District Tank and posted him as ADO (Sports) at the office of District Education Officer (Male) Tank. On the very next month of issuance of above mentioned order dated 16.08.2018, the respondent No.3 placed the services of the appellant at the disposal of DEO (Male) Tank for further adjustment at the vacant post of SST while private respondent No.7 (SST) was appointed in his place as ADEO (Sports), vide order dated 28.09.2018. Again on 06.11.2018 the previous transfer posting order dated 28.09.2018 regarding adjustment of the appellant as SST was withdrawn, resultantly the position of the appellant as ADEO (Sports) was restored. Finally on 17.12.2018 the above mentioned order dated 06.11.2018 was cancelled and the order in respect of private respondent No.7 as ADEO (Sports) was restored. This led to the present service appeal for restoration of transfer posting of the appellant as ADEO (Sports) Tank.

3. Learned counsel for the appellant argued that the impugned order dated 17.12.2018 is the outcome of malafide and a result of political victimization and that the same was issued to oblige the political figure.

4. As against that learned DDA assisted by the learned counsel for private respondent No.7 argued that the appellant has no vested right to claim posting of his choice; that the appellant being an

TESTED  
  
 MOHAMMAD MEHMOOD  
 Judge High Court

17/12/2018

TESTED  
  
 MOHAMMAD MEHMOOD  
 Judge High Court

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influential person, got himself transferred to the post of ADEO (Sports) by using political channel; that earlier the appellant filed civil suit to regain his position as ADEO (Sports) District Tank; that initially the appellant was appointed as Class-IV official who secured promotion on the basis of 3<sup>rd</sup> Division B.A Degree and thereafter the appellant submitted BA Degree of 2<sup>nd</sup> Division which is illegal; that on the complaint of private respondent No.7 inquiry was also initiated against the appellant.

5. Arguments heard. File perused.

6. Both the appellant and private respondent No.7 belong to teaching cadre but were blessed with administrative cadre post one after the other.

7. Hon'ble Peshawar High Court Peshawar vide its judgment dated 18.11.2009 in Writ Petition No. 2937/2009 has observed that it is not befitting for teachers to hold administrative posts because they are getting benefits, but the students are suffering thus, they shall go to their respective places

8. The above mentioned judgment of Hon'ble Peshawar High Court Peshawar was implemented vide Notification dated 08.02.2019.

9. From the arguments advanced by the parties and records particularly the posting transfer orders available on file, it appeared that the Director Elementary & Secondary Education concerned has no capability to face political pressure and that his actions, as made impugned in the pleadings of the parties, fall within the ambit of

ATTESTED

SHAHID MEHMOOD  
Attorney at Law  
Peshawar High Court  
Peshawar

7-8-2019

ATTESTED

SHAHID MEHMOOD  
Attorney at Law  
Peshawar High Court  
Peshawar

33  
to

misuse of authority.

10. The parties (SSTs) could not demonstrate any exigency due to which they were adjusted against the administrative cadre post.

11. In the light of above, the respondent department is directed to appoint suitable officer belonging to administrative cadre, as ADI (Sports) District Tank. The posting orders of both the appellants and private respondent No.7 against the administrative cadre post of ADEO (Sports) Tank shall be treated as cancelled. The respondent department is also directed to forthwith recall, all the transfer orders of the teachers against the administrative post. The present service appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

S  
3/3/19  
W

(Ahmad Hassan)  
Member

(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
05.08.2019

Certified to be true copy  
Khalid Mehmood  
Service Tribunal  
Peshawar

Date of Disposal of Case 02-01-2020  
Number of Pages 1600  
Cost of Case 18-00  
Usual 4-00  
Total 22-00  
Date of Copy 02-01-2020  
Date of Delivery of Copy 02-01-2020

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan



وکالت نامہ



KHYBER PAKHTUNKHWA  
BAR COUNCIL

34

KHALID MEHMOOD

Advocate

bc-15-5415

Date of Issue: November 2022

Valid upto: November 2025



ADVOCALES HIGH COURT

Secretary  
KP Bar Council

بھارت خیر خوشگوار سروسز پرائیویٹ لمیٹڈ  
گولڈن ٹاور سٹیٹ بینک سٹریٹ ریسٹورنٹ  
دہلی ہجرم  
تسلیم دہلی ہجرم  
سروسز پرائیویٹ  
ہمارے تحریر خانہ

مقدمہ مندرجہ بالا تصحیح میں اپنی طرف دہلی ہجرم سروسز پرائیویٹ لمیٹڈ یا تصفیہ عدالت کے نام سے  
**ہمارے**  
 صاحب دہلی ہجرم کے پورے کھلی سروسز پرائیویٹ لمیٹڈ کے لئے مندرجہ ذیل ضوابط و شرائط پر عمل پیرا رہے گا اور یہ ضابطے عدالت حاضر ہونے تک جاری رکھے جائیں گے۔  
 وکیل صاحب موصوف کو اطلاع دے کر حاضر کرنے کا اگر کوئی پر مٹھ حاضر نہ ہو اور مقدمہ مندرجہ پیر حاضر کی وجہ سے کسی طور ہجرت  
 خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح سے مدعا نہ ہو گئے اور وکیل صاحب موصوف سے مقدمہ مندرجہ پیر کی مدعا کو باہمی  
 کے اوقات سے پہلے یا پیچھے یا بعد از تسلیل دہلی کرنے سے بعد نہ ہونے اور مقدمہ مندرجہ پیر کی مدعا اور ہجرت ہونے کے بعد  
 تسلیل یا ہجرت کے اوقات کے آگے یا پیچھے ہونے پر مٹھ کوئی تصحیح کیجے تو اس کے بعد دہلی ہجرم کے واسطے کسی مدعا نہ کی  
 اور کرنے یا ہجرت نہ رہا جس کرنے کے بھی صاحب موصوف اذعان نہ ہو گئے۔ مٹھ کو کس ساختہ پر داخلہ صاحب موصوف  
 میں کردہ ذات خود حضور قبول ہوگا اور صاحب موصوف کو عرض دہلی ہجرم اور درخواست اجراء ہجرت کی ذریعہ تفریحی اٹکل  
 گرائی اور ہجرت درخواست ہجرت کے بیان دینے اور تفریحی یا راضی نامہ تسلیم پر مٹھ کرنے اٹکل تفریحی کا بھی اختیار ہوگا اور ہجرت مٹھ  
 ہونے تاریخ پیش مقدمہ دہلی ہجرم یا ہجرت کی مدعا نہ کیجے گا اور تفریحی اٹکل دہلی ہجرم کی مدعا نہ کیجے گا۔ ہجرت کی ایک طرف یا  
 درخواست سماعت نامی یا تفریحی یا کرداری تفریحی اور تفریحی ہجرت کے ذریعے بھی صاحب موصوف کو ہجرت اور تفریحی اٹکل مٹھ دی کا اختیار ہوگا  
 اور تمام ساختہ پر مالک صاحب موصوف میں کردہ از خود حضور قبول ہوگا اور ہجرت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا  
 مقدمہ نہ کہ وہ پاس کے کسی جڑوی کارروائی یا ہجرت اور درخواست تفریحی اٹکل گرائی یا دیگر معاملہ یا مقدمہ نہ کہہ کسی دوسرے وکیل یا  
 ہی سڑک اپنے بنیائے یا پاسے ہمراہ جہز کریں اور اپنے شیرکانوں کو بھی ہر اس میں وہی اور وہی ہے اختیار حاصل ہو گئے ہیں  
 صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جڑوی ہجرت یا تفریحی ہجرت سے گاہ صاحب موصوف کو بھی ہوگا مٹھ صاحب موصوف  
 کو ہجرت نہیں تاریخ پیش سے پہلے اداہ کاگے صاحب موصوف کو ہجرت اختیار ہوگا کہ مقدمہ کی جڑوی اور اپنی صورت  
 میں ہجرت کوئی مطالبہ کسی حکم کا صاحب موصوف کے خلاف نہیں ہوگا۔

دہلی ہجرم سروسز پرائیویٹ لمیٹڈ  
تسلیم دہلی ہجرم سروسز پرائیویٹ لمیٹڈ کے لئے جاری ہے

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