


FORM OF ORDER SHEET

Court of _____

Appeal No. 896/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/06/2024	<p>The appeal of Mr. Asad Iqbal resubmitted today by Naila Jan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 02.07.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> f REGISTRAR</p>

1

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR**

Appeal No = 896 / 2024

Mr. Asad Iqbal Senior Clerk under transfer to Tehsil office
Munda District Dir lower.

(Appellant)

VERSUS

1. The Commissioner Malakand Division at Saidu Sharif Swat.
2. Deputy Commissioner Dir Lower at Taimargarah.
3. Mr. Muhammad Riaz Senior Clerk under transfer to Tehsil Samar Bagh District Dir lower.

(Respondents)

**APPLICATION FOR FIXATION OF
APPEAL AT PRINCIPAL SEAT
PESHAWAR**

Respectfully Sheweth:

The applicant submits as under:-

1. That the above title service appeal is filed / submitted before this Hon'ble Tribunal in which no date of hearing is yet being fixed.
2. That there is a suspension application against the order of Transfer & Posting in the service appeal because of which it is urgent matter and needs to be adjudicate upon, in KP Service Tribunal at Peshawar rather than any other bench.
3. That there is no legal bar in acceptance of instant application.

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It is, therefore, most humbly prayed that on acceptance of this application, the service appeal may kindly be fixed urgently at the principal seat i.e. KP Service Tribunal Peshawar, for the best interest of justice.

Dated: 28-6-2024

Applicant

Through

Naila Jan
Naila Jan

Advocate, Supreme Court of
Pakistan

Affidavit:

I, (Counsel for the appellant) do hereby solemnly affirm & declare on oath that all contents of instant application are true & correct to the best of my knowledge & belief.

Naila Jan
ADVOCATE




The appeal of Mr. Asad Iqbal received today i.e on 25.06.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- 1- Copy of order dated 04.08.2023 mentioned in para-8 of the memo of appeal is not attached with the appeal be placed on it.
- 2- Copy of departmental appeal against the impugned orders dated 07.03.2024 & 03.04.2024 is not attached with the appeal be placed on file.

No. 262 /Inst./2024/KPST,

Dt. 26/6 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR. 26/6/24

Naila Jan Adv.
High Court Peshawar.

*Remained
objections
my* *all the
and
resubmitted*
Naila Jan *Asc*
28/06/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

APPEAL NO. 896/2024

Asad Iqbal

VERSUS

Commissioner Malakand Division & Others

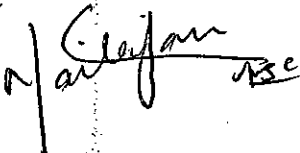
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Dated: 25-6-2024


Appellant

Through


Naila Jan
Advocate Supreme Court of
Pakistan

D

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

APPEAL NO. 896/2024

Mr. Asad Iqbal Senior Clerk under transfer to Tehsil
office Munda District Dir lower.

(Appellant)

VERSUS

1. The Commissioner Malakand Division at Saidu Sharif Swat.
2. Deputy Commissioner Dir Lower at Taimargarah.
3. Mr. Muhammad Riaz Senior Clerk under transfer to Tehsil Samar Bagh District Dir lower.

(Respondents)

Service Appeal against the impugned Transfer Order dated 07.03.2024 of respondent No 02 Whereby the appellant has been transferred prematurely from the post of Senior Clerk Office of Assistant Commissioner Tehsil Sumarbagh to Tehsildar Office Tehsil Munda Distt Dir Lower prematurely on political basis, Subsequent Order dated 03/04/2024, whereby private respondent No 03 was posted at the post of Senior Clerk Office of the Assistant Commissioner Tehsil Sumarbagh Distt Dir Lower and inaction on the part of respondent No 01 on the departmental appeal of the appellant, is utter

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violation of law, rules, principles of natural justice
and Transfer posting policy of the provincial
Government of Khyber Pakhtunkhwa.

RESPECTFULLY SHEWETH,

The appellant submits as under;

- 1) That the appellant is a peaceful law abiding citizen of Pakistan and belong to respectable family who is also a disabled person.
- 2) That the appellant is serving as Senior Clerk in the District Dir lower and since his appointment the appellant performed his duty with great zeal, zest, honesty and to the entire satisfaction of his high ups.
- 3) That the performance of the appellant may be judged from the fact that till date no explanation or warning has been issued from the appellant.
- 4) That the appellant was previously posted at the office of Tehsildar Samar Bagh however vide order dated 10/05/2022 he was transferred from the office of Tehsildar Samar Bagh to AC Office Samar Bagh and the appellant after submission of arrival report, started performance of his duties with due diligence and enthusiasm. **(Copy of the Order dated 10.05.2022 is annexure-A)**
- 5) That the Respondent No 02 previously transferred the appellant from tehsil Office Samar Bagh to the Tehsildar office Munda on administrative grounds vide Office order dated 04/08/2023 and respondent No 03, being a blue eyed chap, was posted at the post of the appellant, in utter violation of law, rules, principles of natural justice and Transfer posting policy of the provincial Government. **(Copy of the Office order dated 04/08/2023 is annexure B).**
- 6) That it is worth mentioning that the Tehsildar Munda vide letter dated 10/08/2023 requested respondent No 02 for retention of private respondent No 03 at Tehsildar Office Munda till the completion of settlement whereas tehsildar Samar Bagh requested for retention of the appellant at tehsil office Samar Bagh vide letter dated 15/11/2023. **(Copy of the letter dated 10/08/2023 and letter dated 15/11/2023 are annexures C & D).**

- 7) That feeling aggrieved from the transfer order dated 04/08/2023, the appellant filed a departmental appeal before the respondent No 01 who was kind enough to accept the departmental appeal of the appellant vide order dated 26/10/2023. **(Copy of the Appellate Order dated 26/10/2023 is Annexure-E)**
- 8) That the respondent No 02, in compliance to the appellate order dated 26/10/2023, transferred/posted back the appellant however to tehsildar office Sumer Bagh as per his request instead of AC Office Tehsil Samar Bagh Dir lower vide order dated 22/02/2024. Therefore, the appellant submitted his charge report on 27/02/2024 **(Copy of the office Order dated 22/02/2024 & Charge report are Annexures-F&G)**
- 9) That the appellant after hardly serving for 15 days as Senior Clerk at the office Tehsildar, was once again subjected to another premature order dated 07.03.2024 whereby the appellant has been transferred from the office of Tehsildar Samar Bagh (however mala fidely in the impugned order dated 07/03/2024 his place of posting was shown as AC Office Samarbagh) to the office of Tehsildar Munda Dir Lower prematurely on mala fide and political motivation, in utter violation of law, rules, principles of natural justice and Transfer posting policy of the provincial Government. **(Copy of the impugned Order dated 07/03/2024 is annexure-H)**
- 10) That the respondent No 02 once again issued illegal political motivated impugned orders dated 07.03.2024 & 03/04/2024 in disregards to the Tehsildar Munda letter dated 10/08/2023 & Tehsildar letter dated 15/11/2023 in utter violation of law, rules and transfer posting policy of the Provincial Government filed departmental appeal before respondent No.1, however after expiry of the statutory period of 90 days, the respondent No.1 failed to decide the departmental appeal of the appellant. **(Copies of Departmental Appeal & Order dated 3/4/2024 are annexed as annexure-I & J)**
- 11) That the appellant feeling aggrieved from the impugned illegal premature and political motivated Transfer posting Orders dated 07.03.2024 and 03/04/2024 has no other adequate remedy hence filing the instant Service Appeal on the following grounds.

GROUNDS:

- A. That the impugned Orders dated 07.03.2024 and 03/04/2024 are based on mala fide political motivation, against the law, rules Principles of natural justice and transfer/posting policy of the Provincial Government hence void ab initio not sustainable under the law.
- B. That as per judgment of Superior Courts the authority given to any official shall be exercised as a public trust and in accordance with law and rules however by issuing the impugned Orders dated 07.03.2024 and 03/04/2024 by respondent no 02 is violation of the above dictum of the Apex Court.
- C. That the appellant is entitled to be treated equally in accordance with transfer posting policy however the appellant has been discriminated by transferring him prematurely which is violation of Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- D. As per reported judgment of Supreme Court of Pakistan 2018 SCMR 1411(b), Section 10 of the Baluchistan Civil Servant Act 1974 did not prescribe a minimum period during which a civil servant must serve at his post, it did not mean that the government without assigning any reason could move a civil servant from the place he was posted to after a month or subject the civil servant to repeated postings in a short period of time because that would amount to punishing him....such postings also adversely affected the public interest and resulted in the wastage of scarce resources and constituted bad governance.
- E. That as per Transfer Posting Policy of Provincial Government normal tenure on a post of a civil servant is 2 years however the appellant has been made a rolling stone by transferring through a prematurely transferred order date 07.03.2024 in utter violation of the ibid policy.
- F. That spouse of the Appellant is DM teacher who is posted at Sumarbagh therefore under the spouse Policy of Provincial



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Government the appellant is also entitled to be posted at the same station.

- G. That the impugned Orders dated 07.03.2024 and 03/04/2024 are based on mala fide and political victimisation and not in public interest hence liable to be set-aside on the sole ground.
- H. That the appellant is a disabled civil servant therefore on the basis of humanitarian grounds, is entitled for cancellation of the impugned Orders dated 07.03.2024 and 03/04/2024.
- I. That both the impugned Orders dated 07.03.2024 and 03/04/2024 are not issued in public interest but with the sole purpose to adjust a blue eyed chaps.
- J. That the appellant seeks permission of the Honourable Tribunal to adduce other grounds during final hearing of the appeal.

Prayers:

On acceptance of the instant Service Appeal the impugned illegal premature and political motivated Transfer posting Orders dated 07.03.2024 and 03/04/2024 may graciously be set aside and the appellant may kindly be retained on his previous place of posting i.e Senior Clerk Tehsildar office Samar Bagh Dir Lower..


Appellant
Through

Naila Jan
Advocate Supreme Court
Pakistan

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

APPEAL NO...../2024

Asad Iqbal
VERSUS
Commissioner Malakand Division & Others

**APPLICATION FOR SUSPENSION OF THE
OPERATION OF IMPUGNED ORDERS
DATED 07/03/2024 & 03/04/2024 OF THE
RESPONDENTS, TILL THE FINAL DECISION
OF INSTANT SERVICE APPEAL.**

Respectfully Sheweth:

1. That the above service appeal is being filed before this Hon'ble Tribunal, in which no date of hearing has yet been fixed.
2. That the Applicant/ Petitioner got a good prima facie case in his favour, and is sanguine about its success.
3. That the balance of convenience also lies in favour of the applicant/ petitioner.
4. That if the orders dated 7/03/2024 & 3/04/2024 are not suspended, the petitioner/ applicant would suffer irreparable loss.

- 5. That the impugned orders are political motivated orders and premature, against the Transfer & Posting Policy.
- 6. That the facts and grounds of the service appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the impugned orders dated 07/03/2024 & 03/04/2024 may kindly be suspended, till the final decision of the case.

Dated: 25-6-2024

[Signature]
Appellant

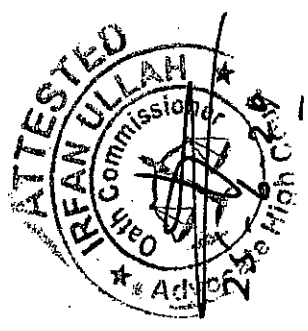
Through

[Signature]
Naila Jan
Advocate Supreme Court of
Pakistan

AFFIDAVIT

I, (The Applicant/Petitioner) do hereby solemnly affirm & declare on oath that all contents of instant service appeal are true & correct to the best of my knowledge and belief and nothing is kept concealed from this Hon'ble Tribunal.

[Signature]
DEPONENT



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

APPEAL NO...../2024

Asad Iqbal

VERSUS

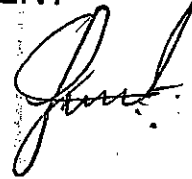
Commissioner Malakand Division & Others

AFFIDAVIT

I, Asad Iqbal Senior Clerk under transfer to Tehsil office Munda District Dir lower, do hereby solemnly affirm & declare on oath that all contents of instant service appeal are true & correct to the best of my knowledge and belief and nothing is kept concealed from this Hon'ble Tribunal.

DEPONENT

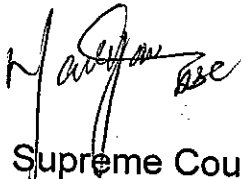
CNIC:



Identified By

Naila Jan

Advocate, Supreme Court of
Pakistan



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

APPEAL NO...../2024

Asad Iqbal

VERSUS

Commissioner Malakand Division & Others

ADDRESSES OF PARTIES

APPELLANT

Mr. Asad Iqbal Senior Clerk under transfer to Tehsil office Munda District
Dir lower


ADDRESSES OF RESPONDENTS

1. The Commissioner Malakand Division at Saidu Sharif Swat.
2. Deputy Commissioner Dir Lower at Taimargarah.
3. Mr. Muhammad Riaz Senior Clerk under transfer to Tehsil Samar Bagh
District Dir lower.

Dated: 25-6-2024


Appellant

Through


Naila Jan
Advocate, Supreme Court of
Pakistan

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Aⁿ

OFFICE OF THE
DEPUTY COMMISSIONER,
DIR LOWER.

No. 480 /EA/DC(DL)
Dated Timergara the 10/5/2022

OFFICE ORDER.

In pursuance with PSO to Chief Secretary, Khyber Pakhtunkhwa Letter No. PSO/CS/KPK/PMRU/202 dated 16/03/2021 and Commissioner, Malakand Division Saidu Sharif, Swat letter No. 1828-40/2/64 (Estt.) dated, 07/06/2021, the following posting transfer of ministerial staff are hereby ordered in the best interest of general Administration as well as public at large with immediate effect:-

S.No.	Name & Designation of official	From	To
1.	Mr. Khalilur Rehman Assistant.	Tehsildar Adenzai.	AC Adenzai
2.	Mr. Muhammad Uzair Assistant.	Tehsildar Dalambat.	AC Timergara
3.	Mr. Nauroz Khan Assistant.	AC Timergara.	Tehsil Dalambat
4.	Mr. Ghulam Khaliq Assistant.	AC Samarbagh.	ADC(G)
5.	Mr. Muhammad Israr Assistant.	Accountant/Nazar.	Estt. Assit
6.	Mr. Feroz Khan Assistant.	Development Assit.	ADC(F&P)
7.	Mr. Fakhre Alam Assistant.	Arms License Branch.	Revenue Assit.
8.	Mr. Shahab Uddin Assistant.	License Branch.	District Record Room
9.	Mr. Shaukat Ali Assistant.	Revenue Branch.	AG-I
10.	Mr. Umar Zaman Assistant.	AG-I Branch.	Arms License Clerk
11.	Mr. Khaliq Ahmad Jan Assistant.	ADC (F&P)	Accountant/Nazar
13.	Mr. Noor Muhammad Asstt.	AC Adenzai	Tehsildar Adenzai
14.	Mr. Farrukh Zia, CO	DDMO Office	AG-II
15.	Mr. Javed Iqbal, CO	Establishment Branch.	AG-III
16.	Mr. Zakirullah, CO.	ADC (F&P)	DDMO
17.	Mr. Israr Muhammad, CO	AG-II Branch	Establishment Branch.
18.	Mr. Ajmal Ali CO.	Tehsildar Dalambat.	ADC F&P.
19.	Mr. Nazirullah CO.	AAC Samarbagh.	AC Samarbagh.
20.	Mr. Arshad Iqbal, CO.	AC Timergara.	Arms License Branch.
21.	Mr. Muhammad Nisar, CO	Tehsildar Adenzai	ADC(G)
22.	Mr. Inamullah, CO	AC Adenzai	AAC Adenzai
23.	Mr. Mirajud Din, CO	Reader Branch.	AAC Revenue
24.	Mr. Zafar Abbas, CO	AAC Adenzai.	AC Adenzai
25.	Mr. Shabeer Ahmad, CO	Litigation Branch	AC Timergara
26.	Mr. Nawaz Khan, CO	AC Samarbagh.	AAC Timergara
27.	Mr. Said Bad Shah, CO	PMRU	AC Timergara
28.	Mr. Rehanullah, CO	AC Timergara	Tehsildar Khall
29.	Mr. Ikram Ghani Asstt.	AC Adenzai	ADC F&P.
30.	Mr. Muhammad Israr, Asstt.	ADC(F&P)	AG-III, Branch Incharge
31.	Mr. Naveed Khan, Asstt.	Tehsildar Adenzai.	AG-III
32.	Mr. Khan Badshah, S/C	Levy Estab. & Litigation	Levy Budget Branch.
33.	Mr. Pervez Khan, S/C	Levy Budget Branch	Levy Estab. & Litigation
34.	Mr. Luqman Shah, S/C	AC Lal Qila	Tehsildar Lal Qila
35.	Mr. Zahir Muhammad S/C	AC Samarbagh.	AAC Samarbagh.
36.	Mr. Asad Iqbal S/C.	Tehsildar Samarbagh	AC Samarbagh.
37.	Mr. Ijaz Ahmad S/C	AG-II	Reader Branch.

OFFICE OF THE DEPUTY COMMISSIONER, DIR LOWER

No. 11887 /2/Estt:

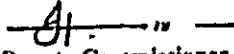
Dated Timergara the 04/10/2023

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Ambar
B

OFFICE ORDER:-

The posting/transfer of the following officials is hereby ordered with immediate effect in the best public interest:-

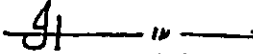
S.No	Name of Official	From	To
1	Mr. Asad Iqbal, Senior Clerk	Tehsil Office Samarbagh	Tehsil Office Munda
2	Mr. Riaz Khan, Senior Clerk	Tehsil Office Munda	Tehsil Office Samarbagh


Deputy Commissioner,
Dir Lower

No. 11888-92 /1

Copy forwarded to:-

1. The Additional Deputy Commissioner (General), Dir Lower.
2. The Assistant Commissioner, Samarbagh for information with reference to his letter No.1244/A.C(S.Bagh) dated 26/07/2023.
3. Tehsildar Samarbagh
4. Tehsildar Munda
5. Officials concerned, for compliance.


Deputy Commissioner,
Dir Lower





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Kishor ✓
C

**OFFICE OF THE
TEHSILDAR/REVENUE
OFFICER MUNDA DISTRICT DIR LOWER**

No. 214 /Tch:Munda

Dated Munda The 10/09/2023

To,

The Worthy Deputy Commissioner,
Dir Lower.

Subject: **OFFICE ORDER.**

Memo;

Kindly refer to your good office order issued under endst:
No. 11888-92/ dated. 04/08/2023 on the subject cited above.

It is brought into your kind notice that, important original record of state land i.e. DCR of Notification 1520, Khatoni, field book etc is existing in Tehsil office Munda. The official Mr. Riaz Khan senior clerk is the custodian of the aforesaid record and maintained the same excellently. A new official/substitute well not be able to maintained office record pertained to Tehsil office Munda in a proper way.

It is therefore requested to issue a corrigendum order and retained/keep the official in this station till the completion of settlement operation in this Tehsil in the best interest of state as well as public, please.

Tehsildar Munda

No. _____

Copy forwarded to the Assistant Commissioner Samarbagh for information please.

Tehsildar Munda

13

Ambar

D

**OFFICE OF TEHSILDAR
SAMARBAGH DISTRICT DIR LOWER**

No. 618 /Teh: S.Bagh

Dated: 13/11/2023

To:

The worthy Deputy Commissioner,
District Dir Lower

Subject:

**REQUEST FOR REINSTATEMENT OF ASAD IQBAL SENIOR CLERK
IN OFFICE OF UNDERSIGNED**

Memo:

Kindly refer to the subject noted above and to state that the undersigned has assumed the charge as Tehsildar Samarbagh on 21/08/2023 and started the designated duty. It is to bring in your kind notice that various cases for and against the state are subjudiced in various courts of law where the undersigned along with revenue staff ensure their attendance on regular basis but the issue of tracing the available revenue record within tehsil office persists that are mandatory to be placed before the honorable court in defense of state cases. Further that as the implementation process of handing and taking over the personal properties of Ex-Khan of Jandool with preservation of the state properties in light of the august Supreme Court of Pakistan Orders dated 04-01-2018 is underway whereby the relevant record as available at the office require to be consulted that need a well conversant official. It is worth to mention here that as I assumed the charge at tehsil office Samarbagh, the previous reader Mr. Asad Iqbal (experienced official of tracing and maintaining the relevant record) has been transferred to Tehsil office Munda while Mr. Riaz Khan as substitute to the office but have little knowledge of same.

Keeping in view the above it is humbly requested that in order to overcome and avoid any embarrassment before the courts adation with timely and better maintenance of office record in light of apex court order dated 04-01-2018, the undersigned require reinstatement of Mr. Asad Iqbal senior clerk at tehil office Samarbagh, please.

Tehsildar Samarbagh

~~BEFORE THE~~

~~AT 2023~~

(14)

Date of Institution: 21/08/2023

En

Asad Iqbal Senior Clerk Tehsil Office Munda District Dir Lower Appellant

VERSUS

The Deputy Commissioner, Dir Lower Respondent

Amir

DEPARTMENT APPEAL AGAINST THE ORDER NO. 11887/2/ESTT: DATED 04.08.2023 PASSED BY THE DEPUTY COMMISSIONER DIR LOWER.

ORDER

26.10.2023

This order shall dispose of the appeal filed by the appellant Mr. Asad Iqbal Senior Clerk Tehsil Munda District Dir Lower against the order dated 04.08.2023 passed by the Deputy Commissioner, Dir Lower.

I have gone through the case file and heard the appellant as well. Briefly stated that the appellant was serving as Senior Clerk in Tehsil Officer Samarbagh District Dir Lower. The Deputy Commissioner Dir Lower transferred the appellant to Tehsil Office Munda vide order dated 04.08.2023. Appellant requested for cancelation of this transfer order mentioned above.

In light of the opportunity of personal hearing given to the appellant, perusal of the comments, received from the respondent i.e Deputy Commissioner, Dir Lower and record of the case it transpired that the lower court fulfilled all the legal formalities during its proceedings but the appellant is disable and is a low paid employee and also guardian of his family, therefore, this court accepted appeal of the appellant on humanitarian grounds and the Deputy Commissioner, Dir Lower is directed that the appellant may be posted in local station for disposal of his official duties.

A copy of this order be sent to the Deputy Commissioner, Dir Lower for compliance.

Announced
26.10.2023

Shahid Khan

Commissioner Malakand Division

[Signature]

OFFICE OF THE
 DEPUTY COMMISSIONER
 DIR LOWER
 No. 2203
 /Estt.



Dated Timarara the 27/02/2024
 Deputy Commissioner Dir Lower
 Addl. No. 0545-925001

OFFICE ORDER

In compliance with the order of worthy Commissioner, Malakand Division order dated 26/10/2023, the posting/transfer in respect of the following officials are hereby ordered with immediate effect:

S.No.	Name of official with designation	From	To
1	Mr. Asad Iqbal, Senior Clerk	Tehsil office Munda	Tehsil office Samarbaeh
2	Mr. Riaz Khan, Senior Clerk	Tehsil office Samarbaeh	Tehsil office Munda

Deputy Commissioner
 Dir Lower

No. 2204-81

Copy forwarded to:

- The Assistant Commissioner, Samarbaeh.
- The Tehsildar, Samarbaeh.
- The Tehsildar, Munda.
- The Reader to Commissioner, Malakand Division Swat for information with reference to his No. 772/1926(MD) dated 08/11/2023.
- The officials concerned for compliance.

Deputy Commissioner
 Dir Lower

(5)

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Asad

G^u

CHARGE ASSUMPTION REPORT

In pursuance of the Worthy Deputy Commissioner Dir Lower Order issued under endst: No. 2203/Estt dated. 22/02/2024, I Asad Iqbal, hereby assumes the charge of the post of senior clerk Tehsil office Samar Bagh today on 27.02/2024 (F.N).



Asad Iqbal
senior clerk
Tehsil office Samar Bagh

No. SS-57/Teh: Dated S.Bagh the, 27/02/2024.

Copy forwarded to:

1. The Worthy Deputy Commissioner Dir Lower.
2. The Assistant Commissioner Samar Bagh.



Asad Iqbal
senior clerk
Tehsil office Samar Bagh



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OFFICE OF THE
DEPUTY COMMISSIONER
DIR LOWER

Handwritten signature
H

No. 509 /Estt
Dated Timergara the 27 /03/2024

dcdirlower@gmail.com Deputy Commissioner Lower Dir @dcdirlower 0945-9250001

OFFICE ORDER:

Mr. Asad Iqbal Junior Clerk presently performing duties in the office of Assistant Commissioner Samarbagh, is hereby transferred and posted in the office of Tehsildar Munda with immediate effect in the public interest.

Handwritten signature

Deputy Commissioner,
Dir Lower.

No. 510-13 /Estt:

Copy forwarded for information to:

1. The Assistant Commissioner Samarbagh, Dir Lower.
2. The Superintendent local office.
3. The Tehsildar Munda, Dir Lower.
4. The official concerned for compliance.

Handwritten signature

Deputy Commissioner,
Dir Lower.

Handwritten signature



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OFFICE OF THE
DEPUTY COMMISSIONER
DIR LOWER

No. 599 /Estt
Dated Timergara the 03/04/2024

Handwritten signature

dcdirlower@gmail.com Deputy Commissioner Lower Dir @dcdirlower 0945-9250001

OFFICE ORDER

Mr. Muhammad Riaz Senior Clerk, presently performing duties in the office of Tehsildar Munda, is hereby transferred and posted in the office of Tehsildar Samarbagh in the best public interest.

Handwritten signature

Deputy Commissioner
Dir Lower.

No. 593-96 /Estt

Copy forwarded for information to:

1. The Assistant Commissioner Samarbagh, Dir Lower.
2. The Tehsildar Munda, Dir Lower.
3. The Tehsildar Samarbagh, Dir Lower.
4. The Official concerned for compliance.

Handwritten signature

Deputy Commissioner
Dir Lower.

Handwritten signature

(19)

Amir J

(1)

To,

Date: 0-3-2024

The Worthy Commissioner,
Malakand Division,
at Saidu Sharif Swat

Subject: APPEAL AGAINST THE ORDER BEARING NO. 509/ESTT DATED 07.03.2024 OF THE WORTHY DEPUTY COMMISSIONER DIR LOWER, WHEREBY APPELLANT WAS TRANSFERRED FROM THE OFFICE OF ASSISTANT COMMISSIONER SAMARBAGH TO THE OFFICE OF TEHSIL MUNDA.

Respected Sir,

The appeal is stated as under:

1. That appellant as Senior Clerk being posted at Tehsil office Samarbagh was earlier transferred by the worthy Deputy Commissioner Dir Lower vide office order No. 11887/2/ESTT dated 04.08.2023 from Tehsil office Samarbagh to Tehsil Office Munda District Dir Lower.

2. That thereafter, by way of preferring departmental appeal against the said order, the appellant approached to this worthy appellate authority. The appellate authority was pleased to set aside the transfer order on acceptance of the said appeal vide order dated 26.10.2023. (Copy of the order dated 26.10.2023 is annexure "A")

Reader

Commissioner
08/03/24



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3. That in pursuance of the aforesaid order dated 26.10.2023 the appellant was re-transferred and posted back at Tehsil Office Samarbagh by the worthy Deputy Commissioner Dir Lower vide office order No. 2203/Estt dated 22.12.2023 where, he has been performing the duties in the office of Assistant Commissioner. (Copy of the office order dated 22.12.2023 is annexure "B")

4. That after the passage of hardly about two and a half months the appellant again was transferred by the worthy deputy Commissioner Dir Lower from the office of Assistant Commissioner Samarbagh to the office of Tehsildar Munda vide transfer office order No. 509/Estt dated 07.03.2024. (Copy of the order dated 07.03.2024 is annexure "C")

5. That being aggrieved the appellant once again making approaching before this appellate authority through the present appeal, inter alia on the following grounds.

GROUNDS:

A. That the impugned Office order dated 07.03.2024 of worthy deputy Commissioner Dir Lower is arbitrary, illegal, without lawful authority, ultra vires the law,

rules and the relevant policy governing the subject hence, void ab initio.

B. That transfer of the appellant is premature and against the interest of public. It has not been made in the exigency of service.

C. That the impugned office order is the outcome of political pressure of the local political figures and has not been issued to promote public interest but for achieving ulterior motives in sheer violation of principles of fair play, good governance and settled norms of justice.

D. That transfer of the appellant is against the guidelines laid down by the Apex Court particularly, in PLD 2013 SC 195.

E. That transfer of the appellant to a distant place served no useful purpose but resulting into creating hardships to the appellant to continue his duty with full devotion, zeal and zest.

F. That appellant is a hard-working subordinate who is having track record of his service.


In view of the above submissions, it is requested that on acceptance of this appeal,

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(4)

the office order bearing No. 509/Estt dated 07.03.2024 of the worthy Deputy Commissioner Dir Lower whereby the appellant was transferred from Office of the Assistant Commissioner Samarbagh and posted at Tehsil Office Munda District Dir Lower may very kindly be set aside.

Appellant


ASAD IQBAL

Senior Clerk

Office of Assistant Samarbagh

Dir Lower

INTERIM RELIEF:

It is very humbly requested that till the final disposal of the present appeal operation of the Impugned office order dated 07.03.2024 passed by worthy Deputy Commissioner Dir Lower may kindly be suspended and appellant may be allowed to continue his duty at the office of Assistant Commissioner Samarbagh District Dir Lower

Appellant





ASAD IQBAL

Senior Clerk

Office of Assistant Samarbagh

Dir Lower



قیمت 50 روپے	45450	پشاور باریسوسی ایشن، خیبر پختونخوا
ایڈوکیٹ: <u>Haira Jan</u>		  
بار کونسل ایسوسی ایشن نمبر: <u>BC-13-472</u>		
رابطہ نمبر: <u>0312-9215471</u>		

بعدالت جناب: مسٹر جسٹس شہباز علی شاہ

مخاطب: <u>ایڈوانس</u>	دعویٰ: <u>Service Appeal</u>
<u>اسد اقبال</u>	علت نمبر: _____
<u>بنام</u>	مورخہ: _____
<u>کمشنر ملائذ وغیرہ</u>	جرم: _____
	تھانہ: _____

باعت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب ذہی کاروائی متعلقہ
 آن مقام لمشاہدہ کیلئے ناٹک جادو ایڈووکیٹ کے نام سے درخواست کی گئی ہے کہ وہ اس کی کارروائی کے لئے
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقریر ثالث 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 نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پر راجحہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخی 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



المرقوم: 24/06/2024

مقام لمشاہدہ کے لیے منظور ہے۔

Attest (Accept) Haira Jan