


FORM OF ORDER SHEET

Court of _____

Appeal No. 1230/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/08/2024	<p>The appeal of Mr. Arshad Iqbal submitted by Mr. Fazal Shah Mohmand, Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 27.08.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: Ashad Ibrar vs SMBR & others ^{CHECK LIST}

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?		
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?		
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?		
13	Whether copy of appeal is delivered to AG/DAG?		
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?		
16	Whether appeal contains cutting/overwriting?		
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?		
19	Whether requisite number of spare copies attached?		
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?		
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

FAZAL SHAH MOHAMMAD

Signature:

[Signature]

Dated:

23-8-2014

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No 1230/2024

Arshad IqbalAppellant

V E R S U S

SMBR & Others.....Respondents

I N D E X

S No	Description of Documents	Annexure	Pages
1.	Service Appeal with Affidavit		1-4
2.	Application for suspension of impugned Order with Affidavit		5-6
3.	Copy of Office Order dated 11-07-2024	A	7
4.	Copy of Office Order dated 19-08-2024	B	8
5.	Copy of Departmental Appeal & Order dated 21-08-2024	C & D	9-10
6.	Vakalat Nama		11

Dated: 23-08-2024

Through


Appellant


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan,


Ibad ur Rehman Khalil


Baseer Shah
Advocates High Court

OFFICE:-

Cantonment Plaza Flat 3/B,
Khyber Bazar Peshawar
Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No 1230/2024

Arshad Iqbal, Tehsildar, Razzar, Tehsil District Swabi.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15172

Dated 23/8/24

.....Appellant

V E R S U S

1. Senior Member Board of Revenue, Peshawar.
2. Commissioner, Mardan Division, Mardan.
3. Asmat Ullah, Tehsildar, Commissioner Office Mardan.

.....Respondents

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 21-08-2024 WHEREBY
DEPARTMENTAL APPEAL OF APPELLANT FILED
AGAINST THE ORDER DATED 19-08-2024 HAS BEEN
REGERTTED.**

PRAYER:-

On acceptance of this appeal the impugned Order dated 21-08-2024 and Order dated 19-08-2024, may kindly be set aside and the appellant may kindly be allowed to perform his duties as Tehsildar Razzar Tehsil District Swabi

Respectfully Submitted:-

1. That the appellant was initially appointed as Patwari in the year 2002, was promoted as Girdawar in the year 2012 and was then promoted as Niab Tehsildar in the year 2019 and since appointment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That while lastly posted to Commissioner Office Mardan was transferred as Tehsildar Razzar Tehsil District Swabi vide Office Order dated 11-07-2024 where he reported

Filed to-day
Registrar
23/8/24

arrival and started performing his duties. **(Copy of Office Order dated 11-07-2024 is enclosed as Annexure A).**

3. That just after about forty days, the transfer of the appellant, was cancelled and respondent No 3 was transferred to the post of the appellant vide Office Order dated 19-08-2024. **(Copy of Office Order dated 19-08-2024 is enclosed as Annexure B).**

4. That the appellant filed departmental appeal before respondent No 1 which was also regretted the same day vide Order/Letter dated 21-08-2024. **(Copy of Departmental Appeal & Order dated 21-08-2024 is enclosed as Annexure C & D).**

5. That the impugned Office Order dated 21-08-2024 and 19-08-2024 are against the law, facts and principles of justice on grounds inter alia as follows:-

GROUND:-

- A. That the impugned Orders are illegal, unlawful, without lawful authority and void ab-initio.
- B. That the appellant is not treated in accordance with law and rules on the subject which being her fundamental right as per Article 4, 10 and 25 of the Constitution and law of the land.
- C. That the impugned Office Order is per-mature being issued just after about forty days of the posting of the appellant and on this score alone the impugned Office Orders are liable to be set at naught.
- D. That the impugned Orders smacks malice, as the same does reflect any reasons thus also is violate of Section 24 of the General Clauses Act, hence too not speaking Order.

- E. That the impugned Office Order is in violation of transfer posting policy of the Provincial Govt. as the same is neither in public interest nor in exigency of service, hence too liable to be struck down.
- F. That the appellant is victimized for no omission or commission on his part, as the appellant never requested for his posting against the post of Tehsildar Razzar.
- G. That respondent No 3 has already completed his tenure at the post of Tehsildar Razzar hence too the impugned Orders are liable to be set at naught.
- H. That the appellant seeks the permission of this honorable Tribunal for further/additional grounds at the time of arguments.

It is therefore prayed, that appeal of the appellant, may kindly be accepted as prayed for.

Any other relief deemed appropriate in the circumstances of the case and not specifically asked for, may also be granted in favor of the appellant.

Dated:-23-08-2024

Through

[Signature]
Appellant

[Signature]
**Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan,**

[Signature]
Ibad ur Rehman Khalil

[Signature]
**Baseer Shah
Advocates High Court**

LIST OF BOOKS:

- 1. Constitution 1973.
- 2. other books as per need

4

CERTIFICATE:

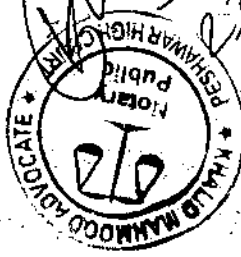
Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

[Signature]
ADVOCATE

AFFIDAVIT

I, Arshad Iqbal, Tehsildar, Razzar, Tehsil District Swabi, (the appellant) do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

[Signature]
3-8-21



[Signature]
DEPONENT

(S)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No _____/2024

Arshad IqbalAppellant

V E R S U S

SMBR & Others.....Respondents

APPLICATION FOR THE SUSPENSION
OF IMPUGNED ORDERS DATED 21-
08-2024 AND 19-08-2024, TILL THE
FINAL DISPOSAL OF TITLED APPEAL.

Respectfully Submitted:-

1. That the above titled appeal is being filed today, in which no date of hearing has been fixed so far.
2. That the facts and grounds of appeal may kindly be considered as integral part of this application.
3. That the applicant/appellant has got good prima facie case and is sanguine of its success.
4. That the balance of convenience also lies in favor of the applicant/appellant.
5. That the applicant/appellant is still holding the charge of his post and if the impugned order is not suspended the applicant/appellant will suffer irreparable loss.

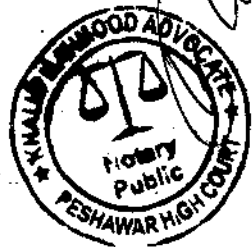
It is therefore prayed that on acceptance of this application, the impugned Orders dated 21-08-2024 and 19-08-2024, may kindly be suspended till the final disposal of the titled appeal.

Dated:-23-08-2024

Appellant
 Through *[Signature]*
 Fazal Shah Mohmand
 Advocate,
 Supreme Court of Pakistan,
[Signature]
 Ibad ur Rehman Khalil
 Baseer Shah *[Signature]*
 Advocates High Court


AFFIDAVIT

I, Arshad Iqbal, Tehsildar, Razzar, Tehsil District Swabi, (the appellant) do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



[Signature]
DEPONENT

(7) Annex A

← New Doc 0...024 11.57 Tags+ 



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

Website: <http://sites.poonia.com/site/commissionerMardandivision>
Address: Opposite Town Hall,
Near College Chowk Mardan
Phone: 0937-9230572-73
Fax: 0937-9230578
Email: commissionermrd@yahoo.com

OFFICE ORDER

With the approval of competent authority, the following posting/transfer of Tehsildar and Naib Tehsildars are hereby ordered with immediate effect in the best public interest.

S.No	Name	From	To
01	Rehman Gul	Awaiting for Posting	Tehsildar SDC, Takht Bhai
02	Tanq Ali	Tehsildar SDC, Takht Bhai	DRA Mardan
03	Arshad Iqbal	Awaiting for Posting	Tehsildar Razzar(OPS)
04	Asmat Ullah	Tehsildar Razzar	Report to Commissioner Office
05	Hassan Khan	Awaiting for Posting	N/T Swabi

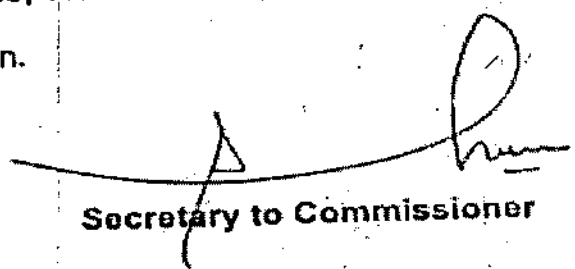
By order of
Commissioner,
Mardan Division, Mardan

Dated Mardan the 11/07/2024

No 766 /SEC/EA/2-5

Copy forwarded to:

1. Deputy Commissioner Mardan
2. District Comptroller of Accounts of Mardan.
3. Assistant Secretary (Estt), Board of Revenue, Revenue and Estate Department Khyber Pakhtunkhwa Peshawar.
4. PS to Commissioner Mardan Division Mardan.
5. Officials concerned.


Secretary to Commissioner


ATTESTED



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

Website: <http://www.commissioner-mardan.gov.pk>
Address: Opposite Town Hall,
Near College Chowk Mardan
Phone: 0917-9230572-73
Fax: 0917-9230678
Email:

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Annex B

commissionermd@yahoo.com

OFFICE ORDER:

With the approval of competent authority, the following posting/transfer of Tehsildars/Naib Tehsildars is hereby made with immediate effect till further order.

S/No	Name of Officer	From	To
1.	Mr. Wisal Ahmad (Tehsildar)	Tehsildar Lahor	Tehsildar Mardan
2.	Mr. Muhammad Shehzad (Tehsildar)	Tehsildar Mardan	Tehsildar Lahor
3.	Mr. Faisal Shehzad (Tehsildar)	Tehsildar Topi	Tehsildar Swabi
4.	Mr. Khalid Yousaf (Tehsildar)	Tehsildar Swabi	Tehsildar Topi
5.	Mr. Asmatullah (Tehsildar)	Waiting for Posting	Tehsildar Razar
6.	Mr. Arshad Iqbal (Naib Tehsildar)	Tehsildar Razzar	Report to Commissioner Office, Mardan
7.	Mr. Roch Ul Amin (Naib Tehsildar)	DK Mardan	Tehsildar Takht Bhai (OPS)
8.	Mr. Inayat Ali Shah (Girdawar)	Girdawar Garhi Kapoora	Naib Tehsildar Rustam (OPS)
9.	Mr. Zar Wali (Girdawar)	Naib Tehsildar Topi (OPS)	DRA Mardan (OPS)

**Secretary to
Commissioner**

Mardan Division Mardan

Dated Mardan 19/8/2024

No 921 /Sec/EA/2-5

Copy forwarded to:

- 1- Deputy Commissioner Mardan & Swabi.
- 2- District Comptroller of Accounts Mardan & Swabi.
- 3- Assistant Secretary (Estt) Board of Revenue & Estate Department Khyber Pakhtunkhwa, Peshawar.
- 4- PS to Commissioner Mardan Division, Mardan.
- 5- Finance Assistant (local).
- 6- Officers concerned.

ATTESTED

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Annex C

MBR (As)
21/8/24

کھنڈا - ستمبر 19، ڈان کے رپورٹ کے لیے

MBR (As)

دستاویز اسٹیمپ اسٹیمپڈ ڈان کے لیے 19/8/2024

SMBR
21/8/24

کھنڈا - ستمبر 19، ڈان کے رپورٹ کے لیے

AS(E)

11-7-2024 اسٹیمپڈ ڈان کے لیے

MBR (As)
21/8/24

لغور کھنڈا - ستمبر 19، ڈان کے رپورٹ کے لیے

19/8/2024 اسٹیمپڈ ڈان کے لیے

کھنڈا - ستمبر 19، ڈان کے رپورٹ کے لیے

19-8-2024 کھنڈا - ستمبر 19، ڈان کے رپورٹ کے لیے

3. یہ کہ ستمبر 19، ڈان کے رپورٹ کے لیے 19/8/2024 اسٹیمپڈ ڈان کے لیے
اور اسٹیمپڈ ڈان کے لیے 19/8/2024 اسٹیمپڈ ڈان کے لیے


کھنڈا - ستمبر 19، ڈان کے رپورٹ کے لیے 19/8/2024 اسٹیمپڈ ڈان کے لیے

کھنڈا - ستمبر 19، ڈان کے رپورٹ کے لیے

21/8/2024

ATTESTED

10 Annex D


	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT. (Establishment Section)		
	091-9212726	No.Estt:V/Irshad Iqbal /NT Peshawar Dated the <u>21/8</u> <u>19218</u> /2024	091-9214208

To

Arshad Iqbal
Tehsildar (OPS) Razar
District Swabi

Subject: **DEPARTMENTAL APPEAL**

Reference to the subject noted above and to state that your departmental Appeal has been processed/examined and filed/regretted by the Competent Authority please.


(Noor Khan)
Assistant Secretary (Estt)


ATTTESTED

(11)

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

Asghad Iqbal

.....Petitioner/Appellant

VERSUS

SMBRE & others.

.....Respondents/Defendants

I, Asghad Iqbal do hereby appoint and constitute,

Fazal Shah Mohmand, Ibad Ur Rehman Khalil & Baseer Shah Advocates
To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I also hereby agree not to hold the advocate or his substitute responsible for the result of the said matter in consequence of his absence from the court when the said matter is called up for hearing. I further hereby agree that in the event for the whole or any part of the fee to be paid to the advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 23-8-2024.

Asghad Iqbal
Client (s)

ACCEPTED BY: [Signature]
Fazal Shah Mohmand ASC,

Asghad Iqbal

[Signature] Ibad Ur Rehman Khalil

&

Baseer Shah

Advocates, High Court.