


FORM OF ORDER SHEET

Court of _____

Appeal No. 1079 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/07/2024	<p>The appeal of Mr. Jawad Haider presented today by Sardar Aman Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 23.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal no. 1079/2024

Jawad Haider son of Haider Zaman resident of Fort Road Street No.1, Haripur
(PSHT GPS Dheri Sikandar Pur).

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and
Secondary Education Department Khyber Pakhtunkhwa Peshawar & Others.

...RESPONDENTS

SERVICE APPEAL

INDEX

S.#	Description	Page #	Annexures
1.	Service Appeal alongwith affidavit	01 to 06	
2.	Copy of transfer order dated 21/03/2024	7	"A"
3.	Copy of departmental appeal	8 To 11	"B"
4.	Wakalatnama	12	

Amn
...APPELLANT

Dated: _____/2024

Through

Amn
Amn
Amn
(SARDAR AMAN KHAN)
Advocate Supreme Court of Pakistan
At Abbottabad

P-1

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

Appeal no. 1079/2024

Jawad Haider son of Haider Zaman resident of Fort Road Street No.1, Haripur
(PSHT GPS Dheri Sikandar Pur).

...APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
2. Director Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (M), Haripur.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KP SERVICE TRIBUNAL ACT, 1974 AGAINST THE TRANSFER / ADJUSTMENT ORDER BEARING ENDST NO.15455-51/F.NO.1-3/EB/ADJUSTMENT ORDER DATED 21/03/2024 ISSUED BY RESPONDENT WHEREBY APPELLANT HAS BEEN TRANSFERRED FROM GPS DHERI SIKANDAR PUR TO GPS BAYAN AHMED ALI KHAN IS ILLEGAL, UNLAWFUL, AGAINST THE POLICY OF GOVERNMENT ON TRANSFER / POSTING, HENCE, INEFFECTIVE UPON THE RIGHTS OF APPELLANT.

PRAYER: ON ACCEPTANCE OF INSTANT APPEAL, THE IMPUGNED TRANSFER / ADJUSTMENT ORDER BEARING ENDST NO. 15455-51/F.NO.1-3/EB/ADJUSTMENT ORDER DATED 21/03/2024 ISSUED BY RESPONDENT MAY GRACIOUSLY BE SET-ASIDE AND RESPONDENT MAY KINDLY BE DIRECTED TO ALLOW THE APPELLANT TO CONTINUE PERFORMING HIS DUTIES AT GPS DHERI SIKANDAR PUR DISTRICT HARIPUR. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL MAY DEEM FIT AND PROPER MAY ALSO BE GRANTED TO APPELLANT.

It is respectfully submitted as under:-

1. That the appellant was appointed as a PST Teacher on 17/10/2005, with his initial posting in the Khanpur area, specifically Jab Kali Tarar. Subsequently, the appellant was transferred from an out-of-city location to the Central Jail Area. Following this, the appellant received promotions over time and in 2022, he was promoted to PSHT and transferred to Biyan Ahmed Ali Khan, where he diligently performed his duties. However, on 12/06/2023, the appellant was transferred to GPS Dheri School, where his tenure lasted only 09 months. Subsequently, on 21/03/2024, the appellant was transferred back to Bayan Ahmed Ali Khan which act of respondent is against the law and misuse of authority. Copy of transfer order dated 21/03/2024 is attached as Annexure "A".
2. That the appellant exerted utmost effort to persuade the respondent to retract the challenged transfer office order, however, all attempts proved futile as the respondent remained unyielding in his decision.
3. That the appellant tried his level best to convince the respondents to withdraw the impugned transfer office order dated 21/03/2024 but to no avail.
4. That thereafter, the appellant preferred departmental appeal before respondent No.2 and despite lapse of prescribed period, till, no decision whatsoever on the departmental appeal has been passed by respondent No.2. Copy of departmental appeal is attached as Annexure "B".
5. That since, the time prescribed for filing the instant appeal is going to be lapsed and the purpose of respondent No.2 behind not deciding the departmental

appeal is deprive the appellant from redressal of his grievance through this Honorable Tribunal. Hence,

6. That the appellant has now come to this Honourable forum for setting aside the impugned transfer order inter-alia on the following grounds:-

GROUNDS:-

- a. That the impugned transfer order of the appellant dated 21/03/2024 is politically motivated and based on malafide intention. Hence, the impugned transfer order is liable to be set aside.
- b. That the impugned office order has been passed against the policy as premature transfer without any lawful justification is not warranted since, no lawful justification is available with the respondents to issue such premature transfer order, hence the impugned office order is liable to be set-aside.
- c. That the appellant almost remained out of station at far flung areas and now he is entitled to be transfer / adjusted to a nearest station.
- d. That the impugned transfer order is perverse, discriminatory, against the natural justice and a blunt blow of hammer on the rights of appellant.
- e. That the respondent with malafide intention and in order to give benefit to persons of their choice transfer and posted the appellant. Hence the impugned transfer order is liable to be set-aside.

- f. That the impugned order is the result of political motivation and influence. Despite of the fact that Section 10(2) of NWFP Civil Servant Act, 1973 provides that all government servants are prohibited to exert political, administrative or any other pressure upon the posting / transfer authorities for seeking posting / transfer of their choice and against the public interest, the respondent No.3 passed the impugned order which is totally against the law on the subject. Hence, liable to be set aside.
- g. That respondents are well in the knowledge regarding the time prescribed for filing the instant appeal and the purpose of respondent No.2 behind not deciding the departmental appeal is to deprive the appellant from redressal of his grievance through this Honorable Tribunal. Hence, the impugned order followed by the act of respondents is liable to be set aside.
- h. That the instant appeal is well within time.

It is therefore, humbly prayed that on acceptance of instant appeal, the impugned transfer / adjustment order bearing Endst No.15455-51/F.No.1-3/Eb/Adjustment order dated 21/03/2024 issued by respondent No.3 may graciously be set-aside and respondent may kindly be directed to allow the appellant to continue performing his duties at GPS Dheri Sikandar Pur District Haripur. Any other relief which this Honourable Tribunal may deem fit and proper may also be granted to appellant.

P-5

INTERIM RELIEF:-

In the meanwhile, the operation of impugned transfer / adjustment order bearing Endst No.15455-51/F.No.1-3/Eb/Adjustment order dated 21/03/2024 issued by respondent No.3 may graciously be ordered to be suspended, till final decision of instant departmental appeal.

Amir
...APPELLANT

Dated: _____/2024

Through

Amir
Acc.

(SARDAR AMAN KHAN)
Advocate Supreme Court of Pakistan.
At Abbottabad

P-6

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Jawad Haider son of Haider Zaman resident of Fort Road Street No.1, Haripur
(PSHT GPS Dheri Sikandar Pur).

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and
Secondary Education Department Khyber Pakhtunkhwa Peshawar & Others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Jawad Haider son of Haider Zaman resident of Fort Road Street No.1, Haripur
(PSHT GPS Dheri Sikandar Pur), do hereby solemnly affirm and declare that the
contents of foregoing service appeal are true and correct to the best of my
knowledge and belief and nothing has been concealed therein from this
Honourable Tribunal.



DEPONENT

ANNEX H

P-7



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)

İLİBİRLİ
Ph. No. 0999-720190, 720191,
E-mail: gres@ilibrli.meb.gov.tr



ADJUSTMENT ORDER

The adjustment of the following teaching staff is hereby made on their own pay & grade in the best interest of public service with immediate effect.

S. #	Name & Designation	Transferred		Remarks
		From	To	
1	Tasveer Iqbal PSHT	GPS Bayan Ahmed Ali Khan	GPS Dhari Sikandar Par	Vice S.No.02
2	Jawad Haidar PSHT	GPS Dhari Sikandar Par	GPS Bayan Ahmed Ali Khan	Vice S.No.01

Notes:-

1. Charge report should be submitted to all concerned.
2. ST/DA is not allowed to anyone.

District Education Officer (Male)
Haripur

5156-51 / F.No.1-3/EE/ Adjustment Order (Dated: 21/3/2024)

[Signature]
District Education Officer (Male)
Haripur

ANNEX "B"

P-8

THE DIRECTOR ELEMENTARY & SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA, PESHAWAR

Jawad Haider son of Haider Zaman resident of Fort Road Street No.1, Haripur
(PSHT GPS Dheri Sikandar Pur).

...APPELLANT

VERSUS

District Education Officer (M), Haripur.

...RESPONDENT

DEPARTMENTAL APPEAL / REPRESENTATION

INDEX

<i>S.#</i>	<i>Description</i>	<i>Page #</i>	<i>Annexures</i>
1.	Departmental Appeal alongwith affidavit	1 to 03	
2.	Copy of the impugned transfer order dated 21/03/2024		"A"

Dated: _____/2024

...APPELLANT

Jawad Haider son of Haider Zaman
resident of Fort Road Street No.1,
Haripur
(PSHT GPS Dheri Sikandar Pur)

P-9

**THE DIRECTOR ELEMENTARY & SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA, PESHAWAR**

Jawad Haider son of Haider Zaman resident of Fort Road Street No.1, Haripur
(PSHT GPS Dheri Sikandar Pur).

...APPELLANT

VERSUS

District Education Officer (M), Haripur.

...RESPONDENT

**DEPARTMENTAL APPEAL / REPRESENTATION AGAINST
THE TRANSFER / ADJUSTMENT ORDER BEARING ENDST
NO.15455-51/F.NO.1-3/EB/ADJUSTMENT ORDER DATED
21/03/2024 ISSUED BY RESPONDENT WHEREBY
APPELLANT HAS BEEN TRANSFERRED FROM GPS DHERI
SIKANDAR PUR TO GPS BAYAN AHMED ALI KHAN.**

PRAYER: ON ACCEPTANCE OF INSTANT APPEAL, THE
IMPUGNED TRANSFER / ADJUSTMENT ORDER BEARING
ENDST NO. 15455-51/F.NO.1-3/EB/ADJUSTMENT ORDER
DATED 21/03/2024 ISSUED BY RESPONDENT MAY
GRACIOUSLY BE SET-ASIDE AND RESPONDENT MAY
KINDLY BE DIRECTED TO ALLOW THE APPELLANT TO
CONTINUE PERFORMING HIS DUTIES AT GPS DHERI
SIKANDAR PUR DISTRICT HARIPUR. ANY OTHER RELIEF
WHICH THIS HONOURABLE FORUM MAY DEEM FIT AND
PROPER MAY ALSO BE GRANTED TO APPELLANT.

It is respectfully submitted as/under:-

1. That the appellant was appointed as a PST Teacher on 17/10/2005, with his initial posting in the Khanpur area, specifically Jab Kali Tarar. Subsequently, the appellant was transferred from an out-of-city location to the Central Jail Area. Following this, the appellant received promotions over

time and in 2022, he was promoted to PSHT and transferred to Biyan Ahmed Ali Khan, where he diligently performed his duties. However, on 12/06/2023, the appellant was transferred to GPS Dheri School, where his tenure lasted only 09 months. Subsequently, on 21/03/2024, the appellant was transferred back to Bayan Ahmed Ali Khan which act of respondent is against the law and misuse of authority.

2. That the appellant exerted utmost effort to persuade the respondent to retract the challenged transfer office order, however, all attempts proved futile as the respondent remained unyielding in his decision.
3. That the appellant has now come to this Honourable forum for setting aside the impugned transfer order inter-alia on the following grounds:-

GROUNDS:-

- a. That the impugned transfer order of the appellant dated 21/03/2024 is politically motivated and based on malafide intention. Hence, the impugned transfer order is liable to be set aside.
- b. That the impugned office order has been passed against the policy as premature transfer without any lawful justification is not warranted since, no lawful justification is available with the respondents to issue such premature transfer order, hence the impugned office order is liable to be set-aside.
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- d. That the impugned transfer order is perverse, discriminatory, against the natural justice and a blunt blow of hammer on the rights of appellant.

- e. That the respondent with malafide intention and in order to give benefit to persons of their choice transfer and posted the appellant. Hence the impugned transfer order is liable to be set-aside.
- f. That it would be in the interest of justice if a chance of personal hearing is afforded to the appellant..
- g. That the instant departmental appeal is well within time.

It is therefore, humbly prayed that on acceptance of instant appeal, the impugned transfer / adjustment order bearing Endst No.15455-51/F.No.1-3/Eb/Adjustment order dated 21/03/2024 issued by respondent may graciously be set-aside and respondent may kindly be directed to allow the appellant to continue performing his duties at GPS Dheri Sikandar Pur District Haripur. Any other relief which this honourable forum may deem fit and proper may also be granted to appellant.

INTERIM RELIEF:-

In the meanwhile, the operation of office order bearing Endst No. 15455-51/F.No.1-3/Eb/Adjustment order dated 21/03/2024 issued by respondent may graciously be ordered to be suspended, till final decision of instant departmental appeal.

Dated: _____/2024

...APPELLANT
Jawad Haider son of
Haider Zaman resident of
Fort Road Street No.1,
Haripur (PSHT GPS Dheri
Sikandar Pur)

AFFIDAVIT:-

I, Jawad Haider son of Haider Zaman resident of Fort Road Street No.1, Haripur (PSHT GPS Dheri Sikandar Pur), do hereby solemnly affirm and declare that the contents of foregoing departmental appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Forum.

DEPONENT

الحاج سردار بہادر خان (مرحوم) لاء ایسوسی ایٹس

ضد صدر عدالت ہجرت کی درخواست اور ریمانڈ کی درخواست
بمقام گورنمنٹ آف پاکستان اور جی اے آئی

موزی منجانب سردار

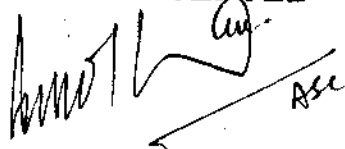
مذکورہ بالا عنوان میں اپنی طرف سے واسطے پوری وجود ہی مقام لکھنؤ

سردار امان خان ایڈووکیٹ سپریم کورٹ آف پاکستان بدیں شرط وکیل مقرر کیا ہے کہ میں ہر ٹیڈی پر خود یا بذریعہ مختار خاص روز عدالت حاضر ہوتا ہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی ٹیڈی پر مظلوم حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صادر مقام پکھری کے عاواہ کی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پروڈ تعلق پیری کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ ساعت ہونے یا پروڈ پکھری کے اوقات کے آگے یا پیچھے ہونے پر مظلوم کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پر داختمہ صاحب مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل گرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا رویہ وصول کرنے اور رسید دینے اور داخل کرانے کا ہر قسم کا بیان دینے اور سپروٹاشی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کو اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری ایک طرف درخواست حکم اتتامی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ ہیروی مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا پیر سٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیار حاصل ہوں گے۔ صاحب موصوف کو پوری فیصلہ سزا کی ٹیڈی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کی سند ہے۔ مضمون مختار نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور کرتے ہوئے اپنے دستخط انسان انگوٹھا ثبت کر دیے ہیں۔ نیز بصورت تجدیدگی وکیل صاحب موصوف میری اہماری کوئی دعویٰ داری نسبت میں ہائے وارٹاٹش پر نہ ہوگی۔ لہذا وکالت نامہ تحریر کر دیا ہے تاکہ سند ہے۔

المرقوم:

مقام لکھنؤ / اسٹیٹ ایڈووکیٹ آف پاکستان کے لئے منظور ہے۔

ATTESTED & ACCEPTED



Sardar Aman Khan

Advocate Supreme Court of Pakistan

Call # 0321-9800878