


FORM OF ORDER SHEET

Court of _____

Appeal No. 1434/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10-Sep-24	<p>The appeal of Mr. Noman Nawaz presented today by Mr. Aamir Farid Sadozai Advocate. It is fixed for preliminary hearing before Single Bench at D.I.Khan on 16-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Norman Nawaz VS Government KPK

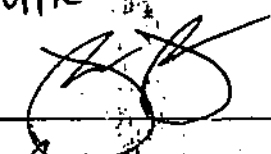
S#	CONTENTS	YES	NO
1	This Appeal has been presented by <u>AMIR Farid Saddozi</u>		
2	Whether counsel / appellants/ respondent/ deponent have signed the requisite document?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment 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 number of referred cases given are correct?	✓	
16	Whether appeal contains cutting / overwriting?	✓	X
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 are 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 / documentations as required in the above table, have been fulfilled.

Name:-

AMIR Farid Saddozi

Signature:-



Dated:-

16/9/24

BEFORE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNEL PESHAWAR

Appeal No: 1434/2024

Noman Nawaz


Versus

Govt of KPK ETC

I N D E X

S.No.	Particulars	Annexure	Page No.
1.	Facts & Grounds of Appeal	-	1 To 6
2.	Photocopies of Arrival report, Notification of transfer (Transfer letter) dated: 12.12.2023, Certificate of Transfer of Charge dated: 07.03.2024, Staff Attendance Register page, and Impugned order Notification and Corrigendum dated: 07.03.2024.	A to A/5	7 To 12
3.	Certified Copy of Writ Petition No. 142-D/2024.	B	13
4.	Certified Copy of Order Sheet (PHC, D.I. Khan Bench dated 08.05.2024	C	14-15
5.	Copy of Letter bearing # 2178-81/JUDL:/WB dated 16.05.2024 issued by Registrar PHC Bench D.I.Khan	D	16
6.	Application for release of withheld and outstanding salaries (Interim relief)	-	already 5,6
7.	Vakalatnama	-	17

Appellant,


Noman Nawaz
Through Counsel

Dated: 10/09/24


Amir Farid Sadozai
Advocate Supreme Court of Pakistan.

①

BEFORE HON'BLE KHBER PAKHTUNKHWA SERVICE TRIBUNEL PESHAWAR

Mr. Noman Nawaz

S/O Allah Nawaz

R/O Mohallah Kamal Khel, Teh: Kulachi, D.I. Khan.

[IPE (BPS-17) GHSS Behari Colony, D.I. Khan]

Appellant

V E R S U S

1. **Government of Khyber Pakhtunkhwa,**
Through Secretary E&SE Department, Khyber
Pakhtunkhwa, Peshawar.
2. **Muhammad Imran IPE (BPS-17), GHSS, Behari Colony,**
D.I. Khan.

Respondents

**APPEAL UNDER SECTION 04 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE RESPONDENTS
FOR NOT CONSIDERING THE WRIT PETITION CONVERTED
INTO DEPARTMENTAL APPEAL OF THE APPELLANT AS PER
DIRECTION OF HONORABLE PESHAWAR HIGH COURT D.I.
KHAN BENCH REGARDING HIS SERVICES AND RELEASE OF
HIS SALARY IN EDUCATION DEPARTMENT ON THE POST OF
IPE AS THE CHARGE HAS BEEN TAKEN AND HE IS
PERFORMING HIS DUTIES IN ACCORDANCE WITH LAW
SINCE HIS ARRIVAL.**

Respectfully sheweth: -

1. That the Appellant has completed his academic qualification and was appointed against the vacant posts of IPE (BPS-17) after fulfilling all the codal formalities and posted to Govt; Higher Secondary School, Behari Colony, D. I. Khan on 12-12-2023. photocopies of arrival report, notification of transfer (transfer letter) dated: 12.12.2023, certificate of transfer of charge dated: 07.03.2024, and staff attendance register page of the appellant are enclosed as **Annexure "A, A/1, A/2, and A/3"**.
2. That the appellant without intimating anything, was abstained from performing his duties and obligations without any reason by the dint of impugned order and the

2

corrigendum of notification No. SO(S/M)/E&SED/5-18/2023/PT dated 07.03.2023, (**Annexure A/4 and A/5**) from Respondent No. 1, on the basis of the political figure of D. I. Khan to accommodate his near & dear blue-eyed and His salary was withheld.

3. The appellant preferred a writ petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, before the Peshawar High Court, praying for the release of his salary and to allow him to continue his services as IPE. Certified Copy of Writ Petition No. 142-D/2024, annexed as **Annexure "B"**.
4. That The Honorable Peshawar High Court, after hearing the learned counsel for the appellant, converted the writ petition into a departmental appeal and directed the concerned head of the department to consider the matter in accordance with law and rules within one month positively. Certified Copy of Order Sheet (PHC, D.I. Khan Bench dated 08.05.2024 is annexed as **Annexure "C"**. And Copy of Letter bearing # 2178-81/JUDL:/WB dated 16.05.2024 issued by Registrar PHC Bench D.I.Khan is annexed as **Annexure "D"**.
5. That despite the clear directions of the Honorable High Court, there has been no response from the respondents, and the appellant's grievance remains unaddressed.
6. That the inaction of the respondents is a clear violation of the directions issued by the Honorable Peshawar High Court.
7. That as per the law, after the specific period given by the court, if the departmental presentation or appeal is not decided it may be deemed that his representation or appeal may be turned down and consider to be the final order against the appellant. Hence the instant appeal.
8. That the appellant has a legitimate right to receive his salary and continue his service as IPE, which has been unjustly withheld by the respondents.
9. That the instant Appeal, of the Appellant is well within time and very much competent to be admitted for regular hearing against the final order.
10. That the Counsel for the Appellant may kindly be allowed to take any other plea at the time of arguments.

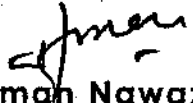
In wake of the submission made above it is respectfully prayed that this Honorable Tribunal may be pleased to accept this appeal and the Respondents may kindly be

(3)

directed to allow the Appellant to continue his service as IPE and release the salary of the Appellant on the post of IPE as the charge has been taken and he is performing his duties in accordance with law since his arrival.

This Hon'ble Tribunal may grant any other relief if deem appropriate in the best interest of justice and equity.

Appellant,


Noman Nawaz
Through Counsel

Dated: 10/09/24


Aamir Farid Saddozai
Advocate Supreme Court of Pakistan.

BEFORE HON'BLE KHBER PAKHTUNKHWA SERVICE TRIBUNEL PESHAWAR

Noman Nawaz

Vs

Govt of KPK etc.,

Affidavit

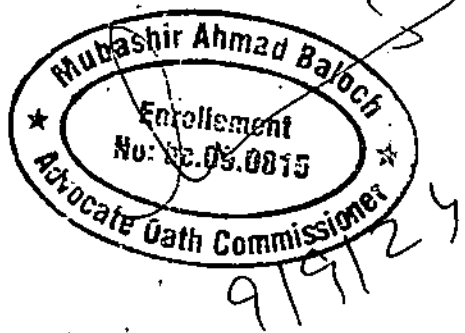
I, Noman Nawaz S/O Allah Nawaz, Resident of Mohallah Kamal Khel, Tehsil Kulachi, D.I. Khan, Appellant, do hereby solemnly affirm and declare on oath that all the contents of instant appeal are true and correct and nothing has been concealed from this Hon'ble Tribunal. No other appeal for matter in issue has been preferred by the Appellant nor been decided previously.

Deponent

Dated: 16/09/2024
Identified by

Aman

Noman Nawaz
Through Counsel



[Signature]

Admir Farid Saddozai
Advocate Supreme Court of Pakistan.

5

BEFORE HON'BLE KHBER PAKHTUNKHWA SERVICE TRIBUNEL PESHAWAR

Noman Nawaz

V e r s u s

Govt. Of KPK etc.

APPLICATION FOR RELEASE OF OUTSTANDING AS WELL AS
CURRENT SALARIES TO THE APPELLANT TILL THE DECISION OF
SERVICE APPEAL TITLED ABOVE.

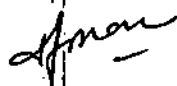
Respectfully sheweth: -

1. That the appellant, Mr. Noman Nawaz, has filed a service appeal before this honourable tribunal challenging the actions of the respondents concerning his employment and salary issues.
2. That the appellant holds the post of IPE in the Department of Elementary and Secondary Education, Khyber Pakhtunkhwa.
3. That the appellant has been regularly performing his duties diligently and efficiently, but despite this, the respondents have unlawfully withheld his monthly salary, causing significant financial hardship to the appellant and his family.
4. That the appellant has approached the Respondents multiple times, requesting the release of his due salary and to allow him to perform his duties without any hindrance. However, the respondents have failed to address his grievances, compelling the appellant to seek redressal from this honourable tribunal.
5. That the appellant has a prima facie case, and there is a likelihood of success in the main appeal. The balance of convenience also lies in favor of the appellant, and irreparable harm will be caused to the appellant if the interim relief is not granted.
6. That in the interest of justice, it is imperative that this honourable tribunal directs the respondents to release the withheld salary of the appellant immediately and to ensure that the appellant is not hindered in performing his duties on the post of IPE, until the final decision of the service appeal.

As an Interim relief:

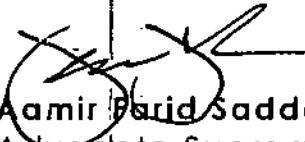
It is therefore requested that the instant application of the appellant may kindly be allowed and the withheld salary be released, all outstanding amounts/salaries be paid, and the appellant be allowed to perform his duties in the position of IPE until the decision of the service appeal.

Applicant,



Noman Nawaz
(Through Counsel)

Dated: 10/09/2024



Amir Farid Saddozai
Advocate Supreme Court of Pakistan.

Affidavit

I, Noman Nawaz S/O Allah Nawaz, Resident of Mohallah Kamal Khel, Tehsil Kulachi, D.I. Khan, Applicant, do hereby solemnly affirm and declare on oath that all the contents of instant application are true and correct and nothing has been concealed from this Hon'ble Tribunal.

Applicant

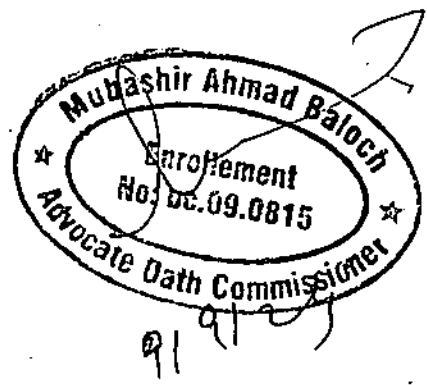
Dated: 10/09/2024
Identified by



Noman Nawaz
Through Counsel



AMIR FARID SADDORAI
ADVOCATE SUPREME COURT.



Mubashir Ahmad Baloch
Enrolment
No. DC.09.0815
Advocate Oath Commissioner



A-7 (7)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223533 Email: ssschoolmale@gmail.com

Peshawar, Dated: 12.12.2023

NOTIFICATION

NO.SO(S/M) E&SE/D/5-17/2023/PT/SS: Mr. Noman Nawaz IPE (BS-17) is hereby transferred from GHSS Chudhwan district D.I Khan and posted at GHSS Behari Colony D. I Khan against the post of IPE (BS-17) in the best public interest.

2. He will assume the charge after retirement of the present incumbent.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, EMIS E&SE Department.
4. District Education Officer (M) Concerned.
5. District Accounts Officer Concerned.
6. Principal Concerned.
7. PS to Advisor to Chief Minister for E&SE Department.
8. PS to Secretary E&SE Department.
9. PA to Additional Secretary (Estab) E&SE Department.
10. Officer Concerned.
11. Office order file.

(ABDUL HAQ)
SECTION OFFICER (SCHOOLS/MALE)

ATTESTED.

A-2 (8)

CERTIFICATE OF TRANSFER OF CHARGE

Certified that we have on the (A/F/N) of this day respectively made over and received charged of the office of the IPE BPS-17 Notification NO.SO(S/M)E&SE/D/5-17/2023/PT/SS Dated 12/12/2023. From the office of the secretary E& SE KP Peshawar.

2. Particular cash and important secret and confidential document handed/took over are noted on the reverse.

Signature of relived: M. Arshad
Government servant: M. Arshad
Designation: IPE BPS-17

STATION: GHSS BEHARI COLONY DIKHAN

Signature of reliving: Nooman Nawaz
Government servant: Nooman Nawaz
Designation: IPE BPS-17

Dated: 07/03/2024 (A/F/N)

OFFICE OF THE PRINCIPAL GOVT. HIGHER SECONDARY SCHOOL BEHARI COLONY (DIKHAN)

Encl No: 202-09

Dated: 07/03 /2024.

Copy to the:

1. Director of Education KP E& SE Peshawar.
2. Distt: Education Officer (M) DIKhan.
3. Distt: Accounts Officer DIKhan
4. Personal File.

[Signature]
PRINCIPAL
GHSS Behari Colony Principal
(DIKHAN) G.H.S.S Behari Colony
D.I.Khan

[Signature]
ATTESTED



A-3 (9)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223533 Email: sschoolmate@gmail.com

Peshawar, Dated: 07.03.2024

NOTIFICATION

NO.SO(S/DE&SED/5-18/2023/PT: Muhammad Imran, Instructor Physical Education (BS-17) is hereby transferred from GHSS Abdul Khel District D.I Khan and posted at GHSS Behari Colony, District D.I Khan, against the vacant post of IPE (BS-17), with immediate effect in the best public interest.

Note: No TA/DA is allowed.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, EMIS E&SE Department.
4. District Education Officer (M) D.I Khan.
5. District Accounts Officer D.I Khan.
6. PS to Secretary E&SE Department.
7. PA to Deputy Secretary (Estab) E&SE Department.
8. Head Master concerned.

(MUHAMMAD ISHAQ) 7/3/24
SECTION OFFICER (SCHOOLS MALE)

ATTESTED

01/24/11
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MEMORANDUM FOR THE DIRECTOR

10/15/11

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223533 Email: sschoolmale@gmail.com

A-5-11

TO BE SUBSTITUTED WITH THIS DEPARTMENT NOTIFICATION OF EVEN NO. & DATED 07.03.2024

Dated: 07.03.2024

NOTIFICATION

NO: SO(S/M)/E&SED/5-18/2023/PT: Muhammad Imran, instructor physical Education (BS-17) is hereby transferred from GHSS Abdul khel District D.I.Khan and posted at GHSS Behari Colony District D.I.Khan, against the vacant post of IPE (BS-17), with immediate effect in the best public interest.

2. This department Notification of even No. dated 12.12.2024 is hereby withdrawn/cancelled ab-initio in r/o Mr. Noman Nawaz IPE (BS-17), in the best public interest.

**SECRETARY TO GOVT OF KHYBER
PAKHTUNKHWA E&SE DEPARTMENT**

Encls: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, EMIS E&SE Department.
4. District Education Officer (M) concerned.
5. District Accounts Officer concerned.
6. PS to Secretary E&SE Department.
7. Officer Concerned.
8. Office order file.

(MUHAMMAD ISHAQ) 7/3/24
SECTION OFFICER (SCHOOLS MALE)

ATTESTED

12

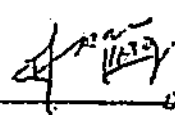
THE PRINCIPAL,
GHSS BEHARI COLONY (DIKHAN).

Subject: - ARRIVAL REPORT

R/Sir:-


In compliance with the transferred Notification issued by the Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, vide bearing NO. Notification No: NO.SO(S/M) E&SED/5-17/2023/PT/SS dated 12/12/2023

I submit my arrival report today on 07/03/2024 (F/A/N) as a IPE BPS-17 at GHSS Behari Colony (DiKhan) (F/A/N), please accept my arrival report & obliged me.

Signature  07-03-2024

Arrival Accepted

Mr, Noaman Nawaz IPE BPS-17
GHSS Behari Colony D.I.Khan


PRINCIPAL
GHSS Behari Colony D.I.KHAN
Principal
G.H.S.S Behari Colony
D.I.Khan


ATTESTED

(1)

(13)

Before Hon'ble Peshawar High Court, Bench Dera Ismail Khan

W.P No. of 2024

Annex "B"

FILED TODAY
M : 2 APR 2024
Additional Registrar

Mr. Noman Nawaz
S/O Allah Nawaz
R/O Mohallah Kamal Khel, Teh: Kulachi, D.I.Khan.
(IPE (BPS-17) GHSS Behari Colony) D.I.Khan]

Petitioner



V E R S U S

1. Government of Khyber Pakhtunkhwa,
Through Secretary E&SE Department, Khyber
Pakhtunkhwa, Peshawar.
2. D.E.O. (Male) D.I.Khan.
3. Director E&SE Department, Khyber Pakhtunkhwa, Peshawar.
4. Head Master, GHSS, Behari Colony, D.I. Khan.
5. Muhammad Imran IPE (BPS-17), GHSS, Behari Colony,
D.I. Khan.
6. District Accounts Officer, D. I. Khan.

Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN 1973.

Respectfully sheweth: -

1. That the addresses of the parties given in the heading are correct for the purposes of service upon them.
2. That the Petitioner is a peaceful respectable, law-abiding and bonafide citizen of Dera Ismail Khan. The Petitioner has completed his academic qualification and was appointed against the vacant posts of IPE (BPS-17) after fulfilling all the codal formalities and posted to Govt; Higher Secondary School, Behari Colony, D. I. Khan on 12-12-2023. photocopies of arrival report; notification of transfer (transfer letter) dated: 12.12.2023, certificate of transfer of charge dated: 07.03.2024; and staff attendance register page of the petitioner are enclosed as Annexure "A, A/1, A/2, and A/3".

EXAMINOR

Peshawar High Court Bench,
Dera Ismail Khan

07/19/24

WP No.142-D 2024 (Grounds)

~~B-14~~

A 6

Before Hon'ble Peshawar High Court, Bench Dera Ismail Khan
W.P No. 01 2024

FILED TODAY

07.02.2024

Additional Registrar

Mr. Noman Nawaz
S/O Allah Nawaz
R/O Mahallah Kamal Khel, Teh: Kulachi, D.I.Khan.
[IPE (BPS-17) GHSS Behari Colony, D.I.Khan]

Petitioner

V E R S U S

1. Government of Khyber Pakhtunkhwa,
Through Secretary E&SE Department, Khyber
Pakhtunkhwa, Peshawar.
2. D.E.O, (Male) D.I.Khan.
3. Director E&SE Department, Khyber Pakhtunkhwa, Peshawar.
4. Head Master, GHSS, Behari Colony, D.I. Khan.
5. Muhammad Imron IPE (BPS-17), GHSS, Behari Colony,
D.I. Khan.
6. District Accounts Officer, D. I. Khan.

Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN 1973.

Respectfully sheweth: -

1. That the addresses of the parties given in the heading are correct for the purposes of service upon them.
2. That the Petitioner is a peaceful respectable, law-abiding and bonafide citizen of Dera Ismail Khan. The Petitioner has completed his academic qualification and was appointed against the vacant posts of IPE (BPS-17) after fulfilling all the codal formalities and posted to Govt. Higher Secondary School, Behari Colony, D. I. Khan on 12-12-2023, photocopies of arrival report, notification of transfer (transfer letter) dated: 12.12.2023, certificate of transfer of charge dated: 07.03.2024, and staff attendance register page of the petitioner are enclosed as Annexure "A, A/1, A/2, and A/3".

EXAMINOR
12-06-24
Peshawar High Court Bench,
Dera Ismail Khan

WP No.142-D 2024 (Grounds)

~~10~~

8

actions of the Respondents are liable to be declared as ultra vires, unconstitutional and not sustainable.

3. That the Petitioner has been discriminated against by the Respondents for ulterior motives and to harass the Petitioner as the Respondents while exercising their official powers have done illegal acts which are not recognized under the law because the Petitioner has performed his duties without leaving any stone unturned, hence he is legally entitled to continue his services because he is still in service and no termination order has been issued to the Petitioner. Hence the acts of the Respondents to replace the Petitioner with Respondent No. 5 are against the law, and good governance and hence violative of fundamental rights governed by the Constitution of the Islamic Republic of Pakistan 1973.
4. That the petitioner was performing his duty regularly, and hence entitled to carry on his services in the same place without any satisfactory ground to suspend or restrain him from performing his duty.
5. That interestingly the employees of the same category serving in the same department, as well in all other parts of the country are receiving their salaries. Still, the Petitioner is denied for the same.
6. That to perform the duty of any employee is his legal right, therefore, no grounds what so ever the same can be stopped without any delay.
7. That The petitioner has been deprived of his right to life, as guaranteed by Article 9 and other provisions of the Constitution of the Islamic Republic of Pakistan 1973.
8. That the impugned actions of the Respondents are highly illegal, discriminatory, supra-Constitutional, against the principles of natural justice, without lawful authority and of no legal effect.
9. That Counsel for the Petitioner may be allowed to raise additional grounds during arguments.

FILED TODAY
APR 2 APR 2024
Additional Registrar

12-6-24
EXAMINOR
Lahore High Court Bench,
G. T. Road, Lahore

(15)

(7)

3. That the petitioner without intimating anything, was obstructed from performing his duties and obligations without any reason by the first of impugned order and the corrigendum of notification No. SO(S/M)/E&SED/5-18/2023/PT dated 07.03.2023. (Annexure A/4 and A/5) from Respondent No. 1, on the basis of the political figure of D. I. Khan to accommodate his near & dear blue-eyed.
4. That upon enquiring in the office of Respondent No.2, not a single satisfying answer was given to the petitioner. The services of the petitioner are held in a bias. The transfer order and the arrival of the petitioner were withdrawn without any cause or reason and the presence of the Petitioner is just dangled in the air.
5. That the Petitioner time and again approached the Respondents for the redressal of the grievances of the petitioner but the Respondents initially delayed the matter and lately plainly refused to entertain the petitioner.
6. That the Respondents altogether ignored the rights so accrued to the Petitioner, hence, having no other alternate remedy, the Petitioner is constrained to challenge the same interalia on the following main grounds amongst others.

One

G R O U N D S :-

FILED TODAY
2 APR 2024
Additional Registrar

1. That the impugned acts of the Respondents without just cause or reason the Petitioner has obstructed from performing his duties as per law, facts and circumstances of the case. These illegal actions of Respondents are highly condemnable, illegal, and unlawful without jurisdiction and hence on this course, the writ petition of the Petitioner is liable to be accepted.
2. That Respondent No. 01 violated the statutory law, "Local Law Ordinance 2002" vide which Respondent No. 01 neither has the authority to appoint any government servant in any other department nor can he remove any civil servant from any other department including the Education Department. Hence restraining the Petitioner from performing his duties and stopping his salary is unwarranted under the law and hence the impugned

12-06-24

EXAMINOR
High Court Bench
D. S. G. 04

Advocate High Court D. S. G. 04
H. S. G. 04

Date: 21/4/24

Noman Nawaz
Through Counsel

Petitioner.

It is certified that all the contents of this will Petitioner are correct and no other will petition in this regard by the Petitioner has previously been filed not decided. Further instance will petition may kindly be filed before Hon'ble D.S.

Certified.

Advocate High Court D. S. G. 04
H. S. G. 04

Date: 21/4/24

Noman Nawaz
Through Counsel

Petitioner.

FILED TODAY
APR 22 2024
Additional Registrar

The Hon'ble Court may grant any other relief it deems appropriate.

In wake of the submission made above it is respectfully prayed that on acceptance of this will Petition, the Respondents may kindly be directed to allow the petitioner to continue his service as IFE and release the salary of the petitioner on the post of IFE as the charge has been taken and he is performing his duties in accordance with law since his arrival.

(2)

(S)

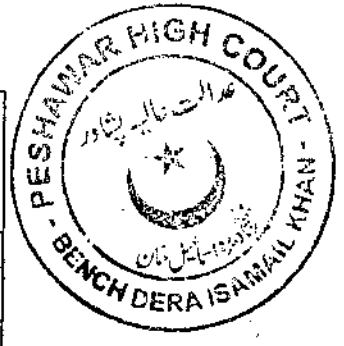
(S)

14

Annex C

PESHAWAR HIGH COURT, D.I. KHAN BENCH

FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
08.5.2024.	<p><u>W.P.No.142-D/2024 with C.M.No.154-D/2024.</u></p> <p><u>Present:-</u> Mr. Nasrullah Jan, Advocate for the petitioner.</p> <p>Mr. Ghulam Muhammad Sappal, Addl. A.G. (On Court Notice).</p> <p>***</p> <p><u>Dr. Khurshid Iqbal, J.-</u> Through the instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner has prayed as following:-</p> <p>“In wake of the submissions made above, it is respectfully prayed that on acceptance of this writ petition, the respondents may kindly be directed to allow the petitioner to continue his service as IPE and release the salary of the petitioner on the post of IPE as the charge has been taken and he is performing his duties in accordance with law since his arrival”.</p> <p>2. After hearing learned counsel for petitioner, he requested that let this writ petition be converted into departmental appeal for consideration by the concerned authorities.</p> <p>3. In view of the above, this writ petition is converted into departmental appeal and sent to the head</p>

EXAMINOR

EXAMINOR

Peshawar High Court Bench, Dera Ismail Khan

07/19/24

of department concerned for consideration in accordance with law and rules within one month. Office is directed to retain copies of instant writ petition alongwith its annexures for record.

Announced.
Dr: 08.5.2024.

Fazl
JUDGE

Khurshid
JUDGE

office
Q
10/08

Kifayat*

(D.B)
Hon'ble Mr. Justice Fazal Subhan
Hon'ble Mr. Justice Dr. Khurshid Iqbal

EXAMINOR

[Signature]
EXAMINOR

Muzaffargarh High Court Bench,
Dera Ismail Khan

07/19/24



THE
PESHAWAR HIGH COURT
DERA ISMAIL KHAN BENCH



Annex "D"

Ph No. 0900 920225
Fax No. 0900 920230
Email: peshawarhighcourt@peshawar.gov.pk

No. 2/28-21/Judl:/WB

Dated: 18/5/24

To

Secretary,
Elementary and Secondary Education Department,
Govt of Khyber Pakhtunkhwa,

Attest

Subject: Writ Petition No.142-D/2024 with CM 154-D/2024
Nouman Nawaz Vs Govt of Khyber Pakhtunkhwa etc

Enclosed herewith please find copy of order dated 08.05.2024 passed by the Hon'ble Division Bench of this Court, alongwith Writ Petition and annexure in original, in the above noted case for information and compliance.



ASSISTANT REGISTRAR
For Additional Registrar

NO & DATE EVEN.

Copy forwarded for information and necessary action to:

1. Director Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar
2. Head Master GHSS Behari Colony, Dera Ismail Khan
3. District Accounts Officer, D.I.Khan

ASSISTANT REGISTRAR
For Additional Registrar

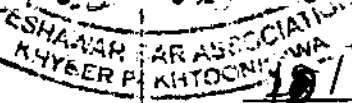
قیمت 50 روپے	45536	پشاور بار ایسوسی ایشن، خیبر پختونخوا	
ایڈوکیٹ: <u>عبدالرحمن</u>		PESHAWAR BAR ASSOCIATION	 
بار کونسل ایسوسی ایشن نمبر: <u>be-09-0977</u>			
رابطہ نمبر: <u>0333-997 6965</u>			

بعدالت جناب: فیہ کٹخواہ سرس کرسٹین سول ریٹائرڈ

Petitioner منجانب: <u>بنام</u>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

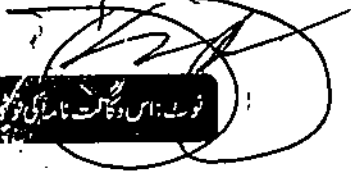
بابت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام پشاور کیلئے عبدالرحمن / عابد صاحب کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقررات 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 اختیار 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 ان کا ساختہ براداشتہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر خانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تازگی پیشی مقام دورہ یا حدیب
 باہر ہو تو وکیل صاحب بامندانہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المرقوم: 09/2024

الموکل: عبد گواہ شہد الم

مقام کے لیے منظور ہے۔
 Accepted -


نوٹ: اس وکالت نامہ کی کوئی بھی تاقابل قبول ہوگی۔

لجان ناز