


FORM OF ORDER SHEET

Court of _____

Appeal No. 1678/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30 /09/2024	<p>The appeal of Mr. Subhanuddin resubmitted today by him. It is fixed for preliminary hearing before Single Bench at Peshawar on 03.10.2024. Parcha Peshi given to the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Subhan uddin received today i.e on 18.09.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent nos.1 & 2 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2- Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Memorandum of appeal is not signed by the appellant.
- 4- Annexures of the appeal are unattested.
- 5- Appeal has not been flagged/marked with annexures marks.
- 6- In the memo of appeal the words petition is used but there exit no provision in the Khyber Pakhtunkhwa Service Tribunal Act/rules for using the word of petitioner.
- 7- Sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that every civil servant to whom the relief claimed may affect shall also be shown as respondent.
- 8- Copy of transfer order dated 08.05.2024 mentioned in para-3 of the memo of appeal is not attached with the appeal.
- 9- Annexures of the appeal are not in sequence.

No. 792 /Inst./2024/KPST.

Dt. 18/9 /2024.


ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Bilal Adv.
High Court Nowshera.

Sir,
Resubmitted after doing
the needful. Please place before
the court.

30/9/2024

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No #:- 1678 /2024.

SUBHAN UDDIN SST (G), GMS KHESHGI PAYAN,
TEHSIL & DISTRICT NOWSHERA.

(APPELLANT)

VERSUS

1. DEO (Male) District Nowshera.
2. The Director of (E&SE) Department, Khyber Pakhtunkhwa,
Peshawar.
3. Jehanzeb Khan SST (G), GMS Piran Payan, District
Nowshera.

(RESPONDENTS)

Index of Documents

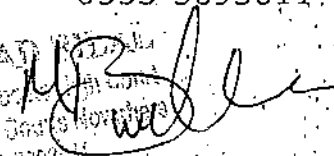
S.NO	DESCRIPTIONS	PAGES
1	Memo of appeal	1-3
2	Affidavit	4
3	Addresses of Parties	5
4	Annexure A/ CNIC and Service Card of the appellant	6
5	Annexure B/ salary slip of the appellant	7
6	Annexure C/application to respondent No.1	8
7	Annexure D/Legal Notice to respondent No.1 and AD Card	9-10
8	Annexure E/Transfer Order dated 19/03/2024	11
9	Annexure F/Departmental Appeal	12-16
10	Annexure G/ Notification of Government vide Notification No.SO/(S/M) E&SED/Mis/11-1/2024 dated 22-03-2024	17
11	Wakalat Nama	18

Dated: 26/9/2024


Appellant

Through:-

Muhammad Bilal
Advocate High Court
0333-5693011


Muhammad Bilal
Advocate
District & Session Court Nowshera
Cell: 0333-5693011

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No #:- 1678 /2024.

Khyber Pakhtunkhwa
Service Tribunal

Case No. 15808

Date 18-9-2024

SUBHAN UDDIN SST (G), GMS KHESHGI PAYAN,
TEHSIL & DISTRICT NOWSHERA.

(APPELLANT)

VERSUS

1- DEO (Male) District Nowshera.

2- The Director of (E&SE) Department, Khyber Pakhtunkhwa,
Peshawar.

3- Jehanzeb Khan SST (G), GMS Piran Payan, District
Nowshera

(Respondents)

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974
AGAINST ORDER NO. DEO/4329-33 (MALE)
NOWSHERA DATED 19-03-2024 VIDE WHICH THE
APPELLANT HAS BEEN TRANSFERRED FROM GMS
KHESHGI PAYAN TO GHS L/C AMANGARH AGAINST
VACANT POST.**

PRAYER:

That on acceptance of this appeal the respondents may kindly be ordered / directed to cancel the said order.

Respectfully Sheweth:-

It is submitted as under:-

FACTS

1. That the appellant is the respectable citizen of Pakistan and belongs to respectable family.

2. That the appellant joined the respectable profession as SST teacher since his appointment and serving as SST at GMS Kheshgi Payan as Principal BPS-16. **(Copy of CNIC and Service card is attached as Annexure A and copy of Pay Slip is attached as Annexure B)**
3. That the appellant was performing his duty/service as Principal and on 08-05-2024 he came to know through reliable sources that he has been transferred.
4. That on the same date i.e. 08-05-2024 appellant submitted an application to the respondent No.1 for confirmation and provision of any such transfer order, however, no response was given. **(Copy of the application is attached as Annexure C)**
5. That finally on dated 13-05-2024 the appellant sent a legal notice to the respondent No.1 for provision of transfer order. **(Copy of legal notice is attached as Annexure D)**
6. That on dated 17-05-2024 the clerk namely Jawad handed over the transfer order to the appellant. **(Copy of transfer order is Annexure E)**
7. That the appellant filed a departmental appeal before the respondent No.2 against the order of transfer letter dated 19-03-2024, however, the respondent No.2 not decided the appeal even after the laps of 90 days. **(Copy of departmental appeal is attached as Annexure F)**
8. That feeling aggrieved the appellant is filing this appeal against the order dated 19-03-2024 **(Annexure E)** on the following grounds.

GROUND:-

- A. That the words "mutual transfer" have been mentioned in the transfer order dated 19.03.2024 **(Annexure E)**, however, the appellant has never given any consent regarding mutual transfer to the respondent No.1 or any of his subordinate. Even the appellant has no knowledge about the vacant post.
- B. That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents have violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.

- C. That the impugned action of the respondent No.1 is without any legal & lawful authority, discriminatory and in clear violation of fundamental rights duly conferred by the constitution and is liable to be declared as null and void.
- D. That the Government of Khyber Pakhtunkhwa has imposed ban/restrictions on transfer of any teaching staff vide Notification No.SO/(S/M) E&SED/Mis/11-1/2024 dated 22-03-2024. (Copy of Notification is attached as **Annexure G**)
- E. That the respondent No.1 has issued transfer order (**Annexure E**) in back date and was not providing a copy of the same to the appellant which shows his mala fide and connivance with respondent No.3 and therefore the impugned order is wrong, illegal and ineffective upon the rights of appellant.
- F. That the appellant seeks permission of this Honorable Tribunal to raise any other grounds available at the time of arguments.

It is, therefore, most humbly prayed that the appeal of the appellant may kindly be accepted as prayed and transfer order dated 19.03.2024 (**Annexure E**) may be cancelled.

Appellant

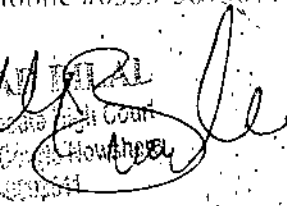


Dated: 26/09/2024 Through Counsel:-

MUHAMMAD BILAL

Advocate High Court
District Courts Nowshera
Mobile #0333-5693011

MUHAMMAD BILAL
Advocate High Court
District & Sessions Court Nowshera
Cell: 0333-5693011



**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

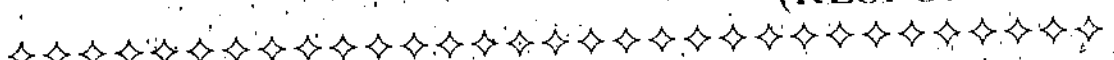
Appeal No #:- _____ /2024.

SUBHAN UDDIN SST (G), GMS KHESHGI PAYAN,
TEHSIL & DISTRICT NOWSHERA.
(APPELLANT)

VERSUS

DEO (MALE) DISTRICT NOWSHERA AND OTHERS.

(RESPONDENTS)



AFFIDAVIT

I, Subhan Uddin SST (G) GMS, Kheshgi Payan, District
Nowshera, do hereby solemnly affirm and declare on oath that the
contents of this accompanying Appeal are true and correct to the
best of my knowledge and belief and nothing has been concealed
from this Honourable Court.

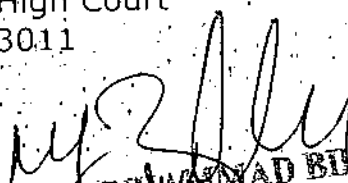
Identified By:-

DEPONENT.

CNIC No:- 17201-2153001-3

Cell No:- 0312-9414540

Muhammad Bilal
Advocate High Court
0333-5693011


MUHAMMAD BILAL
Advocate High Court
District & Session Courts Nowshera
Cell: 0312-5693011

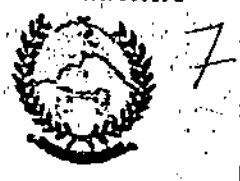






26/9/24

Dist. Govt. NWFP-Provincial
District Accounts Office Nowshera
Monthly Salary Statement (March-2024)



Personal Information of Mr SUBHAN UD DIN d/w/s of mr
 Personnel Number 00133672 CNIC: 1720121530013
 Date of Birth: 10/10/1970 Entry into Govt. Service: 21/02/1990

NTN:
 Length of Service: 34 Years 01 Months 012 Days

Employment Category: Active Temporary
 Designation: SECONDARY SCHOOL TEACHER
 Dist. Code: NR6079-D.O SECONDARY (M) NSR
 Payroll Section: 001 GPF Section: 001 Cash Center:
 GPF A/C No: 110/059513 Interest Applied: Yes GPF Balance: 323,575.00
 Vender Number:
 Pay and Allowances: Pay scale: BPS For - 2021 Pay Scale Type: Civil BPS: 16 Pay Stage: 22

Wage type	Amount	Wage type	Amount
1001 Basic Pay	77,790.00	1001 House Rent Allowance 45%	4,091.00
1230 Convect Allowance 2005	5,000.00	1947 Medical Allow 15% (16-22)	1,624.00
2104 15% Adhoc Relief All-2013	940.00	2199 Adhoc Relief Allow @10%	633.00
2318 Teaching Allowance 2021	3,782.00	2341 Dispr. Red All 15% 2022KP	7,397.00
2347 Adhoc Rel Al 15% 22(PS17)	7,397.00	2378 Adhoc Relief All 2023 35%	26,435.00

Deductions - General

Wage type	Amount	Wage type	Amount
3076 GPF Subscription	-1,960.00	3501 Benevolent Fund	-1,500.00
5100 Income Tax	-4,227.00	3990 Emp. Edu. Fund KPK	-170.00
4004 R. Benefits & Death Comp	-650.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6405	GPF Loan Principal Instal	318,000.00	-20,000.00	258,000.00

Deductions - Income Tax

Payable: 66,220.88 Recovered till March-2024: 36,986.00 Exempted: 16554.84 Recoverable: 12,680.04

Gross Pay (Rs.): 135,089.00 Deductions: (Rs.): -31,507.00 Net Pay: (Rs.): 103,582.00

Payee Name: SUBHAN UD DIN
 Account Number: 0100-307424
 Bank Details: MEEZAN BANK LIMITED, 423901 NOWSHERA BRANCH, NOWSHERA BRANCH, NOWSHERA
 Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: GHS SHER KERA BESHAWAR
 City: NOWSHERA Domicile: NW - Khyber Pakhtunkhwa
 Temp. Address: City: Email: Housing Status: No Official

26/9/24



9

REGISTERED MAIL CARD (Registered)

محمد بلال احمد کوٹلیہ ڈیپارٹمنٹ برائے تعلیم

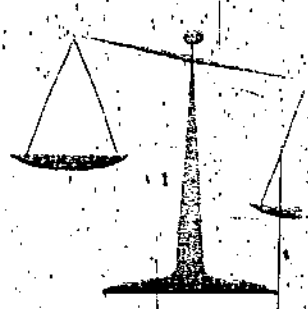
پتہ: MUHAMMAD BILAL, Advocate High Court, 172561-5656811-3, ڈاک خانہ 047-9924954 تحصیل

Postage meter grid with five empty boxes.

پوسٹ کوڈ

(پتہ کے مطابق)

10
Muhammad Bilal
(ADVOCATE HIGH COURT)



District Courts Nowshera

Mobile: 0333-5693011

S.No: 5/24

Date: 13-9-24

فانونی نوٹس

بنام

ڈسٹرکٹ ایجوکیشن آفیسر (میل) نوشہرہ

90

سجان الدین (G) ، S.S.T ، BPS-16 نے مجھے وکیل مقرر کر کے تاکید کی ہے کہ آپ کو ایک قانونی نوٹس
طوروں کے۔

مجموعی ایجوکیشن ڈیپارٹمنٹ میں عرصہ 34 سال سے بطور استاد (SST/G) ڈیوٹی سرانجام دے رہا ہے اور آج کل گورنمنٹ مڈل
جوہنسنی پیمان میں بطور پرنسپل خدمات سرانجام دے رہا ہے۔ موکل ام نے اپنی ڈیوٹی نہایت ایمانداری کے ساتھ نبھا رہا ہے اور تا
وکیل ام کے خلاف کسی بھی قسم کی شکایت نہ ہے۔ موکل ام کو باوقوت ذرائع سے کافی معلوم ہوا ہے کہ موکل ام کی پوسٹنگ کسی
سے سکول میں کردی گئی ہے جس کے بارے میں موکل ام کو کوئی بھی حکمانہ چٹھی موصول نہ ہوئی ہے اور موکل ام تا حال اپنی جگہ پر
ت ہے۔ موکل ام نے ٹرانسفر پوسٹنگ کے لئے کوئی بھی درخواست نہیں دی جبکہ ٹرانسفر پوسٹنگ پر حکومت کی طرف سے پابندی بھی
اس نسبت موکل ام نے آپ کو ایک عدد درخواست بھی بذریعہ ڈاک گزاری ہے کہ اگر موکل ام کی ٹرانسفر پوسٹنگ کہیں اوڑکی گئی
س نسبت موکل ام کو حکمانہ احکامات فراہم کئے جائیں اور وضاحت کی جائے کہ مذکورہ کارروائی کس طریقہ کار کے تحت کی گئی ہے لیکن
طرف سے تا حال درخواست مذکورہ پر کوئی کارروائی یا جواب نہ دیا گیا ہے۔

پ کو بذریعہ نوٹس ہذا مطلع کیا جاتا ہے کہ آپ عرصہ 03 یوم کے اندر اندر موکل ام کو ٹرانسفر پوسٹنگ (اگر کوئی ہو) کے بابت
حکمانہ آرڈر کی کاپی حوالہ کریں بصورت دیگر آپ کے خلاف قانونی کارروائی کرنے کا حق محفوظ رکھتا ہوں جس کا تمام تر
خرچہ و حرجہ آپ کے ذمہ ہوگا۔

محمد بلال ایڈووکیٹ ہائی کورٹ

MUHAMMAD BILAL
Advocate High Court
District & Session Courts Nowshera
Cell: 0333-5693011

MUHAMMAD BILAL
Advocate High Court
District & Session Courts Nowshera
Cell: 0333-5693011

اگر ایک نقل برائے مزید قانونی

اپنے دفتر میں محفوظ کرنا گئی ہے۔

ATTESTED

26/9/24



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(OFFICE PHONE #0923-9220228, FAX#0923-9220228)



OFFICE ORDER.

The competent authority is pleased to order the transfer of the following officials SST (G) working in the School noted against their names in their own pay and grade in the best interest of public service with immediate effect.

S.No	Name of Officials	Name of School	Transfer to	Remarks
1	Mr. Subhan Ud Din, SST (G)	GMS Khashgi Payan	GHS L/C Amangarh	A.V.P.
2	Mr. Jehanzeb Khan, SST (G)	GMS Piran Payan	GMS Khashgi Payan	Vice S.No:1

Note: - TADA is not allowed.
Charge report should be submitted to all concerned.

(SHAH JEHAN)
District Education Officer (M)
Nowshera

Endstt: No. 4329-33 / DEO (M) NSR/Estab: Branch/Mutual Transfer / (M) dated: 19/03/2024.

Copy forwarded for information to the:-

1. Director (E & SE) Khyber Pukhtunkhwa Peshawar
2. Senior, District Accounts Officer Nowshera.
3. District Monitoring Officer Nowshera.
4. Principal /Head Master Concerned.
5. EMIS Branch.
6. Officials
7. Office Copy.

District Education Officer (M)
Nowshera

ATTESTED

MUNAWWAR BIAL
District Education Officer (M)
Nowshera

(Signature)
26/9/24

19/12/24

NOTARIAL SEAL
NOTARY PUBLIC
MUMBAI

1. - اسکاٹ لینڈ کے رہنے والے ہیں۔

2. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

3. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

ATTESTED

1. - اسکاٹ لینڈ کے رہنے والے ہیں۔

2. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

3. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

4. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

5. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

6. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

7. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

8. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

9. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

10. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

11. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

12. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

13. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

14. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

15. کہ اسکاٹ لینڈ کے رہنے والے ہیں۔

۱۱- که سگ و گربه و حیوانات دیگر را از خانه بیرون برانند و در مکانی دیگر نگاه دارند تا زمانی که بهبودی پیدا کند. -

۱۲- که سگ و گربه و حیوانات دیگر را از خانه بیرون برانند و در مکانی دیگر نگاه دارند تا زمانی که بهبودی پیدا کند. -

۱۳- که سگ و گربه و حیوانات دیگر را از خانه بیرون برانند و در مکانی دیگر نگاه دارند تا زمانی که بهبودی پیدا کند. -

۱۴- که سگ و گربه و حیوانات دیگر را از خانه بیرون برانند و در مکانی دیگر نگاه دارند تا زمانی که بهبودی پیدا کند. -

۱۵- که سگ و گربه و حیوانات دیگر را از خانه بیرون برانند و در مکانی دیگر نگاه دارند تا زمانی که بهبودی پیدا کند. -

۱۶- که سگ و گربه و حیوانات دیگر را از خانه بیرون برانند و در مکانی دیگر نگاه دارند تا زمانی که بهبودی پیدا کند. -

۱۷- که سگ و گربه و حیوانات دیگر را از خانه بیرون برانند و در مکانی دیگر نگاه دارند تا زمانی که بهبودی پیدا کند. -

۱۸- که سگ و گربه و حیوانات دیگر را از خانه بیرون برانند و در مکانی دیگر نگاه دارند تا زمانی که بهبودی پیدا کند. -

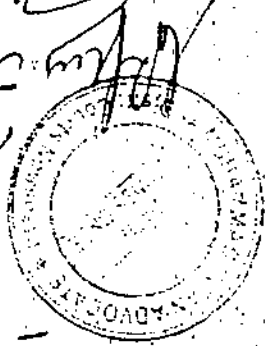
۱۹- که سگ و گربه و حیوانات دیگر را از خانه بیرون برانند و در مکانی دیگر نگاه دارند تا زمانی که بهبودی پیدا کند. -

26/9/24

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30/5/24
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Handwritten notes and signatures on the right side, including a date '30/5/24'.

- 1- ...
- 2- ...
- 3- ...
- 4- ...
- 5- ...

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**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

16

No. 91-9225344 /F.No.15 SST(M)/Transfer Nowshera Dated /2024
Email:establishmentmale1@gmail.com

To

The District Education Officer
(M) Nowshera.

Subject: **APPEAL REGARDING CANCELLATION OF ORDER NO. 4329-33,
DATED 19-03-2024**

Memo:

I am directed to refer to the subject cited above and to enclose herewith a copy an appeal along-with its enclosures lodged by Mr. Subhan Uddin SST GHS L/C Amangarh Nowshera and to ask your good office to submit detail report to this office for further necessary action please.

Assistant Director (Estab: M-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No.

Copy to the:-

- 1- PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.
- 2- Master Copy.

Assistant Director (Estab: M-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

APPROVED

MEMORANDUM
District of Nowshera
Khyber Pakhtunkhwa

26/9/24



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT
 Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
 Phone No. 091-9221533 Email: sschoolmale@gmail.com



Peshawar Dated 22.03.2024

NOTIFICATION

NO.SO(S/M)E&SED/Mis/11-1/2024: The Competent Authority is pleased to impose complete ban on all kinds of posting/ transfers in Elementary & Secondary Education Department with immediate effect and till further orders, except the posting/adjustment orders to be made in connection with:

1. Appointment through Public Service Commission
2. Promotions through PSB or DPCs.
3. Court cases.

SECRETARY
TO GOVT OF KHYBER PAKHTUNKHWA

Endst: of even No. & Date

Copy forwarded to the:

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

(NAVEED ULLAH SHAH)
 DEPUTY SECRETARY (ESTABLISHMENT)

MUHAMMAD SAAD BILAL
 District Accounts Officer
 Civil Secretariat Peshawar
 Cell: 303222211

ATTENDED

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