

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.1567/2024

Mr. Gul Wali, (SDM BPS-16).....Appellant

VERSUS

The Secretary Education & others.....Respondents

I N D E X

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Comments/Reply		1-3
2.	Affidavit		4
3.	Copy of the previous transfer	A	5-7
4.	Copy of the Order 04.06.2024	B	8,9
5.	Mutual consent request App;	C	10
6.	Wakalatnama		11

Respondent No. 4

Through


BABAR HAYAT KHAN
Advocate, Peshawar
Cell: 0333-9727007

Dated: 04-11-2024

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No:1567/2024

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The Secretary Education & others.....Respondents

COMMENTS ON BEHALF OF THE

RESPONDENT NO. 4

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17554

Dated 04/11/24

Respectfully Sheweth:-

PRELIMINARY OBJECTION

1. That the appellant is not an aggrieved person, nor he has got the locus standi to file the present appeal, as the appellant has not been affected by the present transfer order.
2. That the appeal in hand is badly time barred.
3. That the appellant is estopped by his own conduct to bring the present appeal.
4. That no vested or accrued or legal right of the appellant has been infringed to warrant interference.
5. That the appeal of the appellant is neither maintainable in law nor on facts.
6. That even otherwise, the official respondents are empowered under section 10 of Civil Servant Act, 1973 for placing the services of the appellant

(2)

throughout the province, wherever required in the best public interest.

ON FACTS:-

1. Pertains to record.
2. Correct to the extent of transfer order but the same transfer order has been immediately withdrawn by the respondent department, against such the appellant then filed departmental representation but no service appeal was then filed against the withdrawal order.
3. Pertains to record. The answer has already been given in previous para.
4. Incorrect, this para is completely based on surmises and conjectures having no evidence provided which could authenticate his claims.
5. Pertains to record but even if true, the appellant has not filed any service Appeal after the expiry of statutory period which legally makes the appeal in hand time barred.
6. Correct to the extent of the order dated 04.06.2024 only.
7. Pertains to record.
8. Pertains to record..
9. Needs no reply.

(3)

ON GROUNDS:

- A. That the contents of ground A to G of the appeal are result of misconception of law, as he has no locus standi because the name of the appellant has not been even mentioned in the order dated 04.06.2024 and his previous departmental representation against the withdrawal order is unequivocally time barred and appellant is no legal position to agitate the same, in this appeal hence appeal be dismissed on this score alone.
- B. That Ground H of the appeal is not attracted in the current scenario for the reason that his transfer order was immediately withdrawn by the respondent department against which the appellant has not filed any service appeal timely.
- C. That content of Ground I is discretion of honourable Tribunal, however, one cannot be allowed to take other by surprise.

It is, therefore, prayed that on acceptance of this appeal the appeal in hand being devoid of force be dismissed with heavy cost.

Respondent No. 4

Through


BABAR HAYAT KHAN
Advocate, Peshawar

Dated: 04.11.2024

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.1567/2024

Mr. Gul Wali, (SDM BPS-16).....**Appellant**

VERSUS

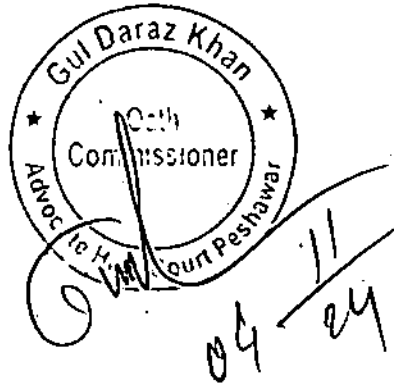
The Secretary Education & others.....**Respondents**

AFFIDAVIT

It is stated on oath that the contents of the **comments** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT



Gul Daraz Khan
Oath
Commissioner
Advocate to Hon'ble Court Peshawar
04/11/24

AM

5

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SECONDARY SWABI

TRANSFER ORDER.

Mr; Shahidullah, Drg; Master, Govt; Middle School, Kolager (G) is hereby transferred to Govt; High School; Nare-Banda (Garden) Swabi against the vacant post on his own pay and grade in the interest of public service from the date of taking over charge.

NOTE:- NO.TA/NA/etc is allowed.

2.Charge Report should be submitted to all concerned.

(SHER ZAMA KHAN).
DISTRICT EDUCATION OFFICER,
(MALE) SECONDARY, S W A B I.

Encl: No. 6776-81 dated 30 /11/1998.

Copy forwarded to the:-

- 1;- Head master, GMS. Nare Banda (G).
- 2;- Head Master, GMS. Kolager (G)
- 3;- AEO (Ins) local office.
- 4;- Sup'tt; local office.
- 5;- Cashier local office (Middle Branch).
- 6;- Personal file.

*Look over charge in the
After noon of 1/12/98
[Signature]*

[Signature]
DISTRICT EDUCATION OFFICER,
(MALE) SECONDARY, S W A B I.

ATTESTED

(2)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (LITERACY & EDUCATION) MARDAN
OFFICE ORDER

Mr: Shahidullah DM under transfer to GMS Badam (Mardan) is hereby adjusted at GMS Gunjai (Takht Bhai Mardan against DM Vacant post on his own pay and grade in the best interest of public services from his date of taking over charge.

N O T E

1. Charge reports should be submitted to all concerned
2. NO TA/DA is allowed.

(Haji Fazli Rabbi Khan)
Executive District officer
(Literacy & Education) Mardan.

Endstt No: 69/40-45 / Gen: CT/DM file/Trnf: 29/7 /2003
Copy is forwarded to the:-

1. Director Schools & Literacy NWFP, Peshawar.
2. District Accounts officer Mardan.
- 3-4. Headmaster GMS Badam & GMS Gunjai Mardan.
5. Accountant local office.
6. P/File

29/7/03
Executive District officer
(Literacy & Education) Mardan.

ATTESTED

7

OFFICE OF THE DISTRICT EDUCATION OFFICER(M) MARDAN.

OFFICE ORDER.

Transfer order of the following DM are hereby ordered on their own pay and BPS in the interest of public service noted against each.

Sr.No.	Name of teacher	From	To	Remarks
01	Gul Wali DM	GMS Shah Noor Pul	GMS Lund Khwar	V.S.No.2
02	Jan Alam DM	GHS Lund Khwar	GMS Ashrafud Din Killi	NCP
03 ✓	Shahidullah	GMS Mahabat Abad	GMS Shah Noorpul	V.S.No.1

1.No TA D/A is allowed.

2.Charge report should be submitted to all concerned.

District Education Officer
(Male) Mardan.

Endst: No. _____ Dated Mardan the: 10/4/2013.

Copy for information and n/action to the:-

3. Director E/SE Khyber Pakhtunkhwa Peshawar.
4. District Comptroller office Mardan.
5. Head Master GMS Shah Noor pul.
6. Head Master GMS Ashrafud Din Killi.
7. Principal GHS Lund Khwar.
8. Teachers concerned.

District Education Officer
(Male) Mar
9/4/03

8

B



**OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) MARDAN**



☎ & 📠 0937-933151 , 📧 deomalemardan@gmail.com

OFFICE ORDER.

Transfer of the following Teachers are hereby ordered on their own pay and BPS in the best interest of public service with immediate effect.

S. No	Name & Designation	CNIC	From	To	Remarks
01	Muhammad Arif SST (B/C)	16101-3583580-5	GHSS Sharqi Hoti	GHS Zando Dheri	Against S.No. 02
02	Muhamma Abdullah SST (B/C)	16101-1800799-1	GHS Zando Dheri	GHSS Sharqi Hoti	Against S.No. 01
03	Javed Shah SST (B/C)	16102-7898405-9	GHS Dako Baba	GHS Saro Shah	Against S.No. 04
04	Inam Ullah Khan SST (B/C)	16102-2322457-3	GHS Saro Shah	GHS Dako Baba	Against S.No. 03
05	Muhammad Zaman SPET	16102-3201033-1	GHSS No. 1 Mardan	GHSS Qasmi Mardan	Against S.No. 06
06	Aftab Islam SPET	16102-2305641-3	GHSS Qasmi Mardan	GHSS No. 1 Mardan	Against S.No. 05
07	Zahid Khan SST (M/P)	16102-4202952-5	GHS Parkha Dheri	GHS Salak	AVP
08	Aman Ullah SST (G)	16102-4574494-3	GHS Qutab Garh	GHS Tordher	AVP
09	Muhammad Jawad SST (G)	16102-5285526-9	GHSS Hathian	GHSS Jalala	AVP
10	Muhammad Tanveer SST (G)	16102-3004727-3	GHS Labour Colony	GHSS Hathian	Against S.No. 09
11	Muhammad Rafiq SST (B/C)	16102-3937669-1	GHSS Hathian	GHS Zarifi Shamilat	AVP
12	Sabz Ali Khan SST (G)	16101-119169-1	GHSS Gaddar	GHSS Jamal Garhi	AVP
13	Tariq Ali Khan SST (G)	16102-1556661-1	GHSS Hathian	GMS Mahal Zarin Abad	AVP
14	Amin Khan SST (G)	42000-9614542-5	GHSS Qasim Toru	GCMHS Boys	AVP
15	Fazli Hanan SST (G)	16101-1110225-3	GHS Guli Bagh	GMS Bari Cham	AVP
16	Shah Faisal SST (G)	16101-4096781-1	GMS Gumbat	GMS Par Hoti	AVP
17	Said Wali AT	16101-1138721-7	GHSS Katti Garhi	GHS Moti Banda	AVP
18	Shehryar Khan SPET	16101-4255215-9	GHSS Gaddar	GHSS Gujrat	AVP
19	Hussain Ahmad AT	16101-5005198-1	GHS Sarfarez Killi	GHS Hamza Khan	AVP

M.T.S. 170



**OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) MARDAN**



☎ & 📠 0937-933151 , ✉ deomalemardan@gmail.com

20	Muhammad Junaid Zia Qari	16101-9171662-7	GHS Surkhabi	GHS Zoreabad	AVP
21	Muhammad Islam AT	16102-9886216-3	GHS Afzal Abad	GMS Mir Aslam Khan Killi	AVP
22	Hazrat Ali PET	16101-2456845-5	GMS Manga Dheri	GMS Serai Koragh	AVP
23	Sareer Ahmgd SCT	16102-2322740-3	GHS Said Abad	GHSS Pir Abad	AVP
24	Azam Khan SDM	16102-8049064-9	GHSS Hathian	GHS Lund Khwar	AVP
25	Shahid Ullah SDM	16102-9433571-3	GCMHS Boys	GHSS Hathian	Against S.No. 24
26	Tabbssum Ilahi SCT	17301-1472826-9	GCMHS Boys	GHSS No.1 Bicket Gunj	AVP

Note: -

1. Charge report should be submitted to all concerned.
2. No TA/DA is allowed.

(ZAHID MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

Dated 04/06/2024

Endst: No.3226/G

Copy forwarded to the:-

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Mardan.
3. District Monitoring officer Mardan.
4. Principal/Headmaster concerned.
5. EMIS Branch local office.
6. Official concerned.
7. Gen: File.

(Signature)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

ATTESTED

POWER OF ATTORNEY

BEFORE KP SERVICES TRIBUNAL PESHAWAR

CASE NATURE Service Appeal No. 1567 of 2022

MR. GUL WALI

[Plaintiff(s)]

[Appellant(s)]

[Petitioner(s)]

[Complainant(s)]

Versus

SECRETARY CNU; & OTHERS

[Defendant(s)]

[Respondent(s)]

[Accused(s)]

[Judgment Debtor]

I/We Shahid Ullah

the above named Respondent No. 4

hereby appoint and constitute BABAR HAYAT KHAN LL.M, Advocate as Counsel (for Peshawar) in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To, appear act, and plead for me/us in the above mentioned case in this Court/Tribunal or any other Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To do all other acts and things which may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:

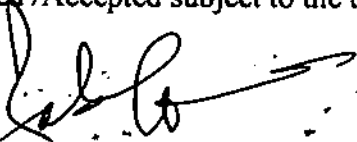
- a. To ratify whatever the said Advocate(s) may do in the proceedings.
- b. Not to hold the Advocate(s), responsible if the said case be proceeded ex-parte or dismissed in default in consequences of their absence from the Court/Tribunal when it is called for hearing.
- c. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case, if the whole or any part of the agreed fees remains unpaid.

In witness whereof I/We have signed this Power of Attorney/Wakalatnama herein under, the contents of which have been read / explained to me and fully understood by me this day of 04-01-2024 at Peshawar



Signature of the executant/s

Attested / Accepted subject to the term regarding payment of fee.



BABAR HAYAT KHAN
LL.M. Advocate High Court
+92-300-1891-007
Office No. 13-B, 2nd Floor, Haroon Mansion,
Khyber Bazar, Peshawar