


12.03.2018

Counsel for the appellant present. Mr. Riaz Painsakhel, Assistant AG alongwith Mr. Hidayat Shah, Deputy Director for official respondent No. 1 to 4 and private respondent No. 5 in person also present. Written reply already submitted on behalf of official respondent No. 1 to 4, now written reply submitted on behalf of private respondent No. 5. To come up for rejoinder and arguments on 27.03.2018 before D.B. Status quo be maintained.


  
(Muhammad Amin Khan Kundi)  
Member

27.03.2018

Learned counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Hidayat Shah, District Officer Fishery for the respondents present. Learned counsel for the appellant stated that in view of fresh office order of the respondent-department, the present appeal has become infructuous.

In view of the statement of learned counsel for the appellant, the present appeal is hereby dismissed having become infructuous. No order as to costs. File be consigned to the record room.

ANNOUNCED  
27.03.2018

  
(Muhammad Amin Khan Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

Appeal No. 75/2018  
Bakhtaj Hussain vs Govt

01.02.2018

Clerk to counsel for the appellant and Mr. Usman, Ghani, District Attorney alongwith Mr. Hidayat Shah, DO Fishery for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply on 14.02.2018 before S.B.



(Ahmad Hassan)  
Member(E)

14.02.2018

Appellant in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hidayat Shah, Deputy Director for official respondents No. 1 to 4 and private respondent No. 5 in person also present. Written reply on behalf of official respondents No. 1 to 4 submitted. Private respondent No. 5 requested for further adjournment for filing of written reply. Adjourned. To come up for written reply/comments on behalf of private respondent No. 5 on 28.02.2018 before S.B.



(Muhammad Amin Khan Kundi)  
Member (J)

28.02.2018

Appellant with counsel and Addl:AG alongwith Mr. Hidayat Shah, District Officer for official respondents present. Wakalat Nama on behalf of private respondent no.5 submitted by Mr. Amir Hussain, Advocate. Written reply not submitted. Requested for adjournment. Adjourned. Last opportunity granted. To come up for written reply on 12.03.2018 before S.B. Status quo be maintained.



(Ahmad Hassan)  
Member (E)



**DIRECTORATE OF FISHERIES KHYBER PAKHTUNKHWA,**

**2, SHAMI ROAD PESHAWAR.**

Ph#091-9212096 & email kpkfisheries@yahoo.com

**OFFICE ORDER.**

The transfer order issued vide this office order No.4496-4500/DGF/E, dated 03/01/2018, regarding posting/transfer amongs the Head Fisheries Watcher (BPS-9) in Khyber Pakhtunkhwa Fisheries Department is hereby cancelled from the date of its issue.

Sd/-

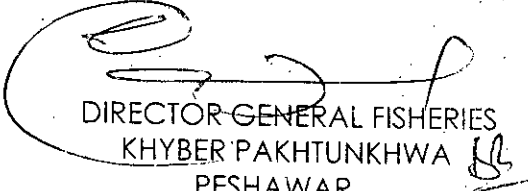
(DR. MUHAMMAD IQBAL)  
DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. 5252-60/DGF/E

Dated Peshawar the 21/03/2018.

Copy forwarded for information and necessary action to:-

- 1- The PS to Secretary, Government of Khyber Pakhtunkhwa, Agriculture, Cooperative, Livestock & Fisheries Department Peshawar.
- 2- The Accountant General Khyber Pakhtunkhwa Peshawar.
- 3- The District Accounts Officer, Haripur.
- 4- The Section Officer (LFC) Government of Khyber Pakhtunkhwa, Agriculture, Cooperative, Livestock & Fisheries Department Peshawar with reference to his letter No.SO(LFC)/AD-3(2)/PT/2018, dated 20/03/2018.
- 5- The Deputy Commissioner Peshawar.
- 6- The Deputy Commissioner Haripur.
- 7- The District Officer Fisheries, Peshawar.
- 8- The District Officer Fisheries, Haripur.
- 9- Officials Concerned.

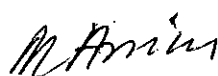
  
DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.

18.01.2018

Appellant with counsel present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Fisheries Department as Head Fisheries Watcher. It was further contended that the appellant was transferred from Peshawar to Haripur vide order dated 26.12.2017 by the Secretary on the direction of Special Assistant to Chief Minister therefore, the same order was passed on the basis of political influences. It was further contended that the appellant also filed departmental appeal on 10.01.2018 but the same was also filed on the same day. It was further contended that since the impugned transfer order of the appellant was passed by the Secretary on the direction of Special Assistant to Chief Minister therefore, the transfer order of the appellant was issued due to political influences hence, the same is illegal and liable to be set-aside. It was further contended that Secretary was also not competent authority, therefore, the impugned transfer order is illegal and liable to be set-aside. Learned counsel for the appellant also stated that the appellant has not yet relinquish the charge of the post and requested for suspension of operation of impugned transfer order.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 01.02.2018 before S.B. Learned counsel for the appellant has also submitted application for interim relief for suspension of operation of the impugned transfer/posting letter order dated 26.12.2017. Notice of the same be also issued to the respondents for the date fixed. In the meanwhile status-quo be maintained till the date fixed.

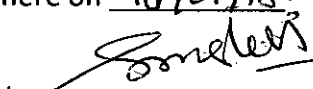
Appellant Deposited  
Security & Process Fee

  
(Muhammad Amin Khan Kundi)  
Member

Form-A  
FORM OF ORDERSHEET

Court of \_\_\_\_\_

Case No.                     /2018                    


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	15/01/2018	<p>The appeal in hand was returned to the counsel for the appellant. Today he resubmitted the same without removing the objection with the request to submit before the Tribunal the same may be submitted to the S. Bench for decision on office objection, be put up there on <u>18/01/18.</u></p> <p style="text-align: right;"> REGISTRAR</p>

The appeal of Mr. Bakhtaj Head Fisheries Watcher office of the District officer Fisheries Peshawar received today i.e. on 12.01.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of proper rejection order of department appeal mentioned in the memo of appeal is not attached with the appeal be placed on it.

No. 113 /S.T.


Dt. 15/01 /2018

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Ibad-ur-Rehman Adv. Peshawar.

The Departmental appeal of the appellant, has been filed by the respondents which is available at Page-17 (Annex:G) of the appeal. kindly fix the appeal before the Tribunal for preliminary hearing, at the earliest.

R/ Registrar  
KP S.T

  
15/1/2018

BEFORE THE HONOURABLE KP SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 75 /2018

Bakhtaj Hussain


Versus

Secretary to Government & others

INDEX

S.No.	Description of documents.	Annex:	P.No.
1-	Memo & Grounds of appeal with Affidavit	-	1-3A
2-	Stay Application with Affidavit	-	4
3-	Order dated 30-6-2001	A	5-9
4-	Office Order (Adjustment) order dt: 27-7-2002	B	10
5-	Transfer Order dated 15-7-2004	C	11
6-	Promotion Order dated 20-11-2017	D	12-13
7-	Impugned Transfer order 26-12-2017	E	14-15
8-	Department Appeal	F	16
9-	Copy regret letter	G	17
10-	<del>Wakalatnama</del> medical chits	H	18-26
11-	wakalat nama		27

Date. 12 /01/2018

  
**IBADUR RAHMAN**  
Advocate High Court  
127-Sarhad Mansion  
Hashtnagri, GT Road  
Peshawar.  
Cell No. 0300-5932939

①

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Service Appeal No. 75 /2018

Bakhtaj (Head Fisheries Watcher) s/o Hussain Khan, Office of District  
Officer Fisheries, Shami Road, Peshawar.

**APPELLANT** Khyber Pakhtunkhwa  
Service Tribunal

Versus

Diary No. 35

Dated 12-01-2018

- ✓1- Secretary to Government of Khyber Pakhtunkhwa Agriculture LiveStock & Cooperative Department, Civil Sectt: Peshawar.
- ✓2- Section Officer Agriculture LiveStock & Cooperative Department, Civil Sectt: Peshawar.
- ✓3- Director General, Fisheries & Livestock, Shami Road Peshawar.
- ✓4- District Officer Peshawar, Fisheries Department, Shami Road Peshawar.
- 5- Mr. Ittebar Ali, Head Fisheries Watcher, Office of the District Officer Harripur.

RESPONDENTS

.....

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT AGAINST THE  
IMPUGNED TRANSFER/POSTING LETTER/ORDER - NO.  
SO(LFC)AD-3(2)PT/2017, DATED. 26/12/2017. AGAINST  
WHICH THE APPELLANT PREFERRED A DEPARTMENT  
APPEAL ON 10/01/2018 WHICH WAS FILED.

Respectfully sheweth,

Appellant submits as under:-

- 1- That the Appellant was appointed as Fisheries Watcher in the Respondents Department vide Office Order dated 31/2/1985
- 2- That keeping in view the performance of the appellant, the appellant was promoted to the Post of Head Fisheries Watcher on 24/10/1997.
- 3- That due to Government policies many employees of difference departments were declared as Surplus and were declared, hence, being junior in his cadre, the appellant was also sent to Surplus Poll in June, 2001. (Annex:- A).

Filed to Day  
12/1/17  
Registrar



- 4- That after the availability of the post, the Appellant was adjusted against the post of Head Fisheries Watcher and transferred/posted at Fisheries Department at Chakdarra vide adjustment order dated 27/7/2002. (Annex:- B).
- 5- That upon the request of the appellant and keeping in view the health condition and family situation of the appellant, the appellant was transferred back to Peshawar vide order dated 15/7/2004. (Annex: C).
- 6- That vide order dated 20/11/2017, some of Fisheries Watchers were promoted as Head Fisheries Watcher including the Respondent No. 5. (Annex: - D).
- 7- That the Respondent No.5, vide impugned Posting/transfer letter/order dated 26/12/2017, using illegal and unfair means and by using political pressure, got him self transferred and posted at Peshawar against the post of appellant. (Copy of impugned order/letter is attached as Annex:- E).
- 8- That against the said unjustified/ illegal order, the appellant preferred a departmental to Respondent No. 2 & 3 but the same was filed without any proper order. (Kindly peruse Annex: - F & G).
- 9- That being aggrieved by both the orders, the appellant has left with no option but to approach this honourable tribunal on the following grounds amongst others :-

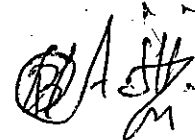
#### GROUND.

- A. That the impugned transfer order dated 26/12/2017 is Void ab initio, illegal, unjustified, based on mala fide and WITHOUT ANY LAWFUL AUTHORITY.
- B. That the competent authority in the case of the appellant is Director Fisheries whereas the impugned order is issued by the Secretary of the Department which is without lawful authority.
- C. That the impugned order is issued on the clear directions of Special Assistant to Chief Minister which clearly speaks that the said impugned order is issued on political basis and only on this score the impugned order is liable to be set a side.

- D. That the appellant is a known Cardiac patient and the appellant has undergone for Heart Surgeries for many times. (Medical chits and some of the record of the appellant are attached as Annex: - H).
- E. That the appellant is the sole male member of his family having ailed and old age wife. Due to the transfer of the appellant, not only the appellant but whole of its family will suffer so badly.
- F. That the appellant is a low paid employee and in case of transfer to far flung area, it will not only be hard but impossible for the appellant to meet his expenses in such a meager salary.
- G. That the appellant be allowed to add any other ground at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the appeal in hand, the impugned transfer order dated 26/12/2017 may kindly be set a side.

Any other remedy deems proper in the matter and not specifically for may also please be given with costs throughout.



APPELLANT

Through:



**IBADUR RAHMAN**  
Advocate High Court  
127-Sarhad Mansion  
Hashtnagri, GT Road  
Peshawar.

Date. 12/01/2018

BEFORE THE HONOURABLE KP SERVICE TRIBUNAL PESHAWAR.

3A

Service Appeal No. \_\_\_\_\_/2018

Bakhtaj Hussain, Head Fisheries Watcher

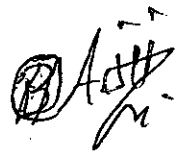
Versus

Secretary to Government & others

**AFFIDAVIT**

I, Bakhtaj (Head Fisheries Watcher) s/o Hussain Khan, Office of District Officer Fisheries, Shami Road, Peshawar, (Appellant) stated on oath that the contents of the annexed Appeal are true and correct to the best of my knowledge and nothing has been concealed from the honourable tribunal.

Dated 12/01/2018

  
Deponent

CNIC. 17201-2127028-9



4

BEFORE THE HONOURABLE KP SERVICE TRIBUNAL PESHAWAR.

Misc: Application No. \_\_\_\_\_/2018

IN

Service Appeal No. \_\_\_\_\_/2018

Bakhtaj Hussain

Versus Fisheries Department

APPLICATION FOR INTERIM RELIEF FOR SUSPENSION OF  
OPERATION OF THE TRANSFER/POSTING LETTER/ ORDER  
DATED 26/12/2017.

Respectfully sheweth,

Applicant/Appellant submits as under:-

1. That the above titled appeal is being filed before this honourable Tribunal in wherein no date is yet fixed.
2. That the applicant/appellant has got a good prima facie case and is hopeful of its success.
3. That balance of convenience also lies in favour of applicants/appellant
4. That if interim relief is not granted and operation of the impugned transfer/posting letter/order dated 26/12/2017 is not suspended, the applicant/appellant will suffer irreparable loss rather appeal of the applicant/appellant would become anfractuous.

It is, therefore, humbly prayed that operation of the impugned transfer/posting order/letter may kindly be suspended till the final disposal of the appeal.



Through:

PETITIONERS/APPLICANTS

*Bdr*  
**IBADUR RAHMAN**  
Advocate High Court  
Peshawar.

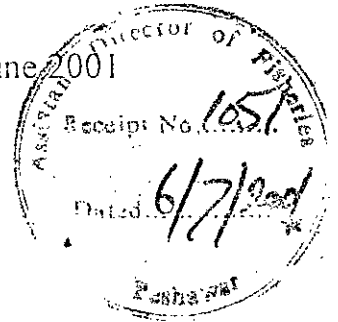
Dated. 12/01/2018

Affidavit stated on oath that above contents are true and correct.

*Bdr*

**GOVERNMENT OF NWFP  
FORESTRY, FISHERIES & WILDLIFE  
DEPARTMENT.**

Dated Peshawar, 30 June 2001

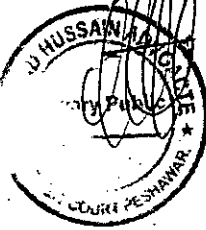


**ORDER.**

No.SO(G/A)/FF&WD/II-577/2KI. In pursuance of the Establishment & Administration Department circular letter No.SOR-I(E&AD)1-200/98 dated 8<sup>th</sup> June 2001, the following officials of the NWFP Fisheries Department being the junior most in their respective cadres are hereby declared as surplus with effect from 1.7.2001.

Sl. No.	NAME	DESIGNATION/ POST WITH BPS	PLACE/OFFICE OF POSTING
1	Mr. Sultan Mohammad	Supdt; (Gazetted) BPS-16	Directorate of Fisheries
2	Mr. Nazir Mohammad	Supdt; (Gazetted) BPS-16	Directorate of Fisheries
3	Mr. Nacem ullah	Assistant BPS-11	ADF Peshawar
4	Mr. Nisarul Haq	Assistant BPS-11	ADF Swat
5	Mr. Saifur Khan	Assistant BPS-11	ADF Mardan
6	Mr. Said Habib	Assistant BPS-11	D. D. Sericulture
7	Mr. Abdur Rashid	Assistant BPS-11	ADF Kaghan
8	Mr. Qasim Jan	Assistant BPS-11	Director ate of Fisheries
9	Mr. Adalat Khan	Assistant BPS-11	Directorate of Fisheries

**ATTESTED**

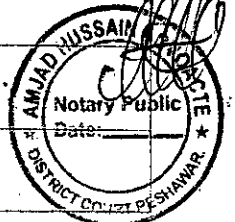


*Amjad Hussain*  
*Notary Public*  
*Adalat*

8

10.	Mr. Khaista Wali	Senior Clerk BPS-7	ADF Swat
11.	Mr. Mohammad Nawaz	Junior Clerk BPS-5	ADF Kohistan
12.	Mr. Fahim Raza	Junior Clerk BPS-5	ADF Abbottabad
13.	Mr. Mohammad Tariq	Junior Clerk BPS-5	ADF D.I.Khan
14.	Mr. Mohammad Riaz	Junior Clerk BPS-5	ADF CH&TC Peshawar
15.	Mr. Noor-ul-Wahid	Junior Clerk BPS-5	Directorate of Fisheries
16.	Mr. Sohbat Khan	Driver BPS-4	ADF CH&TC Peshawar
17.	Mr. Gul Janan	Left Pump Mechanic BPS-3	ADF Peshawar
18.	Mr. Sajawal Khan	Head Fisheries Watcher BPS-3	ADF Peshawar
19.	Mr. Fazale Nabi	Head Fisheries Watcher BPS-3	ADF Peshawar
20.	Mr. Bakhtaj Hussain	Head Fisheries Watcher BPS-3	ADF Peshawar
21.	Mr. Faqir Gul	Head Fisheries Watcher BPS-3	ADF Mardan
22.	Mr. Hazrat Gul	Head Fisheries Watcher BPS-3	ADF Swat
23.	Mr. Israr Mohammad	Niab Qasid BPS-1	ADF CH&TC Peshawar
24.	Mr. Raza Khan	Niab Qasid BPS-1	ADF CH&TC Peshawar
25.	Mr. Mohammad Idrees	Naib Qasid BPS-1	ADF Dir
26.	Mr. Mahraban Shah	Niab Qasid BPS-1	ADF Mardan
27.	Mr. Ishrat Hussain	Niab Qasid BPS-1	ADF Abbottabad
28.	Mr. Noor Mohammad	Naib Qasid BPS-1	ADF Kohistan
29.	Mr. Said Gul	Mali BPS-1	ADF Mardan

**ATTESTED**



*Signature*  
*Bashirullah*  
*Adhikari*

(7)

30.	Mr. Ihsanullah	Plumber BPS-1	ADF Madyan
31.	Mr. Haroon Rashid	Chowkidar BPS-1	ADF Swat
32.	Mr. Abadur Rehman	Fisheries Watcher BPS-1	ADF Dir
33.	Mr. Fazal-e-Hamid	Fisheries Watcher BPS-1	ADF Dir
34.	Mr. Mohammad Khan	Fisheries Watcher BPS-1	ADF D.I.Khan
35.	Mr. Rehmat Ali	Fisheries Watcher BPS-1	ADF Kohat
36.	Mr. Ali Mohammad	Fisheries Watcher BPS-1	ADF Mardan
37.	Mr. Dil Raj	Fisheries Watcher BPS-1	ADF Mardan
38.	Mr. Maroof Khan	Fisheries Watcher BPS-1	ADF Abbottabad
39.	Mr. Ayaz Khan	Fisheries Watcher BPS-1	ADF Abbottabad
40.	Mr. Abdus Salam	Fisheries Watcher BPS-1	ADF Kohistan
41.	Mr. Fazal-e- Hadan	Fisheries Watcher BPS-1	ADF Kohistan
42.	Mr. Wali Mohammad	Fisheries Watcher BPS-1	ADF Kohistan
43.	Mr. Syed-ul-Abrar	Fisheries Watcher BPS-1	ADF Kohistan
44.	Mr. Zafar Nabi	Fisheries Watcher BPS-1	ADF Chitral
45.	Mr. Shabir Afzal	Fisheries Watcher BPS-1	ADF Dir
46.	Mr. Mohammad Zaib	Fisheries Watcher BPS-1	ADF Dir
47.	Mr. Mohammad Kaleem	Fisheries Watcher BPS-1	ADF Dir

ATTESTED  
M. U. USSAIN  
Notary Public  
Date: \_\_\_\_\_  
DISTRICT COURT PESHAWAR

8

48.	Mr. Noor-ul- Islam	Fisheries Watcher BPS-1	ADF Dir
49.	Mr. Mehboob Ali	Fisheries Watcher BPS-1	ADF Swat
50.	Mr. Khan Zada	Fisheries Watcher BPS-1	ADF Swat
51.	Mr. Mohammad Afzal	Fisheries Watcher BPS-1	ADF Swat

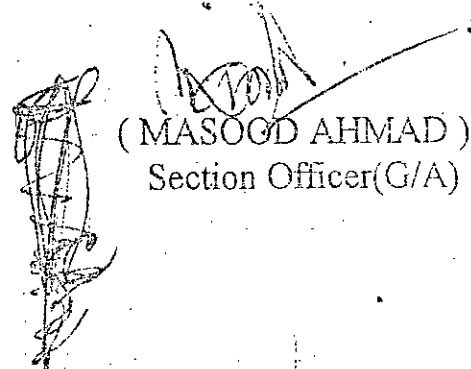
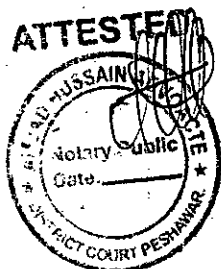
SECRETARY TO GOVT. OF NWFP,  
FORESTRY, FISHERIES & W/LIFE,  
DEPARTMENT.

6556-6616

Endst:No. SO (G/A)/FF&WD/ II-577/2KI/ Dated Peshawar, 30 June 2001

Copy forwarded to: -

1. The Secretary, E&A Department, NWFP.
2. The Secretary, Finance Department, NWFP.
3. PS to Minister for Forestry, Fisheries & Wildlife Department.
4. Lt Col. Khurshid Awan, Provincial Transitional Wing E&A Department.
5. P.S. to Secretary, FF&W Department, NWFP.
6. Accountant General NWFP.
7. The Section Officer (Estt.) FF&W Department, NWFP.
8. The Director B&A, FF&W Department, NWFP.
9. Officers/Officials concerned C/O Director Fisheries NWFP.
10. Office Order file.



(MASOOD AHMAD)  
Section Officer(G/A)

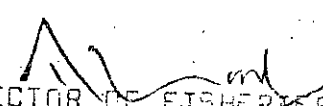


'A' (9) =: :-  
OFFICE OF THE DIRECTOR OF FISHERIES, NWFP, PESHAWAR.

No. 4100-29/DF/E/Surplus Pool Dated Peshawar the 6/07/2021.

Copy of the above is forwarded for information & necessary action to :-

1. The Accountant General, NWFP, Peshawar.
2. All District Accounts Officers in NWFP.
3. The Agency Accounts Officer, Malakand.
4. All District Officers in NWFP (All A.D.F in NWFP).
5. The Superintendent B&A H/Q Peshawar.
6. The Disburser H/Q Peshawar.
7. Officers/Officials concerned.

  
DIRECTOR OF FISHERIES  
NWFP, PESHAWAR.

B2

11/6/21

*amir*  
*2/2/02*  
OFFICE ORDER.

10

Annex B

Mr. Bakhtaj Hussain, (Surplus) Head Fisheries-Watcher (BPS-3) of the office of District Officer Fisheries, Peshawar, who is Senior Most in the surplus Pool of Fisheries Department is hereby adjusted and posted against the existing vacant post of Head Fisheries Watcher (BPS-3) vacated by Abadur Rehman, Fisheries Watcher in the office of District Officer Fisheries, Lower Dir at Chakdara w.e.f, 1/8/2002 in the best interest of public service.

Sd/-  
(SULTAN AHMED AWAN)  
DIRECTOR OF FISHERIES  
N.W.F.P., PESHAWAR.

No. 502-8 /DP/E

HC10-033066

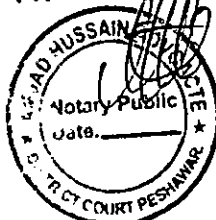
Dated Peshawar the 27/07/2002.

Copy forwarded for information and necessary action to:-

- 1- The Accountant General N.W.F.P., Peshawar.
- 2- The District Accounts Officer, Lower Dir.
- 3- The Personal Secretary to Secretary to Govts. of N.W.F.P., Environment Department, Peshawar.
- 4- The District Officer Fisheries, Lower Dir at Chakdara.
- 5- The Superintendent B&A (H/O) Peshawar.
- 6- The District Officer Fisheries, Peshawar.
- 7- ✓ The Official Concerned.

*[Signature]*  
DIRECTOR OF FISHERIES  
N.W.F.P., PESHAWAR.

ATTESTED



*Copy 2-5-12*  
*13/7/02*  
*2/2/02*

OFFICE ORDER.

Annex C

The following Posting/Transfers amongst the officials are hereby ordered in the interest of public-service with immediate effect.

S/No.	Name of Officials.	From.	To.
1-	Mr. Mohammad Sajjad-Khan, Fisheries Supervisor (OPS-6).	Distt: Officer-Fisheries, Peshawar office.	Asstt: Director Fisheries, Peshawar office (Post vacated by Hazrat Ullah).
2-	Mr. Sajawal Khan, Head Fisheries Watcher (OPS-3).	Distt: Officer-Fisheries, Pesh; office.	Distt: Officer Fisheries, Pesh; against the post of S/O in his pay scale.
3-	Mr. Bakhtaj Hussain, Head Fish: Watcher (OPS-3).	Distt: Officer-Fisheries, Lower-Dir at Chakdara, office.	Distt: Officer Fisheries, Peshawar office in the leave of S/No.2.

Sd/-  
(UMAR HAYAT)  
DIRECTOR OF FISHERIES  
N.W.F.P, PESHAWAR.

COPIES OF THIS ORDER

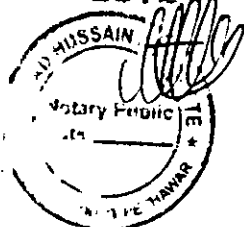
No. 9033-49/DF/E/PF

Dated Peshawar the 15/7/2004.

Copy forwarded for information and necessary-action to:-

- 1- The Accountant General NWFP, Peshawar.
- 2- ✓ The District Accounts Officer, Lower Dir at Chakdara.
- 3- The District Accounts Officer, Peshawar.
- 4- The PG to Secretary to Govt: of NWFP, Environment Department, Peshawar.
- 5- The Executive Distt: Officer (Agri:) Peshawar.
- 6- The Executive Distt: Officer (Agri:) Lower Dir.
- 7- The District Officer Fisheries, Peshawar.
- 8- The District Officer Fisheries, Lower Dir at Chakdara.
- 9- The Assistant Director Fisheries, PCH&TC, Peshawar.
- 10- The Superintendent (Head Quarter) Peshawar.
- 11- The Personal Assistant to Director Fisheries, NWFP, Peshawar.
- 12- Official Concerned.

ATTESTED



Umar Hayat  
DIRECTOR OF FISHERIES  
N.W.F.P, PESHAWAR.



**DIRECTORATE OF FISHERIES KHYBER PAKHTUNKHWA**  
**2, SHAMI ROAD PESHAWAR.**

Ph#091-9212096 & email: kpkfisheries@yahoo.com

12

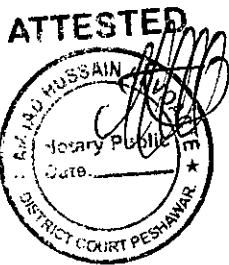
Annex: D

**OFFICE ORDER.**

Consequent upon the recommendation of the Departmental Promotion Committee meeting held on 01/11/2017 under the Chairmanship of the undersigned, the following senior most Fisheries Watchers (BPS-7) are hereby promoted to the post of Head Fisheries Watcher (BPS-9) on regular basis with immediate effect in the best interest of public service:-

Sl#	NAME OF OFFICIALS.	FROM	TO.
1-	Mr. Akhtar Munir.	District Officer Fisheries, Swat at Matta.	District Officer Fisheries, Swat at Matta.
2-	Aamir Khan.	District Officer Fisheries, Chitral.	District Officer Fisheries, Lower Dir.
3-	Muhammad Siraj.	Deputy Director Fisheries, TCTC Swat at Madyan.	Deputy Director Fisheries, TCTC Swat at Madyan.
4-	Mr. Wahid Gul.	District Officer Fisheries, Peshawar.	District Officer Fisheries, Peshawar.
5-	Mr. Fazal Hakeem.	Drawing & Disbursing Officer Fisheries, Charsadda.	Drawing & Disbursing Officer Fisheries, Charsadda.
6-	Mr. Zahir Khan.	District Officer Fisheries, Swat at Mingora.	District Officer Fisheries, Swat at Mingora.
7-	Mr. Itebar Ali.	District Officer Fisheries, Haripur.	District Officer Fisheries, Haripur.
8-	Mr. Ali Muhammad.	Deputy Director Fisheries, TCTC Swat at Madyan.	Deputy Director Fisheries, TCTC Swat at Madyan.
9-	Mr. Faqir Ghulam Selani.	District Officer Fisheries, Bannu.	District Officer Fisheries, Bannu.
10	Mr. Maqbool-ur-Rehman.	Deputy Director Fisheries, Mansehra.	Deputy Director Fisheries Mansehra.
11	Mr. Akhtar Hussain.	Deputy Director Fisheries, Mansehra.	Deputy Director Fisheries Mansehra.
12	Mr. Muhammad Zada.	District Officer Fisheries, Buner/Swat.	District Officer Fisheries, Buner/Swat.
13	Mr. Naveed Ahmed.	Deputy Director Fisheries, CH&TC Sherabad Peshawar.	District Officer Fisheries, Nowshera.
14	Mr. Abdur Razziq.	Assistant Director Fisheries FATA.	Deputy Director Fisheries Mansehra.
15	Mr. Umar Zada.	District Officer Fisheries, Swat.	District Officer Fisheries, Swat.
16	Mr. Abdul Hameed.	Deputy Director Fisheries Kohat.	Deputy Director Fisheries Kohat.
17	Mr. Ghufuran-ud-Din.	Deputy Director Fisheries TCTC Swat at Madyan.	Deputy Director Fisheries TCTC Swat at Madyan.

Sd/-  
(MUHAMMAD DIYAR)  
DIRECTOR OF FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.

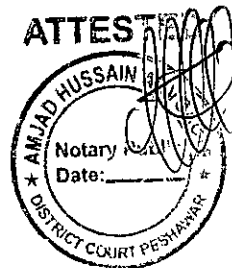


Contd: on P/2---

Copy forwarded for information and necessary action to:-

- 1- The Accountant General Khyber Pakhtunkhwa Peshawar.
- 2- The Accountant General (P.R) Peshawar.
- 3- The District Accounts Officer, Swat, Chitral, Dir Lower, Charsadda, Haripur, Mansehra, Bannu, Buner, Nowsherha and Kohat.
- 4- The Deputy Commissioner, Swat, Dir Lower, Charsadda, Haripur, Mansehra, Bannu, Buner, Nowsherha and Kohat.
- 5- The Section Officer (LFC) Govt. of Khyber Pakhtunkhwa, Agriculture, Cooperative, Fisheries, Livestock & Dairy Dev. Department Peshawar.
- 6- The Deputy Director Fisheries, CH&TC Peshawar, Kohat, Mansehra, TCTC Swat at Madyan.
- 7- The Assistant Director Fisheries, FATA CH&TC Peshawar, Kohat, Swat, TCTC Swat at Madyan, Peshawar, Bannu, Mansehra, Haripur, Charsadda, Dir Lower, Chitral, Buner, Matta Swat & Nowshehra.
- 8- The Superintendent Head Quarter, Peshawar.
- 9- The PA to Director Fisheries KPK, Peshawar.
- 10- Officials Concerned.

DIRECTOR FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR. *AS*





GOVERNMENT OF KHYBER PAKHTUNKHWA  
 AGRICULTURE LIVESTOCK & COOPERATIVE  
 DEPARTMENT

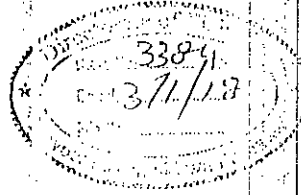
14

No.SQ(LFC)AD-3(2)/PT/2017  
 Dated Peshawar the 26<sup>th</sup> December, 2017

Annex E

To

The Director Fisheries  
 Khyber Pakhtunkhwa Peshawar



Subject:- POSTING / TRANSFER

I am directed to refer to your note on the above captioned subject and to inform that the Hon'ble Special Assistant to Chief Minister for LFC has been pleased to approve the following posting/transfer:-

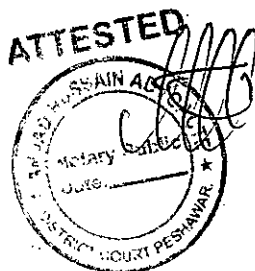
S.No.	Name of Officer	From	To
01	Mr. Itebar Ali Head Fisheries Watcher	Office of District Officer Fisheries, Haripur	Office of District Officer Fisheries, Peshawar.
02	Mr. Bakhtaj Hussain Head Fisheries Watcher	Office of District Officer Fisheries Peshawar	Office of District Officer Fisheries, Haripur

(DR. MIR AHMAD KHAN)  
 SECTION OFFICER  
 LIVESTOCK, FISHERIES & COOPERATIVES

Copy of the above is forwarded to the PS to Secretary Agriculture Department.

SECTION OFFICER  
 LIVESTOCK, FISHERIES & COOPERATIVES  
 Ph: 091-9210973

Handwritten signature and date: 2/1/2018



Endst: No. 3114-14/DGF/Estt:

Dated Pesahwar the 02 /01/2018.

15

Copy forwarded for information and necessary action to:-

- 1- The Accountant General Khyber Pakhtunkhwa Peshawar.
- 2- The District Accounts Officer, Haripur.
- 3- The Assistant Director Fisheries Pesahwar. / Haripur.
- 4- Mr. Itebar Ali, Head Fisheries Watcher O/O District Officer Fisheries Haripur.,
- 5- Mr. Bakhtaj Hussain, Head Fisheries Watcher O/O Assistant Director Fisheries Pesahwar.

DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.

16

To,

The Director General,  
Fisheries and Livestock,  
Khyber Pakhtunkhwa.

Annex: F

**Subject: Departmental Appeal/ Relief about Transfer Order**  
**"No.SO(LFC)AD-3(2)/PT/2017" Dated Peshawar 26 December 2017.**

Dear Sir,

I am writing this letter to appeal against the department decision to transfer me from my current Station Office " District Office Fisheries Peshawar" to ' District Officer Fisheries ,Haripur ". I sincerely thank you for the trust and favor bestowed on me to select me as your favored candidate for the transfer, but I will have to decline the opportunity at this moment due to following reasons,

- That I am a Heart Patient and am suffered with two major Heart Attacks and Doctor has advised me from travelling which can be Fatal for me. (Copy Attached)
- That I am Father of Six (6) Schooling Children who need care and attention with 2 of them preparing for their major examination in next three months.
- That my mother is aged and suffering from different diseases. (Copy Attached)
- That the transfer is purely Illegal and on political basis as Mr Itebar Ali (Head Watcher Fisheries) has spent 30 years in District Peshawar as Watcher and Three months ago, He has been promoted to Head watcher position Stationed at Haripur District, Therefore It would be unfair to transfer me from Peshawar District to Haripur District.

Therefore I request you to kindly take back this notification and suspend my transfer as I would not be able to accept this transfer. It will be difficult for me to relocate the whole family and may put bad impact on my Health. I know it is quite rude on my part to decline the offer but my current Health conditions and family situation would not permit me in doing so.

I do hope that you will consider my appeal favorably and allow me to stay on at this branch. I would be glad if you could kindly accept my appeal and let me continue my job here itself.

Your,s Faithfully,

2 Copies  
10/1/18



Dated -08-01-2018

*(Signature)*

**Bakhtaj Hussain,**  
Head Fisheries Watcher  
Khyber Pakhtunkhwa.

Copy of the above is forwarded to Director Fisheries and Section Officer Livestock, Fisheries and Cooperatives .



17

Annex. G

To,  
The Director General,  
Fisheries and Livestock,  
Khyber Pakhtunkhwa.



Subject: Departmental Appeal/ Relief about Transfer Order  
"No.SO(LFC)AD-3(2)/PT/2017" Dated Peshawar 26 December 2017

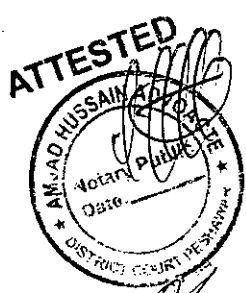
Dear Sir,

I am writing this letter to appeal against the department decision to transfer me from my current Station Office " District Office Fisheries Peshawar" to District Officer Fisheries, Haripur". I sincerely thank you for the trust and favor bestowed on me to select me as your favored candidate for the transfer, but I will have to decline the opportunity at this moment due to following reasons,

- That I am a Heart Patient and am suffered with two major Heart Attacks and Doctor has advised me from travelling which can be Fatal for me. (Copy Attached)
- That I am Father of Six (6) Schooling Children who need care and attention with 2 of them preparing for their major examination in next three months.
- That my mother is aged and suffering from different diseases (Copy Attached)
- That the transfer is purely illegal and on political basis as Mr. Tebar Ali (Head Watcher Fisheries) has spent 30 years in District Peshawar as Watcher and Three months ago, He has been promoted to Head watcher position Stationed at Haripur District. Therefore It would be unfair to transfer me from Peshawar District to Haripur District.

Therefore I request you to kindly take back this notification and suspend my transfer as I would not be able to accept this transfer. It will be difficult for me to relocate the whole family and may put bad impact on my Health. I know it is quite rude on my part to decline the offer but my current Health conditions and family situation would not permit me in doing so.

I do hope that you will consider my appeal favorably and allow me to stay on at this branch. I would be glad if you could kindly accept my appeal and let me continue my job here itself.



Your,s Faithfully,

Dated 08-01-2018

*(Signature)*

Bakhtaj Hussain,  
Head Fisheries Watcher  
Khyber Pakhtunkhwa

*(Handwritten notes)*  
Discuss. DE 11/18  
File

Copy of the above is forwarded to Director Fisheries and Section Officer Livestock, Fisheries and Cooperatives.

### Discharge Report

Annex

7  
H

Cardiology Department  
Postgraduate Medical Institute  
Lady Reading Hospital - Peshawar

NAME : BAKHTAJ HUSSAIN	Age : 40	Sex : Male
Hospital No : 93957-09-07	NOA : 1	DOA : 03/09/2007
Address : VILL. DAGAI BANDA PABBI NOWSHERA.		DOD : 05/09/2007
DIAGNOSIS : Acute myocardial infarction.		

He presented to the hospital with a history of typical chest pain for 3.HRS, dyspnoea N.Y.H.A-IV.

He had past history of CAD. He has no significant family history.

On physical examination his B.P was 100/60, pulse 80 and cardiac findings were unremarkable.

ECG showed ~~ant~~ myocardial infarction, inferior myocardial infarction. Echocardiogram showed Ischaemic Heart Disease mildly impaired lv function.

BIOCHEMICAL: Urea was 28.00 mg/dl, Sugar was 80.00 mg/dl, Cholestrol was 215.00 iu, Triglyceride was 290.00 iu.

His recovery was uncomplicated.

During his stay in the hospital he was given the following medications.

ziscor 5mg od. carsel 50mg od. inj. sk 1.5mil units. ogrel 75mg od. nuista 10mg od. disprin 2tab tds. loprin 75mg od.

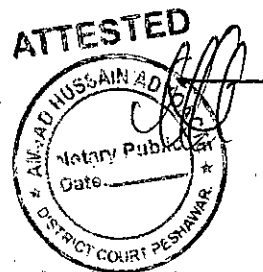
Patient was discharged on the following medications.  
ANGISED 0.5MG SOS. CAP. HELEZOL 20MG AT NIGHT. ZISCAR 5MG OD.  
CARSEL 50MG BD. NICORIL 5MG BD. DISPRIN 2TAB TDS AFTER MEAL.

Handwritten notes in Urdu: ۱۰ دس، ۱۰ دس، ۱۰ دس

Handwritten signature in Urdu

Medical Officer

تین سے زائد سالہ کرایہ کارڈ ہالوی اولی ڈی  
تشریف لائیں -



Admission No 09170582-1

### Operation Notes

Procedure: Optical Urethrotomy.

Patient Name: Bukh Jan

Surgeon: Dr Aziz ur Rahman

Age/Sex: 52 Yrs Male.

Anaesthetist: Dr Zia

Date: 26/09/17

Anaesthesia: Spinal

Scrub Nurse:

Scrub OTA: Asif

Diagnosis. Long Anterior urethral stricture.

Procedure: Lithotomy position. Genital area prepped with povidone- iodine and draped. Xylocaine gel instilled into Urethra.

Cystoscopy: Anterior urethral stricture- Optical urethrotomy done. Long size fibrous stricture. Bladder clear. Size 16 Fr two way catheter passed.

#### Postoperative Instructions.

Monitor vitals.

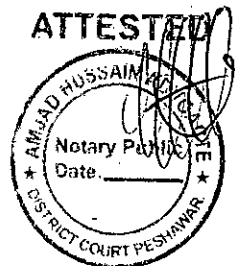
Nil per oral until fully recovered.

Analgesia as required.

Tab. Zinacef 250 mg BD.

Catheter to stay for seven days.

Dr Aziz ur Rahman





# Northwest Endowment Hospital-2

نارتھ ویسٹ فلاحی ہسپتال



Northwest General  
Hospital & Research Centre

NWSM



Free OPD (General Surgery)

091705821 - - BUKHTAJ HUSSAIN SC 2ndry

52-Year(s)

Male

28-Oct-2017

Patient Name: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Date: \_\_\_\_\_

## Clinical Record

Optical Urethrotomy

-26/9/17

Good flow.

Pain on erection

No dysuria.

R

Cap. Evion 200mg

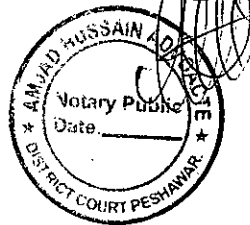
ایک روزانہ - 200

- Tab. Nuberal forte

ایک گنی رات کو - 100

HR

ATTESTED



دوبارہ معائنہ کیلئے ماہ بعد تشریف لائیں۔

Address: Sector A-2, Phase-V,  
Hayatabad, Peshawar Khyber Pakhtunkhwa, Pakistan.

UAN: 091-111-583-880, 091-5838800, Fax: 091-5822620  
E-mail: info@nwihs.edu.pk, Web: www.nwihs.edu.pk

3, 6, 10



**Northwest General**  
Hospital & Research Centre

*Dr. Aziz Ur-Rahman* (20)

MBBS, FRCS (IRE), D.U (Univ. College London)  
FEBU (Fellow European Board of Urology)

Consultant General & Endo Urologist  
Sector A-3, Phase-V, Hayatabad, Peshawar.  
U.A.N: (091) 111-583-880, Ph: 091-5838800,  
Cell: 0333-9278222, E-mail: arurologist@nwgh.pk

PM&DC Reg. No: 2631-N

Date: 25/9/2017

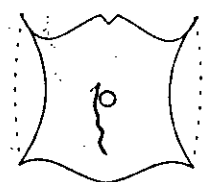
Patient Name: خوشنما رحمت - بی Age 52 Sex: M

HTN: Y/N      DM: Y/N      CAD: Y/N

Hx  
Lt Epid. orchitis

C/O  
Diff in passing  
urine.  
Straining.

O/E  
w/s: ✓



Ex.G:

F E:

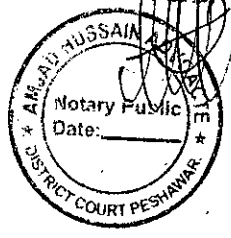
**Adv.**

- U.S Renal
- U.S Abd. + Pelvis
- KUB
- CT-KUB
- U. R/E
- CBC
- Urea
- HBS+HCV
- RBS / FBS
- PSA
- ECG
- Creat
- Cal. +Uric Acid
- HBA1C
- Uroflow
- Echo

Admit for optical  
urethrotomy  
Send blood  
E C G

*[Signature]*

**ATTESTED**



ڈاکٹر عزیز الرحمن

کنسلٹنٹ یورا لوژیسٹ / اینڈ یورا لوژیسٹ  
نارتھ ویسٹ جنرل ہسپتال اینڈ ریسرچ سنٹر

بطن / رگ / اعضاء اور جاننے کیلئے تشریف لائیں۔

# Dr. Adnan Mahmood Gul

M.B.B.S, Dip. Card. MD. Cardiology  
Cardiologist

Associate Professor  
L.R.H. Peshawar  
Clinic: Opp. Al Khidmat Hospital  
Nishtar Abad Peshawar City.

Phone: 091-2217260-2218622  
Mob: 0333-9103683

بروز ہفتہ، اتوار  
چھٹی ہوگی۔

ڈاکٹر عدنان محمود گل

ایم بی بی ایس، ڈپ کارڈ

ایم ڈی - کارڈیالوجی - ماہر امراض قلب

ایسوسی ایٹ پروفیسر لیڈی ریڈنگ ہسپتال پشاور

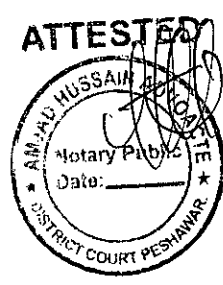
کلینک: بالمقابل الخدمت ہسپتال نیشنل آباد پشاور شہر

Name Baldetaj Hussain Sch. Sch. S Age 50 Sex M Date 27/1/2015

Address Paddi (Nann Gorum) e Jaffer Hpora Chuni/4/18

Anterior chest pain  
inferior MI  
Head rone  
Crown 2005 CABG  
Anxiety  
BP 130/70 mm Hg

Soprallo  
Proprelol  
Enoxim 20  
Sunital 20  
1/1





Operator KALEEMULLAH

Counter : Main Casualty



**POSTGRADUATE MEDICAL INSTITUTE**  
**Government Lady Reading Hospital**  
**Peshawar.**  
**Accident & Emergency Department**

Rs. 10/-

Name \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_

Address BAKHT TAJ Age 44 TAJ

Hospital Yearly No. 132481114 Dated 17-NOV-14 Normal

History / Examination  
PESHAWAR

TREATMENT  
13:06:47

Clust pain  
Inclerant talis  
Comorbidities  
140'

Disprin 200mg  
Propranol 75mg

Triage Status  
Red  
Yellow  
Green

4  
Refer to Cardiology

BP 128/89mmHg  
Pulse  
GCS Score

90/60mmHg

Refer to Cardiology  
from ward  
Ech -> T in  
infer lead

Referred From

Referred to

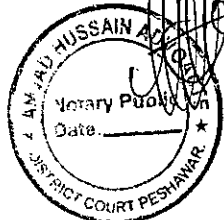
Onu  
Investigations

23/

Dr. Signature: \_\_\_\_\_

Dr. Name: 2

ATTESTED



**Dr. Adnan Mahmood Gul**  
M.B.B.S, Dip. Card. MD. Cardiology  
**Cardiologist**

Assistant Professor  
L.R.H. Peshawar  
Clinic: Rahim Medical Center  
G.T. Road, Peshawar  
☎ 2217260-0333-9103683

بروز ہفتہ، اتوار  
چھٹی ہوگی۔

ڈاکٹر عدنان محمود گل

ایم بی بی ایس، ڈپ کارڈیالوجی  
ایم ڈی - کارڈیالوجی - ماہر امراض قلب  
اسسٹنٹ پروفیسر لیڈی ریڈنگ ہسپتال پشاور  
کلینک: رحیم میڈیکل سنٹر جی ٹی روڈ پشاور

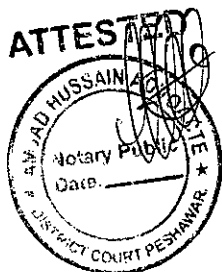
Name Bashir Hussain Age 40 Sex M Date 17/3-8  
Address Pabla

*Coronary artery disease & t/c*  
*BP - 110/80*

*Cardiomegaly*  
*E.C*

*Mitral regurgitation*  
*E.C*

*Arrhythmia*  
*E.C*





**Dr. Adnan Mahmood Gul**  
M.B.B.S, Dip. Card. MD. Cardiology  
**Cardiologist**

Assistant Professor  
L.R.H. Peshawar  
Clinic: Rahim Medical Center  
G.T. Road, Peshawar  
☎ 2217260-0333-9103683

ڈاکٹر عدنان محمود گل

ایم بی بی ایس، ڈپ کارڈ

ایم ڈی - کارڈیالوجی - ماہر امراض قلب

اسٹنٹ پروفیسر لیڈی ریڈنگ ہسپتال پشاور

کلینک: رحیم میڈیکل سنٹر جی ٹی روڈ پشاور

بروز ہفتہ، اتوار  
چھٹی ہوگی۔

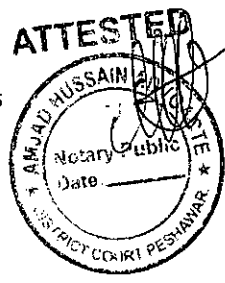
Name Bakhtaj Hussain Age 40 Sex m Date 5/02-8  
Address Pakhs

Norma Cornace Pop-120  
emferapna Anusie 90  
8-405  
Adnif m

~~Dr. Caididul Suf  
E.C~~

~~Muste Plus  
- 10~~

~~Dinpur & K~~



**Dr. Adnan Mahmood Gul**

**M.B.B.S, Dip. Card. MD. Cardiology  
Cardiologist**

Assistant Professor

L.R.H. Peshawar

Clinic: Rahim Medical Center

G.T. Road, Peshawar

☎ 2217260-0333-9103683

ڈاکٹر عدنان محمود گل

ایم بی بی ایس، ڈپ کارڈ

ایم ڈی - کارڈیالوجی - ماہر امراض قلب

اسسٹنٹ پروفیسر لیڈی ریڈنگ ہسپتال پشاور

کلینک: رحیم میڈیکل سنٹر جی ٹی روڈ پشاور

بروز ہفتہ، اتوار  
چھٹی ہوگی۔

Name Bakhtaj Hussain Age 40 Sex m Date 29/10/17

Address Pakhi

~~CAD~~ ~~MI~~ ~~Angina~~ ~~HTN~~  
Bp - 120/80  
39/02  
EKG

~~Nitrate Plus~~

~~Atenolol~~

~~Diltiazem~~

~~Prasugrel~~

23/10/17

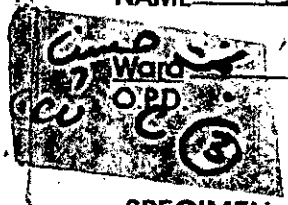
ATTESTED  
AMJAD HUSSAIN  
Notary Public  
Date: \_\_\_\_\_  
DISTRICT COURT PESHAWAR

26

GOVT: LADY READING HOSPITAL, PESHAWAR

LABORATORY REQUEST FORM

NAME Bakht Hussain Date 3/9/07



200 Bed No. 9  
Hospital No. 3

SPECIMEN

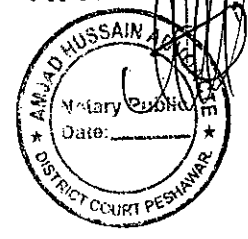
01249

Examination Required

Blood for  
Urea / sugar  
S. creatinine  
C. Enzym  
Lipid profile  
S. Elect

Mh

ATTESTED



50 روپے	پشاور بار ایسوسی ایشن PBA 22459
ایڈوکیٹ: عباد الرحمن	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
بار کونسل ایسوسی ایشن نمبر:	
رابطہ نمبر: 03005932939	

بعدالت جناب: ICP سے روس ٹریڈنگ پشاور

منجانب: امیل مٹ	دعویٰ:
• Bakhtaq	علت نمبر:
بنام	مورخہ:
Fisheries Dept.	جرم:
	تھانہ:

### باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ مقام آن مقام لیسٹا در کیلئے عباد الرحمن اور اس کے ایڈوکیٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر 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 مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 12/11/2018

العبد \_\_\_\_\_ واہ شد \_\_\_\_\_ العبد

مقام \_\_\_\_\_ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

Amh

Bah

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No 154 /ST

Dated 23 /01/2018


To

The Director General, Fisheries & Livestock,  
Government of Khyber Pakhtunkhwa,  
Shami Road Peshawar.

Subject: **ORDER IN SERVICE APPEAL NO. 75/2018, MR.BAKHTAJ HUSSAIN.**

I am directed to forward herewith a certified copy of order dated 18/01/2018 passed by this Tribunal on the above subject for strict compliance.

**Encl: As above**

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

**Service Appeal; No.75 of 2018.**

Bakhtaj Hussain,

VERSUS

Government of Khyber Pakhtunkhwa,  
& Others.

Para wise reply/comments/written statement to the titled service appeal, for & on behalf of  
respondent No.1 to 4 along with preliminary objections regarding maintainability.

Respectfully Sheweth,

**Preliminary Objections: -**

- i) That appellant has got no cause of action.
- ii) That the appellant has got no locus standi to file the instant appeal.
- iii) That appellant has not approached this Honourable Tribunal with clean hands.
- iv) That the appellant has deliberately suppressed certain facts and bent upon to camouflage his wrong deed under the shelter of instant episode in order to pave his way of his transfer order illegally hence required to be discouraged.
- v) That due to concealment of material facts & mis-statement, the appeal is liable to be dismissed with cost.
- vi) That the appellant is stopped by his own conduct to bring the appeal in his own.
- vii) That the Hon'able Tribunal has no jurisdiction to adjudicate the matter.
- viii) That the instant appeal is time bared.
- ix) That the impugned order is in accordance with section 10 of civil servant Act,1973

**REPLY ON FACTS.**

1. No comments.
2. No comments.
3. No comments.
4. No comments.
5. No comments.
6. No comments.
7. Incorrect. The appellant has tried to conceal the real picture for getting sympathy from this Honourable Tribunal. Actually the Administrative Department has issued verbal directives regarding prior consent/approval of the posting transfers in the department, necessary approval of the posting/ transfer of the appellant and respondent No.05 was issued as evident from the contents of the letter vide No.SO(LFC)AD-3(2)/PT/2017 dated.26<sup>th</sup> December, 2017 (**Flag-A**), accordingly posting transfer order was issued by the Competent Authority vide Office Order endorsement No.4496-4500/DG/E dated.03-01-2018 (**Flag-B**).

It is further mentioned here that the appellant did not come to this honorable Tribunal with clean hands, besides lacking the mandatory pre-requisites for Competent Service Appeal, enshrined in Act-I of 1974 abide, furthermore, the deliberations & suppressions of material facts, rather mis-construction of the same for ulterior motives and mala-fide intentions, which is an offense within the meaning of Khyber Pakhtunkhwa, Civil Servants Efficiency & Disciplinary Rules, 2011. For example the appellant has stated in the preliminary arguments that **“the appellant has not yet been relinquish the charge of the post and requested for suspension of operation of impugned transfer order”** for granting of his wrong deed. To comply the directives mentioned in the officer order regarding posting/transfer by the Competent Authority in letter & spirit, both the appellant & respondent No.5 were relieved from their offices with effect from **03-01-2018** vide District Officer Fisheries, Peshawar letter No.1446/DOF/Pesh dated.03/01/2018 (**Flag-C**) & District Officer Fisheries, Haripur office letter No.382-84/DOF/Haripur dated.03/01/2018 (**Flag-D**). A photocopy of the relevant page of their service books & arrival report of Respondent No.5 is also placed before this Hon'able Tribunal for ready reference vide (**Flag-E, F&G**). Further since 2004, till the impugned order the appellant spent 13-years on the post.

8. Incorrect. The appellant submitted an appeal on 10-01-2018 which was considered and the Administrative Department has already been approached for cancellation of the said posting transfer order vide letter No.4697/DGF/Estt dated.17-01-2018 (**Flag-H**), which is under process & further necessary will be initiated as per consent/approval receive in this regard.
9. Incorrect. The appellant is not an aggrieved person within the meaning of Khyber Pakhtunkhwa, Services Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No I of 1974). The holder of the post of Head Fisheries Watcher (BS-09) is transferable throughout in Khyber Pakhtunkhwa/FATA.

### **GROUND.**

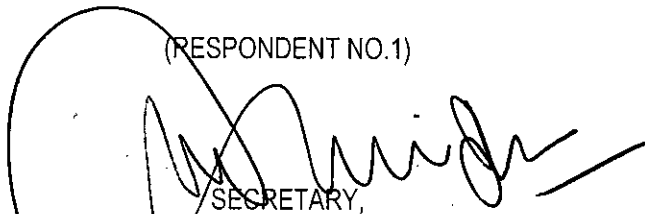
- A. Incorrect, the appellant is a permanent resident of District Nowshera, has very long-service tenure in District Peshawar, therefore his posting/transfer order was issued in the larger interest of public. The impugned order is in accordance with the law.
- B. Incorrect. The appellant is trying to conceal the real fact from this Honourable Tribunal. As explained earlier that the Administrative Department has issued verbal directives regarding prior consent/approval of the posting transfers in the department, necessary approval of the posting/ transfer of the appellant/respondent No.05 was issued as evident from the contents of the letter vide No.SO (LFC)AD-3(2)/PT/2017 dated.26<sup>th</sup> December, 2017), accordingly posting transfer order was issued by the Competent Authority vide Office Order endorsement No.4496-4500/DG/E dated.03-01-2018.
- C. Incorrect. As explain in para-B.
- D. Incorrect. The statement of the appellant regarding his ill-being health/physique does not have any relevancy with the duty or job description of the post of Head Fisheries Watcher.

Actually the incumbent of the post of Head Fisheries Watcher has to perform field duty in rivers, dams & reservoirs in a district & when the appellant of District Nowshera has performed his duties in another district i-e Peshawar then what will happen to perform his duty with the same job description/responsibilities in District Haripur.

- E. Incorrect. The posting transfer of the appellant was issued in the larger interest of public as explained in para-D.
- F. Incorrect. The appellant has submitted a lame excuse for the cancellation of his transfer. Respondent No.5 belongs to District Peshawar and performed his duties for the last one year from his home district as evident vide No.1681-98/DF/E dated.06/01/2017 & No.3246-70/DF/E dated.20/11/2017 (Flag-I&J).
- G. That the respondents seek leave of this honourable Tribunal to raise additional grounds at the time of arguments.

Keeping in view of the preliminary objections and facts of the case, this honourable Tribunal is requested to dismiss the titled appeal with heavy costs throughout in the best interest of Justice.

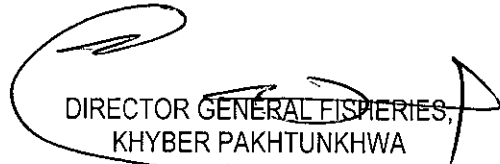
(RESPONDENT NO.1)

  
SECRETARY,  
TO GOVERNMENT OF KHYBER PAKHTUNKHWA,  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT, CIVIL SECRETARIAT PESHAWAR

(RESPONDENT NO.2)

  
SECTION OFFICER,  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT, CIVIL SECRETARIAT PESHAWAR

(RESPONDENT NO.3)

  
DIRECTOR GENERAL FISHERIES,  
KHYBER PAKHTUNKHWA  
PESHAWAR

(RESPONDENT NO.4)

  
DISTRICT OFFICER FISHERIES,  
PESHAWAR



AN



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK & COOPERATIVE  
DEPARTMENT

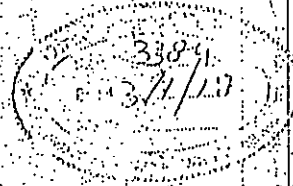
N6.S01.FC)AD:3(2)/PT/2017

Dated Peshawar the 26<sup>th</sup> December 2017

Amey E

To

The Director Fisheries  
Khyber Pakhtunkhwa Peshawar.



Subject: POSTING / TRANSFER

I am directed to refer to your note on the above captioned subject and to inform that the Hon'ble Special Assistant to Chief Minister for L.C.G. has been pleased to approve the following posting/transfer:

S.No.	Name of Officer	From	To
01	Mr. Hebar Ali Head Fisheries Watcher	Office of District Officer Fisheries, Haripur	Office of District Officer Fisheries, Peshawar.
02	Mr. Bakhtaj Hussain Head Fisheries Watcher	Office of District Officer Fisheries, Peshawar	Office of District Officer Fisheries, Haripur

(DR. MUHAMMAD KHAN)  
SECTION OFFICER  
LIVESTOCK, FISHERIES & COOPERATIVES

Copy of the above is forwarded to the P.O. Secretary Agriculture Department.

SECTION OFFICER  
LIVESTOCK, FISHERIES & COOPERATIVES  
Ph: 091-9210973

Handwritten initials and date: 2/11/2017

Attested  
Handwritten signature  
D.O.F. Pesh





**DIRECTORATE OF FISHERIES KHYBER PAKHTUNKHWA,  
2, SHAMI ROAD PESHAWAR.**

Ph#091-9212096 & email kpkfisheries@yahoo.com

B

**OFFICE ORDER.**

Consequent upon the concurrence of the Government of Khyber Pakhtunkhwa, Agriculture, Livestock, Cooperative and Fisheries Department vide their letter No. SO(LFC)/AD-3(2)/PT/2017, dated 26/12/2017, the following posting/transfer is hereby orderd amongst the Head Fisheries Watchers (BPS-9) in the Khyber Pakhtunkhwa, Fisheries Department with effect from 01/01/2018 in the best interest of public service:-

S#.	NAME OF THE OFFICIALS.	FROM.	TO.
1-	Mr. Itebar Ali, Head Fisheries Watcher.	Office of District Officer Fisheries, Haripur.	Office of District Officer Fisheries, Peshawar.
2-	Mr. Bakhtaj Hussain, Head Fisheries Watcher.	Office of District Officer Fisheries, Peshawar.	Office of District Officer Fisheries, Haripur.

Sd/-  
(DR. MUHAMMAD IQBAL)  
DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. 4496-4500 /DGF/E

Dated Peshawar the 3/01/2018.

Copy forwarded for information and necessary action to:-

- 1- The PS to Secretary, Government of Khyber Pakhtunkhwa, Agriculture, Cooperative, Livestock & Fisheries Department Peshawar.
- 2- The Accountant General Khyber Pakhtunkhwa Peshawar.
- 3- The District Accounts Officer, Haripur.
- 4- The Section Officer (LFC) Government of Khyber Pakhtunkhwa, Agriculture, Cooperative, Livestock & Fisheries Department Peshawar with reference to his letter No. SO(LFC)/AD-3(2)/PT/2017, dated 26/12/2017.
- 5- The Deputy Commissioner Peshawar.
- 6- The Deputy Commissioner Haripur.
- 7- The District Officer Fisheries, Peshawar.
- 8- The District Officer Fisheries, Haripur.
- 9- Officials Concerned.

Attested  
[Signature]

[Signature]  
DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.

OFFICE OF THE ASSISTANT DIRECTOR FISHERIES  
2-SHAMI ROAD PESHAWAR

No. 1446/DOF/Peshawar

Dated Peshawar the 03/01/2018.

To

Mr. Bakhtaj Hussain  
Head Fisheries Watcher

Subject: - **RELIEVING**

Reference to the Director of Fisheries Khyber Pakhtunkhwa Peshawar office order  
No.4496-4500 dated 03-01-2018.

Your are hereby relived from your duties today on 03-01-2018 (AN) and directed to report  
for duty in the office of the District Officer Fisheries Haripur.

A/DIR DISTT: OFFICER FISHERIES  
PESHAWAR

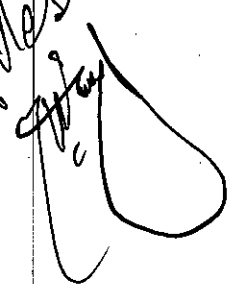
No. 1447-50/DOF/Peshawar

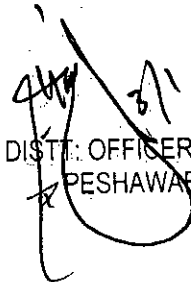
Dated Peshawar the 03/01/2018.

Copy forwarded for information and necessary action to:-

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Director Fisheries Khyber Pakhtunkhwa Peshawar.
3. The District Account officer Haripur.
4.  The District officer Fisheries Haripur.

A/DIR DISTT: OFFICER FISHERIES  
PESHAWAR

Attested  






OFFICE OF THE DISTRICT OFFICER FISHERIES

HARIPUR

No /DOF (H) dated / 01 /2018.

To

Mr. Itbar Ali  
Head Fisheries Watcher  
Haripur.

Subject: RELIEVING ORDER

In compliance to the Director of Fisheries Khyber Pakhtunkhwa Peshawar Office order No: 4496-4500/DF/E dated 03/01/2018 .You are hereby relieved from this Office on dated 03-01-2018 and directed to report for duty in the office of District Officer Fisheries, Peshawar.

DISTRICT OFFICER FISHERIES  
HARIPUR

No 382-84 /DOF (H)

Dated 3 /01 /2018

Copy to:

- 1) The Director of Fisheries Khyber Pakhtunkhwa Peshawar for information with reference to his good self office order No. cited above.
- 2) The District Officer Fisheries Peshawar for information please.
- 3) The District Accounts Officer Haripur for information please.

DISTRICT OFFICER FISHERIES  
HARIPUR

s/c  
H. 4/1/18

Attested  
[Signature]

9	10	11	12	13		14	15	
nature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabie to another Government Period Government to which debitabie		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
		Balent Taj Hussain						
		Due to revision of Pay & Allowances 2017 vide Finance Deptt of Govt of KP Notification No-FD (PRC) 2017, 1-1-2017 dated 17-7-2017						
		Annual Increment Granted Annual Increment						
		A/DIR DIST: OFFICER FISHERIES & PESHAWAR						
		In compliance to the D.G. Fisheries, Khyber Pakhtunkhwa Office Order No 4496-4500 dtd 03-01-18, the staff has been relieved from his duty to day on 03/01/2018 (AN)						
		A/DIR DIST: OFFICER FISHERIES PESHAWAR						
		Service Verified wef 01/12/2017 to 31/12/2017						
		A/DIR DIST: OFFICER FISHERIES PESHAWAR						
		Attested						

A/DIR DIST: OFFICER FISHERIES  
& PESHAWAR

A/DIR DIST: OFFICER FISHERIES  
& PESHAWAR

A/DIR DIST: OFFICER FISHERIES  
& PESHAWAR

A/DIR DIST: OFFICER FISHERIES  
& PESHAWAR

A/DIR DIST: OFFICER FISHERIES  
PESHAWAR

A/DIR DIST: OFFICER FISHERIES  
PESHAWAR

Attested

PR

8	10	11	12	Leave		14	15		
Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.
						Period	Government to which debitible		
			<i>It par Alu</i>						
						<i>The official transferred from Distt. Office Fisheries, Haripur to Distt. Office Fisheries Peshawar vide Director of Fisheries 14PR/Peshawar Office order no. 4496-4509/DF/Estt. dated 03/01/2018;</i>			
						<b>DISTRICT OFFICER FISHERIES HARIPUR</b>			
						<i>Service verified from paid pay roll 01/12/2017 to 31/12/2017.</i>			
						<b>DISTRICT OFFICER FISHERIES HARIPUR</b>			
						<i>The official joined his duty today on 01-01-2018 (FN).</i>			
						<b>A/DIR DISTRICT OFFICER FISHERIES PESHAWAR</b>			
						<i>PR-333 of 14/1/17.</i>			
						<i>verified for start of sown up 1/1/2018.</i>			
						<b>Verified</b> <i>Assistant Account Officer (PR-4)</i> <i>Accountant General (PR), Peshawar</i> <i>14/1/18</i>			
						<i>Attested</i>			

کتابخانه / ADF / دفتر امور بین الملل

عنوان پرونده / پرونده

شماره پرونده

تاریخ گزارش / تاریخ

موضوع پرونده / موضوع

شماره پرونده / تاریخ

تاریخ / تاریخ

موضوع پرونده / موضوع

Seen  
Process the case  
Also send case to  
AG for pay purpose

Attested  
[Signature]



(H)

**DIRECTORATE OF FISHERIES KHYBER PAKHTUNKHWA,  
2, SHAMI ROAD PESHAWAR.**

Ph#091-9212096 & email kpkfisheries@yahoo.com

No. 4697 /DGF/Estt: Dated Peshawar the 17/01/2017.

To

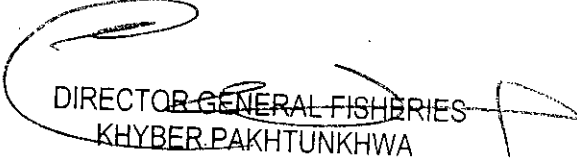
The Section Officer (LFC)  
Government of Khyber Pakhtunkhwa,  
Agriculture, Livestock, Cooperative  
and Fisheries Department Peshawar.

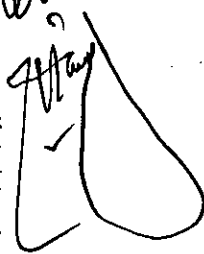
SUBJECT:-

**POSTING/TRANSFER.**

Please refer to your office letter No.S(LFC)AD-3(2)/PF/2017, dated 26/12/2017 & Director General Fisheries KPK letter No.4496-4500/DGF/E, dated 03/01/2018.

It is please stated that the posting/transfer amongst the Head Fisheries Watcher (BPS-9) issued vide letter No.S(LFC)AD-3(2)/PF/2017, dated 26/12/2017 & Director General Fisheries Khyber Pakhtunkhwa office order No.4496-4500/DGF/E, dated 03/01/2018 may be cancelled in the best interest of public service please.

  
DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.

*Attested*  






**DIRECTORATE OF FISHERIES KHYBER PAKHTUNKHWA,**  
**2, SHAMI ROAD PESHAWAR.**  
Ph#031-9212096 & email kpkfisheries@yahoo.com

**OFFICE ORDER.**

The following posting/transfer is hereby ordered amongst the officials in the Fisheries Department with immediate effect in the best interest of public service:-

S#	NAME & DESIGNATION OF OFFICIALS.	From	To
1- ✓	Akhtar Munir, Fisheries Watcher (BPS-7)	O/O District Officer Fisheries, Mingora Swat	O/O District Officer Fisheries, Matta Swat against the existing vacant post of Head Fisheries Watcher (OPS).
2- ✓	Aamir Khan, Fisheries Watcher (BPS-7).	O/O District Officer Fisheries, Chitral.	O/O District Officer Fisheries, Dir Lower against the existing vacant post of Head Fisheries Watcher (OPS).
3- ✓	Muhammad Siraj, Fisheries Watcher (BPS-7).	O/O District Officer Fisheries, Mingora Swat.	O/O Assistant Director Fisheries, TCTC Swat Madyan against the existing vacant post of Head Fisheries Watcher (OPS).
4- ✓	Wahid Gul, Fisheries Watcher (BPS-7).	O/O Asstt. Director Fisheries CH&TC Peshawar.	O/O District Officer Fisheries, Peshawar against the existing vacant post of Head Fisheries Watcher (OPS).
5-	Fazal Hakeem, Fisheries Watcher (BPS-7).	District Charsadda under the control of O/O District Officer Fisheries, Peshawar.	O/O District Officer Fisheries, Charsadda against the existing vacant post of Head Fisheries Watcher (OPS).
6-	Zahir Khan, Fisheries Watcher (BPS-7).	O/O Asstt. Director Fisheries CH&TC Peshawar.	O/O Assistant Director Fisheries Swat at Mingora against the existing vacant post of Head Fisheries Watcher (OPS).
7-	Itebar Ali, Fisheries Watcher (BPS-7).	O/O District Officer Fisheries, Peshawar.	O/O District Officer Fisheries, Haripur against the existing vacant post of Head Fisheries Watcher (OPS) in Distt. Haripur.
8-	Ali Muhammad, Fisheries Watcher (BPS-7).	O/O Asstt. Director Fisheries TCTC Swat at Madyan.	O/O Asstt. Director Fisheries TCTC Swat at Madyan against the existing vacant post of Head Fisheries Watcher (OPS).
9-	Faqir Ghulam Selani, Fisheries Watcher (BPS-7).	O/O District Officer Fisheries, D.I. Chan.	O/O District Officer Fisheries, Bannu against the existing vacant post of Head Fisheries Watcher (OPS).
10	Maqbooi-ur-Rehman, Fisheries Watcher (BPS-7).	O/O District Officer Fisheries, Mansehra.	O/O District Officer Fisheries, Mansehra against the existing vacant post of Head Fisheries Watcher (OPS).
11	Akhtar Hussain, Fisheries Watcher (BPS-7).	O/O District Officer Fisheries, Mansehra.	O/O District Officer Fisheries, Mansehra against the existing vacant post of Head Fisheries Watcher (OPS).
12	Muhammad Zada, Fisheries Watcher (BPS-7).	District Buner under the control of District Officer Fisheries, Swat/Buner.	O/O District Officer Fisheries, Swat/Buner against the existing vacant post of Head Fisheries Watcher (OPS) in District Buner.
13	Abdur Raziq, Fisheries Watcher (BPS-7).	Assistant Director Fisheries, FATA Peshawar.	O/O District Officer Fisheries, Kohistan against the existing vacant post of Head Fisheries Watcher (OPS).
14	Hazrat Saif, Fisheries Watcher (BPS-7).	Assistant Director Fisheries, FATA Peshawar.	O/O District Officer Fisheries, Mansehra against the existing vacant post of Head Fisheries Watcher (OPS).

*Attested*  
*[Signature]*

Contd: on P/2---

S#	NAME & DESIGNATION OF OFFICIALS.	From	To
15	Abdul Hameed, Fisheries Watcher (BPS-7).	O/O District Officer Fisheries, D.I Khan.	O/O District Officer Fisheries, Kohat against the existing vacant post of Head Fisheries Watcher (OPS).


Sd/-  
(DR. SHER MUHAMMAD)  
DIRECTOR FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. 1681-98  
/DF/E

Dated Peshawar the 20/2/2017.

Copy forwarded for information and necessary action to:-

- 1- The Accountant General Khyber Pakhtunkhwa Peshawar.
- 2- The Accountant General (P.R) Peshawar.
- 3- All District Accounts Officer Concerned.
- 4- All Assistant Director Fisheries/District Officer Fisheries in Khyber Pakhtunkhwa/FATA.
- 5- Officials Concerned.

  
DIRECTOR FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.



**DIRECTORATE OF FISHERIES KHYBER PAKHTUNKHWA**  
**2, SHAMI ROAD PESHAWAR**

P/2021-92,1289/6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

*[Handwritten signature]*

**OFFICE ORDER**

Consequent upon the recommendation of the Departmental Promotion Committee meeting held on 01/11/2017 under the Chairmanship of the undersigned, the following senior most Fisheries Watchers (BPS-7) are hereby promoted to the post of Head Fisheries Watcher (BPS-9) on regular basis with immediate effect in the best interest of public service:-

Sr.	NAME OF OFFICIALS.	FROM	TO.
1-	Mr. Akhtar Muneer.	District Officer Fisheries, Swat at Maita.	District Officer Fisheries, Swat at Maita.
2-	Aamir Khan.	District Officer Fisheries, Chitral.	District Officer Fisheries, Lower Dir.
3-	Muhammad Siraj.	Deputy Director Fisheries, TCTC Swat at Madyan.	Deputy Director Fisheries, TCTC Swat at Madyan.
4-	Mr. Wahid Gul.	District Officer Fisheries, Peshawar.	District Officer Fisheries, Peshawar.
5-	Mr. Fazal Hakeem.	Drawing & Disbursing Officer Fisheries, Charsadda.	Drawing & Disbursing Officer Fisheries, Charsadda.
6-	Mr. Zahir Khan.	District Officer Fisheries, Swat at Mingora.	District Officer Fisheries, Swat at Mingora.
7-	Mr. Itebar Ali.	District Officer Fisheries, Haripur.	District Officer Fisheries, Haripur.
8-	Mr. Ali Muhammad.	Deputy Director Fisheries, TCTC Swat at Madyan.	Deputy Director Fisheries, TCTC Swat at Madyan.
9-	Mr. Faqir Ghulam Selani.	District Officer Fisheries, Bannu.	District Officer Fisheries, Bannu.
10-	Mr. Maqbool-ur-Rehman.	Deputy Director Fisheries, Manshira.	Deputy Director Fisheries Manshira.
11-	Mr. Akhtar Hussain.	Deputy Director Fisheries, Manshira.	Deputy Director Fisheries Manshira.
12-	Mr. Muhammad Zada.	District Officer Fisheries, Buner/Swat.	District Officer Fisheries, Buner/Swat.
13-	Mr. Naveed Ahmed.	Deputy Director Fisheries, CH&TC Sherabadd Peshawar.	District Officer Fisheries, Nowshera.
14-	Mr. Abdur Razzaq.	Assistant Director Fisheries FATA.	Deputy Director Fisheries Manshira.
15-	Mr. Umar Zada.	District Officer Fisheries, Swat.	District Officer Fisheries, Swat.
16-	Mr. Abdul Hameed.	Deputy Director Fisheries Kohat.	Deputy Director Fisheries Kohat.
17-	Mr. Ghulam-ud-Din.	Deputy Director Fisheries TCTC Swat at Madyan.	Deputy Director Fisheries TCTC Swat at Madyan.

Sd/-  
(MUHAMMAD DIYAR)  
DIRECTOR OF FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR

Contd: on P/2---

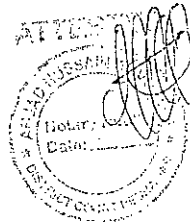


*[Large handwritten signature]*

Copy forwarded for information and necessary action to:-

- 1- The Accountant General Khyber Pakhtunkhwa Peshawar.
- 2- The Accountant General (P.R) Peshawar.
- 3- The District Accounts Officer, Swat, Chitral, Dir Lower, Charsadda, Haripur, Manshera, Bannu, Buner, Nowshera and Kohat.
- 4- The Deputy Commissioner, Swat, Dir Lower, Charsadda, Haripur, Manshera, Bannu, Buner, Nowshera and Kohat.
- 5- The Section Officer (LFC) Govt of Khyber Pakhtunkhwa, Agriculture, Cooperative, Fisheries, Livestock & Dairy Dev. Department Peshawar.
- 6- The Deputy Director Fisheries, CI&TC Peshawar, Kohat, Manshera, TCTC Swat & Madyan.
- 7- The Assistant Director Fisheries, FATA CI&TC Peshawar, Kohat, Swat, TCTC Swat & Madyan, Peshawar, Bannu, Manshera, Haripur, Charsadda, Dir Lower, Chitral, Buner, Motta Swat & Nowshera.
- 8- The Superintendent Head Quarter, Peshawar.
- 9- The PA to Director Fisheries KPK, Peshawar.
- 10- Officials Concerned.

DIRECTOR FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.



قیمت  
50 روپے



29084

ایڈوکیٹ: سید  
بار کونسل ایسوسی ایشن نمبر: Be-107770  
رابطہ نمبر: 0343 777 9997

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سید سید محمد رسول مہدی محمد خواجہ

مخاطب: <u>مسٹر محمد علی (اعتباری)</u>	دعوی:
<u>بمقتضیٰ</u>	علت نمبر:
<u>بنام سکریٹری و سیکریٹری</u>	مورخہ:
	جرم:
	تھانہ:

**باعث تحریر آنگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
آن مقام سید محمد رسول کیلئے طاہر حسین اور حسرت کو وکیل مقرر  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر 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 مختار 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 28-2-2018

المقام سید واہ شد بد  
کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Bakht Taj

V E R S U S

Government of KP etc

REPLY ON BEHALF OF RESPONDENT NO 5

Respectfully Sheweth:-

It is submitted as under:-

PRELIMINARY OBJECTIONS:-

- A) That the Appellant has no cause of action/locus standi to file the instant appeal.
- B) That the appeal in hand is hopelessly time barred.
- C) That the appeal is not maintainable in its present form and it is liable to dismissal.
- D) That the Appellant has not come to the Tribunal with clean hands and the appeal has been filed with mala-fide intention to harass the replying respondent.
- E) That this Honourable Tribunal has no jurisdiction, therefore, the appeal may kindly be dismissed with compensatory cost.
- F) That the instant appeal has become infructuous, hence not maintainable.

ON FACTS:-

- 1) Para No 1 to 6 needs no reply, it is pertaining to record and concerned to Respondents No 1 to 4.

- 2) Para No 7 is illegal, against the fact and bases upon mala-fide; thus the Appellant tried to mislead the Honourable Tribunal. The posting and transfer order is as per Section 10 of Civil Servant Act, 1973.
- 3) Para No 8 needs no comments, because it is concerned with the Respondents No 2 and 3 and they are in better position to reply it as per law.
- 4) Para No 9 is incorrect, hence denied. The order of the authorities is will reasoned and correct as per law, so the Appellant has no right to file the instant appeal.

GROUNDS:-


- A) Ground A is incorrect, hence denied. The transfer and posting order according to law and the authorities has a power to issue the same under the Civil Servant Act, 1973.
- B) Ground B is wrong and no violation has been committed of any provision of law.
- C) Ground C is incorrect. Moreover, it does not relate to replying respondent, as the transfer/ posting in question have been made in accordance with law and there is no mala-fide on the part of Respondents No 1 to 4.
- D) Ground D is incorrect and groundless, because the Appellant has a option to leave the said job on the ground of medical, if he is not feeling well or not fit for the same post.

- E) Ground E is incorrect, hence denied; because as per law there is no ground for the restraining of transfer order upon the plea, which is taken by the Appellant in the said para.
- F) Ground F is incorrect, baseless and also misleads the Honourable Tribunal, the Respondent No 2 has also taken the same salary or benefits as the Appellant.
- G) Ground G is incorrect, hence denied. Furthermore, the Respondent No 5 already the leave the charge from the previous post as per order dated 03-01-2018.

It is, therefore, prayed that the appeal may kindly be dismissed with compensatory cost.

Respondent No 5

Through:

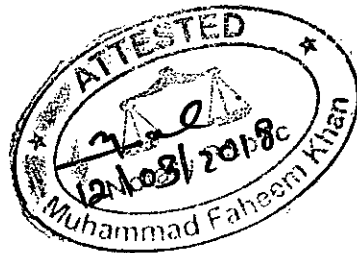
  
(AAMIR HUSSAIN)  
Advocate,  
High Court, Peshawar

Dated:-12-03-2018

AFFIDAVIT:-

It is solemnly affirm on oath that the contents of this written reply are true and correct according to my belief and knowledge and nothing has been concealed or withheld from this Honourable Tribunal.

  
DEPONENT





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Bakht Taj

V E R S U S

Government of KP etc

---

REPLY ON BEHALF OF RESPONDENT NO 5 TO THE APPLICATION

Respectfully Sheweth:-

It is submitted as under:-

PRELIMINARY OBJECTIONS:-

- A) That the Applicant has no cause of action/locus standi to file the instant application.
- B) That the application in hand is hopelessly time barred.
- C) That the application is not maintainable in its present form and it is liable to dismissal.
- D) That the Applicant has not come to the Tribunal with clean hands and the appeal has been filed with mala-fide intention to harass the replying respondent.
- E) That this Honourable Tribunal has no jurisdiction, therefore, the application may kindly be dismissed with compensatory cost.
- F) That the instant application has become infructuous, hence not maintainable.

ON FACTS:-

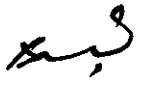
- 1) Needs no comments.

2) Paras No 2 to 4 are incorrect, baseless, false and against the law, hence denied. The Respondent No 5 has a prima facie case, balance of convenience also lies in favour of Respondent 5 and if the instant application is not dismissed, then the Respondent No 5 will suffer irreparable loss.

It is, therefore, prayed that the application may kindly be dismissed with compensatory cost.

Respondent No 5

Through:

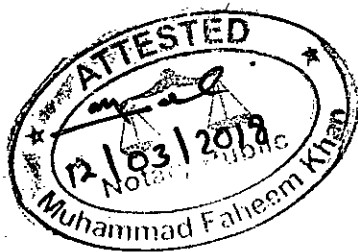
  
(AAMIR HUSSAIN)  
Advocate,  
High Court, Peshawar

Dated:-12-03-2018

AFFIDAVIT:-

It is solemnly affirm on oath that the contents of this written reply are true and correct according to my belief and knowledge and nothing has been concealed or withheld from this Honourable Tribunal.

 DEPONENT  

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 352 /2015

Muhammad Shahid.....Appellant

VERSUS


Director and Others..... Respondents


INDEX

S No.	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-3
2.	Application for suspension of impugned Order with affidavit		4-5
3.	Copy of Notification dated 22-07-2014 and letter dated 21-07-2014	A & B	6-7
4.	Copy of Notification dated 22-07-2014 & Certificate of transfer of charge	C & D	8-9
5.	Copy of Order dated 27-01-2015	E	10-
6.	Copy of departmental appeal & Order on the same	F	11
7.	Copy of Notification dated 02-02-2015	G	12
8.	Wakalat Nama		13

Dated: -09-04-2015

Through

  
Appellant

  
Fazal Shah Mohmand  
Advocate, Peshawar

OFFICE:-

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

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. \_\_\_\_\_/2015

Muhammad Shahid Agency Physical Supervisor (BPS-15), Khyber Agency.....Appellant

VERSUS

1. Director Education FATA, FATA Secretariat Warsak Road Peshawar.
2. Agency Education Officer at Jamrod Khyber Agency.
3. Political Agent Khyber Agency at Khyber House Peshawar.
4. Secretary, Social Sector, Department, FATA Secretariat Peshawar.
5. Secretary, Elementary and Secondary Education, Govt. of KPK Peshawar.
6. Naeem Khan Agency Physical Supervisor, at the office of Agency Education Officer Bajaur Agency ..... Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 09-03-2015 PASSED BY RESPONDENT NO 1 WHERE BY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE ORDER DATED 27-01-2015 WHEREBY THE TRANSFER ORDER IN RESPECT OF THE APPELLANT AS AGENCY PHYSICAL SUPERVISOR KHYBER AGENCY WAS CANCELLED, HAS BEEN FILED.

PRAYER:-

On acceptance of this appeal the impugned order dated 09-03-2015 of respondent No 1 and Order dated 27-01-2015, may kindly be set aside and the appellant may kindly be ordered to be transferred as Agency Physical Supervisor Khyber Agency.

Respectfully Submitted:-

1. That the appellant is the bonafide resident of Khyber Agency, has qualified his Master Degree in Urdu and Senior Diploma in Physical Education (SDPE) and was appointed as Physical Education Teacher on 20-12-2000 and since then he performed his duties as assigned and with honesty and full devotion and to the entire satisfaction of his superior officers.
2. That the appellant while posted as Physical Education Teacher Khyber Agency, the Agency Physical Supervisor of Khyber Agency namely Muhammad Gul got retired from service w.e.f. 31-07-2014 vide Notification dated 22-07-2014. consequently

the appellant was recommended by respondent No 1 to respondent No 2, to be posted as Agency Physical Supervisor BPS-15 vide letter dated 21-07-2014, which was accordingly approved on the same date. (Copies of Notification dated 22-07-2014 & letter dated 21-07-2014 are attached as Annexure A & B).

3. That accordingly the appellant was transferred as Agency Physical Supervisor Khyber Agency vide Notification dated 22-07-2014 and he took the charge on 01-08-2014. (Copy of Notification dated 22-07-2014 and Certificate of transfer of charge is enclosed as Annexure C & D).
4. That astonishingly and illegally the transfer Order of the appellant as Agency Physical Supervisor Khyber Agency was cancelled by respondent No 1 vide Order dated 27-01-2015 and respondent No 6 was transferred in his place. (Copy of the Order dated 27-01-2015 is enclosed as Annexure E).
5. That the appellant submitted Departmental appeal on 05-02-2015, which was filed on 09-03-2015. (Copy of appeal and order on the same is enclosed as Annexure F).
6. That the impugned order dated 09-03-2015 of respondent No 1 and order dated 27-01-2015, are against the law, facts and principles of justice on grounds inter alia as follows:-

## GROUNDS:-

- A. That the impugned orders are illegal and void ab-initio.
- B. That the impugned order is without jurisdiction and legal authority, as respondent No 3 is the competent authority and not respondent No 1.
- C. That the orders are based on nepotism and favoritism besides politically oriented and thus not maintainable in the eyes of law.
- D. That even the same is premature as the appellant was transferred just after about five months of his posting without any justification.
- E. That even otherwise the post is Agency Cadre post and respondent No 6 being belonging to Waziristan Agency can not as such be posted in Khyber Agency. (Copy of Notification dated 02-02-2015 is enclosed as Annexure G).

- F. That even respondent No 6 was transferred with his sweet will from Khyber Agency to Bajaur Agency and even his transfer order is also premature.
- G. That even there is no complaint of any sort against the appellant.
- H. That mandatory provisions of law have been violated by the respondents while taking action against the appellant.
- I. That the appellant has about 15 years of service with unblemished service record and has not relinquished the charge yet.
- J. 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.

Dated: -09-04-2015

*[Signature]*  
Appellant

Through

*[Signature]*  
Fazal Shah Mohmand  
Advocate, Peshawar

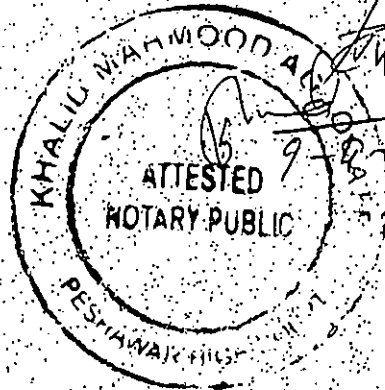
**AFFIDAVIT**

I, Muhammad Shahid Agency Physical Supervisor (BPS-15), Khyber Agency, 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.

Identified by

*[Signature]*

Fazal Shah Mohmand  
Advocate Peshawar



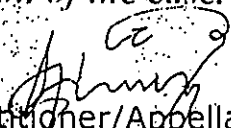
*[Signature]*  
DEPONENT



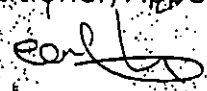
5. That the facts and grounds of the Service Appeal may kindly be read as an integral part of this application.

*It is, therefore, respectfully prayed that on acceptance of this application, the impugned orders dated 27/01/2015 & 09/03/2015 may kindly be suspended, till the final decision of the case.*

Dated:- 09/04/2015

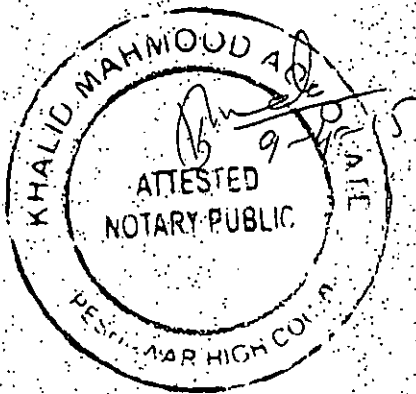
  
Petitioner/Appellant

Through:-

  
Fazal Shah Mohmand,  
Advocate, Peshawar.

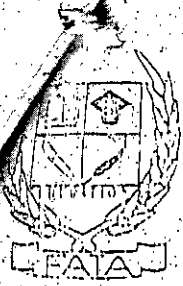
AFFIDAVIT:-

I, Muhammad Shahid Agency Physical Supervisor, Khyber Agency do hereby solemnly affirm and declare on oath that the contents of this accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



  
DEPONENT





6 A

OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY JAMRUD

NOTIFICATION

Consequent upon with the approval of Political Agent Khyber Agency Mr. Muhammad Gul S/O Muhammad Zali Agency Physical Supervisor (BPS-15) ADEO Office Khyber Agency is hereby allowed to retire from services with effect from 31.07.2014 (A.N) on his own request after completion of 30 Years qualifying service

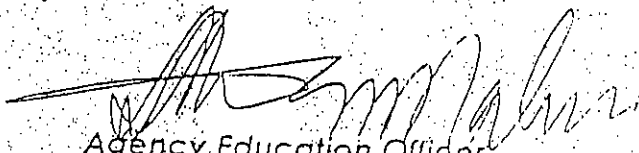
Agency Education Officer,  
Khyber Agency Jamrud  
Eh

Endstt No. 6260-63

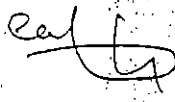
dated 22/07/14

Copy of the above is forwarded to the:

1. Director Education FATA, Peshawar.
2. Political Agent Khyber Agency.
3. Agency Accounts Officer Khyber Agency.
4. Supdt: AEO Office
5. Official Concerned.

  
Agency Education Officer,  
Khyber Agency Jamrud  
Eh

Attested

  
del.



7

AGENCY EDUCATION OFFICE KHYBER  
PHONE: 091-5820265 FAX 091-5820265  
NO. 6256 DATED 21/07/2014

To

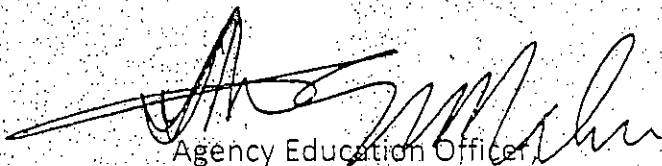
The Political Agent,  
Khyber Agency.

Subject: Approval of APS in Khyber

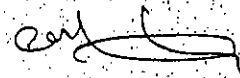
Memo;

Consequent upon the retirement of Mr. Muhammad Gul APS BPS-15 Mr. Muhammad Shahid PET BPS-15 may kindly be approved to be posted as APS in Khyber.

Mr. Muhammad Shahid PET will also run the Computer EMIS Cell, being proficient in MS Office & Coral Draw.

  
Agency Education Officer,  
Khyber Agency at Jamrud

Approved  
21/7

Attested  
  
Adm

8

AGENCY EDUCATION OFFICE KHYBER  
PHONE: 091-5820265 FAX 091-5320265  
NO: 6324 DATED 22/07/2014

NOTIFICATION

Consequent upon the retirement of Mr. Muhammad Gul APS w.e.f 31 July 2014 and subsequent approval of Political Agent Agency Khyber Agency Mr. Muhammad Shahid PET BPS 15 is hereby transformed from GHS Paindi Lalma Khyber Agency and posted as Agency Physical Supervisor Khyber agency at Jamrud w.e.f the retirement of Mr. Muhammad Gul APS.

(Atiq-ur-Rahman)  
Agency Education Officer  
Khyber Agency at Jamrud

Endst. No. 6325-34 Dated 22/07/2014 ✓

Copy of the above is forwarded to the:-

01. Secretary Social Sector Department FATA Secretariat Peshawar.
02. Political Agent Khyber Agency at Khyber House Peshawar.
03. Director Education FATA FATA Secretariat Peshawar.
04. Director Sports FATA FATA Secretariat Peshawar.
05. Account Officer Khyber at Jamrud.
06. Head Mastor GHS Paindi Lalma Khyber Agency.
07. Officials Concerned.
08. Superintendent local office.

Attested

*[Handwritten signature]*

*[Handwritten signature]*  
AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD

(9)

D

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE  
CERTIFICATE OF TRANSFER OF CHARGE

Certified that I, Mohammad Shahid  
have this day before noon taken over charge of the office AEO, Khyber Agency at  
Samrud with reference to the Order of the N.W.F.P. Government  
No. 6324-35 Dated 22-07-2014  
transferring Mr. Mohammad Gul is retired.

2. Particulars of Cash and Important/Secret/Confidential documents handed over/taken over are noted on the reverse.

Station: AEO Office Khyber Agency at Samrud  
Signature of relieved Government Servant

Designation: Agency physical supervisor  
Signature of Government Servant receiving charge

Dated: 4/08/2014  
Designation: Agency physical supervisor

Endst. No. 6324-35 Dated: 22-7-2014

From: Agency Education Officer, Khyber Agency

To: Agency Education Officer, Khyber Agency at Jamrud

- The Accountant-General, N.W.F.P., Peshawar.
- P.A. Khyber Agency at Khyber Agency
- D.E. FATA, FATA Secretariat Peshawar.
- Account Office Khyber Agency
- Director Sports, FATA, FATA Secretariat Peshawar.

The charge of the Office of Agency Physical Supervisor  
was transferred from Mr. Mohammad Gul  
to Mr. Mohammad Shahid  
on the fore noon of the 11/8/14

Attested  
[Signature]

DIRECTORATE OF EDUCATION, FATA SECRETARIAT, PESHAWAR  
TRANSFER/CANCELLATION

10 E

Mr. Naeem Khan APS, Officer of the AEO, Bajour Agency, is hereby transferred to his own pay & scale to the Office of the Agency Education Officer Khyber Agency, Jamrud from the date of his taking over charge vide S/No. 2 in the interest of public service.

2. Transfer order in respect of Muhammad Shahid PET GHS Pandi Lalma Khyber Agency issued vide AEO Khyber Endst. No G325-34 dated 22/07/2014 as Agency Physical Safes use hereby cancelled.

NOTE:-

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

DIRECTOR EDUCATION (FATA)

1079-85  
Endst. No. \_\_\_\_\_ /A-12/ Naeem Khan APS

Dated Pesh. the 27/11 2014

Copy forwarded to the:-

1. Agency Education Officer, Bajour Agency at Khar.
2. Agency Education Officer Khyber Agency at Jamrud.
3. Agency Accounts Officer, Bajour Agency at Khar.
4. Agency Accounts Officer Khyber Agency at Jamrud.
5. Headmaster GHS Pandi Lalma Khyber Agency.
6. EMS Local Directorate.
7. Teacher concerned.

DEPUTY DIRECTRESS (ESTAB)

Attested  
[Signature]

ایجوکیشن فائنانسنگ ٹریسٹ پشاور  
مذکورہ ذیل منسوخ تبادلہ

جولائی 2014 کو ریٹریبل ایجنٹ خیر نے اور بعد میں ایجنسی ایجوکیشن ایسٹریٹس آرڈر

پر گورنار تھا جس پر بعد عرضہ جھ میں سے اپنے خدمات اسن طریقے سے انجام دے رہا

اور بعد خیر ایجنسی کا مستقل باشندہ بھی ہے۔

دسمبر 2015 کو کنسل کر کے ایم خان APS کو باجوڑ ایجنسی سے خیر ایجنسی ٹرانسفر کیا۔ کہ نہ تو ایم خان خیر ایجنسی کا مستقل باشندہ ہے۔ اور

اس لیے اب ایم خان خیر ایجنسی کے لئے ایک نیا ایجنٹ باجوڑ ایجنسی سے مقرر کیا گیا ہے اور اس کی tenure بھی ایسی اور نہیں ہوتی۔  
اس لیے اب ایم خان خیر ایجنسی کے لئے ایک نیا ایجنٹ باجوڑ ایجنسی سے مقرر کیا گیا ہے اور اس کی tenure بھی ایسی اور نہیں ہوتی۔  
بندہ شکور و ممنون رہے گا۔

التوازی

محمد شاد

05/02/2015

محمد شاد ایجنسی ٹریسٹ پشاور خیر ایجنسی

Process pl

DD/ADCS

05/2/15

pl file

9/3/2015

Attested

ent

Ado



Establishment Section

**FATA SECRETARIAT**  
ADMINISTRATION, INFRASTRUCTURE & COORDINATION DEPARTMENT  
WARSAK ROAD PESHAWAR

(12)

9

**NOTIFICATION:**

No. FS/E/100-19(Vol-41)/11/11 On creation of Agency Cadre for appointment on posts from BS-1 to BS-15 vide FATA Secretariat Notification No. FS/E/100-19(Vol-28)/6981-94 dated 03-08-2009, the competent authority has been pleased to declare the following as "Appellate Authorities" for the employees in Basic Pay Scales as noted against each:

S.No	Basic Pay Scale (1)	Appointing Authority (2)	Appellate Authority (3)
1	For holders of posts in BPS 1 to BPS-10	Agency Officer incharge of the concerned department in Agency/FRs	Director of concerned Line Directorate
2	For holders of posts in BPS 11 to BPS-15	Political Agent concerned	Respective Administrative Secretary of the concerned Line Directorate in FATA Secretariat

SECRETARY (ADMIN. INFRA. & COOR.)

Dated 02/02/2015  
Copy to

- All Administrative Secretaries in FATA Secretariat
- All Heads of Line Directorates in FATA Secretariat
- All Political Agents / *پولٹیکل ایجنٹس*
- Deputy Commissioners (for FRs)
- PS to ACS FATA
- PS to Secretary A&C Department
- File No. FS/E/100-19(Vol-28-Agency Cadre)

Accd. II

*[Handwritten mark]*

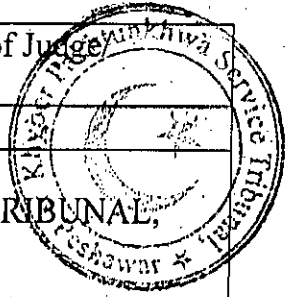
*[Handwritten mark]*

(SAIFULLAH KHAN  
Section Officer (Estab.))

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	21.10.2015	<div data-bbox="1145 191 1433 489" style="text-align: right;">  </div> <p style="text-align: center;"><b>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</b></p> <p style="text-align: center;">Service Appeal No. 352/2015 Muhammad Shahid Versus Director of Education (FATA) KPK Peshawar etc.</p> <p style="text-align: center;"><b><u>JUDGMENT</u></b></p> <p><b><u>FIR BAKHSH SHAH, MEMBER.-</u></b> .. Appellant with counsel (Mr. Fazal Shah Momand, Advocate), Government Pleader (Mr. Muhammad Jan) and private respondent No. 6 with counsel (Mr. Ibadur Rahman, Advocate) present.</p> <p>2. Appellant Muhammad Shahid, PET (BPS-15) was in GHS Painsi Lalma. Vide order dated 22.07.2014, he was transferred and posted as Agency Physical Supervisor Khyber Agency at Jamrud on the retirement of Muhammad Gul, then Agency Physical Supervisor. Lateron vide impugned order dated 27.1.2015, the appellant was sent back to his original post of PET by cancelling his previous order and in his place Mr. Naeem Khan, Agency Physical Supervisor was transferred from Bajaur Agency to Khyber Agency. Feeling aggrieved, the appellant submitted his departmental appeal before the Director of Education (FATA) but in vain, hence this appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p>

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

VV



3. The learned counsel for the appellant submitted that the post of PET and APS (BPS-15) are Agency Cadre posts which are interchangeable and as the appellant has not yet completed his tenure, therefore, the impugned order is against rules, government posting/transfer policy. He also submitted that unlike private respondent No. 6, appellant is the resident of Khyber Agency, therefore, on this score, is having more entitlement to the disputed post than private respondent No. 6.

4. To resist this appeal, learned counsel for private respondent No. 6 and learned Government Pleader submitted that the appellant basically belongs to the cadre of PET which is agency cadre post, different from the cadre of APS, a sub-cadre post of the provincial level and despite the fact that presently both are in BPS-15 as post of PET was upgraded from BPS-9 to 15 whereas the post of APS is still in process of upgradation, They are not interchangeable. They argued that as a suitable incumbent was not available at the time of retirement of Mr. Gul Muhammad, therefore, the appellant was adjusted on the post as stop-gap-arrangement. They submitted that respondent No. 6 is badly suffering because the respondent department is not paying salary to the private respondent No. 6 because of this appeal which may be decided as priority basis.

ATTENDED

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5. We have heard arguments of the learned counsel for the parties and perused the record with their assistance.

6. In the light of arguments and perusal of the record, the Tribunal is convinced that the cadres of both the posts of APS and PET are distinct and not interchangeable despite the fact that both are presently in BPS-15. This may also be observed that in view of the above fact the appellant seems to have been transferred to the post of APS as a stop-gap-arrangement. The impugned order is not perverse or against rules, hence there is no occasion of any interference. Consequently it is held that the appeal being devoid of merit is dismissed. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED  
21.10.2015.

*Sd/- Mr. Barkatullah Shah,*  
member

*Sd/- Abdul Latif,*  
member

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Keshwanur

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