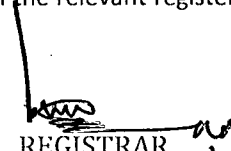

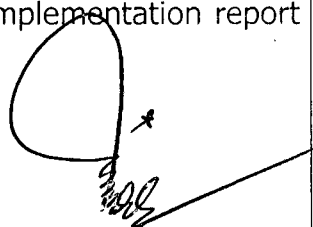


Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 393/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06.07.2022	<p>The execution petition of Mr. Khan Zaman submitted today by Mr. Ashraf Ali Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2	7-7-2022	<p>This execution petition be put up before Single Bench at Peshawar on <u>13-7-2022</u>. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed:</p> <p> CHAIRMAN</p>
	13.07.2022	<p>Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.</p> <p>Learned Additional Advocate General seeks time to contact the respondents for submission of implementation report. Adjourned. To come up for implementation report on 12.09.2022 before S.B.</p> <p> (Mian Muhammad) Member (E)</p>

SCANNED
KPST
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 343/2022

IN

Service Appeal No.670/2022

SCANNED
KPST
Peshawar

Khan Zaman,
District Food Controller, Karak.....Appellant.

Versus


The Chief Secretary,
Govt. Khyber Pakhtunkhwa & othersRespondents.

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Application for execution with affidavit.			1-3
2.	Copy of impugned order.	05-04-2021	A	0-4
3.	Copy of Order Sheet.	29-04-2021	B	5-6
4.	Copy of letter.	01-06-2022	C	0-7
5.	Copy of Notification.	24-06-2022	D	0-8
6.	Wakalat Nama			0-9


Applicant / Petitioner

Through


Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

Dated: 05 / 07 / 2022

&

Ali Bakht Mughal
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 393/2022

IN

Service Appeal No.670/2022



Khan Zaman,
District Food Controller, Karak.....Appellant.

Versus

The Chief Secretary,
Govt. Khyber Pakhtunkhwa & othersRespondents.

**APPLICATION FOR EXECUTION/IMPLEMENTATION
OF THE ORDER OF THIS HONOURABLE TRIBUNAL
DATED 29-04-2021 PASSED IN SERVICE APPEAL
NO. 670/2022.**

Respectfully Shweth,

The applicant humbly submits as to the following;

1. That applicant filed the titled service appeal with application for suspension of operation of impugned transfer order dated 05-04-2022.
Copy of impugned order dated 05-04-2022 is attached as **Annexure-A**.
2. That on 29-04-2021 this Hon'ble Tribunal has allowed the annexed application and suspended the operation of impugned order dated 05-04-2022. The operative part of the Order Sheet is reproduced for immediate reference as under;

“Annexed with the memo of appeal is an application for suspension of impugned order dated 05.04.2022. Notice of this application be issued to respondents. In the meanwhile, operation of impugned order shall remain suspended, if not acted upon earlier”.

Copy of Order Sheet dated 29-04-2021 is attached as **Annexure-B**.

3. That to the utterance surprise, respondent department issued another letter dated 01-06-2022 wherein it has been shown that Mr. Adil Badshah DFC (respondent No.3) has assumed the charge of the post of DFC Karak with endorsement that all business pertaining to Food Department at District Karak may be dispose off through Mr. Adil Badshah DFC Kohat (respondent No.3), who has been entrusted with additional charge of the DFC Karak, which amount to contempt to the order this Hon'ble Tribunal dated 29-04-2021.

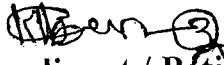
Copy of letter dated 01-06-2022 is attached as **Annexure-C**.

4. That contemnors / respondents again issued Notification No.SO(G)/FOOD/7-2/2022/VOL-VI/11364 dated 24-06-2022 wherein one Mr. Hashim Khan transferred from Storage & Enforcement Officer, Azakhel, District Nowshera to District Food Controller, District Karak with immediate effect and that too in violation of the order of this Hon'ble Tribunal dated 29-04-2021.


Copy of Notification dated 24-06-2022 is attached as **Annexure-D**.

5. That this act of respondents / issuance of transfer orders during the existence of the order of this Hon'ble Tribunal dated 29-04-2021 in the above titled service appeal, amounts to contempt of Court.

In view of the above submissions, it is humbly requested that the Order of this Hon'ble Tribunal dated 29-04-2021 may kindly be executed/ implemented and the respondents may graciously be restrained from issuance of further orders/ taking actions against the applicant/ petitioner till the disposal of titled service appeal and the contemnors may be punished accordingly for contempt of the order of this Hon'ble Tribunal dated 29-04-2021.


Applicant / Petitioner

Through


Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

&


Ali Bakht Mughal
Advocate, Peshawar

Dated: 05 / 07 / 2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. _____/2022

IN

Service Appeal No.670/2022

Khan Zaman,
District Food Controller, Karak.....Appellant.

Versus

The Chief Secretary,
Govt. Khyber Pakhtunkhwa & othersRespondents.

AFFIDAVIT

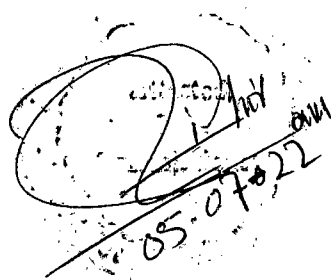
I, Khan Zaman District Food Controller, Karak do hereby solemnly affirm and declare on oath that the contents of this execution petition are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

CNIC: 14203-2036285-1

Cell: 0342-9760291



Annex-A (4)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT**

Peshawar, the April 5, 2022

NOTIFICATION

NO.SO(G)/FOOD/I-2/2019/VOL.VI/10963 : The Competent Authority is pleased to direct Mr. Khan Zaman District Food Controller, Karak to report to the Food Directorate with immediate effect.

2. Consequent upon the above, Mr. Adil Badshah District Food Controller Kohat is hereby authorized to hold charge of the post of DFC Karak in addition to his own duties, till further orders.

**SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT**

Endorsement & Date Even:

Copy forwarded to:

1. The Accountant general Khyber Pakhtunkhwa, Peshawar.
2. The Director Food Khyber Pakhtunkhwa, Peshawar
3. The District Account Officers, Karak and Kohat.
4. The Assistant Director Food Kohat Division.
5. The Assistant Director (IT/Network) Food Directorate, Peshawar.
6. The District Food Controllers, Karak and Kohat.
7. Officers concerned.
8. PS to Minister Food, Khyber Pakhtunkhwa.
9. Ps to Secretary Food, Khyber Pakhtunkhwa.
10. Personal files

Compliance report may be PDU in two days.

MALIK
5/4/2022

(ENGR. MALIK M. AHISAN TAHIR)
SECTION OFFICER (GENERAL)
KP FOOD DEPARTMENT

(Signature)

*FBST
464
5/4/22*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Annex B (5)

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. _____/2022

Diary No. 624

Dated 27/4/2022

Khan Zaman,
District Food Controller,
Karak

Appellant.

versus

1. The Chief Secretary,
Govt: Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
2. The Secretary.
Govt: of Khyber Pakhtunkhwa,
Food Department, Civil Secretariat, Peshawar.
3. Mr. Adil Badshah DFC, Kohat..... Respondents.

Service Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 read with clause No.XIV Khyber Pakhtunkhwa Govt: Posting and Transfer Policy against the impugned posting/transfer order dated 05-04-2022 of respondent No.2, thereby he directed the appellant to report to the Food Directorate with immediate effect and authorized Mr. Adil Badshah District Food Controller, Kohat (respondent No.3) to hold charge of the post of DFC, Karak in addition to his own duties (additional charge) till further order and against which appellant filed departmental appeal before the respondent No.1 under clause No.XIV of the KP Posting and Transfer Policy, which is still pending without disposal.

Prayer in Appeal:

On acceptance of the instant service appeal; this Hon'ble Tribunal may graciously be pleased to:

Filed on-day

Registrar

27/4/2022

ATTESTED

SECRETARY
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

29.04.2021

Case file received from the office of Registrar on the verbal direction of Hon'ble Chairman.

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 16.05.2022 before S.B.

Annexed with the memo of appeal is an application for suspension of impugned order dated 05.04.2022. Notice of this application be issued to respondents. In the meanwhile, operation of impugned order shall remain suspended, if not acted upon earlier.

(Rozina Rehman)
Member (J)

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of presentation of application 29/4/2022
10 -
4 -
14 -
29/4/2022



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD,
PESHAWAR

No: 1099/PF-1248
Dated: 11/6/2022

☎ 091-9225376 M fooddirectoratkpk@gmail.com F @fooddirectoratkpk T @fooddirectoratkpk

To:

The Deputy Commissioner,
Karak

Subject: RELINQUISH OF CHARGE OF THE POST OF DISTRICT FOOD CONTROLLER, KARAK.

Reference your letter No. 176/DC/ADD (G)/Report dated 13-04-2022 on the subject cited above.

2. Mr. Khan Zaman DFC has been transferred from the post of District Food Controller, Karak to Directorate of Food, Khyber Pakhtunkhwa vide Food Department Notification No. SO (G)/Food/1-1/2019/Vol VI/10953 dated 5th April, 2022 and Mr. Adil Badshah, District Food Controller, Kohat authorized to take charge of the post of DFC Karak in addition to his own duties.

3. Accordingly Mr. Adil Badshah DFC has assumed the charge of the post of DFC Karak. It is therefore requested that all business pertaining to Food Department at District Karak may be disposed off through Mr. Adil Badshah DFC Kohat with additional charge of the post of DFC Karak please.

DIRECTOR FOOD,
KHYBER PAKHTUNKHWA,
PESHAWAR.

Endorsement No & Date Even:

- 1. Copy is forwarded to
- 2. Staff of Food Department working in Karak
- 3. The Deputy Commissioner, Karak with reference to his letter No. noted above
- 4. The District Accounts Officer, Karak
- 5. The Deputy Director, Food Kohat Division
- 6. Mr. Adil Badshah, District Food Controller
- 7. P.O. Secretary Food Khyber Pakhtunkhwa
- 8. P.O. Commissioner Kohat
- 9. All Managing Directors of Flour Mills in Karak
- 9. Concerned Files

DIRECTOR FOOD,
KHYBER PAKHTUNKHWA,
PESHAWAR.



GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Annex-D (8)

Peshawar, the June 24, 2022

NOTIFICATION

NO.SO(G)/FOOD/7-2/2022/VOL-VI/11364: Mr. Hashim Khan (BPS-17) is hereby transferred from Storage & Enforcement Officer Azakhel, District, Nowshera to District Food Controller, District Karak with immediate affect, in the best Public Interest.

SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Endorsement & Date Even:

Copy forwarded to:

1. All the Administrative Secretaries, Khyber Pakhtunkhwa, for information.
2. Accountant General, Khyber Pakhtunkhwa, for information.
3. Director General, Food Safety And Halal Food Authority, Khyber Pakhtunkhwa for information.
4. Director, Food Directorate, Khyber Pakhtunkhwa for information.
5. All the Deputy Commissioners, Khyber Pakhtunkhwa, for information.
6. All the District Food Controllers, Khyber Pakhtunkhwa, for information.
7. PS to Minister Food, Khyber Pakhtunkhwa, for information.
8. PS to Secretary, Food Department, Khyber Pakhtunkhwa for information.
9. Officers concerned.
10. Manager, Government Printing Press, Peshawar.

MA
24/6/2022

(ENGR. MALIK M. AHSAN TAHIR)
SECTION OFFICER (GENERAL)
KHYBER PAKHTUNKHWA FOOD DEPARTMENT

(Signature)

WAKALAT NAMA

IN THE COURT OF Peshawar Service Tribunal

Khan Zaman Food
Deli on Levala Appellant(s)/Petitioner(s)

VERSUS

The Govt. G.P.C
And others Respondent(s)

I/We Khan Zaman do hereby appoint
Mr. Ashraf Ali Khattak, Advocate Supreme Court of Pakistan &
Mr. Ali Bakht Mughal Advocate, Peshawar in the above mentioned
case, to do all or any of the following acts, deeds and things.

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

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this 5th July, 2022.

Attested & Accepted by

[Signature]
Signature of Executants

ASL
Ashraf Ali Khattak,
Advocate,
Supreme Court of Pakistan

&

[Signature]
Ali Bakht Mughal
Advocate Peshawar