

27.07.2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl. Advocate General for respondents present.

2. Learned counsel for the petitioner submitted an application for withdrawal of the instant C.O.C Petition No. 384/2022, wherein he stated that grievance of the petitioner has been redressed and he wants to withdraw the instant petition. Application is placed on file. Dismissed accordingly. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 27th day of July, 2022.*




(Farzha Paul)
Member (E)

5th July, 2022

Learned counsel for the petitioner present.

Learned counsel for the petitioner submitted that on 21.12.2021, the Tribunal on the appeal of the petitioner No. 7840/2021 titled "Hashim Khan" suspended the operation of the impugned order dated 10.11.2021 but respondents (Secretary to the Government of Khyber Pakhtunkhwa Food Department) in utter violation of order of the Tribunal, in order to exploit the same passed another order dated 24.06.2022, transferring the petitioner from the post of Storage and Enforcement Officer (S&EO) Azakhel Nowshera to the post of District Food Controller, District Karak. The learned counsel for the petitioner produced copy of an order passed in appeal No. 670/2022 titled "Khan Zaman-vs- Chief Secretary etc" wherein the Tribunal has already suspended the operation of transfer order of Khan Zaman, who by virtue of the said order was working as DFC, Karak, therefore, the order dated 24.06.2022 posting the petitioner against a post occupied by another officer was not implementable. Notice of this application be issued to the respondent to show cause as to why proceedings under Order-XXXIX rule-2(3) of the CPC should not be initiated against him. Respondent is impleaded by name, therefore, he is directed to appear in person and submit reply on or before the next date. To come up for further proceedings on 27.07.2022 before S.B at Peshawar.

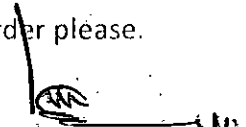



(Kalim Arshad Khan)
Chairman

FORM OF ORDER SHEET

Court of _____

C.O.C application No. 384 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01/07/2022	<p>The C.O.C application of Mr. Hashim Khan submitted today by Mr. Taimur Ali Khan Advocate, may be entered in the relevant Register and put up to the Court for proper order please.</p> <div style="text-align: right;">  REGISTRAR </div>
2	04/7/22	<p>This C.O.C application be put up before Single Bench at Peshawar on <u>05/7/22</u>. Original file be requisitioned. Notices to the parties be also issued for the date fixed.</p> <div style="text-align: right;">  CHAIRMAN </div>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

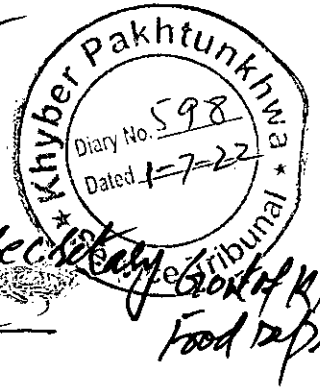
Case Application no. 384/2022

Service Appeal No. 7840/2021

Hashim Khan

V/S

Ms. Mashtaq Ahmad (Secretary, Tribunal)
Food Dept



.....
APPLICATION UNDER ORDER 39 RULE 2 (3) OF THE CPC FOR INITIATION OF CONTEMPT OF COURT PROCEEDING AND FOR SUSPENSION OF TRANSFER ORDER DATED 24.06.2022, WHEREBY THE APPELLANT WAS TRANSFER FROM STORAGE & ENFORCEMENT OFFICER DISTRICT NOWSHERA TO DISTRICT FOOD CONTROLLER, DISTRICT KARAK DESPITE THE FACT THE APPELLANT IS WORKING ON THE SUSPENSION ORDER DATED 21.12.2021 OF THIS HONOURABLE SERVICE TRIBUNAL IN SERVICE APPEAL NO. 7840/2021.

.....
RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant service appeal against the order dated 10.11.2021, whereby the appellant was transferred from the post of storage and enforcement officer (S&EO) Azakhel Nowshera to report to the Directorate of Food Peshawar along the suspension application in this Honorable Tribunal.
2. That the appeal of the appellant was fixed on 21.12.2021, the Honorable Tribunal admitted the service appeal for regular hearing and also suspended the operation of impugned order dated 10.11.2021 on the date fixed i.e. 21.12.2021. (Copy of order sheet dated 21.12.2021 is attached as annexure-A)
3. That the appellant was working on post of storage and enforcement officer (S&EO) Azakhel Nowshera on the basis of suspension order dated 21.12.2021 of this Honorable Tribunal and the case of the appellant is fixed on 27.07.2022 for arguments and during the pendency of service appeal and suspension order dated 21.12.2021, respondent No.1 passed an order dated 24.06.2022, whereby the appellant was transferred from Storage & Enforcement Officer District Nowshera to District Food Controller, District Karak in utter violation of suspension order dated 21.12.2021 of this Honorable Tribunal. (Copy of order dated 24.06.2022 is attached as Annexure-B)

4. That the appellant is working on the basis of suspension order dated 21.12.2021 of this Honorable Tribunal and his case is pending for adjudication before this Honorable Tribunal, but despite that the respondent department passed an order dated 24.06.2022 in clear violation of order dated 21.12.2021 of this Honorable Tribunal and amount to competent of court.

PRAYER

It is, therefore, most humbly prayed that on acceptance of this application, contempt of court proceeding under Order 39 Rule 2 Sub Rule (3) of CPC may be initiated against the respondent No.1 for violating order dated 21.12.2021 of this Honorable Tribunal and the transfer order dated 24.06.2022 may kindly also be suspended till the decision of the main case to meet the ends of justice


APPELLANT

THROUGH:


TAIMUR ALI KHAN
ADVOCATE HIGH COURT

Peshawar
cell NO. 03339390916

AFFIDAVIT

It is solemnly affirmed and declared that the contents of this application are true and correct and nothing has been concealed from this august Court


DEPONENT

ATTESTED

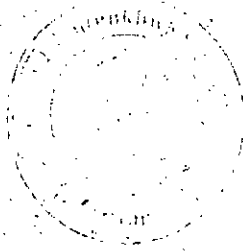


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I (3)

IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Appeal No. 7840 of 2021

Hashim Khan S/o Amir Khan
R/o Amanabad Village, Nisata Road
Mardan, Pakistan.



Khyber Pakhtunkhwa
Services Tribunal

Page No. 7970

Date 06/12/2021

Versus

.....Appellant

1. Government of Khyber Pakhtunkhwa
Through Secretary Food Department
Govt. of Khyber Pakhtunkhwa
Civil Secretariat, SAQ Road, Peshawar
2. Director
Food Department
Food Directorate, Peshawar
3. Section Officer General
Food Department
Govt. of KP, Peshawar

.....Respondents

10-11-21

10-11-21
12021

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974,
FOR SETTING ASIDE THE IMPUGNED TRANSFER ORDER DATED 10.11.2021

Respectfully Sheweth;

1. That appellant, a law-abiding citizen of Pakistan, joined the Food Department, Government of Khyber Pakhtunkhwa on 21.03.1996 as Food Grain Inspector (BPS-06) and due to his

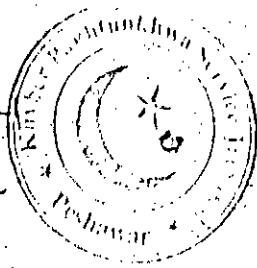
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Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

9

APPEAL No. 7840/2021
Hashim Khan vs Govt



21.12.2021

Counsel for the appellant present. Preliminary arguments heard.

The appellant has invoked the jurisdiction of this Tribunal to Impugn the transfer/posting order bearing Notification No. SOG/Food/1-2/2019/Vol-VI-10256 dated 10.11.2021, whereby he has been transferred from the post of Storage and Enforcement Officer (S&EO) Azakhel to report to the Directorate of Food, Peshawar with immediate effect in the public interest. According to account of the previous transfers of the appellant as per record annexed with the Memorandum of appeal, he while posted as Storage and Enforcement Officer Peshawar was transferred to report to the Directorate Food vide order dated 15.06.2021. By another order dated 26.08.2021 he was again transferred from Directorate of Food Peshawar to District Food Controller Charsadda and from there he was transferred to the post of S&EO NRC Azakhel vide order dated 15.10.2021. All the orders including the impugned order are shown to have been issued in public interest. What best public interest lies in frequent transfers of the appellant is required to be dug out during the course of full hearing. This appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 14.01.2022 before S.B.

An application for Interim relief seeking suspension of operation of Impugned order has been filed alongwith memorandum of appeal. Notice of application be also given to the respondents. The operation of the impugned order dated 10.11.2021 is suspended to the extent of appellant till date fixed.

Date of Presentation of Application 21-12-21

Cost of Words 800

10/11/21

Date of Receipt of Copy 21/12/21

Chairman

Certified to be true copy

Seal of the Peshawar Service Tribunal

Attested



GOVERNMENT OF KHYBER PAKHTUNKHWA FOOD DEPARTMENT

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 effect, 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.

M.A.T.
24/6/2022

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

Dr.
Attested

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

COC Appli. no. 384/2022

Service Appeal No.7840/2021

Hashim Khan

v/s M/s. M. Akhtar Ahmad (Secretary, Govt of KP
Food Deptt)

.....
APPLICATION UNDER ORDER 39 RULE 2 (3) OF THE CPC FOR
INITIATION OF CONTEMPT OF COURT PROCEEDING AND FOR
SUSPENSION OF TRANSFER ORDER DATED 24.06.2022,
WHEREBY THE APPELLANT WAS TRANSFER FROM STORAGE
& ENFORCEMENT OFFICER DISTRICT NOWSHERA TO
DISTRICT FOOD CONTROLLER, DISTRICT KARAK DESPITE
THE FACT THE APPELLANT IS WORKING ON THE
SUSPENSION ORDER DATED 21.12.2021 OF THIS HONOURABLE
SERVICE TRIBUNAL IN SERVICE APPEAL NO. 7840/2021.

.....
RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant service appeal against the order dated 10.11.2021, whereby the appellant was transferred from the post of storage and enforcement officer (S&EO) Azakhel Nowshera to report to the Directorate of Food Peshawar along the suspension application in this Honorable Tribunal.
2. That the appeal of the appellant was fixed on 21.12.2021, the Honorable Tribunal admitted the service appeal for regular hearing and also suspended the operation of impugned order dated 10.11.2021 on the date fixed i.e. 21.12.2021. (Copy of order sheet dated 21.12.2021 is attached as annexure-A)
3. That the appellant was working on post of storage and enforcement officer (S&EO) Azakhel Nowshera on the basis of suspension order dated 21.12.2021 of this Honorable Tribunal and the case of the appellant is fixed on 27.07.2022 for arguments and during the pendency of service appeal and suspension order dated 21.12.2021, respondent No.1 passed an order dated 24.06.2022, whereby the appellant was transferred from Storage & Enforcement Officer District Nowshera to District Food Controller, District Karak in utter violation of suspension order dated 21.12.2021 of this Honorable Tribunal. (Copy of order dated 24.06.2022 is attached as Annexure-B)

4. That the appellant is working on the basis of suspension order dated 21.12.2021 of this Honorable Tribunal and his case is pending for adjudication before this Honorable Tribunal, but despite that the respondent department passed an order dated 24.06.2022 in clear violation of order dated 21.12.2021 of this Honorable Tribunal and amount to competent of court.

PRAYER

It is, therefore, most humbly prayed that on acceptance of this application, contempt of court proceeding under Order 39 Rule 2 Sub Rule (3) of CPC may be initiated against the respondent No.1 for violating order dated 21.12.2021 of this Honorable Tribunal and the transfer order dated 24.06.2022 may kindly also be suspended till the decision of the main case to meet the ends of justice


APPELLANT

THROUGH:


**TAIMUR ALI KHAN
ADVOCATE HIGH COURT**

AFFIDAVIT

It is solemnly affirmed and declared that the contents of this application are true and correct and nothing has been concealed from this august Court


DEPONENT

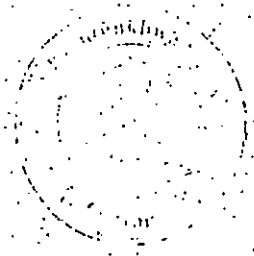


IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

A (3)
I

Appeal No. 7840 of 2021

Hashim Khan S/o Amir Khan
R/o Amanabad Village, Nisata Road
Mardan, Pakistan.



Khyber Pakhtunkhwa
Service Tribunal
No. 7970
Date: 06/12/2021

Versus

.....Appellant

1. Government of Khyber Pakhtunkhwa
Through Secretary Food Department
Govt. of Khyber Pakhtunkhwa
Civil Secretariat, SAQ Road, Peshawar
2. Director
Food Department
Food Directorate, Peshawar.
3. Section Officer General
Food Department
Govt. of KP, Peshawar

.....Respondents

15872187
2021

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974,
FOR SETTING ASIDE THE IMPUGNED TRANSFER ORDER DATED 10.11.2021

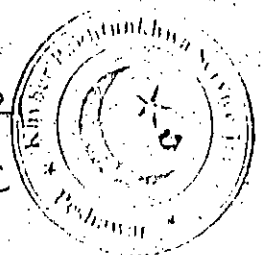
Respectfully Sheweth:

1. That appellant, a law-abiding citizen of Pakistan, joined the Food Department, Government of Khyber Pakhtunkhwa on 21.03.1996 as Food Grain Inspector (BPS-06) and due to his

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appeal No. 7840/2021
Hashim Khan vs Govt



21.12.2021

Counsel for the appellant present. Preliminary arguments heard.

The appellant has invoked the jurisdiction of this Tribunal to impugn the transfer/posting order bearing Notification No. SOG/Food/1-2/2019/Vol-VI-10256 dated 10.11.2021, whereby he has been transferred from the post of Storage and Enforcement Officer (S&EO) Azakhel to report to the Directorate of Food, Peshawar with immediate effect in the public interest. According to account of the previous transfers of the appellant as per record annexed with the Memorandum of appeal, he while posted as Storage and Enforcement Officer Peshawar was transferred to report to the Directorate Food vide order dated 15.06.2021. By another order dated 26.08.2021 he was again transferred from Directorate of Food Peshawar to District Food Controller Charsadda and from there he was transferred to the post of S&EO NRC Azakhel vide order dated 15.10.2021. All the orders including the impugned order are shown to have been issued in public interest. What best public interest lies in frequent transfers of the appellant is required to be dug out during the course of full hearing. This appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 14.01.2022 before S.B.

An application for interim relief seeking suspension of operation of impugned order has been filed along with memorandum of appeal. Notice of application be also given to the respondents. The operation of the impugned order dated 10.11.2021 is suspended to the extent of appellant till date fixed.

Date of Presentation of Application 21-12-21
No. of Words 800
4/10/14/-
Date of Receipt of Copy 21/12/21

Chairman

Certified to be true copy

Khan, Shaukhwan
Service Tribunal
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

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 effect, in the best Public Interest.

SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Endorsement & Date Even:

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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.

M.A.T.
24/6/2022

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

COE Application No. 384/2022

Service Appeal No.7840/2021

Hashim Khan

*vs. Mr. Masood Ahmad Secretary, Govt of KP
Food Deptt.*

.....
APPLICATION UNDER ORDER 39 RULE 2 (3) OF THE CPC FOR
INITIATION OF CONTEMPT OF COURT PROCEEDING AND FOR
SUSPENSION OF TRANSFER ORDER DATED 24.06.2022,
WHEREBY THE APPELLANT WAS TRANSFERRED FROM STORAGE
& ENFORCEMENT OFFICER DISTRICT NOWSHERA TO
DISTRICT FOOD CONTROLLER, DISTRICT KARAK DESPITE
THE FACT THE APPELLANT IS WORKING ON THE
SUSPENSION ORDER DATED 21.12.2021 OF THIS HONOURABLE
SERVICE TRIBUNAL IN SERVICE APPEAL NO. 7840/2021.

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RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant service appeal against the order dated 10.11.2021, whereby the appellant was transferred from the post of storage and enforcement officer (S&EO) Azakhel Nowshera to report to the Directorate of Food Peshawar along the suspension application in this Honorable Tribunal.
2. That the appeal of the appellant was fixed on 21.12.2021, the Honorable Tribunal admitted the service appeal for regular hearing and also suspended the operation of impugned order dated 10.11.2021 on the date fixed i.e. 21.12.2021. (Copy of order sheet dated 21.12.2021 is attached as annexure-A)
3. That the appellant was working on post of storage and enforcement officer (S&EO) Azakhel Nowshera on the basis of suspension order dated 21.12.2021 of this Honorable Tribunal and the case of the appellant is fixed on 27.07.2022 for arguments and during the pendency of service appeal and suspension order dated 21.12.2021, respondent No.1 passed an order dated 24.06.2022, whereby the appellant was transferred from Storage & Enforcement Officer District Nowshera to District Food Controller, District Karak in utter violation of suspension order dated 21.12.2021 of this Honorable Tribunal. (Copy of order dated 24.06.2022 is attached as Annexure-B)

4. That the appellant is working on the basis of suspension order dated 21.12.2021 of this Honorable Tribunal and his case is pending for adjudication before this Honorable Tribunal, but despite that the respondent department passed an order dated 24.06.2022 in clear violation of order dated 21.12.2021 of this Honorable Tribunal and amount to competent of court.

PRAYER

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APPELLANT

THROUGH:


TAIMUR ALI KHAN
ADVOCATE HIGH COURT

AFFIDAVIT

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DEPONENT

ATTESTED



A (3)
I

IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Appeal No. 7840 of 2021

Hashim Khan S/o Amir Khan
R/o Amanabad Village, Nisata Road
Mardan, Pakistan.



Khyber Pakhtunkhwa
Service Tribunal
No. 7970
Date: 06/12/2021

Versus

Appellant

1. Government of Khyber Pakhtunkhwa
Through Secretary Food Department
Govt. of Khyber Pakhtunkhwa
Civil Secretariat, SAQ Road, Peshawar
2. Director
Food Department
Food Directorate, Peshawar
3. Section Officer General
Food Department
Govt. of KP, Peshawar

Respondents

1357188
12021

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974,
FOR SETTING ASIDE THE IMPUGNED TRANSFER ORDER DATED 10.11.2021

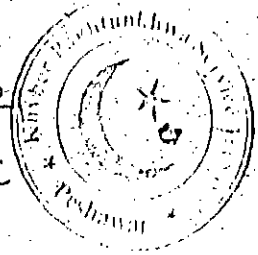
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1. That appellant, a law-abiding citizen of Pakistan, joined the Food Department, Government of Khyber Pakhtunkhwa on 21.03.1996 as Food Grain Inspector (BPS-06), and due to his

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

APPEAL No. 7840/2021
Hashim Khan vs Govt



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21.12.2021

Counsel for the appellant present. Preliminary arguments heard.

The appellant has invoked the jurisdiction of this Tribunal to impugn the transfer/posting order bearing Notification No. SOG/Food/1-2/2019/Vol-VI-10256 dated 10.11.2021, whereby he has been transferred from the post of Storage and Enforcement Officer (S&EO) Azakhel to report to the Directorate of Food, Peshawar with immediate effect in the public interest. According to account of the previous transfers of the appellant as per record annexed with the Memorandum of appeal, he while posted as Storage and Enforcement Officer Peshawar was transferred to report to the Directorate Food vide order dated 15.06.2021. By another order dated 26.08.2021 he was again transferred from Directorate of Food Peshawar to District Food Controller Charsadda and from there he was transferred to the post of S&EO NRC Azakhel vide order dated 15.10.2021. All the orders including the impugned order are shown to have been issued in public interest. What best public interest lies in frequent transfers of the appellant is required to be dug out during the course of full hearing. This appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 14.01.2022 before S.B.

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Date of Presentation of Application 21-12-21
Number of Words 800
4/10/21
14/1-
Date of Completion of Copy 21/12/21

Chairman

Certified to be true copy

Khan
Shankhwar
Service Tribunal
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA FOOD DEPARTMENT

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:

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4. Director, Food Directorate, Khyber Pakhtunkhwa for information.
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7. PS to Minister Food, Khyber Pakhtunkhwa, for information.
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9. Officers concerned.
10. Manager, Government Printing Press, Peshawar.

M.A.T.
24/6/2022

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

~~Retention~~
COC APPL: NO-384/2022
Service Appeal No.7840/2021

Hashim Khan

V/S M/S-Nasir Ahmad (Secretary Govt of KP
Food Dept)

.....
APPLICATION UNDER ORDER 39 RULE 2 (3) OF THE CPC FOR
INITIATION OF CONTEMPT OF COURT PROCEEDING AND FOR
SUSPENSION OF TRANSFER ORDER DATED 24.06.2022,
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THE FACT THE APPELLANT IS WORKING ON THE
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4. That the appellant is working on the basis of suspension order dated 21.12.2021 of this Honorable Tribunal and his case is pending for adjudication before this Honorable Tribunal, but despite that the respondent department passed an order dated 24.06.2022 in clear violation of order dated 21.12.2021 of this Honorable Tribunal and amount to competent of court.

PRAYER

It is, therefore, most humbly prayed that on acceptance of this application, contempt of court proceeding under Order 39 Rule 2 Sub Rule (3) of CPC may be initiated against the respondent No.1 for violating order dated 21.12.2021 of this Honorable Tribunal and the transfer order dated 24.06.2022 may kindly also be suspended till the decision of the main case to meet the ends of justice


APPELLANT

THROUGH:


TAIMUR ALI KHAN
ADVOCATE HIGH COURT

AFFIDAVIT

It is solemnly affirmed and declared that the contents of this application are true and correct and nothing has been concealed from this august Court.


DEPONENT

ATTESTED

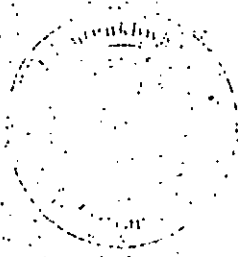


IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

A
I (3)

Appeal No. 7840 of 2021

Hashim Khan S/o Amir Khan
R/o Amanabad Village, Nisata Road
Mardan, Pakistan.



Khyber Pakhtunkhwa
Services Tribunal
Peshawar
No. 7970
Date: 06/12/2021

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa
Through Secretary, Food Department
Govt. of Khyber Pakhtunkhwa
Civil Secretariat, SAQ Road, Peshawar
2. Director
Food Department
Food Directorate, Peshawar
3. Section Officer General
Food Department
Govt. of KP, Peshawar

.....Respondents

1200

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974,
FOR SETTING ASIDE THE IMPUGNED TRANSFER ORDER DATED 10.11.2021

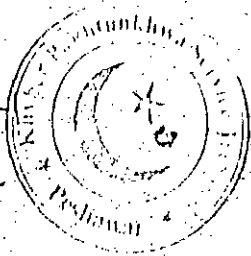
Respectfully Sheweth;

1. That appellant, a law-abiding citizen of Pakistan, joined the Food Department, Government of Khyber Pakhtunkhwa on 21.03.1996 as Food Grain Inspector (BPS-06) and due to his

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Khyber Pakhtunkhwa
Services Tribunal
Peshawar

Appeal No. 7840/2021
Hashim Khan vs Govt



9

21.12.2021

Counsel for the appellant present. Preliminary arguments heard.

The appellant has invoked the jurisdiction of this Tribunal to Impugn the transfer/posting order bearing Notification No. SOG/Food/1-2/2019/Vol-VI-10256 dated 10.11.2021, whereby he has been transferred from the post of Storage and Enforcement Officer (S&EO) Azakhel to report to the Directorate of Food, Peshawar with immediate effect in the public interest. According to account of the previous transfers of the appellant as per record annexed with the Memorandum of appeal, he while posted as Storage and Enforcement Officer Peshawar was transferred to report to the Directorate Food vide order dated 15.06.2021. By another order dated 26.08.2021 he was again transferred from Directorate of Food Peshawar to District Food Controller Charsadda and from there he was transferred to the post of S&EO NRC Azakhel vide order dated 15.10.2021. All the orders including the impugned order are shown to have been issued in public interest. What best public interest lies in frequent transfers of the appellant is required to be dug out during the course of full hearing. This appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 14.01.2022 before S.B.

An application for Interim relief seeking suspension of operation of impugned order has been filed along with memorandum of appeal. Notice of application be also given to the respondents. The operation of the impugned order dated 10.11.2021 is suspended to the extent of appellant till date fixed.

Date of Presentation of Application 21-12-21

Number of Words 800

4/10/21
14/1-

Chairman

Certified to be true copy

Service Tribunal
Peshawar

Date of Receipt of Copy 21/12/21



GOVERNMENT OF KHYBER PAKHTUNKHWA FOOD DEPARTMENT

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.

M.A.T.
24/6/2022

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Col Appli. No. 384/2022

Service Appeal No.7840/2021

Hashim Khan

W/S

*Mr. Malik Ahmad (Secretary Board of
K.P. Food Dept)*

.....
APPLICATION UNDER ORDER 39 RULE 2 (3) OF THE CPC FOR
INITIATION OF CONTEMPT OF COURT PROCEEDING AND FOR
SUSPENSION OF TRANSFER ORDER DATED 24.06.2022,
WHEREBY THE APPELLANT WAS TRANSFERRED FROM STORAGE
& ENFORCEMENT OFFICER DISTRICT NOWSHERA TO
DISTRICT FOOD CONTROLLER, DISTRICT KARAK DESPITE
THE FACT THE APPELLANT IS WORKING ON THE
SUSPENSION ORDER DATED 21.12.2021 OF THIS HONOURABLE
SERVICE TRIBUNAL IN SERVICE APPEAL NO. 7840/2021.

.....
RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant service appeal against the order dated 10.11.2021, whereby the appellant was transferred from the post of storage and enforcement officer (S&EO) Azakhel Nowshera to report to the Directorate of Food Peshawar along the suspension application in this Honorable Tribunal.
2. That the appeal of the appellant was fixed on 21.12.2021, the Honorable Tribunal admitted the service appeal for regular hearing and also suspended the operation of impugned order dated 10.11.2021 on the date fixed i.e. 21.12.2021. (Copy of order sheet dated 21.12.2021 is attached as annexure-A)
3. That the appellant was working on post of storage and enforcement officer (S&EO) Azakhel Nowshera on the basis of suspension order dated 21.12.2021 of this Honorable Tribunal and the case of the appellant is fixed on 27.07.2022 for arguments and during the pendency of service appeal and suspension order dated 21.12.2021, respondent No.1 passed an order dated 24.06.2022, whereby the appellant was transferred from Storage & Enforcement Officer District Nowshera to District Food Controller, District Karak in utter violation of suspension order dated 21.12.2021 of this Honorable Tribunal. (Copy of order dated 24.06.2022 is attached as Annexure-B,

4. That the appellant is working on the basis of suspension order dated 21.12.2021 of this Honorable Tribunal and his case is pending for adjudication before this Honorable Tribunal, but despite that the respondent department passed an order dated 24.06.2022 in clear violation of order dated 21.12.2021 of this Honorable Tribunal and amount to competent of court.

PRAYER

It is, therefore, most humbly prayed that on acceptance of this application, contempt of court proceeding under Order 39 Rule 2 Sub Rule (3) of CPC may be initiated against the respondent No.1 for violating order dated 21.12.2021 of this Honorable Tribunal and the transfer order dated 24.06.2022 may kindly also be suspended till the decision of the main case to meet the ends of justice


APPELLANT

THROUGH:


TAIMUR ALI KHAN
ADVOCATE HIGH COURT

AFFIDAVIT

It is solemnly affirm and declare that the contents of this application are true and correct and nothing has been concealed from this august Court


DEPONENT

ATTESTED



A (3)

IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Appeal No. 7840 of 2021

Hashim Khan S/o Amir Khan
R/o Amanabad Village, Nisata Road
Mardan, Pakistan.



Khyber Pakhtunkhwa
Services Tribunal

Diary No. 7970

Date: 06/12/2021

Appellant

Versus

1. Government of Khyber Pakhtunkhwa
Through Secretary Food Department
Govt. of Khyber Pakhtunkhwa
Civil Secretariat, SAQ Road, Peshawar
2. Director
Food Department
Food Directorate, Peshawar
3. Section Officer General
Food Department
Govt. of KP, Peshawar

Respondents


1207

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974,
FOR SETTING ASIDE THE IMPUGNED TRANSFER ORDER DATED 10.11.2021

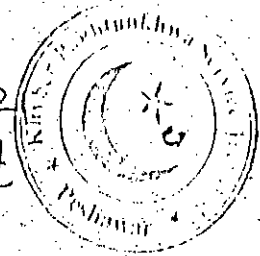
Respectfully Sheweth:

1. That appellant, a law-abiding citizen of Pakistan, joined the Food Department, Government of Khyber Pakhtunkhwa on 21.03.1996 as Food Grain Inspector (BPS-06) and due to his

Certified to be true copy


Khyber Pakhtunkhwa
Services Tribunal
Peshawar

Appeal No. 7840/2021
Hashim Khan vs Govt



9

21.12.2021

Counsel for the appellant present. Preliminary arguments heard.

The appellant has invoked the jurisdiction of this Tribunal to impugn the transfer/posting order bearing Notification No. SOG/Food/1-2/2019/Vol-VI-10256 dated 10.11.2021, whereby he has been transferred from the post of Storage and Enforcement Officer (S&EO) Azakhel to report to the Directorate of Food, Peshawar with immediate effect in the public interest. According to account of the previous transfers of the appellant as per record annexed with the Memorandum of appeal, he while posted as Storage and Enforcement Officer Peshawar was transferred to report to the Directorate Food vide order dated 15.06.2021. By another order dated 26.08.2021 he was again transferred from Directorate of Food Peshawar to District Food Controller Charsadda and from there he was transferred to the post of S&EO NRC Azakhel vide order dated 15.10.2021. All the orders including the impugned order are shown to have been issued in public interest. What best public interest lies in frequent transfers of the appellant is required to be dug out during the course of full hearing. This appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 14.01.2022 before S.B.

An application for interim relief seeking suspension of operation of impugned order has been filed along with memorandum of appeal. Notice of application be also given to the respondents. The operation of the impugned order dated 10.11.2021 is suspended to the extent of appellant till date fixed.

Date of Presentation of Application 21-12-21

Number of Words 800

10/11/21

Date of Receipt of Copy 21/12/21

Chairman

Certified to be true copy

Chairman
Service Tribunal
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

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 effect, 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.

M.A.T.
24/6/2022

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