

31st Oct, 2022

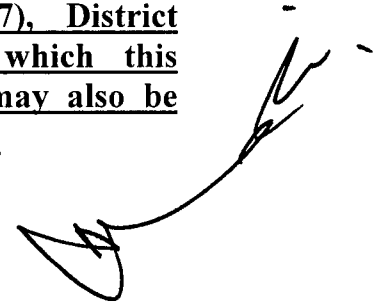
1. Learned for the petitioner present. Mr. Kabirullah Khan, Addl: AG alongwith Mr. Safiullah, Focal Person for respondents present.

02. This single order shall also dispose of executions petitions No. 171/2022 titled "Syed Mohammad Asad Halimi-vs-Health Department", No. 172/2022 titled "Muhammad Arif Hussain-vs- Health Department", No. 236/2022 titled "Tayyab Abbas-vs-Health Department", No. 533/2022 titled "Zia Ullah-vs-Health Department", No. 534/2022 titled "Manzoor Ahmad-vs-Health Department", No. 535/2022 titled " Shoaib Khan-vs-Health Department", No. 536/2022 titled "Gohar Ali-vs-Health Department" as all are regarding execution of the judgment dated 06.12.2021, passed in the appeals of the petitioners in all the petitions. The relief granted in the judgment was as under:-

"For what has gone above, all the appeals with their respective prayers are accepted as prayed for. Consequently, the impugned order is set aside and respondents are directed not to transfer the appellants from the post of Drug Inspector or Drug Analyst as the case may be. Parties are left to bear their own costs. File be consigned to record room after completion".

3. In the instant matter the prayer of the petitioner Amin Ul Haq was as under:-

"That on acceptance of this appeal the impugned notification dated 06.10.2020 may very kindly be set aside to the extent of appellant and the respondents may kindly be directed not to transfer the appellant from the post of Drug Inspector (BS-17), District Peshawar. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant".



4. Similarly in the appeal of the petitioner in execution petition No. 171/2022 titled "Syed Mohammad Asad Halimi-vs-Health Department" his prayer was as under:-

"On acceptance of this appeal the respondents may kindly be directed to pass an order in favor of the appellant in the following terms:-

- i. **Declare that the impugned notification No. SOH-III/7-262/2020 dated 30th April, 2020 is void ab initio. Therefore, the respondents may kindly be directed to withdraw the impugned notification.**
- ii. **The posting/transfer be done in a rational manner as per the prevailing laws, the appellant is redressed & to get his constitutional rights through this Hon'ble Service Tribunal.**
- iii. **That the appellant order of illegal ex-cadre transfer/posting may kindly revoked and continue his services in his own cadre i.e, Drug Inspector.**
- iv. **Grant any other relief which is deemed appropriate by this Hon'ble Service Tribunal in the circumstances of the case."**

5. In appeal of the petitioner in execution petition No. 172/2022 titled "Muhammad Arif Hussain-vs-Health Department" his prayer was as under:-

"that on acceptance of this appeal the impugned notification dated 06.10.2020 may very kindly be set aside to the extent of appellant and private respondent No.5 and the respondents may kindly be directed not to transfer the appellant from the post of Drug Analyst (BS-18), Drug testing laboratory, Peshawar. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant"

6. In appeal of the petitioner in execution petition No. 236/2022 titled "Tayyab Abbas-vs-Health Department" his prayer was as under:-

"On acceptance of this appeal the respondents may kindly be directed to pass an order in favor of the appellant in the following terms:-

- i. Declare that the impugned notification No. SOH-III/7-262/2020 dated 30th April, 2020 is void ab initio. Therefore, the respondents may kindly be directed to withdraw the impugned notification.
- ii. The posting/transfer be done in a rational manner as per the prevailing laws, the appellant is redressed & to get his constitutional rights through this Hon'ble Service Tribunal.
- iii. That the appellant order of illegal ex-cadre transfer/posting may kindly revoked and continue his services in his own cadre i.e, Drug Inspector.
- iv. Grant any other relief which is deemed appropriate by this Hon'ble Service Tribunal in the circumstances of the case."

7. In appeal of the petitioner in execution petition No. 533/2022 titled "Zia Ullah-vs-Health Department" his prayer as under:-

"That on acceptance of this appeal the impugned notification dated 06.10.2020 may very kindly be set aside to the extent of appellant and the respondents may kindly be directed not to transfer the appellant from the post of Drug Control Unite, Temargara, District Dir Lower. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant".

8. In appeal of the petitioner in execution petition No.534/2022 titled "Manzoor Ahmad-vs-Health Department" his prayer as under:-

"That on acceptance of this appeal the impugned notification dated 06.10.2020 may very kindly be set aside to the extent of appellant and the respondents may kindly be directed not to transfer the appellant from the post of Drug Inspector (BS-17), District

Peshawar. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant".

9. In appeal of the petitioner in execution petition No. 535/2022 titled "Shoaib Khan-vs-Health Department", his prayer as under:

"That on acceptance of this appeal the impugned notification dated 06.10.2020 may very kindly be set aside to the extent of appellant and the respondents may kindly be directed not to transfer the appellant from the post of Drug Inspector (BS-17), District Mardan. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant".

10. In appeal of the petitioner in execution petition No. 536/2022 titled "Gohar Ali-vs-Health Department" his prayed as under:

"That on acceptance of this appeal the impugned notification dated 11.01.2021 may very kindly be set aside to the extent of appellant and the respondents may kindly be directed not to transfer the appellant from the post of Drug Inspector (BS-17), District Swat. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant".

11. The prayer in the instant petition is to initiate contempt proceedings and to implement the judgment of this Tribunal while in the connected execution petitions No.171/2022, 172/2022 and 236/2022, the prayers are to implement the judgment in letter & spirit.

12. During the pendency of the above petitions, respondents, in compliance with the judgment dated 06.12.2021, in Service Appeal No.16578/2020, produced a copy of Notification No.SOH-III/7-262/2022(Drug Inspector) dated 22.08.2022, vide which the petitioners were dealt with in the following manner:-

S.No	Name of Officers & Designation	From	To	Remarks
1.	Syed Muhammad Asad Halimi Chief Drug Inspector BS-19	Chief Pharmacist (BS-19), KDA, Kohat	Chief Drug Inspector (BS-19), District D.I. Khan	Against the vacant post
2.	Tayyab Abbas Chief Drug Inspector BS-19	Chief Pharmacist (BS-19) Services Hospital Peshawar	Chief Drug Inspector (BS-19), District Abbottabad	Against the vacant post.
3.	Amin ul Haq Senior Drug Inspector (BS-18)	Already under report to DG.DC&PS on account of disciplinary proceeding under E&D Rules, 2011		
4.	Arif Hussain Analyst (BS-18)	Senior Pharmacist (BS-18), Services Hospital, Peshawar	Drug Analyst (BS-18), Drug Testing Laboratory (DTL), Peshawar.	Against the vacant post.
5.	Manzoor Ahmad, Drug Inspector (BS-17)	Drug Inspector (BS-17), District Peshawar	Drug Inspector (BS-17), District 17, District, Dir Lower.	Against the vacant post
6.	Zia Ullah Drug Inspector BS-17	Drug Inspector (BS-17) District Dir, Lower.	Drug Inspector (BS-17) District Bannu	Against the vacant post
7.	Muhammad Shoaib Khan Drug Inspector (BS-17)	Already under report to DG, DC&PS on account of disciplinary proceedings under E&D Rules, 2011.		
8.	Shazada Mustafa Anwar Drug Inspector BS-17	Waiting for posting at Directorate of Drug Control & Pharmacy	Drug Inspector (BS-17) District Karak	Against the vacant post.

			Services, Khyber Pakhtunkhw a, Peshawar		
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13. The above petitions were taken up for decision on 14.09.2022 when the learned counsel for the petitioners informed the Tribunal that he had filed four (4) more execution petitions on 14.09.2022, so it was deemed appropriate that let all the petitions be decided together and, therefore, the above petitions were adjourned for 31.10.2022 for decision of the same.

14. In the newly instituted execution petitions No.533/2022, 534/2022, 535/2022 and 536/2022, the petitioners prayed that the judgment might be implemented in true letter and spirit without wasting the precious time of the Tribunal as well as to avoid unnecessary rounds of litigation.

It is, however, urged in paragraph 6 of all the newly filed execution petitions that the respondent/department submitted compliance notification issued on 22.08.2022, which was totally in defiance of the judgment whereas proper compliance of the judgment as desired by the Tribunal was to be made and for which basically the appeals were accepted as prayed for.

15. The main stress of the learned counsel for the petitioners was that as all the appeals with their respective prayers were accepted as prayed for, therefore, the petitioners

could not be transferred from the stations they were already posted.

16. It is cardinal principle that while judging the intention of a document, the construction of the document has to be seen and for the purpose not any portion but the whole/entire document has to be seen. Keeping in view the above principle, paragraph 10 of the judgment is worth reproduction, which reads as under:

"10. From the divergent pleadings of parties particularly discussed herein before, the main question wanting determination is, whether vice versa transfer of the holders of the post of Drug Inspector/Analyst and of Pharmacist is reasonably doable?"

17. The rest of the paragraphs of the judgment have answered the above, one and the only formulated question/point for determination in detail and the finding was in negative, which by all means very clearly speaks that the only issue before the Tribunal was whether vice versa transfer of the holders of the post of Drug Inspector/Analyst and of Pharmacist is reasonably doable and that was decided in negative. Thus by no stretch of imagination it could be inferred from the judgment that it also intended not to transfer the petitioners from one station to another. True that all the appeals with their respective prayers were accepted as prayed for but with specific and quite clear resultant consequence of setting aside the impugned order and not transferring the appellants from the post of DRUG INSPECTOR or DRUG

ANALYST as the case may be. This condition of the order, after acceptance of the appeals, has restricted the relief to the above extent only i.e. the Drug Inspectors should remain posted as Drug Inspectors while Drug Analyst should remain posted as such etc and none of the two or of any other category could be given posting against any other category. Therefore, this Tribunal, while executing the judgment and sitting as executing court, cannot extend the relief by giving that any other meaning or import, especially, to extract the meaning that the petitioners could not be transferred from the stations they are already posted.


18. There is no denying the fact that the executing court cannot go beyond the terms of the decree/order/judgment it stands for and it cannot modify these terms or deviate from them in exercise of its power of execution rather it has to execute/implement the judgment/decreed/order strictly in the terms of the same.

19. In the above state of affairs when we see the notification dated 22.08.2022, issued in compliance of the judgment, it appears that the judgment had been implemented in its letter and spirit and we cannot allow anybody to exploit the terms by making self-beneficial interpretation and to get any relief which was not granted in the judgment. Therefore, the contention of the petitioners that they could not be transferred from the stations they were previously posted, is not well founded.

20. It was also argued by the petitioners Amin ulHaq and Muhammad Shoab that instead of compliance of judgment, the department did not give them any posting because of some disciplinary proceedings. It is in this regards observed that in the appeals of the above two petitioners there is no mention of the disciplinary proceedings nor the same were discussed anywhere in the judgment. Therefore, the Tribunal, in the respective execution petitions of the petitioners, cannot direct the department not to take any disciplinary action against them. Needless to say that the above named two petitioners have every right to separately challenge the disciplinary proceedings, which they might have and if they did not already challenge those. In case they challenge the same now, those would definitely have to be decided subject to all limitations and restrictions and in accordance with law. Copy of this order

be placed on all the connected matters. Con sign.


21. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 31st day of October, 2022.


(Kalim Arshad Khan)
Chairman

14th Sept, 2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Ziaullah, Deputy Secretary and Mr. Safiullah, Focal Person for respondents present.

Today four (4) execution petitions in the same judgment have been filed. Let all be taken up together. To come up further proceedings on 31.10.2022 before S.B.


(Kalim Arshad Khan)
Chairman

6th September, 2022 Counsel for the petitioner present. Mr. Muhammad Adcel Butt, Addl: AG alongwith Mr. Safiullah, Focal Person for respondents present.

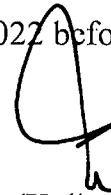
Learned counsel for the appellant seeks adjournment on the ground that learned senior counsel is not available today. To come up for further proceedings on 07.09.2022 before S.B.



(Kalim Arshad Khan)
Chairman

7th September, 2022 Counsel for the petitioner present. Muhammad Adcel Butt, Addl: AG alongwith Mr. Ziaullah, Deputy Secretary (Litigation) for respondents present.

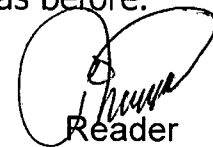
Representative of the respondents submitted enquiry report which is placed on file. Arguments heard. To come up for consideration on 09.09.2022 before S.B.



(Kalim Arshad Khan)
Chairman

09.09.2022

Proper Bench is not available, therefore, case is adjourned to 13.09.2022 for the same as before.



Reader

13.09.2022


The worthy Chairman is on leave, therefore, the case is adjourned to 14.09.2022 for the same.



Reader

Sir,


1. PUC is an application submitted by Additional Advocate General Khyber Pakhtunkhwa Peshawar in COC Petition No. 170/2022, titled "Aminul Haq Vs. Chief Secretary Khyber Pakhtunkhwa and others" on behalf of respondents wherein he has stated that the judgment of this Tribunal has been implemented by the respondents vide order dated 22.08.2022 (copy attached). He requested that the order of attachment of salaries of respondents dated 05.07.2022 may kindly be recalled.
2. Submitted for perusal and appropriate orders please.


Registrar
KP Service Tribunal,
Peshawar. 31/8/2022.

3. HON'BLE MEMBER

*Application to be placed on file
and salary released to the respondents.*

Registrar.


31/08/22

5th July, 2022

Petitioner in person present. None for the respondents present.

Mr. Adeel Butt, Addl: AG on behalf of the respondents put appearance in early hours of the court and assured that he would submit compliance report in the matter in some moments but later on neither compliance was submitted nor he put appearance. Therefore, salaries of the judgment debtors attached. The Accountant General Khyber Pakhtunkhwa is directed to attach the salaries of the respondents not to release the same till further order by this Tribunal. Show cause notice be also issued to the respondents as to why they should not be proceeded under the Contempt of Court Ordinance-2003.

Last chance is given to the respondents to implement the judgment and submit compliance report on 06.09.2022 before S.B.

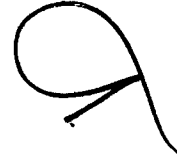


(Kalim Arshad Khan)
Chairman

13.05 2022

Petitioner in person present. Learned law officer is absent.

On 10.05.2022, learned Additional Advocate General had requested for a short adjournment in order to submit proper implementation report but today there is no body from the department present before the Tribunal, therefore, respondents are directed to appear in person and submit implementation report on the next date. Copy of this order sheet be sent to the Chief Secretary and Secretary Health Department Khyber Pakhtunkhwa Peshawar for information. To come up for implementation report on 23.05.2022 and attendance of respondents before S.B.




(Kalim Arshad Khan)
Chairman

23.05.2022

Petitioner in person present. Mr. Naseer-Ud-Din Shah, Assistant Advocate General alongwith Mr. Safiullah Focal Person for the respondents present.

The respondent department has submitted a summary to the Chief Minister on 20.05.2022 for implementation of the judgement of Service Tribunal dated 06.12.2021. Learned Assistant Advocate General requested that since the execution is under process in the department, a short adjournment may be granted so that the implementation report could be submitted on the next date. Adjourned. To come up for implementation report on 05.07.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER (E)

10.05.2022

Petitioner present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Learned AAG requested for adjournment in order to submit proper implementation report. Adjourned. To come up for implementation report on 23.06.2022 before S.B.



(Rozina Rehman)
Member (J)

Continued
10.05.2022

As representative of respondents is not before the Bench, therefore, proper notice be issued to the respondents to make sure the presence of an officer not below Grade-17 for submission of proper implementation report on or before the next date fixed.

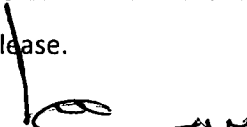




(Rozina Rehman)
Member (J)

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 170/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.04.2022	<p style="text-align: center;">The execution petition of Mr. Amin Ul Haq submitted today by Mr. Naveed Akhter Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	<p><i>Naveed Akhter Advocate</i> <i>4/4th April, 2022</i> <i>Appellant</i></p>	<p style="text-align: center;">This execution petition be put up before to Single Bench at Peshawar on <u>15-04-2022</u>. <i>Respondents be also summoned & requisition the record</i></p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;">Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present. Respondents have not been summoned. Office is once again directed to summon the respondents for the date fixed. Original appeal be also requisitioned. To cc.me up for implementation report on 10.05.2022 before S.B.</p> <p style="text-align: right;"> Chairman</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title:

Amin ul Haq vs Shehzad Khan Bangal

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	/	
3	Whether appeal is within time?	/	
4	Whether the enactment under which the appeal is filed mentioned?	/	
5	Whether the enactment under which the appeal is filed is correct?	/	
6	Whether affidavit is appended?		
7	Whether affidavit is duly attested by competent Oath Commissioner?	/	
8	Whether appeal/annexures are properly paged?	/	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	/	
10	Whether annexures are legible?	/	
11	Whether annexures are attested?	/	
12	Whether copies of annexures are readable/clear?	/	
13	Whether copy of appeal is delivered to AG/DAG?	/	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	/	
15	Whether numbers of referred cases given are correct?	/	
16	Whether appeal contains cutting/overwriting?	/	
17	Whether list of books has been provided at the end of the appeal?	/	
18	Whether case relate to this court?	/	
19	Whether requisite number of spare copies attached?	/	
20	Whether complete spare copy is filed in separate file cover?	/	
21	Whether addresses of parties given are complete?		
22	Whether index filed?		
23	Whether index is correct?		
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Qameed

Signature:

[Signature]

Dated:

0346-9002764
0300-9596181

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

Execution Petition no. 170/2022

C.O.C No. _____/2022

In

Service Appeal No.4821/2021

Amin Ul Haq**Applicant/Appellant**

V E R S U S

Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar & Others

.....**RESPONDENTS**

I N D E X

S.No	Description of Documents	Annex	Pages
	Opening Sheet		
1.	Application for contempt of court		1-4
2.	Affidavit		5
3.	Application along with Affidavit		6-8
4.	Addresses of Parties		8-A
5.	Copy of the appeal and judgment dated:06.12.2021	A	9-27
6.	Copy of the application	B	28
7.	Copy of the order dated:06.05.2021	C	29
8.	Copy of the order dated:14.01.2021	D	30
9.	Wakalat Nama		31

Through

Applicant/Appellant

Naveed Akhtar
Naveed Akhtar

&

Munir Ud Din Ghorri

&

Babar Khan *Babar*

Advocates, High Court

Peshawar

Cell#0300-9596181

Dated: 01.04.2022

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

Execution Petition no. 170/2022

C.O.C No. _____/2022

In

Service Appeal No. 4821/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 476

Dated 01/04/2022

Amin Ul Haq S/O Abdul Haq,
R/O Tangi, Nusratzai, Mohalla Usman Khel, District
Charsadda presently posts as:
Senior Drug Inspector, Drug Testing Laboratory,
Peshawar

.....PETITIONER

VERSUS

1. Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
2. Tahir Orakzai, Secretary Health Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Muhammad Saleem, Director General Drug, and Pharmacy Services, Peshawar

.....RESPONDENTS

**APPLICATION FOR INITIATING
CONTEMPT OF COURT PROCEEDINGS
UNDER THE CONTEMPT OF COURT
ORDINANCE ALONGWITH ALL
ENABLING PROVISIONS OF LAW
WITH DIRECTIONS TO THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED:06.12.2021 OF
THIS HON'BLE TRIBUNAL IN APPEAL
NO.4821-P OF 2021 AND OTHER
CONNECTED APPEALS PASSED BY
THIS HONOURABLE TRIBUNAL.**

Respectfully Sheweth:

That the appellant humbly submits as under;

1. That the application has filed before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
2. That the appellant filed the above titled appeal with the following prayers:-

“On the acceptance of this service appeal the impugned notification dated:06.10.2020 may please be declared as illegal and unlawful to the extent of appellant as the same amounts to change the cadre from one post to another with such other relief as may deem fit in the circumstances of the case may also be granted”.

3. That the appellant was transferred vide order dated:26.10.2020 along with other senior drug inspectors against the law and ultimately the appeals was allowed vide judgment dated:06.12.2021 on the following terms.

“For what has gone above, all the appeals with their respective prayers are accepted as prayed for. Consequently, the impugned order is set aside and respondents was directed not to transfer the appellants from the post of Drug Inspector or Drug Analyst as the case may be”.

(Copy of the appeal and judgment dated:06.12.2021 is annexed as Annexure “A”)

4. That the appellant approach the respondents for the implementation of judgment of this Hon'ble Tribunal

and presented the judgment with the application on 16.02.2022 but the same fell on deaf ears. **(Copy of the application is annexed as Annexure "B")**.

5. That the appellant is not only suffering the agony of a Civil Servant without any proper posting order but is also suffering wrath of the respondents for pursuing his lawful remedy in terms of a suspension order dated:06.05.2021 for same baseless charges which could not be taken to its logical end except that the appellant stands suspended for more than 10 months against the law. **(Copy of the order dated:06.05.2021 is annexed as Annexure "C")**.
6. That moreover salary of the appellant has been stopped vide order dated:14.01.2021 by the respondent No.03 who is not competent under the law to pass such order. **(Copy of the order dated:14.01.2021 is annexed as Annexure "D")**.
7. That in the garb of some sham proceedings the appellant was suspended vide already attached order dated:06.05.2021 and his services were placed at the disposal of respondent No.03 by respondent No.02 as OSD, but even then the appellant is deprived of his salary which is gross violation of the law.
8. That inspite of a speaking judgment by the Hon'ble Tribunal the respondents have paid heed of the same




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and have rather put this Hon'ble Tribunal to ridicule by their stubborn attitude.

9. That the respondents are bound under the law and constitution to comply with the judgment of this Hon'ble Tribunal with the true letter and spirit and consistent defined of the judgment has made them liable for proceedings under the contempt laws.
10. That from the facts and grounds taken the said writ petition, it has become crystal clear that the respondents have committed contempt of court.

It is, therefore, most humbly prayed that appropriate proceedings of contempt may kindly be initiated against the respondents with a further direction to forthwith implement the judgment dated:06.12.2021.

Through Applicant/Appellant


Naveed Akhtar
& 
Munir Ud Din Ghori
& 
Babar Khan
Advocates, High Court
Peshawar
Cell#0300-9596181

Dated: 01.04.2022

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

C.O.C No. _____/2022

In

Service Appeal No.4821/2021

Amin Ul Haq**Applicant/Appellant**

V E R S U S

Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar & Others

.....**RESPONDENTS**

AFFIDAVIT


I, Amin Ul Haq S/O Abdul Haq, R/O Tangi, Nusratzai, Mohalla Usman Khel, District Charsadda presently posts as: Senior Drug Inspector, Drug Testing Laboratory, Peshawar, (**Appellant**) do hereby solemnly affirm and declare on oath that the contents of this accompanying **Contempt of Court Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

CNIC# 17102 2668408-7

Cell# 0300-5922109

Identified by



Naveed Akhtar

Advocate, Supreme Court

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

C.O.C No. _____/2022

In

Service Appeal No.4821/2021

Amin Ul Haq**Applicant/Appellant**

V E R S U S

Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar & Others

.....**RESPONDENTS**

**APPLICATION FOR DIRECTION TO THE
RESPONDENTS FOR RELEASE OF THE
SALARIES TO THE APPLICANT
/APPELLANT.**

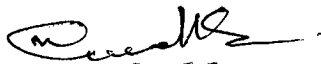


Respectfully Sheweth:-

1. That the above titled case is pending before this Hon'ble in which no date of hearing has not been fixed yet.
2. That salaries of the applicant has been stopped since 14.01.2021 without any lawful reason in pursuance of the order dated:26.10.2020 which has already been set aside by this Hon'ble Tribunal.
3. That stoppage of salaries is a penalty of which does not find mention in any statute book or the Constitution but the applicant is suffering it for during the presence of his lawful remedy.

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4. That the applicant is performing his duty without any salary for the last more than 15 months which is not warranted under any dispensation.
5. That the salary of the applicant has been stopped by an incompetent authority.

It is, therefore most humbly prayed that the respondents may kindly be directed to release salary of the applicant forthwith.

Applicant/Appellant
Through

Naveed Akhtar
& 
Munir Ud Din Ghori
& 
Babar Khan
Advocates, High Court
Peshawar
Cell#0300-9596181

Dated: 01.04.2022

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

C.O.C No. _____/2022

In

Service Appeal No.4821/2021

Amin Ul Haq**Applicant/Appellant**

V E R S U S

Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar & Others

.....**RESPONDENTS**

AFFIDAVIT

I, Amin Ul Haq S/O Abdul Haq, R/O Tangi, Nusratzai, Mohalla
Usman Khel, District Charsadda presently posts as: Senior Drug
Inspector, Drug Testing Laboratory, Peshawar,
(Applicant/Appellant) 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 Hon'ble Court.


DEPONENT

CNIC# 17102-2668408-7

Cell# 0300 8922109

Identified by


Naveed Akhtar

Advocate, Supreme Court

8-A

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

C.O.C No. _____/2022

In

Service Appeal No.4821/2021

Amin Ul Haq**Applicant/Appellant**

V E R S U S

Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar & Others

.....**RESPONDENTS**

ADDRESSES OF PARTIES

PETITIONER:

Amin Ul Haq S/O Abdul Haq,
R/O Tangi, Nusratzai, Mohalla Usman Khel, District
Charsadda presently posts as:
Senior Drug Inspector, Drug Testing Laboratory,
Peshawar

RESPONDENT:

1. Shahzad Khan Bangash, Chief Secretary, Khyber
Pakhtunkhwa, Civil Secretariat, Peshawar
2. Tahir Orakzai, Secretary Health Khyber
Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Muhammad Saleem, Director General Drug, and
Pharmacy Services, Peshawar

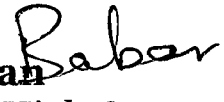
Through Applicant/Appellant


Naveed Akhtar

&

Munir Ud Din Ghori

&


Babar Khan

Advocates, High Court
Peshawar

Cell#0300-9596181

Dated: 01.04.2022

10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Appeal No. 16578/2020

Date of Institution ... 11.01.2021

Date of Decision 06.12.2021



Mr. Manzoor Ahmad, Drug Inspector (BPS-17) District Peshawar, under
Transfer to the post of Pharmacist (BPS-17) DHQ Hospital KDA Kohat.
... (Appellant)

VERSUS

The Chief Secretary, Khyber Pakhtunkhwa Peshawar and two other.
...(Respondents)

Present.

Mr. Noor Muhammad, ... For appellant.
Advocate.

Mr. Muhammad Adeel Butt, ... For respondents.
Addl. Advocate General

MR. AHMAD SULTAN TAREEN ... CHAIRMAN
MR. SALAH-UD-DIN, ... MEMBER(J)

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:-By the appeal described
above in the heading and eight other appeals bearing No. 10301/2020,
10535/2020, 16579/2020, 16580/2020, 923/2021, 1559/2021,
4821/2021, 5187/2021, the appellants have invoked the jurisdiction of this

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(11)

Tribunal to challenge their transfers from the post of Drug Inspectors/Drug Analyst to the post of Pharmacists with the prayer copied herein below:-

"On acceptance of this appeal the impugned Notification dated 06.10.2020 may very kindly be set aside to the extent of appellant and the respondents may kindly be directed not to transfer the appellant from the post of Drug Inspector (BPS-17), District Peshawar. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant."

2. This single judgment shall stand to dispose of all the 09 appeals in one place as in all of them common questions of facts and law are involved.
3. The factual account as given by the appellant in Memo. of Appeal has been edited for the purpose of this judgment. The appellants in Appeals No. 16578/2020, 10301/2020, 10535/2020 16579/2020, 16580/2020 923/2021, 1559/2021, 4821/2021, 5187/2021, are holders of the post of Drug Inspector in pursuance to their appointment made on the said post in due process. Appellant in Appeal No. 16580/2020 is holder of the post of Drug Analyst. The respondent department transferred them from their respective posts held by them in the relevant cadre to the post of Pharmacist. They through their respective departmental appeals have challenged their transfer orders before the departmental appellate authority but they received no response of their departmental appeals. Consequently, they have preferred their service appeals respectively, as

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enumerated herein above, for judicial review of the impugned transfer orders. The copies of the appointment orders of appellants, last transfer order within cadre and of impugned order followed by the copies of departmental appeals are available on record as annexed with their respective Memorandum of Appeals. The appellants have disputed the transfer as made vide impugned order on the ground that in terms of service rules for them, their appointment, promotion and transfer is governed by notification dated 09.04.2006 of the Government of Khyber Pakhtunkhwa Health Department quite differently from the Pharmacists. The copy of the said notification as annexed with the appeal is also available on file. The appellants amongst other grounds have urged that the impugned notification of their transfer is against law, facts, norms of natural justice and material on record and being not tenable is liable to be set aside to the extent of appellants and private respondents; and that the appellants were not treated by the respondents in accordance with law/rules on the subject in utter violation of Articles 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

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4. On notice of appeal, the respondents turned up, joined the proceedings and contested the appeal by filing written replies stating therein that the appellants have got no cause of action or locus standi; that the appeals are against the prevailing law and rules and are not maintainable in present form. They with several factual and legal

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Service Tribunal
Peshawar

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objections submitted that the appeals having been filed with malafide intentions are liable to be dismissed as the impugned transfer notification has been issued in accordance with Section 10 of Khyber Pakhtunkhwa Civil Servants Act, 1973.

5. We have heard the arguments and perused the record.

6. The arguments of the parties revolve around their submission in writing made in Memorandum of appeal and written reply respectively and discussed herein above.

7. Learned counsel for the appellant has argued that the impugned notification dated 06/10/2020 is against the law, facts, norms of natural justice and materials on the record; that the appellant has not been treated by the respondents in accordance with law and rules on the subject and as such the respondents has violated Articles-4 and 25 of the Constitution of Pakistan; that the impugned notification dated 06/10/2020 has been issued by the respondent No. 2 in arbitrary and malafide manner; hence, not tenable and liable to be set aside; that the impugned notification dated 06/10/2020 is based on discrimination, favoritism and nepotism and is not tenable in the eyes of law; that the impugned notification dated 06/10/2020 has neither been in the best interest of the public service nor in exigencies of service; that through impugned notification, the appellants has been transferred against the wrong cadre/post; that

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Annexure "A"

(9)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 16578 /2021

Diary No. 657

Dated 11/1/2021

Mr. Manzoor Ahmad, Drug Inspector (BPS-17),
District Peshawar, under transfer to the post of Pharmacist (BS-17),
DHQ Hospital KDA, Kohat **APPELLANT**

VERSUS

- 1- The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Drug Control & Pharmacy Services, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

APEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 06.10.2020 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM THE POST OF DRUG INSPECTOR (BPS-18), DISTRICT PESHAWAR TO THE POST OF PHARMACIST (BS-17), DHQ HOSPITAL KDA, KOHAT IN UTTER VIOLATION OF TRANSFER/POSTING POLICY AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

Filed to-day

Registrar

PRAYER:

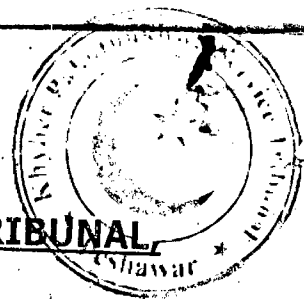
That on acceptance of this appeal the impugned Notification dated 06.10.2020 may very kindly be set aside to the extent of appellant and the respondents may kindly be directed not transfer the appellant from the post of Drug Inspector (BS-17), District Peshawar. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

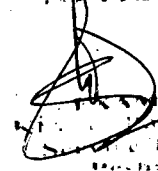
ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant is the employee of respondent Department and is appointed as Drug Inspector (BPS-17) through proper



ATTESTED


REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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through impugned notification is violation of clause-I and IV of the transfer/posting policy of the Government of Khyber Pakhtunkhwa.

8. Learned AAG on behalf of respondents rebutted the arguments advanced by learned counsel for the appellants and has argued that the appellants are employees of Health Departments selected through Public Service Commissions of Khyber Pakhtunkhwa but their performance is questionable on the basis of their monthly progress reports compiled on the basis of set indicators besides their facing inquiries; that the appellants have already completed their normal tenure of two years and it is the discretion of the competent authority to transfer a civil servant at anytime even outside of the province; that no terms and conditions of their service have been violated; that the impugned notification is based on law, Rules and principles of natural justice; that there is no malafide on the part of respondents towards the appellants; that the application are transferred in accordance with law in the public interest; that it is the fitness of things to post a right person at a right place to achieve good governance and to enhance public service delivery; that the appellants have been transferred within their cadre within the same directorate even if they have been transferred in ex-cadre, the same is also covered under the second proviso of Act; that the notification issued after observance of all relevant rules/policy.

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9. For any reason but as matter of fact, the posts held by the appellants as Drug Inspector or Drug Analyst, as the case may be, were got vacated by transfer of the appellants and filled by posting of the individuals from the cadre of pharmacists. The appellants inconsequence of their transfer have been posted against non-cadre posts. The main defense of the respondents lies in their reply to para-4 of the memorandum of appeal. It has been stated vide para-4 of appeal that by the service rules dated 09/04/2006, the cadre of the appellants is completely different from that of service rule assigned for pharmacists. The reply of the respondents to said para is copied below:

"The Service Rules does not carry any kind of assignment to a cadre but it specifies the method of recruitment and promotion prospects which is otherwise protected after the merging of cadre. Although transfer is not a punishment but to make such like people punctual, subservient to the public and to overcome the deficiency of efficient of hardworking officer to post right person on right place, the three cadres i.e. hospital pharmacist, drug inspector and analyst having same basic qualification as required for induction through Public Service Commission, were merged to obviate the stagnancy in the cadre. By doing so any drug inspector or an analyst at DTL (who are the cadre of the 04 to 05 persons) can be transferred making them liable to work in hospital under the close

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supervision of hospital administration and vice versa. Those who are transferred from hospital to work in the field as drug inspector are tremendously working, removing the bottlenecks and highlighting a lot of malpractices previously done by their predecessor who have been sacked from field duty. In other similar cases, the drug inspectors who are sacked are under probe at Provincial Inspection Team and other fora”.

10. From the divergent pleadings of parties particularly discussed herein before, the main question wanting determination is, whether vice versa transfer of the holders of the post of Drug Inspector/Analyst and of Pharmacist is reasonably doable?

11. For answer to the formulated questions, prior determination of the legal status of the appellants and the respondents is necessary, as far as their functional duties are concerned. It is pertinent to observe that the Government of Khyber Pakhtunkhwa made the Khyber Pakhtunkhwa Drug Rules, 1982 in exercise of powers conferred by Section 44 of Drug Act, 1976. Rule-2 of ibid rules provides definitions of different words and phrases. The expression “Act” in the said rules means the Drug Act, 1976. Analyst means an Analyst appointed by the Government under the Act. Inspector means an Inspector appointed by the Government under the Act. Board means the Quality Control Board for the Khyber Pakhtunkhwa Province set up under Section 11 (of the Act). Pharmacy

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Service Tribunal
Peshawar

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means a shop, store or place where drugs are compounded or prepared on prescription. Part-II of ibid rules relates to appointment and functions of enforcement staff. Sub Rule-(1) of Rule-3 in Part-II of the said Rules provides that an Inspector and Analyst shall submit monthly returns in Form-1 & Form-2 respectively, to the Board and a Summary on the overall situation of quality control in the area under their respective jurisdiction and the board shall maintain such information in a manner as to monitor the quality of all the drugs sold and to keep watch on the performance of all manufacturers. Rule-4 provides qualifications etc of Inspector and Analyst. Accordingly, no person shall be appointed as Inspector unless he possess the degree in Pharmacy from University or other institutions recognized for this purpose by the Pharmacy Council of Pakistan and has at least one year experience in the manufacture, sell, testing or analysis of drugs or in Drug Control Administration or in hospital or pharmacy. Sub Rule-(2) of Rule-4 provides the qualification for appointment as Analyst which is similar to that of the Inspector except experience which in case of Analyst is 05 years. The same rules i.e. of 1982 provide for duties of Inspectors and Analysts. From the given statutory expositions relating to the position of Drug Inspector and Drug Analyst, we have no hesitation to hold that the posts of Drug Inspector/Drug Analyst are statutory positions with authority of appointment vested in the Provincial Government. The Government of



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Khyber Pakhtunkhwa vide notification dated 09/04/2006 bearing No. SOH-III/10-04/05 issued in pursuance to the provisions contained in sub rule-(2) of Rule-3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, laid down the method of recruitment, qualification and other conditions of service applicable to the posts specified in column-2 of the appendix. The qualification of Inspector in the appendix is similar to that of qualification provided under Sub-Rule-(1) of Rule-4 of Khyber Pakhtunkhwa Drug Rule, 1982. According to method of recruitment prescribed in column-5 of the appendix, the appointment to the post of Drug Inspector is to be made by initial recruitment while to the post of Chief Drug Inspector and Divisional Drug Inspector by promotion. The respondents in their reply vide para-4 as reproduced herein above have asserted with vehemence that there cadres i.e. Hospital Pharmacist, Drug Inspector and Drug Analyst having same qualification for induction through Public Service Commission, were merged to obviate the stagnancy in the cadre. By doing so Drug Inspector of Analyst at DTL (who are the cadre of 04 to 5 persons) be transferred making them liable to work in hospital under the close supervision of hospital administration. Those who are transferred from hospital to work in the field as Drug Inspector are tremendously working, removing the bottlenecks and

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

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highlighting a lot of discrepancies done by their predecessors who have been sacked from field duty.

12. The reply of the respondents as discussed above revolves around the expediency of filling the Drug Regulatory posts by *inter se* transfer of the holders of the post of Drug Inspector/Drug Analyst and of Pharmacists by merger of their cadre to ensure the discipline and quality of performance purportedly for the public good. We are not supposed to doubt the intentions of the respondents for such expediency but at the same time, we have to see that such an expediency is in conformity to the law and rules on the subject. Article 240 of Constitution of Pakistan enshrines that subject to the Constitution, the appointments and conditions of service in the Service of Pakistan shall be determined by or under the Act of Parliament in case of the services of Federation and by or under the Act of Provincial Assembly in case of services of Province and posts in connection with affairs of the Province. In pursuance of this command of Constitution, the Provincial Service Laws i.e. the Khyber Pakhtunkhwa Civil Servants Act, 1973 and Rules made there-under are in place in general besides other Special Service laws for particular posts and services in connection with affairs of the Province. As already discussed above, the notification dated 09/04/2006 issued in pursuance to Sub Rule-(2) of Rule-3 of (APT) Rules, 1989 is there which laid down the method of recruitment, qualification and other conditions of service



applicable to the posts of Drug Inspectors of different ranks. Thus, in presence of a legal instrument like notification dated 09/04/2006 having statutory backing, transfer of a Drug Inspector to an ex-cadre post to fill the resultant vacancy by transfer of a non-cadre officer is seemingly not credible. By the impugned order dated 06/10/2020, appellants holding the posts of Drug Inspector and one among them holding the post of Drug Analyst were transferred from their respective posts held by them in relevant cadre and posted as Pharmacist in a wrong cadre. The notification dated 06/04/2006 as far as column-5 of its appendix is concerned expressly provides for appointment of Drug Inspector through initial recruitment. With this position as to method of appointment of Drug Inspector, the post held by him cannot be filled by transfer or promotion from any other cadre albeit the person in the alien cadre may possess the qualification similar to the qualification of Drug Inspector. In holding so, we derive guidance from the law laid down by august Supreme Court of Pakistan in the case of Muhammad Sharif Tareen...vs... Government of Balochistan (2018 SCMR 54). In the ibid case, it was held by the Hon'ble Supreme Court that a post which is required by the rules to be filled by Initial recruitment cannot be filled by promotion, transfer, absorption, or by any other method which is not provided by the relevant law and rules. Furthermore, after making reference to the law laid down in the case of Ali Azhar Khan

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Baloch...vs...Province of Sindh (205 SCMR 456), it was held as

follows:

"8. The quintessence of the paragraphs reproduced above is that the appointments made on deputation, by absorption or by transfer under the garb of exigencies of service in an outrageous disregard of merit impaired efficiency and paralyzed the good governance and that perpetuation of this phenomenon, even for a day more would further deteriorate the state of efficiency and good governance."

13. For what has gone above, all the appeals with their respective prayers are accepted as prayed for. Consequently, the impugned order is set aside and respondents are directed not to transfer the appellants from the post of Drug Inspector or Drug Analyst as the case may be. Parties are left to bear their own costs. File be consigned to record room after completion.

(SALAH-UD-DIN)
Member(J)

ANNOUNCED
06.12.2021

Certified to be true copy

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(AHMAD SULTAN TAREEN)
Chairman

Date of Presentation of Application 02/02/2022
 Number of Words 5200
 Copying Fee 54/-
 Urgent 4/-
 Total 58/-
 Name of Applicant -
 Date of Completion of Copy 02/02/2022
 Date of Delivery of Copy 02/02/2022


BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 4821 / 2021.

AMIN UL HAQ VS Government of Khyber Pakhtunkhwa etc.

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Wakalat Nama		NIL


Security
2/6

Appellant
Through,

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)
213, Sunehri Masjid Road,
Peshawar Cantt.
0300-9020098


ATTESTED

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①

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____ / 2021.

AMIN UL HAQ,

S/o Abdul Haq,

R/O Tangi, Nusratzai, Mohallah Usman Khel, District Charsadda

Presently posted as:

Drug Inspector, Drug Testing Laboratory, Peshawar.

..... Petitioner

VERSUS

1. GOVERNMENT OF KHYBER PAKHTUNKHWA,
Through Chief Secretary,
Civil Secretariat, Peshawar.
 2. SECRETARY HEALTH,
Government of Khyber Pakhtunkhwa,
Health Department, Civil Secretariat, Peshawar.
 3. DIRECTOR GENERAL, HEALTH SERVICES,
Government of Khyber Pakhtunkhwa, Khyber Road, Peshawar.
 4. DIRECTOR GENERAL, DRUG CONTROL & PHARMACY SERVICES,
Government of Khyber Pakhtunkhwa, Khyber Road, Peshawar.
- Respondents


ATTESTED

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2

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST IMPUGNED NOTIFICATION DATED 06.10.2020 WHEREBY APPELLANT HAS BEEN TRANSFERRED FROM THE POST OF DRUG INSPECTOR (BPS-18), DRUG TESTING LABORATORY, PESHAWAR TO THE POST OF SENIOR PHARMACIST (BPS-18), SERVICES HOSPITAL, PESHAWAR AGAINST THE MANDATE OF POSTING / TRANSFER POLICY OF PROVINCIAL GOVERNMENT, AGAINST THE JUDGMENT OF HONORABLE PESHAWAR HIGH COURT, PESHAWAR AS WELL AS AGAINST THE LAW, MOREOVER THE DEPARTMENTAL APPEAL FILED AGAINST THE SUBJECT IMPUGNED NOTIFICATION HAS ALSO NOT YET BEEN RESPONDED / DECIDED, DESPITE THE LAPSE OF STATUTORY PERIOD.

PRAYER: That on acceptance of this service Appeal, Impugned Notification dated 06.10.2020 may please be declared as illegal and unlawful to the extent of Appellant as the same amounts to change of cadre from one post to another, with such other relief as may deem fit in the circumstances of the case may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

1. That the Petitioner was appointed as Drug Inspector (BS-17) through Khyber Pakhtunkhwa Public Service Commission after fulfilling all the requisite criteria in Health Department vide Notification dated 27.05.2009, copy of the Appointment Notification dated 27.05.2009 is attached as Annexure A.


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2. That, lastly Appellant was serving as Drug Inspector (BPS-18), Drug Testing Laboratory, Peshawar. Vide Impugned Notification dated 06.10.2020, the Appellant was transferred to the post of Senior Pharmacist (BPS-18), Services Hospital, Peshawar against the post of other cadre, copy of the Impugned Notification is attached as Annexure B.
3. That, feeling aggrieved from the Impugned Notification, the Appellant served / submitted his Departmental Appeal which remained un-responded / undecided, copy of the Departmental Appeal is attached as Annexure C.
4. That, thereafter Appellant approached the Honorable Peshawar High Court, Peshawar in Writ Petition No. 5267-P / 2020, which was decided 02.04.2021 as not maintainable due to bar contained in the Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, copy of the Writ Petition and Order / Judgment dated 02.04.2021 is attached as Annexure D.
5. That, after Dismissal of Writ Petition by the Honorable Peshawar High Court, Peshawar, the Appellant came to know about the pendency of Service Appeal of one Mr. Manzoor Ahmad, (Drug Inspector), in which this Honorable Tribunal has already suspended the Impugned Notification dated 06.10.2020, copy of the Order in Service Appeal No. 16578 / 2021 dated 18.01.2021 is attached as Annexure E, hence this Service Appeal on the following amongst other grounds:


ATTESTED

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GROUNDS:

- A. That, the Impugned Notification is illegal, unlawful, void and ineffective.
- B. That, the same is against the principles of Natural Justice, also.
- C. That, Appellant has not been treated in accordance with law and policy governing the subject i.e. Khyber Pakhtunkhwa Transfer / Posting Policy.
- D. That, Impugned Notification has been issued / passed by the Respondents in arbitrary and fanciful manner without adopting the law / procedure.
- E. That, the Impugned Notification is contemptuous in nature as the Honorable Peshawar High Court, Peshawar has already declared merging of three distinct cadres as illegal and unlawful in writ jurisdiction vide Order dated 11.03.2020, copy of the Order dated 11.03.2020 is attached as Annexure F.
- F. That, as per the Judgment of Honorable Peshawar High Court, Peshawar in which merging of three cadres of Drug Inspector, Pharmacists and Chemist and Drug Analyst were declared illegal. The issuance of Impugned Notification in post Judgment scenario is not only contemptuous but is also against the spirit of trichotomy of powers as mentioned in the Constitution of Islamic Republic of Pakistan, 1973.
- G. That, despite the clear cut Judgment of Honorable Peshawar High Court, Peshawar, the issuance of Impugned Notification was not warranted by law.

ATTESTED

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- H. That, Impugned Notification is based on discrimination, favoritism hence the same should be considered as bad example and bad administrative action, which is not only against the Judgment of Constitutional Forum but is also against the norms of justice, equity and fair play.
- I. That, Appellant could not be forcibly posted against a post which does not belongs to his cadre, even otherwise in case of acceptance of Impugned Notification, the Appellant will also lose his seniority in his original cadre.
- J. That, Impugned Notification is against the mandate of Posting / Transfer Policy issued / promulgated by the Government of Khyber Pakhtunkhwa.
- K. That appellant seeks permission to advance other grounds and proofs at the time of hearing. .

It is therefore, most humbly prayed that the Service Appeal of the Appellant, may please be accepted as prayed for.


Appellant

Through,

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)


ATTESTED

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Annexure "B"

28

Duty No. 2709

Date: 16.2.22. The Secretary Health department
K.P.K. Peshawar.

Subject:

Application for the posting of
Mr. Amin-ul-Haq as a Senior
Drug Inspector (B.P.S-18) at
District: Mardan.

Respected Sir,

As per order granted by the
honorable service Tribunal K.P.K Peshawar
on the subject noted above.
The undersigned has the honor to here by

inform your good office by resuming the
charge of official duties of Drug Control
activities at his previous place of posting
as a senior drug inspector (BPS-18) at
District: Mardan.

Further more, the undersigned has the
honor to here by forward the order
granted by honorable service Tribunal
K.P.K, Peshawar for further necessary
Action please, and also release my
Salary.

Yours faithfully,

Amin-ul-Haq
Senior drug inspector (BPS-18)

- SCH (E&A)
- AS - ESTT
- AS - MTI
- DS - Admin
- DS - Legal
- DS - ESTT

Acc 16/2/22

So till

ATTESIED

(29)

Annexure "C"

Annexure "C" (B)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar, the 08th May, 2021

NOTIFICATION.

SO(H-III)7-262/2021. WHEREAS Health Department constituted the Committee vide Notification of even number, dated 24th June, 2020 to conduct the comprehensive audit of various districts including District Mardan for the purpose to evaluate the performance of Drug Inspectors and to unearth the reported discrepancies/mal practices/complaints that were poured in indicating lack of Drug Sale Licensing's data, NOCs issued to other districts, data of seized stock, pending cases for submission in the Provincial Quality Control Board and the Drug Court and data of FIRs in their respective Districts.

AND WHEREAS the Audit Report surfaced corrupt practices committed during the tenure of Mr. Amin ul Haq, the Drug Inspector District Mardan.

AND WHEREAS the Provincial Inspection Team, Khyber Pakhtunkhwa has also conducted an inquiry where besides other corrupt practices, the chance of bribe has been proved

AND WHEREAS there is likelihood of distorting the record under inquiry that may affect the inquiry proceedings.

AND WHEREAS the Competent Authority has ordered for conduction of Formal Inquiry under Efficiency & Disciplinary (E&D) Rules, 2011

NOW THEREFORE the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) has been pleased to suspend the services of Mr. Amin Ul Haq under Rule-6 of Khyber Pakhtunkhwa Efficiency & Disciplinary (E&D) Rules, 2011 and is directed to report to Directorate General Drug Control & Pharmacy Services, Khyber Pakhtunkhwa with immediate effect.

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

Endst even No & date.

A copy is forwarded to:-

1. PSO to Chief Secretary, Khyber Pakhtunkhwa.
2. PS to Minister for Health, Khyber Pakhtunkhwa.
3. The Director General Drug Control & Pharmacy Services, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. District Account Officer, Mardan.
6. District Account Officer, Kohat.
7. PS to Secretary Health, Khyber Pakhtunkhwa, Peshawar.
8. PS to Special Secretary Health (E&A), Khyber Pakhtunkhwa, Peshawar.
9. Deputy Director (I.T.), Health Department.
10. Officer concerned.

ATTESTED

(Maseer Ahmed)
SECTION OFFICER-III



30

Annexure "D"

Amirul Haq

5

DIRECTORATE GENERAL DRUG CONTROL & PHARMACY SERVICES

All communication should be addressed to the Director General Drugs & Pharmacy Services.

DG. Office Ph: +92-91-9222824 & Fax: +92-91-9211702

No. 28-31 /DG DC & PS

Dated: 14/10/2021


To

The District Account Officer
Mardan.

Subject: STOPAGE OF PAY (MR. AMIN UL HAQ DRUG INSPECTOR)
DISTRICT MARDAN.

Mr. Amin ul Haq Senior Drug Inspector Mardan was transferred to KDA Hospital Kohat as senior Pharmacist against the vacant post vide Government of Khyber Pakhtunkhwa Health Department Notification NO. SOH-III/10-4/2020 dated 06th October 2020 but still yet the Officer concerned not reported to his place of duty.

It is further stated that his salary as Drug Inspector Mardan immediately be stopped.


14/10/2021

DIRECTOR GENERAL
DRUG CONTROL & PHARMACY SERVICES
Khyber Pakhtunkhwa Peshawar.

Cc:

1. Medical Superintendent KDA Hospital Kohat
2. Drug Inspector Mardan
3. P.S to Secretary Health Khyber Pakhtunkhwa
4. Mr. Amin ul Haq Senior Pharmacist (Mardan) with the direction to report to his new place of posting i.e. KDA Hospital Kohat immediately.

ATTESTED

50 روپے

94738



ایڈوکیٹ:

بار کونسل / ایسوسی ایشن نمبر:

رابطہ نمبر:

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

منجانب:

دعویٰ:

علت نمبر:

مورخہ:

جرم:

تھانہ:

باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام کے لیے نوٹس کے ساتھ مندرجہ بالا کے نوٹس 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 برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور مفسوفی، 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 قانون کو اپنے ہمراہ مانا جائے اور رکا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور ان کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو چیز چاہے جانے اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دور و یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا گیا کہ سند رہے

المقوم:

العبد



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 1083-84 /ST

Dated: 18/05 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

- 1 The Chief Secretary Khyber Pakhtunkhwa,
Peshawar
- 2 The Secretary Health Department, Khyber Pakhtunkhwa,
Peshawar

Subject: ORDER IN IMPLEMENTATION /COC PETITON NO. 170/2022 MR. AMIN UL
HAQ

I am directed to forward herewith a certified copy of order dated 13-05-2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above

(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2330-31 /ST Dated 3 / 8 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

1. The Secretary Health, Government of Khyber Pakhtukhwa, Peshawar.
2. The Director General Drug and Pharmacy, Peshawar.

SUBJECT: SHOWCAUSE NOTICE IN EXECUTION PETITION NO: 170/2022 TITLED AMIN UL HAQ -VS- THE CHIEF SECRETARY, GOVERNMENT OF KHYBER PAKHTUKHWA, PESHAWAR AND OTHERS.

I am directed to say that execution petition No. 170/2022 was filed in this Tribunal against the respondents for disobedience of the order dated: 06-12-2021 passed by this Tribunal in service appeal No. 4821/2021 titled Mr. Amin Ul Haq VS The Chief Secretary, Government of Khyber Pakhtukhwa, Peshawar and Others.

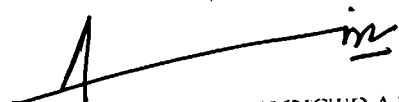
That when the above execution petition came up for hearing before this Tribunal on 05-07-2022, the following orders were passed:

"Learned counsel for the petitioner present. None for the respondents present.

Mr. Adeel Butt, Addl: AG on behalf of the respondents put appearance in early hours of the court and assured that he would submit compliance report in the matter in some moments but later on neither compliance was submitted nor he put appearance. Therefore, salaries of the judgement debtors attached. The Accountant General Khyber Pakhtunkhwa is directed to attach the salaries of the respondents not to release the same till further order by this Tribunal. Show cause notice be also issued to the respondents as to why they should not be proceeded under the Contempt of Court Ordinance-2003.

Last Chance is given to the respondents to implement the judgement and submit compliance report on 06-09-2022 before SB."

You are, therefore, served with show cause notice to explain as to why appropriate action may not be initiated against you for non-compliance of order of this Tribunal dated 06-12-2021.


ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

No. 2329/ST Dated 31/8/2022

Ph:- 091-9212281
Fax:- 091-9213262

To:

The Accountant General,
Khyber Pakhtunkhwa,
Peshawar.

SUBJECT:- ORDER REGARDING ATTACHMENT OF SALARIES IN EXECUTION PETITION NO. 170/2022, TITLED AMIN UL HAQ-VS-THE CHIEF SECRETARY, GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR AND OTHERS.

I am directed to forward herewith a certified copy of order dated 05.07.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance.

Encl. As above.

(AMIR FAROOQ)
ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

Before the Hon,ble Service Tribunal Khyber Pakhtunkhwa Peshawar

CIM No _____

Khyber Pakhtunkhwa
Service Tribunal

IN

Diary No. 1120

COC Petition no:170/2022 in service Appeal no 4821/2021

Dated 31-8-2022

Mr.Amin Ul haq

.....Petitioner

VS

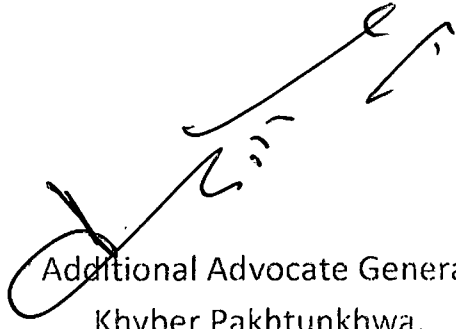
Govt of Khyber Pakhtunkhwa and

othersRespondents

PETITIONR FOR EARLY HEARING/SALLREIS RELEASE

Respectfully Sheweth

1. That the above subject title COC in Service appeal mention above is pending for adjudication before this Hon'ble service Tribunal for 6/9/2022.
2. That this Hon'ble Service Tribunal vide order dated 5/7/2022 has attached the salaries of the applicants /Respondents till submission of implementation report (copy of order sheet dated 5/7/2022) has attached Annexure-I
3. That the respondents have implemented the Judgments dated 6/12/2021 vide notification dated 22/8/2022 in compliance with the order of this Hon'ble Service Tribunal (Copy of notification dated 22/8/2022 is attached in annexure-ii).
4. That due to attachments of salaries the applicant respondents is facing financial problems and hardship.
5. Its therefore , humbly prayed that on acceptance of instance petition salaries of the respondent/Applicants may kindly be released in interest of justice


Additional Advocate General
Khyber Pakhtunkhwa,
Peshawar

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR**

Implementation /COC Petition NO. 170/2022

IN

Service Appeal No. 4821/2021.

Mr. Amin ul Haq, Senior Drug Inspector, Drug Testing Laboratory Peshawar.

.....**PETITIONER**

Versus

1. The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
3. The Director General Drug Control & Pharmacy Services, Khyber Pakhtunkhwa Peshawar

.....**RESPONDENTS**

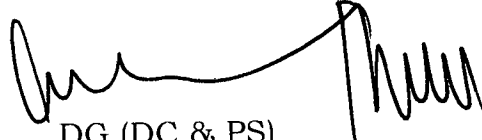
IMPLEMENTATION REPORT

R/SHEWETH:

1. Pertain to record, need no comments.
2. Pertain to record, need no comments.
3. Pertain to record, need no comments.
4. Incorrect, the replying respondents on receiving judgment of the Tribunal forwarded summary for implementation of the judgment to the competent Authority and on the approval of the competent authority judgment of the honorable Tribunal was implemented vide notification dated: 22/08/2022 (Annex-A).
5. Incorrect and misleading, hence denied. The Notification dated: 06/05/2021 is issued in response to the audit committee, who conduct the comprehensive order of various districts, including district Mardan for the purpose to evaluate the performance of drug inspector and to un-earth the reported discrepancies/malpractices/complaints, that were poured in various matters relating to drug and drug license and whereas the audit report surface corrupt practices during the tenure of Appellant. So the question of wrath of the respondents does not arise and the suspension order is issued by competent authority as per law.
6. In reply to para-6 it is stated that the salary of the appellant was stopped as drug inspector, Mardan, not at the place where he transferred. He submits his arrival at the new place of arrival and despite of so many reminders, the appellant did not submit his LPC which is a mandatory requirement for starting salary.
7. Para-7 is misleading, hence denied after submission of arrival to respondent no. 3. Furthermore, despite of so many reminders, he neither presented his LPC to the office of respondent No. 3, nor attended the office till date.

8. Incorrect. Detail has been given in para-4 and 7 of the Implementation report.
In reply to Para-9 it is submitted that the replying respondents are always honors the judgment in directions of the court of law and never ever think to violate the same. Detail reply has already been attached in preceding paras.
10. Para-10 is wrong, Incorrect. Hence denied, the replying respondent always obeys order / directions of court.

It is therefore humbly prayed that this Ex-Petition /COC may kindly be dispose-off in light of this implementation report.



DG (DC & PS)
Khyber Pakhtunkhwa Peshawar
As Respondent No. 3



Secretary Health
Khyber Pakhtunkhwa, Peshawar
As Respondent No. 1 & 2



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar, the 22nd August, 2022

NOTIFICATION

SOH-III/7-262/2022(Drug Inspector): In compliance of the Services Tribunal, Peshawar judgment dated 06-12-2021 in Service Appeal no 16578/2020, and consequent upon the approval of competent authority, the posting/transfer orders of the following Chief Drug Inspector/Drug Inspectors/Drug Analyst is hereby made with immediate effect.

S. No	Name of Officer's & Designation	From	To	Remarks
1.	Syed Muhammad Asad Halimi Chief Drug Inspector BS-19.	Chief Pharmacist (BS-19), KDA, Kohat.	Chief Drug Inspector (BS-19), District D.I Khan	Against the vacant post.
2.	Tayyab Abbass Chief Drug Inspector BS-19	Chief Pharmacist (BS-19), Services Hospital, Peshawar.	Chief Drug Inspector (BS-19), District Abbottabad.	Against the vacant post.
3.	Amin ul Haq Senior Drug Inspector BS-18	Already under report to DG, DC&PS on account of disciplinary proceeding under E&D Rules, 2011.		
4.	Arif Hussain Analyst BS-18	Senior Pharmacist (BS-18), Services Hospital, Peshawar.	Drug Analyst (BS-18), Drug Testing Laboratory (DTL), Peshawar.	Against the vacant post.
5.	Manzoor Ahmad Drug Inspector BS-17	Drug Inspector (BS-17), District Peshawar.	Drug Inspector (BS-17), District Dir Lower.	Against the vacant post.
6.	Zia Ullah Drug Inspector BS-17	Drug Inspector (BS-17), District Dir Lower.	Drug Inspector (BS-17), District Bannu.	Against the vacant post.
7.	Muhammad Shoaib Khan Drug Inspector BS-17	Already under report to DG, DC&PS on account of disciplinary proceeding under E&D Rules, 2011.		
8.	Shazada Mustafa Anwar Drug Inspector BS-17	Waiting for posting at Directorate of Drug Control & Pharmacy Services, Khyber Pakhtunkhwa, Peshawar.	Drug Inspector (BS-17), District Karak.	Against the vacant post.

-sd-

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

End of even No and Date.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Drug Control & Pharmacy Services, Khyber Pakhtunkhwa, Peshawar.
3. Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar.
4. Medical Superintendent, DHQ Hospital, concerned.
5. Medical Superintendent, Services Hospital, Peshawar.
6. District Health Officer concerned.
7. In-charge, Drug Testing Laboratory, Peshawar.
8. District Accounts Officer, concerned.

Section Officer
Health Department
Khyber Pakhtunkhwa

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should
addressed to the Registrar of
Service Tribunal and not
official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No: 2484 /ST Dated: 31 / 08 /2022

To:

The Accountant General,
Khyber Pakhtunkhwa.

Subject:- SALARY RELEASE OF THE RESPONDENTS IN CASE TITLE AMIN UL HAQ VS
CHIEF SECRETARY KHYBER VPAKHTUNKHWA IN EXECUTION PETITIONS
NO. 170-72/2022 .

i am directed to forward herewith a certified copy of order dated 31-08-
2022 passed by this Tribunal on the above subject for compliance.

Received
mmg
31-08-2022

672
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

SB

Appeal No. E.P No. 170 of 20 22

Amin Ul Haq

Appellant/Petitioner

Shahzad Khar Bangash ^{Versus} Chief Secy, KPSC Peshawar

Respondent
(2)

Respondent No.....

Notice to: —

Tahir Orakzai Secy Health KPSC, Civil Secretariat
Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal ^{20/05/2022} on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of ^{E.P ✓} appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this..... ^{19/4}

Day of..... ^{April} 20 22

(For ^{Imp-ment-ion} Report)

28/4/22

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

SB

Appeal No. E.P No. 170 of 20 22

Amir Ull Haq Appellant/Petitioner

Versus

Shahzad Khan Bangash, Chief Secy, KPK Peshawar Respondent

Respondent No. (1)

Notice to: — Shahzad Khan Bangash, Chief Secy, KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20/05/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

E.P ✓

Copy of ~~appeal~~ is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 19th

Day of April 20 22

(For Implementation Report)

S. J. B. K. P.
29/05/22

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

Diary No. _____
FTS No. _____
Date. _____