




06.10.2022

Appellant alongwith his counsel present. Dr. Wajid Ali, Veterinary Officer alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for respondents present.

Learned counsel for the appellant sought adjournment for preparation of arguments. Adjourned. To come up for arguments on 10.11.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat



(Salah-Ud-Din)
Member (J)
Camp Court Swat

07.07.2022

Nemo for appellant.

Noor Zaman Khan Khattak, learned District Attorney for respondents present.

Notice be issued to appellant and his counsel for 03.08.2022 for hearing before the D.B at Camp Court, Swat.



(Fareeha Paul)
Member(E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

3.8.22

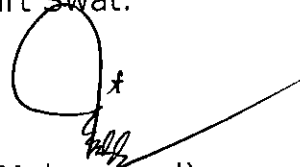
Due to summons verification the case is adjourned to 8.9.22 for the same.



08.09.2022

Nemo for the appellant. Dr. Wajid Ali Khan, Veterinary Officer alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Previous date was changed on the strength of Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 06.10.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (Executive)
Camp Court Swat



(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

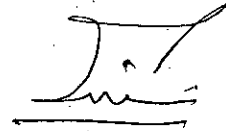
11.05.2022

Counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 06.06.2022 before D.B at camp court Swat.



(Mian Muhammad)
Member(E)

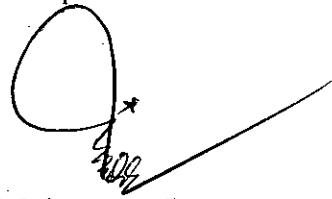


(Salah Ud Din)
Member(J)
Camp Court Swat

06.06.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellant did not appear before the court. Adjourned. To come up for arguments on 08.06.2022 before the D.B at camp court Swat. .



(Mian Muhammad)
Member(E)

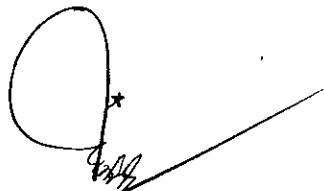


(Kalim Arshad Khan)
Chairman
Camp Court Swat

8th June, 2022

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Counsel are on strike. To come up for arguments on 07.07.2022 before the D.B at camp court Swat.



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Swat

08.02.2022


Tour is hereby canceled. Therefore, the case is adjourned to 05.04.2022 for the same as before at Camp Court Swat.



Reader

05.04.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is unable to appear due to death of his father-in-law. Adjourned. To come up for arguments on 11.05.2022 before the D.B at Camp Court Swat.

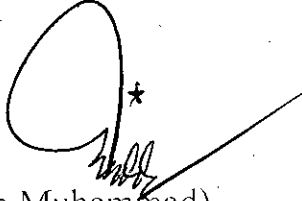

(Rozina Rehman)
Member (J)
Camp Court, Swat


(Salah-Ud-Din)
Member (J)
Camp Court Swat

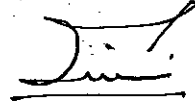
04.01.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Dr. Wajid Ali Khan, Veterinary Officer for respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to domestic engagement. Adjourned. To come up for arguments on 08.02.2022 before D.B at camp court Swat.



(Mian Muhammad)
Member(E)



(Salah Ud Din)
Member(J)
Camp Court Swat

08.02.2022

Tour is hereby canceled. Therefore, the case is adjourned to 05.04.2022 for the same as before at Camp Court Swat.

Reader

06/04/2021

Due to COVID-19, the case is adjourned to

08/11/2021 for the same.


READER

8-6-21

*Due to COVID-19, the case is adjourned
to 2-11-2021 for same.*

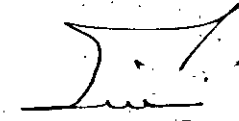
02.11.2021

Nemo for the appellant. Dr. Wajid Ali, Veterinary Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments before the D.B on 04.01.2022 at Camp Court Swat.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court Swat



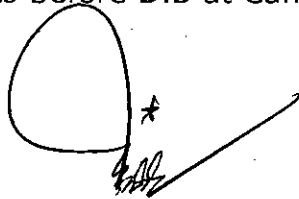
(Salah-Ud-Din)
Member (J)
Camp Court Swat

02.02.2021

Nemo for parties.

Muhammad Raiz Khan Paindakheil learned Assistant Advocate General for respondents present.

Preceding date was adjourned on account of Covid-19, therefore, both the parties be put on notice for 06.04.2021 for arguments before D.B at Camp Court, Swat.

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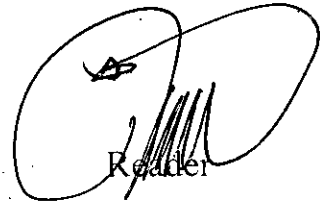
(Mian Muhammad)
Member (E)
Camp Court, Swat

A handwritten signature in black ink, consisting of a large, rounded initial 'R' followed by a short, horizontal stroke.

(Rozina Rehman)
Member (J)
Camp Court, Swat

03.06.2020

Due to Covid-19, the case is adjourned. To come up for the same on 06.08.2020, at camp court Swat.



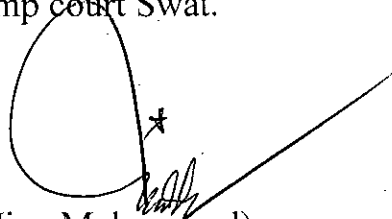
Reader

06.10.2020

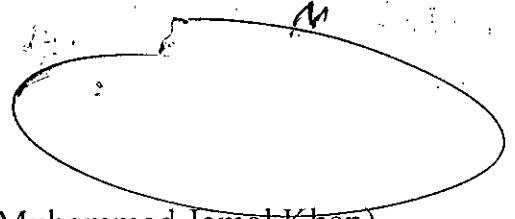
Appellant is present in person. Mr. Usman Ghani, District Attorney alongwith Dr. Wajid Ali Khan, VO for respondents present.

Arguments could not be heard due to strike of the District Bar Association, Swat.

Adjourned to 08.12.2020 for arguments before D.B at camp court Swat.



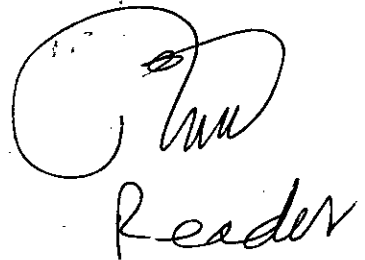
(Mian Muhammad)
Member(E)



(Muhammad Jamal Khan)
Member
Camp Court Swat

8/12/20

Due to Covid-19 case is adjourned
to 02-02-2021

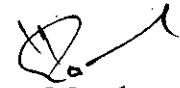


Reader

04.02.2020

Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Doctor Wajid Ali Shah Veterinary Officer for the respondents present. Lawyers are not attending the courts today on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 04.03.2020 before D.B at Camp Court Swat.



Member


Member
at Camp Court Swat


04.03.2020

Appellant with counsel present. Mr. Usman Ghani learned District Attorney present and stated that the present service appeal has become infructuous. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for further proceedings/arguments on 08.04.2020 before D.B.


Member



Member
Camp Court, Swat.


Due to coronavirus tour to camp court swat has been cancelled. To come up for the same on 03/06/20


Reader

07.10.2019

Counsel for the appellant and Mr. Anwar-ul-Haq, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 03.12.2019 for arguments before D.B at Camp Court Swat.



(Hussain Shah)
Member
Camp Court Swat


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

03.12.2019

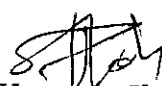
Appellant alongwith his counsel present. Mr. M. Riaz Khan, Painsdakhel, Assistant Advocate General alongwith Dr. Wajid Ali Khan, Veterinary Officer for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 07.01.2020 before D.B at camp court Swat.



Member


Member
Camp Court Swat

07.01.2020

Counsel for the appellant and Mr. Riaz Ahmad Painsdakhel, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 04.02.2020 for arguments before D.B at Camp Court Swat.


(Hussain Shah)
Member
Camp Court Swat


(M. Amin Khan Kundi)
Member
Camp Court Swat

01.04.2019

Learned counsel for the appellant present. Written reply not submitted. Dr. Mian Amir Siyab Incharge CVH representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 07.05.2019 before S.B at Camp Court Swat.



Member
Camp Court, Swat.

07.05.2019

No one present on behalf of appellant. Mr. Mian Amir Qadir learned District Attorney alongwith M/S Dr. Wajid Ali Veterinary Officer and Jamshaid Litigation Officer present. Written reply submitted. To come up for rejoinder, if any, and arguments on 01.07.2019 before D.B at Camp Court, Swat.



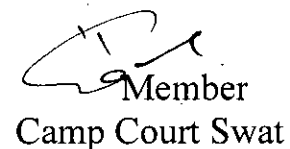
Member
Camp Court, Swat.

01.07.2019

Counsel for the appellant present. Mian Amir Qadir, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned Case to come up for arguments on 07.10.2019 before D.B at camp court Swat.



Member



Member
Camp Court Swat

21.03.2019

Learned counsel for the appellant present. Preliminary arguments Heard.

The appellant preferred the instant service appeal Under Section 4 of the Khyber Pakhtunkhwa Service Tribunal act 1974, against the impugned order dated 02.08.2018, transferring the appellant from the posts of veterinary Assistant in civil veterinary dispensary (CVD) peer kalay baryum Matta Swat to in the office of District Director Live Stock Harripur. Being aggrieved the appellant filed a writ petition no 4113-P/2018 before the Peshawar High Court Peshawar. The Hon'ble Peshawar High Court Vide order dated 04.12.2018 converted the writ in departmental appeal and was sent to respondent No.3 who did disposed off the same within the statutory period of ninety days. Hence the service appeal preferred on 02.02.2019.

The learned counsel for the appellant argued that the posting order was premature and in-violation of the election commission ban and was purely politically motivated. He prayed that on acceptance of that appeal the impugned transfer order dated 02.08.2018 may be set aside being against the law, rules and policy, based on malafide due to political pressure and also against the ban notification imposed by the election commission of Pakistan dated 31.07.2018 and against the Sec. 230(2) (e) (f) of the Election act 2017. It is also prayed that the transfer order dated 02.08.2018 be suspended in favor of the appellant till the final order of the appeal

Points raised need consideration. The appeal is admitted for regular hearing. Subject to all legal objections. The appellant is directed to deposit security and process fee within ten (10) days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 01.04.2019 before S.B at Camp Court Swat. The pray for suspension of posting order is regretted.



Appellate Admitted
Security & Process Fee


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 382/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/03/2019	<p>The appeal of Mr. Yahya presented today by Mr. Hidayat Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 20/3/19</p>
2-	20/03/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/03/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

06.10.2020

Appellant is present in person. Mr. Usman Ghani, District Attorney alongwith Dr. Wajid Ali Khan, VO for respondents present.

Arguments could not be heard due to strike of the District Bar Association, Swat.

Adjourned to 08.12.2020 for arguments before D.B at camp court Swat.

(Mian Muhammad)
Member(E)

(Muhammad Jamal Khan)
Member
Camp Court Swat

02.02.2021

Nemo for parties.

Muhammad Raiz Khan Paindakheil learned Assistant Advocate General for respondents present.

Preceding date was adjourned on account of Covid-19, therefore, both the parties be put on notice for 06.04.2021 for arguments before D.B at Camp Court, Swat.

(Mian Muhammad)
Member (E)
Camp Court, Swat

(Rozina Rehman)
Member (J)
Camp Court, Swat

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 382 / 2019

Yahya S/O Beladar Mian

..... (APPELLANT)

Versus

Director General extension Live Stock & Dairy development & Others

(RESPONDENTS)

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6	Copy of notification dated: 31/07/2018 of election commission.	"B"	12
7	Copy of impugned transfer order dated: 02/08/2018	"C"	13
8	Copy of writ petition No. 4113-P/2018 and order of Peshawar High court dated: 04/12/18 and comments of the respondents. 1 & 2	"D"	14 - 24
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Appellant

Yahya

**Yahya
Through Counsel**

Hidayat Ali
Hidayat Ali Advocate
Cell No. 0342 0085796

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No.....2019

Yahya S/O Beladar Mian R/O Pir Kilay, Tehsil Matta District Swat,
veterinary Assistant, Presently transferred /posted in the office of district
Director Live Stock Hari Pur.

.....{Appellant}

Versus

- 1) Director General extension Live Stock & Dairy development
- 2) Director General Head Quarter Live Stock & Dairy development
Near at Bacha Khan Choke Peshawar.
- 3) Secretary agriculture & Live Stock government of Khyber-
Pakhtunkhwa, at Peshawar Civil Sectriate.

.....{Respondents}

**Appeal Under Section. 4 of the Khyber
Pakhtunkhwa Service tribunal Act 1974,
against the impugned order dated:
02/08/2018 passed by respondents No. 1 & 2
against which the appellant filed a writ
petition No. 4113-P/2018 before the Peshawar
High court at Peshawar and vide order dated:
04/12/2018 the same was converted into
departmental appeal and has sent to
respondent No. 3, who did not dispose off the
same within the statuary period of 90 days.**

PRAYER:

1. That on the acceptance of this appeal the impugned transfer order dated: 02/08/2018, may very kindly be set aside being against the law, rules and policy, based on mala fide due to political pressure and also against the ban notification of election commission of Pakistan dated: **31 July 2018** and also against the **Sec. 230 (2) (e) (f) of election Act 2017.**
2. May kindly be suspend the transfer order dated: 02/08/2018 in favour of the appellant till the final disposal of the appeal.

RESPECTFULLY SHEWETH:

FACTS :

1. That petitioner was posted as veterinary Assistant in Civil Veterinary Dispensary (CVD) Pir Killay Baryum Matta Swat where he had been performing his duties to the entire satisfaction of his superior. **Copy of the Notification dated: 30/10/2017 is annexure "A".**
2. That during the election 2018 candidate of PK-8 would visited village of the petitioner, and in the process one Mohibullah Khan contesting candidate who was the Ex-Advisor of Chief Minister of Khyber Pakhtunkhwa of Live Stock & Dairy Development (Presently Minister of Agriculture, Live Stock and Environmental) of K.P.K also visited the village of the petitioner and got the impression that the petitioner and his family will oppose him in the election this wrong impression lead him to direct respondent No. 1 and 2 to transfer the petitioner from swat to Haripur.
3. That due to ban imposed by Election Commission of Pakistan and on posting and transfer and resistance by respondent No. 1 and 2 as Election Commission of Pakistan has imposed ban

on transfer and posting which remain operative from 4th June 2018 and whereas after General Election 2018 held on 25/07/2018 hence, the Election Commission modified the ban orders but continued the ban and restrictions mentioned in Section 230 (2) (e) (f) of Election Act 2017 for the remaining period of the care Taker Government. **Copy of the Notification dated: 31/07/2018 is annexure "B".**

4. That Section. 230 (2) (e) (f) Election Act 2017 which read as under: 230. Function of caretaker Government:

(2) A care taker Government Shall not

(c)

(f) Transfer public officials unless it is considered expedient and after approval of the commission.

5. That, as no new government is in office and the care Taker Government is continuing in office hence the impugned transfer order of the petitioner by respondents No. 1 and 2 is clear violation of the above notification.

6. That the elder brother of the appellant is an practitioner Advocate and affiliated with **Jumat-e-Islami**, hence Mr. Mohiullah Khan a local villager of Shawar Tehsil Mata, wrongly had apprehended the appellant and his family will oppose his the election hence the transfer of appellant is therefore, prime facie based on mala fide with political victimization. **Copy of the impugned order dated: 02/08/2018 is annexure "C".**

7. That appellant was posted vide order dated: 30/10/2017 in the CVD (Civil Veterinary Dispensary) he had hardly served for 9 months and 2 days where after he was illegally transferred. Which is against of law, rules and policy.

8. That the appellant aggrieved and filed a writ petition No. 4113-P/2018, before the Peshawar high Court and was also prayed for interim relief as status quo, against the above

transfer order dated: 02/08/2018. Whereby the August High Court was converted to departmental appeal and sent to the respondent No. 3 on 04/12/2018. **Copy of writ petition and Order of Peshawar High Court dated: 04/12/2018 is annexure "D"**.

9. That after the writ petition of the appellant due to the same political victimization another brother of appellant namely Mr. **Khalil Bashah** PST in education department was also transferred from urban area to a hilly area, where the transport facility is not available to the same school. And that transfer is also a single transfer and no one has been transferred on the said post. Furthermore that the transfer proposer authority ASDEO (M) Matta Swat is the real brother of the concerned minister MOHIB ULLAH KHAN. Which is also illegal and against law rule and policy. **Copy of order dated: 27/08/2018 is annexure "E"**.

10. That the respondent, 3 did not disposed off the same within the statutory period of 90 days.

11. That appellant is aggrieved of the impugned order of transfer for the following grounds.

GROUND:

A. That the Impugned transfer order has been passed under political dictates due to local politics and therefore the same is based on mala fide.

B. That the impugned transfer order is also against the transfer policy which allows minimum two years as normal tenure on a post, hence he has been transferred just after 9 months without completion of 2 years tenure.

C. That appellant has been subjected to discriminatory action as there is neither any complaint against him nor he has completed his tenure the said post has been kept vacant as no

5

one has been posted on the said post so far. Therefore the said transfer order was self-explanatory that no one transferred against the appellant in the said order, hence the order is a result of political victimization and based on mala fide.

- D. That impugned order on face is a clear violation of the notification of Election Commission of Pakistan dated: 31/07/2018 which has put/ restriction on transfer in terms of Section. 230 (2) (f) election Act. 2017.
- E. That appellant is serving as BPS-9 and also a poor person and having a large strength of family, due to the appellant is facing great hardships physically and financially to serve at Haripur because appellant is the permanent residential of Tehsil Matta District Swat.
- F. That the appellant has been treated illegally against the law and has been deprived of equal protection of law.

It is therefore very respectfully prayed that on acceptance of this service appeal the order impugned dated: 02/08/2018 may very kindly be cancelled and the appellant let to perform his duties at his previous station i.e. CVD (Civil Veterinary Dispensary) Pirkilay Baryum Matta Swat.

Any other relief deem appropriate in circumstances and not specifically prayed for may also very kindly be granted.

Appellant

Yahya

**Yahya
Through Counsel**

Hidayat Ali
Hidayat Ali Advocate
Cell No. 0342 0085796

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.....2019

Yahya S/O Beladar Mian (APPELLANT)

Versus

Director General extension Live Stock & Dairy development & Others
..... (RESPONDENTS)

AFFIDAVIT

It is solemnly affirm and declare on oath, that all the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has either been miss stated are kept concealed from this honorable service tribunal.

DEPONENT

Yahya

Yahya
CNIC No. 15601-3824736-9

Identity by:

Hidayat Ali

Hidayat Ali Advocate Swat
Cell No. 0301 8046100
Cell No. 0313 9087575

Abdul Qayyum Khan
Advocate Matta (Swat)
(Oath Commissioner) Notification No: 91-J
Date of Notification 3/4/016 To 8/3/19

S No. C-258 Date 18/03/19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.....2019

Yahya S/O Beladar Mian..... (APPELLANT)

Versus

Director General extension Live Stock & Dairy development & Others
(RESPONDENTS)

ADDRESSES OF THE PARTIES

Address of Appellant

Yahya S/O Beladar Mian R/O Pir Kilay, Tehsil Matta District Swat, veterinary Assistant, Presently transferred /posted in the office of district Director Live-Stock Hari Poor.

Address of respondents

- 1) Director General extension Live Stock & Dairy development
- 2) Director General Head Quarter Live Stock & Dairy development
Near at Bacha Khan Choke Peshawar.
- 3) Secretary agriculture & Live Stock government of Khyber Pakhtunkhwa, at Peshawar Civil Sectriate.

Appellant

Yahya
Yahya

Through Counsel

Hidayat Ali
Hidayat Ali Advocate
Cell No. 0342 0085796

(8)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

M A No..... 2019

IN

Service Appeal No.....2019

Yahya S/O Beladar Mian

..... (PETITIONER)

Versus

Director General extension Live Stock & Dairy development & Others

(RESPONDENT)

**APPLICATION FOR SUSPENSION OF IMPUGNED
TRANSFER ORDER DATED: 02/08/2018, PASSED
BY THE RESPONDENTS NO. 1 & 2**

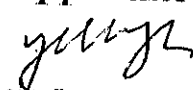
Respectfully Sheweth:

1. That the appeal is filing before this honorable court. In which the date has not been fixed.
2. That the appellant has got good prime facie case in his favour, and are sanguine about its success.
3. That if the operation of the impugned transfer order dated: 02/08/2018 is not suspended the appellant would suffer irreparable loss.
4. That the facts and grounds of the accompanying appeal may kindly be read as an integral part of this application.

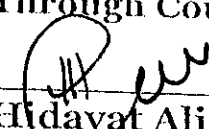
It is therefore, respectfully prayed that on acceptance of this application, and impugned transfer order dated: 02/08/2018 may kindly be suspended till the final disposal of the appeal.

Dated: 18/03/2019

Appellant


Yahya

Through Counsel


Hidayat Ali Advocate

Cell No. 0342 0085796

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

M A No..... 2019
IN
Service Appeal No.....2019

Yahya S/O Beladar Mian (APPELLANT)

Versus

Director General extension Live Stock & Dairy development & Others
(RESPONDENTS)

AFFIDAVIT

It is solemnly affirm and declare on oath, that all the contents of the petition are true and correct to the best of my knowledge and belied and nothing has either been miss stated are kept concealed from this honorable service tribunal.

DEPONENT

Yahya
Yahya
CNIC No. 15601-3824736-9

Identity by:

Hidayat Ali
Hidayat Ali Advocate Swat
Cell No. 0301 8046100
Cell No. 0313 9087575

Abdul Qayyum Khan
Advocate Maita (Swat)
(Oath Commissioner) Notification No:91-J
Date of Notification 8/4/016 To 8/4/19
S No. _____ Date _____

C-258 18/3/19

Amex - A

**DIRECTORATE GENERAL (EXTENSION)
LIVESTOCK & DAIRY DEVELOPMENT
KHYBER PAKHTUNKHWA**

Bacha Khan Chowk, Charsadda Road, Peshawar. : 091-9210276, 9210249, Fax: 091-9210285

No: _____

Dated Peshawar the _____ / 2017

NOTIFICATION:

Consequent upon their appointment in the light of the recommendations of the Departmental Selection Committee, vide Order Numbers mentioned against their names, the following Veterinary Assistants (BPS-09, Rs.11770-730-33670, plus usual allowances), are hereby placed at the disposal of District Director Livestock, Swat, for further placement against the vacant posts in the district, with immediate effect:

Sl	Name	Father's Name	Date of Birth	Appointment Order No.
1.	Palwasha Hussain	Hussain Ahmad	1/1/1995	1916
2.	Sarreen	Kareem Ullah	8/5/1994	1902
3.	Akfar Hussain	Bashar	3/3/1990	1491
4.	Atta Ur Rehman	Shams Ur Rehman	24/2/1990	1430
5.	Azeez Ullah	Fazal Mola	1/2/1996	1498
6.	Fida Hussain	Bashar	1/3/1987	1432
7.	Ghufraan Ud Din	Mhammad Rasoul	30/11/1998	1443
8.	Jamal Shah	Ameer Hamza	2/2/1986	1458
9.	Karnal Said	Said Ahmad Sher	30/2/1989	1437
10.	Melmood Khan	Babar Khan	15/4/1993	1476
11.	Muhammad sadiq	Ibrahim	2/3/1985	1446
12.	Syed Hussain Ali Shah	Fazal Muhammad	10/3/1991	1453
13.	Nahya	Biladar Mian	4/2/1985	1472

DIRECTOR HEADQUARTERS

No: DG L&DD (E) / 140 / 21-73

Dated Peshawar the 30/10/2017

Copy forwarded to the

1. District Director Livestock, Swat
2. District Accounts Officer, Swat
3. Officials concerned, for necessary action.

DIRECTOR HEADQUARTERS

ATTACHED
[Signature]

Better Copy



DIRECTORATE GENERAL (EXTENSION)
LIVESTOCK & DAIRY DEVELOPMENT
KHYBER PAKHTUNKHWA

Bacha Khan Chowk, Charsadda Road Peshawar Tel: 091-9210276/9210249, Fax: 091-9210285

No. _____ Dated Peshawar, the _____ /2017

NOTIFICATION

Consequent upon their appointment in light of the recommendation in the light of the recommendation of the Departmental Selection Committee, vide Order Numbers mentioned against their names, the following Veterinary Assistants (BPS-09, Rs. 11770-730-33670, plus usual allowances), are hereby placed at the disposal of District Director Livestock, Swat, for further placement against the vacant posts in the district, with immediate effect:

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10.	Mehmood Khan	Babar Khan	15/4/1993	1476
11.	Muhammad Sadiq	Ibrahim	2/3/1985	1446
12.	Syed Hussain Ali Shah	Fazal Muhammad	10/3/1991	1453
13.	Yahya	Biladar Mian	4/2/1985	1472

-sd-
DIRECTOR HEADQUARTERS

No: DG-L&DD (E) / 14071-73

Dated Peshawar the 30/10/2017

Copy of the above forwarded to the

1. District Director Livestock, Swat.
2. District Account Officer, swat.
3. Official concerned, for necessary Action.

-sd-
DIRECTOR HEADQUARTERS

Annex-B

ELECTION COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad the 31st July, 2018

No. F.2 (3)/2018-Cord. WHEREAS the Election Commission imposed ban on all type of recruitments and development schemes approved w/e 1st April 2018 vide Notification No. F. 2(3)/ 2018-Cord dated 11th April 2018;

AND WHEREAS a notification was issued on 4th June 2018 whereby it was directed that transfers/ postings shall be subject to prior approval of the Election Commission and postings/ transfers made between 1st June and 4th June 2018 were cancelled;

AND WHEREAS Salaries of all local government institutions were frozen vide Notification vide No. F. 2(3)/ 2018-Cord dated 8th June 2018;

AND WHEREAS the Notification dated 11th April 2018 regarding ban on recruitments and development schemes was partially modified and ban on recruitment was withdrawn with a proviso that Caretaker Governments shall not make promotions major appointments of public officials but may make acting or short term appointments in public interest.

Now when the General Elections have been held in the Country and new governments are going to be formed soon therefore above mentioned notifications are hereby withdrawn with immediate effect. The Caretaker Governments shall follow restrictions mentioned in Section 230 (2) (e) (f) of Elections Act 2017 for their remaining period in office.

By order of the Election Commission of Pakistan.

(Waqas Ahmed Malik)
Deputy Director (Cord)

ATTESTED
[Signature]

Annex-C



**DIRECTORATE GENERAL (EXTENSION)
LIVESTOCK & DAIRY DEVELOPMENT
KHYBER PAKHTUNKHWA**

Bacha Khan Chowk, Charsadda Road Peshawar. Email: dgkdxr@yafko.com Tel: 091-9210276, 9210249, Fax: 091-9210285

ORDER.

The following transfer / posting of Para Veterinary staff are hereby ordered with immediate effect in the best interest of public service.

S.NO	NAME OF THE OFFICIAL WITH DESIGNATION	FROM	TO
1.	Mr. Yahiya Veterinary Assistant BS-09	Office of the District Director Livestock, Swat	Office of the District Director Livestock, Haripur
2.	Mr. Athar Alam Veterinary Assistant BS-09	Office of the District Director Livestock, Swat	Office of the District Director Livestock, Haripur

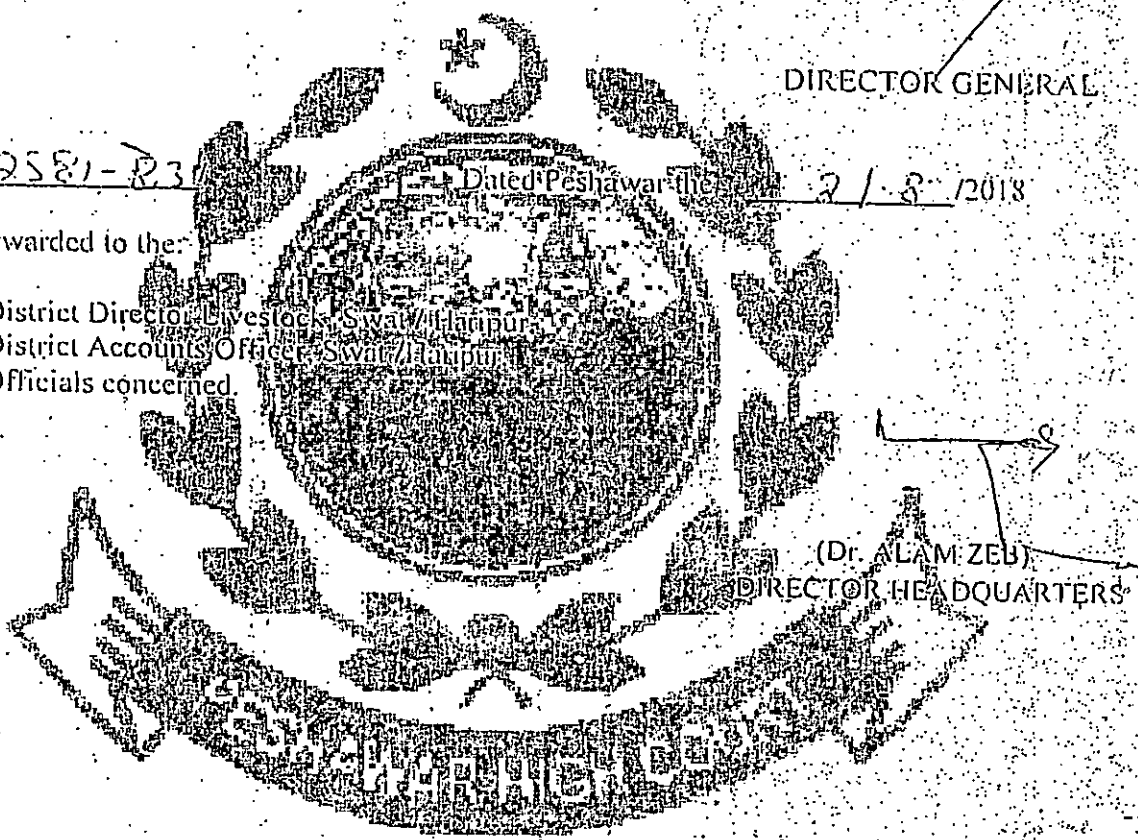
DIRECTOR GENERAL

No. 12581-R3

Dated Peshawar the 2/8/2018

Copy forwarded to the:

1. District Director Livestock Swat/Haripur
2. District Accounts Officer Swat/Haripur
3. Officials concerned.



(Dr. ALAM ZEB)
DIRECTOR HEADQUARTERS

RECEIVED
[Handwritten Signature]

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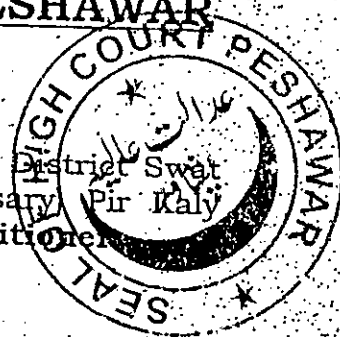
Annex - 9

14

IN THE PESHAWAR HIGH COURT PESHAWAR

W.P No _____/2018

Yahya S/O Biladar Mian R/o Pir Kally Tehsil Matta District Swat
Veterinary Assistant CVD (Civil Veterinary Dispensary) Pir Kaly
Baryum Tehsil Matta, District Swat Petitioner



VERSUS

1. Director General (Extension) Livestock and Dairy, Development Department Government of Khyber Pakhtunkhwa, Bacha Khan Chowk, Charsadda Road Peshawar.
2. Director Headquarters, Livestock and Dairy, Development Department Government of Khyber Pakhtunkhwa, Bacha Khan Chowk, Charsadda Road Peshawar.
3. Government of Khyber Pakhtunkhwa through Secretary Agriculture, Livestock, and Dairy Development, Department Civil Secretariat Peshawar Respondents

PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN FOR DECLARATION TO EFFECT
THAT THE TRANSFER ISSUED BY RESPONDENT
NO 1 AND 2 IN RESPECT OF PETITIONER VIDE
ORDER DATED 02.8.2018 WHEREBY
PETITIONER HAS BEEN TRANSFERRED FROM
OFFICE OF THE DISTRICT DIRECTOR
LIVESTOCK SWAT TO THE OFFICE OF
DISTRICT DIRECTOR LIVE STOCK HARIPUR IN
CLEAR VIOLATION OF SECTION 230 (2) (F) OF
ELECTION ACT 2017.

Respectfully Sheweth:

Brief facts leading to the instant Writ Petition are as under:-

1. That, petitioner is posted as veterinary Assistant in Civil Veterinary Dispensary (CVD) Pir Kally Baryum Mata, Swat where he has been performing his duties to the entire satisfaction of his superior. Copy of the notification dated 30.10.2017 is annex

"A"

ATTESTED

EXAMINER
PESHAWAR HIGH COURT

11 FEB 2019

(2)

(15)

2. That during election, 2018 candidates of P.K-8 would visit Village of the petitioner, and in the process one Mohibullah contesting candidate who was adviser to Chief Minister Khyber Pakhtunkhwa for Live Stock and Dairy Development Fisheries, and Co-Operative Department also visited the village of petitioner and got the impression that the petitioner and his family will oppose him in the elections this wrong impression lead him to direct respondent No. 1 and 2 to transfer the petitioner from swat to Haripur.

3. That, due to ban imposed by Election Commission Pakistan and on posting and transfer and resistance by respondent No.1 and 2 as Election Commission of Pakistan has imposed ban on transfer and posting which remain operative from 4th June 2018 and where as after General Election 2018 held on 25.7.2018 hence, the Election Commission modified the ban orders but continued the ban and restrictions mentioned in Section-230 (2) (f) of Election Act- 2017 for the remaining period of the Care Taker Government. Copy of the notification dated 31th July 2018 is annex "B".

4. That, section-230 (2) (f) Election Act 2017 which read as under:-

230. Functions of caretaker Government-(f) A caretaker Government shall:

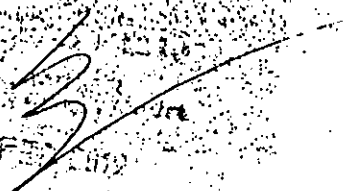
- (a)
- (b)
- (c)
- (d)

(2) Caretaker Government shall not-

- (f) transfer public officials unless it is considered expedient and after approval of the commission: and

5. That, as no new government is in office and the Care Taker Government is continuing in office, hence the impugned transfer order of the petitioner by respondent No. 1 and 2 is prime facie in violation of the above notification.

It is respectfully stated that since the then Minister of Livestock and Dairy Development remained advisor for full five years as such for political reason, he pressurized respondent No.1 and 2 to get the petitioner transferred from Swat to Haripur.



(16)

It may be mentioned here that family of petitioner prior to Palibanization were affiliated with Jumat-Islami, hence, Mr Mohibullah a local of village Shawar Tehsil Mata, wrongly had apprehended that petitioner and his family will oppose his the election, hence the transfer of petitioner is therefore, prime facie based on mala fide. Copy of the impugned transfer order dated 02.08.2018 is annex "C"

6. That, petitioner was posted vide order dated 30.10.2017 in the CVD (Civil Veterinary Dispensary) he had hardly served for 9 month and two days where-after he was illegally transferred.
7. That, petitioner is mortally aggrieved of the impugned order of transfer for the following amongst grounds.

GROUND S

- A. That the impugned transfer order has been passed under political dictates due to local politics and therefore the same is based on mala fide.
- B. That the impugned transfer order is also against the transfer policy which allows minimum two years as normal tenure on a post, hence he has been transferred just after 9 months without completion of two years tenure.
- C. That the petitioner has been treated illegally against the law and has been deprived of equal protection of law.
- D. That, petitioner has been subjected to discriminatory action as there is neither any complaint against him nor he had completed his tenure the said post has been kept vacant as no one has been posted on the said post so far.
- E. That the impugned order apparently is illegal and against the civil servant for which the remedy lies before the Service Tribunal. But section 4 of the Khyber Pakhtunkhwa Service Tribunal Act- 1974 is ultra varies of the constitution and fundamental of rights of petitioner for following reasons:

ATTESTED
EXAMINER
Khyber Pakhtunkhwa High Court

11 FEB 2018

(u) 14

i. That a civil servant will make representation/application / review within 30 days and shall wait for 90 days where after he will approach the Service Tribunal within 30 days the period prescribed is totally unreasonable and unjust.

ii. That such a lengthy procedure does not visualize the cases of malafide personal vendata, political victimization and fairness of the impugned orders and consequently the civil servant becomes a victim whose injury and rights can not be protected.

iii. That the provisions of section 4 of Khyber Pakhtunkhwa Service Tribunal Act is therefore, contrary to fundamental rights of all the civil servants including the petitioner who are subjected to political victimization and needs to be struck down accordingly.

F. That impugned order on face of it is violative of the notification of Election Commission of Pakistan dated 31.7.2018 which has put restriction on transfer in terms of section 230(2) (f) Election Act-2017.

G. That the impugned order is against good conscience, fairness and public policy.

It is therefore humbly prayed that on acceptance of this writ petition the impugned transfer order dated 2.8.2018 may kindly be declared as illegal unlawful and based mala fide.

ii. That section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 be declared as ultra varies of the constitution and fundamental rights all the civil servant including the petitioner, therefore, the Government of Khyber Pakhtunkhwa be directed to amend/ substitute the ibid section accordingly.

ATTESTED
Part of

5

18

Any other relief/order deemed fit in the circumstances and not specifically asked for may also be granted in greater interest of justice.

INTERIM RELIEF

By way of Interim Relief the impugned order dated 02.8.2018 may kindly be suspended till the decision of the writ petition and/or status quo be maintained till the decision of the writ petition.

Petitioner

Through

A. Lateef Afridi

Khalid Anwar Afridi

And Sajeed Khan Afridi

Advocate, Peshawar

CERTIFICATE

It is certified that no such like Writ Petition has earlier been filed by the Petitioner in this Honorable court. Further stated that being a Writ Petition and that since there is no adequate and alternate legal remedy available, thus, this case may be fixed before the worthy Division Bench (D.B) of this Honourable Court.

Advocate

LAW BOOKS:

1. Constitution of Pakistan
2. any Law Book as per need

ADVOCATE

ATTESTED

EXAMINER
Peshawar High Court

21 FEB 2019

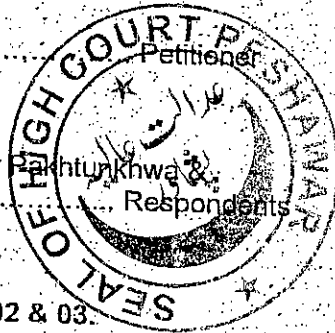
IN THE PESHAWAR HIGH COURT, PESHAWAR

WRIT PETITION NO. 4113-P/2018

Yahya S/O Biladar Mian.....

VERSUS

Director General (Ext) Livestock & Dairy Development, Khyber Pakhtunkhwa
Others.....



Para-wise comments on behalf of the respondent No. 01, 02 & 03.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. The instant case does not fall under the jurisdiction of this Honorable Court, whereas the jurisdiction of this court is expressly barred by Article 212 of Constitution.
2. That the petitioner has got no locus standi for filing this writ petition.
3. Petition is wrong and based on illegal and unlawful presumptions.
4. The petitioner has got no cause of action to file the present petition.
5. The petition is not maintainable in this present form.
6. That the petition is badly time barred.

FACTS

1. Correct to the extent that the petitioner was appointed as Veterinary Assistant (BPS-09) in Livestock and Dairy Development Department dated 30/10/2017, placed at the disposal of District Director Livestock, Swat. (Annexure-A)
2. Incorrect. Political involvement of the petitioner pertains to himself. No political pressure was exerted to compel Respondent No.01 and 02 to issue transfer orders of the petitioner, as the orders were issued during Interim Government in the best of public interest. (Annexure-B).
3. Incorrect. The petitioner was transferred on 02/08/2018 after the ban being withdrawn by the election commission of Pakistan dated 31/07/2018. (Annexure-C).
4. Incorrect. Earlier notification issued on 4th June, 2018 by the election commission, whereby it was directed that Transfers/ Postings shall be subject to prior approval of the election commission, which was withdrawn dated 31/07/2017, thereby lifting ban on posting/transfer.
5. Incorrect. The impugned transfer order was made after the ban being withdrawn by the election commission of Pakistan dated 31/07/2018 in the best interest of public service. It is pertinent to mention here that no political pressure and malafide intension was involved in the transfer orders of the petitioner. It is mentioned for consideration that the petitioner and his family being affiliated with politics, which is clear violation of the N.W.F.P. Government Servant (Conduct) Rules 1987. (Annexure-D).
6. Correct to the extent that when it was felt that the petitioner could not provide services to the local community in a satisfactory manner, then his transferred was made in the best of public interest.
7. No Comments.

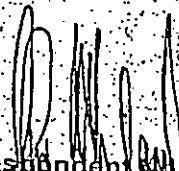
ATTESTED


[Signature]


Grounds

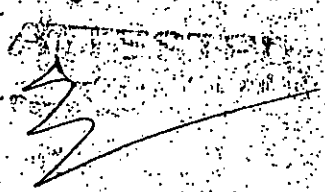
- A. Incorrect. No political dictation is involved in the impugned transfer order and the petitioner has been dealt according to law.
- B. Incorrect. The petitioner has been transfer in the best interest of public service.
- C. Incorrect. As stated above.
- D. Incorrect. No discrimination has been done and petitioner has been transfer against vacant post in district Haripur in order to serve the public of that area, for which the petitioner is bound to do so.
- E. Incorrect. Section 03, subsection 02 of N.W.F.P. Service Tribunal Act, 1974 clearly shows that tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, including disciplinary matters. (Annexure-E)
- F. Incorrect. The Election Commission of Pakistan lifts ban on all types of transfer dated 31/07/2018, as the petitioner was transferred on 02/08/2018.
- G. Incorrect. The impugned order is quiet legal, good conscience, fairness and in the best interest of public service.

In view of the parawise comments it is respectfully prayed that by accepting the same, the writ petition may kindly be dismissed in the best interest of public with cost.


 Respondent No. 01
 Director General (Ext),
 Livestock & Dairy
 Development Department,
 KPK, Peshawar


 Respondent No. 02
 Director Headquarters,
 Livestock & Dairy
 Development Department,
 KPK, Peshawar


 Respondent No. 03
 Secretary Agriculture,
 Livestock & Dairy
 Development Department
 Khyber Pakhtunkhwa
 Peshawar



PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET



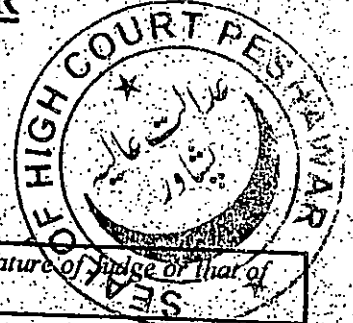
Court of.....
Case No.....of.....

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	16.08.2018	<p><u>Writ Petition No.4113-P/2018</u></p> <p>Present: Mr. Sajeed Khan Afridi, Advocate, for the petitioner.</p> <p>*****</p> <p>Call for the comments of the respondents so as to reach this Court within a fortnight. Adjourned to a date in office.</p> <p><u>Interim Relief</u></p> <p>Notice.</p> <p>JUDGE</p> <p>JUDGE</p> <p>CERTIFIED TO BE TRUE COPY</p> <p>Peshawar High Court The District Judge Peshawar 16.08.2018</p>

(Copy) (D.B. of Hon'ble Mr. Justice Syed Afsar Shah & Hon'ble Mr. Justice Ishtiaq Ibrahim)

PESHAWAR HIGH COURT PESHAWAR
FORM "A"

ORDER SHEET



Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
	04.12.2018	<p><u>WP No. 4113-P/2018.</u></p> <p>Present:</p> <p>Mr. Sajeed Khan Afridi, Advocate for petitioner.</p> <p>Mr. Mohammad Riaz Khan, AAG, for respondents.</p> <p>*****</p> <p><u>ROOH-UL-AMIN KHAN, J.-</u> Instant writ</p> <p>petition has been filed on 15.8.2018 when the Service Tribunal was non-functional. The petitioner has challenged his transfer order dated 2.8.2018 from the office of District Director Livestock, Swat to the office District Director Livestock Haripur, on the ground of violation of Section 230(2) (f) Election Act, 2017.</p> <p>2. Undisputedly the petitioner is a civil servant and has challenged his transfer order</p>

Rooh-ul-Amin Khan

ATTESTED
Peshawar High Court

	<p>LOOKED</p>	<p>made under section 10 of the Civil Servants Act, 1973, which falls in Chapter II of Civil Servant, Act 1973. The learned counsel for petitioner when confronted with the maintainability of instant petition being barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, he could not wriggle out of the situation, however, submitted that at the time of filing the writ petition the Service Tribunal was non-functional, therefore, the petitioner having no remedy had approached this Court.</p> <p>3. We have noted that in case of non-availability of the Chairman of the Service Tribunal, the office of Service Tribunal was opened and the petitioner should have submitted his appeal in the office. So much so the departmental appeal against the impugned order is not available on file, thus this petition is not maintainable, however keeping in view the</p>
--	---------------	--

APPROVED
 [Signature]

peculiar circumstances of the case instead of dismissing, we deem it appropriate to transmit this petition to the Secretary Agriculture Livestock Department Civil Secretariat Peshawar to treat it as departmental appeal and decide the same in accordance with law.

Announced on;
4th of December, 2018

[Handwritten signature]
[Handwritten signature]

No. *585*
 Date of Dec. *11/2/19*
 Head of *40*
 Co. *[Signature]*
 Mag. *167*
 Title *[Signature]*
 Date of Recy. *11/2/19*
 Date of Delivery *11/2/19*
 Receiver *[Signature]*

CERTIFIED TO BE TRUE COPY
[Signature]
 Peshawar High Court
 11 FEB 2019

Jatshad

[Signature] (DB) Hon'ble Mr. Justice Rooh-Ul-Amin Khan & Hon'ble Mr. Justice Qalandar Ali Khan

ATTESTED
 EXAMINER
 Peshawar High Court
 11 FEB 2019



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

25

OFFICE ORDER

Due to single teacher and proposal of ASDEO (M) Matta vide his letter No85 dated 07.08.2018 Mr. Khalil Badshah PST GPS Sherpalam No.1 is hereby adjusted at GPS Tangai Qalagai against vacant post on his own pay and scale in the interest of public service:-

(NAWAB ALI)

DISTRICT EDUCATION OFFICER (M)

SWAT.

Dated. 27/8/2018

Endst: NO. 1658-700 /Transfer/PST/M/DEO/Swat.

Copy forwarded to:-

1. The DAO Swat.
2. The SDEO (M) Matta Swat.
3. The teacher concerned.
4. PA to DEO Local Office.

DISTRICT EDUCATION OFFICER (M)

SWAT.

http://www.dailymashriq.com.pk

اللہ ہی کیلئے ہیں مشرق و مغرب القرآن

DAILY MASHRIQ PESHAWAR

پشاور

عہدہ نو کے بانی

سید تاج میر شاہ

روزنامہ

مشرق

مسلطہ اشاعت کے 51 سال

پشاور اسلام آباد سیکرٹریٹ شائع ہونے والا کثیر الاشاعت قومی اخبار

ABC
CERTIFIED

شمارہ
243

جمرات 19 ذیقعد 1439ھ 2 اگست 2018ء 17 سادوں قیمت 15 روپے

جلد
51

پشاور (نواز روڈ) تمام حکومتوں میں بھرتیوں، تبادلوں، پاکستان نے تمام سرکاری حکومتوں اور گران حکومت کو
ری اور ترقیاتی کاموں کے اجراء سے متعلق پابندی سے فیصلے پر مشتمل اعلامیہ ارسال کر دیا ہے جس کے
اعلانے کے اعلامیہ کے ذریعہ پبلکیشن آف (بقیہ 52 صفحہ 10)

بقیہ نمبر
پابندی برقرار
52

مطابق ہی حکومت کے تمام حکم مذکورہ شیروں میں کوئی بھی
رقدم یا طلبا جائے۔

Rs. 10/-

تخت اسوکات ہائے کراچی اور کابلی، اقبال، قتل، ہونگی



bc-10-0263

بارکول نمبر:

6429

سر نمبر:



بار ایسوسی ایشن نمبر:

03018046100

رابطہ نمبر:

تختییل بار ایسوسی ایشن مطہ (ا پرسوات)

بعدالت جناب:

مخانب: سرپرینٹ	دعویٰ/درخواست: سرورس اپیل
بنام ڈی جی انسپشن اور منیجر	علت نمبر:
بھی	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام شیباور سوات کیلئے مہارمت جلی ریڈو کیش کو مقرر کر کے اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث کرنے، دعویٰ جواب دعویٰ، اقبال دعویٰ اور درخواست برائے سرسبزگی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران مقدمہ جو خرچہ و ہر جانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے۔

لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

مقام شیباور سوات کے لئے منظور ہے۔

ایڈووکیٹ/دستخط: 4/1

المرقوم: 18/03/2019

بھی (ایڈووکیٹ)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR(CAMP COURT SWAT) SERVICE APPEAL NO. 382/2019

Yahya S/O Beladar Mian.....**Appellant**

VERSUS

Director General (Ext) Livestock and Dairy Development Department & Others ..**Respondents**

INDEX

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 382/2019

Yahya S/O Biladar Mian..... Appellant

VERSUS

Director General (Ext) Livestock & Dairy Development, Khyber Pakhtunkhwa & Others..... Respondents

Para-wise comments on behalf of the respondent No. 01, 02 & 03.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. That the appellant has got no locus standi for filing this appeal.
2. That the appeal is liable to be dismissed on the ground of mis joinder or non joinder of parties.
3. The appeal is based on illegal and unlawful presumptions.
4. The appellant has got no cause of action to file the present appeal.
5. The appeal is not maintainable in its present form.

FACTS

1. Correct to the extent that the appellant was appointed as Veterinary Assistant (BPS-09) in Livestock and Dairy Development Department dated 30/10/2017, placed at the disposal of District Director Livestock, Swat. (Annexure-A)
2. Incorrect. Political involvement of the appellant pertains to his person. No political pressure was exerted to compel Respondent No.01 and 02 to issue transfer orders of the appellant, as neither the present Minister Agriculture had portfolio at that time, nor the respondent No. 1 and 2 were certain for his success in election and then becoming Minister Agriculture. (Annexure-B).
3. Incorrect. The appellant was transferred on 02/08/2018 after the ban being withdrawn by the election commission of Pakistan dated 31/07/2018. (Annexure-C). It is pertinent to mention here that after the said transfer orders, the appellant approached the office of District Director Livestock Swat and showed extreme anger/ rage with unbearable body language and gestures (Copy of the complaint as Annexure-D), due to which an enquiry was conducted which recommended for disciplinary proceedings for misconduct by the appellant in the probation period. Similarly District Director Livestock Haripur paid surprise visit to Civil Veterinary Dispensary Aamga dated 09/03/2019, wherein the appellant was found absent from his official duty from 07/03/2019 to 09/03/2019 (Annexure-E), consequently the appellant was terminated by the Competent Authority through this office letter No. 41024 dated 11/03/2019. (Annexure-F).
4. Incorrect. Earlier notification issued on 4th June, 2018 by the election commission, whereby it was directed that Transfers/ Postings shall be subject to prior approval of the election commission, which was withdrawn dated 31/07/2017, thereby lifting ban on posting/transfer.

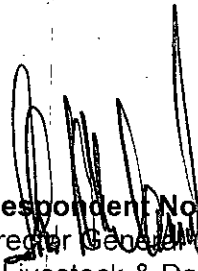
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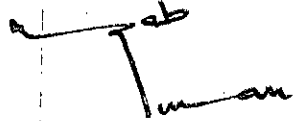
5. Incorrect. The impugned transfer order was made after the ban being withdrawn by the election commission of Pakistan dated 31/07/2018 in the best interest of public service.
6. Incorrect. No political pressure and malafide intension is involved in the transfer orders and his transfer was made in the best of public interest. The appellant has already submitted that his transfer was made during the interim government, so no question arises for political pressure during that period.
7. Correct to the extent that when it was felt that the appellant could not provide services to the local community in a satisfactory manner, then he was transferred in the best interest of public service.
8. Correct to the extent that the appellant filed Writ Petition No. 4113-P/2018 before Peshawar High Court against his transfer order which was decided dated 4/12/2018 by considering the same as departmental appeal to the respondent No. 03 as the appellant had not submitted his appeal to the Competent Authority. (Annexure-G).
9. Not related to this office.
10. Incorrect. The appellant had not submitted an appeal before respondent No. 03, however in compliance of the judgment of the Honorable Peshawar High Court dated 04/12/2018, the same was considered as departmental appeal by the office of respondent No. 03, which was decided by the Competent Authority through letter No. SO (LFC)/AD-CC(1)/2017 dated 27/03/2019. (Annexure-H).

Grounds

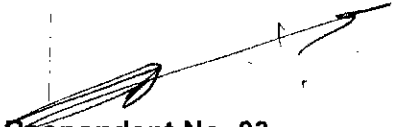
- A. Incorrect. No political dictation is involved in the impugned transfer order and the appellant has been dealt with according to law.
- B. Incorrect. The appellant has been transfer in the best interest of public service.
- C. Incorrect. When it was felt that the appellant could not provide services to the local community in a satisfactory manner, then his transfer was made in the best interest of public service. Moreover no political pressure and malafide intension was involved in the impugned transfer order of the appellant.
- D. Incorrect. The Election Commission of Pakistan lifted ban on all types of transfer dated 31/07/2018, as the appellant was transferred on 02/08/2018.
- E. Incorrect. In the current scenario the appellant has been removed from service due to his absence and unsatisfactory performance in the probation period.
- F. Incorrect. The impugned order is quiet legal, good conscience, fair and in the best interest of public service.


In view of the parawise comments it is respectfully prayed that by accepting the same, the instant service appeal may kindly be dismissed in the best interest of public with cost.


Respondent No.01
Director General (Ext),
Livestock & Dairy
Development Department,
KPK, Peshawar



Respondent No. 02
Director Headquarters,
Livestock & Dairy
Development Department,
KPK, Peshawar


Respondent No. 03
Secretary Agriculture,
Livestock & Dairy
Development Department
Khyber Pakhtunkhwa
Peshawar

ADDED


(Amex - A)
5

**DIRECTORATE GENERAL (EXTENSION)
LIVESTOCK & DAIRY DEVELOPMENT
KHYBER PAKHTUNKHWA**

Bucha Khan Chowk, Charsadda Road Peshawar.: 091-9210276, 9210249, Fax: 091-9210285

No: _____

Dated Peshawar the _____ / 2017

NOTIFICATION:

Consequent upon their appointment in the light of the recommendations of the Departmental Selection Committee, vide Order Numbers mentioned against their names, the following Veterinary Assistants (BPS-09, Rs.11770-730-33670, plus usual allowances), are hereby placed at the disposal of District Director Livestock, Swat, for further placement against the vacant posts in the district, with immediate effect:

#	Name	Father's Name	Date of Birth	Appointment Order No.
1.	Palwasia Hussain	Hussain Ahmad	1/1/1995	1916
2.	Samreen	Kareem Ullah	8/5/1994	1902
3.	Aktar Hussain	Bashar	3/3/1990	1491
4.	Atta Ur Rehman	Shams Ur Rehman	24/2/1990	1430
5.	Azeez Ullah	Fazal Mola	1/2/1996	1498
6.	Fida Hussain	Bashar	1/3/1987	1432
7.	Ghufraan Ud Din	Mhammad Rasoul	30/11/1988	1443
8.	Jamal Shah	Ameer Hamza	2/2/1986	1458
9.	Kamal Said	Said Ahmad Sher	30/2/1989	1437
10.	Mehmood Khan	Babar Khan	15/4/1993	1476
11.	Muhammad Sadiq	Ibrahim	2/3/1985	1446
12.	Syed Hussain Ali Shah	Fazal Muhammad	10/3/1991	1453

DIRECTOR HEADQUARTERS

NO. DG L&DD (E) / 14071-73

Dated Peshawar the 30/10/2017

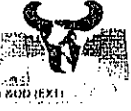
Copy forwarded to the:

1. District Director Livestock, Swat.
2. District Accounts Officer, Swat.
3. Officials concerned, for necessary action.

DIRECTOR HEADQUARTERS

ATTACHED
[Signature]

Better Copy



**DIRECTORATE GENERAL (EXTENSION)
LIVESTOCK & DAIRY DEVELOPMENT
KHYBER PAKHTUNKHWA**

Bacha Khan Chowk, Charsadda Road Peshawar Tel: 091-9210276/9210249. Fax: 091-9210285

No _____

Dated Peshawar, the _____

/2017.

NOTIFICATION

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3.	Aktar hussain	Bashar	3/3/1990	1491
4.	Atta Ur Rehman	Shams Ur Rehman	24/2/1990	1430
5.	Azeez Ullah	Fazal Mola	1/2/1996	1498
6.	Fida Hussain	Bashar	1/3/1987	1432
7.	Ghufran Ud Din	Muhammad Rasoul	10/11/1988	1443
8.	Jamal Shah	Ameer Hamza	2/2/1986	1458
9.	Kamal Said	Said Ahmad Sher	30/2/1989	1437
10.	Mehmood Khan	Babar Khan	15/4/1993	1476
11.	Muhammad Sadig	Ibrahim	2/3/1985	1446
12.	Syed Hussain Ali Shah	Fazal Muhammad	10/3/1991	1453
13.	Yahya	Biladar Mian	4/2/1985	1472

Approved
[Signature]

-sd-

DIRECTOR HEADQUARTERS

No: DG L&DD (E) / 14071-73

Dated Peshawar the 30/10/2017

Copy of the above forwarded to the

1. District Director Livestock, Swat.
2. District Account Officer, swat.
3. Official concerned, for necessary Action.

-sd-

DIRECTOR HEADQUARTERS



DIRECTORATE GENERAL (EXTENSION)
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT,
KHYBER PAKHTUNKHWA, PESHAWAR

Tel: 091-9210249/9210276, Fax: 091-9210285 Email: dglddext@yahoo.com

(Annex A)
7

No. 1472 /

Dated

Peshawar

the 5/10 /2017

OFFICE ORDER.

On recommendation of Departmental Selection Committee in its meeting held on 04/10/2017, the competent authority is pleased to appoint Mr/Ms. Yahya S/O Biladar Mian R/O Village Pir Kalai, P/O & Tehsil Mata, District Swat, as Veterinary Assistant in the Livestock & Dairy Development Department, (Ext) Khyber Pakhtun Khwa, Peshawar, with immediate effect in the best interest of public service.

His/her appointment shall be governed by the following terms and conditions:

1. His/her appointment shall be on regular basis in term of section 19 of the Khyber Pakhtunkhwa Service Act 1973 as amended vide Khyber Pakhtunkhwa Civil Servant Act 2005 and pension /gratuity will be admissible at such rate as may be prescribed by the Government from time to time.
2. His/her appointment shall be subject to the provision of medical fitness certificate issued by the concerned Medical Superintendent.
3. He/she shall be governed by such rules, regulations, orders and ordinances etc, relating to appointment, promotion, transfer, leave, TA, Medical attendance, efficiency & discipline and conduct have been / may be prescribed by the Government for the category of Government of his/her status from time to time and as interpreted by the Government.
4. His/her service shall be liable to termination on the following conditions:
 - i. At any time without notice and without assigning any reasons his service will be dispensed if his/her services were not found satisfactory during the period of his/her appointment on probation i.e. 2-years
 - ii. On one month prior notice by the Government on one side and by him/her on the other side, in case the notice on either side is less than one month, a sum equivalent to the pay for the period by which the notice falls short of one month, will be paid by the Government to him/her or in lieu thereof one month pay shall be forfeited.
 - iii. By Government without previous notice if it is satisfied on material evidence that he/she is unfit and / or likely to remain unfit for a considerable period by reasons of ill health or physical disability to discharge his/her duties. The decision of the Government as to what constitute considerable period will be final.
 - iv. He/she shall not be entitled to any Traveling/Daily Allowance on his/her first appointment /posting.
 - v. He/she shall be entitled to Provident fund in such a manner and at such rates as may be prescribed by the Government.
 - vi. His/her appointment shall stand cancelled from the date of issue and he/she shall have to refund all the financial benefits availed, if his/her educational / other documents proved to be fake / bogus at any stage.

If the above terms and conditions are acceptable to him/her, he/she should report in Directorate General (Ext) Livestock & Dairy Development Department Khyber Pakhtunkhwa Peshawar within 15 days positively for further Posting/Adjustment. In case of non submission of acceptance, within the stipulated time period the offer will automatically stand canceled.

Amir
[Signature]

[Signature]

sd/-

Dr. Sher Muhammad
Director General (Ext)

Copy of the above is forwarded to appoint Mr/Ms. Yahya S/O Biladar Mian R/O Village Pir Kalai, P/O & Tehsil Mata, District Swat, for information and immediate compliance if he/she is agreed upon the TOR of his/her appointment.

[Signature]

(Dr. ALAM ZEB)
DIRECTOR HEAD QUARTER



DIRECTORATE GENERAL (EXTENSION)
LIVESTOCK & DAIRY DEVELOPMENT
KHYBER PAKHTUNKHWA

Bacha Khan Chowk, Charsadda Road Peshawar. Email: dgldext@yahoo.com Tel: 091-9210276, 9210249, Fax: 091-9210285

Amor-B
 8

ORDER.

The following transfer / posting of Para Veterinary staff are hereby ordered with immediate effect in the best interest of public service.

S.NO	NAME OF THE OFFICIAL WITH DESIGNATION	FROM	TO
1	[REDACTED]	[REDACTED]	[REDACTED]
2	Mr. Athar Alam Veterinary Assistant BS-09	Office of the District Director Livestock, Swat	Office of the District Director Livestock, Haripur

DIRECTOR GENERAL

No. 12581-R.31

Dated Peshawar the 21.8.2018

Copy forwarded to the:

1. District Director Livestock, Swat / Haripur.
2. District Accounts Officer, Swat / Haripur.
3. Officials concerned.

(Dr. ALAM ZEB)
 DIRECTOR HEADQUARTERS

ATTENDED
 [Signature]

ATTENDED
 [Signature]

(9)
(Annex - 1C)

ELECTION COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad, the 31st July, 2018

No. F.2 (3)/2018-Cord. WHEREAS the Election Commission imposed ban on all type of recruitments and development schemes approved w.e.f. 1st April, 2018, vide Notification No. F. 2(3)/ 2018-Cord dated 11th April, 2018;

AND WHEREAS a notification was issued on 4th June, 2018 whereby it was directed that transfers/ postings shall be subject to prior approval of the Election Commission and postings/ transfers made between 1st June and 4th June, 2018 were cancelled;

AND WHEREAS funds of all local government institutions were frozen vide Notification vide No. F. 2(3)/ 2018-Cord dated 8th June, 2018;

AND WHEREAS the Notification dated 11th April 2018 regarding ban on recruitments and development schemes was partially modified and ban on recruitment was withdrawn with a proviso that Caretaker Governments shall not make promotions, major appointments of public officials but may make acting or short term appointments in public interest;

Now when the General Elections have been held in the Country and new governments are going to be formed soon, therefore, above mentioned notifications are hereby withdrawn with immediate effect. The Caretaker Governments shall follow restrictions mentioned in Section 230 (2) (e) (f) of Elections Act 2017 for their remaining period in office.

By order of the Election Commission of Pakistan,

(Waqas Ahmed Malik)
Deputy Director(Cord)

ATTESTED



www.livestockext.gkp.pk

**OFFICE OF THE
DISTRICT DIRECTOR LIVESTOCK
LIVESTOCK AND DAIRY DEVELOPMENT DEPARTMENT SWAT**

Saidu Sharif Swat



Annex D
10

Ph: +92 946 9240282

Fax: +92 946 9240282

Email: swat@livestockext.gkp.pk

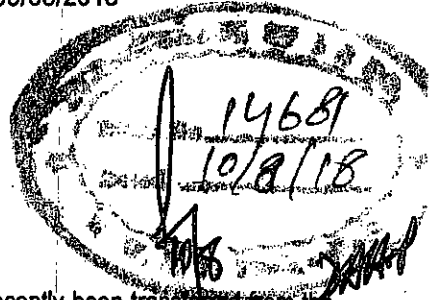
No: 19

Dated Swat the

09/08/2018

To,

The Director Headquarters,
Livestock & Dairy Development Department,
Khyber Pakhtunkhwa, Peshawar.



Subject:

MISBEHAVIOR OF MR. YAHYA, VETERINARY ASSISTANT

It is stated that Mr. Yahya, Veterinary Assistant (BPS-09), who has recently been transferred from the DDL office Swat to DDL office Haripur, vide office Order No. 1281-83, Dated 02/08/2018, subsequently his pay was stopped by the undersigned on 03/08/2018. On 09/08/2018, he visited the office of DDL Swat and was advised to comply with the transfer order of even No & dated. The official showed extreme resentment on the stoppage of his pay with obnoxious body language and gestures. During the discussion he exhibited his political strength for countering his transfer.

You are therefore, requested for initiating appropriate action against the behavior of Mr. Yahya, please.

[Signature]
DISTRICT DIRECTOR LIVESTOCK
SWAT

[Signature]

[Signature]
ADDE SWAT

(Annex-E)
12



**DIRECTORATE GENERAL (EXTENSION)
DIRECTORATE OF ANIMAL HEALTH & PRODUCTION
LIVESTOCK & DAIRY DEVELOPMENT
KHYBER PAKHTUNKHWA**

Bacha Khan Chowk, Charsadda Road Peshawar. Email: dglddext@yahoo.com Tel: 091-9210276, 9210249, Fax: 091-9210285

NOTIFICATION:

Committee comprising of the following officers of this office is hereby constituted to probe into the misbehavior and non-compliance of the orders by Mr. Yahya, Veterinary Assistant, office of the District Director Livestock, Swat with the TORs given hereinafter:

1. Dr. Ibrahim (Chairman)
District Director Livestock, Swabi,
2. Dr. Mukhar Ahmad (Member)
Veterinary Officer, Directorate of L&DD (Ext.)
Khyber Pakhtunkhwa, Peshawar

TORs:

1. To probe into the misbehavior and non-compliance of orders by Mr. Yahya, VA.
2. To propose action to be taken against the official.
3. To submit other recommendation if any.

The committee shall submit its report as soon as possible, after receipt of this letter.

ASSESSOR
[Signature]

[Signature]

(DR. SYED AHADULLAH)
DIRECTOR ANIMAL HEALTH
PRODUCTION

No. 15832-34 Dated Peshawar the 31/08/2018

Copy forwarded to the:

1. P.A to the Director General (Extension), Livestock & Dairy Development Khyber Pakhtunkhwa, Peshawar.
2. Officers concerned for necessary action.

[Signature]

DIRECTOR ANIMAL HEALTH
PRODUCTION

(Annexure - E)
12

Inquiry Report of Mr. Yahya, Veterinary Assistant (09)

Inquiry Report

Back Ground

A complaint of Misbehavior against Mr. Yahya, Veterinary Assistant, was lodged by the District Director Livestock, Swat vide letter No. 19 dated 09/08/2018 (Annex-I, page. 1). subsequently the Director Animal Health and Production, Livestock and Dairy Development Department, Khyber Pakhtunkhwa, Peshawar constituted a two member committee vide notification 15832-34 dated 31/08/2018, (Annex-II, page 2)

Findings

- The District Director Livestock, Swat vide letter No. 19 dated 09/08/2018 (Annex-I) has stated that the official showed extreme resentment on the stoppage of his pay with obnoxious body language and gestures. The District Director Livestock, Swat in his letter has also stated that during discussion with the official exhibited his political strength for countering his transfer. The District Director Livestock, Swat in his letter has requested for initiating of action against the behavior of Mr. Yahya.
- Office of the District Director Livestock, Swat was visited to probe into the matter. The appointment order of Mr. Yahya, Veterinary Assistant, (BPS-09) was obtained. The official was appointed vide Director General (Ext) Notification No. 1472 dated 05/10/2017 (Annex-III, page,3). As per appointment order mentioned above the official is in probation period. The appointment terms and condition i.e 4(i) of the official clearly shows that his services can be dispensed at any time without any notice and assigning any reason if his services were not found satisfactory in probation period i.e 2 years.
- Dr. Sarbiland Khan, District Director Livestock, Swat, Mr. Ibrahim, Office Assistant, office of The District Director Livestock, Swat and Mr. Khan Bahadur, Junior Clerk, office of The District Director Livestock, Swat, in a combine statement (Annex-IV, page 4) has stated that the official exhibited sever displeasure on his transfer in unethical manner. It is to clarify here that as per Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011, 2(k) (1) (iii), misconduct includes "conduct unbecoming of Government servant and a gentleman".
- District Director Livestock, Swat also handed over copies of previous record of the official when he was serving in different developmental schemes in this department from time to time. This old record (Annex-V, page 5) shows that the official has been issued several notices regarding his duties; it also indicates that the performance of the official was not ideal.
- In his statement (Annex-VI, page 26), Mr. Yahya, Veterinary Assistant, (BPS-09) made allegation that during the last General Election he had been contacted by Mr. Muhibullah, Ex- MPA, Swat, to start

Amended
[Signature]

A

preparation for election. In response Mr. Yahya stated that he had reservation from the brothers of the Ex-MPA and demanded that the brothers of Ex-MPA, may visit the house of Mr. Yahya, otherwise Mr. Yahya and his family will not cooperate in political activities. Mr. Yahya has also made some other allegations in his statement. The statement of the official indicates that he is politically active, and it seems like that he is more of a political worker rather than a government servant. Mr. Yahya claims that his transfer has been made on political grounds.

Conclusion

It is evident from the record that the official is in probation period for two years as of 05/10/2018, he has completed only one year of service. The record indicates that the official has behaved in unethical manner.

Opinion

As per Letter No. 19 dated 09/08/2018 of the District Director Livestock, Swat, the official has misbehaved. The committee is of the opinion that as per appointment terms and condition of the official the competent authority can dispense the service of the official from the Government at any time without any notice and assigning any reason if his services were not found satisfactory in the probation period of two years. The committee suggests that as the official has misconduct in his probation period therefore, Services of Mr. Yahya S/O Biladar Milan, Veterinary Assistant (BPS-09), may be terminated as per terms and conditions of his appointments order No. 1472 dated 05/10/2017, please.

Dr. Mukhtar Ahmad
Veterinary Officer

5/10/2018

Dr. Ibrahim
District Director Livestock, Swabi

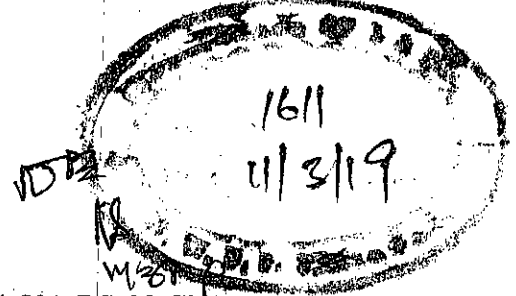
(Annexure - E) (14)

OFFICE OF THE DISTRICT DIRECTOR LIVESTOCK HARIPUR.

No. 273 Dated Haripur the 11/03/2019

To

The Director General (Ext)
Livestock and Dairy Development,
Khyber Pakhtunkhwa, Peshawar.



Subject: ABSENCE FROM DUTY OF MR. YEHYA VA BS-09 CVD AAMGAH AND HIS UNSATISFACTORY PERFORMANCE.

Memorandum,

Reference subject cited above and to state that the undersigned has paid a surprise visit to Civil Veterinary Dispensary, Aamga on 09.03.2019 and Mr. Yehya Veterinary Assistant was found absent from his official duty from 07.03.2019 to till date. The record has been checked and it has been noticed that he remained absent without any application and prior permission. His performance during the period is found unsatisfactory.

Therefore, the matter is reported for your kind information and further necessary action as per rules.

Dr. Akhtar Pervez

(Dr. AKHTAR PERVEZ)
DISTRICT DIRECTOR LIVESTOCK
HARIPUR

Approved
[Signature]





**DIRECTORATE GENERAL (EXTENSION)
LIVESTOCK & DAIRY DEVELOPMENT
KHYBER PAKHTUNKHWA**

Bacha Khan Chowk, Charsadda Road Peshawar. Email: dglddext@yahoo.com Tel: 091-9210276, 9210249, Fax: 091-9210285

(Amended - F) 15

ORDER.

Whereas, the performance and conduct of Mr. Yahya, Veterinary Assistant has been proved to be unsatisfactory and an enquiry was conducted on these charges against him, and a report was submitted to this office vide letter No.12173 dated 08.10.2018, wherein, the inquiry committee recommended that the official is in probation, therefore, his services may be terminated.

And whereas, Mr. Yahya, Veterinary Assistant BS-09, district Swat was transferred to the payment circle of District Director Livestock, Haripur due to his unsatisfactory performance but the official remained absent from his official duty w.e.f. 07.03.2019 without any information and prior permission as communicated by District Director Haripur vide his letter No. 273 dated 11.03.2019

Now therefore, in exercise of the powers conferred under Rule-4(3b)(ii) Appointment, Promotion and Transfer Rules 1989 and under Rule (11) (1) (i) of the Khyber Pakhtunkhwa, Civil Servant Act 1973 (Esta Code), the undersigned in the capacity of Competent Authority is pleased to terminate the service of Mr. Yahya, Veterinary Assistant, BS-09 Civil Veterinary Dispensary Aamga, Office of the District Director Livestock, Haripur on account of his absence and unsatisfactory performance from the date of his absence mentioned above.

--sd--

(DR. SHER MUHAMMAD)
DIRECTOR GENERAL

No. 4102-4

Dated: 11/3/19

Copy of the above is forwarded for information to the:

1. District Director Livestock, Haripur with reference to his letter No.273 dated 11.03.2019.
2. District Account Officer, Haripur.
3. Mr. Yahya, C/O District Director Livestock, Haripur.

N/S

(DR. ALAM ZEB)
DIRECTOR HEADQUARTER

Attested
[Signature]

alc

[Signature]

(Amicus Ci) 106

**PESHAWAR HIGH COURT PESHAWAR
FORM "A"**

ORDER SHEET

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
	04.12.2018	<p><u>WP No. 4113-P/2018.</u></p> <p>Present:</p> <p>Mr. Sajeed Khan Afridi, Advocate for petitioner.</p> <p>Mr. Mohammad Riaz Khan, AAG, for respondents.</p> <p>*****</p> <p><u>ROOH-UL-AMIN KHAN, J.-</u> Instant writ</p> <p>petition has been filed on 15.8.2018 when the Service Tribunal was non-functional. The petitioner has challenged his transfer order dated 2.8.2018 from the office of District Director Livestock, Swat to the office District Director Livestock Haripur, on the ground of violation of Section 230(2) (f) Election Act, 2017.</p> <p>2. Undisputedly the petitioner is a civil servant and has challenged his transfer order</p>

Amicus Ci

Rooh-ul-Amin Khan

made under section 10 of the Civil Servants Act, 1973, which falls in Chapter II of Civil Servant, Act 1973. The learned counsel for petitioner when confronted with the maintainability of instant petition being barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, he could not wriggle out of the situation, however, submitted that at the time of filing the writ petition the Service Tribunal was non-functional, therefore, the petitioner having no remedy had approached this Court.

3. We have noted that in case of non-availability of the Chairman of the Service Tribunal, the office of Service Tribunal was opened and the petitioner should have submitted his appeal in the office. So much so the departmental appeal against the impugned order is not available on file, thus this petition is not maintainable, however keeping in view the

Approved
[Signature]

Loob Si

(18)

peculiar circumstances of the case instead of dismissing, we deem it appropriate to transmit this petition to the Secretary Agriculture Livestock Department Civil Secretariat Peshawar to treat it as departmental appeal and decide the same in accordance with law.

*Announced on;
4th of December, 2018*

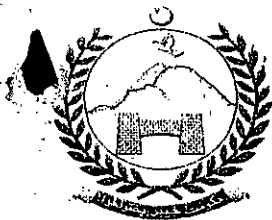
Justice Amir
JUDGE

[Signature]
JUDGE

Attested
[Signature]

Attested

(DB) Hon'ble Mr. Justice Roshan Amin Khan & Hon'ble Mr. Justice Qalandar Ali Khan



(Annexure-17) (19)
2089
29/3/19
Khyber Pakhtunkhwa
No. SO(LFC)/AD-CC(1)/EGT/11.004
Dated: Peshawar the 27th March, 2019

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE
DEPARTMENT

To

The Director General (Extension)
Livestock and Dairy Development Department
Khyber Pakhtunkhwa, Peshawar.

Subject: WRIT PETITION NO.4113-P/2018, YAHYA V/S DG (EXTENSION) L&DD,
KHYBER PAKHTUNKHWA & OTHERS

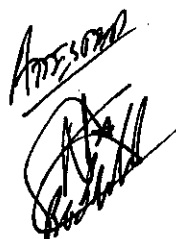
I am directed to refer to your letter No.3056 dated 07.03.2019 on the subject cited above and to state the competent authority has been pleased to reject the appeal of Mr. Yahya, Veterinary Assistant (BPS-09), office of District Director Livestock Haripur, on the grounds that posting/transfer is routine affairs of the Government and as per the Terms and Conditions of appointment, an employee can be posted anywhere in the interest of public service.

I am further directed that you, being Competent Authority, may initiate disciplinary action against the above named official for the misconduct reported by the Inquiry Committee, please.


27/3/19
SECTION OFFICER (LFC)

C.C:

1. PS to Secretary Agriculture, Livestock Fisheries and Cooperative Department Khyber Pakhtunkhwa Peshawar.
2. Dy. Secretary (Admn), Agriculture, Livestock Fisheries and Cooperative Department Khyber Pakhtunkhwa Peshawar.
3. Mr. Yahya, Veterinary Assistant, through District Director Livestock, Haripur.
4. Section Officer (Lit), Agriculture Department, with reference to letter No.SO(Lit)AD/1-878/2018 dated 21.12.2018.



"A"

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

No.

APPEAL No..... of 20

382

19

FB

Jahya

Appellant/Petitioner

Versus

DG, Lme Stock 12 Pk RESPONDENT(S)

Notice to Appellant/Petitioner

*Jahya S/o Beladax Mian
R/o Pk Kilay Tehsil Mulla
Distt: Swat*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal

on *6-9-2021* at *9:00 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court Swat

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

TB

No.

APPEAL No. 382 of 2019.

Jalaya

Appellant/Petitioner

Versus

D.G. Line Staff 14 Pk Pesh.

RESPONDENT(S)

Notice to *Counsel* Appellant/Petitioner

*Hidayat Ali Advocate
High Court at
Swat
0342-0085796*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 6-6-2021 at 9:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court Swat

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

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

No.

113

Appeal No. 382 of 20 19

Jahya Appellant/Petitioner

Versus

DG, Line Stacks K.P.K. Pesh. Respondent

Respondent No. 1

Notice to:

Director General, Extension Line Stacks
& Dairy Development Dept. of K.P.K. Pesh.

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.....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 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 16/16

Day of Feb.....20 21

at Camp Court Sinal

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.

TB

Appeal No. 382 of 20 19

Jahya Appellant/Petitioner
Versus

D.G. Line Stock Dept. Peshawar Respondent

Respondent No. 2

Notice to:

Director General Head Quarter Line Stock
and Dairy Development Near Bacha Khan Chowk
14 PK 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 6-9-2021 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 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 16/11 Day of Feb 2021

at Camp Court Street

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.

Appeal No..... of 20

382

T13

Appellant/Petitioner

Jahya Versus

Respondent

Dy. Line Stock Insp. Pesh.

Respondent No.....

3

Notice to:

Sey: Agriculture & Line Stock Dept. of
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..... 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 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.....

Day of.....20

Feb.

21

at Camp Court Swat

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.

"A"

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

No.

APPEAL No..... of 20 713
382 19

Yahya

Appellant/Petitioner

Versus

Dg, Line Street 12011 RESPONDENT(S)

Notice to Appellant/Petitioner

COUNSEL

Hidayat Ali

*Advocate High Court
Swat*

0342-0085796

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 4.1.22 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Comp Court Swat

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

"A"

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

No.

APPEAL No.....382..... of 20

JB

19

Yahya

Appellant/Petitioner

Versus

D/ys Line Stock to Mr Pesh

RESPONDENT(S)

Notice to Appellant/Petitioner

*Yahya Sp Beladar
R/O P/O Kilay Tehsil Mitha
Distt. Swat*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 4/1/2022 at 9:00 PM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court Swat

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