

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Application No. _____/2022

In

Service Appeal No. 1797/2022

2659
62/01/23

Engineer Faiza Sana


..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others Respondents

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Applicant/Appellant

Through


Akhtar Ilyas

Advocate High Court.

Dated:- 28.12.2022

OFFICE:- TF-287, Deans Trade Center, Peshawar Cantt.

Cell # 0333 9417974

①

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Application No. _____/2022

In

Service Appeal No. 1797/2022

Engineer Faiza Sana Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others Respondents

**APPLICATION FOR IMPLEMENTATION OF THE ORDER
DATED 19.12.2022 PASSED BY THIS HON'BLE TRIBUNAL.**


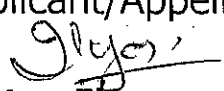
Respectfully Submitted:-

1. That the above titled service appeal is pending before this Hon'ble Tribunal wherein next date of hearing is fixed for 03.01.2023.
2. That on 19.12.2022, this Hon'ble Tribunal was graciously enough to suspend the impugned order dated 09.12.2022. **(Copy of Order is attached as annexure "A")**.
3. That the appellant submitted the stated order to the respondents for necessary action in this regard. **(Copy of Application is attached as annexure "B")**.
4. That the appellant has never relinquished her charge nor the competent authority has relieved her. Even her salary is also

active at Charsadda, meaning thereby, the impugned order has not been acted upon. **(Copy of salary slip is attached as annexure "C")**.

- 5. That respondent No. 4 has illegally occupied the post of the appellant despite the fact that the impugned order has been suspended by this Hon'ble Tribunal. **(Copy of relevant documents are attached as annexure "D")**.
- 6. That respondent No. 4 is too berserk to obey the order of this Hon'ble Tribunal which amounts to contempt of court.
- 7. That any other ground will be raised at the time of arguments.

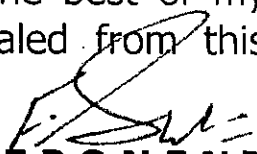
It is therefore prayed, that on acceptance of this Application, respondents may kindly be directed to implement the Order of this honorable Tribunal dated 19-12-2022 passed in Service Appeal No. 1797/2022.


 Applicant/Appellant
 Through 
Akhtar Ilyas
 Advocate High Court.

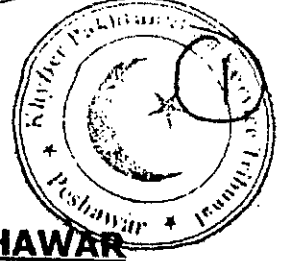
Dated:- 28.12.2022

AFFIDAVIT

I, do hereby solemnly affirm and declare that the contents of the 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

Annex-A (3)



BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1797 /2022

2318

15-12-2022

Engineer Faiza Sana (BPS-18), Executive Engineer, PHE
Division, Charsadda.

..... Appellant

Versus

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar
2. Secretary, PHED, Khyber Pakhtunkhwa, Peshawar.
3. Chief Engineer (Center), PHED, Khyber Pakhtunkhwa,
Peshawar.
4. Engineer Zahid Hussain (BPS-18), Design Engineer
(Center) O/O The PHED, Khyber Pakhtunkhwa,
Peshawar.

..... Respondents

2-4
12/22

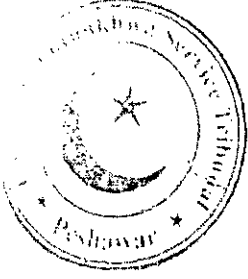
**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED ORDER
DATED 09.12.2022 WHEREBY THE APPELLANT
HAS BEEN TRANSFERRED FROM PHE
DIVISION CHARASADDA TO THE O/O CHIEF**

Certified to be true copy

Khyber
Service Tribunal
Peshawar

19.12.2022 Appellant alongwith his counsel Mr. Akhtar Ilyas,

Advocate present. Preliminary arguments heard.



Learned counsel for the appellant contended that the appellant is aggrieved of the impugned Notification dated 09.12.2022 whereby she was transferred from the post of XEN PHE Division Charsadda to Design Engineer office of the Chief Engineer (Central) PHED Peshawar and private respondent No. 4 was replaced and posted there. He next argued that the appellant had hardly served as XEN PHE Division Charsadda for a short span of about 07 months since earlier Notification dated 1st July, 2022. It was further argued that the appellant submitted departmental appeal against the impugned order to respondent No. 2 on 12.12.2022 which was turned down vide correspondence communicated to her on 15.12.2022, whereafter the instant service appeal was instituted on 15.12.2022. Learned counsel for the appellant referred to Article 4 and 25 of the constitution to have been violated by the respondents. Moreover, the respondents have violated normal tenure of 02 years by not adhering to the Posting Transfer Policy of the Provincial Government (2007). The impugned transfer Notification has also been issued in violation of PLD 2013 SC 195 and 2018 SCMR 1411(b).

[Handwritten signature]

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days.

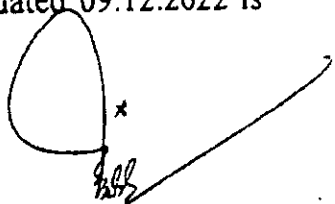
Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

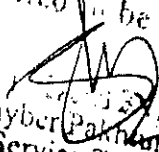
Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 03.01.2023 before S.B.

5

Alongwith the service appeal, an application for suspension of impugned transfer Notification dated 09.12.2022 has been annexed. The operation of impugned transfer Notification dated 09.12.2022 is suspended, if not already acted upon.



(Mian Muhammad)
Member (E)

Certified true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 19-12-22
Number of Words 1200
Copying Fee 19/-
Urgent 3/-
Total 18/-
Date of Delivery of Copy 19-12-22

Annex-B: (6)

To:

The Worthy Secretary,
Public Health Engineering Department,
Peshawar, Khyber Pakhtunkhwa.

ILL PHEE
2820
20-12-2022

Subject: REQUEST FOR THE IMPLEMENTATION OF ORDER DATED 19/12/2022 PASSED IN SERVICE APPEAL NO. 1797/ 2022 BY THE WORTHY KP SERVICE TRIBUNAL.

Respected Sir,

Refer to the above cited subject and to stated that I was transferred on dated 09/12/2022 (attached) and against this order I have submitted departmental appeal for the cancellation of impugned order (attached) to your goodself and which was rejected and pertinent to mention that I have not relinquished the charge.

Similarly, I have filed the appeal in the worthy KP Service Tribunal and which was argued on dated 19/12/2022 and consequently the learned KP Service Tribunal has suspended the operation of impugned notification dated 09/12/2022 (attached). As I have not relinquished my charge and nor the competent authority has relieved me, therefore, it is stated the impugned order 09/12/2022 may held be in abeyance till decision of my service appeal and I may be continued to work on my post as an Executive Engineer, PHE Division, Charsadda.

Yours Obediently
Engr. Faiza Sana (BPS-18)

Copy forwarded to the:

- 1- Registrar, KP Service Tribunal, Peshawar for information, please.
- 2- District Accounts Officer District Charsadda for information please.
- 3- H/C (Local) for information & Record.

Yours Obediently
Engr Faiza Sana (BPS-18)

Attended
Q

20/12/22

Annex-C (7)

Charsadda

S#:1

P Sec:001 Month:December 2022

CA7020 -Executive Engineer PHE Di

Pers #: 00700715 Buckle:

EXECUTIVE ENGINEER PHE DI

Name: FAIZA SANA

NIN: 7577294-5

EXECUTIVE ENGINEER

GPF #:

CNIC No.1610194631890

Old #: 161019463189

GPF Interest Applied

18 Active Permanent

CA7020 -

PAYS AND ALLOWANCES:

0001-Basic Pay	82,440.00
1001-House Rent Allowance 45%	8,715.00
1974-Medical Allowance 2011	1,847.00
2148-15% Adhoc Relief All-2013	920.00
2199-Adhoc Relief Allow @10%	634.00
2256-Technical Allowance Engin	57,525.00

Gross Pay and Allowances 152,081.00

DEDUCTIONS:

II Payable 46,218.78	Deducted 44,241.00	TAX: (3609)	7,704.00
GPF Balance 615,281.00		Subtot:	5,160.00
3501-Benevolent Fund			1,500.00
4004-R. Benefits & Death Comp:			1,350.00

Total Deductions 15,914.00

136,167.00

D.O.B

LFF Quota:

19.11.1983

NATIONAL BANK OF PAKISTAN MAIN BR

09 Years 07 Months 25 Days

17537-#

Attest
Q

Admiss- D. (2)

Dated: 20/12/2022

To,
The District Account Officer (Local),
Charrasda.

Subject: To stop All Official Correspondence with Mr. Zahid Hussain (BPS-18) in reference to KP Service Tribunal dated 19/12/2022

Refer to the above cited subject, it's stated that I was transferred on date 09/12/2022 (attached) and it's pertinent to mention that I have not relinquished the charge.

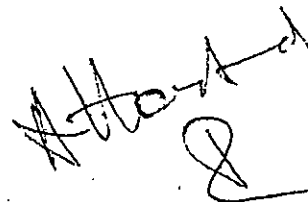
Similarly, I have filed an appeal with the worthy KP Service Tribunal, which was argued on date 19/12/2022. Consequently, the learned KP Service Tribunal has suspended the operation of impugned notification dated 09/12/2022 (attached).

It is therefore requested to stop all official correspondings etc from Mr Zahid Hussain other wise contempt of court proceedings will be done against your office and you will be personally responsible for the consequence.

Thanks



Eng. Faiza Sana (BPS-18)



Copy to: The Head Clerk (local) PHE Division, Charassda for information and necessary action.

9

K.P.K.PWD No.67

HAND RECEIPT

(Central P.W.A Code Paragraph 217,218,&234).

CPWA-28

1/11/22 - 1/12/22

H/A: G-Trust Account Name of Payee: MS SHAH JEHAN BROTHERS & CO. GOVT: CONTRACTOR

G-10101- Deposit Account P.W. Deposit

G-1011-P.W. Deposit: 2nd Deposit

Ch: to P.W.II Deposit Item No: 202/210550 (2021-22)

Cash Book Vr: No _____ Dated _____

Passed for Rs. 75000/- three hundred seventy five thousand only for release

Received a sum _____ from SDO PHE S/O (Civil Engineer) Charsadda on Account of PHE Division Charsadda

Release of additional Security for S.S AT UC DAULAT PURA CHARSADDA PH-II PK-59 ADP No- 1166/210550 (2021-22).

S.No	Challan No	Dated	Amount
1.	2	3	4
	23	21-6-2022	75000/-

With held Amount (-) - 375000/-

Verified for RS. 750000/-

[Signature]
Head Clerk PHE Division Charsadda

Release 50% Rs. (375000/-)

A06360/A635921

19/12/22

[Signature]
Sub Engineer

[Signature]
Sub Divisional Officer
PHE Sub Division Charsadda

Attested *[Signature]*