

25.02.2020

Appellant Muhammad Yaqoob Khan in person present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Yaqub, Inspector Weight & Measures (D.I.Khan) present.

Appellant stated at the bar that his grievance has been redressed by the department and requested for withdrawal of the present service appeal. In this regard signature of appellant was also obtained at the margin of order sheet as a token of proof. Accordingly, the present service appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
25.02.2020

Muhammad Amin
(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan.

I want to withdraw my appeal as my grievance has been redressed by dept.

25/2/2020

D



**DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA PESHAWAR**

ORDER

The Posting/Transfer of the following Officers is hereby Ordered with immediate effect in the public interest till further Orders:-

S. No.	Name & Designation of Officials	From	To
1.	Mr. Qudrat Ullah Khan, Assistant Labour Officer (BPS-12) posted against the vacant post of Labour Officer (in his own pay scale).	The District Labour Office D.I.Khan.	Office of the Assistant Director Labour, Bannu, against the vacant post of Assistant Labour Officer.
2.	Mr. Muhammad Yaqoob, Labour Officer (BPS-16) posted against the vacant post of Inspector (W&M).	Office of the Inspector (W&M) Hangu	The District Labour Office D.I.Khan against the vacant post of Labour Officer vacated by S. No. 1

Note: No TA/DA will be admissible to S. No. 2.

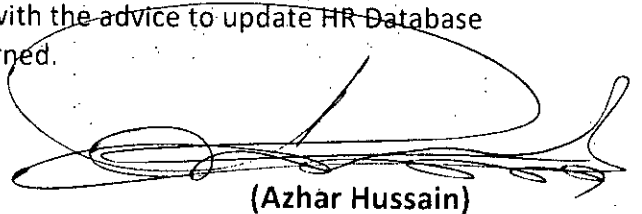
Sd/-
Director Labour,
Khyber Pakhtunkhwa Peshawar

Endst: No. DL/Admn/2/37/1293-1304

Dated 20/02/2020

Copy of the above is forwarded for information to:-

1. The District Accounts Officers D.I.Khan. Hangu & Bannu.
2. P.A to Director Labour, Khyber Pakhtunkhwa.
3. The Deputy Director (Accounts) Hqtr: Office, Peshawar.
4. The Assistant Director Labour Bannu.
5. The office Incharge District Labour office D.I.Khan.
6. The office Incharge Inspector (W&M) office Hangu.
7. The Officers concerned.
7. The Computer Operator-II with the advice to update HR Database
8. P/File of the Officers concerned.



(Azhar Hussain)


**Assistant Director Labour (Admn)
Hqtr: Office Peshawar**

28.01.2020

Appellant Muhammad Yaqoob Khan in person present. Preliminary arguments heard. It was contended by the appellant that he was serving as Labour Officer in D.I.Khan, he was transferred from D.I.Khan to Hangu vide order dated 24.10.2019 by the competent authority. It was further contended that he filed departmental appeal against the said order on 01.11.2019 and also filed Writ Petition against the impugned order dated 24.10.2019. It was further contended that the Writ Petition was treated as departmental appeal/representation by the worthy High Court vide order dated 26.11.2019. It was further contended that the departmental appeal was rejected vide order dated 18.12.2019 and thereafter he filed the present service appeal. It was further contended that he is having two wife and both are posted in Education Department at D.I.Khan. It was further contended that the respondent-department has violated the requirements of transfer posting policy as well as spouse policy. It was further contended that he is the head of the family and only person to look after his family therefore, the impugned order is against the spouse policy, is illegal and liable to be set-aside.

The contention raised by the appellant 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 10 days, thereafter, notices be issued to the respondents for written reply/comments for 25.02.2020 at Camp Court D.I.Khan. Appellant also submitted application for suspension of impugned order. Notices of the same be also issued to the respondents for the date fixed.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan


Appellant Deposited
Security & Process Fee

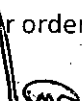


4/2

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 340/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/01/2020	<p>The appeal of Mr. Muhammad Yaqoob presented today by Mr. Burhan Latif Khaisori Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 14/01/2020</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27-1-2020 at Camp Court D.I.Khan</u></p> <p> CHAIRMAN</p>
27.01.2020		<p>Appellant in person present and requested for adjournment. Adjourned to 28.01.2020 for preliminary hearing before S.B at Camp Court D.I.Khan.</p> <p> (M. Amin Khan Kundi) Member Camp Court D.I.Khan</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Muhammad Yaqoob Khan

Vs

Govt. of KPK & Other

APPLICATION FOR THE FIXATION OF
ABOVE TITLED APPEAL BEFORE THE
WORTHY CHAIRMAN OF THIS HON'ABLE
TRIBUNAL BEING URGENT MATTER:

Respectfully Sheweth;

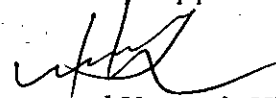
The applicant humbly submits as under;

- 1) That the above titled service appeal is pending before this Hon'able Tribunal and this application may kindly be treated as integral part of it.
- 2) That the *LIS* between is an urgent matter which requires quick disposal being transfer of appellant and appellant seeks reversal of impugned orders on the basis of spouse policy.
- 3) That the case is required to be disposed of by the Hon'able Chairman of this Hon'able Tribunal, being urgent in nature.


It is, therefore, requested that the matter be placed before the Hon'able Chairman of this Tribunal for disposal.

Dated: 14/01/2020.

Your humble appellant


Muhammad Yaqoob Khan

*With consent of
Appellant instant
matter is posted for
hearing on 27/1/2020 at
Peshawar.*


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BEFORE THE KHYBER PAKHTUNKHWA SERVICE**TRIBUNAL, PESHAWAR**Service Appeal No. 340 /2020**Muhammad Yaqoob Khan****VERSUS****Govt of KPK & other****INDEX**

Sr. #	Particulars of Documents	Annexure	Page
1.	Facts and Grounds of appeal along with affidavit	--	1-7
2.	Application for the grant of Stay/Suspension of impugned orders		8-9
3.	Copy of the Promotion Order	A	10
4.	Copy of the impugned transfer order	B	11
5.	Copy of the Departmental appeal/representation	C	12-14
6.	Copy of the Writ Petition No.1067-D/2019 along with order dated 26/11/2019	D	15-17
7.	Copy of impugned order no. SOG/LD/2-55/2019/6576-77 dated 18/12/2019 + BETTER COPY	E	18-18A
8.	Copies of the appointment of appellant's both wives	F	19-25
9.	Copies of letters from District Attorney	G	26-29
10	Copy of note of the respondent no.3 dated 04/12/2019	H	30-31
11	Wakalat nama		32

Dated: 14 / 01 /2020

Your humble appellant

Muhammad Yaqoob Khan

Through Counsel



Burhan Latif Khaisori
 Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 340 /2020

Diary No. 351

Dated 14/01/2020

Muhammad Yaqoob Khan Labour Officer (BS-16),
District Labour Office, District Hangu.

(Appellant)

VERSUS

1. Government Of Khyber Pakhtunkhwa through Secretary Labour Department, Govt. of KPK Peshawar.
2. Secretary Labour Department, Govt. of KPK Peshawar.
3. Director Labour, Khyber Pakhtunkhwa, Peshawar.
4. Assistant Director Labour (Admin) Hqtr: Office Peshawar.
5. District Account Officer, Dera Ismail Khan.

(RESPONDENTS)

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED TRANSFER ORDER NO. DL/ADMN/2/37/7652-60 DATED 24/10/2019 PASSED BY THE RESPONDENT NO. 3 AND AGAINST THE IMPUGNED ORDER NO. SOG/LD/2-55/2019/6576-77 DATED 18/12/2019 PASSED BY RESPONDENT NO. 2 WHEREBY THE RESPONDENT NO.2 REJECTED THE APPEAL/DEPARTMENTAL REPRESENTATION OF THE APPELLANT VIDE WHICH THE APPELLANT SOUGHT FOR HIS CANCELLATION OF TRANSFER/POSTING ORDER ON THE BASIS OF SPOUSE POLICY.

AHC

Filed to-day

Registrar

14/01/2020 **Prayer:**

On acceptance of the instant appeal and by setting aside the impugned orders dated 24/10/2019 and 18/12/2019 issued by respondents#2 & 3 respectively with the directions to the respondents to cancel/withdraw the transfer and posting orders of the appellant vide letter dated 24/10/2019 on the basis of spouse policy and to allow the appellant to continue his services as Labour Officer (BS-16) at District Labour Office, Dera Ismail Khan.

Respectfully Sheweth;

1. That the appellant was promoted to the post of Labour Officer (BS-16) on regular basis vide Order No.SOG/LD/8-4/2015/21751-55 dated 09/10/2017. Copy of the Promotion Order is Annexed as **"Annexure-A"**.
2. That the appellant was hard working and was performing his duties at District Dera Ismail Khan with honesty and appellant was doing all his job in accordance with law.
3. That Respondent no.3 without assigning any reason issued the transfer order of the Appellant vide impugned order No.DL/ADMN/2/37/7652-60 dated 24/10/2019. Copy of the impugned transfer order is enclosed as **"Annexure-B"**.
4. That the appellant on 01/11/2019 submitted the departmental appeal/ departmental representation to the Respondent no.2 through proper channel. Copy of the Departmental appeal/ representation is annexed as **"Annexure-C"**.
5. That in the meanwhile the appellant referred a writ petition no.1067-D/2019 before the Honorable Peshawar High Court bench Dera Ismail Khan wherein the learned court vide order dated 26/11/2019, directed the respondent no.3 to decide the departmental appeal/representation of the appellant within 30 days positively. Copy of the Writ Petition No.1067-D/2019 along with order dated 26/11/2019 are jointly annexed as **"Annexure-D"**.
6. That the respondent no.2, after receiving representation and recommendation through respondent no.3 rejected the departmental appeal /representation of the appellant vide impugned letter no. SOG/LD/2-55/2019/6576-77 dated 18/12/2019. Copy of impugned order no. SOG/LD/2-



55/2019/6576-77 dated 18/12/2019 is annexed as **"Annexure-E"**.

7. That feeling aggrieved with the impugned orders dated 21/10/2019 and 18/12/2019 passed by respondents#2 & 3 respectively, the appellant is having no other remedy except to knock at the door of this honorable forum on the following grounds.

GROUND S

- a. That the impugned office order No. DL/ADMN/2/37/7652-60 dated 21/10/2019 passed by respondent no.3 and the impugned order no. SOG/LD/2-55/2019/6576-77 dated 18/12/2019 passed by respondent no.2 are illegal, against the natural justice, ulterior motives, based on discrimination and ineffective upon the rights of the Appellant.
- b. That the impugned transfer order is based on discrimination and political victimization as the impugned order of the Appellant is totally based on mala fide, arbitrary, against the cannon of justice, equity and fair-play. Thus the impugned transfer order is liable to be cancelled.
- c. That both the wives of the Appellant are government servants and posted as teachers in Dera Ismail Khan. Thus the impugned order is also violative under the rules and against the policy of the government regarding spouse policy. Hence, on this sole ground the impugned order is liable to be cancelled. Copies of the appointment of appellant's both wives are jointly annexed as **"Annexure-F"**.
- d. That the minimum tenure for a post in a District is three years and three years tenure of the Appellant is not

9
AHC

completed as Labour Officer in District Dera Ismail Khan but the respondent issued the impugned office order without considering this legal aspect of the matter. Thus, the impugned officer order is liable to be cancelled on this score alone.

- e. That the performance of the Appellant as Labour Officer is outstanding as hundreds of complaints filled by the Present Appellant which also shows the performance of the appellant, due to which the huge amount has been deposited in govt Exchequer. But the respondent issued the impugned office order on the basis of political victimization, furthermore, the mala fide of the Appellant is also apparent. Copies of letters from District Attorney are jointly annexed as **"Annexure-G"**.
- f. That the Appellant is the victim of unlawful and illegal Act of the Respondents and such a mala fide act on the part of Respondents is against the law and rules, without jurisdiction and lawful authority, against the natural justice misuse of official powers and is the outcome of victimization known by the respondents and it has caused an immense mental torture and agony to the appellant.
- g. That the competent authority for the posting of appellant is respondent no.3 who also submitted a note to the respondent no.2 for reconsideration of the case of the appellant but the respondent no.2 totally by pass the recommendation of the competent authority i.e respondent no.3 which is a gross illegality in the eyes of law. Copy of note of the respondent no.3 dated 04/12/2019 is annexed as **"Annexure-H"**.
- h. That it is apparent from the record that the appellant has not completed is normal tenure at DIKhan and the appellant has also increased the governmental revenue by fining the different mils, factories, and the establishments

ATC

comes under the definition of labour laws and the basically the appellant is well known to this fact that the factories were having the grievances with the appellant while the appellant was serving the department in the interest of labour and thus, resultantly such types of illegal complaints, the respondent transferred him by violating the spouse policy.

- i. That is this Honorable forum will peruse the impugned transfer/ posting order dated 24/10/2019, it will into the notice that no reason for the transfer has ever been given by the respondents which shows gross illegality and mala fide on the part of respondents.
- j. That according to the dictums laid down by the higher forms in judgments Citations "PLC 2014 CS 1045" "PLC 2015 CS 1215" and " PLC 2014 CS 1032", it is crystal cleared that the department is bound obey the spouse policy but in the case appellant, the respondent totally violated the spouse policy but also refused to obey the judgments mentioned above.
- k. That interestingly the respondents with mala fide intentions posted the appellant as Inspector weight and measurement which is also against the law and policy.
- l. That any further grounds if will be needed will be agitated during the course of arguments.

ATC

P. T. O

It is therefore, On acceptance of the instant appeal and by setting aside the impugned orders dated 24/10/2019 and 18/12/2019 issued by respondents#2 & 3 respectively with the directions to the respondents to cancel/withdraw the transfer and posting orders of the appellant vide letter dated 24/10/2019 on the basis of spouse policy and to allow the appellant to continue his services as Labour Officer (BS-16) at District Labour Office, Dera Ismail Khan.

Dated: 14/01/20²⁰19

Your humble appellant


Muhammad Yaqoob Khan

Through Counsel


Burhan Latif Khaisori
Advocate High Court

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

Service Appeal No. _____/2020

Muhammad Yaqoob Khan**VERSUS****Govt of KPK & other****CERTIFICATE**

Certified that appellants have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

14 / 01 / 2020


 Appellant
NOTE

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

14 / 01 / 2020


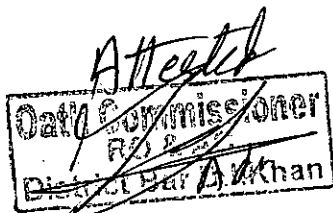

 Appellant's counsel
AFFIDAVIT

I, **Muhammad Yaqoob Khan**, the appellant, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following my instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.


Deponent

Identified By:-


Burhan Latif Khaisori
 Advocate High Court,
 D.I.Khan


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

Service Appeal No. _____/2020

Muhammad Yaqoob Khan

VERSUS

Govt of KPK & other

**APPLICATION FOR THE GRANT OF STATUS QUO ANTE ALONG
WITH THE SUSPENSION OF IMPUGNED ORDER DATED
24/10/2019 AND IMPUGNED ORDER DATED 18/12/2019
PASSED BY RESPONDENT NO. 2 & 3 RESPECTIVELY TILL THE
FINAL DISPOSAL OF THE INSTANT APPEAL.**

Respectfully Sheweth;

The appellatant humbly submits as under;

1. That the above titled service appeal is being filed before this honourable Tribunal and the instant applicant may kindly be treated as integral part of it.
2. That the appellatant has prima facie case and balance of convenience also tilts in favour of the appellatant.
3. That if the impugned orders dated 24/10/2019 and 18/12/2019 are not suspended then the appellatant shell suffer irreparable loss to the appellatant and purpose of the institution of instant service appeal will become futile.
4. That this honourable Tribunal has got vast and ample powers to entertain the instant application.

It is therefore, humbly prayed that the impugned orders dated 24/10/2019 along with 18/12/2019 may kindly be

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suspended till the final disposal of the instant service appeal to meet the ends of justice.

Dated: 14/01/2020

Your humble appellant



Muhammad Yaqoob Khan

Through Counsel



Burhan Latif Khaisori
Advocate High Court


AFFIDAVIT:

I, **Muhammad Yaqoob Khan** the appellant, do hereby solemnly affirm and declare on Oath that contents of the application are true and correct to the best of my knowledge and nothing has been deliberately concealed from this Hon'ble Court.

Dated: 14/01/2020



Deponent



Oath Commissioner
District Sar-e-Jahan

"Anex A"

10



GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

Dated Peshawar, the 09th Oct, 2017

ORDER

No. SOG(LD)/8-4/2015. On the recommendation of the Departmental Promotion Committee, Mr. Muhammad Yaqoob, Labour Officer (Acting Charge) is promoted to the post of Labour Officer (BPS-16) on regular basis with immediate effect. On promotion he shall continue as Labour Officer, D.I.Khan.

2. The officer on his promotion shall remain on probation in terms of Section 6(2) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 15(1) of Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules, 1989 for a period of one year.

Sd/-

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

Endst: No. SOG/LD/8-4/2015 / 21751-55 Dated Peshawar, the 09th Oct, 2017.

Copy forwarded to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- ✓ 2. District Account Officer, D.I.Khan.
3. Director Labour, Peshawar.
4. PS to Secretary Labour Department.
5. Officer concerned

Attested

Section Officer (General)

"Anex B"

11



DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA PESHAWAR

ORDER

Mr. Muhammad Yaqoob, Labour Officer (BPS-16) District Labour office, D.I.Khan, is hereby transferred to office of the Inspector (W&M) Hangu against the vacant post of Inspector (W&M) with immediate effect in the public interest.

Sd/-
Director Labour,
Khyber Pakhtunkhwa Peshawar

Endst: No. DL/Admn/2/371/7652-60

Dated: 24/1/2019

Copy of the above is forwarded for information to:-

1. The District Accounts Officers D.I.Khan & Hangu.
2. P.A to Director Labour, Khyber Pakhtunkhwa.
3. The Deputy Director (Accounts) Officer, Hqtr: Office, Peshawar
4. The Office Incharge District Labour Office D.I.Khan.
5. The Assistant Controller (W&M) Hqtr: office Peshawar.
6. The Inspector (W&M) Kohat.
7. The Officer concerned.
8. P/File of the Officer concerned.

(Azhar Hussain)
Assistant Director Labour (Admn)
Hqtr: Office Peshawar

Attested

To

"Anex C"

12

Secretary,

Labour Department,

Khyber Pakhtunkhwa,
Peshawar.

Subject: Departmental Appeal against transfer of appellant vide impugned office order No. DL/Admn/2/37/7652-60, issued by Director Labour, KPK, Peshawar.

Respected Sir:

- i. That the brief facts of the case are that initially the petitioner was appointed in Labour Department and later-on promoted to the post of Labour Officer (BPS-16) in the year 2017 and posted at District Labour Office, Dera Ismail Khan.
- ii. That the petitioner resumed the charge at Dera Ismail Khan and served his duty with full of hard work and honestly. That on 24-10-2019 the Director issued the impugned office order No. DL/Admn/2/37/7652-60, vide which he transferred the petitioner from the post of Labour Officer District Dera Ismail Khan to the office of Inspector (W & M) Hangu against the vacant post of Inspector (W & M). Copies of promotion order and impugned office order dated 07-10-2016 are enclosed herewith.

That being aggrieved, the appellant is filling the Departmental appeal, inter alia, on the following grounds:

GROUND:

1. That the impugned office order No. DL/Admn/2/37/7652-60 dated 24-10-2019 issued by Director is illegal, against the

natural justice, ulterior motives, based on discrimination and ineffective upon the rights of the appellant.

2. That the impugned transfer order is based on discrimination and political victimization as the impugned order of the appellant is totally based on malafide, arbitrary, against the canon of justice, equity and fair-play. Thus the impugned transfer order is liable to be cancelled.

That both the wives of the appellant are government servants and posted as teachers in Dera Ismail Khan, thus the impugned order is also violative under the rules and against the policy of the government regarding spouse policy. Hence, on this sole ground the impugned order is liable to be cancelled.

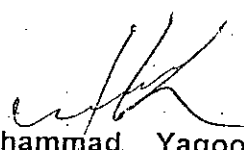
3. That the minimum tenure for a post in a District is three years and three years tenure of the appellant is not completed as Labour Officer in District Dera Ismail Khan but the respondent issued the impugned office order without considering this legal aspect of the matter. Thus, the impugned office order is liable to be cancelled on this score alone.
4. That the performance of the appellant as Labour Officer is outstanding as hundreds of complaints filed by the present appellant which also shows the performance of the appellant, due to which the huge amount has been deposited in govt. Exchequer. But the respondent issued the impugned office order on the basis of political victimization, furthermore, the malafide of the appellant is also apparent.

It is therefore, humbly prayed that may please be declared the impugned office order No DL/Admn/2/37/7652-60 dated 24-10-2019 issued by respondent No. 3 as illegal, against the natural justice, ulterior motives, based on malafide & discrimination and ineffective upon the rights of the appellant and liable to be cancelled.

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Your's Sincerely,

Dated: 01/11/2019



Muhammad Yaqoob son of
Mehboob Ali resident of
Commissioner Quarters opposite
Govt. Girls Degree College No. 1,
District Dera Ismail Khan

(Mobile No. 0365 9824552)

BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
DERA ISMAIL KHAN BENCH.

Writ Petition No. _____ of 2019

"Annex D"



Muhammad Yaqoob son of Mehboob Ali resident of Commissioner
Quarters opposite Govt. Girls Degree College No. 1, District Dera Ismail
Khan.

Petitioner

(15)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Labour
Department, Govt. of K.P.K, Peshawar.
2. Secretary Labour Department, Govt. of K.P.K, Peshawar.
3. Director Labour, Khyber Pakhtunkhwa, Peshawar.
4. Assistant Director Labour (Admn) Hqtr. office Peshawar.
5. District Account officer, Dera Ismail Khan.

Respondents

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,
1973.**

Respectfully Sheweth:

- i. That the addresses of the parties as given above are correct and
sufficient for the purpose of service.
- ii. That the brief facts of the case are that initially the petitioner was
appointed in Labour Department and later-on promoted to the post
of Labour Officer (BPS-16) in the year 2017 and posted at District
Labour Office, Dera Ismail Khan. Copy of Promotion order of the
petitioner is enclosed as **Mark-A**.

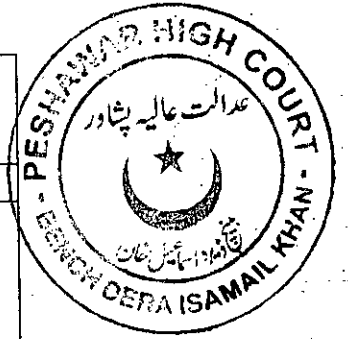
ATTESTED
10-01-2020
EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

PESHAWAR HIGH COURT, D.I.KHAN BENCH

16

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
26.11.2019.	<p><u>W.P. No.1067-D/2019(M) with Interim Relief(N).</u></p> <p><u>Present:-</u> Muhammad Waheed Anjum, Advocate for the petitioner.</p> <p>Mr. Kamran Hayat Miankhel, Addl: A.G. for respondents.</p> <p>***</p> <p><u>SAHIBZADA ASADULLAH, J.-</u> Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, petitioner Muhammad Yaqoob son of Mehboob Ali, has prayed for issuance of an appropriate writ declaring the impugned office order dated 24.10.2019 issued by respondent No.3 as illegal, against the natural justice, ulterior motives, based on malafide and discrimination and ineffective upon the rights of the petitioner.</p> <p>2. Today, at the very outset, learned counsel for the petitioner stated at the bar that the petitioner would be satisfied if the present writ petition is treated as an appeal/representation and referred to the competent authority, i.e. respondent No.3, for its decision strictly in accordance with law after providing the petitioner due opportunity of hearing.</p>



ATTESTED

[Signature]
10-01-2020
EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

3. In view of the above and the case law reported as Muhammad Ilyas Khan Patwari Vs. District Officer Revenue and Estate Officer, Peshawar and another (PLJ 2008 Peshawar 75), Muhammad Javaid and others Vs. F.O.P. and others (2015 PLC (C.S.) 309), Muhammad Sikandar Vs. District Collector/DCO Rajanpur and 2 others (2016 PLC (C.S.) 306) and Muhammad Irshad Vs. Secretary, Local Government and Rural Development, Lahore and 2 others (2009 PLC (C.S.) 747), the present writ petition is treated as appeal/representation and sent to respondent No.3 with the direction to decide the same in accordance with law after providing due opportunity of hearing to the petitioner, however, it would be highly appreciated if the same is decided within thirty days. The petitioner is directed to appear before respondent No.3, on 04.12.2019.

Announced
Dt: 26.11.2019.
Kifayat/*

JUDGE
[Signature]
JUDGE

(D.B)
Hon'ble Mr. Justice S.M. Attique Shah
Hon'ble Mr. Justice Sahibzada Asadullah

[Handwritten signature]
26/11/19

G.R.No. 104
Application Received on 10-01-2020
Copying Fee deposited Rs.
No of Papers 03 page
Copying Fee 04
Urgent Fee
Total Fee
Copy ready for delivery 10-01-2020
Copy delivered on 10-01-2020
Signature of Examiner [Signature]

Certified to be correct
[Signature]
10-01-2020
EXAMINOR
Peshawar High Court Bench D I Khan
Authorized Under Section 97 of
Qanoon-a-Shahadat-Ac

[Signature]
10-01-2020

"Anex E"

MOST IMMEDIATE
GOVERNMENT OF KHYBER PAKHTUN
LABOUR DEPARTMENT

No. GOVT/AD/2 55/2019/65 76-77
Dated Peshawar the 18th December 2019

✓
The Director Labour
Khyber Pakhtunkhwa, Peshawar.

3. DIRECTIONS OF THE HONOURABLE DOUBLE BENCH PESHAWAR HIGH COURT DIKHAN BENCH DATED 26/11/2019 IN WRIT PETITION NO. 1067-D OF 2019 (MUHAMMAD YAQOOB VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY LABOUR DEPARTMENT AND OTHERS (RESPONDENTS))

I am directed to refer to your note dated 4/12/2019 submitted to me by the Secretary Labour on the above subject and to state that from the records it appears that the petitioner (Mr. Muhammad Yaqoob) was posted in D. Khan on 19/3/2014 and upon promotion to the post of Labour Officer on 9/10/2017 he was allowed to continue at the same station (D.I.Khan). He was served in D.I.Khan for a period of more than 06 years and 09 months. Whereas in Provincial Govt. posting/transfer policy normal tenure for posting is 02 years in settled Districts. Besides, there are serious complaints against the petitioner in which as per recommendations of the fact finding inquiry, formal enquiry is being conducted in the case.

In view of the above, posting/transfer order of the above named petitioner issued on 24/10/2019 is in line with the posting/transfer policy of the Provincial Govt. Moreover, his further retention in D.I.Khan Distt. is against the public interest. Hence, the appeal in hand has no merit and is hereby rejected.


(Tasleem Khan)
Section Officer (Gen)

Dist No and date given
CC

PS to Secretary Labour, Khyber Pakhtunkhwa.

1
Section Officer (Gen)

ADCA

30/12/19 1389

Handwritten notes and stamps in the bottom left corner, including a date stamp '20/12/19' and other illegible markings.

18-A

MOST IMMEDIATE:
GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

No SOG/LD/2-55/2019/
Dated Peshawar the 18th December, 2049

The Director Labour,
Khyber Pakhtunkhwa, Peshawar.

Subject: DIRECTIONS OF THE HONOURABLE DOUBLE BENCH PESHAWAR HIGH COURT, DIKHAN BENCH DATED 126/11/2019 IN WRIT PETITION NO.1067-D OF 2019 (MUHAMMAD YAQOOB VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY LABOUR DEPARTMENT AND OTHES (RESPONDENTS).

I am directed to refer to your note dated 04/12/2019 submitted to the worthy secretary labour on the above subject and to state that from perusal of record, it appears that the petitioner (Mr. Muhammad Yaqoob) was posted in D.I.Khan on 19/03/2014 and upon promotion to the post of Lab our Officer on 09/10/2017., he was allowed to continue at the same station (D.K.Khan) whereas in Provincial Govt: posting/transfer policy normal tenure for posting is 02 years in settled District. Besides, there are serious complaints against the petitioner in which as per recommendations of the fact finding inquiry formal inquiry is being conducted in the case.

In view of the above, posting/transfer order of the above named petitioner issued on 24/10/2019 is in line with the posting/transfer policy of the Provincial Govt. Moreover, his further retention is D.I.Khan Disttt: is against the public interest. Hence, the appeal in hand has no merit and is hereby rejected.

(Tasleem Khan)
Section Officer (Gen)

Endst: No. and date even.

CC

- Police Station to Secretary Labour, Khyber Pakhtunkhwa.

Section Officer (Gen).

21



GOVERNMENT OF N.W.F.P.
WORKERS WELFARE BOARD, PESHAWAR
DIRECTORATE OF EDUCATION

Phone:
Fax:

Dated Peshawar, the.....200

Principal
Working Folks Grammar Higher Secondary School,
D.I.Khan-II (Female)

Ref : WWB/DE/PF/ 3280
Dated : 24/9/2013

Subject: Adjustment of Miss Lubna Teacher

Posted
I am directed to refer to office order No.2970 dated 14.05.2012 and to convey that as Miss Lubna Bibi has already been adjusted as Teacher in BPS-14 and posed to your school vide office order as mentioned above, she will draw her pay and allowances in BPS-14.

Deputy Director Education
Directorate of Education
Khyber Pakhtunkhwa Workers
Welfare Board, Peshawar

Attested

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**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN**

APPOINTMENT ORDER

Consequent upon recommendation of the departmental selection committee, appointment of the following candidates are hereby ordered against the post of **THEOLOGY TEACHER (TT)** School based, in BPS-15 (Rs. 8500-700-29500) @ Rs. 8500/- per month plus usual allowances as admissible under the rules on adhoc basis on contract under the existing policy of the provincial government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge:

S. No	Roll No.	Name	Father Name	CNIC	Marks	Place of Posting
1	1751602	Bilquees Begum	Muhammad Ashiq.	12101-6028937-6	72.5	GGMS Hafiz Abad Paharpur

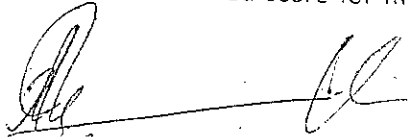
TERMS & CONDITIONS:-

1. No TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on adhoc basis initially for one year from date of issuance.
4. She should not be handed over charge if she exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority (if required).
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by DEO; anyone found producing bogus Certificates will be reported to the law enforcing agencies for further action. Expenditure on verification will be borne by the appointees.
6. Her services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate regarding verification of her documents is issued by this office.
8. She should join her post within 15 days of the issuance of this notification. In case of failure to join the post within stipulated period, her appointment will stand expire automatically and no subsequent appeal etc shall be entertained.

Attested
[Signature]

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9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before handing over charge, she will have to sign an agreement with Department; on prescribed form otherwise this order will not be valid.
11. She will be governed by such rules and regulations as may be issued from time to time by Govt.
12. Her services shall be terminated at any time, in case her performance is found unsatisfactory during the period. In case of misconduct, she shall be preceded under the rules framed from time to time.
13. Her appointment is made on school bases, she will have to serve at the place of posting, and her service is not transferable to any other station.
14. Before handing over charge, once again their documents may be checked by DDO concerned, if they have not the required relevant qualifications as per rules or in case of any degree/certificate issued after January 20, 2014 against which she claimed score for merit they may not be handed over charge of the post.



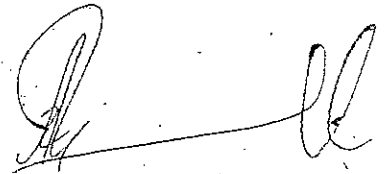
MRS ARA BIBI
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Endst No. 8135-41 TT/F

Dated DIKhan the 22/08/2014

Copy forwarded for information and necessary action to:

1. The Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. The District Comptroller of Accounts DIKhan.
3. The PS to Secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
4. The Principals/Headmistress of GGHSS/GGHS/GGMS Concerned Schools.
5. The Candidates Concerned.
6. The Accountant Middle section local office.
7. Master file



MRS ARA BIBI
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

"Anex G"

(26)



OFFICE OF THE DISTRICT ATTORNEY
DERA ISMAIL KHAN

No. 1034/DA

Dated the DIKhan 26/9/2019

To

**The Presiding Officer,
Labour Court, D.I.Khan.**

Subject:- **SUBMISSION OF COMPLAINTS.**

Memo:-

Enclosed please find herewith 100 complaints in Minimum Wages Act, 2013, submitted by the Inspector of Factories District Dera Ismail Khan vide his letter No.LO/DIK/2019/844 dated 26-09-2019 for disposal in the best interest of state.


**DISTRICT ATTORNEY,
LABOUR COURT,
Dera Ismail Khan.**

Dated 26/09/2019

Enclst; No. 1035-37/DA

Copy of the above is forwarded to:-

1. The Solicitor, Directorate General of Law & Human Rights, Govt. of KP Peshawar.
2. The Director Labour, KP, Peshawar.
3. The Assistant Director Labour District Dera Ismail Khan.

Attested


DAK


**DISTRICT ATTORNEY,
LABOUR COURT,
Dera Ismail Khan**

GOVERNMENT OF KHYBER PAKHTUNKHWA
A.D.LABOUR OFFICE D.I.KHAN
QASIM ROAD OPP: FRP SP OFFICE
TEL/FAX NO. 0966-9280451.

27

NO.LO/DIK/2019/844

DATED 26/9 /2019.


To

The District Attorney
Labour Court, D.I.Khan.

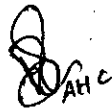
Subject: **SUBMISSION OF COMPLAINTS.**

Enclosed please find herewith ~~10~~ complaints in Minimum Wages Act, 2013 against the persons mentioned their in for further n/action.

Encl: a, a


(MUHAMMAD YAQOOB)
INSPECTOR OF FACTORIES
DERA ISMAIL KHAN.

Attested


AHC



**OFFICE OF THE DISTRICT ATTORNEY
DERA ISMAIL KHAN**

No. 1030 /DA

Dated the DIKhan 25/9 /2019

To

**The Presiding Officer,
Labour Court, D.I.Khan.**

Subject:- **SUBMISSION OF CHALLAN.**

Memo:-

Enclosed please find herewith 100 complaints in Minimum Wages Act, 2013, submitted by the Inspector of Factories District-Dera Ismail Khan vide his letter No.LO/DIK/2019/843 dated 25-09-2019 for disposal in the best interest of state.

[Signature]
**DISTRICT ATTORNEY
LABOUR COURT,
Dera Ismail Khan.
Dated 25/9 /2019**

Endst; No. 1030-33 /DA

Copy of the above is forwarded to:-

1. The Solicitor, Directorate General of Law & Human Rights Govt. of KP Peshawar.
2. The Director Labour, KP, Peshawar.
3. The Assistant Director Labour District-Dera Ismail Khan.

Attested
[Signature]
DAK

[Signature]
**DISTRICT ATTORNEY
LABOUR COURT,
Dera Ismail Khan.**

GOVERNMENT OF KHYBER PAKHTUNKHWA
A.D.LABOUR OFFICE D.I.KHAN
QASIM ROAD OPP: FRP SP OFFICE
TEL/FAX NO. 0966-9280451.

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NO.LO/DIK/2019/843

DATED 25/9/2019.


To

The District Attorney
Labour Court, D.I.Khan.

Subject: **SUBMISSION OF COMPLAINTS.**

Enclosed please find herewith 100 complaints in Minimum Wages Act, 2013 against the persons mentioned their in for further n/action.

Encl: a. a


(MUHAMMAD YAQOOB)
INSPECTOR OF FACTORIES
DERA ISMAIL KHAN.

Attested


ATC

Note for Secretary Labour
Government of Khyber Pakhtukhwa.

"Anex H"

30

DIRECTIONS OF THE HONOURABLE DOUBLE BENCH PESHAWAR HIGH COURT D.I.KHAN BENCH DATED 26/11/2019 IN WRIT PETITION NO.1067-D OF 2019 (MUHAMMAD YAQOOB VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY LABOUR DEPARTMENT AND OTHERS (RESPONDENTS)

That the Competent Authority in the Directorate of Labour Khyber Pakhtunkhwa, issued transfer and posting orders of Mr. Muhammad Yaqoob, Labour Officer from District D.I.Khan to District Hangu dated 24/10/2019 in the public interest, which order was challenged by the petitioner through a Writ Petition in the Peshawar High Court D.I.Khan bench

2 That the double bench Peshawar High Court D.I.Khan heard the writ petition and decidedly the writ petition was converted into appeal/representation which was heard dated 26/11/2019 Copy of the writ petition/appeal is attached as Annexure- A.

3 That the double bench issued directions to the respondent No.3 i.e Director Labour to decide the same in accordance with law after giving due opportunity of hearing to the petitioners which are reproduced verbatim:-

"the present writ petition is treated as appeal /representation and sent to respondent No.3 with the direction to decide the same in accordance with law and after providing due opportunity of hearing to the petitioner, however, it would be highly appreciated if the same is decided within thirty days. The petitioner is directed to appear before respondent No 3 on 04/12/2019"

Attested

 AH

P.T.O

~~Handwritten scribbles~~

That in pursuance of the above directions of the Hon'ble High Court, the respondent No. 1 heard Mr. [Name] on 12/12/2019 as he appeared today.

During the course of hearing it was argued by the petitioner that he is posted under clause (ix) of the Khyber Pakhtunkhwa Posting & Transfer Policy, 1973 under the Khyber Pakhtunkhwa Civil Servants Act, 1973. The petitioner's name is Mr. Yaddoo. He has two wives who are Government servants and settled in Peshawar. Pursuant to the said policy, the petitioner contended that he is entitled to be posted to the District Post Office, [Location] in the District of [Location].

In view of the foregoing, note regarding the petitioner's transfer and posting is submitted herewith to your good self for re-consideration in light of the directions of the Honourable High Court, I agreed.

[Signature]
Director Labour
Khyber Pakhtunkhwa
04/12/19

Secretary to Government of Khyber Pakhtunkhwa
Labour Department

[Signature]

Attested

[Signature]
AHC



KHYBER PAKHTUNKHWA
BAR COUNCIL

ADVOCATE HIGH COURT

BURHAN LATIF

Advocate

bc-09-0933

Date of Issue: September 2017

Valid upto: September 2020

ONLY FOR VAKALATNAM



Add. Secretary
KP Bar Council

وکالت

32

کورٹ
فیس

Before the KPK Service Tribunal, Peshawar
from Appellant
M- Yaqoob Khan vs Govt. of K.P.K + others
Services Appeal

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

BURHAN LATIF KHAISORI ADVOCATE HIGH COURT

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہ ذہنی برائے پیش یا تصفیہ مقدمہ بنا کر
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بڑا بذریعہ دو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف مقدمہ مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل
بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے
پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا امت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ
کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذکری
نظر ثانی اپیل گمرانی و برہم درخواست برہم کے بیان دینے اور پر پاشی یا راضی نامہ و فیصلہ برحلاف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے
تاریخ پیشی مقدمہ مزکور بیرون از پکھری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا منسوفی ذکری یک طرفہ یا درخواست ہم اتنای یا ترقی
یا گرفتاری مثل از فیصلہ اجراءے ذکری بھی صاحب موصوف کو بشرط ادا سنگی ٹیچرہ مختصمہ روڈی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ
از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی
اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بر مشر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشر قانون کو بھی ہر امر میں وہی اور دینے
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواہ پڑنے گا وہ صاحب موصوف کا حق ہو گا مگر
صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

Accepted

BURHAN LATIF KHAISORI
ADVOCATE HIGH COURT

Muhammad Yaqoob Khan
(Appellant)

cell # 0336-723-7810
CNIC # 12101-2011636-9