


FORM OF ORDER SHEET

Court of _____

Case No. - 276/2023

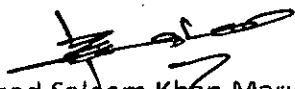
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/02/2023	<p>The appeal of Mr. Engr. Muhammad Zubair resubmitted today by Muhammad Saleem Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>6-2-23</u> Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>


The appeal of Engr. Muhammad Zubair District Khyber received today i.e. on 23.12.2022 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

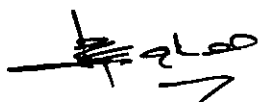
1- Proper rejection order of departmental appeal is not attach with the appeal.

No. 3696 /S.T,

Di. 23/12/2022


Muhammad Saleem Khan Marwat Adv.
High Court D.I.Khan


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

R/Sir, This appeal was returned
to the undersigned for want of
proper rejection order of Deptl appeal.
Now re submitted after attaching
proper rejection order of Deptl appeal
as Annex - C1 - p. 13.A. PLZ.. 

6-2-2023
(

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

Case Title: _____ vs _____

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

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

276

Name:

Salim Khan
Adul

Signature:

[Signature]

Dated:

23-12-22

cell - 03018796656

bc - 10 - 4802

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

Service Appeal No. 276 of ~~2022~~ 2023

**Engr. Muhammad Zubair Vs. Govt. of Khyber Pakhtunkhwa etc
Service Appeal**

S#	Description of Documents	Annexure	Page Numbers
1.	Service appeal with Civil Misc.	—	1-8
2.	Copy of Notification bearing No. SOE/C&WD/3-1/2022 dated 28.01.2022	A	9
3.	Copy of Notification bearing No. SOE/C&WD/3-1/2022 dated 20.12.2022	B	10
4.	Copy of the Departmental Appeal and dismissal Order	C & C-1	11-13A
5.	Copies of the correspondence showing involvement of political influence	D	14-16
6.	Vakalatnama	—	17

Yours Humble Appellant


(Engr. Muhammad Zubair)
Through Counsel

Dt. 23.12.2022


Muhammad Saleem Khan Marwat
Advocate High Court, D.I.Khan.


Saleem Shahzad Kundi
Advocate High Court, D.I.Khan.

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

Service Appeal No. 276 of ~~2022~~ 2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2668

Dated 23/12/2022

Engr. Muhammad Zubair, Executive Engineer, Highway Division,
District Khyber.

APPELLANT

VERSUS

1. **Government of Khyber Pakhtunkhwa**, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary**, Govt of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary** to Govt of Khyber Pakhtunkhwa, Communication & Works Department, Peshawar.
4. **Chief Engineer (Centre)**, Communication & Works Department, Khyber Pakhtunkhwa, Peshawar.
5. **Chief Engineer (South-I)**, Communication & Works Department, Khyber Pakhtunkhwa, Peshawar.
6. **Superintending Engineer**, Communication & Works Circle Khyber, District Khyber.
7. **Engineer Shahzad Naseer**, XEN Mega Projects, C&W, Mardan.

RESPONDENTS

Filed ~~on~~ day

Registrar

23/12/2022

SERVICE APPEAL UNDER SECTION 4 OF THE K.P.

SERVICE TRIBUNALS ACT, 1974, AGAINST THE

NOTIFICATION BEARING NO. SOE/C&WD/3-

1/2022 DATED 20.12.2022 ISSUED BY THE

RESPONDENT No.3.

PRAYER:

Re-submitted to ~~day~~ and filed. On acceptance of present Service Appeal and by

setting aside/cancelling Notification bearing

06/02/2023

Registrar

No.SOE/C&WD/3-1/2022 dated 20.12.2022, the impugned transfer of appellant from the post of XEN Highway Division Khyber to the post of Design Engineer O/O Chief Engineer (South-I) C&W Peshawar, may graciously be cancelled and as result thereof the posting of appellant as XEN Highway Division Khyber, may graciously be restored.

Respectfully Sheweth,

1. That the appellant is serving in the C&W Department as Executive Engineer Highway Division, district Khyber; and addresses of parties as given above are correct & sufficient for the purpose of service.
2. That vide Notification bearing No. SOE/C&WD/3-1/2022 dated 28.01.2022 (**Annexure A**) the appellant was transferred from the post of XEN Building Division to the post of XEN Highway Division Khyber, and thereafter, just within 11 months of his posting as XEN Highway Division Khyber, the respondent No.3 issued another Notification bearing No. SOE/C&WD/3-1/2022 dated 20.12.2022 (**Annexure B**) vide which the appellant stood transferred to the post of Design Engineer O/O Chief Engineer (South-I) C&W, Peshawar.
3. That in-fact the transfer of appellant without completing his ordinary tenure, in a premature manner, is due to the political pressure as petitioner was not ready the obey the illegal and illogical demands of some political figures of the area.
4. That discontented with his transfer on the basis of favouritism and nepotism vide Notification bearing No. SOE/C&WD/3-1/2022 dated

20.12.2022, the appellant preferred a Departmental Appeal to the respondent No.2 which was received under diary No.4249 dated 21.12.2022 but the same has been dismissed. Copy of the Departmental Appeal and its dismissal order are enclosed as **Annexure C & C-1** respectively.

5. That till date no response of the Departmental Appeal has been received to the appellant; therefore, the appellant has been left with no option but to file present service appeal before this Honourable Tribunal for cancellation of his transfer Notification dated 20.12.2022 on, inter alia, the following grounds:

GROUND:

- i.* That the impugned Notification bearing No. SOE/C&WD/3-1/2022 dated 20.12.2022 is the outcome of malafide, result of political victimization, without jurisdiction, without lawful authority and having no binding effect upon rights of appellant.
- ii.* That appellant has been made a rolling stone by official respondents just because of the political influence as a local MPA of Khyber Pakhtunkhwa, who is also DDAC Chairman Khyber has submitted an application to the worthy Chief Minister demanding the change/shifting of bridge, already proposed at Kabul River at Machini Area to his own constituency. The Additional Chief Secretary P&D Department marked the said application to C&W Department for comments, and ultimately, the same was marked to the petitioner in capacity of XEN C&W (Highway) Division for comments. The appellant submitted his comments purely on merits, but same annoyed the said MPA, and consequently, impugned transfer notification has been issued. Copies of the referred correspondence are enclosed as **Annexure D.**
- iii.* That the impugned transfer Notification is not in the public interest rather in the interest of political figures of the area and

therefore, the same is having no legal sanctity and not worth to be maintained.

- iv. That public officers and public functionaries are bound to obey the law, rules, procedure and being public servant, they are required to serve the public and it is not in their duties to bow heads before the politicians. Impugned Notification is therefore nullity in the eyes of law and, rights of appellant are required to be protected from the influence of political figures.
- v. That it has been held by the superior courts that when the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

Moreover, the august Supreme Court of Pakistan in the case of Anita Turab, reported as "PLD 2013 SC 195" was pleased to condemn premature transfers of Civil Servants and copy of the said judgment was delivered to all the administrative heads of Pakistan for compliances. Even otherwise, per mandate of Article 189 of the Constitution of Islamic Republic of Pakistan, 1973, said verdict of the Apex Court are binding on all the Courts and other organs of the state including respondents. On this score, the impugned transfer Notification is nullity in the eyes of law & constitution, and as such, the same is liable to be cancelled.

- vi. That the appellant has not yet completed his ordinary tenure of the service and his transfer through the impugned notification is based on malafide and is due to the political victimization, based on favouritism and also there are no compelling circumstances for the impugned transfer of appellant before completion of his ordinary tenure. Hence, a great, great injustice is being done to the appellant.

- vii. That under the Khyber Pakhtunkhwa Posting & Transfer Policy normal tenure of service is three years and transfer in the violation of such policy is simply to be recalled. Reliance is placed on 2001 PLC (CS) 172.
- viii. That the counsel for appellant may be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that the present service appeal may graciously be allowed as prayed for and thereby the impugned transfer of appellant may kindly be cancelled and as result thereof the posting of appellant as XEN Highway Division Khyber may kindly be restored.

Yours Humble Appellant

(Engr. Muhammad Zubair)
Through Counsel

Dt. 23 .12.2022

Muhammad Saleem Khan Marwat
Advocate High Court, D.I.Khan.

Saleem Shahzad Kundi
Advocate High Court, D.I.Khan.

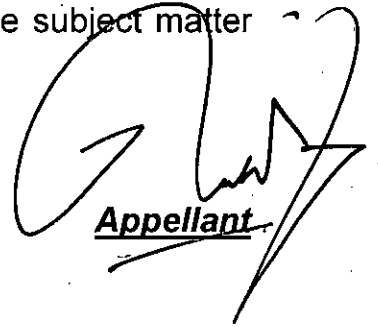
**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. _____ of 2022

Engr. Muhammad Zubair
Versus.
Govt. of Khyber Pakhtunkhwa etc
Service Appeal

VERIFICATION:

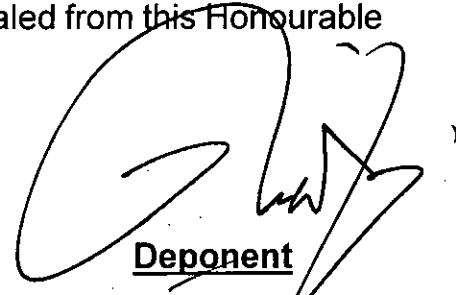
I, the appellant, on this day of December-2022, herein mentioned above, do hereby verify that all the contents of this appeal are true & correct and also that it is the first appeal on the subject matter and no such appeal has earlier been filed.

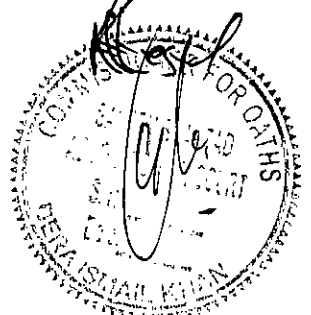

Appellant

AFFIDAVIT:

I, the appellant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Service Appeal** are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.

Identified by Counsel: 
Muhammad Saleem Khan Marwat Adv.


Deponent



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

Civil Misc. Petition No. _____ of 2022

In Service Appeal No. _____ of 2022

Engr. Muhammad Zubair
Versus.
Govt. of Khyber Pakhtunkhwa etc
Service Appeal

APPLICATION FOR SUSPENSION OF THE OPERATION OF
IMPUGNED NOTIFICATION BEARING NO. SOE/C&WD/3-
1/2022 DATED 20.12.2022 ISSUED BY THE RESPONDENT
NO.3, TILL FINAL DECISION OF SERVICE APPEAL AND IN THE
MEANWHILE RESPONDENTS MAY ALSO BE ABSTAINED FROM
TAKING ANY ACTION DETRIMENTAL TO THE SERVICE CAREER
OF APPELLANT.

Respectfully Sheweth.

1. That a Service Appeal is being filed before this august court and the grounds of same may please be considered as an integral part of this Petition.
2. That the petitioner/appellant has got a good prima case on law as well as on facts and there is every likelihood of the success of Service Appeal; hence, balance of convenience tilts in favour of the appellant.
3. That the petitioner has been transferred on the basis of nepotism and favouritism; therefore, in case of non-suspension of impugned

Notification of transfer, the petitioner/appellant will suffer an irreparable loss.

Moreover, the appellant is still holds the post of XEN C&W (Highway Division) Khyber.

It is, therefore, humbly prayed that on acceptance of the present Civil Misc. Petition, the operation of impugned Notification may please be suspended and respondents may please be desisted from taking any action detrimental to service career of appellant, till decision of Service Appeal, and in the meanwhile, status quo may graciously be ordered to be maintained.

Yours Humble Appellant

(Engr. Muhammad Zubair)
Through Counsel

Dt. 23.12.2022

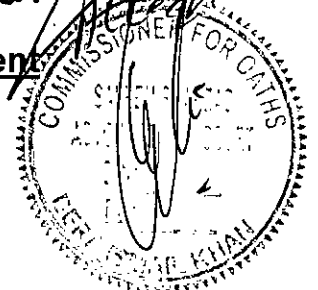

Muhammad Saleem Khan Marwat
Advocate High Court, D.I.Khan.


Saleem Shahzad Kundi
Advocate High Court, D.I.Khan.

AFFIDAVIT I, the petitioner; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Misc. Application** are true & correct to the best of my knowledge, belief and information; and that nothing has been deliberately concealed from this Honourable Tribunal.

Identified by Counsel.
Muhammad Saleem Khan Marwat Adv

Deponent



(Better copy)

(9)



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the Jan 28, 2022

NOTIFICATION:

No SOE/C&WD/3-1/2022: The Competent Authority is pleased to order the following posting/transfer amongst the officers of C&W Department, with immediate effect, in the best public interest.

Sr No	Name & Designation	From	To	Remarks
1	Engr. Muhammad Zubair XEN (BS-18)	XEN Building Division Khyber	XEN Highway Division Khyber	Vice No 2
2	Engr. Shahzad Naseer XEN (BS-18)	XEN Highway Division Khyber	XEN Building Division Khyber	Vice No 1

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Copy is forwarded to the -

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Chief Engineer (Centre) C&W Peshawar
3. Superintending Engineer C&W Circle Khyber
4. Executive Engineer Building Division Khyber
5. Executive Engineer Highway Division Khyber
6. Accounts Officer Tribal District Khyber
7. PS to Advisor to Chief Minister Khyber Pakhtunkhwa for C&W Department
8. PS to Secretary, C&W Department Peshawar
9. PA to Additional Secretary, C&W Department Peshawar
10. PA to Deputy Secretary (Admn), C&W Department Peshawar
11. Officers concerned
12. Office order File/Personal File

Zahoor
28.01.2022
(ZAHOOR SHAH)
SECTION OFFICER (Estb)



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the Jan 28, 2022

NOTIFICATION:


No. SOE/C&WD/3-1/2022. The Competent Authority is pleased to order the following posting/transfer amongst the officers of C&W Department, with immediate effect, in the best public interest.

Sr No	Name & Designation	From	To	Remarks
1	Engr Muhammad Zubair XEN (BS-16)	XEN Building Division Khyber	XEN Highway Division Khyber	Vice No 2
2	Engr Shahzad Naseer XEN (BS-16)	XEN Highway Division Khyber	XEN Building Division Khyber	Vice No 1

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Chief Engineer (Centre) C&W Peshawar
3. Superintending Engineer C&W Circle Khyber
4. Executive Engineer Building Division Khyber
5. Executive Engineer Highway Division Khyber
6. Accounts Officer Tribal District Khyber
7. PS to Advisor to Chief Minister Khyber Pakhtunkhwa for C&W Department
8. PS to Secretary, C&W Department Peshawar
9. PA to Additional Secretary, C&W Department Peshawar
10. PA to Deputy Secretary (Admn), C&W Department Peshawar
11. Officers concerned
12. Office order File/Personal File


28.01.2022
(ZAHOOR SHAH)
SECTION OFFICER (E&Ib)


ATTESTED

(Better copy) (10)

B

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the Dec 20, 2022



NOTIFICATION:

No.SOE/C&WD/3-1/2022; The Competent Authority (Secretary C&WD) is pleased to order the following posting/transfer amongst the officers of C&W Department, with immediate effect, in the best public interest.

Sl No	Name & Designation	From	To	Remarks
1	Engr Muhammad Zubair XEN (BS-18)	XEN Highway Division Khyber	Design Engineer O/O Chief Engineer (South-I) C&W Peshawar	Against vacant post
2	Engr. Shahzad Naseer XEN (BS-18)	XEN Mega Projects Mardan	XEN Highway Division Khyber	Vice No.1

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Chief Engineer (Centre) C&W Peshawar
3. Chief Engineer (Mega Projects) Peshawar
4. Superintending Engineer C&W Circle Khyber
5. Superintending Engineer Mega Projects Mardan
6. Executive Engineer Highway Division Khyber
7. Executive Engineer Mega Projects Mardan
8. District Accounts Officer Mardan
9. PS to Advisor to Chief Minister Khyber Pakhtunkhwa for C&W Department
10. PS to Secretary, C&W Department Peshawar
11. PA to Additional Secretary C&W Department Peshawar
12. PA to Deputy Secretary (Admn), C&W Department Peshawar
13. Officers concerned
14. Office order File/Personal File

Ijaz Khan
(IJAZ KHAN) 20/12/22
SECTION OFFICER (Estb)

10

Annex-B

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the Dec 20, 2022



NOTIFICATION:

No.SOE/C&WD/3-1/2022: The Competent Authority (Secretary C&WD) is pleased to order the following posting/transfer amongst the officers of C&W Department, with immediate effect, in the best public interest.

Sl No	Name & Designation	From	To	Remarks
1	Engr Muhammad Zubair XEN (BS-18)	XEN Highway Division Khyber	Design Engineer O/O Chief Engineer (South-I) C&W Peshawar	Against vacant post
2	Engr. Shahzad Naseer XEN (BS-18)	XEN Mega Projects Mardan	XEN Highway Division Khyber	Vice No.1

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Chief Engineer (Centre) C&W Peshawar.
3. Chief Engineer (Mega Projects) Peshawar
4. Superintending Engineer C&W Circle Khyber
5. Superintending Engineer Mega Projects Mardan
6. Executive Engineer Highway Division Khyber
7. Executive Engineer Mega Projects Mardan
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11. PA to Additional Secretary C&W Department Peshawar
12. PA to Deputy Secretary (Admn), C&W Department Peshawar
13. Officers concerned
14. Office order File/Personal File

Ijaz Khan
(IJAZ KHAN) 20/12/22
SECTION OFFICER (Estb)

[Signature]
ATTESTED

BETTER COPY

To

The Honorable Chief Secretary
Khyber Pakhtunkhwa,
Peshawar.

SUBJECT:- APPEAL AGAINST POLITICALLY MOTIVATED TRANSFER ORDER

Respected Sir,

I reverently to submit the following for your sympathetic consideration please.

That on 20.12.2022 I have received an order of Secretary C&W Department bearing No. SOE/C&WD/3-1/2022 dated 20.12.2022(Annex-1) whereby I have been transferred to The Office of Chief Engineer (South-1) C& W Peshawar.

That I have been Transferred as Executive Engineer (Xen) Highway Division Khyber on 28.01.2022 (Annex-II).

By day and night efforts of the undersigned the working image of the office is restored. All the Mega developmental works/Projects that are listed below:

- i. Construction of Bara Bypass Road from Nogazi Baba to Sheikhan Sports Stadium in T.D Khyber (7-km) Costing Rs: 560.094 M
- ii. Construction of RCC Bridge At AlamGouderKalanga Aka khel in Bara By pass (Length 152 m) Costing Rs: 290.890M
- iii. Construction of Road from Maidan Khyber District to Tortooth Kuram District via Haider Kandow (18Kms) Costing Rs: 741.048M
- iv. Construction of B/T Road from Mastak Bridge to Shaddaly via Matra in Tribal District Khyber (28-km) Costing Rs. 966M
- v. Construction of B/T Road from Meshy Mela Mergetkhel area via Khwangai to Jarwando Not Accepted Sherkhel, Aka Khel in Khyber (16-km) Costing Rs: 400.00M.

To

The Honorable Chief Secretary
Khyber Pakhtunkhwa,
Peshawar.

SUBJECT:- Appeal Against Politically Motivated Transfer Order

Respected Sir,

I reverently to submit the following for your sympathetic consideration please.

That on 20.12.2022 I have received an order of Secretary C&W Department bearing No.SOE/C&WD/3-1/2022 dated 20.12.2022(Annex-1) whereby I have been transferred to The Office of Chief Engineer (South-I) C& W Peshawar Peshawar

That I have been Transferred as Executive Engineer (Xon) Highway Division Khyber on 28.01.2022 (Annex-II).

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- iii- Construction of Road from Maidan Khyber District to Tortooth Kuram District via Haider Kondow (18Kms) Costing Rs. 741,048M
- iv- Construction of B/T Road from Mastak Bridge to Shaddaly via Matra in Tribal District Khyber (28-km) Costing Rs. 966M
- v- Construction of B/T Road from Meshy Mela Mergetkhel area via Khwangai to Jarwando Kaly SherKhel, Aka Khel in Khyber (16-km) Costing Rs: 400,00M

TESTED

BETTER COPY

- vi. Rehabilitation of Main Jamrud Warsak Road to Warsak Dam (25Kms) Costing Rs: 504.838M
- vii. Rehabilitation of Road from Shahgai Bazar to LoweraMeena Khyber (12-km) Costing Rs: 169.32M
- viii. Improv. & Widening of Road from Mamonryee to Dogra Chowk Khyber (15Kms) Costing Rs: 452.00M
- ix. Construction of Bridges On Aladhand Khwar and Janey Gari Khwar Khyber Costing Rs.438.78M

have been restarted and now progressing with full momentum My endless efforts and hard work is appreciated by all the concerned quarters i-e the District Administration, the contractors community and the armed forces deployed there

It is worth mentioning here that Member Of The Provincial Assembly (MPA) Shafiq Afridi Who is also DDAC Chairman Khyber has submitted an application to the Worthy Chief Minister in connection of Changing / Shifting The Bridge proposed At Kabul River at Machini Area to His own Constituency(Annex-III) The Additional Chief Secretary P& D Deptt. Marked the concerned application to C & W Deptt for comments. Ultimately the application has been sent to the Executive Engineer Khyber Division for comments

The undersigned submitted the requisite comments purely on merit (Annex-IV) for further NA Ultimately the Mentioned MPA expressed his extreme displeasure and challenged me that you will no longer be here at any cost.

Eventually I received my transfer order on 20 12 2022. The transfer order by itself is a speak of political motivation as have just passed ten months as Executive Engineer Highway Division Khyber and all the Mega Projects listed above will adversely effected.

In view of my aforementioned grounds and clarification it is humbly requested to set- aside the transfer order No. SOE/C&WD/3-1/2022 dated 20.12.2022 being un justified and Politically Motivated

Dated: 21-12-2022

Engr. Muhammad Zubair
Executive Engineer (BPS-18)
Communication & Works Deptt.

- vi- Rehabilitation of Main Jamrud Warsak Road to Warsak Dam (25Kms)
Costing Rs: 504.838M
- vii- Rehabilitation of Road from Shahgal Bazar to Lower Meona Khyber (12-km)
Costing Rs: 169.32M
- viii- Improv. & Widening of Road from Mamoniya to Dogra Chowk Khyber
(15Kms) Costing Rs: 452.00M
- ix- Construction of Bridges On Aladhand Khwar and Janey Gari Khwar Khyber
Costing Rs: 438.78M

have been restarted and now progressing with full momentum. My endless efforts and hard work is appreciated by all the concerned quarters. To the District Administration, the contractors community and the armed forces deployed there.

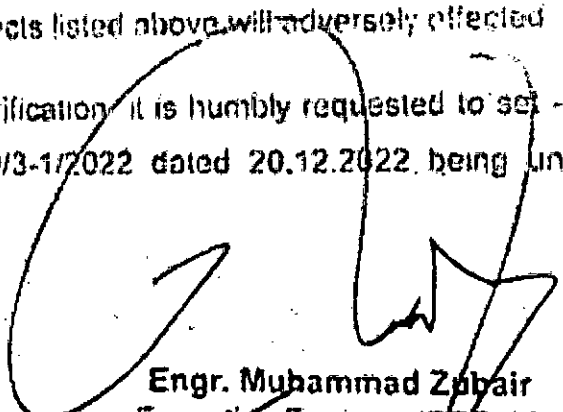
It is worth mentioning here that Member Of The Provincial Assembly (MPA) Shafiq Afridi Who is also DDAC Chairman Khyber has submitted an application to the Worthy Chief Minister in connection of Changing / Shifting The Bridge proposed At Kabul River at Machini Area to His own Constituency (Annex-III) The Additional Chief Secretary P&D Deptt. Marked the concerned application to C & W Deptt. for comments. Ultimately the application has been sent to the Executive Engineer Khyber Division for comments.

The undersigned submitted the requisite comments purely on merit (Annex-IV) for further NA. Ultimately the Mentioned MPA expressed his extreme displeasure and challenged me that you will no longer be here at any cost.

Eventually I received my transfer order on 20.12.2022. The transfer order by itself is a speak of political motivation as I have just passed ten months as Executive Engineer Highway Division Khyber and all the Mega Projects listed above will adversely effected.

In view of my aforementioned grounds and clarification it is humbly requested to set aside the transfer order No. SOE/C&WD/3-1/2022 dated 20.12.2022 being unjustified and Politically Motivated.

Dated: 21-12-2022


Engr. Muhammad Zubair
Executive Engineer (BPS-18)
Communication & Works Deptt.


ATTESTED

To

The Honorable Chief Secretary
Khyber Pakhtunkhwa,
Peshawar.

CIS Dmy No.
4246

DI: 21/12/22

SUBJECT:-

Appeal Against Politically Motivated Transfer Order

Respected Sir,

I reverently to submit the following for your sympathetic consideration please.

That on 20.12.2022 I have received an order of Secretary C&W Department bearing No.SOE/C&WD/3-1/2022 dated 20.12.2022(Annex-1) whereby I have been transferred to The Office of Chief Engineer (South-I) C& W Peshawar Peshawar

That I have been Transferred as Executive Engineer (Xen) Highway Division Khyber on 28.01.2022 (Annex-II).

By day and night efforts of the undersigned the working image of the office is restored. All the Mega developmental works/Projects that are listed below :

- i- Construction of Bara Bypass Road from Nogazi Baba to Sheikhan Sports Stadium In T.D Khyber (7-km) Costing Rs: 560.094M
- ii- Construction of RCC Bridge At AlamGouderKalanga Aka khel in Bara By pass.(Length 152 m) Costing Rs: 290.890M
- iii- Construction of Road from Maidan Khyber District to Tortooth Kuram District via Haider Kadow (16Kms) Costing Rs: 741.048M
- iv- Construction of B/T Road from Mastak Bridge to Shaddaly via Matra in Tribal District Khyber (28-km) Costing Rs: 966M
- v- Construction of B/T Road from Meshy Mela Mergeikhel area via Khwanganai to Janwando Kaly SherKhel, Aka Khel in Khyber (16-km) Costing Rs: 400.00M

Not Accepted
gpc 40 PL
22/12

ATTESTED



13 (A)
GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. No. SOE/C&WD/1-7/2008
Dated Peshawar, the Feb 01, 2023

TO

Engr. Muhammad Zubair (BS-18)
the then Executive Engineer
Highway Division Khyber
Now Design Engineer O/O
Chief Engineer (South-I) C&W
Peshawar.

Subject: APPEAL AGAINST POLITICALLY MOTIVATED TRANSFER ORDER

I am directed to refer your appeal/representation dated 21.12.2022, which was examined and submitted to the Competent Authority (Chief Secretary Khyber Pakhtunkhwa). The Competent Authority has been pleased to regret your appeal/representation.

2. You are hereby informed accordingly.

Naam
01-02-2023
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to:

1. PS to Secretary C&W Department, Peshawar
2. PA to Additional Secretary C&W Department Peshawar
3. PA to Deputy Secretary (Admn) C&W Department Peshawar

SECTION OFFICER (Estb)

(14)
BETTER COPY

HAMMAD SHAFIQUE AFRIDI
member Provincial Assembly
Pakhtunkhwa PK 107

TO

Mr. Mahmood Khan
Honourable Chief Minister
Khyber Pakhtunkhwa

O/O Chairman P&D

1780

Dated: 18-08-2022

Subject **REQUEST FOR SHIFTING OF SCHEME ADP # 1768 / 1918 170401
CONSTRUCTION OF BRIDGE ON KABUL RIVER AT MACHINI AREA IN FA
(PHASE-1) TO UPPER BARA RIVER AT WALA ZOR KALAY, BARA, TRIBAL
DISTR KHYBER**

Respected Sir

Gykat in; Se m o h

I hope this letter will find you in best health and spirit.

It is stated that above mentioned scheme reflected under ADP # 176 191843-170401"Construction of Bridge on Kabul River at Machini area in FA Phase-1), I want to bring into kind notice that a bridge exists already on Kabul Rive Machini area so the said scheme is unfeasible. It is pertinent to mention that Up Bara River at Wala Zor Kalay, Bara of my constituency having dire need for construction of bridge to connect Wala Zor Kalay and surrounding with main Mastak road to over the access issue of inhabitants.

It is therefore requested to please direct concerned formation to non summary for your esteemed approval for larger public interest.

Thanking you in anticipation

With profound regards

Muhammad Shafique Afridi

Additional Chief Secretariat MPA Bara
(PK-107), Chain chairman Standing
community for P&D.

(14)

Annex-D

Muhammad Shafique Afridi
Member Provincial Assembly
Khyber Pakhtunkhwa PK 107



محمد شفیق آفریدی
برسوبانی اسمبلی خیبر پختونخوا
PK 10 پڑوس خیبر

Handwritten notes: 10/10/83/PA, 07/01

Date: 29/10/83

Mr. Mahmood Khan
Honourable Chief Minister
Khyber Pakhtunkhwa

Office: Inr. P&D
D. 1/1/84
L. 10/1/84

Subject: Request for shifting of scheme ADP # 1768 / 19184-170401 "Construction of Bridge on Kabul River at Machin area in Phase-1) to Upper Bara River at Wala Zor Kalay, Bara, Tribal Dist. Khyber

Respected Sir سلام عظیم ورحمة اللہ وبرکاتہ

I hope this letter will find you in best health and good

It is stated that above mentioned scheme reflected under ADP # 1768 / 19184-170401 "Construction of Bridge on Kabul River at Machin area in Phase-1). I want to bring into kind notice that a bridge exists already on Kabul River in Machin area so the said scheme is unfeasible. It is pertinent to mention that I have been working in Bara River at Wala Zor Kalay, Bara of my constituency having drawn up a plan of bridge to connect Wala Zor Kalay and surrounding with main Master road to solve the access issue of inhabitants.

It is therefore requested to please direct concerned formation to take necessary summary for your esteemed approval for larger public interest.

(Thanking you for your kind attention)

Handwritten signatures and notes: Afridi, House Committee, etc.

Muhammad Shafique Afridi
Additional Chief Secretary
Planning & Development
Govt. of Khyber Pakhtunkhwa
Chairman, Standing Committee for P&D

Address: Opp Afridi Model School, Ghorakhel, Peshawar

ATTESTED

(15)

BETTER COPY

OFFICE OF THE EXECUTIVE ENGINEER

HIGHWAY DIVISION KHYBER

Phone No. 091-5820286 Fax No. 091-5820286

Email: exenhighwaykhyber@@gmail.com

No: 130/1-R

Dated: 10/10/2022

TO

Superintending Engineer

C & W Circle Khyber

SUBJECT **REQUEST FOR SHIFTING OF ADP SCHEME "1661/191843-170401 CONSTRUCTION OF BRIDGE ON KABUL RIVER AT MICHANI AREA IN FATA (PHASE 1) TO UPPER BARA RIVER AT WALA ZOR KALAY BARA TRIBAL DISTRICT KHYBER**

Your Office Letter Not 1003/SE(P/01-HWK Dated: 07/10/2022

SO Road office letter No: SOR/3-1/PATA/W&S/2000Vol-11 dated: 15/09/2022

The requisite comments in respect of the subject cited scheme are as under:

1. The Above quoted Bridge On Kabul River was reflected in Annual Development Program 2016-17 with the aim of connecting Tribal District Khyber with Mohmand.
2. It is further added that at that time FATA Expressway was in consideration and this bridge was integral part of this expressway.
3. This bridge is of quite strategic importance and with the development of Road network on both sides its significance doubles.
4. On Khyber side the road network is almost completed up to Kabur river and on Mohmand Side Road network is under construction

Thus its shifting will adversely effect all the strategic importance and connectivity of the two adjoining Trib

Encl: As Above

EXECUTIVE ENGINEER/

Copy To:

1. Design Engineer (R&B) O/O Chief Engineer (Center) C & W Deptt Peshawar for information
2. 2. Section officer (Roads) C & W Deptt for information

EXECUTIVE ENGINEER.

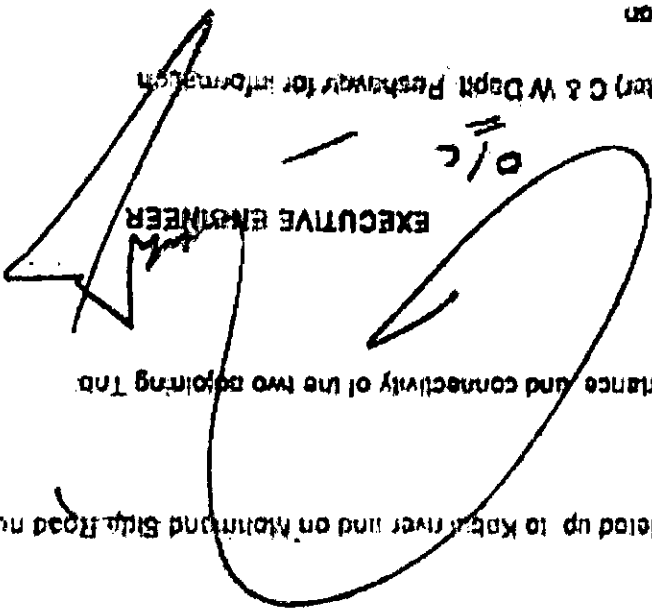
EXECUTIVE ENGINEER

2 Section officer (Roads) C & W Deptt for information

1 Design Engineer (R&B) O/O Chief Engineer (Center) C & W Deptt. For information

Copy To

Encl: As Above.



Thus its shifting will adversely effect all the strategic importance and connectivity of the two adjoining Tds

is under construction.

4 On Khyber side the road network is almost completed up to Kabul river and on Mohmand Side Road network

significance doubles

3 This bridge is of quite strategic importance and with the development of Road network on both sides its

this expressway

2 It is further added that at that time FATA Expressway was in consideration and this bridge was integral part of

the aim of connecting Tribal District Khyber with Mohmand

1 The above quoted Bridge On Kabul River was included in Annual Development Program 2019-17 with

The requisite comments in respect of the subject cited schemes are as under

Your Office Letter No. (M/S/EGP/117/R. Dated 07/10/2022
SO Road office letter No. SDR/13-FATA/W&S/2022/Vol-11 dated 10/10/2022

Request for Shifting of ADP Scheme - 166/11/1813-17001
Construction of Bridge on Kabul River in Mohmand Area in FATA
(Phase-I) in Upper Lure River in Wala Zor Khyber. Lure Tribal District Khyber

Supervising Engineer
C & W Circle Khyber

Date: 10 / 10 / 2022

No. 130 / 1-R

OFFICE OF THE EXECUTIVE ENGINEER
HIGHWAY DIVISION KHYBER
Phone No. 091-5820286 Fax No. 091-5820286
Email: exonhighwaykhyber@gmail.com

15



(15) (16)
BETTER COPY

GOVT. OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT CIVIL SECRETARIAT
(INFRASTRUCTURE SECTION)

Phone No. 091-9210427
chiefinfrasection@gmail.com

Chief/INF/P&D/ 2004-10/22/107-27/WE

Dated: 22/4 August, 2022

To

The Secretary to Government of Khyber Pakhtunkhwa,
Communication & Works Department.

Subject **REQUEST FOR SHIFTING OF SCHEME ADP NO. 1768/191843-170401**
"CONSTRUCTION OF BRIDGE ON KABUL RIVER AT MACHINI AREA IN
FATA (PHASE-) TO UPPER BARA RIVER AT WALA ZOR KALAY BARA,
TRIBAL DISTRICT KHYBER

I am directed to refer to the subject noted above and to enclose herewith a se-explanatory letter No: CM/KP/P&D/Bara-107/01 dated 29 July, 2022 received from hammad Shafique Afridi (Member Provincial Assembly), Khyber Pakhtunkhwa.

It is therefore, requested to furnish comments on the subject matter to this officer as directed by the competent authority for further necessary action, please Research Officer Infrastructure Section

Research Officer
Infrastructure Section

Copy forwarded for information to:

Muhammad Pakhtunkhwa

1. Shafiq Afridi (Member Provincial Assembly PK-107), Khyber
2. PS to Additional Chief Secretary, P&D Department.
3. PS to Secretary, P&D Department
4. PA to Chief Economist, P&D Department

Research Officer
Infrastructure Section

(16)



GOVT. OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT CIVIL SECRETARIAT
(INFRASTRUCTURE SECTION)
Phone No. 091-9210427
chiefinfrasection@gmail.com

Chief/INF/P&D/2004-70/22/103-85/WE Dated 22nd August 2022

The Secretary to Government of Khyber Pakhtunkhwa
Communication & Works Department.

REQUEST FOR SHIFTING OF SCHEME ADP NO. 1768/191843-170401
"CONSTRUCTION OF BRIDGE ON KABUL RIVER AT MACHINI AREA
IN FATA (PHASE-I) TO UPPER BARA RIVER AT WALA ZOR KALAY,
BARA, TRIBAL DISTRICT KHYBER.

It is directed to refer to the subject noted above and to enclose herewith
the explanatory letter No CM/KP/P&D.Bara-107/01 dated 29th July, 2022
submitted by Mr. Muhammad Shafique Afridi (Member Provincial Assembly), Khyber Pakhtunkhwa.
It is therefore requested to furnish comments on the subject matter
as directed by the competent authority for further necessary action.

[Signature]
Research Officer
Infrastructure Section

- Forwarded for information to:
- Mr. Muhammad Shafique Afridi (Member Provincial Assembly) PK-57 Khyber Pakhtunkhwa
- Additional Chief Secretary, P&D Department
- Chief Secretary, P&D Department
- Chief Economist, P&D Department

[Signature]
Research Officer
Infrastructure Section



MUHAMMAD SALEEM KHAN

Ref No: 10-3507
Date of Issue: September 2018
Valid upto: September 2021

Secretary
K.P. Bar Council

17

In the event of joint or competing claims, the professional services of the lawyer will not be entitled to any fees and the court shall retain jurisdiction to refer the matter to arbitration.

Father's Name: MUHAMMAD AKRAM KHAN
Address: MARWAT COLONY NEAR NIZAM PETROL PUMP BANNU ROAD D.I. KHAN 23018/38658
Contact No: 33018708658
Enrolment Date L.C.: 12 October 1995
Enrolment Date H.C.: 18 August 2000
Place of Practice: D.I. KHAN
Date of Birth: 10 January 1970
Blood Group: O- VE
C.N.C. No.: 12291-4737199-3

WAKALATNAMA

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWER,**

Engr Muhammad Zubair Plaintiff /Appellant /Petitioner/Complainant/ Accused

Vs

Govt of KPK etc Defendant/Respondent/ Complainant/ Accused

KNOW ALL to whom these present shall come that I/We...**Appellant** do hereby appoint **Muhammad Saleem Khan Marwat Advocate High Court and Saleem Shahzad Kundi Advocate High Court** (herein after called the advocate/s) to be my/our Advocate in the above noted case authorise him:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.
9. And I/We undertake that I/We or my/our duly authorised agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this day 23-11-2018

Accepted

Muhammad Saleem Khan Marwat
Advocate High Court
District Bar, Dera Ismail Khan.

Engr Muhammad Zubair
Appellant