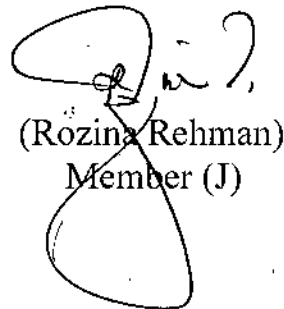


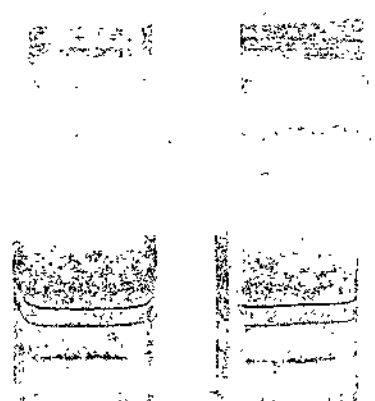
07.02.2023

Counsel for the appellant present.

Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 27.02.2023 before S.B. Annexed with the appeal there is an application seeking suspension of operation of impugned order dated 08.11.2022. The operation of impugned notification dated 08.11.2022 shall remain suspended till further orders, if not acted upon earlier.


(Rozina Rehman)
Member (J)



21st Dec, 2022

Learned counsel for the appellant present.

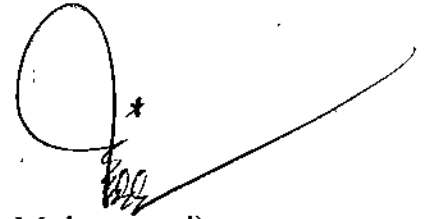
Let it be fixed for preliminary hearing on 05.01.2023
before S.B.



(Kalim Arshad Khan)
Chairman

05.01.2023

Clerk of learned counsel for the appellant present and
requested for adjournment on the ground that learned counsel for
the appellant is not available today. Adjourned. To come up for
preliminary hearing on 07.02.2023 before S.B.



(Mian Muhammad)
Member (E)

The appeal of Mr. Liaqat Ali Assistant P&C Small Dams Division A.Abad received today i.e. on 24.11.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal against the impugned order dated 08.11.2022 is not attached with the appeal which may also be placed on it.
- 2- Page No.15 of the appeal is illegible which may be replaced by legible/better one.

No. 3361 /S.T.

DL 25-11-2022

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Ali Bukhari Adv.

Sir,

- ① Reply to objection of the impugned order is appealable one and further departmental appeal is required which is clearly mentioned in para-I, where judgment is attached on page 25 and 26.
- ② objection removed, file resubmitted

Sir,

The objection of this office and reply of counsel for appellant is submitted for order. Please.

Honorable Chairman.

JO

to

file

28/11/22

25/11/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 306 /2022

Liaqat ALi

V/S

Irrigation Department

INDEX

S.No	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-05
2.	Stay Application along-with Affidavit		06-07
3.	Copy of transfer order	- A -	08
4.	Copy of Charge report	- B -	09
5.	Copy departmental appeal	- C -	10-12
6.	Copy of cancelation order	- D -	13
7.	Copy of record	E	14-24
8.	Copy of judgment	F	25-26
9.	Vakala Nama	-----	27

Liaqat Ali
APPELLANT

THROUGH:

(Signature)
(SYED NOMAN ALI BUKHARI)

(Signature)
&
(UZMA SYED)

ADVOCATES, PESHAWAR

Date: ___ / ___ /2022

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2022

Liaqat Ali Assistant (BPS-16),
P&C Small Dams Division Abbottabad.

(APPELLANT)

VERSUS

1. The Secretary to Govt. of KP Irrigation Deptt., Peshawar.
2. The Chief Engineer (SOUTH) Irrigation Deptt., KP, Peshawar.
3. Muhammad Arshad Assistant O/o Chief Engineer Irrigation office Peshawar.

(RESPONDENTS)

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED APPELLATE/FINAL TRANSFER ORDER DATED 08/11/2022, WHEREBY THE TRANSFER ORDER DATED 28/10/2022 HAS BEEN WITHDRAWN IN UTTER VIOLATION TO THE TRANSFER & POSTING POLICY, WHICH UNDER THE LAW IS ILLEGAL AND VOID

PRAYER:

THAT ON THE ACCEPTANCE OF THIS SERVICE APPEAL THE ORDER DATED 08/11/2022 MAY PLEASE BE SET ASIDE BEING, PASSED PREMATURELY AND VIOLATION OF POSTING/TRANSFER POLICY AND DIRECTED THE RESPONDENTS NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant now a days working as Assistant in P & C Small Dams Division Abbotabad. The appellant performing his duties with ALL Zeal and Zest at different station as per orders of authority.
2. That the appellant was performing his duties at Chief Engineer Irrigation office Peshawar from appointment till transfer order dated 28/10/2022 whereby, the appellant was transfer to P&C Small Dams Division Abbottabad at the place of Muhammad Arshad and he was transfer in place of appellant i.e. Chief Engineer Irrigation office Peshawar.. **(Copy of order is attached annexure- A).**
3. That the appellant submitted his arrival/charge report in compliance of order dated 28/10.2022 and quite astonishingly just after 11 days the transferred order dated 28/10.2022 has been cancelled vide order dated 08/11/2022 in response to departmental appeal filed by the respondent no:3 in violation of posting transfer Policy and principle of Locus Poenetentiae and without showing any reason and without any personal hearing. **(Copy of arrival report, departmental appeal and impugned appellate order are attached as annexure-B. C & D).**
4. That the appellant now feeling aggrieved from the impugned appellate order dated 08/11/2022 has no other remedy but to come this august Tribunal on the basis of following grounds amongst others.

GROUND:

- A. That the impugned office order dated 08/11/2022 is wrong, illegal, unlawful, against the policy and is liable to be struck down and set at naught.
- B. That the appellant's tenure at P & C Small Dams Division Abbotabad was only 11 days, Therefore, the order dated 08/11/2022 is premature and against the transfer policy.
- C. That the tenure of the appellant at Peshawar station and Muhammad Arshad at Abbottabad station has been already having tenure about more than 10 years, so the order dated 28.10.2022 is according to law and rules and cancelation of order 08.11.2022 without showing any cogent reasons and

without giving personal hearing is against the law rules, posting transfer policy and principal of locus poenentiae. **Copy of record is attached as annexure-E.**

- D. That appellant transferred order was cancelled just after 11 days, which is total violation of Govt: posting transfer policy: Thus the impugned order is liable to be set-aside on this score alone.
- E. That the transfer of the appellant is also violation of circular based on the Anita Turab case dated 27.2.2013 in which it was clearly mentioned 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, but in the case of the appellant the tenure was not respected and was posted/ transferred just after 11 days without completing his normal tenure at Abbottabad and without giving compelling reason for such transfer of the appellant by the authority.
- F. That no reasons have been mentioned in the order dated 08/11/2022 which is the violation of Clause-24-A of the General Clauses Act 1897.
- G. That the cancellation order dated 08/11/2022 without any reason is also in violation of Government Posting/Transfer Policy and Honable Service Tribunal Judgment Muhammad Miskeen VS Irrigation Deptt: Thus, the withdrawn order is not sustainable in the eye of law.
- H. That the impugned order is not based on public interest nor any exigencies but rather to adjusted blue eyed person.
- I. The service appeal of the appellant is competent according to judgment of Supreme Court. **Copy of judgment attached as annexure-F.**
- J. That it is a cherished principle of law, that where a law requires a thing to be done in a particular manner, then the same is be done in that manner and not otherwise.

4

- K. That once order passed and acted upon then that order could not be cancelled or withdrawn under the principles of Locus Poenitentiae.
- L. That the impugned order is not based on public interest nor any exigencies but rather to adjusted blue eyed person.
- M. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

Liaqat Ali
APPELLANT
Liaqat ALI

THROUGH:

Syed Noman Ali Bukhari
(SYED NOMAN ALI BUKHARI)
&
Uzma Syed
(UZMA SYED)
ADVOCATES, PESHAWAR

Date: ___ / ___ / 2022

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

Syed Noman Ali Bukhari
DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.

Syed Noman Ali Bukhari
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

3

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

Appeal No. _____ /2022

Liaqat ALi

V/S

Irrigation Department

AFFIDAVIT

I, Liaqat Ali, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

DEPONENT


Liaqat Ali

8

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

Appeal No. _____/2022

Liaqat ALi

V/S

Irrigation Department

.....

**APPLICATION FOR SUSPENSION OF
THE OPERATION OF ORDER DATED
08/11/2022 TILL THE DISPOSAL OF
MAIN APPEAL.**

RESPECTFULLY SHEWETH:

1. That the appellant has filed an Appeal along-with application in which no date has been fixed so far.
2. That the appellant has good prema facie case and all the ingredients of stay is in favour of appellant.
3. That the grounds of main appeal may also be considered as integral part of this application,
4. That the impugned order has passed on favouritism and nepotism and has been passed in-violation of Posting, Transfer Policy.
5. That the appellant has not completed his tenure and the order dated 08/11/2022 is without any reasons.

That if the order dated 08/11/2022 is not suspended and charge will take from the appellant. It badly effect the right of appellant.

It is, therefore, most humbly prayed that the order dated 08/11/2022 may be suspended till the disposal of main appeal. Any other remedy, which this august tribunal deems fit that may also be awarded in favour of appellant.

APPELLANT

Liakat Ali

Liakat Ali

THROUGH:

(SYED NOMAN ALI BUKHARI)

Liakat Ali

(UZMA SYED)

ADVOCATES, PESHAWAR

Date: ___/___/2022

AFFIDAVIT:

It is affirmed and declared that the contents of this Application are true and correct to the best of my knowledge and belief.

DEPONENT

Liakat Ali

2



OFFICE OF THE CHIEF ENGINEER (NORTH)
IRRIGATION DEPARTMENT PESHAWAR

Phone: 6 Fax No. 091 9212123 Email: chief@northirrigation.gov.pk

A

8

No. 5714 /North/A-1/7-E(I)

Date: 28/11/2027

OFFICE ORDER

The following posting/transfer amongst the Assistant BS-18 of Irrigation Department is hereby ordered in pursuance of Govt. with immediate effect in the public interest:

S.NO	NAME	FROM	TO	REMARKS
1	M. Usqat Ali	Chief Engineer (South) Irrigation Office Peshawar	P&C Small Dams Division Abbottabad	Vice No. 02
2	Muhammad Arshad	P&C Small Dams Division Abbottabad	Chief Engineer (South) Irrigation Office Peshawar	Vice No. 01

CHIEF ENGINEER

Copy forwarded to:

1. Accountant General Khyber Pakhtunkhwa.
2. Chief Engineer (South) Irrigation Department Peshawar
3. Director General Small Dams Directorate Irrigation Department Peshawar
4. Deputy Director P&C Small Dams Division Abbottabad.
5. Deputy Secretary (Admin.) Govt. of Khyber Pakhtunkhwa Irrigation Department Peshawar.
6. PS to Minister to Govt. of Khyber Pakhtunkhwa Irrigation Department Peshawar.
7. PS to Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department Peshawar.
8. Official concerned.
9. Personal Files of the Official (Chief Engineer (South) Irrigation Department Peshawar)

For information and necessary action please.

CHIEF ENGINEER

B - 9
②

To

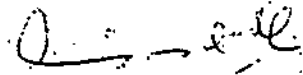
The Deputy Director (P&C)
Small Dams Division
Abbottabad.

Subject: ARRIVAL REPORT.

R/Sir,

In compliance of Chief Engineer (North) Irrigation Department Office Order No. 5714/North/A-1/7-E(ii), dated 28/10/2022, I beg to submit my arrival report today on 01/11/2022 (F.N) and obliged, please.

Yours Obediently,



Liaqat Ali (Assistant)
O/o the Deputy Director (P&C)
Small Dams Division Abbottabad.

Received / Arrival Report
on 01/11/22

The Secretary Govt. of Fyher Pakhtunkhwa
Irrigation Department, Peshawar

C (18)

DEPARTMENTAL APPEAL AGAINST THE ORDER
NO. 5714/NORTH/A-17-E(ii) DATED 28/10/2022.

Respectfully,

The appellant humbly submit as under:-

1. That the appellant is serving under your kind control as Assistant (BPS-16) in Irrigation Department Abbottabad.
2. That the appellant was transferred from Office of Chief Engineer (North, Irrigation Department Peshawar to Deputy Director Small Dams (P&C) Division Abbottabad vide Office order dated 17/09/2021. Copy of office order dated 17/09/2021 is attached herewith.
3. That the appellant submits his arrival report against the said office order on 24/09/2021. Copy of arrival report is attached herewith.
4. That the appellant has served the department with zeal & zest for the satisfaction of his high-ups.
5. That vide office order No. 5714/North/A-17-E(ii) dated 28/10/2022 the services of appellant were transferred from the office of Deputy Director Small Dams (P&C) Division Abbottabad to the Office of Chief Engineer

(Sout.) Irrigation Peshawar and Mr. Liaqat Ali Assistant (BPS-16) was posted against the post of present appellant. Copy of impugned office order dated 28/10/2022 is attached herewith for ready reference.

That the impugned office order dated 28/10/2022 is premature due to the reason that the appellant has not completed his tenure of service at the said station and his

DWC	2.B
SND	S.A.C
SG	SR

9/1/22
04/11/22

A.S
CA
7/11

services were transferred within a period of about 01 year, therefore, the impugned office order is liable to be set aside on this score only.

7. That it is pertinent to mention here that the appellant has rendered his entire service (28 years) out of station in the office of Chief Engineer Irrigation Office Peshawar and Executive Engineer Hydrology Irrigation Division Peshawar.
8. That the impugned office order dated 28/10/2022 is the result of illegal exercise of powers and was issued under political motivation just to facilitate the person of their choice by the department, hence the same is not maintainable in the eye of law.
9. That the appellant is permanent resident of District Abbottabad and is more suitable for the department to serve at his home station instead of Mr. Liaqat Assistant (BPS-16) is permanent resident of District Peshawar.
10. That the appellant is suffering from multifarious diseases and is unable to travel such a long distance from Abbottabad to Peshawar & Peshawar to Abbottabad, hence the office order dated 28/10/2022 is liable to be cancelled.
11. That it is worth to mention here that the appellant is only male person in his home to look after the female school going children and other related matters of the family. In view of the said fact, the services of appellant may not be transferred from District Abbottabad to District Peshawar on the ground of humanity.
12. That the appellant was transferred from District Abbottabad vide the impugned office order without allowing him to complete his tenure which is highly

unjust, unfair and unwarranted at law and policy on the subject.

13. That the department has issued the transferred order of appellant without assigning any reasons. If the department was desirous to facilitate Mr. Liaqat Assistant (BPS-16) the department could have adjusted Mr. Liaqat to some other District/ Division.
14. That the office order dated 28/10/2022 is against the rules, law and transfer posting policy hence, liable to be cancelled.

It is therefore, humbly prayed that on acceptance of instant departmental appeal representation, the office order dated 28/10/2022 may graciously be set aside/ cancelled in the interest of justice.

Dated: 31/10/2022

(MUBHAMMAD ARSHAD)

Assistant (BPS-16)

Office of the Deputy Director (P&C)

Small Dams Division

Abbottabad

COPY TO:

1. Chief Engineer (North), Irrigation Department, Peshawar.
2. Chief Engineer (South), Irrigation Department, Peshawar.
3. Deputy Secretary (Admin) Govt. of Khyber Pakhtunkhwa
Irrigation Department Peshawar.
4. Deputy Director (P&C) Small Dams Division, Abbottabad

714 /North//A-1/7-E(ii)

Dated: 28 /10/2022

D 43



OFFICE OF THE CHIEF ENGINEER (NORTH)
IRRIGATION DEPARTMENT PESHAWAR.

Phone & Fax No. 091-2212123 Email: chiefnorthirr@gmail.com (e.cell)

No. 5906 /North//A-1/7-E(ii)

Dated: 08 /11/2022

OFFICE ORDER:

The office order in respect of M/S Liaqat Ali and Muhammad Arshad Assistants, issued vide this office order No. 5714/North/A-1/7-E(ii), dated: 28-10-2022 is hereby withdrawn.

CHIEF ENGINEER

Copy forwarded to:

1. Accountant General Khyber Pakhtunkhwa.
2. Chief Engineer (South) Irrigation Department Peshawar
3. Director General Small Dams Directorate Irrigation Department Peshawar
4. Deputy Director P&C Small Dams Division Abbotabad.
5. Deputy Secretary (Admn:) Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar.
6. PS to Minister to Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar.
7. PS to Secretary to Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar.
8. Officials concerned.
9. Personal Files of the Official (Chief Engineer (South) Irrigation Department Peshawar)

For information and necessary action please.

CHIEF ENGINEER

OFFICE OF THE CHIEF ENGINEER
IRRIGATION DEPARTMENT NWFP
PESHAWAR

E 14

NO. 17778

1779 /IB/A/15-CE

Dated Peshawar the 31/5/1996/

OFFICE ORDER.

The following postings/transfers amongst the Junior Clerks of Irrigation Department (NWFP) are hereby ordered with immediate effect in the public interest.

Sl. NO.	N A M E	FROM	TO	Remarks
1/	Mr. Irshad Ahmad, Junior Clerk.	Hydrology Irr: Divn., Peshawar.	Flood and Drainage Divn: Peshawar.	Vice No.
2/	Mr. Liagat Ali, Junior Clerk.	Flood and Drainage Div: Peshawar.	Regional Office Peshawar.	Vice No.
3/	Mr. Kamtaz Hassan, Junior Clerk.	Regional Office Peshawar.	Hydrology Irr: Divn: Peshawar.	Vice No.

CHIEF ENGINEER
PHONE NO. 275320

NO. 17779-80 /IB/A/15-CE,

Copy forwarded to the :-

- 1/ Chief Engineer, Development Irrigation Department, NWFP, Peshawar,
- 2/ Superintending Engineer, Flood and Drainage Circle, Peshawar,
- 3/ Executive Engineer, Flood and Drainage Division, Peshawar,
- 4/ Executive Engineer, Hydrology Irrigation Division, Peshawar,
- 5/ Accountant General, NWFP, Peshawar,
- 6/ Cash and Bill Clerk (Local),
- 7/ Officials concerned,
- 9/ Personal File of Officer

C.I.E: S. Ghosh.

ICE OF THE DISTRICT ENGINEER (O.S.A.)
ARRIVATION DES... KATHUR... KATHUR...

2-9-63
...
...

Name with description	From	To
Mr. Anil Kumar Assistant BS-16	Deputy Director P&C Small Canal Organisation District Engineer	Deputy Director P&C Small Canal Organisation District Engineer
Mr. Jagan Mohan Assistant BS-16	Deputy Director P&C Small Canal Organisation District Engineer	Regional Office Peashwar (Work Construction Section)
Mr. Anand Kumar Assistant BS-16	Hydrology (In. Divn) Peashwar	Small Inlet Scheme Divn Peashwar
Mr. Anand Kumar Assistant BS-16	Small Irrigation Scheme Divn Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)
Mr. Jagan Mohan Assistant BS-16	Regional Office Peashwar	Regional Office Peashwar (Work Construction Section)

CHIEF ENGINEER

HAND RECEIPT

Central P.W.A Code Paragraphs 212, 218 & 234

Handwritten notes: K.L. Chaudhary

1

16

Payee: Muhammad Arshad
(B.D.A) AM & R

Handwritten note: B:11: 042201-Admn: (Executive)

HAND RECEIPT

Central P.W.A Code Paragraphs 212, 218 & 234

Handwritten initials: AM & R

To be used a simple form of voucher for all miscellaneous payments and advances for which the special form 24, 15, 26 & 27 are suitable.

Handwritten: Cheque No. AY03353 / AD4035 dt 18/6/10

Division Book Voucher No. 116/P Date 24/6/10 Sub Division

Pay by Cheque Rupees (4282) Paid by me

Received from (the Sub Divisional Officer in charge of Sub-Division) the sum of Rs. 4282 only name of work or purpose for which payment is made: - on account of Purchase of Stationery & Photo copy office use.

Signature of Payee

Handwritten signature of payee and a large circular stamp.

Amount in Figures

Stamp: DEPT. OF P.W.A.

- * The officer authorizing payment should initial and date pay order after scoring out the word cheque or cash as the case may be.
- * The person actually making the payment should initial and date payment certificate (Z) in the case of work the account which are kept by sub heads the amount chargeable to sub head should be specified by the Disbursing Officer.
- * Payment should be attested by me known person when the payee's acknowledgement is given mark seal or thumb impression.

Verified for Rs. 4282 Vide M.B No. 102 P.No. 89/10

Handwritten notes: Paid by me, 4000, 800

Handwritten initials: AM & R, 05/6/10

Sub-Divisional Officer
Hydrology Engineering Division
Abbottabad.

17

2

No. 1243 / 112

Dated Abbottabad the 11 / 07 / 2012.

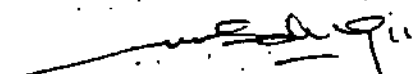
To

The Executive Engineer,
Hydrology Irrigation Divn.
Peshawar.

Subject:- G.P. FUND ADVANCE.

An application in proper form in respect of
Mr. Muhammad Arshad Senior Clerk requesting for G.P. Fund Advance
is submitted herewith for favour of further necessary action
please.

Subdinal


SUB DIVISIONAL OFFICER
HYDROLOGY IRRIGATION SUB DIVN:
ABBOTTABAD.

18

11/27/15

4-E

Dated 27/11/2015

The Executive Engineer,
Hydrology, Irrigation Division,
Peshawar

Subject: DETAIL OF STAFF

Re: Your office letter No. 183/2-E dt: 30-9-15 & No. 277/6-E dt: 24/11/15

The requisite information is already been submitted to your office. I have attached a photo copy of total staff list of Hydrology Irrigation Sub Division Abbottabad. The documents submitted herewith for information and further necessary action please.

Encl: 1/1

[Signature]
Sub Divisional Officer,
Hydrology Irr. Sub division
Abbottabad.

[Signature]

19

112A

Dated Abbottabad 10/10/2014

The Executive Engineer,
Hydrology Irrigation Division
Faisalabad

APPLICATION FOR GRANT OF G.P. FUND ADVANCE

Enclosed please find herewith an application of Mr. Muhammad
Asghar Sattar Officer-in-Charge of P.F. and advance is submitted herewith in original for
your consideration and necessary action please.

W.P.
SUB DIVISIONAL OFFICER
HYDROLOGY IRRIGATION SUB DIVISION
ABBOTTABAD

APPLICATION FOR THE GRANT OF GENERAL PROVIDENT FUND ADVANCE.

Applicant is applying for the sanction of the grant of an advance from the General Provident Fund as stated

Name of Applicant

Muhammad Arshad

Designation

Senior Clerk

Attached to

Hydrology Divn. S/Divn. Bahawalpur

Pay

Rs. 2030/- P.M.

Account No.

Rs. 8000/-

Amount of advance required

Number of instalment in which advance is to be paid.

Rs. 4000/- P.M. (20 Instalments)

Purpose for which the advance is required

Repair of House

Rules under which the application is made

Whether 12 months have elapsed since the complete re-payment of the last advance, if any?

If 12 months have not elapsed, give strong reasons for the purpose of Rule of G.P. Fund.

Date of final payment of Provident Fund Advance, together with interest accrued thereon.

Total amount at credit of the applicant to the General Provident Fund.

Whether the pecuniary circumstances of the applicant are such that indulgence is absolutely necessary.

Recommendations of the Immediate Officer

Recommended & forwarded to the Executive Officer

(Signature of the Applicant)

M. Arshad

Muhammad Arshad
S/Divn. Hydrology
Bahawalpur

Recommended & forwarded to the Executive Officer

Hydrology Divn. S/Divn. Bahawalpur

Recommended & forwarded to the Executive Officer

M. Arshad

20

8

IRRIGATION DEPARTMENT, KHYBER PAKHTUNKHWA
PESHAWAR.

Phone No. 001-9212416 Fax No. 001-9212652 E-mail: info@ipd

8
21

Dated Peshawar the 16th

The Director General,
Area Director, Irrigation, Department Peshawar

Director, Agricultural Division Peshawar

PROVISION OF ANNUAL CONFIDENTIAL REPORTS

Office Order No. 1100/A-3/13-CE, dated: 25-07-2014
Office Order No. 1100/A-3/13-CE, dated: 26-06-2014

Reference is made to the communications under reference of
the subject mentioned above. It is requested that in connection with the
subject mentioned above, you are requested to provide the details of several communication

in the form of a certificate, which should be submitted to the
Director, Agricultural Division Peshawar.

Yours faithfully,
[Signature]

[Signature]

SUPERINTENDING
OFFICE

Director, Agricultural Division Peshawar
Irrigation Department Peshawar

APPENDIX "C"
Form "G" (Revised)
Assistant and Clerks

APPENDIX-VI

CONFIDENTIAL

22

GOVERNMENT OF N.W.F.P.
IRRIGATION DEPARTMENT
CONFIDENTIAL REPORT

For the Period From 01/01/2007 TO 31-08-2007

PART-I

- 1 Name _____ Muhammad Arshad
- 2 Designation _____ Junior Clerk
- 3 Date of Birth _____ 1/5/1970
- 4 Date of entry into Government Service _____ 10/10/1992
- 5 Branches in which employed during the year under report *Estt: Section (SDA) OFS-1147/ Sub-Divn
Abdullahabad.*

PART-II

A PERFORMANCE	AI	A	B	C	D
(1) Referencing, paging of notes and correspondence		h			
(2) Movement of files and record of suspense cases			h		
(3) Keeping files and papers in tidy conditions		h			
(4) Promptness and accuracy in disposing of work		h			
B PERSONAL TRAITS					
(5) Intelligence			h		
(6) Knowledge of procedure and regulations			h		
(7) Punctuality		h			
(8) Cooperation and tact		h	h		
(9) Amenability of discipline			h		
(10) Skill in drafting			h		

Integrity

(i) Incorruptible.....

(ii) Reported to be corrupt.....

(iii) Believed to be corrupt, because.....

(a) Monetary consideration.....

(b) Other consideration.....

	YES	NO
(12) Knowledge of typing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(13) Trust worthiness in confidential and secret matter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(14) Any disciplinary action taken during the period under report	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PART-III

	By Reporting Officer	By Countersigning Officer
(a) Recommended for accelerated promotion.....	<input type="checkbox"/>	<input type="checkbox"/>
(b) Fit for promotion.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Recently promoted/appointed-consideration pre-mature.....	<input type="checkbox"/>	<input type="checkbox"/>
(d) Not yet fit for promotion.....	<input type="checkbox"/>	<input type="checkbox"/>

PART-VI

GENERAL ASSESSMENT	By Reporting Officer	By Countersigning Officer
(I) Very Good		
(II) Good	<input checked="" type="checkbox"/>	
(III) Average		
(IV) Below Average		
(V) Poor		

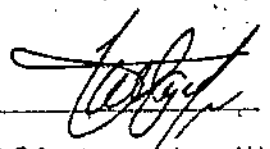
3

24

PEN PICTURE

he is good official

Reporting Officer Signature



Name (in block letters)

ABDUL WALI KHAN

Designation

Executive Engineer
Hydrology Div. Division
Peshawar.

Dated _____

GENERAL REMARKS BY THE HIGHER OFFICER

Countersigning Officer Signature

Name (in block letters)

Designation

Dated _____

Form

not to be corrupt

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

S/C
F 28

CAS/17/3/2010

PRESENT:

Mr. Justice Faqir Muhammad Khokhar
Mr. Justice M. Javed Buttar

Civil Petitions No. 500 & 501-P/2003
(On appeal from orders dated 14.6.2003 of
the NWFP Service Tribunal, Peshawar,
passed in Service Appeals No.223 & 224 2002)

Habib Ahmed. (in C.P.500-P/03)
Fazal Raziq (C.P.501-P/03)

Petitioners.

Versus

Presiding Officer, Revenue Appellate Court
No.3 and others.

Respondents.

For the petitioners: Mr Khushdil Khan, ASC.
Mr Zahoor Qureshi, A.C. 3.
Respondent No.3-4: Mr Jan Bahadur, A. 1/AOR.
No.1-2: Shah Jehan (Estt. Asstt)
Date of hearing: 27.4.2005

ORDER

1. SAC MUHAMMAD KHON KHAN - 1 Petitioners seeks leave to
appeal from orders dated 14.6.2003, passed by the NWFP Service Tribunal,
Peshawar, (hereinafter referred to as the Tribunal) in Service Appeals No.223 and
224 of 2002.

2. The petitioners felt aggrieved by order dated 25.2.2002 passed by
the appellate authority in respect of their place of seniority as *Patwaris*. They
preferred Service Appeals No.223 and 224 of 2002 there-against, which were
dismissed by the Tribunal, by the separate impugned orders dated 14.6.2003.

3. The learned counsel for the petitioners submitted that the order
which was called in question in appeal before the Tribunal, was itself an appellate
order passed by the departmental authority. Therefore, the Tribunal had taken an
erroneous view of the matter in dismissing the service appeals of the petitioners on
the ground that the departmental remedy had not been exhausted.

Signature

20

The learned counsel for the respondents could not controvert the
ve-position.

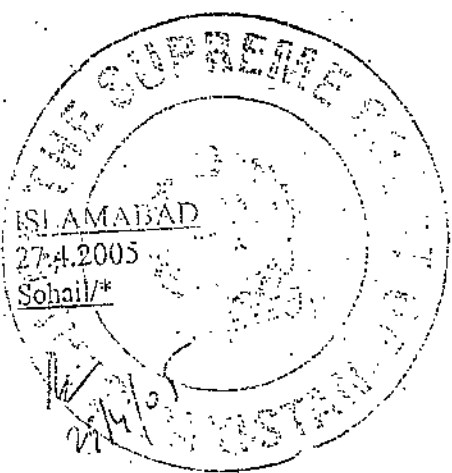
5. We have heard the learned counsel for the parties and have also
perused the available record. We find that the respondents being aggrieved of the
original order of the departmental authority in respect of their seniority had availed
the remedy of appeal which was accepted by the appellate authority. It was against
the order of the appellate authority that the petitioners had preferred the service
appeals. In these circumstances, it could not be said that the departmental remedy
had not been exhausted. The impugned orders of the Tribunal are not sustainable
at law.

6. For the foregoing reasons, both these petitions are converted into
appeals and the same are allowed. The impugned orders dated 14.6.2003 of the
Tribunal are set aside. Consequently, the Service Appeals No.223 and 224 of 2002
of the petitioners shall be disposed of by the Tribunal afresh in accordance with
law. There shall be order as to costs.

Sd/- Fayyaz Muhammad Khokhar, J.

Sd/- M. Tameed Butt, J.

Copy
11.5.06



VAKALAT NAMA

APPEAL NO. _____ /20

IN THE COURT OF KP SERVICE TRIBUNAL, PESHAWAR

Liaqat Ali Appellant
Petitioner
Plaintiff

VERSUS

Irrigation Deptt. Respondent (s)
Defendants (s)

I Liaqat Ali (APPELLANT) do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE 24-11 /2022

Liaqat Ali

(CLIENT)

ACCEPTED

Syed Noman Ali Bukhari

**SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT
BC-15-5643**

Uzma Syed