

04.10.2019 Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG alongwith M/S Jalal-ud-Din, Agronomist and Asad-u-Din Asad Jan, Superintendent for the respondents present.

The application in hand was submitted with the prayer for initiating Contempt of Court proceeding against the respondents for disregarding the order of this Tribunal dated 28.06.2019.

Representative of respondents has produced implementation report alongwith copy of office order dated 25.09.2019 whereby the transfer of the petitioner has been suspended with immediate effect.

In view of the documents submitted by the respondents, whereby the order of this Tribunal dated 28.06.2019 appears to have been complied with, the application is disposed of. File be consigned to the record.

ANNOUNCED

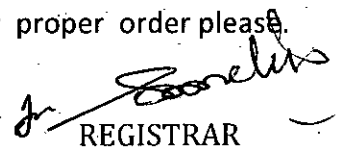


04.10.2019

  
CHAIRMAN

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

COC No. 280/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22/07/2019	<p style="text-align: center;">The COC submitted by Kaleem Ullah may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	20/08/19.	<p style="text-align: center;">This Execution Petition be put up before S. Bench on <u>06/09/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
06.09.2019		<p>Counsel for the petitioner present.</p> <p>Issue notice to the respondents for submission of implementation report on 04.10.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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COC Petition No.280/2019

In Service Appeal No. 694/2019

Mr. Kaleemullah, Junior Clerk

APPELLANT

VERSUS

Muhammad Naseem, Director General,  
Agriculture (Extension) Khyber Pakhtunkhwa, Peshawar.

RESPONDENT

**IMPLEMENTATION REPORT**

It is submitted that according to the directives of the Honorable Service Tribunal. Khyber Pakhtunkhwa, Peshawar the transfer order of appellant issued vide No. 15/21/Estt./ 7490-514/DG dated 11.04.2019 is hereby suspended vide Director General, Agriculture Extension Khyber Pakhtunkhwa, Peshawar office Order No. 15/21/Estt./ 19600-5/DG dated 25.09.2019 (Annexure-A).

In view of above the COC of the appellant may kindly be dismissed.

  
for DIRECTOR GENERAL  
AGRICULTURE (EXTENSION)  
KHYBER PAKHTUNKHWA PESHAWAR

**DIRECTORATE GENERAL AGRICULTURE (EXTENSION)  
KHYBER PAKHTUNKHWA, PESHAWAR**

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**OFFICE ORDER**

The transfer order in respect of Mr. Kaleemullah, Junior Clerk and other already issued vide No.15/21/Estt/7490-514/DGA(E) dated 11.04.2019 in which the transfer order of Mr. Kaleem Ullah and Mr. Afsar Khan, Junior Clerks at S.No. 8 & 9 respectively is hereby suspended with immediate effect due to the directives of the Hon'ble Service Tribunal Khyber Pakhtunkhwa, Peshawar till the decision of the case.

Sd/- (MUHAMMAD NASIM)  
DIRECTOR GENERAL  
AGRICULTURE (EXTENSION)  
KHYBER PAKHTUNKHWA, PESHAWAR

No.15/21/Estt/ 19600-5 /DG

Dated Peshawar: the 25/9 /2019

Copy forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The District Director Agriculture, Malakand.
3. The District Accounts Officer, Malakand at Batkhela.
4. The Director of Agriculture (Merged Areas) Peshawar.
5. Officials concerned.

For information and necessary action.

6. File No.18/1/Estt/ for record.

*To be submitted to Service Tribunal.*

*Attested*

DIRECTOR GENERAL

**DIRECTOR AGRICULTURE MARKETING  
DIRECTORATE GENERAL AGRICULTURE (EXTENSION)  
KHYBER PAKHTUNKHWA, PESHAWAR**

1

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

COC Petition No. 280 of 2019  
In Service Appeal No.694/2019.

Kaleem Ullah

.....Petitioner/Complainant.

V E R S U S

Muhammad Naseem D.G Agriculture (Extension)

.....Respondents.

**I N D E X**

S/No	Description of Documents	Annexure	Page No.s
1	Memo of Petition		1-3
2	Affidavit		4
3	Copy of Service Appeal with suspension application	"A"	5-6
4	Copy of Suspension order Hon'able service tribunal dated: 28-05-2019	"B"	7-8
5	Copies of application	"C & D"	9
5	Waqalat Nama		10

*Kaleem*  
PETITIONER.

Dated; 22/07/2019.

Through:-

*Faheem Ullah Akhonzada*  
(Faheem Ullah Akhonzada)  
Advocate High Court,  
PESHAWAR.

Cell No.0333-9046202

Office- FF.29 5<sup>th</sup> Floor Bilour Plaza Peshawar Cantt.

**BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

COC No. 280 /2019.

In Service Appeal No.694/2019.



Kaleem Ullah, Junior Clerk (BPS-11) O/o Director Agriculture (Extension), Merged Area, Hayatabd Peshawar.

..... Petitioner/Complainant.

VERSUS

Muhammad Naseem Director General Agriculture (Extension) University road  
Khyber Pakhtunkhwa Peshawar.

..... Respondent.

**APPLICATION UNDER ARTICLE 204 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,  
1973 READ WITH SECTION 3 OF THE CONTEMPT OF  
COURT ACT, 2003 FOR INITIATING CONTEMPT OF  
COURT PROCEEDINGS AGAINST THE RESPONDENT  
FOR WILLFULLY/DELIBERATELY DISREGARDING AND  
NOT COMPLYING THE SUSPENSION ORDER DATED  
28-06-2019 OF THIS HONORABLE TRIBUNAL AND TO  
PUNISH HIM IN ACCORDANCE WITH THE LAW.**

Respectfully Sheweth:-

Facts given rise to the instant writ petition are as under:-

1. That the applicant filed the above cited Service appeal No.694/2019 along with suspension application challenging office order dated 11-04-2019, wherein petitioner/complainant was meafidely been transfer from the office of director agriculture extension during ban period on posting/transfer.

*(Copy of the service appeal along with application is annexed as "A")*

2. That the hon'able tribunal while admitting the appeal of the applicant for regular hearing, was pleased to suspend the operation of order

dated 11-04-2019 to the extent of applicant. The relevant para is reproduced here for ease of reference.

*“There is an application for order requiring suspension of the impugned order. Notice of the application be given also given to the respondents for date fixed. Till next date of hearing the operation of office order dated 11-04-2019 shall remain suspended to the extent of appellant.*

(Copy of the order dated 28-06-2019 is annexed as “B”)

3. That the petitioner/complainant despite receiving notice of the hon’able tribunal pay no heed to the directions of this tribunal, even the petitioner/complainant himself served the attested copy of the order of this court but the respondent refused to obey the same.
4. That the petitioner/complainant not only orally requested the respondent for the compliance of the order of this hon’able tribunal but also wrote written applications as well in this connection but all in vain.

(Copies of the applications are annexed as “C” & “D”)

5. That the melafide and discriminative approach of the respondent is so on the peak that despite the directions of the hon’abe tribunal, the respondent directed the office not to mark the daily attendance of the petitioner/complainant despite his presence and also stopped the salary of the petitioner/complainant since three months and subjecting him and his family to poverty and financial crises in the ongoing inflation.
6. That the orders of this Hon’able court is clearer than the crystal and there is no ambiguity in the same and as such the respondent is having no excuse not to comply with the orders of this Hon,able court but the respondent are willfully and intentionally not following the directions of this Hon,able court which clearly amounting to contempt of court and for the same they are liable to be prosecuted.
7. That it is pertinent to mention here that the respondent is habitual of non-complying order of the Hon’able courts rather always take the same for granted, and that is why several contempt of court petition is pending against him in the Hon’able Peshawar High Court Peshawar and also in Khyber Pakhtunkhwa Service Tribunal, therefore he do not deserve any leniency and may be treated with iron hands so his non serious attitude towards court’s direction may be amended.
8. That in the light of above mentioned facts, and for the upheaval and interest of justice, the respondent deserve no leniency, his

contemptuous attitude is clearer than the crystal and needs no inquiry or explanations and are liable for exemplary punishment so that the dignity and honor of this Courts be maintained.

9. That on permission of this Honorable Court the petitioner may urged other additional grounds if any, at the time of arguments.

*It is therefore prayed that on acceptance of this contempt application, this hon'able court may be please to:-*

- I. **Initiate** contempt proceedings against the respondent.
- II. **To Punish** the respondent in accordance with law for failing to comply with the directions of this Hon'able court.
- III. **Any other relief** deem appropriate in the circumstance of the case may also be granted.

*Kaleem*

PETITIONER.

Dated: 22/07/2019.

Through:-

*Faheem Ullah Akhunzada*

(FAHEEM ULLAH AKHUNZADA)  
Advocate High Court,  
Peshawar.



BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.

COC No. 280 /2019.

In Service Appeal No.694/2019.

Kaleem Ullah

.....Petitioner.

**VERSUS**

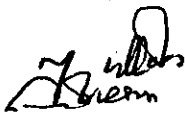
Muhammad Naseem

.....Respondent.

AFFIDAVIT

I, Kaleem Ullah, Junior Clerk (BPS-11) O/o Director Agriculture (Extension), Merged Area, Hayatabd Peshawar (Petitioner/complainant), do hereby solemnly affirm and state on oath that the contents of accompanying COC Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Court.

Identified by:



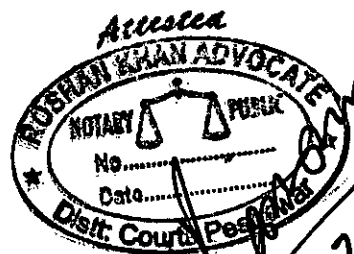
Faheem Ullah Akhunzada  
Advocate High Court Peshawar.



Deponent.

17301-5780678-3

Dated; 22 /07/2019.



*22-07-2019*

A (5)

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

**SERVICE APPEAL NO. \_\_\_\_\_/2019**

**MR. KALEEM ULLAH, Junior Clerk (BPS-11),**  
O/o Director Agriculture (Extension), Merged Area, Hayat Abad Peshawar  
Under transfer to O/O the Deputy Agriculture (Extension),  
District Malakand ..... **APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary Agriculture, Livestock & Cooperative Department, Civil Secretariat, Peshawar.
- 2- The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, Agriculture (Extension), Merged Area, Hayat Abad, Peshawar.
- 4- Mr. Afsar Khan, Junior Clerk (BPS-11), o/o Deputy Director, Agriculture (Extension), District Malakand under transfer to Director Agriculture (Extension), Merged area, Hayat Abad Peshawar.

..... **RESPONDENTS**

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 11.04.2019 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM MERGED AREA TO DISTRICT MALAKAND DURING BAN PERIOD AND UTTER VIOLATION OF LAW & RULES AND AGAINST THE APPELLATE ORDER DATED 22.05.2019 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS**

**PRAYERS:**

*addressed*

That, on acceptance of this appeal the impugned transfer order dated 11.04.2019 & appellate order dated 21.05.2019 may very kindly be set aside and the appellant may be retained at his original place of posting at Merged Area. Any other remedy which this Honourable Tribunal deems fit that may also be awarded in favour of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appellant are as under:-**

6

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

SERVICE APPEAL NO. \_\_\_\_\_/2019

KALEEM ULLAH

V/S


GOVT. OF KP & OTHERS

**APPLICATION FOR SUSPENSION OF THE IMPUGNED**  
**ORDER DATED 11.04.2018 TO THE EXTENT OF**  
**APPELLANT & RESPONDENT NO. 5 TILL THE DISPOSAL**  
**OF THIS APPEAL**

**R/SHEWETH:**

- 1- That the appellant filed above mentioned appeal before this august service Tribunal in which no date is fixed till now.
- 2- That appellant has filed the above mentioned appeal against the impugned transfer order dated 11.04.2019.
- 3- That all the three ingredients necessary for the stay is in favor of the petitioner.
- 4- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore, humbly prayed that on acceptance of this application the impugned order dated 11.04.2019 may very kindly be suspended to the extent of the appellant & private Respondent No. 5 till the disposal of this appeal.

*attested*  


APPELLANT


*Kaleem*

KALEEM ULLAH

THROUGH:

  
NOOR MOHAMMAD KHATTAK  
ADVOCATE

B 77



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

SERVICE APPEAL NO. \_\_\_\_\_ /2019

Diary No. 801

Date 24/5/2019

**MR. KALEEM ULLAH**, Junior Clerk (BPS-11),  
O/o Director Agriculture (Extension), Merged Area, Hayat Abad Peshawar  
Under transfer to O/O the Deputy Agriculture (Extension),  
District Malakand ..... **APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary Agriculture, Livestock & Cooperative Department, Civil Secretariat, Peshawar.
- 2- The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, Agriculture (Extension), Merged Area, Hayat Abad, Peshawar.
- 4- Mr. Afsar Khan, Junior Clerk (BPS-11), o/o Deputy Director, Agriculture (Extension), District Malakand under transfer to Director Agriculture (Extension), Merged area, Hayat Abad Peshawar.

..... **RESPONDENTS**

Filed to-day  
Registrar  
24/5/19

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 11.04.2019 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM MERGED AREA TO DISTRICT MALAKAND DURING BAN PERIOD AND UTTER VIOLATION OF LAW & RULES AND AGAINST THE APPELLATE ORDER DATED 22.05.2019 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS**

**PRAYERS:**

That, on acceptance of this appeal the impugned transfer order dated 11.04.2019 & appellate order dated 21.05.2019 may very kindly be set aside and the appellant may be retained at his original place of posting at Merged Area. Any other remedy which this Honourable Tribunal deems fit that may also be awarded in favour of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appellant are as under:-**

Certified to be true copy

  
**Registrar**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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28.05.2019

Counsel for the appellant present.

Learned counsel assailed the impugned order dated 11.04.2019 whereby the appellant was transferred from the office of Director Agriculture (Extension) Merged Area Hayatabad Peshawar to office of DDA Malakand mainly on the grounds that in essence the impugned order was for the purpose of promotion of Junior Clerks (BPS-11) to the post of Senior Clerk (BPS-14). Upon promotion the officials therein except the appellant and two others were to join the place of their respective posting. As the appellant was not promoted from the post of Junior Clerk to Senior Clerk the transfer order smacked malafide on the part of respondents. It was further urged that respondent No. 4 who was transferred vice the appellant was appointed on 26.09.2018 and as such was on probation, therefore, could not be transferred. It was also the argument of learned counsel that the Establishment Department of Government of Khyber Pakhtunkhwa had imposed ban on posting/transfer of officials/officers from merged area to settled area and vice versa through notification dated 15.11.2018. The said ban was still in field, therefore, the impugned transfer of appellant was violative of the government decision.

The appeal in hand is admitted for regular hearing in view of the submissions of learned counsel. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 17.06.2019 before S.B.

There is an application for order requiring suspension of the impugned order. Notice of the application be also given to the respondents for the date fixed. Till next date of hearing the operation of office order dated 11.04.2019 shall remain suspended to the extent of appellant.

**Certified to be true copy**

EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
Chairman



C-8079

## DIRECTORATE OF AGRICULTURE EXTENSION MERGED AREAS

Phase-5, Sector B-1, Adjacent NADRA Office, Hayatabad, Peshawar.

Phone No.091-9217721, Food Cell 091-9217717 Fax No.091-9217868 Email: agricfata@yahoo.com

No.2/77/Estt./ 3292/DA (M.A)

Dated Peshawar the 28/6/2019.

To,

The Director General,  
Agriculture Extension,  
Khyber Pakhtunkhwa Peshawar.

Subject: **NOT ALLOWING / MARKING DAILY ATTENDANCE, NON PROVISION OF SALARY, AND NON-COMPLIANCE OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR ORDER DATED 28/05/2019.**

Memo;

Please reference of Mr. Kaleem Ullah Junior Clerk application dated 19/06/2019 on the subject noted above.

It is submitted for your kind information that Mr. Kaleem Ullah Junior Clerk submitted an application requesting to enter his name in attendance register and release of his salary quoting appeal No.694/2019 dated 28/05/2019 of Khyber Pakhtunkhwa Service Tribunal, Peshawar (Copy attached).

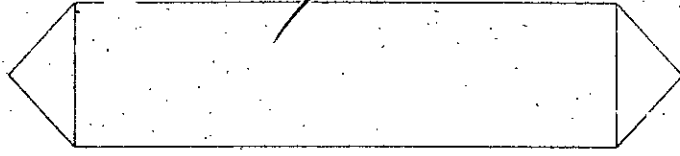
It is therefore, requested, that further guideline may kindly be solicited to proceed further in the matter.

Encl. as above

*attested*

DIRECTOR AGRICULTURE  
(EXTENSION) MERGED AREAS,  
PESHAWAR

بعدالت حسرت ختو خواسر و ستر بنونل ساور



مورخہ  
مقدمہ  
دعوی  
جرم

2019 پنجاب ہائی کورٹ

علیم اللہ بنام محمد نسیم

ڈائریٹر ایڈمنسٹریشن  
کولبرٹریٹمنٹ

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام پشاور کیلئے فہیم اللہ اخوندزادہ ایڈووکیٹ ہائی کورٹ  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

ڈائریٹر ایڈمنسٹریشن  
کولبرٹریٹمنٹ

Kaleem

المرقوم 22 ماہ جولائی 2019

مقام پشاور  
علیم اللہ  
کے لئے منظور ہے۔  
Kaleem