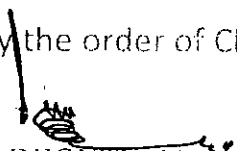


FORM OF ORDERSHEET

Court of _____

Misc. application No. 233 /2023

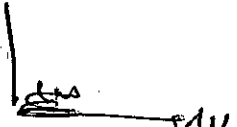
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06/04/2023	<p>The Misc. application in appeal no. 1423/2022 resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Single Bench at Peshawar on _____. Original file be requisitioned.</p> <p>By the order of Chairman  REGISTRAR</p>

The misc application of Syed Shah Sayed received today i.e. 4.4.2023 is incomplete on the following scores which is returned to the counsel for the applicant for completion and resubmission within 10 days.

- 1- Title page of the main appeal is not attached with the application.
- 2- Copy of last court order sheet is not attached with application.

No. 1088 /S.T,


Dt. 5/4 /2023.


REGISTRAR
KHYBER PAKHTUNKWA
SERVICE TRIBUNAL
PESHAWAR

Mr. Noor Muhammad Khattak Adv.
High Court Peshawar.

R/sir,

Resubmitted after removal
of objections.


05/04/23

4/4/23 / -

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

C.M. No. 233 /2023

IN

APPEAL No.1423/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4707

Dated 4/4/2023

Mr. Syed Shah Sayed, Superintendent BPS-17
Printing Press Headquarter, Peshawar.....**Applicant/Appellant**

VS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar
2. The Secretary Industries Commerce and Technical Education Department, Khyber Pakhtunkhwa, Peshawar.
3. The Director General Industries & Commerce Department, Peshawar.....**Respondent s**

APPLICATION FOR SUSPENSION OF THE OPERATION OF THE NOTIFICATION DATED 28.03.2023 TO THE EXTENT OF APPLICANT AT SERIAL NO. 8 OF THE NOTIFICATION TILL THE DISPOSAL OF THE ABOVE MENTIONED APPEAL

R/SHEWETH:

- 1- That the above mentioned appeal is pending adjudication before this august service tribunal in which 10.05.2023 date is fixed for hearing.
- 2- That in the above mentioned appeal the appellant has challenged the transfer notification whereby he was transferred from Peshawar to Kohat against cross cadre post, wherein the respondents have already submitted their para wise comments.
- 3- That during the pendency of the above mentioned appeal the respondents issued notification dated 28.03.2023 whereby at serial No. 8 of that notification the applicant was again transferred from Kohat to District Mohmand, irrespective of the fact that the matter of the transfer of the applicant was *sub judice* before this august tribunal. Copy of the notification dated 28.03.2023 is attached as annexure**A.**
- 4- That all the three ingredients necessary for the stay are in favor of the petitioner.

-2-

It is therefore most humbly prayed that on acceptance of this application the notification dated 28.03.2023 to the extent of applicant at serial No. 8 may kindly be suspended till the disposal of main appeal.

DATED 04.04.2023

Sayed
APPLICANT
SAYED SHAH SAYED

THROUGH:

N
NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I **Syed Shah Sayed** S/O Syed Nawab Hussain Shah R/O House No.T-2094 Mohallah Alfallah, G.T Road Hashtnagri, Peshawar city, do hereby solemnly affirm that the contents of this **APPLICATION** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



Sayed
DEPONENT



**GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION DEPARTMENT**

NOTIFICATION28th March, 2023

No. SOI(IND)2-61/2020/2401-07 The Competent Authority has been pleased to order posting / transfer of the following officers / officials of Directorate General, Industries & Commerce Khyber Pakhtunkhwa as noted against each, with immediate effect, in the public interest:-

S#	Name of officers / officials	From	To
1.	Mr. Asif Ullah, Assistant Director (BPS-17)	Assistant Director Industries/CPC, District Malakand	Assistant Director Industries/ CPC, District Peshawar
2.	Muhammad Jamil, Assistant Director (BPS-17)	Assistant Director Industries/ CPC, District Peshawar	Assistant Director Industries/ CPC, District Nowshera
3.	Mr. Niaz Bahadur Assistant Director (BPS-17)	Assistant Director Industries/ CPC, District Mohmand	Assistant Director Industries/ CPC, District Charsadda.
4.	Muhammad Israel, Assistant Director (BPS-17)	Assistant Director Industries/ CPC, District South Waziristan	Assistant Director Industries/ CPC, District Kurram against the vacant post.
5.	Mr. Mazhar Ali Shah Assistant Director (BPS-17)	Newly promoted from Industrial Development Officer (BPS-16)	On promotion, allowed to actualize his promotion against already occupied post of Assistant Director, Industries / CPC, Mardan.
6.	Mr. Shahid Assistant Director (BPS-17)	Newly promoted from Industrial Development Officer (BPS-16)	On promotion, allowed to actualize his promotion against already occupied post of Assistant Director, Industries / CPC, Swabi
7.	Mr. Javed Ahmad Registrar (BPS-17)	Presently working as Assistant Director Industries/ CPC, District Nowshera	Registrar CPC, Swabi.
8.	Syed Shah Syed Superintendent (BPS-17)	Assistant Director Statistics (O.P.S) o/o Deputy Director IC&T, Kohat Region.	Assistant Director, Industries / CPC, District Mohmand (O.P.S)
9.	Mr. Abdullah, Assistant (BPS-16)	O/o the Assistant Director Industries/ CPC, District Swat	Assistant Director Industries/ CPC, District Bajaur (O.P.S) against the vacant post.
10.	Mr. Mudassar Iqbal Assistant (BPS-16)	Industrial Development Officer D.I.khan (O.P.S)	Assistant Director Industries/ CPC, District South Waziristan (O.P.S).
11.	Muhammad Ibrahim, Assistant (BPS-16)	Assistant Director, Industries / CPC, District Swat (O.P.S)	Assistant Director, Industries / CPC, District Malakand (O.P.S)

Consequent upon the transfer of Muhammad Ibrahim from the post of Assistant Director IND/CPC, Swat, Mr. Asif Raza, Deputy Director, Industries, Commerce & Trade, Malakand Region may be entrusted with the look after charge of the post of Assistant Director IND/CPC, Swat till further orders.

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
Industries, Commerce & Technical Edu: Department**

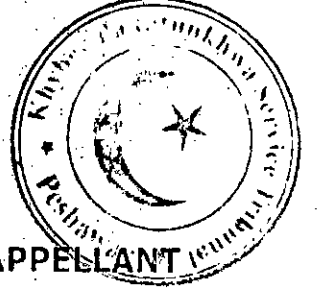
Attested

-4- 1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 1423 /2022

Mr. Sa~~yed~~ Shah Sayed, Superintendent BPS-17,
Printing Press Headquarter, Peshawar.



..... APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar
- 2- The Secretary Industries Commerce and Technical Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Industries & Commerce Department, Peshawar

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED TRANSFER NOTIFICATION DATED 23.05.2022 WHEREBY THE APPELLANT HAS BEEN POSTED/TRANSFERRED AGAINST THE CROSS CADRE POST OF ASSISTANT DIRECTOR STATISTIC AT THE OFFICE OF DEPUTY DIRECTOR INDUSTRIES, COMMERCE AND TRADE KOHAT REGION, KOHAT AND AGAINST THE INACTION OF THE RESPONDENT BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned transfer notification dated 23.05.2022 may very kindly be set aside to the extent of appellant and the respondents may kindly be directed not to transfer the appellant from his original post/cadre of Superintendent from Headquarter Printing Press, Peshawar. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

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

that the appellant was initially appointed Assistant (BPS-16) on the proper recommendation of Khyber Pakhtunkhwa Public Service Commission in the Government Printing and Stationery Department Khyber Pakhtunkhwa, through office order dated 26.06.2013. Copy of the Appointment Order is attached as Annexure..... **A.**

Certified to be true
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



-5-

13.03.2023

Appellant alongwith his counsel present. Mr. Asad Ali Khan
Assistant Advocate General alongwith Mr. Mansoor Shah, A.D.
for the respondents present.

Reply/comments on behalf of respondents not submitted.
Representative of the respondents requested for time to submit
reply/comments. Last opportunity is granted to the respondents to
submit reply/comments on the next date, failing which their right
for submission of reply/comments shall be deemed as struck off.
Adjourned. To come up for reply/comments on 27.03.2023 before
S.B. P.P given to the parties.

RECEIVED
13/03/23
SCANNED

(Muhammad Akbar Khan)
Member (E)

27th March, 2023

Appellant alongwith counsel present. Mr. Fazal Shah
Mohmand, Advocate General for the respondents present.

Learned AAG sought further time to contact the
respondents and submit reply on the next date. Another
opportunity is granted to the respondents to submit
reply/comments on 10.05.2023 before the S.B. Parcha Peshi
given to the parties.

Date of Presentation of Application 06/4/23
Number of ~~Pages~~ 2
Copying Fee 10/-
Urgent 10/-
Total 10/-
Name of ---
Date of Copying 06/3/23
Date of Delivery of Copy 06/4/23

Certified to --- (Fareeha Paul)
Member(E)
Khyber Pakhtunkhwa
Service Tribunal
Peshawar