


Form-A

FORM OF ORDER SHEET

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

Implementation Petition No. 497/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.07.2023	<p>The implementation petition of Mr. Zahid Habib submitted today by Mr. Zartaj Anwar Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____ Original for be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

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

*E. P. no. 497/2023*

In the matter of  
Appeal No.1433/2023  
Order dated 06.07.2023

Zahid Habib Administrative Officer BPS-17, Communication &  
Works Department Civil Secretariat Peshawar.

(Appellant)

**VERSUS**

Govt of Khyber Pakhtunkhwa through Chief Secretary Civil  
Secretariat Peshawar & Others.

(Respondents)

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*Zahid Habib*  
Appellant

Through

*Zartaj Anwar*  
**ZARTAJ ANWAR**

Advocate Supreme  
Court of Pakistan  
Office FR , 3 Forth  
Floor Bilour Plaza  
Peshawar Cantt.  
Cell: 0331-9399185

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

In the matter of  
Appeal No.1433/2023  
Order dated 06.07.2023

Zahid Habib Administrative Officer BPS-17, Communication &  
Works Department Civil Secretariat Peshawar.

(Appellant)

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary C & W Department Peshawar.
3. Chief Engineer (South-I) C & W Department Peshawar

(Respondents)

**Application for the implementation of the order  
dated 06.07.2023 in the above noted service  
appeal of this Honourable Tribunal.**

Respectfully Submitted:

1. That the has filed his service appeal before this honourable Tribunal along with the application for the suspension of the impugned order dated 20.03.2023 and the case was fixed for Preliminary Hearing. *(Copy of the appeal is attached as annexure A).*
2. That on 06.07.2023, counsel for the appellant argued the case of the applicant/appellant and after hearing the case the Honourable Chairman Khyber Pakhtunkhwa Service Tribunal suspended the operation of the impugned order dated 06.07.2023 on the following terms:

*As to the application for suspension of the operation of the impugned order dated 20.03.2023, it is directed that the operation of the impugned order shall stand suspended to the*

*extent of the appellant if not already complied by the appellant.*

*(Copy of the order sheet is attached as annexure B).*

3. That the applicant/appellant approached to the competent authority and submitted the order sheet dated 06.07.2023 of Khyber Pakhtunkhwa Service Tribunal Peshawar, but the respondents turn deaf ear.
4. That the respondents are legally bound to implement/obey the order dated 06.07.2023 of this honourable Tribunal in its true letter and spirit but the respondents are willfully not obeying the order this honourable tribunal.

*It is, therefore, humbly prayed that on acceptance of this application the order 06.07.2023 of this honorable tribunal be implemented in its true letter and spirit.*

  
Appellant

Through

  
**ZARTAJ ANWAR**  
Advocate Peshawar

&

  
**IMRAN KHAN**  
Advocate Peshawar

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

In the matter of  
Appeal No.1433/2023  
Order dated 06.07.2023

Zahid Habib Administrative Officer BPS-17, Communication &  
Works Department Civil Secretariat Peshawar.

**(Appellant)**

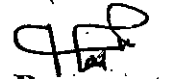
**VERSUS**

Govt. of Khyber Pakhtunkhwa through Chief Secretary Civil  
Secretariat Peshawar & Others.

**(Respondents)**

**AFFIDAVIT**

I, Zahid Habib Administrative Officer BPS-17,  
Communication & Works Department Civil Secretariat Peshawar,  
do hereby solemnly affirm and declare on oath that the contents of  
the above noted application are true and correct to the best of my  
knowledge and belief and that nothing has been kept back or  
concealed from this Honourable Tribunal.

  
**Deponent**

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

Appeal No. \_\_\_\_\_/2023



**Zahid Habib Administrative Officer BPS-17**

Communication & Works Department

Civil Secretariat Peshawar

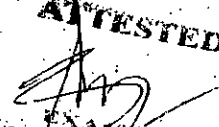
..... **Appellant**

**VERSUS**

1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. Govt of Khyber Pakhtunkhwa through Secretary C&W Department Peshawar.
3. Chief Engineer (South-I) C&W Peshawar.

..... **Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF**  
**THE SERVICE TRIBUNAL ACT 1974**  
**AGAINST OFFICE ORDER DATED**  
**20.03.2023, WHEREBY THE APPELLANT**  
**HAS BEEN TRANSFERRED PRE-**  
**MATURELY AND INTERIM SETUP /**  
**GOVERNMENT, AGAINST WHICH**

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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**DEPARTMENTAL APPEAL DATED**

**30.03.2023 STILL NOT RESPONDED**

**AFTER ELAPSE OF STATUTORY PERIOD**


**OF 90 DAYS.**

**Prayer in Appeal:**

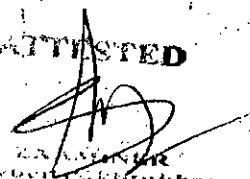
On acceptance of this Appeal the appellant may please be allowed / posted at his place of posting dated 15.12.2022 to complete his normal tenure of posting, whereas the impugned order is passed in violative of law, rules and also against the Posting Transfer Policy of Provincial Govt, as well as by the Ban Period of Interim Govt / Setup, this the same in violation of law and policy and to be declare illegal unlawful, without lawful authority, and the appellant may be allowed to continue his normal tenure of posting dated 15.12.2022.

Respectfully Sheweth:

1. That the appellant is the law abiding citizen of Pakistan and having every right secured and guaranteed by the Constitution of Islamic Republic of Pakistan 1973.

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

2. That the appellant was serving in the Respondents Department as Administrative Officer, at Chief Engineer (Mega Projects) Peshawar with the entire zeal and devotion to the satisfaction of the superiors.
3. That while service in the same capacity the appellant as having the Experience of Administrative Officer posted transferred to Chief Engineer (Center) Peshawar vide order dated 15.12.2022. **(Copy of Order dated 15.12.2022 is attached as annexure A)**
4. That the appellant while serving in the capacity of Administrative Officer at the Office of Chief Engineer (Centre) Prematurely transferred posted after lapse of 3 months vide order dated 20.03.2023, in Ban period as the Interim Govt / Setup in field in which all the posting Transfer are banned. **(Copy of impugned Transfer Order is attached as annexure B)**
5. That being aggrieved from the premature Transfer Posting Order, the appellant filed his departmental appeal before the competent authority vide Departmental appeal dated 30.03.2023, but the respondent turn deaf ears and till date the appeal is pending after lapse of 90 days.
6. That the respondents bound under the Posting Transfer Policy that the Appeal on the order of Posting / Transfer will be decided within 15 days, but the respondents are intentionally and malafidely not deciding the departmental Appeal of the Appellant. **(Copy of the Departmental Appeal is attached as annexure C)**

ATTACHED  
  
EXAMINER  
Secretary, Peshawar  
Peshawar



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7. That the Appellant being aggrieved now approaches this Hon'ble Tribunal against the illegal posting / Transfer order, inter alia on the following grounds:

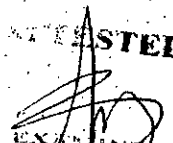
**GROUNDS:**

A. That the appellant has not been treated in accordance with law and thus his rights secured and guaranteed under the law and constitution are badly violated.

B. That the appellant while serving in the capacity of Administrative Officer at the Office of Chief Engineer (Centre) Prematurely transferred posted after lapse of 3 months vide order dated 20.03.2023, in Ban period as the Interim Govt / Setup in field in which all the posting Transfer are banned.

C. That being aggrieved from the premature Transfer Posting Order, the appellant filed his departmental appeal before the competent authority vide appeal dated 30.03.2023, but the respondent turn deaf ears and till date the appeal is pending after lapse of 90 days.

D. That according to the posting and transfer policy of the Provincial Govt all the posting transfer shall be strictly in public interest and shall not be abused / misused to victimize the Govt Servant, in case of present appellant. The Order of posting / Transfer was not issue in the mode and manner of the posting and transfer policy.

ATTESTED  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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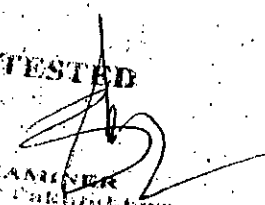
E. That the Petitioner is serving in scale of BPS-17, whereas under the rules and posting transfer policy the competent authority for the purpose of posting and transfer of officials of BPS-17 and above the Chief Secretary of the Province is the competent authority to issue such orders or with the approval of Chief Secretary but the same office / authority was superseded by the office of Secretary C&W will fully deliberately with a malafide intention as the appellants in question the corrupt practices of the officials.

F. That the impugned Order was issued politically motivated as to adjust their own blue eyed ones.

G. That there is no complaint whatsoever against the appellants and performing his duty with great zeal and deviation.

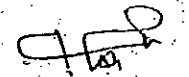
H. That in fact there exists no exigencies of service nor the order of transfer cannot be termed as in the Public interest it is a result of adjustment of their own blue eyed ones at the cost of the appellants, and this not tenable in the eyes of law.

I. That the appellants seek the permission of this Hon'ble Tribunal to rely to additional grounds at the hearing of this petition.

ATTESTED  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

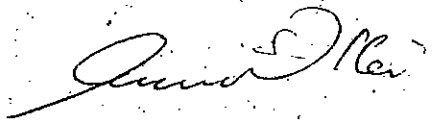
Prayer in Appeal:

On acceptance of this Appeal the appellant may please be allowed / posted at his place of posting dated 15.12.2022 to complete his normal tenure of posting, where as the impugned order is passed in violative of law, rules and also against the Posting Transfer Policy of Provincial Govt, as well as by the Ban Period of Interim Govt / Setup, this the same in violation of law and policy and to be declare illegal unlawful, without lawful authority, and the appellant may be allowed to continue his normal tenure of posting dated 15.12.2023.

  
Appellant.

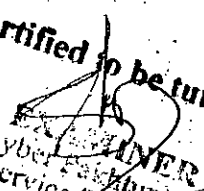
Through

Dated: 04.07.2023

  
**ZARTAJ ANWAR**  
Advocate, Supreme Court  
Of Pakistan

**CERTIFICATE:**

It is certified that as per instructing of my client no such like appeal has earlier been file on the same subject matter between the same parties.

Certified to be true copy  
  
JAVED IQBAL  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
APPELLANT

5/10

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

Appeal No. \_\_\_\_\_/2023

**Zahid Habib ..... Appellant**

**VERSUS**

**Govt of KPK & others..... Respondents**

**AFFIDAVIT**

I, **Zahid Habib Administrative Officer BPS-17**  
Communication & Works Department Civil Secretariat  
Peshawar, do hereby solemnly affirm and declare on oath that  
the contents of accompanying **Appeal** are true and correct to  
the best of my knowledge and belief and nothing has been  
concealed from this Honorable court.

  
**DEPONENT**

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

CM No. \_\_\_\_\_/2023

In Re:

Appeal No. \_\_\_\_\_/2023

**Zahid Habib ..... Appellant**

**VERSUS**

**Govt of KPK & others..... Respondents**

**APPLICATION FOR SUSPENSION OF THE**  
**IMPUGNED TRANSFER ORDER DATED**  
**20.03.2023 BEING PRE-MATURE, TILL THE**  
**FINAL DECISION OF THE SERVICE APPEAL.**

**Respectfully Sheweth:-**

1. That the above noted service appeal is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That the appellant while serving in the capacity of Administrative Officer at the Office of Chief Engineer (Centre) Prematurely transferred posted after lapse of 3 months vide order dated

**ATTESTED**  
  
**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**

20.03.2023, in Ban period as the Interim Govt / Setup in field in which all the posting Transfer are banned.

3. That being aggrieved from the premature Transfer Posting Order, the appellant filed his departmental appeal before the competent authority vide appeal dated 30.03.2023, but the respondent turn deaf ears and till date the appeal is pending after lapse of 90 days.
4. That the facts and grounds of the service appeal may kindly be read as an integral part of this application.
5. That the applicant has got a good prima facie case in her favour, and is sanguine about its success.
6. That the balance of convenience also lies in favour of the applicant.
7. That if the transfer order dated 20.03.2023 not suspended, than the applicant would suffer irreparable loss.

**ATTESTED**  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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It is, therefore, respectfully prayed that on acceptance of this application, the impugned transfer order dated 20.03.2023 may kindly be suspended, till the final decision of the case.

*[Signature]*  
Appellant

Through

Dated: 04.07.2023

*[Signature]*  
**ZARTAJ ANWAR**  
Advocate, Supreme Court  
Of Pakistan

Certified to be true copy

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

*[Signature]*  
6/7/23

Date of Presentation of Application 06/7/23  
Number of Words Page 8  
Copying Fee 50/-  
Urgent 5/7/23  
Total 50/-  
Name of Applicant Shadyast  
Date of Copying 06/7/23  
Date of Delivery of Copy 06/7/23

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

CM No. \_\_\_\_\_/2023

In Re:

Appeal No. \_\_\_\_\_/2023

**Zahid Habib ..... Appellant**

**VERSUS**

**Govt of KPK & others..... Respondents**

**AFFIDAVIT**

I, **Zahid Habib Administrative Officer BPS-17**  
**Communication & Works Department Civil Secretariat**  
**Peshawar**, do hereby solemnly affirm and declare on oath that  
the contents of accompanying **Application** are true and correct  
to the best of my knowledge and belief and nothing has been  
concealed from this Honorable court.

  
**DEPONENT**




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FORM OF ORDER SHEET

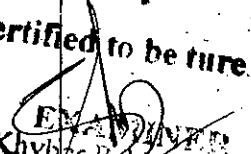
Court of \_\_\_\_\_

Appeal No. 1433/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/07/2023	<p>The appeal of Mr. Zahid Habib presented by Mr. Zartaj Anwar Advocate. It is fixed for hearing before Single Bench at Peshawar on <u>06/07/2023</u>.</p> <p>By the order of Chairman    REGISTRAR</p> <ol style="list-style-type: none"> <li>Learned counsel for appellant present and heard.</li> <li>Against the impugned transfer order dated 20.03.2023, the appellant preferred departmental appeal on 30.03.2023 which was not responded, hence, this appeal on 05.07.2023. The appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fees within 10 days. The respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for reply/comments on 13.07.2023 before S.B. P.P given to the appellant.</li> <li>As to the application for suspension of the operation of the impugned order dated 20.03.2023, it is directed that the operation of the impugned order shall stand suspended to the extent of appellant if not already complied by the</li> </ol>

SCANNED  
KPST  
Peshawar

6<sup>th</sup> July, 2023

Certified to be true copy  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

appellant. In the appellant failed to deposit the expenses for TCS, within three days, the suspension order will have no effect.

(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

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EX-107  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

06/7/23

Date of Presentation of Application 06/7/23

Number of Words Page 2

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Date of Delivery of Copy 06/7/23

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Diry No 5084  
10/7/23

(7)

To

- 15/7/23
1. The Secretary to Govt. of Khyber Pakhtunkhwa.  
Communication and Works Department Peshawar.
  2. The Section Officer (Establishment),  
Communication and Works Department, Peshawar.

10/7/23

Subject:- APPLICATION FOR IMPLEMENTATION OF ORDER DATED 06.07.2023 PASSED BY KHYBER PAKHTUNKHWA SERVICES TRIBUNAL.

Respected sir,

It is submitted that the I have been serving as an Administrative Officer (BPS-17) with utmost dedication and commitment. Throughout my tenure, I have consistently performed my duties with honesty, enthusiasm, and dedication but unfortunately due to some unknown reasons the undersigned was unexpectedly transferred from my position as Administrative Officer (Centre) under Notification No. SO(E)/C&WD/24-60/2022(AO) dated 20.03.2023, without any discernible reason.

Consequently, I have lodged a Departmental Appeal with the Competent Authority, as evidenced by Diary No. 1398 dated 30.03.2023. Regrettably, this appeal has been pending for an extended period, leaving me in an aggrieved state. In light of this, I felt compelled to escalate the matter further by filing an appeal before the Khyber Pakhtunkhwa Services Tribunal in Peshawar. As a result, the Impugned order dated 20-03-2023 has been suspended. (copy of order sheet is attached)

It is therefore requested that to implement the Court Order under true spirit kindly suspend the order dated 20.03.2023 issued vide your office No. SO(E)/C&WD/24-60/2022(AO) please.

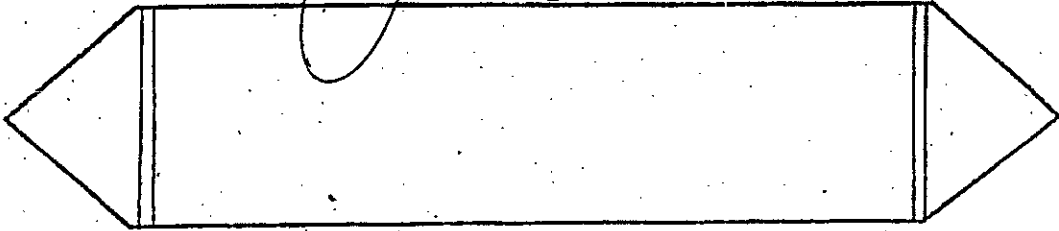
Your's Sincerely

Zahid Habib

Administrative Officer (BPS-17)

h/c

# بعدالت سرور کے لئے درخواست



2023ء پنجاب

بنام حکومت

راولپنڈی

سرور کے لئے درخواست

موزخہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
 آن مقام سرور کے لئے درخواست کیلئے سرور کے لئے درخواست 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 ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی  
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ نیا اپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ  
 پرداختہ منظور 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 ادکالت نامہ لکھد یا کہ سند ہے۔

المرقوم 17 ماہ جولائی 2023ء

العبد گواہ العبد

Accepted  
 Name  
 Date

کے لئے منظور ہے۔

بمقام  
 Name  
 Date