


FORM OF ORDER SHEET

Court of

Appeal No. 1667 /2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/08/2023	<p>The appeal of Mr. Azmat Khan is presented today by Mr. Saifullah Khalil Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 21-08-2023</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE WORTHY SERVICES TRIBUNAL KPK, PESHAWAR

Appeal No. _____ /2023

Azmat khanV/S..... Govt of KPK & Others

Application for permission to file and fixation of the above titled appeal before the principal seat of this Honorable Tribunal at Peshawar.


RESPECTFULLY SHEWETH;

The appellant submit as under,

- 1. That the above titled appeal is going to file today before this Honorable Tribunal, in which no date of hearing is yet been fixed.*
- 2. That the above appeal belongs to district Abbottabad but being an urgent matter, permission is sought to file and fix the same at the principal seat of this Honorable Tribunal at Peshawar.*
- 3. That there is no bar to allow the appellant to file and fix the case in hand before the principal seat being an urgent matter.*

It is, therefore, most humbly prayed that the appellant may kindly be allowed to file the instant appeal and be fixed at the principal seat of this Honorable Tribunal at Peshawar.

Dated: 16 /08/2023

Appellant
Through 
SAIFULLAH KHALIL (SR)
ZEESHAN KHALIL
Adv's, High Court Peshawar

BEFORE THE WORTHY SERVICES TRIBUNAL KPK, PESHAWAR

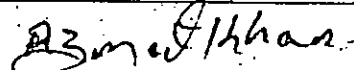
Appeal No. 1667 /2023

Azmat khanV/S..... Govt of KPK & Others

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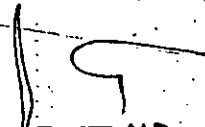
S.No	Description	Annexure	Pages
01.	Appeal		1, 2
02.	Suspension application		3
03.	Affidavit		4
04.	Addresses of the parties		5
05.	Copy of original order & copy of appeal	A & B	6, 7
06.	Copy of application	C	8, 9, 10, 11
07.	Copy of rules	D	12, 13
08.	Wakalat nama		

Dated: 16/08/2023


Appellant

Through




SAIF ULLAH KHALIL (SR)
ZEESHAN KHALIL
Adv's, High Court Peshawar

BEFORE THE WORTHY SERVICES TRIBUNAL KPK, PESHAWAR

Appeal No. 1667/2023

• Azmat khan S/O Painsa Khan, Veterinary Supervisor Kacchi, District Haripur.
.....Appellant

VERSUS

1. Government of KPK through Secretary Livestock, Fisheries & Cooperative Department.
2. Director General (Extension), Livestock & Dairy Department, KPK, Peshawar.
3. District Director Livestock Department, Kacchi Haripur.

.....Respondents

Appeal U/S 4 of the KP Services Tribunal Act 1973 against the original order dated: 04/05/2023 vide which the appellant has been transferred from district Haripur to district Abbotabad & against which the appellant filed an appeal before the respondents on 05/05/2023 which is marked to the Director general on 02/08/2023 but till date no order is passed on the departmental appeal of the appellant & the respondent remain mum on the same.

PRAYER:

On acceptance of this appeal the impugned order dated:04/05/2023& the appellate order if any, may very kindly be set aside, declared against the law & fact & the respondents may very kindly be directed to allow the appellant to continue his duty as supervisor in district Haripur.

Respectfully sheweth:-

The appellant submit as under.

1. That the appellant joined the respondents department on 06/03/1984 as veterinary supervisor.
2. That the appellant performed his duties to the entire satisfaction of his superiors & there is no complaint or adverse ACR against the appellant.
3. That the appellant is going to be retired within 7 months by attaining the age of 60 years.
4. That the respondent has transferred the appellant from district Haripur to district Abbotabad vide the impugned order dated: 04/05/2023 against which the

appellant filed an appeal on 05/05/2023 which is marked to the director general on 02/08/2023.

(Copy of original order is Annex "A" & copy of appeal is Annex "B")

5. That the appellant has not yet left the charge neither the charge is taken from the appellant & in this respect the appellant has already submitted an application that no adverse action be taken against the appellant till the decision of his appeal.
(Copy of application is Annex "D")
6. That the respondent being appellate authority has not yet passed any order on his departmental appeal on which the respondent remained mum till date & if any order is passed by the appellate authority which is against the appellant the same shall be illegal, unlawful against the law & fact & against the rules as such liable to be set-aside.
7. That the impugned order dated: 04/05/2023 through which the appellant has been illegally transferred is against the law & fact & Rule:09, Sub-Rule:XI of the Esta Code Rules in which it is written that a person who is going to be retired in one year shall be transferred to the district of his domicile as such the impugned order is liable to be set-aside on this score alone because the appellant belongs to district Haripur & the appellant has a legal right to perform his last year duty before attaining the age of super innovation in his own district.
(Copy of rules is Annex "E")
8. That there is no adverse ACR or any complaint against the appellant as such the impugned order is against the law & fact & not in the interest of public at large but just to accommodate the blue eye chip of the respondent on the post of the appellant.
9. That the impugned order is not in the interest of the public at large neither and in the interest of the department, therefore liable to be set-aside on this score alone.
10. That other points will be taken & raised at the time of arguments before this Hon'ble Court.

It is therefore most humbly prayed that on acceptance of this appeal the impugned order dated: 04/05/2023 & the appellate order if any may very kindly be set aside, declared against the law & fact & the respondents may very kindly be directed to allow the appellant to continue his duty as supervisor in district Haipur till his retirement.

Dated: 16 / 08 / 2023

Abid Arshid
Appellant

THROUGH

SAIFULLAH KHALIL

SAIFULLAH KHALIL (SR)
ABID ARSHID & ZEESHAN KHALIL
Adv's, High Court Peshawar

VERIFICATION:

It is verified that the contents of the instant appeal are true & correct to the best of my knowledge & belief & nothing has been concealed from this Honourable Tribunal.

Abid Arshid

Deponent

BEFORE THE WORTHY SERVICES TRIBUNAL KPK, PESHAWAR

Appeal No. _____ /2023

Azmat khanV/S..... Govt of KPK & Others

Application for suspension of the impugned order dated: 04/05/2023 till the decision of the instant appeal.**RESPECTFULLY SHEWETH;**

The appellants submit as under,

1. That the above titled appeal is going to file today before this Honorable Tribunal, in which no date of hearing is yet been fixed.
2. That the appellants is hopeful about the success of the instant appeal.
3. That the appellants has a cause of action & balance of convenience also lies in favor of the appellants.
4. That the appellants has come to the court with clean hands.
5. That if the impugned order of the respondent is not suspended, the appellants will suffer irreparable loss.
6. That the contents of the said application may very kindly be considered & deemed as the integral part of the instant appeal.

It is, therefore, most humbly prayed that on acceptance of this application the impugned order dated: 04/05/2023 may very kindly be suspended till the decision of the instant appeal.

Dated: 16/08/2023

Azmat Khan
Appellant

Through

[Signature]

SAIFULLAH KHAILIL (SR)
ZEESHAN KHAILIL
Adv's, High Court Peshawar

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BEFORE THE WORTHY SERVICES TRIBUNAL KPK, PESHAWAR

Appeal No. _____ /2023

Azmat khanV/S..... Govt of KPK & Others

AFFIDAVIT

I, Azmat Khan S/O Painsa Khan, Veterinary Supervisor Kacchi, District Haripur, do hereby solemnly affirm & declare on oath that the contents of the instant appeal are true, correct & to the best of my knowledge & nothing has been concealed from this Hon'ble Tribunal.

Azmat Khan

DEPONENT

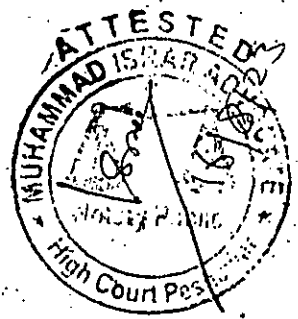
CELL NO:- 0306-5822557

CNIC NO:- 13302-0357284-5

Identified by:

Saifullah Khalil

Saifullah Khalil
Advocate, High Court
Peshawar



BEFORE THE WORTHY SERVICES TRIBUNAL KPK, PESHAWAR

Appeal No. _____/2023

Azmat khanV/S..... Govt of KPK & Others

ADDRESSES OF THE PARTIES

APPELLANT:

- 1. Azmat khan S/O Painsa Khan, Veterinary Supervisor Kacchi, District Haripur.

RESPONDENTS:

- 1. Government of KPK through Secretary Livestock, Fisheries & Cooperative Department.
- 2. Director General (Extension), Livestock & Dairy Department, KPK, Peshawar.
- 3. District Director Livestock Department, Kacchi Haripur.

Dated: 16 /08/2023

Azmat Khan
Appellant

THROUGH

[Signature]
SAIF ULLAH KHALIL (SR)
ZEESHAN KHALIL
Adv, High Court Peshawar

(BETTER COPY)

DIRECTORATE GENERAL (EXTENSION)

LIVESTOCK & DAIRY DEPARTMENT

KHYBER PAKHTUNKHWA

ORDER:

The Following transfer / posting of Para Vets staff of the department is hereby ordered in the best interest of public service with immediate effect.

S.NO	Name of official	From office of the	To office of the
1.	Mr. Azmat Khan Veterinary Supervisor (BPS- 15)	District Director Livestock, Haripur	District Director Livestock. Abbotabad against vacant post of Veterinary Supervisor (BPS- 15)
2.	Mr. Sajjad Veterinary Supervisor (BPS- 15)	District Director Livestock, Mansehra	District Director Livestock, Haripur Vice S.No.01

SD

(DR.ALAM ZEB)

DIRECTOR GENERAL

+

Annex 'B'



GOVERNMENT OF KHYBER PAKHTUNKHWA
LIVESTOCK, FISHERIES & CO-OPERATIVE
DEPARTMENT

Government Complex (I) FATA Sector 10, Wazirabad, Peshawar
Phone: 091-9177772

SO D/ELCT/23263/10
Dated Peshawar August 02, 2023

The Director General (Extension),
Livestock & Dairy Development,
Khyber Pakhtunkhwa, Peshawar

Subject

DEPARTMENTAL APPEAL

I am directed to refer to a self-explanatory application submitted by
Mr. Armat Khan, Veterinary Supervisor (BS-15), Veterinary Center Tehsil District Haripur
dated 05.05.2023 alongwith enclosures with the request to consider his application as per
law/rules, please

(Incls as above)

(Waqar Khan)
(Waqar Khan)
Section Officer (Estt.)

Copy forwarded by Mr. Armat Khan, Veterinary Supervisor (BS-15), Veterinary Center
Tehsil District Haripur.

(Armat Khan)
Section Officer (Estt.)

(BETTER COPY)

GOVERNMENT OF KHYBER PUKHTUNKJHWA
LIVESTOCK, FISHERIES & COOPERATIVE
DEPARTMENT

No.SO (E) LFC/1-23/2023/116
Dated Peshawar August 02, 2023

To:

The Director General (Extension)
Livestock & Dairy Development,
Khyber Pukhtunkhwa, Peshawar

Subject: **DEPARTMENTAL APPEAL**

I'm directed to refer to a self-explanatory application submitted by Mr.Azmat Khan, Veterinary Supervisor (BS-15), Veterinary Center, Tehsil & District Haripur dated: 05/05/2023 along with enclosure with the request to consider his application as per law / rules, please.

(Encls as above)

(WAQAR AHMAD)
SECIOR SECTION (Estt.)

جناب سید سید صاحب راٹو سٹاک وٹنری ڈویلپمنٹ
۱۹۶۱ء پشاور

میرا نام اہل برخانہ کیم نمبر ۵۴/۵۵ کو جاری کردہ ڈائری
/ D67 راٹو سٹاک وٹنری ڈویلپمنٹ کی دوسرے سائل ڈائری
فیلچ ہری پور سے فیلچ ایبٹ آباد میں کی گئی ہے۔
X X X X X

جناب عالی!۔ ہفون درخواست ذیل مرقم ہے۔

۱۔ میرا سائل فیلچ ہری پور کا ڈائری وٹنری ڈویلپمنٹ ہے،

۲۔ میرا سائل کی تصنیف وٹنری ڈویلپمنٹ ۱۹۸۶ء میں ہوئی۔

۳۔ میرا تصنیف کے بعد سائل اپنے ذائقہ فروش اسٹیج سے لے کر
دے رہا ہے اور حال میں قسم کی کوئی شکایت سائل کے خلاف
ہے۔

۴۔ میرا تصنیف کے بعد سائل نے دو دروازے اور پیمانہ علاقوں
میں ڈیوٹی سرانجام دی ہے۔

۵۔ میرا سائل کے ریٹائرڈ منٹ کے تو بیٹا ۷ ماہ دیتے ہیں
جبکہ سائل کو اس آفری ٹرکے ریٹائرڈ منٹ کے وقت آجاتی
فیلچ ہری پور سے فیلچ ایبٹ آباد میں نمبر ۵۴/۵۵ کو ڈائری
کیا ہے۔ (نقل ٹرانسفر آرڈر لف ہے)۔

۶۔ میرا سائل اب ریٹائرڈ منٹ کے آفری ٹرکے میں ہے اور سائل
کی قیمت بھی اس قابل نہیں ہے کہ وہ دو دروازے علاقوں

استدعا میں مسائل کے خلاف سے قسم کی کارروائی

عمل میں نہ رہی ہے

نوٹ: اگلی برائے اطلاع ڈائریکٹر ایجوکیشن ایب آف اربا، ارسال

۵۸
۱۵۱ / ۰۲۳ / ۱۵۱

عظمت خان ولدہ رتھنہ خان
انصار علی

ڈائریکٹر سنی فاؤنڈیشن Bps-15

ڈائریکٹر سنی فاؤنڈیشن کئی بخش و عمل

پتہ: پور

ڈائریکٹر سنی فاؤنڈیشن 0306-5822557

Statutory Provision.

Section 10 of the NWFP Civil Servants Act, 1973.

Posting and Transfer. Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

Posting/transfer policy of the Provincial Government.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.
- v) ⁷⁹[]




⁷⁹ Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No. SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make Posting/Transfer subject to observance of the policy and rules.

vi) ⁸⁰While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, NWFP needs to be obtained. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor, NWFP shall be obtained.

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officers/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/ transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement

Para-VI added vide circular letter No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 20th March, 2010.

قیمت 50 روپے	7195	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
ایڈویکٹ: <u>سید عبداللہ خلیل</u>		PESHAWAR BAR ASSOCIATION	
بار کونسل ایسوسی ایشن نمبر: BC 10-7499			
رابطہ نمبر: 0312-5941431			

بعدالت جناب: سروس ٹریبونل خیبر پختونخواہ پشاور

مخانب: <u>Appellant</u>	دعویٰ: <u>اپیل</u>
<u>سلطنت خان</u>	علت نمبر: _____
<u>بنام</u>	مورخہ: _____
<u>حکومت خیبر پختونخواہ فیصلہ</u>	جرم: _____
	تھانہ: _____

باعث تحریر آئکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام پشاور کیلئے سید عبداللہ خلیل محمد عثمان خلیل عابد ارشد ایڈووکیٹ
 کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کالک اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالثت و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا کٹرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرانے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواخذہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جائزہ التوائے مقدمہ کے سبب سے ہوگا کوئی تازہ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

PESHAWAR BAR ASSOCIATION
KHYBER PAKHTOONKHWA

المرقوم: 16/08/2023

العواہ شد العبد
 مقام پشاور کے لیے منظور ہے۔