


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 616/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.09.2023	<p>The implementation petition of Mr. Abbas Khan submitted today by Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for implementation report before touring Single Bench at A.Abad on _____</p> <p>Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE CHAIRMAN KP SERVICE
TRIBUNAL PESHAWAR

Execution Petition no. 616/2023

C.M No _____ -A/2023

In

Appeal No. 1710-A/2023

Abbas Khan Senior Clerk DFC Office Abbottabad.

... PETITIONER/APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Food Department,
Peshawar and others.

...RESPONDENTS

APPLICATION

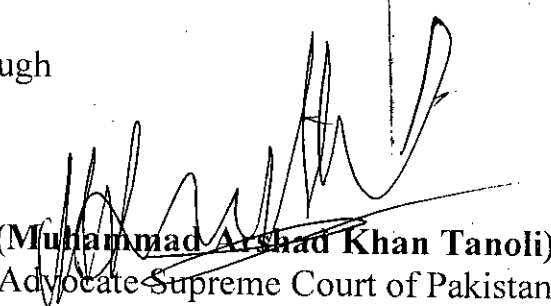
INDEX

S.#	Description	Page No.	Annexure
1.	Application	1 to 3	
2.	Copy of suspension order issued by this Honourable Tribunal	4-5	"A"
3.	Copy of arrival report dated 05/06/2023	6-7	"B"
4.	Copy of attendance sheet	8-9	"C"

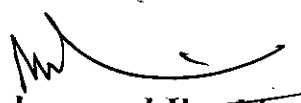
... PETITIONER/APPELLANT

Dated: 05/9 /2023

Through


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan
Abbottabad

&


(Muhammad Ibrahim Khan)
Advocate High Court, Abbottabad

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

Execution Petition no 616/2023

CM No. _____ -A/2023

In

Appeal No, 1710-A/2023

Khyber Pakhtunkhwa
Service Tribunal

Abbas Khan Senior Clerk DFC Office Abbottabad.

Diary No. 7387

Dated 07/09/23

..... **PETITIONER/APELLANT**

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Secretary Food Department Peshawar.
- 2) Director Food Department Khyber Pakhtunkhwa Peshawar.
- 3) District Food Controller, Abbottabad.
- 4) District Food Controller, Mansehra.
- 5) Miss Nabila Alam Senior Clerk of the District Food Controller Abbottabad.

..... **RESPONDENTS**

APPLICATION FOR NON IMPLEMENTATION OF
ORDER DATED 24/08/2023 BY RESPONDENT NO. 3
WHICH AMOUNTS TO THE CONTEMPT OF COURT.

Respectfully Sheweth:-

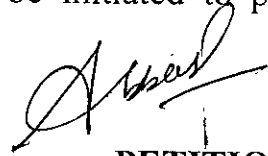
That the facts forming the backgrounds of the instant petition are arrayed as under:-

1. That the petitioner filed appeal No. 1710 of 2023 before this Hon'able Tribunal regarding setting aside of impugned transfer order dated 24/05/2023 and next date of hearing before this Hon'able Tribunal is fixed today i.e 07/09/2023.

2. That this Honourable Tribunal suspended impugned transfer order dated 24/05/2023. The Honourable Tribunal suspended the impugned transfer order which operation of impugned transfer order 24/05/2023 shall remain suspended to the extent of appellant till the date fixed, "if not already acted upon". Copy of suspension order issued by this Honourable Tribunal is attached as Annexure "A".
3. That the petitioner/appellant did not handover the charge to respondent No. 5. The petitioner/appellant was forced to submit arrival report on 05/06/2023 (FN). The petitioner/appellant mentioned in his arrival report that his departmental appeal was still pending and charge shall be handover the respondent No. 5 latter on. Copy of arrival report dated 05/06/2023 is annexed as Annexure "B".
4. That the appellant remained present in the office of respondent No. 3 till date 24/08/2023 i.e. the date of suspension of impugned order dated 24/05/2023. Copy of attendance sheet is annexed as Annexure "C".

5. That respondent No. 5 is an influential employee has exerted pressure on the respondents. Hence the petitioner/appellant is not allowed by the respondents to mark him present in the daily attendance register maintained in the office of respondent No. 3 which is clear negation of suspension order dated 24/08/2023 of this Honourable Tribunal.
6. That the conduct of respondents towards the petitioner/appellant is malafide and amount to contempts of this Honourable Tribunal.

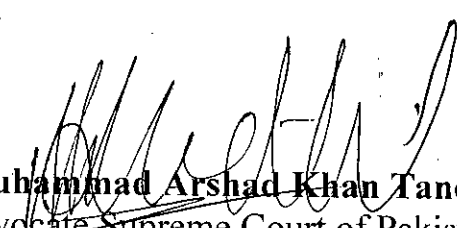
In view of the above it is prayed that respondents may be directed to allow the petitioner/appellant to mark him present in the office of respondent No. 3. Failing which contempt of court proceedings may be initiated to punish them.



... PETITIONER

Dated: 05/9 /2023

Through



(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan
Abbottabad

&



(Muhammad Ibrahim Khan)
Advocate High Court, Abbottabad

**BEFORE THE CHAIRMAN KP SERVICE
TRIBUNAL PESHAWAR**

C.M No _____ -A/2023

In

Appeal No.1710-A/2023

Abbas Khan Senior Clerk DFC Office Abbottabad.

... PETITIONER/APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Food Department,
Peshawar and others.

...RESPONDENTS

APPLICATION

AFFIDAVIT

I, *Abbas Khan Senior Clerk DFC Office Abbottabad*, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



Abbas

DEPONENT

BEFORE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. _____/2023

Abbas Khan Senior Office Clerk of the District Food Controller Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Food Department,
Peshawar and others.

...RESPONDENTS

APPLICATION

APPLICATION FOR SUSPENSION OF
IMPUGNED TRANSFER ORDER NO. ET-
378/1733 DATED 24/05/2023 OF THE
APPELLANT TILL FINAL DISPOSAL OF THE
MAIN SERVICE APPEAL.

Respectfully Sheweth:

1. That the instant petition may be treated as integral part of main service appeal.
2. That appellant has got good prima facie case there is likelihood of success of the appellant in the lis.
3. That the transfer order of the appellant from office of the respondent No. 3 to the office of respondent No. 4 is pre-mature. Besides

respondent No. 5 has already completed her service tenure in the office of respondent No. 3.

4. That valuable rights of the appellant are involved.

In view of the above it is prayed that impugned transfer order No. ET-378/1733 dated 24/05/2023 of the appellant may graciously be ordered to be suspended till final disposal of the main service appeal.

[Signature]
...APPELLANT

Through

Dated: 19/8 /2023

[Signature]
(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan
&

[Signature]
(Muhammad Ibrahim Khan)
Advocate High Court, Abbottabad

AFFIDAVIT:-

I, *Abbās Khan Senior Office Clerk of the District Food Controller Abbottabad*, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

[Signature]
DEPONENT



19/08/23

FORM OF ORDER SHEET

Annex A



Court of

Appeal No. 1710/2023

P-4

S.No. of order proceedings

Order or other proceedings with signature of judge

1

2

3

21/08/2023

The appeal of Mr. Abbass Khan is presented today by Mr. Muhammad Arshad Khan Wali Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 24-08-2023

By the order of Chairman

REGISTRAR

SCANNED KPST Peshawar

24.08.2023

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended the appellant was transferred from the office of Food Directorate Peshawar to DFC Office Abbottabad vide order dated 22.12.2022, however vide the impugned office order No. ET-378/1733 dated 24.05.2023, the appellant was prematurely transferred from the office of DFC Abbottabad to the office of DFC Mansehra and private respondent No. 5 namely Miss. Nabila Khan was transferred at the place of appellant. He next argued that as per transfer/posting policy of the provincial government, normal tenure of posting is two years but the appellant was transferred from the office of DFC Abbottabad to the office of DFC Mansehra just after about five months, therefore, the impugned transfer order dated 24.05.2023 of the appellant is illegal and liable to be set-aside. He next argued that the impugned order

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[Handwritten signature and stamp: Khyber Pakhtunkhwa Service Tribunal, Abbottabad]

ATTESTED

EXAMINER Khyber Pakhtunkhwa Service Tribunal Peshawar

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dated 24.05.2023 was result of nepotism as private respondent No. 5 had previously served in the office of District Food Controller Abbottabad for about 05 years. He next argued that the impugned order dated 24.05.2023 of the appellant was not passed in the interest of public rather the same was passed on political basis, hence the same is liable to be set-aside. The appellant filed departmental appeal, however the same was not responded within the statutory period of 90 days, hence the instant appeal.

Points raised need consideration, hence the appeal in hand is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security fee within 03 days. Respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for submission of written reply/comments on 07.09.2023 before the S.B. at Peshawar.

Alongwith memorandum of appeal, the appellant has also filed an application for suspension of impugned transfer order No. ET-378/1733 dated 24.05.2023. Notice of the same also be issued to the respondents for the date fixed. In the meanwhile, operation of impugned transfer order dated 24.05.2023 shall remain suspended to the extent of appellant till the date fixed, if not already acted upon. In case the appellant failed to deposit the expenses of TCS within 03 days, suspension order will have no effect.

[Handwritten signature]
District Court of Peshawar
Jinnah Plaza Adjacent
District Court, Abbottabad

24.8.23
Naveem Amin

[Handwritten signature]
(Salah Ud Din)
Member (Judicial)

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Annex - B

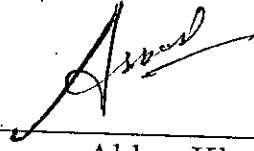
The District Food Controller
Mansehra.

Subject: ARRIVAL REPORT

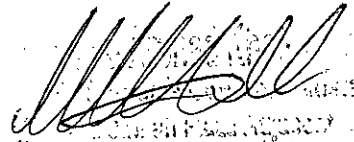
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Memo:

In compliance of Food Directorate KPK Peshawar Letter No. ET-378/1733 dated 24-05-2023, I submit my arrival report today on 05/06/2023 F.N against the vacant post of Senior Clerk with some reservation which have already been written down in my departmental appeal / representation still pending please. Charge handed and taking over will be performed latter.



Abbas Khan
Senior Clerk
DFC Office Mansehra.



To: The District Food Controller,
Abbottabad.

P-1

Subject: - IMPUNED RELIEVING ORDER DATED 30/05/2023

Memo:-

With Reference to your Office Order No 1210-14/ET-69(AD) and as per discussion with your good self and my departmental appeal.

It is regretfully stated that by your above stated office order I have been forcibly relieved form DFC Office Abbottabad due to strict instructions form the Director Food Khyber Pakhtunkhwa as per your own statement. My appeal was pending with Secretary Food Office Peshawar. I am relieved within 5 days of transfer which is totally against rules and despite undue favoritism and nepotism.

I cannot accept this as it was premature transfer with only 5 months tenure and still appeal is pending with Secretary Food Office Peshawar.

30/5/23
Abbas Khan Senior clerk
District Food Controller Office
Abbottabad

Copy already forwarded to:-

1. PS to Secretary Food Khyber Pakhtunkhwa Peshawar.
2. The Director Food Khyber Pakhtunkhwa Peshawar, through PA.
3. The Deputy Director Food Hazara Division Abbottabad.

30/5/23
District Food Controller Office
Abbottabad

Daily Attendance Register of the DFC OFF
Abbottabad

Serial NO	Name	Father's Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12
1-	Shad Muhammad		DFC	P	P	P	P			P	P	P	P	P	
2-	Qazi Bilal		AFC	L	L	L	L			L	L	L	L	L	
3-	Ayesha Rahim		Assistant	A	A	A	A			A	A	A	A	A	
4-	Qaiser Shahzad		C/O	Z	Z	Z	Z			Z	Z	Z	Z	Z	
5-	Nabeela Alam		S/C	N	N	N	N			N	N	N	N	N	
6-	Huma Gul		J/C	H	H	H	H			H	H	H	H	H	
7-	Majid Qayyum		"	M	M	M	M			M	M	M	M	M	
8-	M. Naveed		"	N	N	N	N			N	N	N	N	N	
9-	Zanjeel Mushtaq		"	Z	Z	Z	Z			Z	Z	Z	Z	Z	
10-	Atta ul Mohsin		"							Dispatches of usher from Punjab					
11-	Mawin Bibi		FGI	F	F	F	F			F	F	F	F	F	
12-	Abbas Khan		S/C							on leave to					
13-	M. Darvesh		N/A	P	P	P	P			P	P	P	P	P	
14-	Fiaz Lodhi		"	P	P	P	P			P	P	P	P	P	
15-	M. Talha		"	P	P	P	P			P	P	P	P	P	
16-	Abid Khan		Chaukidar	P	P	P	P			P	P	P	P	P	
17-	M. Jawad		"	P	P	P	P			P	P	P	P	P	
18-	M. Arshad		"	P	P	P	P			P	P	P	P	P	
19-	Ronaq Zaman		"	P	P	P	P			P	P	P	P	P	
20-	Hamza Manzoor		"	L	P	P	P			P	P	P	L	L	
21-	M. Sohail		"	P	P	P	P			P	P	P	P	P	
22-	Niaz Ahmad		"	P	P	P	P			P	L	P	P	P	
23-	Alam Zeb		"	P	P	P	P			P	P	P	P	P	
24-	Bilal Iqbal		"	P	P	P	P			P	P	P	P	P	
25-	Dilawar Khan		"	P	P	P	P			P	P	P	P	P	
26-	Amaan Khan		"	P	P	P	P			P	P	P	P	P	
27-	Fahim Khan		"	P	P	P	P			P	P	P	P	P	
28-	Waqar Khan		"	P	P	P	P			P	P	L	P	P	
29-	Awaiz Taj		"	P	P	P	P			P	P	P	P	P	

[Handwritten Signature]

For the month of AUGUST 2023 P-9

13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No of days	Remarks
cl	cl	cl	cl	cl	cl	cl	cl	cl	cl	cl	cl	cl	cl	cl	cl	cl	cl	cl		
h	h	h	h	h	h	h	h	h	h	h	h	h	h	h	h	h	h	h		
A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9		
N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H		
M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M		
N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		
7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7		
Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter	Quarter		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

[Handwritten Signature]
 Date: 20/8/2023