

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**APPEAL NO. 1667/ 2023**

Azmat Khan S/O Painda Khan, Veterinary Supervisor Kacchi, Haripur

----- APPELLANT

**VERSUS**

Govt; of Khyber Pakhtunkhwa through Secretary Livestock & Others

-----RESPONDENTS

**INDEX**

<b>S.NO</b>	<b>PARTICULARS</b>	<b>ANNEXURES</b>	<b>PAGES</b>
1	<i>Para-wise Comments on behalf of Respondent No. 1, 2 &amp; 3</i>	----	1-2
2	<i>Affidavit</i>	----	3
3	<i>Transfer/ Posting order of Appellant</i>	A	4
4	<i>Appeal of Appellant before Respondent no.1</i>	B	5-6
5	<i>Letter from Respondent no. 1 to Respondent no. 2</i>	C	7
6	<i>Response from Respondent No. 2 &amp; Notification Regarding Ban on Posting/ Transfer</i>	D	8-9
7	<i>Charge Relieving Report</i>	E	10
8	<i>Authority Letter</i>	----	11

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

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----- **APPELLANT**

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----- **RESPONDENTS**

Para-wise comments on behalf of the Respondent No. 1, 2 & 3.

**PRELIMINARY OBJECTIONS**

1. That the Appellant has got no locus standi to file the instant appeal.
2. That the appeal is wrong and based on illegal and unlawful presumptions.
3. That the Appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appeal is barred by law and limitation.

**Respectfully Sheweth:**

1. Correct
2. Correct to the extent that Appellant was bound to perform his duty as per terms and condition of his appointment order.
3. Correct to the extent that Appellant will get retired from service on 02-01- 2024.
4. Correct to the extent that Appellant was transferred from District Haripur to District Abbottabad on 04-05- 2023 in best public interest (**Annexure- A**).The Appellant filed departmental appeal against this order before Respondent No. 1 (**Annexure- B**). The same appeal was forwarded by the Respondent No. 1 to Respondent No. 2 for consideration as per law/ rules (**Annexure- C**). It is pertinent to mention that the appeal of Appellant was considered but immediate relief to the Appellant could not be provided due to ban on transfer/ posting by Government of Khyber Pakhtunkhwa, Establishment Department, vide letter No. SO (Policy) (E&AD)/1-4/2023, dated 29-05- 2023 and non availability of vacant post of Veterinary Supervisor at District Haripur. (**Annexure- D**)
5. Incorrect. The Appellant relieved his post on 17-05- 2023, however, he has not taken charge at his new place of posting till date. (**Annexure- E**)
6. Incorrect. The Respondents has passed an order in response to the Appellant's appeal.as replied in para 4.

- 7. Correct to the extent that due to ban on posting/ transfer by the provincial government and non availability of vacant post , the Appellant could not be provided immediate relief but he will be transfer to his native district subject to relaxation of ban and availability of vacant post.
- 8. Incorrect. Transfer/ posting are routine activity, required for smooth functioning of government business. The Appellant being provincial cadre employee can be transferred to any district of province in best public interest.
- 9. The transfer of Appellant has been made in the best public interest. However, keeping in view the last year of Appellant in service, he will be transferred on priority basis to his native district after lifting ban and availability of post.
- 10. The Respondent may be allowed to raise additional grounds at the time of arguments, if required.

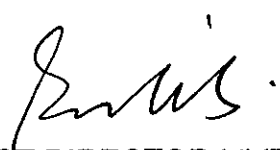
Keeping in view the above submissions, it is, therefore, most humbly prayed that the writ petition may be dismissed, please.



**SECRETARY**  
 Government of Khyber Pakhtunkhwa  
 Livestock, Fisheries & Cooperative  
 Department, Peshawar  
**RESPONDENT NO.1**



**DIRECTOR GENERAL (EXTENSTON)**  
 Livestock & Dairy Development  
 Peshawar, Khyber Pakhtunkhwa  
**RESPONDENT NO.2**



**DISTRICT DIRECTOR LIVESTOCK**  
 District Haripur  
**RESPONDENT NO.3**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**SERVICE APPEAL NO. 1667/2023**

Azmat khan S/O Paimda Khan ,Veterinary Supervisor Kacchi, Haripur..... **Appellant**

**VERSUS**

Govt of Khyber Pakhtunkhwa through Secretary Livestock & Others..... **Respondents**

**AFFIDAVIT**

I, Dr. Noor Badshah Khattak, Veterinary Officer (H), office of Director General (Ext), Livestock & Dairy Development Department, Peshawar, do hereby solemnly affirm on oath that the contents of the parawise comments related to the above mentioned Service Appeal are true and correct to the best of my knowledge and belief, and that nothing has been concealed from this Honorable Tribunal.

*It is further stated on oath that in this appeal, the answering respondents have neither been placed en-parte nor their defense has been struck off / out.*



DEPONENT

17301-1115870-3

**ATTESTEL**



*14/11/23*

Annex - (A)

A 4

DIRECTORATE GENERAL (EXTENSION)  
LIVESTOCK & DAIRY DEVELOPMENT  
KHYBER PAKHTUNKHWA

Directorate General Peshawar, E-mail: dgk@pki.gov.pk, 011-9210276-8210275, Fax: 011-9210275

ORDER

The following transfer/posting of Para Vet staff of this department is ordered in the best interest of public service with immediate effect:

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

S/D

(DR. ALAM ZEEN)

DIRECTOR GENERAL

No: DG.L&DD/394-9/Eslb:17187

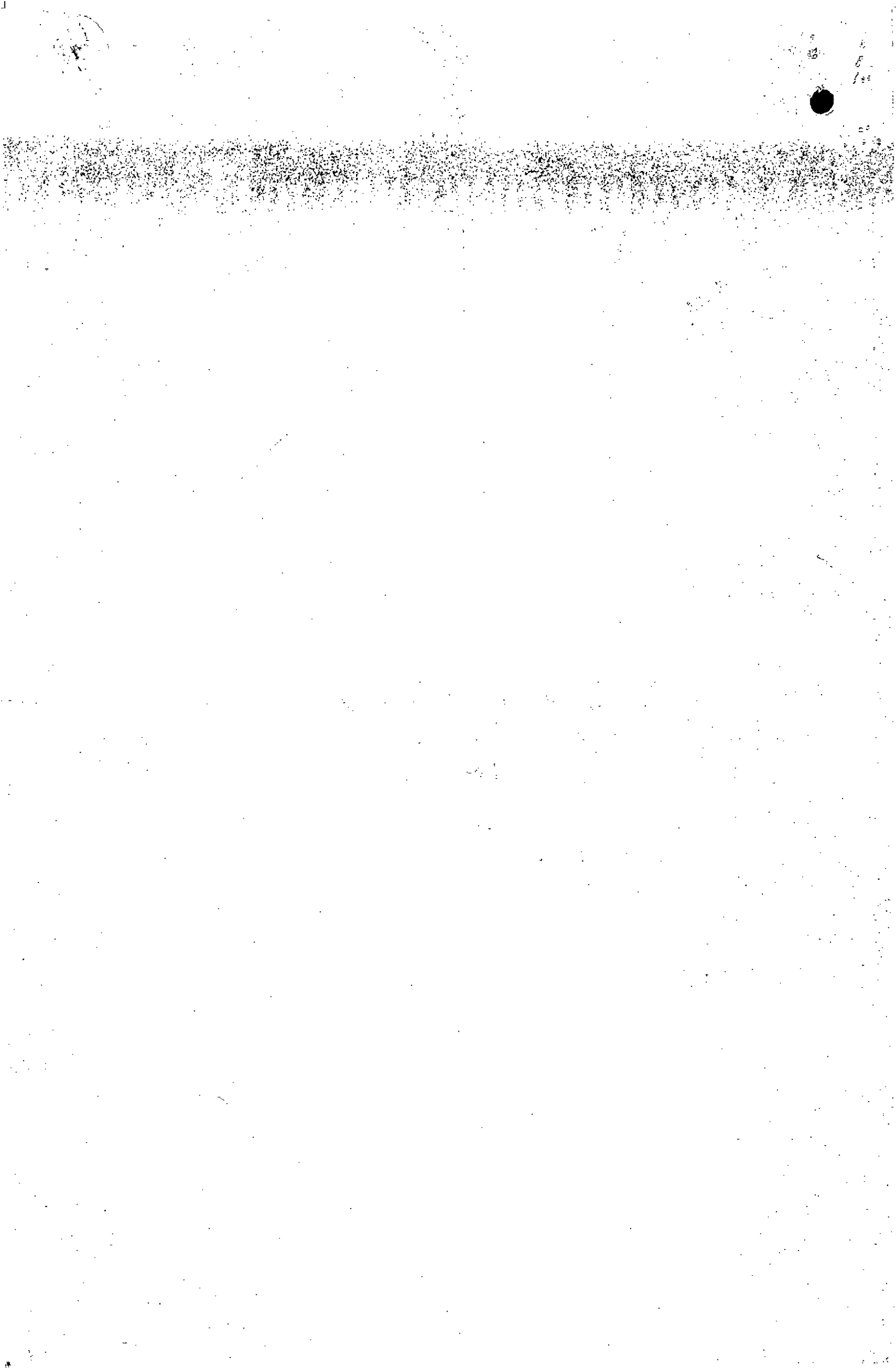
Dated Peshawar 04/01/2023

Copy of the above is forwarded:

1. District Director Livestock, Abbottabad & Haripur & Mansehra.
2. District Accounts Officer, Abbottabad & Haripur & Mansehra.
3. Official concerned for information and immediate compliance.

Amir  
14/01/23

(DR. IFTIKHAR ALAM)  
DIRECTOR HEADQUARTERS



Better Copy 4(a)



# DIRECTORATE GENERAL (EXENSION)

LIVESTOCK & DAIRY DEVELOPMENT

KHYBER PAKHTUNKHWA

Tel: 091-9210249/9210276, Fax: 091-9210285, E-mail: dglddext@yahoo.com

Web: [www.livestockextkp.gov.pk](http://www.livestockextkp.gov.pk)

## ORDER

The following transfer/posting of Vets staff of this 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
01.	Mr. Azmat Khan Veterinary Supervisor.(BPS-15)	District Director Livestock, Haripur.	District Director Livestock, Abbottabad Against vacant post of Veterinary Supervisor (BPS-15)
02.	Mr. Sajjad Veterinary Supervisor (BPS-15)	District Director Livestock, Mansehra	District Director Livestock, Haripur Vice S.No.01

Sd/-  
(DR. ALAM ZEB)  
DIRECTOR GENERAL

No.DG L&DD 6394-96 Estb:1/187

Dated Peshawar 04/05/2023

Copy of the above is forwarded:

1. District Director Livestock Abbottabad and Haripur & Mansehra.
2. District Account Officer Abbottabad and Haripur and Mansehra.
3. Official Concerned for information and immediate compliance.

Sd/-  
(DR. IFTIKHAR ALAM)  
DIRECTOR HEADQUARTERS

*Amir*  
*[Signature]*  
14/5/23

محترم جناب سیکرٹری صاحب رائلٹو سٹاک و ٹریڈ ریگولیشن  
KPIK پشاور

محکمہ لہذا پہلے بر خلاف حکم ٹنڈر 05/04 کو جاری کردہ ڈائریکٹری  
DL7 / رائلٹو سٹاک و ٹریڈ ریگولیشن کی دوسرے مسائل کی ڈائریکٹری  
فیلج ہری پور سے فیلج ایبٹ آباد میں کی گئی ہے۔  
XXXXXXXXXX

جناب عالی! عنوان درخوابہ ذیل طرف سے ہے۔

1. یہ کہ مسائل فیلج ہری پور کا ریگولیشن ڈسکونٹی باشندہ ہے۔
2. یہ کہ مسائل کی تصفیاتی کمیشن ونڈی میرو انڈر 03/06 میں ہوئی۔
3. یہ کہ تصفیاتی کے بعد مسائل اپنے وائلنس فوش اسٹیٹی سے رہا  
دے رہا ہے اور محال میں قسم کی کوئی شکایت مسائل کے خلاف  
ہے۔
4. یہ کہ تصفیاتی کے بعد مسائل نے دو دروازہ اور سمانڈہ علاقوں  
میں ڈیوٹی سرانجام دی ہے۔
5. یہ کہ مسائل کے ریٹائرڈ منٹ کے تو یہ 7 ماہ دیتے ہیں  
جبکہ مسائل کو اس آفری ٹرکے ریٹائرڈ منٹ کے وقت آجاتی  
فیلج ہری پور سے فیلج ایبٹ آباد میں منڈل 05/04 کو ٹرانسفر  
کیا ہے۔ (نقل ٹرانسفر آرڈر لف ہے)۔
6. یہ کہ مسائل اب ریٹائرڈ منٹ کے آفری ٹرکے میں ہے اور اس  
کی قیمتیں اب اس قابل نہیں ہے کہ وہ دو دروازہ علاقوں

Amir  
14/9/20



ڈپٹی سسر انچارج دی

استاد علی حسین ٹریننگ انسٹیٹیوٹ ڈیپارٹمنٹ 05/023  
کالعدم قراردادیں سابق کی تفصیلی وٹیزی سٹرکچرل کمیٹی ضلع ہری  
پور میں عمل کی جائے۔

Azmat Khan

العدادین

حضرت خان ولد چاند خان

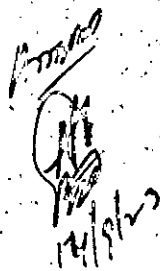
وٹیزی سسر وائزر (BPS-15)

وٹیزی سٹرکچرل کمیٹی تحصیل و ضلع

ہری پور

فون نمبر 03065822557

مدرہ 05/023



Annex **C** 7



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LIVESTOCK, FISHERIES & COOPERATIVE  
DEPARTMENT

Civil Secretariat (Coop) HITE-PATA Sect. 1, Wazirabad Road, Peshawar  
Ph: 991 9222112

No. SO (LIVESTOCK) 21/2023/100  
Dated Peshawar August 02, 2023

To: 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. Azmat Khan, Veterinary Supervisor (BS-15), Veterinary Center Tehsil District Haripur  
dated 05.05.2023 along with enclosures with the request to consider his application as per  
law/rules, please.

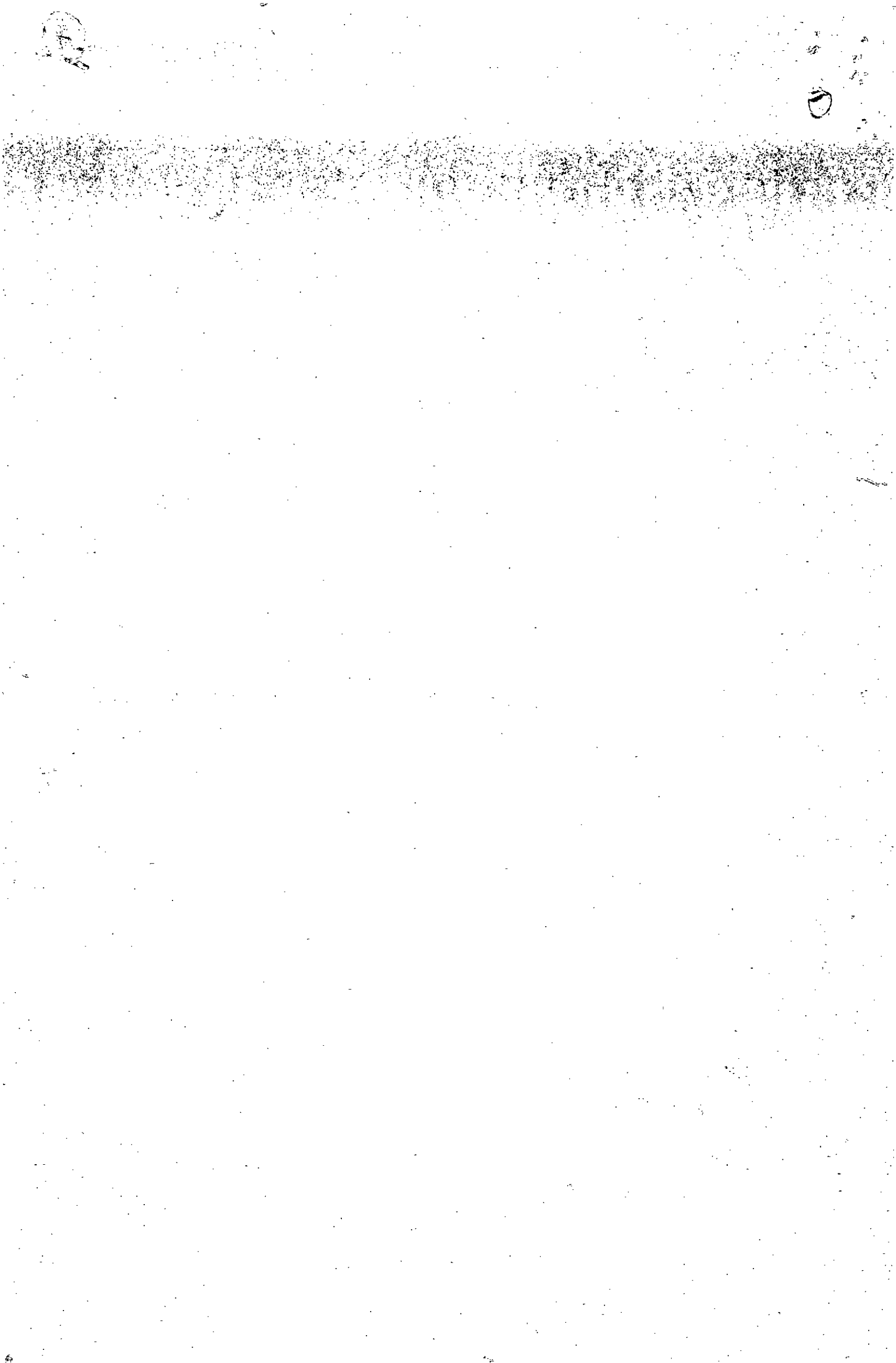
(Encls as above)

*Waqr Khan*  
7/2/23  
(Waqr Khan)  
Section Officer (Estt.)

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

*Waqr Khan*  
Section Officer (Estt.)

*Azmat Khan*  
14/8/23





**GOVERNMENT OF KHYBER PAKHTUNKHWA  
LIVESTOCK FISHERIES & COOPERATIVE  
DEPARTMENT**

Civil Secretariat Complex-II Ex-Fata, Warsak Road, Peshawar

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

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To

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. Azmat Khan, Veterinary Supervisor (BPS-15), Veterinary Center Tehsil District Haripur dated 05.05.2023 alongwith enclosures with the request to consider his application as per law/rules, please.

(Encls as above)

Sd/-  
**(Waqar khan)**  
Section Officer (Estt)

Copy forwarded to Mr. Azmat khan, Veterinary Supervisor (BS-15), Veterinary Center Tehsil/  
District Haripur.

Sd/-  
Section Officer (Estt.)

Azmat  
14/9/23

Annex - (D)



**DIRECTORATE GENERAL (EXTENSION)**  
**LIVESTOCK & DAIRY DEVELOPMENT**  
**KHYBER PAKHTUNKHWA**

Bache Khan Chowk, Charsodde Road Peshawar. Email: dgiddext@yahoo.com Tel: 091-9210276, 9210249, Fax: 091-9210285

8

No: 11252

DG L&DD (E)

Dated Peshawar the 07/08/2023

To

Mr. Azmat Khan,  
Veterinary Supervisor  
Office of the District Director Livestock,  
Abbottabad.

Subject: **TRANSFER FROM DISTRICT DIRECTOR LIVESTOCK, ABBOTTABAD TO  
DISTRICT DIRECTOR LIVESTOCK, HARIPUR.**

Memorandum:

Reference your application dated 03.08.2023 on the subject cited above and to inform that Government of Khyber Pakhtunkhwa has imposed ban on transfer posting vide Government of Khyber Pakhtunkhwa, Establishment Department letter No. SO(policy (E&AD)/ 1-4/2023 dated 29.05.2023 (Copy enclosed). Furthermore, it is pertinent to mention that at the moment there is no vacant seat of Veterinary Supervisor in the office of District Director Livestock, Haripur.

Therefore, keeping in view the above facts you are hereby informed that once the ban on transfer / posting is lifted by Government of Khyber Pakhtunkhwa only then your request for transfer to District Haripur will be processed.

(Dr/ Istikhar Alam)  
Director Headquarters

Amman  
14/5/23



1-2/23  
163  
9

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
REGULATION WING

No. SO (Policy) (E&AD) 1-4/2023  
Dated Peshawar, the 29<sup>th</sup> May, 2023

To

1. Additional Chief Secretary P&D Department Govt. of Khyber Pakhtunkhwa
2. Senior Member Board of Revenue, Govt. of Khyber Pakhtunkhwa
3. Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
4. All Divisional Commissioners in Khyber Pakhtunkhwa
5. All Heads of Attached Departments in Khyber Pakhtunkhwa
6. All Deputy Commissioners in Khyber Pakhtunkhwa

Subject: - BAN ON POSTINGS AND TRANSFERS IN KHYBER PAKHTUNKHWA

Dear Sir,

I am directed to refer to the above cited subject and to convey that in view of the fragile fiscal position of the Provincial Government, the Hon'ble Chief Minister Khyber Pakhtunkhwa has been pleased to impose ban on inter-district posting and transfers of officers and officials under the Government of Khyber Pakhtunkhwa as per the following:

- i. There shall be complete ban on inter-district transfers in all the departments;
- ii. This ban shall not apply on transfers within the districts and within the Secretariat and Directorates. However, while proposing such transfers of officers/officials within the district, Directorates or the Secretariat, as the case may be, due diligence must be observed and tenure, suitability of the officers/officials for the posts and past performance must be taken into account;
- iii. In cases posting and transfer is necessitated due to some court orders or some administrative exigencies, ban relaxation will be obtained from Chief Minister through summary. For such posting/transfers, departments will put forth sound justifications. Subsequently in cases where NOC from Election Commission is required, cases will be taken up with FCP for ban relaxation by the concerned Administrative Departments.
- iv. This ban shall not apply on filling of vacant posts through recommendations of the Khyber Pakhtunkhwa Public Service Commission as Election Commission of Pakistan has already granted exemption in such cases.

Yours sincerely,

(Nisar-01 Haq)  
Deputy Secretary (P&D) 29/5/2023

*Forwarded to all  
attach format  
for copy  
to be n/a.*  
Anwar  
2023/5/29

ENDST: NO. & DATE EVEN

Copy is forwarded for information to:

1. Principal Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. CSO/PSO to Chief Secretary to Govt. of Khyber Pakhtunkhwa.
4. All Additional Secretaries/Deputy Secretaries/Section Officers in Establishment & Administration Department

*Auth.*  
Secretary LFC

D. No. 16/12

Dated 31-5-23

AS (LFC)

AS/I

SACE

CP

16/12/23

Section Officer (Policy)

*Ans to  
14/5/23*

مخومت بناب دسترنت ڈائری بلٹری لائیو سناب پریس پریس

Annex - (E)

عنوان: روٹس رپورٹ

بناب مالی:

صوڈبان گزارش ہے کہ سائل بحوالہ ڈائری بلٹری  
بزنل ایجنٹ لائیو سناب فیبریمتوں فراہ پشاور آرڈر  
نمبر 96-6394 صرف 04.05.2023 کے تحت آج صرف  
17.05.2023 کو ڈسٹری ڈائری لائیو سناب پریس پریس سے  
DDC آئی ایس آئی آبار سیکلے دوران یہ سب لائیو سناب روٹس  
رپورٹ ارسال فریمنٹ ہے

OK  
Mr. Umar Farooq VIA D  
Kakran may be asked  
to take Additional charge  
of CWC Kachi from Mr. Azam

17/5/23

القاری

Aziz Khan  
v.s  
عمیت خان  
ڈائری سنروالٹر  
ک/س

Azam  
17/5/23



(11)

**DIRECTORATE GENERAL (EXTENSION)  
LIVESTOCK & DAIRY DEVELOPMENT, KHYBER PAKHTUNKHWA,  
PESHAWAR**

Tel: 091-9210249/9210276, Fax: 091-9210285, E-mail: [dglddext@yahoo.com](mailto:dglddext@yahoo.com)

Web: [www.livestockextkp.gov.pk](http://www.livestockextkp.gov.pk)

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**AUTHORITY LETTER**

Dr. Noor Badshah Khattak, Veterinary Officer (H) of this office, is hereby authorized to submit/pursue the case in Appeal No. 1667/2023, filed by Azmat Khan S/O Painda Khan, Veterinary Supervisor Kacchi, Haripur **Versus** Government of Khyber Pakhtunkhwa & Others before the Khyber Pakhtunkhwa Service Tribunal on behalf of Director General (Ext), Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (Respondent No.02).

FOR

  
**DIRECTOR GENERAL  
(DR. IFTHIKHAR ALAM(DHQ))**