


Form- A

FORM OF ORDER SHEET

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

Implementation Petition No. 751/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.10.2023	<p>The implementation petition of Syed Sheraz Shah submitted today by Syed Uzma Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

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

*Execution petition no. 751/2023*

*E.P.*  
~~FILED~~

/2023

IN

Service Appeal No. 1859 of 2023

Syed Sheraz Ali Shah Bukhari, Senior Clerk (BPS-14), no office  
Assistant Provincial Zakat Administration (HQ), Peshawar.

..... Appellant

**VERSUS**

1. The Secretary Zakat Ushar, Social Welfare, Special Education and Women Empowerment Department Khyber Pakhtunkhwa Peshawar.
2. Additional Secretary Zakat Ushar, Khyber Pakhtunkhwa Peshawar.

..... Respondents

**INDEX**

S.No.	Description of documents	Annexure	Pages
1.	COC Application		1-2
2.	Affidavit		
3.	Copy of impugned order	A	3
4.	Copy of suspension order	B	4-6
5.	Copy of Copy of documents	C	7

Dated 12.10.2023

Petitioner

Through

Syed Nauman Ali Bukhari

&

Uzma Syed

Advocates High Court Peshawar

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

Execution Petition 751 /2023  
IN  
Service Appeal No. 1859 of 2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 8260

Dated 12-10-23

Syed Sheraz Ali Shah Bukhari, Senior Clerk (BPS-14), no office  
Assistant Provincial Zakat Administration (HQ), Peshawar.

..... Appellant

**VERSUS**

1. The Secretary Zakat Ushar, Social Welfare, Special Education and Women Empowerment Department Khyber Pakhtunkhwa Peshawar.
2. Additional Secretary Zakat Ushar, Khyber Pakhtunkhwa Peshawar.

..... Respondents

**APPLICATION UNDER ORDER 39 RULE 2 OF CPC**  
**1908 FOR INCLUDING COMPETENT**  
**PROCEEDING AGAINST RESPONDENTS FOR**  
**DISOBEYING THE ORDER DATED 15.09.2003 OF**  
**THIS HONOURABLE COURT.**


**Respectfully Sheweth;**

1. That the petitioner file service appeal No. 1859/2023 against the impugned appellate order dated 11.09.2023 wherein appellant was illegally transferred. (impugned order is attached as Annexure-A).
2. That the appeal was fixed on 15.09.2023 for preliminary hearing wherein the tribunal is kind enough to suspend the impugned order dated 11.09.2023. (Suspension order is attached as Annexure-B).

- 3. That it is pertinent to mention here that the impugned order is not acted upon by the appellant till date as not relieve the charged of the post.
- 4. That the department now not implementing the order dated 15.09.2023 of this Hon'able Tribunal which is amount to contempt of court.
- 5. That the department also stopped the monthly salary of the petitioner which is also illegal. (Copy of documents is attached as Annexure-C).

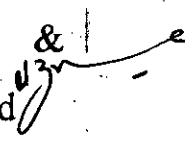
It is therefore, most humbly prayed that kindly accept this Contempt of Court of application and the Respondent may be directed to implement the order dated 15.09.2023 in letter and spirit. The Respondent may further be directed to release the monthly salary of appellant.

Dated 12.10.2023

Petitioner 

Through

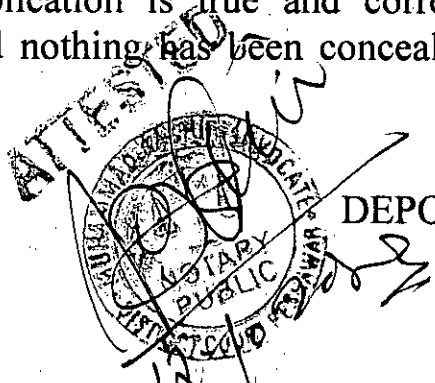
Syed Nauman Ali Bukhari

&  
Uzma Syed 

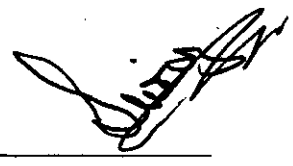
Advocates High Court Peshawar

Affidavit

The contents of the application is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able court.



DEPONENT





(3) (A)

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
AND WOMEN EMPOWERMENT DEPARTMENT**

Dated: 11.09.2023

**OFFICE ORDER.**

No.SO-I(Z)/2-52/Promotion/1949-60. In Pursuance of Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 21-03-2023 in service appeal No.6683/2021 and after obtaining NOC from Chief Minister Khyber Pakhtunkhwa regarding inter district posting / transfer, Syed Sheraz Ali Shah, Senior Clerk (BPS-14) currently posted / adjusted against the wrong post of Senior Scale Stenographer / Personal Assistant in his own pay and scale is hereby transferred and posted in District Zakat Committee Nowshera against the vacant post of Senior Clerk (BPS-14) in the best public interest with immediate effect.

2. Consequent upon the above the official concerned stands relieved today on 11-09-2023 (A.N) from his present duties to join his new assignment as Senior Clerk (BS-14) in District Zakat Committee Nowshera.

*Sd/-*  
Secretary to  
Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special  
Education & Women Empowerment  
Department.

**Endst of Even No & Date:-**  
**Copy forwarded to the:-**

1. Provincial Election Commissioner Khyber Pakhtunkhwa.
  2. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
  3. Accountant General Khyber Pakhtunkhwa Peshawar.
  4. District Accounts Officer Nowshera.
  5. District Zakat Officer Nowshera.
  6. PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa.
  7. PA to Additional Secretary Zakat & Ushr Department.
  8. PA to Deputy Secretary (Admn) & (Audit) Zakat & Ushr Department.
  9. PA to Deputy Administrator (Ushr) Zakat & Ushr Department.
  10. Assistant Administrator (Ushr) section.
  11. Official concerned / Personal file.
  12. Master file.
-

(u) (B) (1)

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

SERVICE APPEAL NO. 1859 /2023



Syed Sheraz Ali Shah, Senior Clerk (BPS-14), now office assistant  
Ushr Section, Provincial Zakat Administration (HQ), Peshawar.

(APPELLANT)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department, Khyber Pakhtunkhwa.
2. Deputy Secretary (Admin) Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department, Khyber Pakhtunkhwa.
3. The Section Officer (Ushr), Zakat & Ushr, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

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**APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED PREMATURE TRANSFER ORDER DATED 04.05.2021 AND AGAINST THE APPELLATE ORDER DATED 11/09/2023.**

PRAYER:

**THAT ON THE ACCEPTANCE OF THIS APPEAL THE ORDER DATED 04.05.2021 and 11/09/2023 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE ALLOWED TO CONTINUE AS SENIOR CLERK (BPS-14) NOW OFFICE ASSISTANT AT USHR SECTION, PROVINCIAL ZAKAT ADMINISTRATION (HQ), PESHAWAR AS PRIOR TO THE ISSUANCE OF THE IMPUGNED TRANSFER ORDER ON THE BASIS OF SPOUSE POLICY AND ALSO ON THE REASON THAT THE TERMS AND CONDITION OF THE APPELLANT IS EFFECTED I.E SALLARY. ANY OTHER REMEDY**

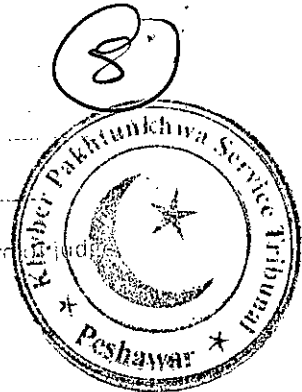
Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

FORM OF ORDER SHEET

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

Appeal No. 1859/2023



S.No.	Date of order proceedings	Order or other proceedings with signature
1	2	
1-	14/09/2023	<p>The appeal of Syed Sheraz Ali Shah resubmitted today by Syed Noman Ali Bukhari Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 15.9.2023.</p> <p style="text-align: right;">By the order of Chairman <i>[Signature]</i> REGISTRAR</p>
15.09.2023	1.	<p>Learned counsel for the appellant present and argued that appellant was transferred to District Zakat Committee Batagram vide order dated 04.05.2021 which was challenged before this Tribunal in Service Appeal No. 6683/2021 same was decided on 21.03.2023 and departmental appeal was sent back to the departmental authority for deciding afresh on merit after receipt of the departmental appeal respondents had passed impugned order dated 09.11.2023 and transferred appellant to District Zakat Committee Nowshera. He further argued that appellant was transferred in violation of spouse policy and ban imposed by Election Commission of Pakistan. Points raised need consideration, hence the appeal in hand is admitted for regular hearing subject to all legal objections. Appellant is directed to deposit security fee within seven days. Respondents be summoned through TCS, the expenses of</p>

SCANNED  
HPST  
Peshawar

Certified to be true copy  
*[Signature]*  
Chairman  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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which be deposited by the appellant within 3 days. To come up for written reply/comments on 29.09.2023 before S.B. P.P given to appellant.

2. Alongwith the appeal there is an application for suspension of operation of impugned order dated 11.09.2023. Notice of this application be given to the respondents. Operation of impugned order dated 11.09.2023 be suspended till the date fixed, if not acted upon earlier.

(Rashida Bano)  
Member (J)

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

\*KaloonUllah\*

Date of Presentation of Application 15/9/23

Number of Words 3-P

Copying Fee 15/-

Urgent 3/-

Total 20/-

Name of Copyist \_\_\_\_\_

Date of Completion of \_\_\_\_\_ 15/9/23

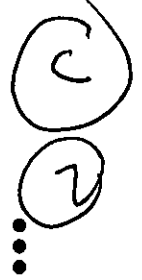
Date of Delivery of Copy \_\_\_\_\_ 15/9/23





Employee Services 7:34 PM

to me v



00422134

SYED SHERAZ ALI SHAH

PR4367

**Action  
Performed**

LEAVING ACTION PERFORMED  
(SALARY STOPPED) with effect from  
11.09.2023

**Office  
Details**

DESIGNATION CHANGED to  
99999999 - HEAD CONSTABLE

یہ ای میل خودکار نظام کے تحت بھیجی جا رہی ہے جس کا مقصد  
ڈی ڈی او کو ملازمین کی چینجز سے متعلق ہر وقت مطلع کرنا ہے۔  
- اگر اس ای-میل میں شامل ملازمین کی چینجز میں کوئی غلطی  
پائی جا رہی ہو، تو جلد از جلد اپنے متعلقہ اکاؤنٹ آفس سے رابطہ  
کر کے درستگی کروا لیں

**Kind Regards,**

**FABS Directorate**

<http://www.fabs.gov.pk>

