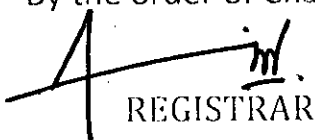


Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 863/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.11.2023	<p>The implementation petition of Mr. Amir Zada submitted today by Malik Shahbaz Khan 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 counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Implementation Petition No. 2044/2023

Amir Zada S/o Bahadar Khan Sub Division Officer (OPS) P.H.E Sub
Division Tangi (Charsadda) R/o Qasim (Toru) Tehsil and District Mardan.

..... Appellant/Petitioner

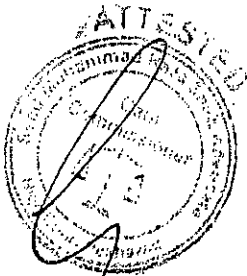
VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary
Khyber Pakhtunkhwa Peshawar.
2. The Secretary Public Health Engineering Department KPK Peshawar.
3. The Chief Engineer (C) Public Health Engineering Department KPK
Peshawar.
4. The Executive Engineer Public Health Engineering Division Charsadda.

..... Respondents

Index

S.No.	Description of documents	Annexure	Pages
1.	Petition along with affidavit		
2.	Copy of court order dated 17.10.2023	A	1-2
3.	Copy of application	B	03
4.	Copy of transfer order dated 03.11.2023	C	04
5.	Wakalat Nama	—	—



23 NOV 2023

Petitioner :-

Through

Malik Shahbaz Khan

Advocates High Court Peshawar

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Implementation Petition No. 2044/2023

Amir Zada S/o Bahadar Khan Sub Division Officer (OPS) P.H.E Sub
Division Charsadda R/o Qasim (Toru) Tehsil and District Mardan.

..... Appellant/Petitioner

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary
Khyber Pakhtunkhwa Peshawar.
2. The Secretary Public Health Engineering Department KPK Peshawar.
3. The Chief Engineer (C) Public Health Engineering Department KPK
Peshawar.
4. The Executive Engineer Public Health Engineering Division Charsadda.

..... Respondents

**APPLICATION FOR IMPLEMENTATION OF
ORDER OF THIS HONOURABLE COURT
DATED 17.10.2023 IN TRUE LETTER AND
SPIRIT.**

Respected Sir.

1. That the above mentioned service appeal is pending before this Hon'able
Tribunal which is fixed on 29.11.2023 for reply/comments.
2. That the petitioner is posted as SDO (OPS) in the office of PHED Sub
Division Tangi (Charsadda) w.e.f 29.08.2022.
3. That petitioner has performed and served with unblemished and
satisfactory reputation in the department and having no sigma or
complaint against the petitioner during the entire service.

4. That petitioner is senior most and in final year of his service for superannuation of his service i.e (60) years.
5. That the petitioner filed a Service Appeal No. 2044/2023 before the Service Tribunal KPK Peshawar and which an order dated 17.10.2023 was passed on the direction that respondents are restrained from further transfer of the appellant till the final disposal of the appeal.

(Copy of order is attached).

6. That petitioner filed an application before respondent No 1 (Secretary PHED) regarding implementation of order of this Honourable Court vide DD No 794 dated 06.11.2023 in letter and spirit.

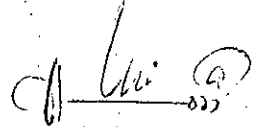
(Copy of application is attached)

7. That inspite of order of this Honourable court dated 17.10.2023 petitioner was again transferred from the post of SDO (OPS), Tangi Charsadda to the office of Chief Engineer (C) PHED KPK vide notification No. SO/PHE/1-44/2022 dated 03.11.2023 which is clear violation of order of this Honourable Court dated 17.10.2023. (Copy of order is attached).
8. That order of respondent No 1 dated 03.11.2023 regarding further transfer of appellant is violation of order of this Honourable Court dated 17.10.2023, which is liable to be set aside.

It is therefore, most humbly requested that respondents may please be implemented order of the Honourable Court dated 17.10.2023 in true letter and spirit and order of respondent No 1 dated 03.11.2023 may please be set aside. Any other relief deemed fit may also be graciously awarded.

Dated 23.11.2023

Petitioner



Through

Malik Shahbaz Khan
Advocate High Court Peshawar

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Implementation Petition No. 2044/2023

Amir Zada S/o Bahadar Khan Sub Division Officer (OPS) P.H.E Sub
Division Charsadda R/o Qasim (Toru) Tehsil and District Mardan.

..... Appellant/Petitioner

VERSUS

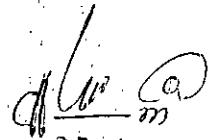
5. The Government of Khyber Pakhtunkhwa through Chief Secretary
Khyber Pakhtunkhwa Peshawar.
6. The Secretary Public Health Engineering Department KPK Peshawar.
7. The Chief Engineer (C) Public Health Engineering Department KPK
Peshawar.
8. The Executive Engineer Public Health Engineering Division Charsadda.

..... Respondents

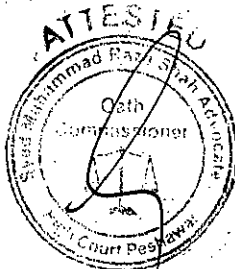
AFFIDAVIT

Amir Zada S/o Bahadar Khan Sub Division Officer (OPS) P.H.E Sub Division
Charsadda R/o Qasim (Toru) Tehsil and District Mardan do hereby affirm and
declare on oath that the contents of the Instant Application are true and correct
to the best of my knowledge and belief and nothing has been concealed from
this Hon'ble Court.

Deponent


23/11/23

CNIC No: 16101-7667994-3



23 NOV 2023

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUN KHWA PESHAWAR**



Service Appeal No. 2014/2023

Amir Zada S/O Bahadar Khan Sub Divisional Officer
(OPS) P H E .Subdivision Charsadda R/O Qasim (Toru)
Tehsil & District Mardan

(Appellant)

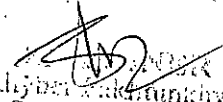
V/S

1. The Government of Khyber Pakhtoon Khwa through
Chief Secretary Khyber Pakhtoon Khwa Peshawar
2. The Secretary Public Health Engineering Department
KPK Peshawar
3. Asghar Ali Khan SDO PHE Sub division Tangi.

(Respondents)

A. Service appeal under section-4 of Khyber Pakhtun Khwa Peshawar for service tribunal Act,1974 against the impugned Notification vide NO.SO (Estt)/PHED/1-44/22 dated.19/07/2023 where by the appellant is transferred prematurely, politically motivated, & victimized and not in the public interest from the post of SDO PHE sub Davison Charsadda to PHIE Sub Davison Tangi which is illegal, unlawful against Law facts and laid down Transferring/Posting policy of KPK Government vide Notification No.SOR-HE&ADII-1/85(VOL-11) Dated 15th February 2003. A departmental appeal was submitted to honorable Chief Secretary Khyber Pakhtoon Khwa Peshawar vide diary No.3295 dated 27/07/2023. against the impugned order 19/07/2023 which was considered and rejected vide order dated .29/08/2023

Certified to be true copy


Khyber Pakhtoon Khwa
Service Tribunal
Peshawar

FORM OF ORDER SHEET

Court of

Appeal No. 2044/2023



S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	
1	11/10/2023	The appeal of Mr. Asim Zada vs. P.P. No. 17-10-23 by Mr. Shahbaz Khan Advocate. It is fixed for hearing before Single Bench at Peshawar on 17-10-23. Parcha Peshai is given to the counsel for the appellant.

By the order of

[Signature]
MEMBER

17th Sep. 2023

1. Learned counsel for the appellant present and heard.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. To come up for reply/comments as well as preliminary hearing on 26.10.2023 before S.B. P.P given to learned counsel for the appellant. Respondents are directed to not further transfer the present appellant till the final disposal of this appeal.
3. Appellant is directed to deposit TCS expenses within three days.

Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Signature]
(Muhammad Akbar Khan)
Member (I)

Date of Presentation of Application 06/11/23
 Number of Words 2-7
 Copying Fee 10/-
 Urgent 15/-
 Total 25/-
 Name of Judge 06/11/23
 Date of Completion 06/11/23
 Date of Filing 06/11/23

The Honorable Secretary
Public Health Engineering
Deptt. Khyber Pakhtoon Khawa
Peshawar

③ D.No. 794
Dt - 06/11/23
Anx-B

**Subject:- Application for implementation of order of Honorable Service Tribunal
KPK Peshawar dated 17/10/2023 in true letter & spirit.**

Respectfully Shweth:

1. That the appellant is posted as sub-divisional officer (OPS) at subdivision Tangi (Charsadda) and performing his duty since 29th August 2023 .
2. That appellant was transferred from PHED subdivision Charsadda to subdivision Tangi vide office order dated 19/07/2023 for which appellant filed a departmental appeal before this office which was turned down vide order dated 29th August 2023, hence appellant approached to Service Tribunal through Service Appeal.

(Copy of appeal & order is attached)

3. That date 17/09/2023 was fixed for hearing before the Service Tribunal, in which an order was passed in the favor of the appellant and categorically mentioned that **"Respondents are directed to not further transfer the present appellant till the final disposal of this appeal"** hence appellant is entitled to serve at present post i.e SDO (ops) at subdivision Tangi/Charsadda till the final decision of the case.

(Attested Copy of application and order is attached)

4. That appellant is requesting to implement the order of the honorable Service Tribunal in true letter and spirit.
5. That the appellant is senior most in the seniority list and is in promotion zone as well as in the final stage of his service, so appellant is entitle to serve at the same post and station till finalization of his service.

It is therefore humbly requested that appellant may please be allowed to serve at the same post and station i.e SDO at subdivision Tangi Charsadda till final disposal of appeal and the order of honorable Service Tribunal dated 17/10/2023 may please be implemented in true letter and spirit.

Dated.20/10/23

Your faithfully

Appellant;-

AMIR ZADA

SDO Tangi/Charsadda



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the November 03, 2023

NOTIFICATION

No.SO(ESTT)/PHED/1-44/2022: In continuation to this department notifications No.SO(ESTT)PHED/4-1/2023 dated 28.09.2023 & 09.10.2023, the competent authority is pleased to order adjustment/posting of the following officers / officials of the Public Health Engg: Department as noted against each, in the best interest of public service, with immediate effect:


S#	Name	From	To
1.	Engr. Haris Bakht (EPS-17)	Awaiting for Posting	SDO PHE Sub Division, Tangi, Charsadda.
2.	Engr. Muhammad Haris Khan (BPS-17)	Awaiting for Posting	ADE O/o Chief Engineer (South) PHED, Peshawar.
3.	Engr. Muhammad Awais (BPS-17)	Awaiting for Posting	SDO PHE Sub Division, Swabi.
4.	Engr. Muhammad Fawad Khattak (BPS-17)	Awaiting for Posting	Assistant Technical Officer O/o Chief Engineer (North) PHED, Peshawar.
5.	Mr. Aurangzeb (BPS-17)	ADE O/o Chief Engineer (South) PHED, Peshawar.	SDO PHE Sub Division, Pishtakhara Peshawar-II.
6.	Mr. Amir Zada, Sub Engineer (BPS-16)	SDO (OPS) PHE Sub Division, Tangi, Charsadda.	Report to Chief Engineer (Center) PHED.
7.	Mr. Saqi Muhammad (BPS-16)	SDO (OPS) PHE Sub Division, Swabi.	Report to Chief Engineer (Center) PHED.
8.	Mr. Rafeeq Ayaz, Sub Engineer (BPS-12)	SDO (OPS) PHE Sub Division, Pishtakhara Peshawar-II.	Report to Chief Engineer (Center) PHED.

**SECRETARY
PHE DEPARTMENT**

ENDST: NO & DATE AS ABOVE:

Copy forwarded for information & necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. All Chief Engineers, PHE Department Peshawar.
3. Executive Engineer PHE Divisions, Peshawar-II, Charsadda & Swabi.
4. District Accounts Officers, Charsadda & Swabi.
5. Assistant Director I.T Cell, PHE Department Peshawar.
6. PS to Minister PHE Department Peshawar.
7. PS to Secretary PHE Department Peshawar.
8. PA to Additional Secretary, PHE Department
9. PA to Deputy Secretary-I & II, PHE Department.
10. Officers/officials concerned.
11. Office Order / Personal Files.


3/11/23
**(SHER AZAM KHAN)
SECTION OFFICER (ESTT)**

13724

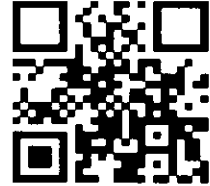
قیمت 100 روپے

سعدی راجاں

ایڈوکیٹ:

Be-15-5633 بار کونسل ایسوسی ایشن نمبر:

۰۵۰۱-۸۱۸۱۵۳۳ رابطہ نمبر:



ڈسٹرکٹ بار ایسوسی ایشن مردان

بعدالت جناب: سر و سز شریعتی لہذا

Appellant	منجانب:	Comptempt of Court	دعویٰ مقدمہ:
امیر ذادہ		22/11/2023	تاریخ:
بنام			مقام:
شاہد سید سلیمن سلیمنی			تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام اور مشور کیلئے تیسبہاڑ میں کوڈیکل مقرر کر 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 ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زر پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے 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 شناختہ برداشتہ منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہوں گے۔

نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کسی تاریخ پیشی پروکیل موصوف دورہ پر ہو یا مقام سے باہر ہو یا بیمار ہو یا کوئی ضروری کام ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے۔

المرقوم: 22/11/2023 مقام
DISTRICT BAR ASSOCIATION
KHYBER PAKHTUNKHWA

دستخط وکیل موصوف
منظور تصدیق شدہ

نوٹ اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

امیر ذادہ ولد بہادر خان