


FORM OF ORDER SHEET

Court of

Appeal No. 158/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
	2	3
1	18/01/2024	<p>The appeal of Mr. Alamzeb presented today by Mr. Javed Iqbal Gulbella Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

In Service Appeal No. 158 /2024

**Dr. Alamzeb..... Appellant
VERSUS
Government of KPK & others Respondents
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Appellant

Through

Dated: 18.01.2024

JAVED IQBAL GULBELA
Advocate, Supreme Court
Of Pakistan

SYEDA UME HABIBA
&

ALAM ZEB KHAN
Advocates, High Court
Peshawar

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

In Service Appeal No. 158 /2024

Dr. Alamzeb Director General (Extension) Livestock & Dairy
Development Department, Khyber Pakhtunkhwa

..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Secretary livestock, Fisheries & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. Secretary Establishment, Government of Khyber Pakhtunkhwa, Peshawar.
4. Muhammad Ijaz Ali Director General (Research) Livestock Research, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL ACT 1974, AGAINST THE
IMPUGNED SUMMARY DATED
01.11.2023 OF THE OFFICE OF THE
SECRETARY ESTABLISHMENT

WHEREBY THE APPELLANT WAS
PROPOSED TO BE TRANSFERRED AND
POSTED, AND THE APPELLANT
PREFERRED A REPRESENTATION
AGAINST THE SAME, WHICH WAS TURN
DOWN VIDE OFFICE ORDER DATED
10.01.2024.

Respectfully Sheweth,

1. That the Appellant is a naturally born bonafide citizen of Islamic Republic of Pakistan and hails from a respectable family.
2. That the Appellant is an Officer of (BS-20) and is serving as Director General (Extension) Livestock & Dairy Development Department, Khyber Pakhtunkhwa. 1
3. That infact the Appellant was working in Director General of Livestock (Extension), when vide notification No.SO(E-I)/E&AD/9-118/2022 dated.27/05/2022 was promoted on regular basis from BS-19 to Bs-20 and was allowed to continued as Director General of Livestock (Extension) and Dairy Development of the office of Chief Secretary upon the recommendation of Provincial Selection Board. **(Copy of Notification Dated.27-05-2022 of Promotion as Director General is annexed as annexure "A")**

4. That as being close to superannuation .i.e. dated 24-03-2024, the Appellant has been accorded the encashment of 365 days in lieu of LPR vide notification dated. 17-08-2023. **(Copy of the Notification dated.17- 08-2023 is annexed as annexure "B")**
5. That as stated above the leave encashment is from 25-03-2023 to 24-03- 2024 and this notification dated. 17-03-2023 had been issued after notification dated. 27-05-2022, whereby the Appellant had been promoted as regular Director General Livestock (Extension), meaning thereby that the Appellant is supposed to continue as such up till 24-03-i.e, date of superannuation, but alas this is not the case.
6. That it was in this background that an unwarranted summary was put up before the Worthy Chief Minister Khyber Pakhtunkhwa on 01-11-2023 seeking the transfer of the Appellant from the post of Director General Livestock (Extension) and Dairy Development Department to some other post by replacing the Appellant, by Respondent No.4 and that too on clumsy, frivolous and vexatious grounds making much loopholes in the very summary in itself. **(Copy of the impugned Summary is annexed as annexure "C")**
7. That as a sequel to above the Appellant preferred a representation which was not concluded at that time, so meanwhile the appellant moved a petition before the Hon'ble Peshawar High Court Peshawar, as the appellant is going to retire on superannuation on 24.03.2024, so

being expeditious matter, the matter rushed to the Hon'ble Peshawar High Court Peshawar in Extra Ordinary Jurisdiction. **(Copy of the Representation and Writ Petition is attached as annexure D)**

8. That in that respect the appellant had sanguinely obtained an Ad-Interim Relief in the shape of status quo from the Hon'ble Peshawar High Court Peshawar and notices were issued to the respondents to appear before the same, wherein on the next date of hearing the respondents presented the impugned order No. SO(E)LFC/1-4/2023 dated 10.01.2024, whereby the representation filed by the appellant was turned down, hence the instant Service Appeal. **(Copy of Interim Order and Impugned Office Letter dated 10.01.2024 are attached as annexure E)**

9. That thus feeling highly aggrieved and there no expeditious remedy available elsewhere, hence the instant petition for setting aside the impugned summary dated 01-11-2023 having diary No. 373 of dated 06-11-2023 and the impugned Office Order dated 10.01.2024 of the respondent and for allowing the Appellant to continue as Director General Livestock (Extension) till his superannuation, upon the following grounds, inter-alia:-

GROUNDS:

- A. That there exist no other expedient-cum-expeditious remedy available elsewhere, hence the instant petition under the extra-ordinary jurisdiction of this August Court.
- B. That the Appellant is a naturally born bonafide citizen of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws and law Courts of the land.
- C. That where the Appellant is at the verge of his retirement and that too on the basis of superannuation, then moving such like nefarious summary at this juncture is certainly illegal and malicious one.
- D. That even in the very summary it has been provided that the Appellant is going to retire on 24-03-2024 and on this juncture posting the Appellant 45 Project Director is not feasible as well as it is also been mentioned in the very summary that assigning of the post of Appellant on additional charge to another Officer is not tenable.

So the very summary have many loopholes in itself and it affords no plausible reasons or justification, but rather justifies, although indirectly, the retention of

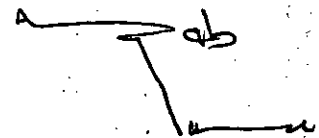
Appellant upon the post of Director General Livestock (Extension) and Dairy Development.

- E. That even otherwise sending an officer on deputation without his consent and without any application on his behalf and that too without any corresponding mechanism and understanding between borrowing and borrower agencies are altogether missing, so the very summary is also not sustainable and tenable as far as the deputation policy is concerned.
- F. That besides the above the Appellant is the senior most Officer, rather is the only officer in Livestock and Dairy Development (Extension) wing of the department and having an unblemished service record, clear from any spot or blot of any sort, so how come such an officer can be penalized or stigmatized at this stage of his service career and that too without any rim or reason and without any fault on his part.
- G. That even the leave encashment is sanctioned up till his superannuation upon the same post, so upon this score alone the setting at naught of the impugned summary is indispensable.
- H. That even otherwise in the wake of upcoming general election and imposition of ban by the Election Commission of Pakistan upon the posting and transfer, the moving of the impugned summary is not sustainable and is liable to be discarded.

- I. That from every angle the moving of impugned summary and the impugned appellate order for the alleged transfer of the Appellant is unwarranted, malicious and a result of colorful exercise of the discretionary power vested in the respondents and is thus a nullity in the eyes of law.
- J. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned summary dated. 01-11-2023 of the Office of the Secretary Establishment and impugned Office Order dated 10.01.2024 of the Chief Secretary KPK, Peshawar may kindly be declared as illegal, unlawful, unwarranted and the same may be set aside and by doing so the Appellant be allowed to continue and act as Director General Livestock (Extension) and Dairy Development Department, Khyber Pakhtunkhwa till his retirement upon the basis of superannuation Le.24-03-2024.

Appellant



Through

Dated: 18.01.2024

JAVED IQBAL GULBELA
Advocate, Supreme Court
Of Pakistan

SYEDA UME HABIBA
&
ALAM ZEB KHAN
Advocates, High Court
Peshawar

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

In Service Appeal No. _____/2024

Dr. Alamzeb..... Appellant

VERSUS

Government of KPK & others Respondents

AFFIDAVIT

I, Dr. Alamzeb Director General (Extension) Livestock & Dairy Development Department, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



[Handwritten signature]

DEPONENT

9 10

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

CM No. _____/2024

In Service Appeal No. _____/2024

Dr. Alamzeb..... Appellant

VERSUS

Government of KPK & others Respondents

APPLICATION FOR SUSPENSION OF
IMPUGNED SUMMARY DATED 01.11.2023
AND THE IMPUGNED APPELLATE ORDER
DATED 10.01.2024, WHEREBY THE
RESPONDENT HAD ILLEGALLY ISSUED
TRANSFER ORDER OF THE APPELLANT,
TILL THE FINAL DECISION OF THE SERVICE
APPEAL.

Respectfully Sheweth:

1. That the above noted Service Appeal is being filed before this hon'ble court, in which no date of hearing has yet been fixed.
2. That the Appellant has got a good prima facie case in their favour, and is sanguine about its success.

3. That the balance of convenience also lies in favour of the Appellant.
4. That if the Impugned Summary dated 01.11.2023 and the impugned Order dated 10.01.2024 are not suspended, the Appellant would suffer extreme irreparable loss.
5. That the facts and grounds of the Appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the Impugned summary dated 01.11.2023 and the impugned Order dated 10.01.2024 may kindly be suspended and the respondents be restrained from any adverse action against the appellant, till the final decision of the case.

Appellant

Through

Dated: 18.01.2024.

JAVED IQBAL GULBELA
Advocate, Supreme Court
Of Pakistan

SYEDA UME HABIBA

&

ALAM ZEB KHAN

Advocates, High Court
Peshawar

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

CM No. _____/2024

In Service Appeal No. _____/2024

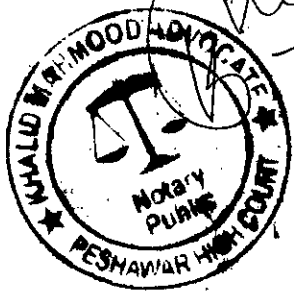
Dr. Alamzeb..... Appellant


VERSUS

Government of KPK & others Respondents

AFFIDAVIT

I, Dr. Alamzeb Director General (Extension) Livestock & Dairy Development Department, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court




DEPONENT

11 A

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In Service Appeal No. _____/2024

Dr. Alamzeb..... Appellant

VERSUS

Government of KPK & others Respondents

ADDRESSES OF PARTIES

APPELLANT

Dr. Alamzeb Director General (Extension) Livestock & Dairy Development Department, Khyber Pakhtunkhwa

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Secretary livestock, Fisheries & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. Secretary Establishment, Government of Khyber Pakhtunkhwa, Peshawar.
4. Muhammad Ijaz Ali Director General (Research) Livestock Research, Khyber Pakhtunkhwa, Peshawar.

Appellant

Through

Dated: 18.01.2024

JAVED IQBAL GULBELA
Advocate, Supreme Court
Of Pakistan

SYEDA UME HABIBA
&
ALAM ZEB KHAN

Advocates, High Court
Peshawar

12

12

A

Ann - "A"



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar, the May 27, 2022

NOTIFICATION

NO.SO/E-IVE&AD/9-118/2022. On the recommendations of the Provincial Selection Board in its meeting held on 06.04.2022, Dr. Alam Zeb, officer of Directorate of Livestock (Extension) & Dairy Development Department (Extension Wing) is hereby promoted from BS-19 to BS-20, on regular basis, with immediate effect.

2. The officer, on promotion, will remain on probation, for a period of one year, in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment Promotion & Transfer) Rules, 1989.
3. Consequent upon his promotion, Dr. Alam Zeb (BS-20), is allowed to continue work against his already occupied post of Director General, Livestock (Extension) & Dairy Development Department.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Encl. No. & date even:

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Agriculture Department.
4. All Divisional Commissioners in Khyber Pakhtunkhwa.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director General, Livestock (Extension) & Dairy Development Department.
7. All Deputy Commissioners in Khyber Pakhtunkhwa.
8. Director, Information & Public Relations, Khyber Pakhtunkhwa.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. CSO to Chief Secretary, Khyber Pakhtunkhwa.
11. District Accounts Officer (concerned).
12. PS to Chief Secretary, Khyber Pakhtunkhwa.
13. PS to Secretary Establishment.
14. Officers concerned.
15. Manager, Govt. Printing Press Peshawar.

Zia-ul-Haq
(ZIA.UL-HAQ) 27/5/2022

SECTION OFFICER (EST. I)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
LIVESTOCK, FISHERIES & COOPERATIVE
DEPARTMENT
Civil Secretariat Complex-II (Ex-FATA Sectt.), Warsak Road, Peshawar
Ph No. 091-9222752

Dated Peshawar the 17th August, 2023

NOTIFICATION

NO.SO (E)LFC/1-5/2022: In terms of Rule-20 (1) of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, as amended vide Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing) Notification No.SO(FR)5-92-2005/Vol.V dated 13.12.2012, sanction is hereby accorded to the encashment of leave equal to '365-days' pay in lieu of Leave Preparatory to Retirement (LPR) in respect of Dr. Alam Zeb, Director General (BS-20) (Ext) Livestock & Dairy Development, Khyber Pakhtunkhwa with effect from 25.03.2023 to 24.03.2024.

2. In terms of Section 5(1) of the Khyber Pakhtunkhwa Civil Servants Act, 1973, the officer shall retire from service with effect from 24.03.2024 (AN) on attaining the age of superannuation as his date of birth is 25.03.1964.

Sd/-
Secretary Livestock, Fisheries &
Cooperative Department

Endst: Even No. & date

Copy forwarded to the :-

- 1) Accountant General, Khyber Pakhtunkhwa, Peshawar
- 2) Dr. Alam Zeb, Director General (Extension), L&DD Khyber Pakhtunkhwa.
- 3) Personal File.
- 4) Master file.

Waqar Khan
(WAQAR KHAN)
Section Officer (Estt) 17/8/23

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(15) (14) C

Ann - "C"

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

Summary for Chief Minister Khyber Pakhtunkhwa

SUBJECT: POSTING/TRANSFER

Livestock sector plays an important role in the economy of Khyber Pakhtunkhwa and contribute about 11% to the Provincial GDP. However, the potential of the sector has not been fully exploited due to various reasons. In the recent past the government of Khyber Pakhtunkhwa started a number of initiatives under Prime Minister's Agriculture Emergency Program as well as provincial ADP and some donor's assistance. All these projects are potential projects to make a good contribution in the uplift of the sector, but the incumbent Director General Livestock (Ext.) has assigned most of the projects to junior most officers and the seniors have been sidelined. It has been observed that delivery of services to the communities is not up to the required standards and instances have been reported that some junior officers are holding charges of more than one positions and it has created heart burning amongst the senior officers of the department.

02. In order to streamline the affairs of the Directorate General livestock (Ext.) in the whole province and newly merged areas the following posting/transfers are proposed:

S.NO.	Name, Designation, BPS	From	To	Remarks
1	Dr. Alamzeb (BS-20)	Director General (Ext) Livestock & Dairy Development, Khyber Pakhtunkhwa	Project Director BS-20 PMU University of veterinary and Animal Science (UVAS), Swat on deputation basis till further orders	The officer is also relieved of additional charges of all projects including Livelihood improvement through livestock Management in Hazara Division, JICA Assisted Project
2	Muhammad Ijaz Ali (BS-20)	Director General (Research) Livestock Research	The officer is authorized to hold additional charge of the post of Director General L&DD (Ext.) vice S.NO. 1 in addition to his own duties till further orders.	The officer is a regular BS-20 officer, and fulfills all the criteria of DG L&DD (Ext) having vast experience and background knowledge.

ATTESTED

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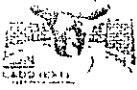
Summary for Chief Minister, Khyber Pakhtunkhwa moved by Livestock Department regarding posting / transfer has been examined and observed that: -

- i. The Administrative vide Para-2 of the Summary has proposed posting of Mr. Alamzeb as Project Director BS-20, Project Management Unit, University of Veterinary and Animal Sciences (UVAS), Swat on deputation basis. It is pointed out that posting of Civil Servants to project posts on deputation basis is covered under Para-4 of Chapter of 4 of the Project Implementation Policy, 2022 (Annex-I). Therefore, the Administrative Department may follow the criteria given in the mentioned policy and take up the case with P&D Department for placement of the case before Provincial Project Selection Committee (PPSC) for consideration.
- ii. As evident from the Seniority List of the cadre, Mr. Alamzeb is going to retire on 24.03.2024 on attaining the age of superannuation as his date of birth is 25.03.1964 (Annex-II). On this ground his posting as Project Director of an important Project does not seem tenable.
- iii. As per Finance Department Instructions dated 12.03.1997, the charge of a vacant post may be entrusted in its entirety to another government servant in an equivalent scale status (Annex-IV). Since, the post of DG (Ext), Livestock will be vacated after posting of the present incumbent as Project Director UVAS, Swat on deputation basis, as per ibid policy; therefore, assigning of additional charge of the post of DG (Ext) Livestock to another officer at this stage is not tenable.
- iv. The Administrative Department may submit case for assigning the additional charge of the post of Director General (Ext), L&DD in case posting of the present incumbent as Project Director after fulfilment of codal formalities/criteria as given in the Project Implementation Policy, 2022 materializes.

(AKHTAR SAEED TURK)
Secretary Establishment

21/11/2023

ATTES



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

Bacha Khan Chowk Charasadda Road Peshawar
Tel. +92 91-9-1017 Fax. +92-91-9210285 Email: dgldext@yahoo.com

Annex-D

No DG (E) L&DD: 16736

Dated Peshawar the 14/11/2023

To

The Chief Secretary,
Govt. of Khyber Pakhtunkhwa.

Through: PROPER CHANNEL

Subject: REPRESENTATION AGAINST POSTING/ TRANSFER PROPOSAL.

Dear Sir,

It is to submit that the undersigned was promoted to BS-20 and posted against the vacant post of Director General (Extension) Livestock & Dairy Development in 27th May, 2022.

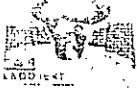
Some of my major achievements during my tenure in office are as follows:

1. Conducted first ever Livestock Baseline Survey for status and need assessment of the livestock sector under the close supervision of administrative department.
2. Got approved the Livestock Strategic & Business Plan, 2022 for implementation of the Livestock Policy, 2018 under the auspices of Admn Department.
3. Got approved Establishment of first University of Veterinary & Animal Sciences of the province with guidance of the administrative department.
4. Expanded veterinary services through establishment of static and mobile veterinary clinics across the province.
5. Established network of milk quality testing laboratories in the province.
6. Restructured the department by establishing four new directorates, reconstructed & rehabilitated veterinary hospitals.
7. Established Pets clinics at divisional headquarters.
8. Paradigm shift to production side instead of limiting its activities to veterinary services only in the form of establishing commercial dairy & poultry farms in partnership with the interested farmers.

Sir, it has come to my knowledge that a transfer proposal of the undersigned has been initiated despite of the following shortcomings:

- a) That I am the senior most and only BS-20 officer in L&DD (Ext) wing and have a brilliant career history with unprecedented success stories as Head of the Attached Department. The department has achieved pinnacle of development and the services delivery has been expanded many fold.
- b) That I am going to retire on dated 24-03-2024 (AN) on superannuation and retirement order has already been notified (Annex-I).
- c) That I am residing in Peshawar from the last 30 years along with my family and as per policy, I may not be disturbed in the last few months of my services.

ATTESTED



12

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

Bacha Khan Chowk Charsadda Road Peshawar
Tel: +92-91-9210276 Fax: +92-91-9210285 Email: dgddext@yahoo.com

d) That ban has already been imposed on posting/ transfer vide circular letter No. SOC (E&AD) 13-3/2023 dated 4th October, 2023; wherein it has been laid down "not to post or transfer any public official after issuance of this notification within and to from Punjab and Khyber Pakhtunkhwa without prior approval in writing of the Election Commission".

In view of the above, it is humbly requested that the instant transfer posting proposal may please be filed.

/

(Dr. ALAMZEB)
DIRECTOR GENERAL

Copy in advance for information & necessary action to:

1. The Chief Secretary, Khyber Pakhtunkhwa.
2. The Secretary Establishment Department, Khyber Pakhtunkhwa.
3. The Section Officer (R-III), Establishment Department, Khyber Pakhtunkhwa.

RELA

DIRECTOR GENERAL

ATTESTED

BEFORE THE HON'BLE PESHAWAR HIGH COURT
PESHAWAR.

In W.P No. _____/2023.

Dr. Alamzeb Director General (Extension) Livestock & Dairy
Development Department, Khyber Pakhtunkhwa.

.....Petitioner

VERSUS

1. *Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa at Civil Secretariat Peshawar.*
2. *Secretary livestock, Fisheries & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar.*
3. *Secretary Establishment, Government of Khyber Pakhtunkhwa, Peshawar.*
4. *Muhammad Ijaz Ali* Director General (Research) Livestock Research, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

**Petition Under Article 199 of
Constitution of the Islamic Republic of
Pakistan 1973**

Respectfully Sheweth,

1. That the Petitioner is a naturally born bonafide citizen of Islamic Republic of Pakistan and hails from a respectable family;
2. That the Petitioner is an Officer of (BS-20) and is serving as Director General (Extension) Livestock & Dairy Development Department, Khyber Pakhtunkhwa.
3. That infact the petitioner was working in Director General of Livestock (Extension), when vide notification No.SO(E-1)/E&AD/9-118/2022 dated.27/05/2022 was promoted on regular basis from BS-19 to Bs-20 and was allowed to continued as Director General of Livestock (Extension) and Dairy Development of the office of Chief Secretary upon the recommendation of Provincial Selection Board. (Copy of Notification Dated.27-05-2022 of Promotion as Director General is annexed as annexure "A")
4. That as being close to superannuation i.e. dated.24-03-2024, the petitioner has been accorded the encashment of 365 days in lieu of LPR vide notification dated.17-08-2023. (Copy of the Notification dated.17-08-2023 is annexed as annexure "B")

5. That as stated above the leave encashment is from 25-03-2023 to 24-03-2024 and this notification dated.17-03-2023 had been issued after notification dated. 27-05-2022, whereby the petitioner had been promoted as regular Director General Livestock (Extension), meaning thereby that the petitioner is supposed to continue as such up till 24-03-2024 i.e. date of superannuation, but alas this is not the case.
6. That it was in this background that an unwarranted summary was put up before the Worthy Chief Minister Khyber Pakhtunkhwa on 01-11-2023 seeking the transfer of the petitioner from the post of Director General Livestock (Extension) and Dairy Development Department to some other post by replacing the petitioner, by Respondent No.4 and that too on clumsy, frivolous and vexatious grounds making much loopholes in the very summary in itself.(Copy of the impugned Summary is annexed as annexure "C")
7. That as a sequel to above the petitioner also preferred a representation as well, but as the summary has not yet been concluded or taken to its logical end either way, in which case if the summary is approved and the transferred effected, then the same would be deemed to be an event pertaining to terms and conditions of service of the petitioner, but as the same has not been effected so far, then the only remedy is available to invoke the extra ordinary jurisdiction of this Hon'ble Court to halt the approval of the impugned summary, hence the instant petition. (Copy of Representation is annexed as annexure "D")
8. That the petitioner is going to retire on 24-03-2024 and there are just 4 months period are left towards his retirement and at this pinnacle of service, the impugned summary is maliciously moved for no reasons, which under the law is not justified.
9. That thus feeling highly aggrieved and there no expeditious remedy available elsewhere, hence the instant petition for setting aside and quashing the impugned summary dated.01-11-2023 having diary No. 373 of dated.06-11-2023, and for allowing the Petitioner to continue as Director General Livestock (Extension) till his superannuation, upon the following grounds, inter-alia:-

GROUNDS:

- A. That there exist no other expedient-cum-expeditious remedy available elsewhere, hence the instant petition under the extra-ordinary jurisdiction of this August Court.
- B. That the Petitioner is a naturally born bonafide citizen of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws and law Courts of the land.

~~ATTACHED~~



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- C. That where the petitioner is at the verge of his retirement and that too on the basis of superannuation, then moving such like nefarious summary at this juncture is certainly illegal and malicious one.
- D. That even in the very summary it has been provided that the petitioner is going to retire on 24-03-2024 and on this juncture posting the petitioner as Project Director is not feasible as well as it is also been mentioned in the very summary that assigning of the post of petitioner on additional charge to another Officer is not tenable.
So the very summary have many loopholes in itself and it affords no plausible reasons or justification, but rather justifies, although indirectly, the retention of petitioner upon the post of Director General Livestock (Extension) and Dairy Development.
- E. That even otherwise sending an officer on deputation without his consent and without any application on his behalf and that too without any corresponding mechanism and understanding between borrowing and borrower agencies are altogether missing, so the very summary is also not sustainable and tenable as for as the deputation policy is concerned.
- F. That besides the above the petitioner is the senior most Officer, rather is the only officer in Livestock and Dairy Development (Extension) wing of the department and having an unblemished service record, clear from any spot or sootage of any sort, so how come such an officer can be penalized or stigmatized at this stage of his service career and that too without any rim or reason and without any fault on his part.
- G. That even the leave encashment is sanctioned up till his superannuation upon the same post, so upon this score alone the setting at naught of the impugned summary is indispensable.
- H. That even otherwise in the wake of upcoming general election and imposition of ban by the Election Commission of Pakistan upon the posting and transfer, the moving of the impugned summary is not sustainable and is liable to discarded.
- I. That from every angle the moving of impugned summary for the alleged transfer of the petitioner is unwarranted, malicious and a result of colorful exercise of the discretionary power vested in the respondents and is thus a nullity in the eyes of law.
- J. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant petition, the impugned summary dated.01-11-2023 of the Office of the Secretary Establishment, bearing diary No.373, dated.06-11-2023 put up before the Worthy Chief Minister Khyber Pakhtunkhwa for the alleged transfer/posting of the petitioner may graciously be declared as illegal, unwarranted and an act of colorful exercise of discretionary powers vested in the respondents and the same be cancelled, quashed and set aside and by doing so the petitioner be allowed to continue and act as Director General

ATTESTED



21

Livestock (Extension) and Dairy Development Department, Khyber Pakhtunkhwa till his retirement upon the basis of superannuation i.e.24-03-2024.

It is further prayed, that if the summary is approved by worthy Chief Minister Khyber Pakhtunkhwa, then the same be declared as illegal and void, coram non-judice and be set aside.

Any other relief, which may deem and appropriate may also be extended to the Petitioner.

Interim Relief:

By way of interim relief, the proceeding or any action upon the impugned summary may graciously be suspended and if in the meanwhile the same is approved, then the operation of the same be suspended, till the final disposal of the in instant writ petition.

Dated.15/11/2023

Through
Javed Iqbal Gulbela
Advocate, Supreme Court

Petitioner

Saghir Iqbal Gulbela
Advocate, High Court

NOTE:-

No such like writ petition, has earlier been filed by the Petitioner & the instant case pertains to the Divisional Bench of this Hon'ble Court.

Law Books:-

1. Constitutional of Islamic Republic of Pakistan 1973
2. Case law according to need.

Advocate

Advocate

ATTESTED

Amex 22 E

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s).
1	2
16.11.2023	<p><u>W.P. No.5154-P/2023</u></p> <p>Present: Mr. Javed Iqbal Gulbela, Advocate, for the petitioner.</p> <p>*****</p> <p>Let comments be called from respondents so as to reach this Court within fortnight.</p> <p><u>INTERIM RELIEF</u></p> <p>Since the petitioner is going to retire from service on 24.03.2024 and in terms of the Government Policy, an officer shall not be posted out in the last year of his service. In view thereof, let notice of the Interim Relief be issued to the other side for a date to be fixed by office. In the meantime, status-quo shall be maintained.</p>

Albert
Sd/lt)

JUDGE

JUDGE

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
LIVESTOCK, FISHERIES & COOPERATIVE
DEPARTMENT
Civil Secretariat Complex-II (EX-FATA Sectr), Warsak Road, Peshawar
Ph No. 091-9222752

Impugned Order

(23)

E-1

Whereas, Dr. Alamzeb, Director General (Ext) Livestock & Dairy Development, Khyber Pakhtunkhwa has been proposed for posting as Project Director BS-20, PMU University of Veterinary & Animal Sciences (UVAS), Swat to be stationed in Peshawar in the public interest.

2. AND Whereas he has submitted representation stating therein that he is senior most BPS-20 officer in the Extension Wing of the department and going to retire on 24.03.2024 on attaining the age of superannuation as well as his present posting would disturb his family settled in Peshawar.

3. AND Whereas his representation was examined under posting / transfer policy of the Provincial Government. The officer was serving against the post of Director General (Extension), Livestock & Dairy Development, Khyber Pakhtunkhwa since long and also completed his normal tenure against the post, therefore, the competent authority has approved his posting / transfer proposal. Moreover, NAB Peshawar has authorized an inquiry against the officers / officials of the Livestock & Dairy Development (Ext), Khyber Pakhtunkhwa including the appellant. Furthermore, officer under transfer has also approached the Peshawar High Court, Peshawar and the court has directed to maintain the status quo.

4. AND Whereas, the appellant / officer has longest tenure against the present post, the NAB Peshawar has started inquiry against the officer / officials of Livestock & Dairy Development (Ext), Khyber Pakhtunkhwa including the appellant and the posting/transfer has been approved specifically on administrative reasons, therefore, the competent authority has been pleased to reject the instant representation.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

No. SO(E) LFC/1-4/2023

Dated Peshawar the 10th January, 2024

Copy forwarded to the:

1. PSO to Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary Establishment Department, Peshawar.
3. Dr. Alamzeb, Director General, Livestock & Dairy Development (Ext), Khyber Pakhtunkhwa, Peshawar.
4. Section Officer (Litigation), Livestock, Fisheries & Cooperative Department.

(Muhammad Israr)

Secretary to Govt. of Khyber Pakhtunkhwa
Livestock, Fisheries & Cooperative Department

GOVERNMENT OF KHYBER PAKHTUNKHWA
LIVESTOCK, FISHERIES & COOPERATIVE
DEPARTMENT

Civil Secretariat Complex-II (Ex-FATA Sectt:), Warsal Road, Peshawar

Ph No. 091-9222752

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CHIEF SECRETARY



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قیمت 50 روپے	24364	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ:		PESHAWAR BAR ASSOCIATION
بار کونسل ایسوسی ایشن نمبر: AC-10-7924		
رابطہ نمبر: 0302-5990017		

بعدالت جناب:

مخانب: اسرار علی	دعوی:
	علت نمبر:
کو اس کے مالک ہونے کا حکم	مورخہ: S-A
	جرم:
	تھانہ:

بابت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق زریں 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 کاروائی 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 پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کرتیں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الرقوم: 1/20

العواذ العباد

مقام کے لئے لکھو ہے۔

BC-236301

نوٹ: اس وکالت نامہ کی فوٹوکاپی ناقابل قبول ہوگی۔

Dr. Amanjeb (Armed)