

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 158 of 2024

Dr. Alamzeb..... **Appellant / Petitioner**

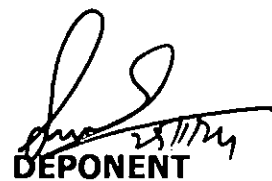
VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa.
2. The Secretary Livestock, Fisheries & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Establishment, Government of Khyber Pakhtunkhwa, Peshawar.

..... **Respondents**

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DEPONENT

NIC No. 17301-6629501-1
Cell No. 0346-9059990

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 158 of 2024

Dr. Alamzeb..... **Appellant / Petitioner**
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 10788

- Dated** _____
1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa.
 2. The Secretary Livestock, Fisheries & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar.
 3. The Secretary Establishment, Government of Khyber Pakhtunkhwa, Peshawar.

..... **Respondents**

JOINT PARA-WISE COMMENTS OF RESPONDENTS NO. 1, 2 & 3

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. That the appeal filed by the Appellant is premature, as no order much^{or} less adverse has been passed.
2. That the proposed position also has the Head Office at Peshawar, so no violation of any policy has been committed. Moreover, Peshawar is not the district of domicile of the Appellant.
3. That the summary is based on legal and lawful consideration and to rationalize the appointments of Officers as per their seniority and fitness which indeed remain the sole prerogative^{of} the competent authority.
4. That Section 4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974, is not applicable, as no final order of posting / transfer has been passed by the Competent Authority.
5. That the instant appeal is baseless, frivolous and concocted, based on malafide intentions and for ulterior motive, hence not tenable at all.
6. The Appellant is deliberately concealing important facts from Honorable Court.
7. That the Appellant has got no locus standi for filing this Appeal.
8. That Appeal is wrong and based on illegal and unlawful presumptions.

9. The Appellant has not come to the Court with clean hands.

10. The Appeal is not maintainable in its present form.

FACTS

1. Pertains to record.
2. No comments.
3. Pertains to record.
4. No Comments.
5. Incorrect, as neither promotion notification nor sanction order to the encashment of leave etc. of a civil servant makes him entitled to retain a specific post / position till date of superannuation.
6. Contents of corresponding para of the Appeal is misleading. Processing of summaries is routine business of the Government Departments for seeking approval / orders of the competent forum on various issues. Since, no order has yet been passed regarding transfer of the Appellant by the Competent Authority; hence the Appellant has got no cause of action as no right of the Appellant is affected/ violated till date. It is also relevant to mention that various illegalities and irregularities have been committed during the period in which the Appellant remain^{ed} posted as Director General (Extension) L&DD and NAB has authorized an inquiry in the matter **(Annexure-A)**.
7. Para-7 is misleading hence denied. The Appellant preferred a representation to the Chief Secretary, Khyber Pakhtunkhwa, on 14-11-2023 and without waiting for disposal of that representation, on the very next date i.e. 15-11-2023, the appellant filed Writ Petition No. 5154-P/2023 in the Honorable Peshawar High Court, Peshawar and got Interim Relief (Status-quo) on 16-11-2023. **(Copy of representation, Writ Petition and Interim Order are attached as Annexures-B, C & D)**
8. Para-8 is misleading hence denied. Order dated 10-01-2024 has been issued on merits and in accordance with prevailing law, rules & policy and no violations have been committed. The Hon'ble Peshawar High Court, Peshawar, has dismissed the writ petition, vide Judgement dated 18-01-2024 **(Annexure-E)** of the appellant on the following grounds: -

"A perusal of the record reflects that petitioner was serving as Director General (Ext) Livestock and Dairy Development Department, Khyber Pakhtunkhwa. Admittedly, he is a civil servant. Through the impugned summary prepared for approval of the Chief Minister of Khyber Pakhtunkhwa, it was

proposed to transfer the petitioner from the post of Director General to the post of Project Director (BPS-20) at Swat, it was never acted upon, and vide notification/order dated 10.01.2024, he was ordered to be stationed at Peshawar, therefore, we without commenting upon the merits of the case, conclude that the grievance of the petitioner has been redressed, as, he has been retained at Peshawar. If the petitioner is still aggrieved of the same, he is at liberty to knock at the appropriate forum in accordance with law.

For the foregoing reasons, this petition, being bereft of any merit, is hereby dismissed”.


- 9. Since the Appellant has been dealt with in accordance with law, rules and policy of the Government and no injustice has been committed, hence none of his right infringed / violated thus the instant Service Appeal is not maintainable and is liable to be dismissed.

GROUND

- A. The instant Appeal is not maintainable as the Appellant has been dealt with in accordance with law, rules and policy of the Government and no injustice has been committed. Furthermore, the service appeal filed by the Appellant is premature, as no order much less adverse has been passed.
- B. Since none of the rights of the Appellant have been violated, therefore he has got no cause of action.
- C. Incorrect, as per rules no Civil Servant is exempted of transfer during last year of retirement. Transfers are made in the Department by the Competent Authority in the public interest free of personal likes and dislikes. It is important to mention that no Civil Servant is exempted from posting/transfer during last few months or year of service. However, as per rules/policy of the Government, Civil Servant may be allowed to serve on the post of his district of domicile in the last year of service. Moreover, Peshawar is not the district of domicile of the Appellant.
- D. As replied in above paras.
- E. Incorrect, no adverse action has been taken against the Appellant, hence denied.
- F. Incorrect, no illegal and malicious action has been taken by the Respondents.

- 4
- G. As explained in paras 6 & 8 above.
 - H. No Comments.
 - I. Incorrect, as explained in Para-8 above.
 - J. The respondents also seek permission to raise additional grounds at the time of arguments.

Keeping in view the above submissions, it is, therefore most humbly prayed that the instant Service Appeal may kindly be dismissed, please.


(Muhammad Israr)
Secretary

Livestock, Fisheries & Cooperative
Department, Khyber Pakhtunkhwa,
(Respondent No. 2)


(Shahidullah Khan)
Secretary

Govt. of Khyber Pakhtunkhwa,
Establishment Department
(Respondent No. 3)
Through
(Kalimullah Baloch)
Special Secretary


(Nadeem Aslam Chaudhry)
Chief Secretary

Khyber Pakhtunkhwa
(Respondent No. 1)
Through Administrative Secretary

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 158 of 2024

Dr. Alamzeb..... **Appellant / Petitioner**

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa.
2. The Secretary Livestock, Fisheries & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Establishment, Government of Khyber Pakhtunkhwa, Peshawar.

..... **Respondents**

AFFIDAVIT

I, Muhammad Israr, Secretary Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm and declare that the contents of the Para-wise Comments in the above tilted case are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

SECRETARY

Livestock, Fisheries & Cooperative
Department Government of Khyber
Pakhtunkhwa (Respondent No. 2)

Muhammad Israr.

IDENTIFIED BY:

Additional Advocate General,
Khyber Pakhtunkhwa, Service Tribunal
Peshawar.

ATTESTED



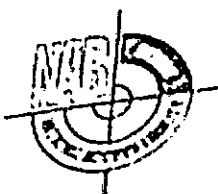
26/01/2024

A

GOVERNMENT OF PAKISTAN
NATIONAL ACCOUNTABILITY BUREAU KP
PDA COMPLEX BLOCK-III PHASE-V
HAYATABAD PESHAWAR

NO 6915
DATE 22/11/23

No. 1/844/IW-III/NABKP287149/866
20 November, 2023

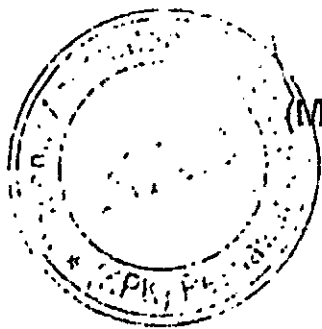


Directorate General (Extension),
Livestock & Dairy Development Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: Authorization of Inquiry under Section 18 (c) NAO, 1999 and Section 24 of AMLA 2010 against Officers / Officials of Livestock & Dairy Development Department KP and Others regarding Corruption & Corrupt Practices in Dairy & Meat Projects in Merged & Settled Areas (KP) (MES ID: 287149)

It is intimated that the National Accountability Bureau has authorized an inquiry against Officers / Officials of Livestock & Dairy Development Department KP and Others regarding Corruption & Corrupt Practices in Dairy & Meat Projects in Merged & Settled Areas (KP), as defined in National Accountability Ordinance 1999 and Anti Money Laundering Act 2010 and schedules thereto.

This is for your information and record, please.



(Signature)
(Muhammad Dawood Khan)
Additional Director (Staff)
NAB (KP), Peshawar



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

Bacha Khan Chowk Charasadda Road Peshawar
Tel. +92 91-9210270 Fax. +92-91-9210285 Email: dglddext@yahoo.com

Ann-D
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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-1).
- 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.



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: dglddext@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.

(Signature)
(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.

(Signature)
RELA

(Signature)
DIRECTOR GENERAL

C

(Signature)

**BEFORE THE HON'BLE PESHAWAR HIGH COURT
PESHAWAR.**

In W.P No. _____/2023

Dr. Alamzeb

VERSUS

Govt. of Khyber Pakhtunkhwa & Others

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Dated 15/11/2023

Petitioner
Through
Javed Iqbal Gulbeja
Advocate, Supreme Court

(Signature)

①

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⑦

**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")

(2)

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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.

- (5)
- 9/12
- 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 far 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 snot 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

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(7)

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

²
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.

²
Javed Iqbal Gulbela
Advocate

²
Javed Iqbal Gulbela
Advocate

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IN THE HON'BLE PESHAWAR HIGH COURT
PESHAWAR

In WP No. _____/2023

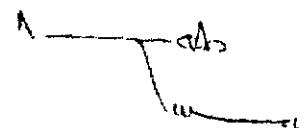
Dr Alamzeb.....Petitioner

VERSUS

Govt of KPK & others.....Respondents

AFFIDAVIT

I, Dr Alamzeb S/o Hukam Sher R/o Zareef Korona, Shahalam Selai, Tehsil Yakka Ghund District Mohmand, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

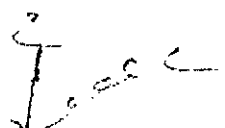

DEPONENT

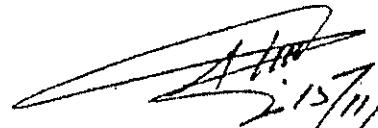
CNIC # 21407-1965650-5

Cell # 0300-8156494

Identified By:

53325



JAVED IQBAL GULBELA
ASC, Peshawar

Nov 15
Hukam Sher
Dr Alamzeb
Javed Iqbal

21/11/2023

D 15

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 data-bbox="399 618 774 682"><u>W.P. No.5154-P/2023</u></p> <p data-bbox="399 682 1260 798">Present: Mr. Javed Iqbal Gulbela, Advocate, for the petitioner.</p> <p data-bbox="758 811 917 850">*****</p> <p data-bbox="422 875 1284 1043">Let comments be called from respondents so as to reach this Court within fortnight.</p> <p data-bbox="430 1069 742 1120"><u>INTERIM RELIEF</u></p> <p data-bbox="438 1120 1324 1597">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> <p data-bbox="1125 1481 1236 1687"></p> <p data-bbox="1149 1713 1300 1764">JUDGE</p> <p data-bbox="1165 1893 1316 1944">JUDGE</p>

(Mohammadullah)

(DB) Hon'ble Mr. Justice Ijaz Anwar and Hon'ble Mr. Justice Syed Muhammad Attique Shah

E 16

IN THE PESHAWAR HIGH COURT, PESHAWAR
[JUDICIAL DEPARTMENT]

Writ Petition No.5154-P/2023.

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

versus

*Government of Khyber Pakhtunkhwa through Chief
Secretary, Khyber Pakhtunkhwa, Peshawar & 3 others*



Date of hearing: **18.01.2024.**

Petitioner by: **Mr. Javed Iqbal Gulbela, Advocate.**

Respondents by: **Mr. Aamir Javed, Advocate General,
Khyber Pakhtunkhwa alongwith M/S
Umar Farooq, AAG and Kifayat-Ullah, S.O .
(Litigation), Livestock.**

JUDGMENT

SHAKEEL AHMAD, J.- By invoking provisions of Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, petitioner has challenged the legal validity and defensibility of summary dated 01.11.2023, prepared by respondent No.3, whereby and whereunder, it was proposed to transfer the petitioner as Project Director (BPS-20), PMU University of Veterinary and Animal Science (UVAS), to Swat, on deputation basis till further orders.

02. The only grievance of the petitioner is that he will be reaching to superannuation on 24.03.2024, therefore, under the posting/transfer policy of the Provincial


ATTESTED
EXAMINER
Peshawar High Court
Peshawar

Government of Khyber Pakhtunkhwa, he cannot be posted outside the district of his domicile, and the impugned summary, whereby and where-under, it was proposed to transfer him from Peshawar to Swat on deputation, is illegal.

03. Pursuant to the order of this Court, respondents No.1, 2 & 3 submitted their para-wise comments, raising therein, many legal and factual objections qua maintainability of the writ petition.

04. When the case was called for hearing, the learned Advocate General, Khyber Pakhtunkhwa rose up and raised preliminary objection on the maintainability of the instant petition. He pointed out that through the impugned summary, his posting at Swat was proposed, however, it was not acted upon. He also pointed out that vide notification/order dated 10.01.2024, the petitioner has been ordered to be stationed at Peshawar, and prayed for dismissal of the instant petition.

05. In rebuttal, the learned counsel for the petitioner submitted that on the face of it, the impugned summary is violative of the instructions issued by the Election


ATTESTED
EXAMINER
Peshawar High Court
Peshawar

Commission of Pakistan and posting/transfer policy issued by the Provincial Government of Khyber Pakhtunkhwa, therefore, the same is not sustainable.

06. Arguments heard and record perused.

07. A perusal of the record reflects that petitioner was serving as Director General (Ext) Livestock and Dairy Development Department, Khyber Pakhtunkhwa. Admittedly, he is a civil servant. Through the impugned summary prepared for approval of the Chief Minister of Khyber Pakhtunkhwa, it was proposed to transfer the petitioner from the post of Director General to the post of Project Director (BPS-20) at Swat, it was never acted upon, and vide notification/order dated 10.01.2024, he was ordered to be stationed at Peshawar, therefore, we without commenting upon the merits of the case, conclude that the grievance of the petitioner has been redressed, as, he has been retained at Peshawar. If the petitioner is still aggrieved of the same, he is at liberty to knock at the appropriate forum in accordance with law.

Sumed

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

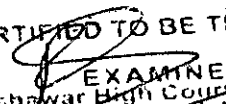
08. For the foregoing reasons, this petition, being bereft of any merit, is hereby dismissed. No order as to costs.

Announced.
18.01.2024


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JUDGE


JUDGE

DB
Hon'ble Mr. Justice Ijaz Anwar
Hon'ble Mr. Justice Shakeel Ahmad
Himayat, CS

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8, 7 of
the Qanoon-e-Shahadat Act 1984
20 JAN 2024

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 158 of 2024

Dr. Alamzeb..... **Appellant / Petitioner**

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa.
2. The Secretary Livestock, Fisheries & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Establishment, Government of Khyber Pakhtunkhwa, Peshawar.

..... **Respondents**

AUTHORITY LETTER

I hereby authorized Mr. Kirammat Ullah, Section Officer (Litigation), Livestock, Fisheries & Cooperative Department to submit Para-wise comments before the Khyber Pakhtunkhwa Service Tribunal Peshawar in the above titled case on behalf of the undersigned and attend the Khyber Pakhtunkhwa Service Tribunal Peshawar, till the decision of the case.



Secretary
Livestock, Fisheries & Cooperative
Department Government of Khyber
Pakhtunkhwa (Respondent No. 2)