


Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 116/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	31.01.2024	<p>3</p> <p>The implementation petition of Mr. Ameer Zada submitted today by Mr. Yaqub 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 the counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Contempt of Court E. P. No-116/2024
/2024

Reference Service Appeal No. 2044/2024

Mr. Ameer Zada Sub Divisional Officer (OPS) PHE Sub Division Tangi (Charsadda)
Village and P.O Qasim (Toru) Tehsil and District Mardan.

..... Appellant

VERSUS

1. Mr. Shahid Sohail Secretary Public Health Engineering Department Khyber Pakhtunkhwa Peshawar.
2. Misses, Faiza Sana Executive Engineer Public Health Engineering Division Charsadda.

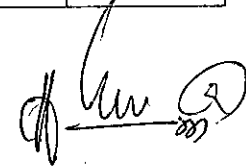
..... Respondents

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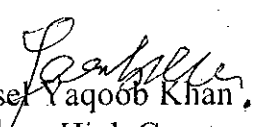
Dated 31.01.2024

Appellant



Amir Zada (SDO)
PHED Sub Division Tangi

Through


Counsel Yaqoob Khan,
Advocate High Court

0321-9309427

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

CONTEMPT OF COURT NO...../2024

R.P. No. 116/2024

REFERENCE :- SERECE APPEAL NO .2044/2023

MR. AMIR ZADA SUBDIVISIONAL OFFICER (OPS) PHE SUB-DIVISION

**TANGI (CHARSADDA) VILL& P.O.QASIM (TORU) THEHSIL & DISTT.MARDAN
(APPELLANT)**

V/S

1. Mr. SHAHID SOHAIL SECRETARY PUBLIC HEALTH ENGINEERING.

DEPARTMENT KHYBER PAKHTOON KHWA PESHAWAR

**Khyber Pakhtunkhwa
Service Tribunal**

2. MISSES. FAIZA SANA EXECUTIVE ENGINEER PUBLIC HEALTH

Diary No. 10917

ENGINEERING DIVISION CHARSADDA

Dated 31-1-2024

(RESPONDENTS)

**APPLICATION FOR INITIATION CONTEMPT PROCEEDING U/S 3/4
OF CONTEMPT ACT AGAINST RESPONDENTS**

Sir:-

The Petitioner humbly submitted as under.

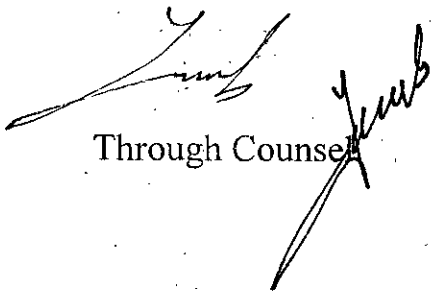
1. That above mentioned service appeal is pending before this honorable Tribunal and date is fixed for reply/comments on 06/02/2024.
2. That the applicant was transferred from PHE subdivision Charsadda to PHE subdivision Tangi vide order dated 19/07/2023, against which the applicant filed instant Service appeal No.2044/2023 before this honorable Tribunal, wherein respondents were directed that " **The appellant will not be further transferred till the final decision of the instant appeal**" vide order sheet dated 17.10.2023. (*Copy of service appeal is attached as Annexure-A, 4 to 12*).
3. That inspire of clear and crystal direction issued by this honorable tribunal ,the appellant was again transferred from the post of SDO (OPS) PHE subdivision Tangi to the office of Chief Engineer (C) PHED KPK Peshawar vide order dated 03.11,2023,which is clear violation of this honorable court order dated 17/10/2023 which is illegal and against law & facts. (*Copy of transfer order & order sheet dated 17/10/2023 is attached Anex-B 13-14*).

4. That due to violation of order of this honorable court the applicant approached before this tribunal through execution petition # 863/2023 dated 23/11/2023 in which this honorable court confirmed the stay order issued w.e. f 17/10/2023 and appeal is admitted for full hearing vide order sheet dated 29/11/2023. *(Copy of petition and order sheet is attached as Annexure. C, 15-17)*
5. That the respondents are pressing hard for relinquish the charge of duty of subdivision Tangi & report to Chief Engineer. (C) PHED at Hayat abad Peshawar. In this regard respondent,1 has given a written notice subjected as "Non compliance of Secretary orders PHED vide No.SO (Estt)/PHED/11-268/2010 Dated 28/11/2023. *(Copy attached as Annxure-D-18)*
6. That applicant filed an other execution petition vide # dated.22/12/2023 for implementation of stay orders of dated 17/10/2023 & 29/11/2023 before this honorable court,in which an order is passed in order dated 10/01/2024, vise which This honorable court is directed to respondent No.1 (Secretary PHED) for appearance on person on dated 22/01/2024 before this honorable court along with implementation report, but neither respondent No.1 (Secretary PHED) appeared before this honorable court nor implemented the orders of this honorable court of dated.17/10/2023 ,29/11/2023 and 22/01/2024 which is clear violation of this honorable court and comes under offence U/S 3/4 of contempt of Court Act. *(Copy of execution petition dated 21/12/2023 and order sheet dated.10/01/2024 & dated.22/01/2024 are attached as Annexure E-19-23)*
7. That in spite of implementation in true letter and spirit of this honorable court stay orders dated 17/10/202, 29/11/2023 the respondents issued numerous orders for compliance of transfer order 03/11/2023 through different office orders like 28/11/2023, 06/11/2023 ,22/12/2023 which is clear violation of stay orders of this honorable court and even the salary of petitioner is stopped w.e.f month of December 2023.Beside this transfer grant and T.A/D.A bill is not paid. P.O.L bills are kept pending and an application for "Authorization to receive pay & allowances for the senior post" submitted to Secretary office vide diary No.1238 dated 14/12/2023 is also kept pending. *(Copies of orders, Source of salary, T.A & D.A bills, P.O.L bills and application dated 14/12/2023 are attached as Annexure F-24-32).*
8. That petitioner filed an application before the respondent No.1(Secretary PHE) for implementation of stay orders of court in true liter & spirit but in vain,hence petitioner filed 2nd execution petition before this honorable court on dated 21/12/2023 which is dispose off on dated 22/01/2024 with the direction that" Appellant may bring a contempt petition against the same, if he so desires. *(Copy of application for implementation of stay order attached as Annexure-G. 33-34).*

3

9. That act of respondents is violation of orders of this honorable court dated, 17/10/2023, 29/11/2023, 10/01/2024 and is ambit of U/S 3/4 contempt of court act and respondents are liable for punishment.

It is therefore humbly requested that contempt proceeding may please be initiated against the respondents and may please be punished as per law and rules. The respondents may please be directed to implement the order of this honorable court dated 10/01/2024 in true liter and spirit accordingly and all the orders issued against the applicant after 17/10/2023 may please be canceled or withdraw. It is also requested to direct the respondents to release the pending salaries for the month of December 2023 & January 2024, pay the pending bills and also process the application of dated 14/12/2023 accordingly Any other relief deemed fit may be graciously awarded.

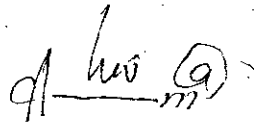

Through Counsel


Petitioner:- AMIR ZADA
SDO PHED TANGI

AFFIDIVIT:-

I undersigned declare on oath that the contents of petition are true and correct to the best of my knowledge and belief.

DEPONENT:-


AMIR ZADA
SDO PHED TANGI

Dated;- 31/01/2024



Amir Zada (A)
4

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUN KHWAPESHAWAR**

Service Appeal No. 2044/2023

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 / *Charsadda*

(Respondents)

A. Service appeal under section-4 of Khyber Pakhtun Khwa Peshawar for service tribunal Act,1974 against the impugned Notification vide NO.SO (Est)/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 PIIE sub Davison Charsadda to PIIE 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

ATTESTED

(Signature)
**EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar**



B. PRAYER

On acceptance of the instant appeal the impugned office order NO.SO(Estt/PHED/1-44/2022 date 19.07.2023 and order of respondent No.1 dated 29/08/2023 may please be set-aside and the same may be declared as illegal, unlawful, without of lawful authority, and evidently on outcome of political motivation, victimization and not in the interest of public. Therefore the respondent No.2 may be directed to withdraw the above stated order to the extent of appellant and may not be transferred from his present post SDO (ops) and station PHE subdivision charsadda till the completion of statutory tenure (03years).The above mentioned notification is completely violation of this court decision in service appeal No.1523/22 dated 3rd July2023,under which notification No. SO(Estt)/PHED/1-44/2022 dated 16th November 2023 was issued .Any other remedy with this august tribunal deems fit that may also be awarded in favor of the appellant.

Sir :-

Appellant humbly submits as under:-

1. That the Appellant is performing his duty as sub divisional officer at Public Health Engineering Subdivision Charsadda.

(Copy of notification is annexed here with)

1. That the appellant has performed unblemished and satisfactory performance in the department & having no sigma or complaint against the plaintiff during the entire service.
2. That earlier the plaintiff was transferred from home station PHE subdivision Mardan to PHE subdivision Totalai (Buner) vide notification No.SO (Estt) PHED/1-44/2022 Dated 5th April 2022.In compliance of the order I assumed the charge at the new place of posting on dated 6th April 2022.Where he served for one month & twenty four days only. (0Y-1M-24D)

(Copy of notification is(05-04-2022) annexed herewith)

3. That the plaintiff after such duration of performing duty was again transferred from PHE subdivision Totalai to PHE subdivision Swabi vide notification No.SO (Estt)PHED/1-44/2022 dated 01-06-2022 where he performed his duty eighteen days only. (0Y-0M-18days)

(Copy of notification (01-06-2022) is annexed herewith)

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

4. That after he was again transferred from PHE subdivision Swabi to PHE subdivision Charsadda vide notification No.SO(Estt)/PHED/1-44/2022 dated 20-06-2022. At this station he stayed only two months and nine(0Y-2M-09D)

(Copy of notification (20.06.2023) is annexed herewith)

5. That after vide notification No.SO(Estt)/PHED/1-44/2022 issued on dated 29.08.2022 was transferred from PHE subdivision Charsadda to O/O Chief engineer (South) as ADE against the vacant post.

(Copy of notification (29-08-2022) is annexed herewith)

6. That after the plaintiff filed the departmental appeal before the competent authority vide Secretary PHE office vide diary No.373 on dated30/08/.2022.

(Copy of departmental appeal is attached)

7. That the order of 29th August 2022 was cancelled/withdraw through the notification No.SO(Estt)/PHED/1-44/2022 dated 31-08-2022.

(Copy of notification 31.08.202 is annexed herewith)

8. That after a new Notification vide No.SO(Esst)/PHED/1-44/2022 dated 13-09-2022 was issued through which the notification of 29-08-2022 was restored

(Copy of notification 13-09-2022 is annexed herewith)

9. That a written complaint was submitted to Provincial Election Commission on dated 20/09/2022 to ignore the ban imposed on transfer/posting in the district Charsadda vide notification No,F.8(9)2022-Code-2 dated 05-08-2022 due to bye election.


(Copy of complaint is annexed herewith)

10. That at the same time a 2nd departmental appeal is submitted to the worthy Secretary PHE against the notification No.SO (Estt)PHED1-44/ 22 dated 13-09-2022 vide dairy No.695 dated 20-09-2022 for sympathetic consideration.

(Copy of departmental Appeal is annexed herewith)

11. That feeling aggrieved of the respondents the appellant filed a writ petition before the honorable High Court Peshawar to decide the departmental appeal.

(Copy of decision is attached)

ATTESTED

EXAMINER
Khyber Pakhtukhwa
Service Tribunal
Peshawar

12. That, appellant approached before the Service Tribunal through a Service Appeal No.1523/2022 dated 24-10-2022; which was accepted by the Service Tribunal and impugned order was set aside, and recalled vide order, dated 16/11/2022.

(Copy of appeal and order are attached).

13. That after sixteen (16) days respondent No.2 once again issued a transfer order of the appellant on dated 19/07/2023 through which, the appellant is transferred from the post of SDO PHE Sub Division Charsadda to PHE Sub division Tangi against Mr.Asgher Ali Khan (SDO) newly appointed/posted twenty seven (27) days against subdivision Tangi District Charsadda vide Notification No.SO(Estt)PHED/144/2022 dated.22-06-2022, where he did not completed his probation period (1 year). The order is issued on such occasions where the ban is imposed on posting/transferring through out the Province and completely violation of service tribunal decision on dated 03/07/2023 in the favor of appellant. The said order is illegal, against the law & facts and ineffective upon the rights of plaintiff and plaintiff is not bound of the same, hence liable to be set aside.

(Copy of order is attached)

14. That the appellant has approached before respondent No.1 through departmental appeals before vide diary # 3295 dated 27.07.2023, which is considered and rejected vide order dated 29/08/2023.

(Copies of departmental appeal is attached)

15. That the impugned order of respondent No.2 dated 19/07/2023 and order of respondent No.1 on dated 29/08/2023 are illegal, against law and facts on the following grounds.

GROUND

- A. That the appellant has served the department for sufficient time with zeal and devotion and no adverse remarks are available in his service record.
- B. That impugned order is illegal, against law & facts and based on mala fide intention.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

- E. That appeal of appellant is mature as per para 9 transfer/posting policy 2003.
(copy of policy is attached)
- F. That appellant has not being treated by respondent department an accordance with law and rules on the subject above and such respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan.
- G. That the appellant was transferred so many times (7) times just in the period of one year and few months (4TH April 2022 to 19TH July 2023) without any reason, which is violation of transfer and tenure policy against the law, rules and judgment august Supreme Court of Pakistan enshrine in "Anita Turab V/S Fedetation of Pakistan" reported on 2013 PLD SC P 195.
- H. That likewise, the impugned order dated 19/07/2023 of the Department/Secretary PHE qua transfer of the appellant not being permissible and the same being whimsical, arbitrary and punitive in nature and therefore, is violation of fundamental rights of the Constitution of Islamic Republic of Pakistan of 1973 and in contravention of rules and policy, therefore not tenable in the eyes of law.
- I. That the impugned order dated 19/07/2023 is frequent transfer which practice is bar vide reported judgment PLJ-1995 SC P-629.
- J. That the appellant has not been completed his tenure in Sub Division Charsadda, where as the normal period of posting of a Government Servant at a station, according to the 21 of the rules of business in three years, which has to be followed in the ordinary circumstances, unless for reasons or exigencies of service a transfer before expiry of the said period becomes necessary thus the said transfer without completion of tenure is against the law and rules, constitution. fundamental rights and Provincial Posting/Transfer policy 2003.
- K. That the transfer of the appellant is against the tenure, appointment, promotion and posting/transfer are of almost importance in the Civil Service, and the same will rightly be considered and treated as part of the terms and condition of service of a civil servant. If, however, rules and instruction are deviated from and as

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

a result merit is discouraged on account of favoritism, safarish or consideration other than merit, it should be evident that civil service will not remain independent or efficient in this regard. reliance upon Constitution petition No, 23/2012 petition by Ms. Anita Turab Vs Government of Pakistan etc.

L. That act of the respondents Department is based on political influence and without tenure policy transfer against the Law and Judgments of superior courts relied upon the relevant para of judgment of Supreme Court of Pakistan 1966 SCMR 1185 titled Hammed Akbar Njazi V/S the Secretary Establishment Division, Government of Pakistan relevant part is reproduced here for case reference,

"if the service tribunal or supreme court decides a point of law relating to the terms of service of a civil servant which covers not only to the case of civil servant who litigated, but also of the other civil servant, who many have not taken any legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such judgment by service tribunal/supreme court be extended to other civil servants, who may not be parties to the litigation instead of compelling them to approach the service tribunal or any other forum".

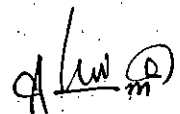
M. That the appellant craves permission of the Honorable Tribunal to advance any other ground at the time of hearing and to submit any other arguments/documents if necessary, in support of this service appeal.

It is, therefore, most humbly prayed that, on acceptance of this Service Appeal, the impugned office order No. SO(Estt)/PHED/1-44-2022 dated 19-07-2023 may please be set-aside and the same may be declared as illegal, unlawful, without lawful authority, respondents may be directed to withdraw the above stated order and appellant may not be transfer from his present post Sub Divisional Officer (OPS) PHE Sub Division Charsadda till the completion of his statutory tenure period. Any other remedy with this August tribunal deems fit that may also be awarded in favor of the appellant.

ATTESTED

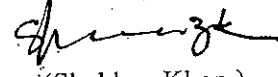
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

may be declared as illegal, unlawful, without lawful authority, respondents may be directed to withdraw the above stated order and appellant may not be transfer from his present post Sub Divisional Officer (OPS) PHE Sub Division Charsadda till the completion of his statutory tenure period (03Y). Any other remedy with this August tribunal deems fit that may also be awarded in favor of the appellant.

Appellant:- 

AMIR ZADA

(Through)

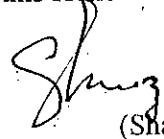


(Shahbaz Khan)
Advocates, High Court
Peshawar

Dated:- /08/2023

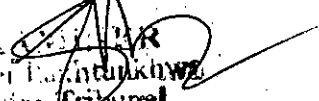
CERTIFICATE

Certified that as per information furnished by my client no such like Service Appeal on the subject has been filed in this Honorable Tribunal.



(Shahbaz Khan)
Advocates, High Court
Peshawar

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Appeal 31-1-24
 Number of Words 7 - pages
 Copying Fee 35/-
 Urgent 5/-
 Total 40/-
 Name of Copy
 Date of Completion 31-1-24
 Date of Delivery of Copy 31-1-24

FORM OF ORDER

12

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. Nadeem Zada ... by Mr. Shahbaz Khan Advocate ... 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)

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
(Signature)
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Muhammad Akbar Khan)
Member (I)

Anx-B

(13)

D.No. 794

DT - 06/11/23

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

**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 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.20/10/2023

Your faithfully

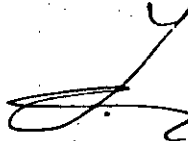
Appellant:-

AMIR ZADA

SDO Tangi/Charsadda

Reply on P-12

Arresty Amza





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.


(SHER AZAM KHAN)
SECTION OFFICER (ESTT)

Asst. Secy. PHE

Jub

(15)

Aux C



BEFORE THE SERVICE TRIBUNAL PESHAWAR

E.P. No. 863/2023

Implementation Petition No. 2044/2023

Amir Zada S/o Bahadar Khan Sub Division Officer (OPS) P.I.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.

Certified to be true copy

SECRETARY
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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/PHF/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

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

29th Nov. 2023



01. Learned counsel for the appellant presented arguments heard and record perused.

02. From the arguments presented by learned counsel for the appellant it appears that during the year 2022 and 2023 the appellant has been transferred numerous times from one station to the other without giving any due regard to the posting/transfer policy. Vide order dated 17.10.2023 respondents were directed to not further transfer the appellant till the final disposal of the appeal. The respondents did not bother to consider the order of the Tribunal and transferred the appellant again from PHE Sub Division Tangi Charsadda to report to Chief Engineer Centre PHED vide notification dated 03.11.2023, placed on record.

03. In view of the above, the appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within 10 days. Appellant deposited cost of Rs. 2000/- imposed on 20.11.2023, receipt of which is available on file. Notices be issued to the respondents through TCS, the expenses of which shall be deposited by the appellant within 03 days. To come up for written reply/comments on 12.12.2023. Status quo be maintained in the light of order sheet dated 17.10.2023. Parcha Peshi given to the learned counsel for the appellant.

Date of Presentation of Appeal: 28/11/23
 Number of Words: 27
 Copying Fee: 10/-
 Urgent: 10/-
 Total: 10/-
 Name of Counsel: [Signature]
 Date of Court: 01/12/23
 Date of Judgment: 29/11/23

Certified to be true copy
 MINISTER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar
 *Fazal Subhan, P.S.

[Signature]
 (NAREEHA PAUL)
 Member (E)



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT

No.SO(Estt)/PHED/ 11-268/2010
Dated Peshawar, the November 28, 2023

Anx D

18

To

Mr. Amir Zada (BPS-16),
SDO (OPS) PHE Sub-Div: Tangi, Charsadda.


Subject: **NON COMPLIANCE OF SECRETARY PHED ORDERS.**

With reference to your appeal No. Nil dated 20.10.2023 on the subject noted above and to inform that your representation/appeal has been reviewed and subsequently rejected.

You have been transferred from PHE Sub-Division, Tangi Charsadda and reported to Chief Engineer (Center) PHED for further adjustment against your original position as a Sub Engineer vide this department notification No. SO(ESTT)PHED/1-44/2022 dated 03.11.2023 (copy enclosed). However, you have not relinquished your duties nor reported to Chief Engineer (Center)'s office, as required.

You are, hereby directed to promptly relinquish the charge of the post of SDO PHE Sub-Division, Tangi Charsadda and report for further adjustment at the O/o Chief Engineer (Center) PHED under intimation to this office in the best public interest. Failure to comply will result in disciplinary action being initiated against you under E&D Rules, 2011.

Encl: As above.


28/11/23
(SHER AZAM KHAN)
SECTION OFFICER (ESTT)


ENDST: NO & DATE AS ABOVE:

Copy forwarded for information to:

1. Chief Engineer (Center) PHE Department, Peshawar.
2. Executive Engineer PHE Division, Charsadda.
3. PS to Secretary, PHE Department, Peshawar.
4. PA to Deputy Secretary-I, PHE Department, Peshawar.


28/11/23
(SHER AZAM KHAN)
SECTION OFFICER (ESTT)




Scanned with CamScanner

(19)

~~Annex A~~

Annex E

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

E. P. No. 994/2023

Service Appeal No. 2044 of 2023



Amir Zada SDO PHED Sub Division Tangi (Charsadda).

..... Appellant

VERSUS

1. The Government of KPK through Chief Secretary KPK Peshawar.
2. The Secretary Public Health Engineering Department KPK Peshawar.
3. The Executive Engineer Public Health Engineering Division Charsadda.
4. The District Account Officer Charsadda.

..... Respondents

THE IMPLEMENTATION OF ORDERS DATED 17.10.2023 AND 29.11.2023. OF THIS HONORABLE COURT IN TRUE LETTER AND SPIRIT.

Respectfully Sheweth;

1. That Appeal is pending today before the August Tribunal and fixed today dated 21.12.2023 for comments/reply.

2. That applicant was transferred from Sub Division Charsadda to Sub Division Tangi vide order dated

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

19.07.2023 for which appellant filed a service appeal No. 2044/2023 before Honorable Service Tribunal KPK Peshawar wherein respondents were directed that **"The appellant will not further transferred till final decision of the instant appeal"** vide order sheet dated 17.10.2023. (Copy attached). *P-9*

3. That inspite of clear and crystal direction issued by this Honorable Court, the applicant was again transferred from the post of SDO (OPS) Tangi Charsadda to Office of Chief Engineer (Center) KPK Peshawar vide order dated 03.11.2023 which is violation order of *his* Honourable Court. The order is clear violation, illegal, against law and facts and violation of the order of KPK Service Tribunal Peshawar dated 17.10.2023. (Copy attached). *Transfer order copy at P-11*

4. That in the light of granted statuesque on 29.11.2023 the applicant not relinquish ~~in~~ the charge of duty as well as not assumed the charge of duty at Chief Engineer Office PHED KPK Peshawar.

5. That the respondents are pressing hard for relinquish the charge of duty at PHED Sub Division Tangi and sent a notice subjected as "Non compliance of Secretary orders PHED vide No. SO (Estt)/PHED/11-268/2010 dated 28.11.2023. (Copy attached). *P-12*

Certified true copy

OFFICER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

6. That the respondents also started process for the stoppage of salary of the applicant from the current

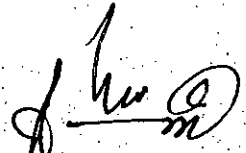
(20)

(21)

month December 2023 from District Account Office
District Charsadda. P-150/16

It is therefore, humbly prayed that the transfer
order dated 03.11.2023 may be set aside and the
applicant shall be allowed to service on his post i.e
SDO (OPS) Tangi till the final decision of the service
appeal. It is also requested that the respondent shall be
directed to not stop the salary of the applicant till the
final decision of the case.

Dated: 21/12/2023.

Applicant 

Amir Zada

SDO PHED Sub Division Tangi

Certified to be true copy

OFFICER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 31-01-24
Number of Words 37
Copying Fee 15/-
Urgent 5/-
Total 20/-
Name of Copyist _____
Date of Completion of Copy 31-1-24
Date of Delivery of Copy 31-1-24



10.01.2024

1. Learned counsel for the petitioner present, Mr. Habib Anwar, Additional Advocate General alongwith Mr. Kamran Shahid, ASO for the respondents present.
2. Despite repeated stay orders granted by the Tribunal respondent No. 2 consistently violating the courts orden. Respondent No. 2 is directed to appear in person alongwith implementation report and explain the reason for violation of orders of the court. Adjourned. To come up for personal appearance as well as implementation report on 22.01.2024 before the S.B. on 23.02.2024. P.P given to the parties.

Certified true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Muhammad Akbar Khan)
Member (E)

EP 994/23

22nd Jan. 2024



01. Petitioner alongwith his counsel present. Mr. Habib Anwar, Additional Advocate General alongwith Mr. Irfan, Superintendent for the official respondents present and private respondent No. 3 in person present. Arguments heard.

02. From the arguments presented by learned counsel for the petitioner it appears that the petitioner feels that the respondents have made a contempt of order passed by this Tribunal. In the light of his arguments, he may bring a contempt petition against the same, if he so desires. The petition is disposed off accordingly. Consign.

03. Pronounced in open court at Peshawar and given under my hand and seal of the Tribunal on this 22nd day of January, 2024.

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

[Signature]
(Fayecha Paul)
Member(E)

Fazle subhan P.S

Date of Presentation of Application 31-1-2024

Number of Words 1-8

Copying Fee 5/-

Urgent 5/-

Total 10/-

Name of Copyist _____

Date of Completion 31-01-24

Date of Delivery of Copy 31-01-24



(29) Anx F Anx-F
**OFFICE OF THE CHIEF ENGINEER (CENTER)
PUBLIC HEALTH ENGG: DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR**

Plot No. 40 Sector-B-II, Phase-V Hayatabad Peshawar E-mail: centerphed@gmail.com P.No. 091-9217528 (Aziz)

No. 081 CG-7 /PHE(C),

Dated Peshawar, the 14/12 /2023,

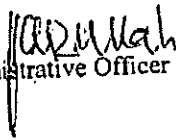
To,
The Section Officer (Estt),
Public Health Engg: Department,
Peshawar.

Subject: **NON COMPLIANCE OF SECRETARY ORDERS.**
REF: Your letter No.SO(Estt)/PHED/11-268/2010 dated 28.11.2023

I am directed to refer to the subject cited above and to say that the official i.e. Mr. Amir Zada, Sub Divisional Officer (OPS) PHE Sub Division Tangi, District Charsadda has submitted an application alongwith decision of Service Tribunal Peshawar mentioning that transfer order of 29th November, 2023 was not applicable as per Service Tribunal Peshawar order (copy attached).

Forgoing in view, it is, therefore requested that this office may please be guided as to whether we can transfer the official from his present station to another station or otherwise so that to proceed further in the matter.

DA/ As above


Administrative Officer (Center)

25



**OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG: DIVISION CHARSAKDA.**
Email:- phecharsadda@gmail.com Phone No.091-9220493

No. 94 / 102

Dated Charsadda the 26 / 12 /2023.


To,

The Mr. Amir Zada,
Assistant Design Engineer (O/O)
Chief Engineer (Center) Peshawar

Subject: - **HANDING / TAKING OVER OF GOVERNMENT VEHICLE AND NON-COMPLIANCE OF SECRETARY PHED ORDERS.**

As you have been transferred from this office and not handed over the vehicle to Mr. Haris Bakht Sub Divisional Officer PHE Sub Division Tangi and the Additional Deputy Commissioner (General) Charsadda also requesting for provision of vehicle for Election Pool / Focal Person as Assistant Returning Officer for General Election-2024.


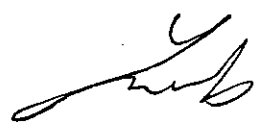
You are therefore directed to hand over the vehicle along with Registration / Log Book to Mr. Harish Bakht Sub Divisional Officer as soon as possible.


Executive Engineer
PHE Division Charsadda

Copy forwarded to the: -

- 1- Additional Deputy Commissioner (General) for information w.r.t his letter No. DC/CHD/Election-2024/100-III dated 26-12-2023.
- 2- Deputy Commissioner District Charsadda for information please.
- 3- Section Officer (General) PHE Department Peshawar for information please.
- 4- Mr. Haris Bakht Sub Divisional Officer PHE Sub Division Tangi to take the vehicle along with connected document from Mr. Amir Zada Assistant Design Engineer (O/O) Chief Engineer (Center) and hand over the same to Addition al Deputy Commissioner (General) Charsadda for General Election-2024.


Executive Engineer
PHE Division Charsadda

PAYROOL SYSTEM
 AMENDMENT FORM
 MULTIPLE EMPLOYEE ENTRY

OFFICE OF THE: EXECUTIVE ENGINEER PUBLIC HEALTH ENGINEERING DIVISION CHARSADDA

FORM: PAY03

Date:
 Page No:

26

FOR THE MONTH OF Nov-23

DDO Code: **C A** 7020 Description: SDO

Red

GENERAL DATA CHANGE							GENERAL DATA CHANGE			CHANGE IN PAYMENTS/DEDUCTIONS					Remarks			
Employees Number							Employee Name	IC Number	Info Type	Field ID	New Contents	Wage Type	Amount			Stop Sal	Effective Date	
0	9	3	3	7	8							Rupees	Paise	Adj				
0	9	3	3	7	8		Amir Zada				Active (9)							Transfer to Chief Engineer (Center) Public Health Engg Khyber Pakhtunkhwa Peshawar Vide Government of Khyber Pakhtunkhwa Public Health Engg Department Peshawar. Notification No. SO, PH/ED/11-44/2023 Dated 03/11/2023

Accepted & Accepted
 J.M.B.

o/c
 Executive Engineer
 PHE Division Charsadda

29/11/2023

Audited/Checked By

Entered/Verified By

Prepared By

VinyltechCruciver BA.

EUREKA, CALIF 94502

Handwritten signature
Handwritten initials

EMPLOYEE INFORMATION		EMPLOYEE STATUS		EMPLOYEE GRADE		EMPLOYEE DIVISION	
NAME	SSN	STATUS	GRADE	DIVISION	UNIT	DATE	REMARKS
0733	3318	ACTIVE					

EMPLOYEE ID: 0733 SSN: 3318 GRADE: DIVISION: UNIT: DATE: REMARKS:

VINYLTECH CRUCIVER BA.
 EMPLOYEE INFORMATION
 EMPLOYEE STATUS

VINYLTECH CRUCIVER BA. EMPLOYEE INFORMATION DIVISION OVERSIGHT

FORM 75403

(27)

OFFICE OF THE SUB DIVISIONAL OFFICER PUBLIC HEALTH ENGINEER SUB DIVISION
TANGI

No TF-T 11

Dated Tangi the:-- 2 / 10/2023

To,

Executive Engineer
PHE Division Charsadda

Subject:- LIABILITIES /OUT STANDING CHARGES OF POL AGAINST GOVERNMENT
VEHICLE NO. A-3388

It is stated that there is six month of POL liabilities /out standing charges against government vehicle No.A.3388 of POL petroleum services Charsadda .The bills has been submitted to division for payment pending in account branch. The supplies is pressing hardly for clear the liabilities /out standing charges, otherwise the supply of POL will be suspended.

Kindly approach to quarter concerned for release of fund in this head to clear the liabilities of POL pump supplies charsadda.

Sub Divisional Officer
PHE Sub Division Tangi

Copy to the:-

1. Superintending Engineer PHE Circle Peshawar for information necessary action. ✓
2. Budget Officer PHE of Civil Secretariat Peshawar for information necessary action

13
Sub Divisional Officer
PHE Sub Division Tangi



28

OFFICE OF THE SUPERINTENDING ENGINEER

PUBLIC HEALTH ENGINEERING CIRCLE PESHAWAR

PLOT NO. 40, SECTOR B-II, PHASE-V, HAYATABAD.

Email: sephepesh@gmail.com , Ph No.091-9219564

No 05 / T-11 SE

Dated Peshawar the 11 / 10 / 2023

To

The Executive Engineer
Public Health Engg: Division
Charsadda

Subject: LIABILITIES / OUT STANDING CHARGES OF POL AGAINST GOVERNMENT
VEHICLE NO. A-3388

Reference: SDO PHE Sub Division Tangi letter No. TF-T/1 dated 02.10.2023

With reference to above, it is stated that to provide detail report regarding released and utilization of POL fund till date, for favour of further necessary action.

Superintending Engineer
PHE Circle Peshawar

Copy forwarded to the Sub Divisional Officer PHE Sub Division Tangi for information with reference his letter quoted above.


Superintending Engineer
PHE Circle Peshawar

LIABILITIES
VEHICLE NO.
SDO PHE SUB

OUT STANDING CHARGES
OF POL
on Tangi letter No. TF-T/1

With Reference

11/10/2023

LIABILITIES
VEHICLE NO.
SDO PHE SUB

OUT STANDING CHARGES
OF POL
on Tangi letter No. TF-T/1

With Reference

11/10/2023

To

THE SECRETARY
PUBLIC HEALTH ENGINEERING DEPARTMENT
KHYBER PAKHTOON KHAWA PESHAWAR

RECEIVED

Sl. No. 123B
Date 14/12/23

SUBJECT: REQUEST FOR AUTHORIZATION TO RECEIVE PAY AND ALLOWANCES FOR THE SENIOR POST

Dear Sir,

I express my gratitude to you for appointing me to the sub-divisional officer, at my existing pay and scale. This appointment was conveyed in your official notification, referenced as SO (ESTT)/PHED/1-45/2022 and dated 5th April 2022.

The Finance Department, as per their communication with reference number FD (PRC) 1-1/2012, dated August 17, 2012, has outlined specific conditions under which officers holding higher posts are eligible for pay fixation.

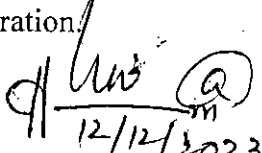
I hereby humbly request your consideration for the adjustment of my pay and emoluments to align with the higher pay scale. I meet all the requisite conditions, particularly as I am the most senior Sub-Engineer in the BPS-16 category within the PHED. My eligibility is substantiated by the following:

1. I have been officially appointed to the position of Sub-Divisional officer, BPS-17, under the OPS scheme by the competent authority. This appointment was made in accordance with an who Approved summary endorsed by the competent authority.
(Please find attached my charge assumption document.)
2. It is noteworthy that I hold the highest seniority among the available BPS-16 Sub-Engineer, and my find qualifications and experience fully meet the criteria for the said post.
(Attached, please find the seniority list for reference.)
3. In light of my appointment, I have independently assumed the responsibilities associated with the higher post and have formally relinquished my duties in the lower post.
(Please find attached my charge relinquishment document.)

I humbly request your assistance in facilitating the necessary approvals from the Finance Department to authorize the adjustment of my pay and allowances to correspond with the higher post. Your cooperation in this matter would be greatly appreciated.

Thank you for your attention and consideration.

Sincerely;


12/12/2023

Amir Zada
Sub Divisional Officer
PHED Subdivision
Tangi (Charsadda)

30

30

SERVICE HISTORY

S.No	Date	Appointment	Recommendation of body
1	26/02/1996	Sub- Engineer (BPS-11)	Khyber Pakhtunkhwa Public service commission
2	07/03/2018	Up gradation from (BPS-11) to (BPS-16)	Up gradation committee/Competent authority
3	5/04/2022	Sub-Division officer (OPS) BPS-17	Competent Authority



(31)

~~31~~
31

OFFICE OF THE SUB DIVISIONAL OFFICER
PUBLIC HEALTH ENGG: SUB DIVISION TANGI.

ASSUMPTION OF CHARGE.

In Pursuance of the Secretary to Government of Khyber Pakhtunkhwa Public Health Engineering Department Peshawar Notification No. SO (Estt :) /PHED/1-44/ 2022 dated: 03-11-2023 I, Engr. Haris Bakht, (BPS-17) hereby assume the charge of Sub Divisional Officer Public Health Engineering Sub Division Tangi, today on 06th November, 2023 (F.N).

(Engr. Haris Bakht)
Sub Divisional Officer
PHE Sub Division Tangi

Endst: No. E-1/02

Dated 06/11/2023.

Copy forwarded for information to the: -

- 1- Accountant General Khyber Pakhtunkhwa Peshawar.
- 2- Chief Engineer (Center) Public Health Engineering Deptt: Peshawar.
- 3- Director Technical PHE Deptt: Peshawar.
- 4- Superintending Engineer PHE Circle Peshawar.
- 5- Executive Engineer PHE Division Charsadda.
- 6- Deputy Commissioner, Charsadda.
- 7- District Accounts Officer, Charsadda.
- 8- Section Officer (Estt :) PHE Deptt: Khyber Pakhtunkhwa Peshawar.
- 9- PS to Minister for PHED Khyber Pakhtunkhwa Peshawar.
- 10- P.S to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
- 11- Officer Concerned
- 12- Office Order / Personal File.

Attestd.

Yaqoob

(Engr. Haris Bakht)
Sub Divisional Officer
PHE Sub Division Tangi



(32)

**OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG: DIVISION CHARSAJDA.
Email:- phecharsadda@gmail.com Phone No.091-9220493**

No. _____ /

Dated Charsadda the. ____/12/2023.

Subject:- **HANDING / TAKING OF VEHICLE.**

Suzuki Jiminy Jeep along with below relevant accessories.

1. Engine No. → M13A-247686
2. Chasis No. → JSAFJB43V00727834
3. Vehicle No. → AB-1620 Peshawar
4. Color. → White
5. Modcl. → 2018.

The above mentioned vehicle is handed over to the Sub Divisional Officer PHE Sub Division Tangi for his office use.

Handing over by.
Mr. Amir Zada.
Sub Divisional Officer
PHE Sub Division Tangi

Taken over by.
Mr. Haris Bakht
Sub Divisional Officer
PHE Sub Division Tangi

Countersigned
Executive Engineer
PHE Division Charsadda

Annex-C

(30)

(33)

BEFORE THE SECRETARY PUBLIC HEALTH ENGINEERING DEPTT;-

KHYBER PAKHTOON KHWA PESHAWAR

(Through)

SECTION OFFICER (E) PUBLIC HEALTH ENGINEERING
DEPTT.KHYBER PAKHTOON KHWA PESHAWAR

SUB;- APPLICATION FOR IMPLEMENTATION OF ORDER OF
HONORABLE SERVICE TRIBUNAL DATED.29.11.2023 IN TRUE
LETTER & SPIRIT

Ref No. & Dated 28-11-2023

Sir;-

1. That the applicant is posted as sub-divisional officer (OPS) at PHE subdivision Tangi (Charsadda) since 19/07/2023
2. That applicant was transferred from subdivision Charsadda to Tangi vide order 19/07/2023 for which applicant filed a service appeal NO.2044/2023 before honorable Service Tribunal KPK Peshawar; wherein respondents are directed that **"The appellant will not further transferred till the final decision of the instant appeal"** vide order sheet dated 17-10-2023. (Copy attached)
3. That inspite of clear and crystal direction issued by Honorable Service Tribunal KPK Peshawar, applicant was again transferred from the post of SDO (Ops) Tangi (Charsadda) to office Chief Engineer KPK Peshawar vide order dated 03-11-2023, which is violation of order of Honorable Service Tribunal, which is illegal, against law, facts and violation of order of KPK Service Tribunal dated 17-10-2023. (Copy attached)
4. That applicant filed on application for implementation order of Service Tribunal dated 17-10-2023 before the Service Tribunal KPK Peshawar,

A Gested

Jul

(34)

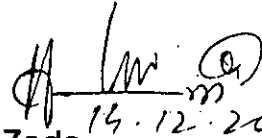
33

which was allowed vide order dated 29-11-2023, in which the transfer order of applicant dated 03-11-2023 is declared violation of order of Service Tribunal KPK Peshawar dated 17-10-2023 and stay order is granted to the applicant till further order: (Attached Copy of order is attached)

5. That applicant once again requesting to your honour that applicant still is serving as a SDO (Ops) Tangi (Charsadda) and still not relinquish the charge of the said post and stay order is granted vide order dated 29-11-2023, So, during stay order, applicant could not relinquish the charge of the post as well as taken over charge in office of Chief Engineer Public Health KPK Peshawar, therefore, applicant is requesting for advise of the same accordingly.

It is therefore, humbly requested that applicant may please be served at his post i.e. SDO(ops) Tangi (Charsadda) till the decision of appeal.

Your Faithfully


14.12.2023

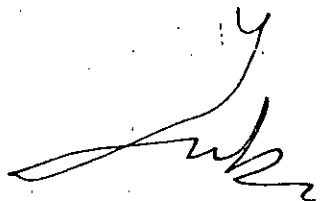
Amir Zada

SDO (Ops) Tangi

(Charsadda)

Dated 14/12/2023

Attested



قیمت 100 روپے بریل نمبر: 1324



ایڈوکیٹ: یعقوب خان ایڈوکیٹ
بار کونسل ایسوسی ایشن نمبر: RC-08-5569
رابطہ نمبر: 0321-9309427

ڈسٹرکٹ بار ایسوسی ایشن مردان

بعدالت جناب: سسر سسرٹبونل پینل

دعویٰ مقدمہ:	منجانب:
علت نمبر:	اصیر ذارہ
جرم:	بنام
تھانہ:	سسر سسرٹبونل پینل

باعث تحریر آئنگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام پینل کے لیے ایسے ایسے خزانے اور دیگر اشیاء کو وکیل 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 کی طرفہ 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 ساختہ برداشتہ منظور قبول ہوگا۔
 دوران مقدمہ جو خرچہ و ہرجانہ اتوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔

نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کسی تاریخ پیشی پر وکیل 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 دینا تاکہ سندرگے۔

الموقع: 30/1/24 مقام
 DISTRICT BAR ASSOCIATION
 KHYBER PAKHTUNKHWA

دستخط وکیل موصوف
 منظور
 District Bar Association
 Khyber Pakhtunkhwa

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