

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No 1961-P/2023

MUHAMMAD NAUMAN V/S
OTHERS

GOVT. OF KP &

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Respondent No.4

Through

NOOR MOHAMMAD KHATTAK
ADVOCATES SUPREME COURT

15-02-2024

-/-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No 1961-P/2023

MUHAMMAD NAUMAN V/S GOVT. OF KP & OTHERS

REPLY ON BEHALF OF THE RESPONDENT NO.4

R/SHEWETH:

Preliminary Objections:

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11131

Dated 14-02-24

- i. The appellant has got no cause of action to file the instant service appeal.
- ii. The appellant has no locus standi to file the instant service appeal.
- iii. The instant appeal is baseless, frivolous and concocted, based on malafide intentions for ulterior motives, hence not tenable at all.
- iv. The appellant is estopped by his own conduct to file the instant service appeal.
- v. The appellant has concealed material facts from this Honorable Tribunal while filing the instant service appeal.
- vi. The instant service appeal is not maintainable in its present form.
- vii. The appeal in hand is also time-barred, hence cannot proceed further.
- viii. The appellant has not come to this Honourable Tribunal with clean hands.

ON FACTS:

- 1- Para No. 1 of the appeal is admitted as correct.
- 2- Para No. 2 of the appeal is incorrect, hence denied. The appellant was transferred by the official respondents after completion of his normal tenure at District Shangla because vide Notification dated 15.7.2022 the private respondent No.4 was transferred by the competent authority from the Post of Assistant Director Malakand to District Shangla and in compliance of the ibid notification the private respondent No.4 took over the charge of the said post. That upon completion of the normal tenure at District Shangla the replying respondent was transferred to the post of Assistant Director Fisheries, Mardan vide Notification dated 5.12.2023, in compliance of the ibid notification the replying respondent submitted his charge report and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copies of the Notifications and charge report are attached as annexure **R, R1 and R2.**
- 3- Incorrect and misconceived. That the replying respondent after completion of his tenure at hard area of District Shangla was rightly transferred to District Mardan. Beside this as per section-10 of the Civil Servant Act, 1973 every civil servant is liable to serve the Department where posted by the competent authority, therefore the instant appeal of the appellant is not maintainable on this score alone.
- 4- Para No. 4 of the appeal is incorrect, hence denied. The rules and the judgments are not attracted to the instant case.
- 5- Para No. 5 of the appeal is incorrect, hence denied.

ON GROUNDS:

- A** Para A of ground is incorrect. The detail reply has already been given in the preceding Paras No 1, 3 & 5 above.
- B.** Para B of ground is incorrect. The FIR dated 10/05/2023 mentioned in the instant para, which was lodged against the MNA'S/MPA's has no concerned with the appointment process of the Fisheries Department, District Mardan, as no

interference/ involvement of any such MNA'S/MPA's in the recruitment process was found in the record of the Fisheries Department, District Mardan, therefore the nomination of Respondent No 04 in the said FIR is not understandable. However, the scenario behind the posting/transfer of the appellant has been explained above in Para-01, Para-03 & Para-05 of the reply on the facts.

- C.** Para C of ground is incorrect. The detail reply has already been given in the preceding Paras No 1, 3 & 5 above of the facts.
- D.** Para D of ground is incorrect. The detail reply has already been given in the preceding Paras No 1, 3 & 5 above of the facts.
- E** The answering respondents will also raise additional grounds at the time of arguments.

It is therefore requested that on acceptance of the Instant para wise comments, the appeal of the appellant may kindly be dismissed.


Respondent No. 4

Through


NOOR MOHAMMAD KHATTAK
Advocate Supreme Court

&


Mahmood Jan
Advocate High Court

AFFIDAVIT

I, Muhammad Israil, Respondents No.4, do hereby solemnly affirm that the contents of this **REPLY** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.




RESPONDENT



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

Dated Peshawar the 15th July, 2022

NOTIFICATION:

NO. SO (LFC) AD-DF-3(12)/2020:-

Fisheries (BS-17 a.c.b), Malakand is hereby transferred and posted as Assistant Director Fisheries (BS-17 a.c.b) Shangla, Fisheries Department in the Public Interest with immediate effect.

Mr. Muhammad Israil, Assistant Director

SD/-
SECRETARY AGRICULTURE,
LIVESTOCK, FISHERIES & COOP:
DEPARTMENT

Sends. No. & date of Even.
Copy forwarded to the:-

1. The Director General, Fisheries Khyber Pakhtunkhwa for information
2. District Account Officer Malakand & Shangla.
3. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperatives Department.
4. Officer Concerned.
5. Master file.

(AHMAD HUSSAIN)
SECTION OFFICER (LFC)

ATTEST

R/1

5-



GOVERNMENT OF KHYBER PAKHTUNKHWA
LIVESTOCK, FISHERIES & COOPERATIVE
DEPARTMENT
Civil Secretariat Complex -II (Ex-FATA Sectt.), Warsak Road, Peshawar

Dated Peshawar the December 05, 2023/648

NOTIFICATION

NO.SO (E)/FC/2-4/2023:

The posting/transfer of the following officers of Directorate General Fisheries Khyber Pakhtunkhwa are hereby ordered, in the public interest with immediate effect: -

S.No	Name & Designation of the officers	From	To
1	Mr. Tanveer Shehzad, Assistant Director Fisheries (BS-17).	Assistant Director Fisheries Mardan & look after charge of the post of Assistant Director Fisheries, Swabi.	Assistant Director Fisheries, Swabi.
2	Muhammad Ismail, Assistant Director Fisheries (BPS-17) on acting charge basis.	Assistant Director Fisheries, Shangla.	Assistant Director Fisheries, Mardan.
3	Muhammad Miraj, Assistant Research Officer (BPS-16).	Assistant Research Officer office of Assistant Director Fisheries, Shangla.	Assistant Director Fisheries, Shangla (OPS).

SD/-
SECRETARY
LIVESTOCK, FISHERIES & COOP:
DEPARTMENT

Copy forwarded to the:-

1. Director General Fisheries, Khyber Pakhtunkhwa, Peshawar.
2. District Account Officers, Mardan, Shangla and Swabi.
3. PS to Secretary Livestock, Fisheries & Cooperative Department.
4. Officers concerned.
5. Master File.

Waqar Khan
(Waqar Khan)
Section Officer (Estt:)

Endst: No. Egdt 6643-48 /DGF/Estt:

Dated Peshawar the 05 /12/2023.

Copy of the above is forwarded for information and necessary action to:-

- 1- The District Accounts Officer, Mardan, Swabi & Shangla.
- 2- The Director Fisheries Shangla.
- 3- The Assistant Director Fisheries, Mardan.
- 4- The Assistant Director Fisheries, Swabi.
- 5- The Assistant Director Fisheries, Shangla.
- 6- Officers concerned.

ATTACHED

15/1
DIRECTOR GENERAL FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR

"R/2" -6-



OFFICE OF THE DISTRICT OFFICER FISHERIES MARDAN

Phone No: 0937-560040 Email: dofisheriesmrd6198@gmail.com

No. 498-502-A
DOF/M Dated Mardan the 07/12/2023

CHARGE ASSUMPTION

In compliance with the office order no. SO(E) LFC/2-4/2023, Dated 05/12/2023-648 of the Secretary to the Government of Khyber Pakhtunkhwa, Livestock, Fisheries and Cooperative Department.

I, Mr. Muhammad Israil, hereby assume the charge of the post of Assistant Director Fisheries/ District Officer Fisheries District Mardan today on 06/12/2023 (FN).

Sd/-
MUHAMMAD ISRAIL
DISTRICT OFFICER FISHERIES
MARDAN



Copy to;

- Director General Fisheries Khyber Pakhtunkhwa Peshawar
- Deputy Commissioner Mardan
- District Comptroller of Accounts Mardan
- National Bank Mardan
- Personal File


DISTRICT OFFICER FISHERIES
MARDAN

ATTEST

-7-

	<p>www.fisheries.kp.gov.pk OFFICE OF THE DISTRICT OFFICER FISHERIES MARDAN Carp Hatchery Charbanda, Mardan ☎ 0937-560040 No.273-78 /DOF/M</p>	
	Dated: 14/06/2023	

RELINQUISH OF CHARGE

In pursuance of the secretary to the Government of Khyber Pakhtunkhwa Livestock, Fisheries and Cooperative department Notification No. SO (E) LFC/2-4/2023 dated 26-05-2023; I Muhammad Nauman, relinquish the charge of the office of the District Officer Fisheries Mardan on 14-06-2023 (AN).

District Officer Fisheries
Mardan

Copy forwarded for information to:

1. PS to Secretary Livestock, Fisheries & Cooperative Department
2. The Director General Fisheries Khyber Pakhtunkhwa, Peshawar
3. The Deputy Commissioner Mardan
4. The District Comptroller of Accounts, Mardan
5. District Officer Fisheries Mardan (With Charge note and Pending bills detailed note attached please).

ATTES:


District Officer Fisheries
Mardan

-8-

RELINQUISH OF CHARGE .

In compliance with the Government of Khyber Pakhtunkhwa, Livestock, Fisheries and Cooperative Department Notification No. SO (E) LFC/2-4/2023, Dated 05/12/2023. - 646 -

I Mr. Muhammad Israil hereby relinquished the charge of the post of Assistant Director Fisheries/District Officer Fisheries District Shangla today on 05/12/2023 (AN).

SD/-
MUHAMMAD ISRAIL
DISTRICT OFFICER FISHERIES
SHANGLA .

No. 1075-71 /DOF/SH:

Dated: 05 /12/2023.

Copy forwarded for information and necessary action to:

- The Director General Fisheries Khyber Pakhtunkhwa Peshawar Please.
- The Deputy Commissioner District Shangla Please .
- The Director Fisheries Shangla.
- The District Accounts Officer Shangla Please.
- Personal file.

[Faint signature]

[Signature]
DISTRICT OFFICER FISHERIES
SHANGLA.

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appellant No 1961/2023

M. Nouman.

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of KPK

(RESPONDENT)
(DEFENDANT)

I/we Muhammad Israel (Private Respondent)

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/202

CLIENT

M. Israel

ACCEPTED

Noor Mohammad Khattak
NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

Waleed Adnan
WALEED ADNAN

Umar Farooq Mohmand
UMAR FAROOQ MOHMAND

Muhammad Ayub
MUHAMMAD AYUB

&

Mahmood Jan
MAHMOOD JAN
ADVOCATES

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)