

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Contempt of Court / E.P No. 116/2024
IN
Service Appeal No. 2044/2023

Amir Zada S/O Bahadar Khan Sub Divisional Officer (OPS) PHE Sub Division Charsadda
R/O Qasim (Toru) Tehsil & District Mardan.

Versus

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary Peshawar.
2. Secretary, Public Health Engineering Department, Peshawar.
3. Asghar Ali Khan SDO PHE Division Tangi.

INDEX

S. NO	Description of Documents	Annexures	PAGE NO
1.	Joint Parawise reply	--	1 - 2
2.	Affidavit	--	3
3.	Authority Letters	--	4
4.	Copy of posting/transfer dated 19-07-2023	A	5
5.	Copy of order sheet of tribunal dated 26-10-2023	B	6

M. Irfan Anjum
DEPONENT

M.Irfan Anjum
Superintendent (Lit) PHE
Department Peshawar
0313-9064196

27-03-2024

D.B
Peshawar

1

Khyber Pakhtunkhwa
Service Tribunal

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Contempt of Court E.P No.116/24

In

Service Appeal No. 2044/2023

Diary No. 11799

Dated 19-03-2024

Amir Zada S/O Bahadar Khan Sub Divisional Officer (OPS) PHE Sub Division Tangi
(Charsadda) Village and P.O Qasim (Toru) Tehsil and District Mardan.

..... Appellant.

V E R S U S

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

..... Respondents

JOINT PARA-WISE REPLY ON BEHALF OF RESPONDANTS NO. 1& 2.

RESPECTFULLY SHEWETH,

1. Pertains to record. Hence no comments.
2. Incorrect and misconceived. It is clarified that the appellant is misleading this honorable Tribunal. The respondent No.1 posted the newly recommended candidates namely; Engr. Azhar Ali Khan, SDO PHE Sub Division, Charsadda and Engr. Haris Bakht, SDO PHE Sub Division, Tangi Charsadda. (Copy of posting/transfer dated 19.07.2023 is attached as Annexure-A). It is also added that the instant appeal was dismissed by the Khyber Pakhtunkhwa Service Tribunal Peshawar on 26.10.2023 for non-compliance of the court order and not depositing expenses of TCS as well as the appellant also not appeared before the Tribunal.

The respondent department received the order sheet of 26.10.2023 (Copy of order sheet dated 26.10.2023 is attached as Annexure-B) and the respondent No.1 being the competent authority due to dismissal of the instant appeal on 26.10.2023 placed the appellant on 03.11.2023 at the disposal of Chief Engineer (Center) PHED for further posting as Sub Engineer (BPS-16), as the instant appeal was dismissed, hence status quo also remained inoperative.

It is to clarify that as per Service Rules of PHE Department the post of SDO is to be filled through initial recruitment by Public Service Commission/promotion from the post of Sub Engineer. Upon arrival of SDO on the recommendation of Public Service Commission against initial quota, the newly recommended SDO namely Engr. Haris Bakht has been posted as SDO (BS-17) PHE Division, Tangi by the competent authority in the best public interest.

3. Incorrect and misconceived. As discussed in para-2 of the above.
4. Incorrect and misconceived. As discussed in para-2 of the above.
5. Incorrect and misconceived. It is clarified that the appellant is misleading this Honorable Tribunal who never acted upon order of the competent authority till date.
6. Incorrect and misconceived. The Khyber Pakhtunkhwa Service Tribunal Peshawar on 26.10.2023 dismissed the Service appeal No.2044/2023 for non-compliance of the court order and not depositing expenses of TCS as well as the appellant also not appeared before the Tribunal (Order Sheet already enclosed as Annex-B).

7. Incorrect and misconceived. As discussed in the preceding paras, however, it is clarified that this Honorable Tribunal restored the service appeal of the appellant and Secretary PHE department being the competent authority transferred the appellant before the restoration of the appeal. It is also clarified that the appellant was assigned the post of SDO in own pay scale (OPS) and the claims of appellant with regard to TA/DA and POL is baseless, he has been compensated by office of the Executive Engineer PHE Division, Charsadda time to time for timely execution of developmental works in the sector of water supply and sanitation services in the best public interest. As the appellant is also not in the promotion zone to the post of regular SDO therefore, his application for higher pay & allowances could not be entertained under the policy in vogue.
8. Incorrect and misconceived. As discussed in the preceding paras. Hence denied.
9. Incorrect and misconceived. The respondents are not contemnors. Keeping in view order sheet of this Tribunal 26.10.2023.

PRAYERS:

In view of the aforementioned facts, it is, therefore, most humbly prayed before this honorable Tribunal that the official respondents have never ~~been~~ violated orders of the Tribunal. Keeping in view the above factual position and clarification the present execution petition being vexatious and devoid of merit may please be dismissed with cost.


Respondent No. 2

ENGR. FAIZA SANA
Executive Engineer
PHE Division, Charsadda


Respondent No. 1

SHAHID SOHAIL KHAN
Secretary Public Health Engineering
Department Peshawar
Secretary to Govt. of
Khyber Pakhtunkhwa
P.H.E. Department

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Contempt of Court E.P No.116/24

In

Appeal No. 2044/2023

Amir Zada S/O Bahadar Khan Sub Divisional Officer (OPS) PHE Sub Division Charsadda
R/O Qasim (Toru) Tehsil & District Mardan.

..... Appellant.

V E R S U S

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. The Secretary Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.
3. Asghar Ali Khan SDO PHE Sub Division Tangi.

..... Respondents

AFFIDAVIT

I, Mr. Shahid Sohail Khan, Secretary Public Health Engineering Department Peshawar do hereby solemnly affirm and declare on oath that the contents of accompanying Para wise reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

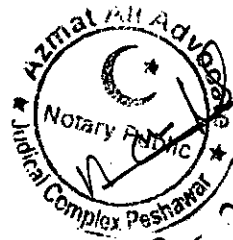
It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.


DEPONENT

CNIC # 17301-8464231-9

Cell # 0300-5501880

ATTESTED



14-3-2024

4

**GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT**


(Civil Secretariat, Technical Block, Police Line Road, Peshawar)


Dated Peshawar, the March 12, 2024

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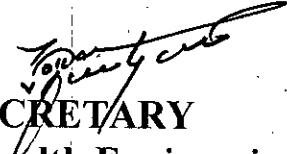
 phed.lit@gmail.com

 0919223432

 0919213922

AUTHORITY LETTER

No. SO(LIT)PHED/ST-106/Amir Zada: Mr. Irfan Anjum, Superintendent (Litigation) PHE Department, are hereby authorized to submit the Joint Parawise reply and attend the Khyber Pakhtunkhwa in connection with the defense of Contempt of Court / E.P No. 116/2024 in S.A No. 2044/2023 titled "Amir Zada VS Government of Khyber Pakhtunkhwa through Secretary Public Health Engineering Department & Others" on behalf of the Secretary Public Health Engineering Department, to protect the Government interest.


SECRETARY
Public Health Engineering
Department Peshawar
Secretary to Govt. of
Khyber Pakhtunkhwa
P.H.E. Department



**GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT**

Dated Peshawar, the July 19, 2023

NOTIFICATION

No.SO(Estt)/PHED/1-44/2022: The competent authority is pleased to order the following posting/transfers of officers of Public Health Engg: Department, in the interest of public service:

S#	Name	From	To
1.	Engk. Azhar Ali Khan, (BPS-17)	SDO PHE Sub Division, Tangi Charsadda.	SDO PHE Sub-Division, Charsadda.
2.	Mr. Amir Zada, (BPS-16)	SDO (OPS) PHE Sub-Division, Charsadda.	SDO (OPS) PHE Sub Division, Tangi Charsadda.
3.	Mr. Rafiq Ayaz, (BPS-12)	Sub Engineer PHE Division, Peshawar.	SDO (OPS) PHE Sub Division, Pishtakhara, Peshawar-II


**SECRETARY
PHE DEPARTMENT**

No.SO(ESTT)/PHED/1-44/2022:

Dated Peshawar, the July 19, 2023

Copy forwarded for information & necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Chief Engineer (Center) PHE Khyber Pakhtunkhwa Peshawar.
3. Director Technical PHE Department Peshawar.
4. Superintending Engineer PHE Circle, Peshawar.
5. Executive Engineer PHE Division, Peshawar-II & Charsadda.
6. District Accounts Officer, Charsadda.
7. Assistant Director I.T, PHE Department, Peshawar.
8. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Peshawar.
10. PA to Additional Secretary PHE Department.
11. Officers concerned.
12. Office Order / Personal Files.


19/7/23
**(SHER AZAM KHAN)
SECTION OFFICER (ESTT)**

*Attested
from
Superintendent
PHE Department
Peshawar*

A. No. 2044 / 2023
Ameer Zada vs Govt

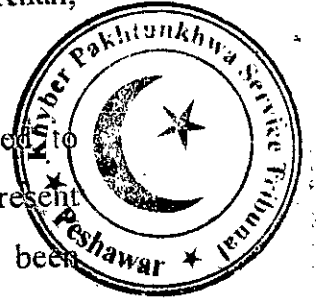
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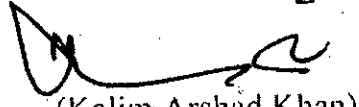
26th Oct, 2023

1. None for the appellant present. Mr. Asad Ali Khan,
Assistant Advocate General for the respondents present.

2. On the previous date, the appellant was directed to
deposit expenses of TCS but today neither anybody is present
on behalf of the appellant nor expenses of TCS have been
deposited, therefore, the instant appeal is dismissed for non-
compliance of the court order. Consign.

3. Pronounced in open court in Peshawar and given under
my hand and seal of the Tribunal on this 26th day of October,
2023.




(Kalim Arshad Khan)
Chairman

Adnan Shah
Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 26/10/23
Number of Words 150
Copying Fee 5/-
Urgent _____
Total 5/-
Name of Copyist Shahzad
Date of Completion of Copy 30/10/23
Date of Delivery of Copy 03/11/23