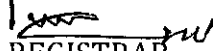



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 2565 /2021

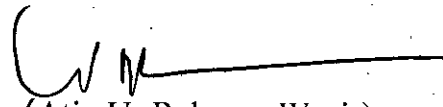
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/02/2021	<p>The appeal of Mst. Noreen Bibi resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench. for preliminary hearing to be put up there on <u>26/02/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right;"><i>[Faint handwritten notes and signatures]</i></p>

26.02.2021

Counsel for the appellant present.

Learned counsel for the appellant requested for withdrawal of instant service appeal on the ground that grievance of the appellant has been redressed. In this regard signature of the learned counsel for the appellant has been obtained in the margin of order sheet. Consequently the present service appeal is dismissed as withdrawn. No order as to costs. File be consigned to the record room.

Announced
26.02.2021


(Atiq Ur Rehman Wazir)
Member (E)



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR.

OFFICE ORDER.

This office order issued vide Endst No. 14279-83 Dated.28/09/2020 in r/o

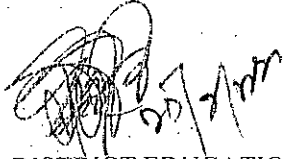
Mst:Noreen Bibi PSHT GGPS Inzari Banda Peshawar regarding transfer to GGPS Pir Bala,
Peshawar stand at S.No.2 is hereby Restored.

DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR

Endst: No. 1652-54 / Dated. 25 / 02 /2021.

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. SDEO (F) Concerned, Peshawar. *Town II*
3. ASDEO (F) Concerned.
4. Official Concerned.


DY: DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR.

The appeal of Mst. Noreen Bibi PSHT GGPS Pir Bala Peshawar received today i.e. on 09/02/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Affidavit may be got attested by the Oath Commissioner.


No. 294 /S.T,

Dt. 09/02 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv., Pesh.

Respected Sir,
1- *Removed.*
2- *Removed*

Resubmitted after compliance

10/2/2011.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____ /2021

Noreen Bibi

V/S

Education Deptt:

INDEX


S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-03
2.	Suspension application	-----	04-05
2.	Copy of order dt: 24.06.2019	---A---	06-08
3.	Copy of order dt: 13.02.2020	---B---	09
4.	Copy of order dt: 28.09.2020	---C---	10
5.	Copy of cancellation order dt: 22.10.2020	---D---	11
6.	Copy of departmental appeal	---E---	12
9.	Copy of posting/transfer policy	---F---	13 - 19
10.	Copy of Circular dt: 27-02-2013	---G---	20 - 21
15.	Vakalat Nama	-----	22

APPELLANT


THROUGH:-

(SYED NOMAN ALI BUKHARI)
Advocate High Court

(ASAD MAHMOOD)
Advocate High Court


M. ASIF YOUSAFZAI
Advocate Supreme Court
Of Pakistan.


(TAIMUR ALI KHAN)
Advocate High Court


(SHAHKAR KHAN YOUSAFZAI)
Advocate

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 03339103240

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 2565 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2524

Dated 09/2/2021

Mst. Noreen Bibi, PSHT (BPS-15)
GGPS Pir Bala Peshawar.

(Appellant)

VERSUS

1. The Secretary (E&SE) Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director Education (E&SE) Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female) Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 22.10.2020, WHEREBY THE TRANSFERRED ORDER DATED 28.09.2020 OF THE APPELLANT FROM GGPS INZARI BANDA PESHAWAR TO GGPS PIR BALA PESAHAWR WAS WITHDRAWN JUST AFTER 24-DAYS IN UTTER VIOLATION OF POSTING TRANSFER POLICY AND CIRCULAR DATED 27.02.2013 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

Filed to-day

Registrar

9/2/2021

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 22.10.2020 MAY KINDLY BE SET-ASIDE AND THE RESPONDENT MAY KINDLY BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND VIOLATION OF POSTING TRANSFER POLICY AND CIRCULAR DATED 27.02.2013. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Re-submitted to -day
and filed.

Registrar

10/2/2021

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as PST (PTC) in the year 2000 and since her appointment the appellant is working in the respondent department with great devotion and honest whatsoever, assigned to her and no complaint has been filed against her regarding her performance.
2. That the appellant was promoted to PSHT (BPS-15) and was further posted at GGPS Hameed Abad Peshawar vide order dated 24.06.2019. The appellant was then transferred from GGPS Hameed Abad Peshawar to GGPS Inzari Banda Peshawar vide order dated 13.02.2020. **(Copies of order dated 24.06.2019 & 13.02.2020 are attached as Annexure-A &B)**
3. That the appellant was then transferred from GGPS Inzari Banda Peshawar to GGPS Pir Bala Peshawar against the vacant post along with other officials vide order dated 28.09.2020, but astonishingly just after 24-days, the transferred order dated 28.09.2020 only in respect of appellant was withdrawn vide cancellation order dated 22.10.2020 without showing any reasons by the authority of cancellation of order dated 28.09.2020. **(Copies of order dated 28.09.2020 & cancellation order dated 22.10.2020 are attached as Annexure-C&D)**
4. That being aggrieved from the cancellation order dated 22.10.2020, the appellant filed departmental appeal on 2.11.2020, which was not responded within the statutory period of 90-days. **(Copy of departmental appeal is attached as Annexure-E)**
5. That now the appellant has no other remedy except to file the present service appeal for redressal of her grievances before this august Tribunal on the following grounds amongst others.

GROUND:

- A) That not taking action on the departmental appeal of the appellant and the cancellation order dated 22.10.2020 are against the law, facts, norms of justice, posting transfer policy and circular dated 27.02.2013 therefore, not tenable and liable to be set-aside.
- B) That the appellant's transferred order from GGPS Inzari Banda Peshawar to GGPS Pir Bala Peshawar has been cancelled just after 24-days, which is clear violation of posting/transfer policy and circular dated 27.02.2013. **(Copies of posting/transfer policy and circular dated 27.02.2013 are attached as Annexure-F&G)**
- C) That the impugned order is also premature as the impugned order was passed just after 24-days, which is clear violation of posting/transfer policy and circular dated 27.02.2013, therefore, the impugned order is liable to be set-aside on the ground alone.

- D) That the appellant has been transferred 4 times about in one year and such successive transfers were discouraged by the superior court in plethora of judgments as due to successive transfer, the appellant has unable to perform her duty with best of her ability and capability.
- E) That the post of the appellant is still vacant at GGPS Pir Bala Peshawar as no substitute has transferred on that post and it will be in the interest of justice to set aside the impugned order and to allow the appellant to work on that post till his normal tenure as per posting transfer policy.
- F) That the impugned order was passed neither in any exigencies nor in public interest, but just to adjust blue eyed person on the post of the appellant which is not permissible under the law and rules.
- G) That in order dated 28.09.2020, 06 officials were transferred including the appellant, but their transfer order was not withdrawn, while the appellant was discriminated by cancelling her transfer order only which is clear violation of Article-25 of the Constitution of Pakistan and also against the norms of justice and fair play. Therefore the impugned order is liable to be set aside.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.



APPELLANT
Noreen Bibi

THROUGH:-



M. ASIF YOUSAFZAI
Advocate Supreme Court
Of Pakistan.

(SYED NOMAN ALI BUKHARI)
Advocate High Court



(TAIMUR ALI KHAN)
Advocate High Court

(ASAD MAHMOOD)
Advocate High Court



(SHAHKAR KHAN YOUSAFZAI)
Advocate

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2021

Noreen Bibi

V/S

Education Deptt:

**APPLICATION FOR SUSPENDING THE
OPERATION OF ORDER DATED 22.10.2020
TILL THE DECISION OF MAIN SERVICE
APPEAL.**


RESPECTFULLY SHEWETH:

- 1) That the appellant has filed an appeal against the order dated 22.10.2020, whereby transfer order dated 28.09.2020 of the appellant from GGPS Inzari Peshawar to GGPS Pir Bala Peshawar has been withdrawn just after 24-days and against not taking action on the departmental appeal of the appellant within the statutory period of 90-days along with this application in this august Service Tribunal in which no date is fixed so for.
- 2) That impugned order dated 22.10.2020 was premature and passed in violation of posting transfer policy and circular dated 27.02.2013, therefore. The impugned order is liable to be suspended.
- 3) That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.
- 4) That the grounds of main appeal may also be considered as integral part of this application.

It is therefore most humbly prayed that the operation of the order dated 22.10.2020 may kindly be suspended till the decision of main appeal.

APPELLANT

THROUGH:


M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT

&

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

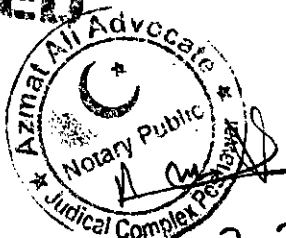
AFFIDAVIT

It is solemnly affirmed that the contents of the application is true and correct to best of my knowledge and belief and nothing has been concealed from this Honourable Service Tribunal.



DEPONENT

ATTESTED



A 1
B

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR.

OFFICE ORDER:-

Consequent upon the recommendation of Departmental Promotion Committee, the following SPST BPS.14 are hereby promoted to the post of Primary School Head Teacher BPS.15 (Rs. 16120-1330-56020) plus usual allowances against the vacant post noted against each their names in the interest of public service with immediate effect.

Sr No	Name of Circle	Name of Town	Teacher name	Desig;	From	To	Remarks
1	CANTT	Town 3	GUL E RANA	SPST	GGPS Landi Arbad No.1	GGPS Bar Garhi Maryamzai	A.V.P
2	H/ Abad	Town 3	MUSRRAT IMRAN	SPST	GGPS NO.3.TEHKAL BALA	GGPS Khawaja Mir Kallay	A.V.P
3	City	Town 1	YASMEEN AKHTAR	SPST	GGPS Quaid Abad	GGPS Talam Khan Kally	A.V.P
4	C/Pura	Town 2	AMNA BEGUM	SPST	GGPS NASIR PUR	GGPS Gul Abad Mashogagar	A.V.P
5	C/Pura	Town 2	SHABNAM NAHEED	SPST	GGPS PAKHA GHULAM	GGPS Palosin Abad	A.V.P
6	CANTT	Town 3	Yasmeen Begum	SPST	GGPS CANTT NO 1	GGPS Masho Khel Anizai No.1	A.V.P
7	CANTT	Town 3	Robina Nahid	SPST	GGPS DHERI BAGHBANAN	GGPS DHERI BAGHBANAN	A.V.P
8	CANTT	Town 3	ANEELA MEHBOOB	SPST	GGPS CANTT NO 1	GGPS Masho Khel Anizai No.2	A.V.P
9	City	Town 1	AISHA KHAN	SPST	GGPS Ijaz Abad	GGPS Aza Khei No.1	A.V.P
10	C/Pura	Town 2	FARHA DIBBA	SPST	GGPS SARDAR GARHI	GGPS Garhi Jala Din	A.V.P
11	C/Pura	Town 2	YASMIN	SPST	GGPS LALA KALLEY	GGPS Kashaingar Adezai	A.V.P
12	C/Pura	Town 2	SHAZIA NOREEN	SPST	GGPS CHAMKAN No.1	GGPS Garhi Taza Gul.	A.V.P
13	C/Pura	Town 2	Rozina Bibi	SPST	GGPS Nasir Pur	GGPS Garhi Nazar Dad Aza Khel	A.V.P
14	D/ Zai 1	Town 2	Asia Ali Ahmad	SPST	GGPS KUKAR	GGPS KUKAR	A.V.P
15	D/ Zai 1	Town 2	FOZIA KALEEM	SPST	GGPS Larama	GGPS Garhi Sohbat Khan	A.V.P
16	C/Pura	Town 2	ABIDA SHAHEEN	SPST	GGPS WADPAGGA	GGPS Daman Hindki	A.V.P
17	H/ Abad	Town 3	NIGHAT PERVEEN	SPST	GGPS Hayatabad No.3	GGPS Mian Ghari	A.V.P
18	H/ Abad	Town 3	GUL NIHAR	SPST	GGPS Abdara No.2	GGPS Kas Karooma Mathra	A.V.P
19	Urmar	Town 4	NASIM HAFIZ	SPST	GGPS SURIZAI PAYAN NO 3	GGPS Kuza Dehri Telaband	A.V.P
20	Mathra 1	Town 2	ZAKIA	SPST	GGPS SHER KILLI	GGPS SHER KILLI	A.V.P
21	C/Pura	Town 2	NARGIS ARA	SPST	GGPS NO.3 CHAMKANI	GGPS Ghari Umar Gul	A.V.P
22	B. Ber	Town 4	RUKHSANA GUL	SPST	GGPS MASHO GAGAR NO.2	GGPS MASHO GAGAR NO.2	A.V.P

Abesha

23	Mathra-2	Town 2	SHABANA NOREEN	SPST	GGPS PATWATR PAYAN	GGPS Noor Ghar	7
24	D/ Zai 1	Town 2	Naheeda	SPST	GGCMS Bagh Colony	GGPS Jatti Payan	A.V.P
25	CANTT	Town 3	NOREEN BIBI	SPST	GGPS IRRIGATION COLONY	GGPS Hameed Abad	A.V.P
26	B. Ber	Town 4	MAHNAZ QAZI	SPST	GGPS MUSTARZAI NO 2	GGPS MUSTARZAI NO 2	A.V.P
27	Mathra 1	Town 2	FAIMA NOREEN	SPST	GGPS Bilal Abad	GGPS Bilal Abad	A.V.P
28	H/ Abad	Town 3	Riasat Begum	SPST	GGPS Badizai	GGPS Ali Muhammad Banda	A.V.P
29	CANTT	Town 3	NAZNEEN KAUSAR	SPST	GGPS SYEDE NA ZANIB	GGPS Ghailb Khel Telaband	A.V.P
30	Mathra 1	Town 2	NAVEEDA AZAM	SPST	GGPS ALOO KILLI	GGPS Sheikh Kallay	A.V.P
31	C/PURA	Town 2	SABA GUL	SPST	GGPS JALA BELA	GGPS Banda Payan	A.V.P
32	CANTT	Town 3	SHAGUFTA AKBAR	SPST	GGPS RAILWAY QRTS	GGPS Bahar Garhi Maryam Zai	A.V.P
33	D/ Zai 1	Town 2	GHAZALA MURAD	SPST	GGPS Karerai	GGPS Karerai	A.V.P
34	D/ Zai-2	Town 2	SALMA USMAN	SPST	GGPS MAILOOGAN	GGPS Bela Baramad Khel No.1	A.V.P
35	Mathra-2	Town 2	SAFIA RANI	SPST	GGPS Garhi Abdul Manan	GGPS Burj Nasir Khan	A.V.P
36	CANTT	Town 3	SAHIRA BIBI	SPST	GGPS SYEDE NA ZANIB	GGPS Anzari Telaband	A.V.P
37	H/ Abad	Town 3	Shaheen Akhtar	SPST	GGPS Tehkal Bala No.1	GGPS.Inzari Banda	A.V.P
38	CANTT	Town 3	ROOMI LAILA	SPST	GGPS DHERI BAGHBANAN	GGPS Mera Maryamzai No.1	A.V.P
39	C/Pura	Town 2	NAHEEDA	SPST	GGPS BUDNI JICA	GGPS Turki Sara Sang	A.V.P
40	Urmar	Town 4	NAGINA SHAHEEN	SPST	GGPS Kaskay Waris Khan	GGPS Kaskay Waris Khan	A.V.P
41	H/ Abad	Town 3	Zarsanga	SPST	GGPS Polosi Piran	GGPS Hakeem Khan Kallay	A.V.P
42	Urmar	Town 4	SHAHZIA NOREEN	SPST	GGPS HAZAR KHAWANI NO.2	GGPS Mastarno Kallay	A.V.P
43	City	Town 1	SHAZIA SHAHEEN	SPST	GGPS Zahid Abad	GGPS Mattani No.1	A.V.P
44	B. Ber	Town 4	Robina Naz	SPST	GGPS Shiekh Muhammadi No.1	GGPS Shahab Khel	A.V.P
45	Mathra 1	Town 2	Zaib ul Haram	SPST	GGPS HASSAN GARHI	GGPS Shagai Thana	A.V.P
46	CANTT	Town 3	Mehrun Nisa	SPST	GGPS GULSHAN REHMAN	GGPS Gulfam Kallay	A.V.P
47	H/ Abad	Town 3	Shaista Qaisar	SPST	GGPS Islamia Colegate	GGPS Bagheecha	A.V.P

7 (8)

148	H/ Abad	Town 3	SAJIDA PARVEEN	SPST	GGPS FOREST COLLEGE	GGPS Sattar Karoona	A.V.P
-----	---------	--------	-------------------	------	------------------------	------------------------	-------

TERMS AND CONDITION:-

1. Charge report should be submitted to all concerned.
2. Necessary entry to this effect should be made in their service books.
3. Their salaries will be released on the post of PSHT after proper verification of BA/B.Sc Degree from the concerned Universities.

(SAMINA GHANI)
District Education Officer,
(Female) Peshawar.

Endst: No. 2173-28 /Promotion to PSHT Dated Peshawar 24/06 /2019.

Forwarded for information and necessary action to the:-

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. Sub Divisional Education Officer (Female) Town I, II, III & IV Peshawar with the remarks that the salary of the promotes PSHTs may not be drawn till the verification of their Bachelor Degrees from concerned University if not previously verified and submit implementation report to this office within 7 days positively.
4. Supdt: local office.
5. ASDEO circles concerned with the remarks to Officials concerned.
6. Officials concerned.

Samina 24/06/19
District Education Officer,
(Female) Peshawar

Attested



OFFICE OF THE DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR

10

OFFICE ORDER

Consequent upon the approval of the competent authority, the following teachers are hereby transfer to the schools noted against their name against vacant position their existing grade and scale in the interest of best public service with immediate effect.

S. No	Name of Teacher	Designation	From	To	Remarks
1	Mst. Shaista	PST	GGPS Gulabad, Peshawar.	GGPS Dinbahar No.2, Peshawar.	A.M.P
2	Mst. Noreen	PSHT	GGPS Inzari Banda, Peshawar.	GGPS Pir Bala, Peshawar.	A.M.P
3	Mst. Sadia	PST	GGPS Garhi Atta Muhammad, Peshawar.	GGPS Kandi Marozai No.2, Peshawar.	A.M.P
4	Mst. Wajecha Sabir	PST	GGPS Terai Bala, Peshawar.	GGPS Noor Garh, Peshawar.	A.M.P
5	Mst. Khazeema Khan	PST	GGPS Tehkal No.3, Peshawar.	GGPS Nodeh Bala, Peshawar.	A.M.P
6	Mst. Zahida Kulsoom	PST	GGPS Abdara No.2, Peshawar.	GGPS Hayatabad No.4, Peshawar.	A.M.P

NOTE:

1. Charge report should be submitted to all concerned.
2. Necessary entry should be made in their service books.
3. NO TA / DA is allowed.

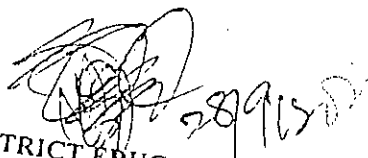
Indst: No. 14279-831

DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Dated Peshawar the 28 / 09 / 2020

Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PA To Director E&SE Khyber Pakhtunkhwa Peshawar.
3. SDEO (Female) concerned.
4. PSHT Concerned.
5. Officials concerned


DY: DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.


Attested

ED (11)

OFFICE OF THE DISTRICT EDUCATION OFFICER, PESHAWAR

CANCELLATION.

This Office order issued vide Endst. No.14279-83 Dated: 28/09/2020 at S.No.2 in R/O Mst. Noreen PSHT GGPS Inzarl Banda Peshawar regarding transferred to GGPS Pir Banda is hereby withdrawn in the interest of public service.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR

Endst: No. 12271

Dated. 22-10/2020

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Sub Divisional Education Officer (F) Town-II Peshawar.
3. Teacher Concerned.
4. P/File.

3
Moin 22/10/2020
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

A
Attested

E (12)

District Education Officer
Female Peshawar

Subject: Appeal against cancellation of transfer issued vide no 1227-1 dated 22oct2020

Madam,

Respectfully I say a few lines for your kind consideration

1. That my transfer was made in the public interest from GGPS irrigation colony to GGPS Hameed Abad vide Endst No 2173-78 dated 24-06-2019
2. That again my transfer was made from GGPS Hameed Abad to GGPS Inzari Banda vide Endst No 9331-33 dated 13-02-2020 without any reason.
3. that again my transfer was made from GGPS Inzari Banda to GGPS Pir Bala vide Endst No 14279-83 dated 28-09-2020
4. That my transfer was withdrawn from GGPS Pir bala and was posted at the original School that was GGPS Inzari Banda vide Endst No 1227-1 dated 28-10-2020
5. That my transfer was made in the Ban period the Endst was issued vide No 7-1/2020/PI/General dated 28-09-2020
6. Transfer in Ban period is totally against the requirement of Govt policies and rules.
7. Currently the strength of the students in the GGPS Inzari Banda is 114 students and two female teachers are performing duties and strength of students in GGPS Pir bala is 320 and teachers are four.

It is therefore requested that my cancellation order vide Endst No1227-1 may kindly be withdrawn in the public interest

If my order is not cancelled I will go to the court of law for justice.

Yours sincerely


Noreeh bibi

PSHT

GGPS Pir Bala

1293
2/11/2020

29/11/20


Attested

4 F 13

13



**GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)**

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) ¹{ }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

²While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

¹ Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.

² Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

ATTESTED

ATTESTED

[Signature]

[Signature]

ATTESTED

167

- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement
 DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent:	

¹ Added vide Urdu circular letter No: SOR-VI (E&AD)/I-4/2005, dated 9-9-2005.

ATTESTED

ATTESTED

a) Within the same Department	Secretary of the Department concerned.
b) To and from an Attached Department	Secretary of the Dept in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

ATTESTED

Attested

ATTESTED

18

16

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

.....

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.
 {Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

.....

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP
 NAME OF ADMINISTRATIVE
 DEPARTMENT

Dated Peshawar: _____

NOTIFICATION

NO. _____ The Competent Authority is pleased to order the transfer of Mr. _____ Department and to post him as _____ in the interest of public service, with immediate effect.

CHIEF SECREARY
 GOVERNMENT OF NWFP

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.

ATTESTED

Attested

ATTESTED

17

5.

(NAME)
SECTION OFFICER
Administrative Department

{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}.

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

{Authority: Letter No: SOR-VI (E&AD) 1-1/2008/Vol-VI, dated 3-6-2008}.

.....
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.

{Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28th Oct, 2005.}

.....
The Chief Minister NWFP has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;

ATTESTED

ATTESTED
ATTESTED

(S)

18

- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{Authority: Urdu circular No; SOR-VI/E&AD/1-4/2003, dated 86-2004.
Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

{Authority: - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005}

.....

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

{Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007}

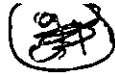
.....

1 PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy as follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and than the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the

¹ Placement Policy has been made part of the posting/transfer policy vide Urdu circular No SOR-VI(E&AD)1-4/06, dt 9-2-2007



officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

- a) Permanent posting of an officer to the training institutions for 2-3 years;
 - b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
 - c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participant will decline/represent against his/her posting.

ATTESTED

Attested

ATTESTED

ad. Am 6 (20)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)
NO. SOR.VI (E&AD)1 -4/2005/Vol-II
Dated Peshawar, 27th February, 2013.

Government of Khyber Pakhtunkhwa
Establishment Department
No. 28
27-2-2013

To
2/27/13

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

Subject: CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

- (i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- (ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

5/11
So
4/3

rajaw

SPL
SLLY
A

S2 LIC / SO Est
5/3

ATTESTED

Handwritten signature and scribbles at the bottom of the page.

- (iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.
- (iv) **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully,
NAJAM
 (NAJ-MUS-SAHAR)
 SECTION OFFICER (REG-VI)

Encl: as above.

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl: Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

NAJAM
 SECTION OFFICER (REG-VI)

VAKALAT NAMA

NO. _____/20

IN THE COURT OF KP Service Tribunal, Peshawar

Nabeen Bibi (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt (Respondent)
(Defendant)

I/We, _____

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Nabeen
(CLIENT)

ACCEPTED

Amir
M. ASIF YOUSAFZAI
Advocate Supreme Court Peshawar.
& S.
TAIMUR ALI KHAN
Advocate High Court, Peshawar
&
SYED NOMAN ALI BUKHARI
Advocate High Court
& S. Khan
SHAHKAR KHAN YOUSAFZAI
Advocate.

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar