

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1150/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/07/2022	<p>The appeal of Mr. Umar Farooq resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on . Notices be issued to appelland and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p>REGISTRAR</p>

The appeal of Mr. Umar Farooq Rehabilitation Officer Rehabilitation Centre Drug Addicts Kohat received today i.e. on 19.07.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal against the impugned order dated 14.03.2022 is not attached with the appeal which may be placed on it.
- 2- Impugned order is illegible/not visible.

No. 2231 /S.T,

Dt. 20-7 /2022

Mr. Noor Muhammad Khattak Adv.
High Court Peshawar.

Amir
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

- needfull done .
- Re-Submitted

g
22/7/2022

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Umer for rev v/s Chief Secy

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Noor Mohammad Khan

Signature: _____

Dated: _____

BEFORE THE KHYBER PAKHTUKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1150 /2022

UMAR FAROOQ

VS

CHIEF SEC: & OTHERS

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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL WRIT NO. _____/2022

Mr. Umar Farooq, Rehabilitation Officer (BPS-17)
Rehabilitation Centre Drug Addicts (RCDA) Kohat
Under transfer to RCDA D.I. Khan

.....**APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, Social Welfare, Special Education & Women Empowerment Department,

-----**RESPONDENTS**

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 14-03-2022 WHEREBY THE APPELLANT WAS TRANSFERRED FROM RCDA KOHAT TO RCDA D.I.KHAN IN SHEER VIOLATION OF RULES AND TRANSFER/POSTING POLICY OF THE PROVINCIAL GOVERNMENT

PRAYER:

THAT ON ACCEPTANCE OF THE INSTANT APPEAL THE IMPUGNED NOTIFICATION DATED 14-03-2022 MAY VERY KINDLY BE SET ASIDE TO THE EXTENT OF PETITIONER POSTING AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO POST/RETAIN THE APPELLANT AGAINST THE POST OF REHABILITATION OFFICER(BPS-17) AT RCDA KOHAT INSTEAD OF RCDA D.I.KHAN AND TO STRICTLY FOLLOW TRANSFER/POSTING POLICY OF THE PROVINCIAL GOVERNMENT. ANY OTHER REMEDY WHICH THIS AUGUST SERVICE TRIBUNAL DEEMS FIT THAT MAY ALSO BE AWARDED IN FAVOR OF THE PETITIONER

R/SHEWETH:

Brief facts giving rise to the instant service appeal are as under:-

- 1- That the appellant is law abiding citizen of Pakistan and was appointed in the respondents department as Rehabilitation Officer (BPS-17) vide Notification dated 20-04-2021.

Copies of the CNIC and appointment order are attached as Annexure-----**A & B.**

2- That in pursuance to the aforementioned Notification the appellant was posted as Rehabilitation Officer in the Center for Rehabilitation Drug Addicts Kohat vide Notification dated 31-05-2021.

Copy of the Notification dated 31-05-2021 is attached as Annexure-----**C**

3- That it is pertinent to mention here that vide order dated 19-04-2021 of the respondent No.3, one namely Muhamad Hamza was appointed as Instructor (BPS-14) in a project namely Establishment of Detoxification Units in the Center for Drug Addicts Nowshera. That it is also important to mention here that another order of the same date of the same person in the Centre of Drug Addicts Kohat was also issued by the respondent No.3.

Copies of the appointment orders dated 19-04-2021 and relevant documents are attached as Annexure-----**D**

4- That since appointment the abovementioned person did not join his duty station and after the lapse of 6 months the petitioner was compelled to actualize the order dated 19-04-2021 at the RCDA Kohat but the petitioner denied the same and also it was brought into his notice that the mentioned appointment order be cancelled/withdrawn. Copy of letter dated 16-09-201 is attached as Annexure-----**E-**

5- That by not actualizing the appointment order mentioned above the Section Officer-VI to the respondent No;2 mala fide and without bringing into the notice of the competent authority issued the Notification dated 14-10-2021 whereby the petitioner was transferred to RCDA D.I.Khan. That the petitioner feeling aggrieved from that order when preferred departmental appeal before the competent authority, the authority informed him that he had not issue the Notification dated 14-10-2021 and the same is illegal and unlawful and also the petitioner was directed to continue his duty at Kohat Centre. Copies of the notification dated 14-10-2021 and departmental appeal are attached as annexures -----**F&G**

6- That since then the petitioner was performing his duties with zeal and zest and with devotion but astonishingly vide impugned Notification dated 14-03-2022 the petitioner was transferred to RCDA D.I.Khan in utter violation of law and rules on the subject. Copy of the impugned notification dated 14-03-2022 is attached as Annexure-----**H.**

7- That petitioner feeling aggrieved from the impugned Notification dated 14-03-2022 preferred departmental appeal on 17-03-2022 before the appellate authority however, the same has not been decided despite lapse of statutory period of limitation. *Attached as Annexure-----I*

8- That being highly aggrieved from the inaction of the respondent department, the appellant filed the instant service appeal in this Hon'ble Tribunal on the grounds interalia as under:-

GROUND:

- A- That the impugned Notification dated 14-03-2022 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside to the extent of serial No.6.
- B- That appellant has not been treated in accordance with law and rules by the respondent department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned Notification dated 14-03-2022 is based on discrimination, favoritism and nepotism, hence not tenable in the eye of law.
- D- That the impugned Notification dated 14-03-2022 issued by the respondent No.3 is arbitrary and mala fide manner, hence not tenable and liable to be set aside.
- E- That the impugned Notification dated 14-3-2022 is also violative of Clause-I, IV and XIII Transfer/posting policy of Provincial Government. Copy of the transfer/posting policy is attached as Annexure..... J
- F- That the Impugned Notification dated 14-03-2022 issued by the respondent No.3 is neither in the best interest of public nor in exigencies of service hence not tenable and liable to be set aside to the extent of serial No6.
- G- That petitioner seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that on acceptance of this appeal the respondents may kindly be directed to decide the departmental appeal of the petitioner in light of clause-XIV of the transfer posting policy of the provincial government. Any other remedy which this august service Tribunal deems fit that may also be awarded in favor of the appellant.

APELLANT

UMAR FAROOQ

THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2022

UMAR FAROOQ

VS

CHIEF SEC: & OTHERS

AFFIDAVIT

I Umar Farooq, Rehabilitation Officer (BPS-17) Rehabilitation Centre Drug Addicts (RCDA) Kohat Medical Officer (BPS-18) Presently serving as Medical Superintendent Cat-D Hospital Dogra Bara, District Khyber. do hereby solemnly affirm that the contents of this **APPEAL** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

DEPONENT
UMAR FAROOQ

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

CM NO. _____/2022.

IN

Service Appeal _____/2022

UMAR FAROOQ VS CHIEF SECRETARY KPK & OTHERS

APPLICATION FOR SUSPENSION OF THE
OPERATION OF THE IMPUGNED NOTIFICATION
DATED 14.03.2022 TILL THE FINAL DISPOSAL OF
THE INSTANT APPEAL

R/SHEWETH:

1. That, the applicant/ appellant has filed the above titled appeal before this Hon'able court in which no date has so far been fixed.
2. That, the applicant/ appellant filed the above mentioned appeal against the respondents by not retaining the appellant at his existing place of posting which is illegal, unconstitutional, void and ineffective upon the rights of appellant. Moreover the respondents are keen to transfer some other person at the place of posting of the appellant which is also declared illegal and unconstitutional upon the applicant/appellant's rights.
3. That, all the three ingredients required for grant of stay are in favor of the applicant/ appellant.
4. That, any other ground would be taken at the time of arguments with prior permission of this Honorable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application the respondents may please be restrained not to transfer some other person at the place of appellant and the impugned notification dated 14-03-2022 may kindly be suspended to the extent of S.No.6 till the final disposal of the instant service appeal.

APPLICANT/APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE,

A-7

PAKISTAN National Identity Card
ISLAMIC REPUBLIC OF PAKISTAN

Name
Umer Farooq
مر فاروق

Father Name
Abdullah Khan
عبدالله خان

Gender: M Country of Stay: Pakistan

Identity Number	Date of Birth
14301-1964745-9	12.03.1991
Date of Issue	Date of Expiry
14.12.2015	14.12.2025

Holder's Signature

14301-1964745-9

14301-1964745-9

502621030450

Umar H. Malik
Registrar General of Pakistan

گمشدہ کارڈ ملنے پر تقریبی لیوڈ بکس میں ڈال دیں

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
SOCIAL WELFARE, SPECIAL EDUCATION
& WOMEN EMPOWERMENT DEPARTMENT

B-3

Dated Peshawar the 20th April, 2021

NOTIFICATION:

No:SO-II/SWD/II-171/2021/PC/ _____:-Pursuant to the recommendation of the Khyber Pakhtunkhwa Public Service Commission and acceptance of the Terms & Conditions offered vide this Department's Offer of Appointment No: SOII/SWD/II-171/2021/PC/4319-21 dated 07-04-2021, the Competent Authority is pleased to appoint the following recommendees as Rehabilitation Officers (BPS-17), Directorate of Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa with immediate effect:-

S.#	Name / Father Name/ Address	CNIC & Mobile	Domicile/Distt
01	Mst. Falima Gul D/O Mr. Hamidullah Address: House No 06, St # 05, Sherbaz & Sons Homes, Rahatabad near Forest College, Peshawar	CNIC:17307-5307397-4 Mobile # 0315-0090757	Peshawar
02	Mr. Umer Farooq S/O Abdullah Khan Address: Khattak Colony Atta Machine Kohat	CNIC:14301-1964745-9 Mobile # 0331-5807069	Kohat

Sd/-

Secretary to Govt: of Khyber Pakhtunkhwa
Social Welfare, Special Education &
Women Empowerment Department

Ends of even No. & Date

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa.
2. Director, SW, SE & WE Khyber Pakhtunkhwa.
3. PSO to Chief Secretary Khyber Pakhtunkhwa.
4. Deputy Director, MIS Social Welfare Department.
5. P.S to Secretary, SW, SE & WED, Khyber Pakhtunkhwa.
6. Mrs. Falima Gul D/O Mr. Hamidullah, Address: House No. 06, St # 05, Sherbaz & Sons Homes, Rahatabad near forest College, Peshawar.
7. Mr. Umer Farooq S/O Abdullah Khan Address: Khattak Colony Atta Machine Kohat
8. Personal file.

ATTESTED

Muhammad Saad
(Muhammad Saad)
Section Officer-II



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
& WOMEN EMPOWERMENT DEPARTMENT

Dated Peshwar the 31st May, 2021

69

NOTIFICATION:

No. SC/II(SW) II-52/2020/1-040-61 The competent authority is pleased to approve the posting / transfer of the following officers of Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa in the best public interest with immediate effect:-

S.NO.	NAME OFFICER AND DESIGNATION	FROM	TO.
1	Mr. Umer Farooq, Rehabilitation Officer (BPS-17)	On arrival	Rehabilitation Officer, Center for Rehabilitation Drug Addicts Kohat ✓
2	Mr. Fatima Gul, Rehabilitation Officer (BPS-17)	On arrival	Rehabilitation Officer, Center for Rehabilitation Drug Addict, Charsadda
3	Mr Amjad Afridi Superintendent (BPS-17)	Rehabilitation Officer, Center for Drug Addict Kohat	Rehabilitation Officers, Center for Rehabilitation Drug Addict Peshawar relieving Mr Jawad Hussain Rehabilitation Office r from Additional charge.
4	Mrs. Tuahed Rasheed, Superintendent BPS-17	Superintendent GIB, Swabi	Superintendent, Dar-ul-Aman, Mardan.
5	Fozia Aziz, Superintendent BPS-17	Superintendent, Dar-ul-Aman, Mardan.	Social Welfare Officer, Nowshera.
6	Mr Fahad Ashraf, Social Welfare Officer (BPS-17)	Social Welfare Officer Charsadda	District Officer Social Welfare Shangla against the vacant post
7	Mr. Zafar Ali Khan, BPS-17	District Officer, Social Welfare Swabi	He may be assigned the charge of the post of Superintendent GIB, Swabi in additional to his own duties.
8	Mr Abdur Rahseed Khan, Social Welfare Officer (BPS-17)	District Officer, Social Welfare Officer, Abbottabad	He is assigned the additional charge of the post of Deputy Director, Special Education Centre, Abbottabad in additional to his own duties.

Secretary to Govt: of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare, Special Education & Women
Empowerment Department.

Endst: of Even No & Date:

Copy forwarded for information and further necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Director Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
3. Deputy Director MIS cell, Social Welfare, Department.
4. District Officer-Social Welfare concerned.
5. District Account Officer concerned.
6. Section Officer-VI, Social Welfare Department.
7. PS to Minister for Social Welfare, Khyber Pakhtunkhwa.
8. PS to Secretary, Social Welfare, Department.
9. PA to Additional Secretary, SWD.
10. Officers concerned.

~~ATTACHED~~

Section Officer II

Scanned with CamScanner

Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment Jamrud Road, Peshawar

- D - (10)

No. E-17/65/DSW/Vol-17/2020-21/ 2100-2110
Dated Peshawar the 19/4/2021

To

Mr. Muhammad Hamza S/O Muhammad Saud,
Section Ali Khel Sub Section Mirvas Khel Village Gandital Tehsil Upper Orakzai District

Subject: OFFER OF APPOINTMENT ON FIXED PAY BASIS UNDER THE PROJECT POLICY

Having been recommended by the Project Selection Committee and approved by the Competent Authority, you are hereby offered appointment as Instructor (B-14) on fixed-pay basis in the ADP Scheme Establishment of Detoxification Units in the existing Eleven Rehabilitation Centers for Drug Addicts Nowshera for initial period up to 30/06/2021 on the following terms and conditions:-

- a. You will be entitled to a fixed pay per month only as per project policy.
- b. The appointment is subject to medical fitness, character, domicile, verification of educational testimonial and experience certificate.
- c. Your services are liable to be terminated at any time without assigning any reasons, by giving a notice for a period not less than 14 days or payment in lieu thereof, a sum equivalent to your pay for 14 days for the period by which the notice falls short of 14 days.
- d. In case you wish to terminate your services under Government, you shall resign in writing and shall therefore continue to serve the Government until your resignation is accepted. If you absent yourself, you shall be liable to disciplinary action which may result in disqualification from any further employment under Government.
- e. You shall have no claim or title to permanent retention / confirmation on any post under this Directorate on the basis of this appointment offer.
- f. You may be posted / transferred within the District as per requirement of your services at any time.
- g. Your appointment shall be subject to confirmation of date of birth etc.
- h. Your appointment will be initially for a period up to 30/06/2021 and will be extended subject to the continuation/duration of the project.
- i. On completion of the project the appointment shall be automatically terminated as per project policy.
- j. An undertaking/agreement bond duly signed by you, two witnesses and Officer concerned (format attached) shall be required before the release of pay on Stamp Paper.
- k. The release of pay shall also subject to verification of all documents at the cost of the individual and after issuance formal office order of appointment on fixed pay basis.

If the above terms & conditions are acceptable to you, you should report for duty to the RO, RCDA Nowshera within a week after issuance of this offer of appointment and submit your acceptance through the officer concerned.

Sd/---

Director (SWSE&WE)
Khyber Pakhtunkhwa

Copy forwarded to:

- 1- The DAO Peshawar
- 2- Deputy Commissioner, Orakzai along with a copy of domicile certificate in respect of the official concerned for verification as required under Section (b) of the offer of appointment
- 3- The District Police Officer, Orakzai along with a copy of CNIC in respect of the official concerned for verification of his character as required under Section (b) of the offer of appointment
- 4- Deputy Director (MIS) BF Building Peshawar Cantt
- 5- DO SW Peshawar
- 6- The RO, RCDA Peshawar with the remarks to furnish attested copy of Medical Fitness Certificate and arrival report. Salary etc in r/o the concerned may be released after issuance of formal appointment order by the Directorate
- 7- PS to Secretary Social Welfare, SE & WE Khyber Pakhtunkhwa
- 8- PA to Director Social Welfare Khyber Pakhtunkhwa
- 9- Personal File

Assistant Director
(Establishment-I)

(11)

Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment Jamrud Road, Peshawar

No. E-17/65/DSW/Vol-17/2020-21/

Dated Peshawar the 19/04/2021 2100-2110

To

Mr. Muhammad Hamza S/O Muhammad Saud.

Subject:

OFFER OF APPOINTMENT ON FIXED PAY BASIS UNDER THE PROJECT POLICY

Having been recommended by the Project Selection Committee and approved by the Competent Authority, you are hereby offered appointment as Instructor (B-14) on fixed pay basis in the ADP Scheme Establishment of Detoxification Units in the existing Eleven Rehabilitation Centers for Drug Addicts Kohat for initial period up to 30/06/2021 on the following terms and conditions:-

- a. You will be entitled to a fixed pay per month only as per project policy.
- b. The appointment is subject to medical fitness, character, domicile, verification of educational testimonial and experience certificate.
- c. Your services are liable to be terminated at any time without assigning any reasons, by giving a notice for a period not less than 14 days or payment in lieu thereof, a sum equivalent to your pay for 14 days for the period by which the notice falls short of 14 days.
- d. In case you wish to terminate your services under Government, you shall resign in writing and shall therefore continue to serve the Government until your resignation is accepted. If you absent yourself, you shall be liable to disciplinary action which may result in disqualification from any further employment under Government.
- e. You shall have no claim or title to permanent retention / confirmation on any post under this Directorate on the basis of this appointment offer.
- f. You may be posted / transferred within the District as per requirement of your services at any time.
- g. Your appointment shall be subject to confirmation of date of birth etc.
- h. Your appointment will be initially for a period up to 30/06/2021 and will be extended subject to the continuation/duration of the project.
- i. On completion of the project the appointment shall be automatically terminated as per project policy.
- j. An undertaking/agreement bond duly signed by you, two witnesses and Officer concerned (format attached) shall be required before the release of pay on Stamp Paper.
- k. The release of pay shall also subject to verification of all documents at the cost of the individual and after issuance formal office order of appointment on fixed pay basis.

If the above terms & conditions are acceptable to you, you should report for duty to the RO, RCDA Kohat within a week after issuance of this offer of appointment and submit your acceptance through the officer concerned.

Sd/----
Director (SWSE&WE)
Khyber Pakhtunkhwa

Copy forwarded to:

- 01 The DAO Kohat
- 02 Deputy Commissioner, Orakzai along with a copy of domicile certificate in respect of the official concerned for verification as required under Section (b) of the offer of appointment
- 03 The District Police Officer, Orakzai along with a copy of CNIC in respect of the official concerned for verification of his character as required under Section (b) of the offer of appointment
- 04 Deputy Director (MIS) BF Building Peshawar Cantt
- 05 DO SW Kohat
- 06 The RO, RCDA Kohat with the remarks to furnish attested copy of Medical Fitness Certificate and arrival report. Salary etc in r/o the concerned may be released after issuance of formal appointment order by the Directorate
- 07 PS to Secretary Social Welfare, SE & WE Khyber Pakhtunkhwa
- 08 PA to Director Social Welfare Khyber Pakhtunkhwa
- 09 Personal File

ATTESTED

Assistant Director
(Establishment)



OFFICE OF THE REHABILITATION OFFICER,
FOR DRUG ADDICTS CENTER
SOCIAL WELFARE, SPECIAL EDUCATION & WOMEN
EMPOWERMENT DEPARTMENT KOHAT.

NO/RCDA /ADP STAFF/ KT/ 404-4/10
DATED KOHAT THE 16-10-2021

- E -
12

To: The District Officer,
SW SE. & WED Kohat.

Subject: NON ACCEPTANCE OF OFFER OF APPOINTMENT REPORT OF
PROJECT EMPLOYEES.

Dear Sir,

It is stated that the following Employees of the Project "Establishment of Detoxification Unit in the Existing Eleven Rehabilitation Center for drug addicts Kohat" have not reported for the duty to Rehabilitation Officer, RCDA Kohat, since the issuance of "Offer of Appointment" to them. They have neither accepted "Offer of Appointment" nor have they reported to duty at RCDA, Kohat, till present day. It has come to the notice of this office that these officials are enjoying Political and bureaucratic clout, and have engaged themselves at their services / disposal. It was clearly mentioned to them in their "Offer of Appointment" to report to the Office of RCDA, Kohat within 15 days. They have not even attended the office for a single day to submit "Offer of Appointment" to the undersigned and the project is handicapped and bearing severe loss due to their absence.

As per Section 10, Clause -I of "Project Policy Regulating Appointment to Posts in Approved Development Projects", a Project Employee shall work against the post or which he was recruited and shall not be transferred to any other post in the project or at any other station.

As per Section 10, Clause -II of Project Policy Regulating Appointment to Posts in Approved Development Projects", an employee shall not be transferred to any other Project under the Same Department.

As per Section 10, Clause -III of Project Policy, Regulating Appointment to Posts in Approved Development Projects", If the performance of the Employee is found unsatisfactory, his Services shall be terminated on 15 days' notice or payment of 15 days Salary in lieu of notice.

P.T.O.

ATTACHED

On above grounds, I am satisfied that the possibility of their engagement in any other place, Project is ruled out as per Project Policy and they deliberately remained absent since the issuance of "Offer of Appointment to them, till present day. Therefore, It is requested that action may be taken against them and their "Offer of Appointment" may be cancelled, and alternatives may be provided Please.

13

Rehabilitation Officer
For drug addicts center, Kohat.

Copy forwarded for information to:-

- 01- Director Social welfare Department Peshawar.
- 02- PS to Secretary Social welfare Department Peshawar.
- 03- Assistant Director (Estab-1) Directorate of SW SE, & WED Peshawar.
- 04- Section Officer, (SOII) Social welfare Department Peshawar.
- 05- District Accounts Officer, Kohat.
- 06- Assistant Director (B&A Directorate of SW SE, & WED Peshawar.
- 07- Planning Officer, Directorate of SW SE, & WED Peshawar.
- 08- PA to Deputy Commissioner Kohat.

Rehabilitation Officer
For drug addicts center, Kohat.

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the October 14, 2021

NOTIFICATION.

NO. SO-VI/SWD/13-10/2021 /4745-46

The Competent Authority is pleased to transfer Mr. Umar Farooq, Rehabilitation Officer (BPS-17), Rehabilitation Centre for Drug Addicts, Kohat and post him as Rehabilitation Officer, Rehabilitation Centre for Drug Addicts D.I.Khan against the vacant in the public interest.

Consequent upon above, Mr. Muhammad Hussain, District Officer Social Welfare, Kohat is hereby assigned the additional charge of the post of Rehabilitation Officer, Rehabilitation Centre for Drug Addicts Kohat.

SECRETARY
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
& WOMEN EMPOWERMENT DEPARTMENT

Endst of Even No & Date:-

Copy forwarded to the:-

1. The Director SW, SE & WED, Khyber Pakhtunkhwa
2. The District Officer, Social Welfare, Kohat & D.I.Khan.
3. The District Account Officer, Kohat & D.I.Khan.
4. Section Officer-II, Social Welfare Department.
5. PS to Secretary SW, SE & WED, Khyber Pakhtunkhwa.
6. PA to Additional Secretary SW, SE & WED, Khyber Pakhtunkhwa.
7. PA to Deputy Secretary (SW) SW, SE & WED, Khyber Pakhtunkhwa.
8. The Officers concerned.
9. Personal File.
10. Master File.

*Zaid
Orakzai*
Section Officer-VI

REGISTERED

To,

The Secretary to Govt: of Khyber Pakhtunkhwa,
Social Welfare, Special Education & Women Empowerment Department.

Subject: REQUEST FOR JUSTICE

Sir,

It is stated that the employees of the project "Establishment of detoxification unit in the existing eleven Rehabilitation Centre for drug addicts Kohat" were recruited on 19th April 2021 and 6th May 2021 by Directorate. But these candidates didn't report to their duties for the reasons known to them. The under signed reported the matter in black and white to the District officer with info copies to Directorate Social Welfare as well as Secretariat(Copy enclosed) The undersigned was under severe pressure from these candidates for their salaries and also the District officer Social Welfare Kohat was facing the same pressure. One Mr.Hamza who is son of Saud Section officer-VI was putting extraordinary pressure to get illegal gratification in the shape of salary for six months. He (father of Hamza) telephonically pressurized the undersigned and also threat that he will teach a lesson to the undersigned. However the undersigned set aside all this critical situation and brought the matter into the notice of worthy Secretary Social Welfare during his visit to RCDA Kohat on 12-10-2021 and the worthy Secretary categorically stated that no illegal payment shall be made to anyone and that the matter shall be looked into under the relevant rules.

However, On 14th October, Muhammad Hamza S/O Muhammad Saud SO-VI, appointed as "Instructor" in the project came to the office of the undersigned and aggressively demanded six months salary. In response, the undersigned told him that he has still not submitted his arrival report and that his request could not be acceded to at this stage. He started shouting and threatened the undersigned for grave consequences and also tried to catch my neck and simultaneously occupied the seat of the computer operator and blocked my access to the main Computer. The undersigned have left with no option except to report the matter to the local police as his attitude was very aggressive and non professional.

The local police on request of the undersigned intervened and got the candidate namely Muhammad Hamza into custody so as to avoid any further escalation by the candidate. The District officer also arrived at the spot and witnessed the inconvenience caused.

On the same day the undersigned received transfer order (copy enclosed) signed by Muhammad Saud Section officer-VI which is based on personnel grudges. It is also pertinent to state that this is not the job of SO-VI.

It is therefore, requested that the matter may be looked into and the undersigned may be saved from the ill wishers and also safeguard the Govt interest.

Yours faithfully,



Umer Farooq

Rehabilitation Officer BPS 17
RCDA Kohat

Dated 15th October, 2021

ATTENDED



H-
16



GOVERNMENT OF KHYBER PAKHTUNKHWA
SOCIAL WELFARE, SPECIAL EDUCATION
& WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 14th March, 2022

NOTIFICATION

No. SOHSW/II-3/2021/2440-SS The competent authority is pleased to approve the posting / transfer of the following officers of Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa in the best public interest with immediate effect:-

Sr#	Name & Designation	From	To
1	Mr. Rizwan, Social Welfare Officer (BPS-17)	District Officer Welfare Bannu	Superintendent Welfare Home Kohat
2	Mr. Mumtaz Teahler (BPS-17)	Senior District Officer Welfare, DI Khan	Superintendent, Visually Impaired School, DI Khan
3	Mr. Hussain Khalifa, Social Welfare Officer (BPS-17)	Deputy Director, Special Education Centre, Kohat	Nishtar District Officer Social Welfare, DI Khan
4	Mr. Jamshood Khalifa, Social Welfare Officer (BPS-17)	District Officer Welfare, Larki Marwat	Nishtar District Officer Social Welfare, Bannu
5	Mr. Mansoor Ur Rehman, Senior Teacher (BPS-17)	Senior Teacher, Special Education Campus Kohat	Nishtar District Officer Social Welfare, Larki Marwat
6	Mr. Umer Farooq, Rehabilitation Officer (BPS-17)	Rehabilitation Officer, RCDA Kohat	Rehabilitation Officer, RCDA, DI Khan
7	Mr. Amjad Afsar, Manager (BPS-10-PI)	District Officer Welfare, Kohat	He is assigned the additional charge of post of Rehabilitation Officer, RCDA Kohat in addition to his own duties.

Secretary to Govt. of Khyber Pakhtunkhwa
Zakat, Ushar, Social Welfare, Special Education & Women Empowerment Department.

Content of Govt. No. & Date:

Copy forwarded for information and further necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa
2. Director Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa
3. Deputy Director, MIS cell, Social Welfare Department.
4. District Officer Social Welfare concerned
5. District Account Officer concerned
6. PS to Minister for Social Welfare, Khyber Pakhtunkhwa
7. PS to Secretary, Social Welfare, Department
8. PA to Additional Secretary, SWD
9. Officers concerned

USMAN HAMZA (PMS)
SECTION OFFICER-II

ATTESTED

**GOVERNMENT OF KHYBER PAKHTUNKHWA
SOCIAL WELFARE, SPECIAL EDUCATION
& WOMEN EMPOWERMENT DEPARTMENT**

Dated Peshawar the 14 March, 2022

NOTIFICATION

No.SOII(SW) 11-52/2021/ 217493. The competent authority is pleased to approve the posting transfer of the following officers of Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa in the best public interest with immediate effect.

Sr.#	Name & designation	From	To
1	Mr. Rizwan, Social Welfare Officer (BPS-17)	District Officer Social Welfare Board	Superintendent Welfare Home Kohat
2	Mr. Mumtaz Senior Teacher (BPS-17)	District Officer Social Welfare, D.I.khan	Superintendent Visually impaired School DIkhan
3	Mr. Hussain Khattak, Social Welfare Officer (BPS-17)	Deputy Director Nishter Special Education Center, Kohat	District Officer Social Welfare D.I.khan
4	Mr. Jamsheed Khattak, Social Welfare Officer (BPS-17)	District Officer Social Welfare Lakki Marwat	District Officer Social Welfare Bannu
5	Mr. Masood ur Rahman , Senior Teacher (BPS-17)	Senior Teacher, Nishter Special Education Complex Kohat	District Officer Social Welfare Lakki Marwat
6	Mr. Umar Farooq Rehabilitation Officer (BPS-17)	Rehabilitation Officer, RCDA Kohat	Rehabilitation Officer, RCDA D.I.khan
7	Mr. Amjad Afridi Manager (BPS-18 P)	District Officer Social Welfare, Kohat	He is assigned the additional charge of post of Rehabilitation Officer, RCDA Kohat in addition to his own duets

Secretary to Govt. of Khyber Pakhtunkhwa
Zakat, Ushar, Social Welfare, Special Education &
Women Empowerment Department.

Endat: of Even No & Date:

Copy forwarded for Information and further necessary action to the:

1. Accountant General Khyber Pakhtunkhwa
2. Director Social welfare Special Education, Women Empowerment Khyber Pakhtunkhwa
3. Deputy Director MIS Cell, Special Welfare Department
4. District Officer Social Welfare concerned
5. District Account Officer, concerned
6. P.S to Minister for Social Welfare, Khyber Pakhtunkhwa
7. P.S to Secretary Social Welfare Department
8. PA to Additional Secretary, SWWD
9. Officers concerned

Sd/-
Usman Hamza (PMS)
Section Officer

B

The Chief Secretary,
Muzib Saad Khan.

I-17

Subject: Departmental Appeal against
the order dated 14/3/2022
whereby the appellant has
been transferred from RDA
Kohat to D.K. in utter violation
of Rules.

Sir, that the appellant was initially
appointed in the Respt department vide
notification dated 20⁰⁴/₂₀₂₁. Since his appointment,
the appellant has performed his duties
wholeheartedly and upto the entire
satisfaction of the Superiors. That vide
another order dated 11/4/2021 one Muhammad
Hamza was appointed as instructor in the
project at the Centre of Mithra and
Similarly vide another Notification
of the same date, the same person was
appointed in the centre of Kohat. That
since appointment of that person, he did
not joined his duties, therefore, the
appellant brought the absence in the
notice of District Officer Social Welfare

contd... P/2

Thereafter, the appellant was compelled ⁽¹⁸⁾ to actualize the appointment order of the mentioned person at the centre of Kohat which I denied the illegal and in fact I informed the competent authority to withdraw/cancel the same order, that without assenting the competent authority, the Section Officer-VT has issued my transfer order to RCDA DIK on 14-10-2021, so on my report, the competent authority has absolutely denied the issuance of the above order which is illegal and unlawful. I was directed to continue his duty

at Kohat centre. Astonishingly, vide another notification dated 14/03/2022, I was transferred to RCDA DIK. Foregoing in view, it is humbly requested that the impugned notification dated 14-03-2022 whereby I was transferred to RCDA DIK may please be suspended, held in abeyance/withdrawn.

Thanks

Yours obediently

Umar Farooq 17/3/2022
Rehabilitation Officer (BPS-13)
RCDA Kohat

Under Transfer to RCDA
D. I. Khan

HANNUKE

J-19-

Posting - Transfer Policy - updated till 10 Jan, 2009



**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) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained
- vi) While 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.
- 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.

ATTESTED

to be true and correct.

Advocate

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

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

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

ATTESTED

to be true copy
 Advocate

21

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.

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.

ATTESTED
to be true copy
Advocate

ATTESTED

VAKALATNAMA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

APPEAL NO: _____ OF 2022

UMAR FAROOQ

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

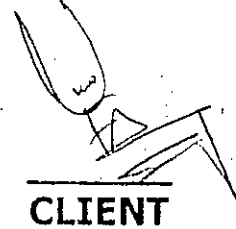
Chief Secy

(RESPONDENT)
(DEFENDANT)

I/We UMAR FAROOQ

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, 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 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. ____/____/2022


CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK
(BC-10-0853)
15401-0705985-5


KAMRAN KHAN
&
UMAR FAROOQ

MUHAMMAD MAAZ MADNI
ADVOCATES

OFFICE:

Flat No.(TF) 291-292 3rd floor
Deans trade centre Peshawar cantt:
Mobile No. 0334-5277323