

07.06.2022 Junior to counsel for the appellant present.

Lawyers are on general strike, therefore, case is adjourned to 28.07.2022 for preliminary hearing before S.B.






(Rozina Rehman)
Member(J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 412/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/03/2022	<p>The appeal of Mr. Waqas Basir presented today by Shehnaz Tariq Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	13.05 2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>13.05.2022</u> <i>Notices be issued to the appellant and his counsel for the date fixed.</i></p> <p> CHAIRMAN</p> <p>Counsel for the appellant present and requested for adjournment in order to further prepare the brief. To come up for preliminary hearing before the S.B on 07.06.2022.</p> <p> (Kalim Arshad Khan) Chairman</p>

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

Case Title: Waqar Basir vs Chief Secretary Govt KPR Peshawar

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Shahmar Torig Ady</u>		
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?	✓	
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 A.G/D.A.G?	✓	
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 cuttings/overwriting?		✓
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:

Shahmar Torig

Signature:

[Signature]

Dated:

22-3-2022

- (2)
1. That the appellant is the law abiding citizen of Pakistan and hails from noble family, while residing at the aforementioned address as given in the heading of the petition.
2. That the appellant is a provincial government servant and performing his duties as Office Assistant in the respondent department since his appointment dated 18/11/2009.
3. That the appellant since his appointment dated 18/11/2009 was serving in the respondents department with unblemished service record and entire satisfaction of his superiors.
4. That after spend his five years at District Khyber, he was on 20/11/2020 transferred form District Khyber to District Peshawar and posted in Office of AD LGRD at Peshawar, wherein he joined his duties in compliance of the Office Order No Director (LG)3-4/posting/transfer/2020/17122. (The copy of transfer order dated 20/11/2020 is attached as annexure "A").
5. That the appellant in compliance of the 2nd premature transfer order dated 23/11/2021 vide which the appellant was prematurely transferred to the office of AD LG Mohmand and hence this time also the appellant submitted arrival report in the said office and joined his duties in compliance of the Office Order NO Director (LG) 3-4/posting/transfer//2021/18653, dated 23/11/2021. (The Copy of order dated 23/11/2021 is attached as annexure "B").

6. That it was on 17/02/2022 when the respondents No 2 & 3 under a political pressure transferred the appellant from Mohmand to District Mardan vide order No Director/(LG)3-4/posting/transfer/2021/19076 with utmost bewilderment of appellant and adjusted the political blue eyed. It is worth to mention that the transfer order was issued prematurely and some of three (3) months of the issuance of previous transfer order.

Needless to mention that according to provincial government KPK two years transfer policy was not observed towards appellant, since he was transferred from Peshawar to Mohmand within one year after the previous order dated 20/11/2020 and now once again without following the mandatory transfer policy the appellant was again transferred to Mardan Office without any legal and cogent reason/justification. (The Copy of transfer order dated 17/02/2022 is attached as annexure "C").

7. That the appellant submitted a departmental appeal on 21/02/2022, but so far without any response, however, the appellant was orally informed that this departmental appeal would never be placed before the competent authority. (The Copy of departmental appeal is attached as annexure "D").

8. That the appellant before the filing of this appeal approached the Hon'ble High court, Peshawar by filing writ petition, which was fixed for hearing on 08.03.2022 and the Hon'ble court was gracious enough to grant interim relief till 17.03.2022 and on the said date the writ petition was disposed off on the ground

(1)

that the service tribunal has now become functional and the present appellant was directed to approach this Hon'ble tribunal being proper forum, hence this appeal. (The copy of writ Petition dated 8/3/2022 is attached as annexure "E")

9. That the appellant having no other alternate or adequate remedy available, but to approach this Honourable Court on the following grounds inter alia:-

Grounds:-

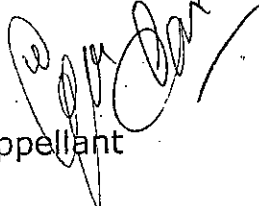
- A. That the impugned transfer order is illegal, unjust, premature and not maintained in the eyes of law as being against the Government Transfer Policy.
- B. That the impugned transfer order dated 17/02/2022 vide order No Director (LG)3-4/posting/transfer/2021/19076 is premature and against the posting/transfer policy of government so on this score alone the impugned order needs to be declared null and void.
- C. That all the public functionaries are required to act as per law, but in the case in hand, they have acted otherwise, therefore, this Honourable Court under its extra ordinary jurisdiction may direct them to adhere to the law on the subject.
- D. That the appellant has been treated against the law and he has also been deprived of equal protection of law guaranteed under the Constitution.

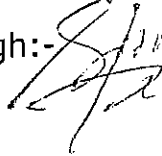
- E. That from all prospective the impugned transfer order dated 17/02/2022 is wrong, illegal, void and are liable to be set aside.
- F. That any other grounds inter alia no raised in this petition may graciously be allowed at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned transfer order dated 17/02/2022, whereby appellant was transferred from Mohmand to District Mardan may please be cancelled and the appellant may please be allowed to serve at his own place of posting at Mohmand to complete his tenure of posting under the Government Policy, so as to meet the ends of justice.

Any other relief as deemed appropriate in the circumstances of the case not specifically asked for may also be granted to the appellant.

Dated:- 19.03:2022


Appellant

Through:-  **Shahnaz Tariq**
&
Muhammad Rafiq Mohmand
Advocates, High Court(s)
Peshawar.

6

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service appeal No:- _____ -P/2022

Waqas Basir

Versus

The Chief Secretary
& others

..... Appellants

..... Respondents

AFFIDAVIT

I, Waqas Basir S/o Basir Ud Din R/o 49-A, Hussain Abad Colony, Gulbahar Road, Peshawar, (The appellant) do hereby solemnly affirm and declare on oath that the contents of this accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Identified by


Shahnaz Tariq
Advocate High Court

DEPONENT
CNIC No:-
Cell No:-



BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service appeal No:- _____ -P/2022

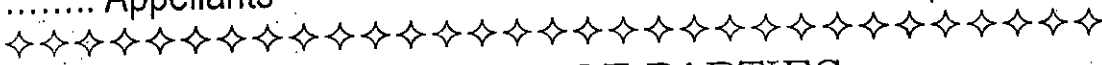
Waqas Basir

Versus

The Chief Secretary
& others

..... Appellants

..... Respondents



ADDRESSES OF PARTIES

APPELLANT

Waqas Basir S/o Basir Ud Din R/o 49-A, Hussain Abad Colony, Gulbahar Road, Peshawar.

RESPONDENTS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
2. The Secretary Local Government, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. That Director General Local Government, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. The Deputy Director (Admin/HR) Local Government & Rural Development Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

Dated:- 19.03.2022

Through:-

Appellant

Shahnaz Tariq
&

Muhammad Rafiq Mohmand
Advocates, High Court(s)
Peshawar.

(18)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

C.M No. _____ /2022
in
Service appeal No:- _____ -P/2022

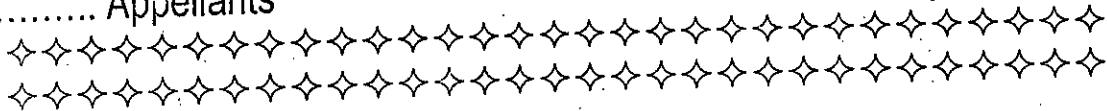
Waqas Basir

Versus

The Chief Secretary
& others

..... Appellants

..... Respondents



APPLICATION FOR GRANT OF SUSPENSION OF TRANSFER ORDER
No. DIRECTOR (LG)3-4/POSTING/TRANSFER/2021/19076
DATED 17/02/2022 PASSED BY RESPONDENT No. 3 & 4,

Respectfully Sheweth:-

1. *That the above noted service appeal is pending adjudication before this Honourable tribunal, the contents of which may graciously be considered as integral part of the instant application.*
2. *That the appellant has got a good prima facie case in his favour, and is sanguine about its success.*

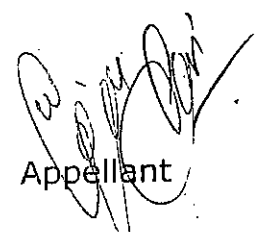
(9)

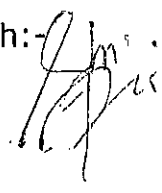
3. That the balance of convenience also lies in favour of the appellant.

4. That the appellant transfer order is premature on all courts.

It is, therefore, respectfully prayed that on acceptance of this application, the impugned transfer order dated 17.02.2022 may please be suspended till the final decision of the instant appeal.

Dated:- 19.03.2022


Appellant

Through: 

Shahnaz Tariq
&
Muhammad Rafiq Mohmand
Advocates, High Court(s)
Peshawar.

Before The Hon'ble Khyber Pakhtunkhwa
Service Tribunal, Peshawar

Waqas Basis ---- Applicant

VS

The Chief Secretary & others ---- Respondents.

Application for fixation/early hearing

Respectfully sheweth;

- (1) That the above titled appeal is pending before this honourable Tribunal and no date of hearing is fixed.
- (2) That the matter involved in the pending appeal is that of the transfer of the applicant which needs an early fixation and disposal.
- (3) That if the titled appeal is not fixed at an early date, the appeal will lose its purpose and will become infructuous.
- (4) That the applicant has got a good case in his favour and there is every likelihood of its success.

(5) That the matter involved in the appeal is of urgent nature, hence need an early fixation in this context. It is imperative under the law to fix it at an early date convenient to this honorable court.

It is therefore, most humbly prayed that on acceptance of the accompanying application an early date may kindly be fixed in the above titled case.

21-3-2022

Applicant

Through

Shahraz Tariq

(Advocate)

Poshwar

**ORDER**

No. Director(LG)3-4/Posting/Transfer/2020.17122 - The Competent Authority has been pleased to order the posting/transfer of the following Office Assistants (BPS-16), Local Government & Rural Development Department with immediate effect in public interest:-

S#	Name of Sub Engineer	From	To
1	Rashid Aslam	Office Of Assistant Director LG&RD Abbottabad	Office of Assistant Director LG&RDD Haripur
2	Farhud Ali	Office of Assistant Director LG&RDD Buner	Office of Assistant Director LG&RDD Nowshera
3	Muhammad Ashfaq Hussain	Office of Assistant Director LG&RDD Charsadda	Office of Assistant Director LG&RDD Mardan
4	Muhammad Sherhyar Khan	Office of Assistant Director LG&RDD D.I. Khan	Office of Assistant Director LG&RDD Lakki Marwat
5	Mueed Khan	Office of Assistant Director LG&RDD D.I. Khan	Office of Assistant Director LG&RDD Karak
6	Arshad Khan	Office of Assistant Director LG&RDD Dir Lower	Office of Assistant Director LG&RDD Khyber
7	Muhammad Shoaib	Office of Assistant Director LG&RDD Haripur	Office of Assistant Director LG&RDD Abbottabad
8	Asif Burhan	Office of Assistant Director LG&RDD Kohat	Office of Assistant Director LG&RD Charsadda
9	Azim Ullah	Office of Assistant Director LG&RDD Kohistan Upper	Office of Assistant Director LG&RDD Shangla
10	Shah Saced Zeb	Office of Assistant Director LG&RDD Peshawar	Directorate Newly Merged Areas
11	Shakeel Ahmad	Office of Assistant Director LG&RDD Shangla	Office of Assistant Director LG&RDD Swat
12	Zakir Ali	Office of Assistant Director LG&RDD Shangla	Office of Assistant Director LG&RDD Kohistan Lower
13	Gohar Ali	Office of Assistant Director LG&RDD Swat	Office of Assistant Director LG&RDD Dir Lower
14	Amir	Office of Assistant Director LG&RDD Tor Ghar	Office of Assistant Director LG&RDD Buner
15	Syed Kazim Hussain	Office of Assistant Director LG&RDD Kurram	Office of Assistant Director LG&RDD Hangu
16	Waqas Basir	Office of Assistant Director LG&RDD Khyber	Office of Assistant Director LG&RDD Peshawar
17	Awais Basir	Directorate Newly Merged Areas	Admin/ HR Section Directorate General LG&RD
18	Azaz ul Hassan	Litigation Section Directorate General LG&RD	Technical/ Development in Directorate General LG&RD

sd-
DIRECTOR GENERAL
LG&RDD

Endst. Of even No. & Date.

Copy of the above is forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. All the Officers/ Officials in Directorate General LG&RD, Khyber Pakhtunkhwa.
3. All the Assistant Directors, LG&RDD Khyber Pakhtunkhwa.
4. All the District Accounts Officers in Khyber Pakhtunkhwa.
5. The PS to Secretary LG&RDD, Khyber Pakhtunkhwa.
6. The PA to Director General LG & RD Department.
7. The Officials Concerned.
8. The Office File.

ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD



LOCAL GOVERNMENT
KHYBER PAKHTUNKHWA

Dated Peshawar, the 23rd November, 2021

ORDER

No. Director(LG)3-4/Posting/Transfer/2021/18653 In pursuance of the recommendation of Khyber Pakhtunkhwa Public Service Commission issued vide letter No. PSC/SR-VI/011932 dated 16.09.2021 and offer of appointment order No. Director(LG)/3-1/Establishment/2021/18438 dated 07.10.2021, the Competent Authority in Directorate General LG&RD has been pleased to appoint the following candidates against the post of Accountants (BPS-16) under the initial quota for recruitment and post them against the undermentioned vacant posts in the following stations with immediate effect in best public interest:-

Sl#	Name of Accountant	From	To
1	Mr. Zia ud Din S/O Hakim Khan	On Arrival	O/O of Assistant Director LG & RDD Kolai Palas Kohistan against the vacant post
2	Mr. Sheraz Khan S/O Noor Ali Khan	On Arrival	O/O of Assistant Director LG & RDD Lukki Marwat against the vacant post
3	Mr. Asad Ullah S/O Zahir Shah	On Arrival	O/O of Assistant Director LG & RDD Manshera against the vacant post
4	Mr. Naz Amir Khan S/O Gul Qasim Shah	On Arrival	O/O of Assistant Director LG & RDD Tank against the vacant post
5	Syed Khalil Ahmad S/O Syed Muhammad Yousaf	On Arrival	O/O of Assistant Director LG & RDD Swat against the vacant post
6	Muhammad Farooq S/O Mir Sanat Shah	On Arrival	O/O of Assistant Director LG & RDD Swabi against the vacant post
7	Mr. Jafil Hussain S/O Yar Baig	On Arrival	O/O of Assistant Director LG & RDD Chitral Lower against the vacant post
8	Mr. Zahid Iqbal S/O Akhtar Ali Khan	On Arrival	O/O of Assistant Director LG & RDD Kohat against the vacant post
9	Mr. Umer Shahzad S/O Muhammad Ilyas	On Arrival	O/O of Assistant Director LG & RDD Torghar against the vacant post
10	Mr. Umer Hayat S/O Gul Muhammad Tajik	On Arrival	O/O of Assistant Director LG & RDD Malakand against the vacant post
11	Muhammad Atif S/O Hidayat Ullah	On Arrival	O/O of Assistant Director LG & RDD Shangla against the vacant post
12	Mr. Abdullah S/O Gul Hassan	On Arrival	O/O of Assistant Director LG & RDD Peshawar against the vacant post
13	Mr. Abdul Wahab S/O Kabul Jan	On Arrival	O/O of Assistant Director LG & RDD Charsadda against the vacant post
14	Muhammad Waqas S/O Muhammad Ayaz	On Arrival	O/O of Assistant Director LG & RDD Nowshera against the vacant post
15	Mr. Rahmat Ali S/O Umar Muhammad	On Arrival	O/O of Assistant Director LG & RDD Dir Upper against the vacant post
16	Mr. Shakel ur Rahman S/O Mukhtiar Hussain Shah	On Arrival	O/O of Assistant Director LG & RDD Kohistan Upper against the vacant post
17	Mr. Riaz ul Haq S/O Haji Isar Khan	On Arrival	O/O of Assistant Director LG & RDD Battagram against the vacant post
18	Mr. Irfan Ullah S/O Sulaiman Khan	On Arrival	O/O of Assistant Director LG & RDD Chitral Upper against the vacant post
19	Muhammad Afzal Farooq S/O Sher Afzal	On Arrival	O/O of Assistant Director LG & RDD Dir Lower against the vacant post
20	Mr. Arsalan S/O Faiz Ahmad	On Arrival	O/O of Assistant Director LG & RDD Kohistan Lower against the vacant post
21	Mr. Shafi Ullah S/O Sharif Khan	On Arrival	O/O of Assistant Director LG & RDD Kurak against the vacant post
22	Mr. Fahad Khan S/O Abdul Wahid	On Arrival	O/O of Assistant Director LG & RDD Haripur against the vacant post
23	Mr. Bilal Ahmad S/O Badshah Said	On Arrival	O/O of Assistant Director LG & RDD Hangu against the vacant post
24	Miss Sana Khan D/O Naveed Khan	On Arrival	O/O of Assistant Director LG & RDD Bannu against the vacant post
25	Muhammad Idrees S/O Kawsher Khan	On Arrival	O/O of Assistant Director LG & RDD Buner against the vacant post
26	Mr. Shafiq Khan S/O Amir Bahadur	On Arrival	O/O of Assistant Director LG & RDD Mardan against the vacant post
27	Miss Hajira Alta D/O Attaullah	On Arrival	O/O of Assistant Director LG & RDD Abbottabad against the vacant post
28	Miss Rimsha Shabir D/O Shabir Ahmed	On Arrival	O/O of Assistant Director LG & RDD Peshawar
29	Mr. Jahanzeb Ghori S/O Javed Maseeh	On Arrival	O/O of Assistant Director LG & RDD D.I Khan, relieving Muhammad Hashim Senior Village Secretary (BPS-11) from additional charge of the post of Accountant.

Annex
18

23/11/2021

Signature



LOCAL GOVERNMENT & RURAL DEVELOPMENT
KHYBER PAKHTUNKHWA

11/11

2. The newly appointed Accountants will be on probation for a period of one year in terms of Rule 15 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.
3. The newly appointed Accountants are further directed to report for duty on their respective place of postings as mentioned above within thirty (30) days from the issuance of this appointment/ posting order.
4. In light of the above, the following transfer/ posting / adjustments are also hereby made with immediate effect in best public interest.


S#	Name of Office Assistant	From	To
1.	Mr. Shah Saeed	Accountant (Stopgap arrangement) O/O Assistant Director LG & RDD Peshawar	As Office Assistant O/O Assistant Director LG & RDD, Peshawar vice Serial No. 2
2	Mr. Waqas Baseer	Office Assistant O/O Assistant Director LG & RDD, Peshawar	Office Assistant O/O Assistant Director LG & RDD Mohmand vice Serial No. 3
3	Mr. Izzat Khan	Office Assistant O/O Assistant Director LG & RDD Mohmand	Directorate General, Merged Areas against the vacant post

-sd-
DIRECTOR GENERAL
LG&RD

Endst: No. & date even:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. All Directors, LG & RD, Khyber Pakhtunkhwa.
3. Section Officer (Establishment), LG,E & RDD w.r.t his order quoted above.
4. All the Assistant Directors, LG & RDD, Khyber Pakhtunkhwa.
5. All the District Accounts Officers Khyber Pakhtunkhwa.
6. PS to Secretary, LG,E & RDD, Khyber Pakhtunkhwa.
7. PA to Director General LG&RDD, Khyber Pakhtunkhwa, Peshawar.
8. Officials concerned.
9. Personal Files.


(VIKASH)
ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD





**DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
KHYBER PAKHTUNKHWA**

Dated Peshawar, the 17th February, 2022

ORDER

No. Director (LG) 3-4/Posting/Transfer/2021/19076 The Competent Authority has been pleased to order the posting/transfer of the following Office Assistants (BPS-16), Local Government & Rural Development Department with immediate effect in public interest:-

S #	Name of Office Assistant	From	To
1	Mr. Ashfaq Hussain (BPS-16)	Office of Assistant Director LG & RDD, Mardan	Office of Assistant Director LG&RDD Mohmand
2	Mr. Waqas Baseer (BPS-16)	Office of Assistant Director LG&RDD Mohmand	Office of Assistant Director LG & RDD, Mardan vice Serial No. 1

-sd/-

**DIRECTOR GENERAL
LG & RDD**

Endst. Of even No. & Date.

Copy of the above is forwarded to the:

1. Section Officer (Estab) LG&RDD, Khyber Pakhtunkhwa.
2. Assistant Directors LG&RDD Mohmand & Mardan.
3. District Accounts Officer, District Mohmand & Mardan.
4. PS to Secretary, LG, E & RDD, Khyber Pakhtunkhwa.
5. PA to Director General LG&RDD, Khyber Pakhtunkhwa.
6. Office File.

Sybe

[Signature]

**DEPUTY DIRECTOR (AMDIN/HR)
LG&RDD**

TO

The Secretary
Local Government Election & Rural Development Department
Khyber Pakhtunkhwa

Subject: APPEAL FOR PREMATURE POSTING TRANSFER.

It is submitted that I Mr. Waqas Basir have been working as Office Assistant under the Administrative control of your esteemed Directorate General Local Government

On 20/11/2020, I was transferred & posted in the office of AD LGRD at Peshawar where I had joined duties in compliance of the vide office order No. Director(LG)3-4/Posting/Transfer/2020/17122 Dated 20/11/2020. (Copy attached)

On 23/11/2021, I was again transferred to the office of AD L.G Mohmand and hence, I made arrival in the said office and joined duties in compliance of the vide office order No. Director (LG)3-4/posting/Transfer/2021/18653 Dated 23/11/2021 (Copy of the order is attached).

On 17/02/2022, surprisingly I was once again transferred from Mohmand to District Mardan vide order No. Director (LG)3-4/Posting/Transfer/2021/19076 Dated 17/02/2022 just 3 months after the issuance of my previous transfer order. (Copy of the order is attached)

It is brought to your kind notice that according to 2 years transfer policy of KPK government I was transferred from Khyber Office to Peshawar vide Director (LG) 3-4/posting / transferred / 2020 / 17122 dated 20/11/2020.

o/c

13

16

1233
21-2-22

Whereas, the other Office Assistant who transferred from Peshawar to Directorate LGRD Merged Areas was posted back, with in a period of one month. Copy attached.

Moreover, this policy of 2 years transfer was not followed in my case, since my transfer from Peshawar to Mohmand was order within one year after the previous order dated 20/11/2020. And now once again without following the transfer policy I have been transfer to Mardan Office without any legal & cogent reason.

It is therefore requested to keeping in view the transfer policy, my transfer order may kindly be cancelled I may kindly be allowed to complete my tenure of posting as for Govt. Policy.

Yours Sincerely

Waqas Basir
Waqas Basir
Office Assistant LGRD
Mohmand

- (R) (K) C
2. That the petitioner is a provincial government servant and performing his duties as Office Assistant in the respondent department since his appointment dated 18/11/2009.
 3. That the petitioner since his appointment dated 18/11/2009 was serving in the respondents department with unblemished service record and entire satisfaction of his superiors.
 4. That after spend his five years at District Khyber, he was on 20/11/2020 transferred form District Khyber to District Peshawar and posted in Office of AD LGRD at Peshawar, wherein he joined his duties in compliance of the Office Order No Director (LG)3-4/posting/transfer/2020/17122. (The copy of transfer order dated 20/11/2020 is attached as annexure "A").
 5. That the petitioner in compliance of the 2nd premature transfer order dated 23/11/2021 vide which the petitioner was prematurely transferred to the office of AD LG Mohmand and hence this time also the petitioner submitted arrival report in the said office and joined his duties in compliance of the Office Order NO Director (LG) 3-4/posting/transfer/2021/18653, dated 23/11/2021. (The Copy of order dated 23/11/2021 is attached as annexure "B").

ATTESTED
EXAMINER
UNIVERSITY OF PESHAWAR

- (26)
- (3)
6. That it was on 17/02/2022 when the respondents No 2 & 3 under a political pressure transferred the petitioner from Mohmand to District Mardan vide order No Director/(LG)3-4/posting/transfer/2021/19076 with utmost bewilderment of petitioner and adjusted the political blue eyed. It is worth to mention that the transfer order was issued prematurely and some of three (3) months of the issuance of previous transfer order.

Needless to mention that according to provincial government KPK two years transfer policy was not observed towards petitioner, since he was transferred from Peshawar to Mohmand within one year after the previous order dated 20/11/2020 and now once again without following the mandatory transfer policy the petitioner was again transferred to Mardan Office without any legal and cogent reason/justification. (The Copy of transfer order dated 17/02/2022 is attached as annexure "C").

7. That the petitioner submitted a departmental appeal on 21/02/2022, but so far without any response, however, the petitioner was orally informed that this departmental appeal would never be placed before the competent authority. (The Copy of departmental appeal is attached as annexure "D").

ATTESTED
EXAMINER
Peshawar High Court

(2)

(4)

8. That since the proper forum for redressal of the petitioner's grievance is service tribunal, but the same is now days non functional due to non availability of Chairman, hence this petition.

9. That the petitioner having no other alternate or adequate remedy available, but to approach this Honourable Court on the following grounds inter alia:-

Grounds:-

- A. That the impugned transfer order is illegal, unjust, premature and not maintained in the eyes of law as being against the Government Transfer Policy.
- B. That the impugned transfer order dated 17/02/2022 vide order No Director (LG)3-4/posting/transfer/2021/19076 is premature and against the posting/transfer policy of government so on this score alone the impugned order needs to be declared null and void.
- C. That all the public functionaries are required to act as per law, but in the case in hand, they have acted otherwise, therefore, this Honourable Court under its extra ordinary jurisdiction may direct them to adhere to the law on the subject.

DIRECTOR
EXAMINER
Karnataka High Court

- D. That the petitioner has been treated against the law and he has also been deprived of equal protection of law guaranteed under the Constitution.
- E. That from all prospective the impugned transfer order dated 17/02/2022 is wrong, illegal, void and are liable to be set aside.
- F. That any other grounds inter alia no raised in this petition may graciously be allowed at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant Writ Petition, the impugned transfer order dated 17/02/2022, whereby petitioner was transferred from Mohmand to District Mardan may please be cancelled and the petitioner may please be allowed to serve at his own place of posting at Mohmand to complete his tenure of posting under the Government Policy, so as to meet the ends of justice.

Interim relief:-

In furtherance to above, it is most humbly prayed that the operation of the transfer order dated 17/02/2022 may kindly be suspended till the final disposal of the instant writ petition.

ATTESTED
EXAMINER
Bannawal High Court

(6) 23

Any other relief as deemed appropriate in the circumstances of the case not specifically asked for may also be granted to the petitioner.

Dated:- 24/02/2022

Through:-

Petitioner

Shahnaz Tariq
Advocate High Court(s)
Peshawar.

Certificate:-

It is certify that no such like writ petition has earlier been filed by the Petitioner in this Honourable Court. Further stated that being Writ Petition on the score that since there is no adequate and alternate legal remedy is available or previously avail or approach lower forum, thus this case may be fixed before the Worthy Division Bench (D.B) of this Honourable Court.

Advocate

Note:-

As per Notification dated 18th March, 2017 issued by the Worthy Office of Registrar Peshawar High Court, Peshawar, the grounds of Writ Petition alongwith all appended annexures have been scanned in PDF format, while institution of this Writ Petition to avoid the certain requisitions of Scanning, this case may be treated accordingly.

Advocate

Note:-

Along with original, 3 separate copies are submitted in separate file cover.

Advocate

List of Books:-

1. Constitution of Islamic Republic of Pakistan 1973.
2. Case laws and dicta so laid down by superior judiciary
3. Any other law books according to need.

Advocate

ATTESTED
EXAMINER
Peshawar High Court

(6) (23) C

Any other relief as deemed appropriate in the circumstances of the case not specifically asked for may also be granted to the petitioner.

Dated:- 24/02/2022

Petitioner

Through:-

Shahnaz Tariq
Advocate High Court(s)
Peshawar.

Certificate:-

It is certify that no such like writ petition has earlier been filed by the Petitioner in this Honourable Court. Further stated that being Writ Petition on the score that since there is no adequate and alternate legal remedy is available or previously avail or approach lower forum, thus this case may be fixed before the Worthy Division Bench (D.B) of this Honourable Court.

Advocate

Note:-

As per Notification dated 18th March, 2017 issued by the Worthy Office of Registrar Peshawar High Court, Peshawar, the grounds of Writ Petition alongwith all appended annexures have been scanned in PDF format, while institution of this Writ Petition to avoid the certain requisitions of Scanning, this case may be treated accordingly.

Advocate

Note:-

Along with original, 3 separate copies are submitted in separate file cover.

Advocate

List of Books:-


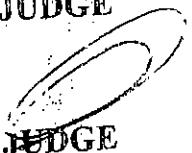
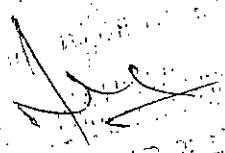
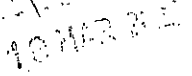
1. Constitution of Islamic Republic of Pakistan 1973.
2. Case laws and dicta so laid down by superior judiciary
3. Any other law books according to need.

Advocate

ATTESTED
EXAMINER
Peshawar High Court

PESHAWAR HIGH COURT PESHAWAR
Form "A"

Order Sheet

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
2	3
08.3.2022	<p><u>WP 764-P/2022 with IR.</u></p> <p>Present:</p> <p>Ms. Shahnaz Tariq, Advocate, for the petitioner.</p> <p>*****</p> <p>Adjourned to <u>17.3.2022</u>. Meanwhile, operation of the transfer order dated 17.02.2022 is suspended till the date fixed.</p> <p style="text-align: right;">  JUDGE  JUDGE  JUDGE  </p>
2-2434	8/3/2022
7/P	
28	10/3/2022
Muhammad	10/3/2022 A6695

Nazir

(D.B)

Hon'ble Mr. Justice Mohammad Ibrahim Khan, J
Hon'ble Mr. Justice S M Attique Shah, J

فیت
50 روپے

115377



ایڈوکیٹ: *[Signature]*
بار کونسل / ایسوسی ایشن نمبر 7824-10-BC
رابطہ نمبر: 9415542-8345

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: *[Signature]* سید سید محمد رفیق پختونخواہ پشاور

دعوی:	منجانب: <i>[Signature]</i>
علت نمبر:	رقم: <i>[Signature]</i>
موزعہ:	چیف جسٹس، پشاور ہائی کورٹ
جرم:	KPK کیس نمٹانے کے لیے
تھانہ:	

باعث تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام پشاور کیلئے سید سید محمد رفیق پختونخواہ کی درخواست پر ایڈووکیٹس
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز ذیل صاحب کو
راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جو اس دعویٰ اقبال و دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور اسٹوپی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی لوگوں کے ساتھ مالٹے کے لئے اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سختہ پر واضح منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانبہ اٹوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دواحد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے
المقوم: 21-05-2022

Accepted *[Signature]*
PESHAWAR BAR ASSOCIATION
PESHAWAR

مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

[Signature]

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

Recd

SP

APPEAL No. *912* of 20*22*.

Waqar Bosis

Appellant/Petitioner

Versus

Chief Secy, Civil Secretariat, KPK, Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner

*Waqar Bosis s/o Bosis, ud din R/o
99-A, Hussain Ahmad Colony, Gulistan Road, Peshawar*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *13/05/2022* at *9:00*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Recd

SB

APPEAL No. *412* of 20*22*.

Waqas Basir

Appellant/Petitioner

Versus

Chief Secy, Civil Secretariat, KPK, Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner

*Waqas Basir s/o Basir ud din R/o
99-A, Hussain Abad Colony, Gulbahar Road, Peshawar*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *13/05/2022* at *9:00*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.