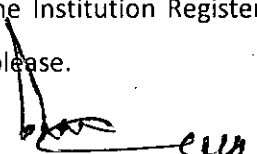



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7887/2021

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 20/12/2021 | <p>The appeal of Mr. Sajjad Hussain presented today by Mr. Faheem Ullah Akhuzada 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> |
| 2- | | <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>21/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |

21.12.2021

Counsel for the appellant present. Preliminary arguments heard.

The appellant has invoked the jurisdiction of this Tribunal to impugn the transfer/posting order bearing No. 05/CE-9/PHE, dated 02.12.2021, whereby he has been transferred from the post of SDA PHE Sub Division Charsadda to the office of Chief Engineer (East) PHED. Previously, he was transferred vide order dated 19.02.2021 from PHE Division Swabi to PHE Division Mardan and then from there to PHE Division Charsadda vide order dated 11.03.2021. He while under transfer vide order dated 11.03.2021 was further transferred after four days vide order dated 15.03.2021 and was posted in PHE Sub Division Charsadda before his taking over charge in PHE Sub Division, Tangi. It appears that the appellant has suffered by frequent transfers made within a single year. All the orders including the impugned order are shown to have been issued in public interest. What public interest lies in frequent transfers of the appellant is required to be shown by the respondents when the matter is heard during regular hearing. This appeal is admitted for hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 17.01.2022 before S.B.

An application for interim relief seeking suspension of operation of impugned order has been filed alongwith memorandum of appeal. Notice of application be also given to the respondents. The operation of the impugned order dated 02.12.2021 is suspended till date fixed.

Appellant Deposited
Security Process Fee

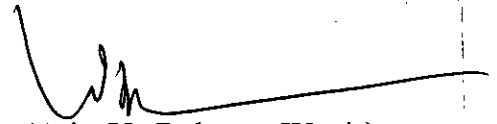
23/12/21


Chairman

17.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Rehman Ali, PSO and Muhammad Irfan Assistant for official respondents No. 1 to 4 present. Private respondent No. 5 in person present.

Reply/comments on behalf of private respondent No. 5 has been already submitted. Reply/comments on behalf of official respondents No. 1 to 4 are still awaited. Representative of respondentsough time to furnish reply/comments. To come up for reply/comments before the S.B on 02.02.2022. The operation of the impugned order dated 02.12.2021 is suspended till date fixed.



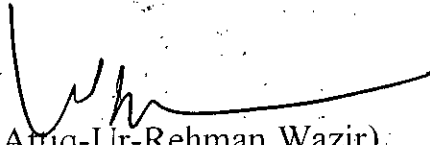
(Atiq-Ur-Rehman Wazir)
Member (E)

02.02.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for official respondents present.

Learned counsel for the appellant submitted an application for withdrawal of the instant service appeal wherein he stated that the grievances of the appellant have been redressed departmentally. Application is allowed and the instant service appeal is therefore, dismissed as withdrawn. File be consigned to the record room.

Announced:
02.02.2022

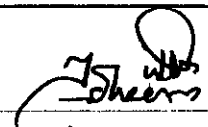

(Attiq-Ur-Rehman Wazir)
Member(E)

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Sajjad Hussain vs Govt. of KPK & others

| S.# | Contents | Yes | No |
|-----|--|-----|----|
| 1. | This appeal has been presented by: <u>FATEEM ULLAH AKHUNZADA Adv</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 <u>20/12/2021</u> | ✓ | |
| 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: FATEEM ULLAH AKHUNZADA
 Signature: 
 Dated: 20/12/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 7887 /2021

Sajjad Hussain

VS

GOVT. OF KPK & Others

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| 2. | Copy of CNIC | A | 10 |
| 3. | Copy of order 19/02/2021 | B | 11 |
| 4. | Copy of notifications 11/03/2021 & 15/03/2021 | C & D | 12-15 |
| 5. | Copy of impugned transfer order 02/12/2021 | E | 16 |
| 6. | copy of ECP notification 04/11/2021 | F | 17-20 |
| 7. | Copy of the departmental appeal | G | 21-23 |
| 8. | Copies of the appeal | H & I | 24-25 |
| 9. | Copy of transfer/posting policy | J | 26-28 |
| 12 | Wakalat Nama | ----- | 29 |


APPELLANT

Through:


FAHEEM ULLAH AKHUNZADA
ADVOCATE HIGH COURT

Cell No.0315-9046202

Fahimgull541@gmail.com

Office- FF.29 5th floor Bilour Plaza Peshawar Cantt.

①

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

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 7857 /2021

Diary No. 8057

Dated 20-12-2021

Mr. SAJJAD HUSSAIN, SDA/SENIOR CLERK O/O SUB DIVISION
PUBLIC HEALTH ENGINEERING DEPARTMENT CHARSADDA.

..... APPELLANT

VERSUS

- 1- THE GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
CHIEF SECRETARY PESHAWAR.
- 2- THE SECRETARY PUBLIC HEALTH ENGINEERING
DEPARTMENT PESHAWAR.
- 3- THE CHIEF ENGINEER, (CENTER) PUBLIC HEALTH
DEPARTMENT PESHAWAR.
- 4- THE EXECUTIVE ENGINEERS PHE DIVISION CHARSADDA.
- 5- MR. SHAKIL AHMAD ^{Sr. Clerk} / O/O CHIEF ENGINEER (EAST) PHE
DEPARTMENT.

Filed to-day RESPONDENTS

↓
Registrar,

20/12/2021

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
OFFICE ORDER NO.05/CE-9/PHE DATED 02.12.2021
WHEREBY THE APPELLANT HAS PREMATURELY BEEN
TRANSFERRED FROM THE OFFICE OF PHE SUB DIVISION
CHARSADDA TO CHIEF ENGINEER (EAST) PESHAWAR AND
AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL
APPEAL OF THE APPELLANT WITHIN THE STATUTORY
PERIOD.

PRAYER:

On acceptance of the instant appeal the impugned office order No. 05/CE-9/PHE DATED 02.12.2021 may please be set aside and the same may be declared as illegal unlawful without lawful authority, void ab-initio and in sheer violation of ban imposed by election commission of Pakistan vide Notification No. F-16(1)/2021-LGE-KP dated 04/11/2021 and evidently an outcome of political motivation, therefore respondents may be directed to withdraw the above stated office order and appellant may not be transfer from his post of Senior Clerk at sub division PHE charsadda till the completion of his tenure. Any other remedy which this August Tribunal deems fit that may also be awarded in favor of the appellant.

RESPECTFULLY SHEWETH**ON FACTS:**

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

1. That the appellant is the law abiding, peaceful citizen of Pakistan and living with his family within the local jurisdiction of this Hon'able Tribunal.
(Copy of CNIC is attached as annexureA)
2. That the appellant is serving as SDA/Senior Clerk under the administrative control of Chief Engineer Public Health Engineering [Center] Khyber Pakhtunkhwa Peshawar. That the appellant has performed unblemished and satisfactory performance in the department and having no stigma or complaint against the appellant during entire service.
3. That earlier the appellant was transferred from PHE Sub Division Swabi to Mardan Division and posted as Accounts Clerk against vacant post in PHE Division Mardan, wherein the appellant

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assumed charged in compliance of the order No. 11//E-9/PHE dated 19/02/2021 issued by the Chief Engineer [Center] Khyber Pakhtunkhwa Peshawar.

(Copy of order is attached as Annexure.....B)

4. That after less than one month of tenure period the appellant once again was transferred from the post of Accounts Clerk PHE Division Mardan to PHE Division Charsadda and posted as SDA in PHE Sub Division Tangi by the Chief Engineer [Center] Khyber Pakhtunkhwa Peshawar vide Order No. 6/E-9/PHE dated 11/03/202 but after [03] days the appellant once gain transferred was from PHE Sub Divisiion Tangi and posted in PHE Division Charsadda vide office order No. 05/E-9 d/PHE dated 15/03/2021 issued by Chief Engineer [Center] PHE Peshawar, which order also implemented by the appellant .

(Copy of notifications are attached as Annexure – C and D)

5. That after mostly 8th months period of tenure the appellant again was transferred from PHE Division Charsadda and posted in the office of Chief Engineer (East) PHED on 02/12/2021 vide office order No. 05/CE-9/PHE in violation of tenure and posting transfer policy / APT Rules 1989 Government of Khyber Pakhtunkhwa.

(Copy of transfer order is attached as Annexure..... E)

6. That the Election Commission of Pakistan vide Notification No. F-16(1)/2021-LGE-KP dated 04/11/2021 issued revised schedule for conduct Local Government Election in First Phase in Khyber Pakhtunkhwa and imposed ban on posting transfer / any kind of misuse of Government office for announcement of developmental projects but in violation of the said revised schedule of ECP the appellant was transferred to influence the result of Local Government Election in the shape of transfer of the appellant

(copy of notification is attached as Annexure..... F)

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7. That feeling highly aggrieved from the impugned order dated 02-12-2021, The appellant filed a department appeal to the competent authority i.e the secretary to Government of Khyber Pakhtunkhwa Public Health Engineering Peshawar on dated: 03-12-2021, but till date no heed was paid to the appeal of the appellant.

(Copy of the departmental appeal is attached as annexure.....G)

8. That as the impugned order was issued not only in sheer violation of the posting/transfer policy but also during the ban imposed by the election commission of Pakistan therefore the appellant also made representation to the District Election Officer and District Administration, Charsadda.

(Copies of the appeal are attached as annexure.....H & I)

9. That the appellant having no other efficacious remedy but to file the instant appeal on the following grounds amongst the others.

Grounds:

1. That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
2. That the appellant was transferred so many times just in the year 2021 without any reasons in violation of transfer posting and tenure policy which is also against the law rules and judgment of august Supreme Court of Pakistan enshrine in Anita Turab vs Federation of Pakistan reported as 2031 PLD SC Page 195.
3. That Likewise, the impugned order dated 02/12/2021 of the department / Chief Engineer [Center] qua transfer of the appellant being not permissible and the same being whimsical, arbitrary and punitive in nature and therefore, in violation of

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fundamental rights enshrined in Constitution of 1973 and in contravention of Rules and policy, therefore not tenable in the eyes of law.

4. That the appellant has not been completed his tenure in Charsadda sub Division and the normal period of posting of a Government Servant at a station, according to Rule 21 of the Rules of Business is three years, which has to be followed in the ordinary circumstances, unless for reasons or exigencies of service a transfer before expiry of the said period becomes necessary thus the said transfer without completion of tenure is against the law and rules, constitution and fundamental rights.
5. That the transfer of the appellant is against the Tenure, appointment, promotion and posting/transfer are of utmost importance in the civil service, and the same will rightly be considered and treated as part of the terms and conditions of service of a civil servant. If, however, rules and instructions are deviated from and as a result merit is discouraged on account of favoritism, sifarish or considerations other than merit, it should be evident that civil service will not remain independent or efficient in this regard reliance upon Constitution Petition No. 23/2012. Petition by Ms. Anita Turab vs Government of Pakistan etc.
6. That act of the respondents department is based on of Political influence and without tenure policy transfers against the law and judgments of superior courts relied upon the relevant para of judgment of the Supreme Court of Pakistan 1996 SCMR 1185 titled Hameed Akhtar Niazi vs The Secretary Establishment Division, Government of Pakistan relevant part is reproduced here for ease of reference,

"If the Service Tribunal or Supreme Court decides a point of law relating to the terms of Service of a Civil Servant which covers not only the case of civil servant who litigated, but also

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of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such judgment by Service Tribunal/ Supreme Court be extended to other civil servants, who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum".

7. That it is evident from the transfer/posting history of the appellant that since inception of his appointment he has been subjected to frequent transfers and was never let to complete his tenure rather he has been treated as shuttlecock throughout his career which act of the respondent department is not only illegal but is a source of frustration for the appellant and his family as well.
8. That it is pertinent to mention that the impugned order dated 02-12-2021 and all the previous transfer/posting orders of the respondents are violative of clause-I and clause-IV of the transfer/posting policy as the throughout his tenure the appellant was never let to complete his tenure.
(Copy of transfer/posting policy is attached as annexure.....J)
9. That the impugned order dated 02-12-2021 is also against law & prevailing rules as the impugned order is issued during the ban period imposed by the election commission of Pakistan on all posting/transfer owing to local government election with aim to insure transparency.
10. That the impugned order dated 02-12-2021 is not passed in public interest which is a clear violation of judgments of passed by the apex supreme court of Pakistan hence the impugned order dated 02-12-2021 is void ab initio in its nature.

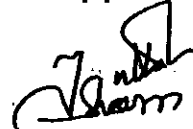
(7)

It is, therefore humbly prayed that the instant appeal may please be allowed in favour of the appellant against the respondents as prayed for in the heading of the appeal.



Appellant

Through



FAHEEM ULLAH AKHUNZADA
Advocate High Court
Peshawar.

LIST OF BOOKS:

1. CONSTITUTION OF PAKISTAN
2. SERVICES LAWS
3. TRASNFER POSTING POLICY
4. ANY OTHER LAWS AS PER NEED.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL No. _____/2021

SAJJAD HUSSAIN

VS

GOVT. OF KPK & OTHERS

**APPLICATION FOR SUSPENSION OF OPERATION OF THE
IMPUGNED OFFICE ORDER NO. 05/CE-9/PHE DATED
02.12.2021 TILL THE FINAL DISPOSAL OF THE ABOVE
MENTIONED APPEAL.**

RESPECTFULLY SHEWETH:

- 1- That the above mentioned appeal along with this application has been filed before this august service Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 02-12-2021 wherein the appellant has prematurely been transferred from PHE division charsadda to the office of chief engineer (east) PHED Peshawar.
- 3- That if the impugned order dated 02.12.2021 has not been suspended the appellant will face irreparable loss and will declare the above-mentioned appeal infructuous.
- 4- That all the three ingredients necessary for the stay is in favor of the appellant.
- 5- That the impugned order dated 03.03.2021 had been issued by the respondents in utter disregard of law and prevailing Rules with melafide intentions.

It is therefore, most humbly prayed that on acceptance of this application the operation of the impugned dated 02.12.2021 may very kindly be suspended till the disposal of the above mentioned service appeal:

Dated: 17-12-2021


APPELLANT

THROUGH:


FAHEEM ULLAH AKHUNZADA

ADVOCATE HIGH COURT
PESHAWAR.

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. _____/2021

Sajjad Hussain

VS

GOVT. OF KPK & Others

AFFIDAVIT

I, Faheem Ullah Akhunzada Advocate High Court Peshawar as per instructions of my client, do hereby solemnly affirm and state, that the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Tribunal.



Dated: 17/12/2021.

Deponent.

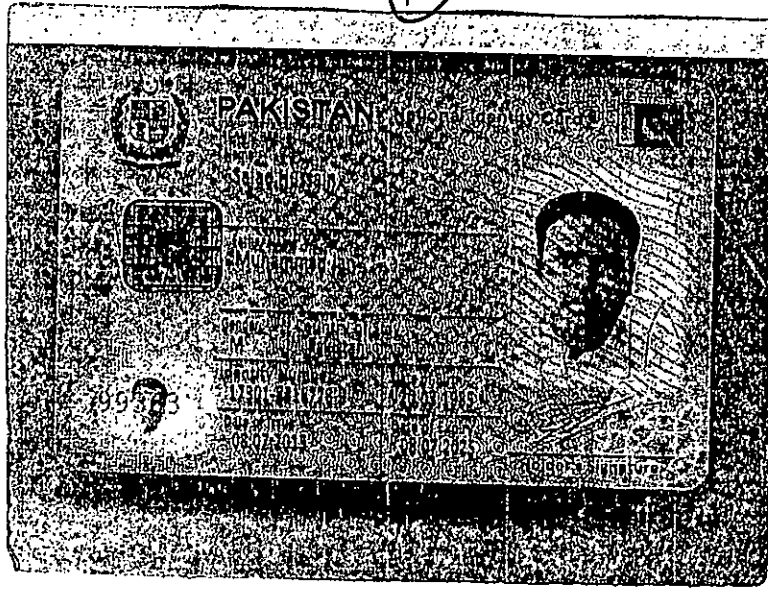
BC: 12-3780
Cell: 0333-9046202

Certificate:

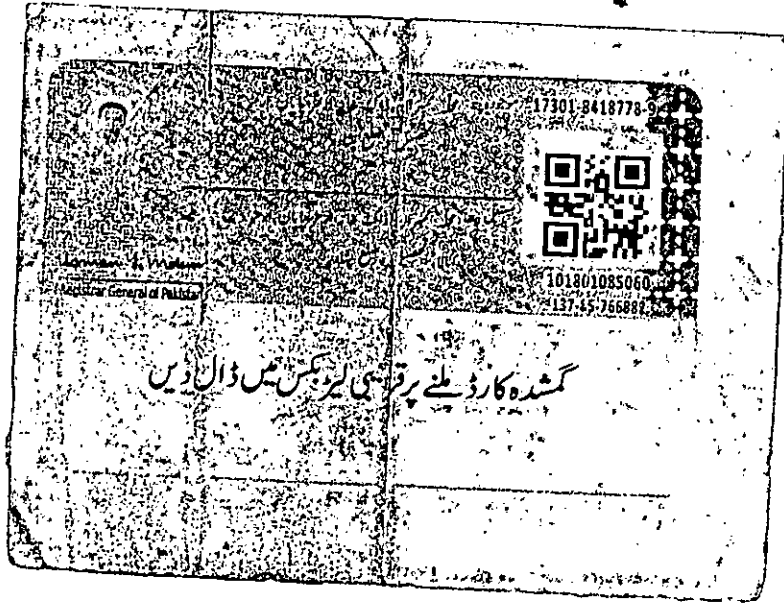
It is certified that no earlier appeal has been pending or filed between the same parties and on same subject matter except the instant appeal.

Deponent

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Annex A



Attested

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OFFICE OF THE CHIEF ENGINEER (SOUTH)
 PUBLIC HEALTH ENGG. DEPT. KYBER PAKHTUNKHWA, PESHAWAR
 Ph: 091-9217788 Fax: 091-9217396 E-mail: Ce.s.phed.pr5419@gmail.com. Plot#40, Sector-B-II,
 Phase-V, Hayatabad, Peshawar

No. 11/E-9 /PHE,
 Dated Peshawar, the 19/02/2021.

Annex B

OFFICE ORDER

On the recommendation of the Placement Committee in its meeting held on 04.01.2021, at 1400 hours under the Chairmanship of Chief Engineer (South) PHED, the competent authority is pleased to transfer/posting the following officials, with immediate effect in the best interest of public.

| S. No. | Name | From | To | Remarks |
|--------|-------------------------------------|-----------------------|---|--------------------------|
| 1. | Mr. Ghulam Hazrat Accounts Clerk | PHE Division Swabi | PHED Division Buner | Against the vacant post. |
| 2. | Mr. Yousaf Khan Senior Clerk | PHE Division Shangla | PHE Division Swabi | Vice S.No. 3 |
| 3. | Mr. Sajjad Hussain Senior Clerk | PHE Division Swabi | PHE Division Mardan against the vacant post of Accounts Clerk (OPS) | Against the vacant post. |
| 4. | Mr. Alamgir Khan Senior Clerk | PHE Division Haripur | PHE Division Peshawar | Against the vacant post |
| 5. | Mr. Azim Ullah Senior Clerk | PHE Division Mansohra | SDA/Senior Clerk PHE S/Division Torghar | Against the vacant post |
| 6. | Mr. Islam Zada Junior Clerk | PHE Division Swabi | PHE Division Haripur | Vice S.No. 7 |
| 7. | Mr. Jaffar Shah Junior Clerk | PHE Division Haripur | PHE Division Swabi | Vice S.No. 6 |

[Signature]
 Chief Engineer (South)

Endstr: No. 11/E-23 /PHE, Dated 19/02/2021

Copy forwarded to:

1. The Chief Engineer (North) PHE Department, Khyber Pakhtunkhwa Peshawar.
2. The Chief Engineer (NMA) PHED Department, Khyber Pakhtunkhwa Peshawar
3. The Superintending Engineers PHE Circle concerned.
4. The Executive Engineers PHE Division concerned.
5. P.S to Secretary PHED, Peshawar.
6. The Section Officer (Estt) PHED, Peshawar.
7. The District Account Officer concerned.
8. The official concerned.

[Signature]

[Signature]
 Chief Engineer (South)



(12)

Amma C

OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGINEERING DEPT. KHAYBER PAKHTUNKHWA, PESHAWAR

No. 05 IE-9 PHE.
Dated Peshawar, the 15/03/2020

OFFICE ORDER

The following posting/transfer of the ministerial staff is hereby ordered with immediate effect, in the public interest.

| # | Name | From | To | Remarks |
|---|--|---|---|---------------------------------|
| 1 | Mr. Shafiq-ur-Rehman Accounts Clerk | PHE Division Chitral | PHE Division Chitral adjusted against the post of Senior Clerk. | Against the existing vacancy |
| | Mr. Sajjad Hussain Senior Cler | Under-transfer to PHE Sub-Division Langi | PHE Sub Division Charsadda | -do- |

Chief Engineer (South)

Encl: No. 05 IE-28 PHE. Dated 15/03/2020

Copy forwarded to:

1. The Chief Engineer (North) PHE Department Peshawar.
2. The Superintending Engineer PHE Circle Peshawar/Malakand at Timergarh.
3. The Executive Engineers PHE Division Charsadda Chitral.
4. The District Account Officers Charsadda Chitral.
5. The official concerned.

Chief Engineer (South)

Affected:

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(BETTER COPY)

**OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG: DEPART: KHYBER PAKHTUNKHWA, PESHAWAR.**

**No. 05/E-9/PHE
Dated Peshawar, the 15/03/2021**

OFFICE ORDER

The following postings/transfers of the ministerial staff is hereby ordered with immediate effect, in the public interest: -

| Sr.# | Name | From | TO | Remarks |
|------|--|---|---|---------------------------------|
| 1. | Mr. Shafiq-ur-Rehman Accounts Clerk | PHE Division Chitral | PHE, Division Chitral adjusted against the Post of Senior Clerk | Against the existing vacancy |
| 2. | Mr. Sajjad Hussain, Senior Clerk | Under transfer to PHE Sub Division Tangi | PHE Sub Division Charsadda | -do- |

Chief Engineer (South)

Endst: No. 052/E-28/PHE

Dated 15/03/2021

Copy forwarded to: -

1. The Chief Engineer (North) PHE Department Peshawar.
2. The Superintending Engineer PHE Circle Peshawar/ Malakand at Timergarah.
3. The Executive Engineers PHE Division Charsadda & Chitral.
4. The District Account Officers Charsadda & Chitral.
5. The Official concerned.

Chief Engineer (South)

Affected



14

OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG. DEPT. KHUBER PAKISTANIWA, PESHAWAR
Ph: 091-2217788 Fax: 091-2217296 E-mail: Ce_south@pwt.gov.pk

No. 06 / 18 / 9 / PHE

Dated Peshawar, the 11 / 03 / 2021

Annex D

OFFICE ORDER

On the recommendation of the Departmental Promotion Committee (DPC) in its meeting held on 03.12.2020 at 02:00 PM under the Chairmanship of Chief Engineer (South) PHE, the competent authority is pleased to promote the following 25-Nos Senior Clerks (BPS-14) to the post of Accounts Clerks (BPS-14), on regular basis, in the best interest of public.

| | | | | | |
|----|---------------|-----|-------------------|-----|-------------------|
| 1. | Umer Zada | 10. | Amanullah | 19. | Zakir Rehman |
| 2. | Muhammad Asif | 11. | Irfanullah | 20. | Muhammad Sarfaraz |
| 3. | Muhammad Ayaz | 12. | Gul Rais Khan | 21. | Muhammad Rafique |
| 4. | Aurangzeb | 13. | Behram Khan | 22. | Abdul Rauf Khan |
| 5. | Zafullah Khan | 14. | S.Ali Asghar Shah | 23. | Abdul Razaq |
| 6. | Sajjad Ali | 15. | Islah ud Din | 24. | Muhammad Jamil |
| 7. | Khan Badshah | 16. | Salih Muhammad | 25. | Inikhar Khan |
| 8. | Allah Nawaz | 17. | Syed Matloob Shah | | |
| 9. | Farman Ali | 18. | Gohar Rehman | | |

Consequent upon their regular promotion to the next rank, they will remain on probation for a period of one year, as per Civil Servants act 1973, read with appointment/promotion and transfer rules 1989, as such the following posting/transfer are hereby ordered; with immediate effect.

| # | Name | From | To | Remarks |
|-----|------------------------------------|---|---|-----------------------------------|
| 1. | Mr. Umer Zada Senior Clerk | PHE Division Bajaur | Accounts Clerk PHE Division Bajaur | Against the already occupied post |
| 2. | Mr. Muhammad Asif, Senior Clerk | PHE Division Abbottabad | Accounts Clerk PHE Division Haripur | Vice Item No.26 |
| 3. | Mr. Muhammad Ayaz, Senior Clerk | PHE Division Bajaur | Accounts Clerk PHE Division Dir Lower | Against the vacant post |
| 4. | Mr. Aurangzeb Senior Clerk | O/o Chief Engg: (North) PHED | Accounts Clerk o/o Chief Engg: (North) PHED | Vice Item No.29 |
| 5. | Mr. Zafullah Khan Senior Clerk | O/o Chief Engg: (South) PHED against the post of Accounts Clerk | Accounts Clerk o/o Chief Engg: (South) PHED | Against the already occupied post |
| 6. | Mr. Sajjad Ali Senior Clerk | PHE Division Charsadda | Accounts Clerk PHE Division Charsadda | Vice Item No.28 |
| 7. | Mr. Khan Badshah Senior Clerk | PHE Division Dir Lower | Accounts Clerk PHE Division Dir Upper | Against the vacant post |
| 8. | Mr. Allah Nawaz Senior Clerk | PHE Division D.I.Khan | Accounts Clerk PHE Division D.I.Khan | -do- |
| 9. | Mr. Farman Ali Senior Clerk | PHE Division Hangu | Accounts Clerk PHE Circle Kohat | Vice Item No.27 |
| 10. | Mr. Amanullah Senior Clerk | PHE Division Kurram against the post of Accounts Clerk | Accounts Clerk PHE Division Kurram | Against the already occupied post |
| 11. | Mr. Irfanullah Senior Clerk | PHE Division SWA | Accounts Clerk PHE Division Tank | Vice Item No.31 |
| 12. | Mr. Gul Rais Khan Senior Clerk | PHE Division SWA | Accounts Clerk PHE Division SWA | Against the vacant post |
| 13. | Mr. Behram Khan Senior Clerk | SDA PHE S/Division Mardan | Accounts Clerk PHE Division Mardan | -do- |
| 14. | Mr. S.Ali Asghar Shah Senior Clerk | PHE Division Munselru | Accounts Clerk PHE Division Haripur | -do- |
| 15. | Mr. Islah ud Din Senior Clerk | PHE Division Chitral | Accounts Clerk PHE Division Chitral | -do- |

[Handwritten Signature]

15

| | | | | |
|-----|-------------------------------------|---|---|------------------------------|
| 16. | Mr. Salih Muhammad Senior Clerk | O/o Chief Engg: (South) PHED | Accounts Clerk PHE Division Peshawar | Against the existing vacancy |
| 17. | Mr. Syed Matlooh Shah, Senior Clerk | PHE Division Kohistan | Accounts Clerk PHE Division Kohistan | -do- |
| 18. | Mr. Gohar Rehman Senior Clerk | PHE Division Nowshera | Accounts Clerk PHE Circle Peshawar | -do- |
| 19. | Mr. Zakir Rehman Senior Clerk | PHE Division Buner | Accounts Clerk PHE Division Swat | -do- |
| 20. | Mr. Muhammad Sarfaraz Senior Clerk | PHE Division Haripur | Accounts Clerk PHE Division Torghar | -do- |
| 21. | Mr. Muhammad Rafique Senior Clerk | PHE Division Abbottabad | Accounts Clerk PHE Division Gravity Flow Abbottabad | -do- |
| 22. | Mr. Abdul Rauf Khan Senior Clerk | PHE Division Lakki Marwat | Accounts Clerk PHE Division Lakki Marwat | -do- |
| 23. | Mr. Abdul Razaq Senior Clerk | PHE Division Abbottabad | Accounts Clerk PHE Division Abbottabad | -do- |
| 24. | Mr. Muhammad Jamil Senior Clerk | Senior Clerk O/o Secretary PHE Depatt: | Accounts Clerk o/o Chief Engg: (South) PHED | -do- |
| 25. | Mr. Ifkhar Khan Senior Clerk | SDA/Senior Clerk PHE Division Mohmand | Accounts Clerk PHE Division Mohmand | -do- |
| 26. | Mr. Ashiq Hussain Senior Clerk. | PHE Division Haripur against the post of Accounts Clerk | Senior Clerk PHE Division Abbottabad | -do- |
| 27. | Mr. Umar Nawaz Senior Clerk | PHE Circle Kohat against the post of Accounts Clerk | Senior Clerk PHE Division Hangu | Vice item No.9 |
| 28. | Mr. Fazal Amin Accounts Clerk | PHE Division Charsadda | Accounts Clerk o/o Chief Engg: (North) PHED | Against the existing vacancy |
| 29. | Mr. Fazal Hussain Senior Clerk | O/o Chief Engg: (North) PHED against the post of Accounts Clerk | Senior Clerk o/o Chief Engg: (North) PHED | Vice Item No.4 |
| 30. | Mr. Sajjad Hussain Senior Clerk | PHE Division Mardan against the post of Accounts Clerk | PHE Division Charsadda (SDA PHE S/Division Tangi) | Vice Item No.6 |
| 31. | Mr. Amjad Ali Accounts Clerk | PHE Division Tank | Accounts Clerk o/o Chief Engg: (North) PHED | Against the existing vacancy |

[Signature]
Chief Engineer (South)

Endstt: No. 6612-9 /PHE,

Dated Peshawar, the 11 /03/2021

Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. The Additional Accountant General PR Sub-office Peshawar.
3. The Chief Engineers (North/M.Area/Centre) PHE Department Peshawar.
4. All Superintending Engineers PHE Circle North/South/Centre/Merged Area Khyber Pakhtunkhwa.
5. The Section Officer (Estt) PHE Department Peshawar.
6. All Executive Engineers PHE Division North/South/Centre/Merged Area Khyber Pakhtunkhwa.
7. The District Accounts Officer Concerned.
8. The official concerned.

[Signature]

[Signature]
Chief Engineer (South)

Scanned with CamScanner.

Scanned with CamScanner

(16)

Annex E



OFFICE OF THE CHIEF ENGINEER (CENTER)
PUBLIC HEALTH ENGG: DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR
Ph: 091-2417528, E-mail: ce@pheed@small.com, D/O: 40, Sector: D-II, Phase-V, Hayatabad, Peshawar (2212)

No. 05 / CE-9 / PHE,
Dated Peshawar, the 02 / 12 / 2021

OFFICE ORDER

The following posting/transfer of SDA/Senior Clerks (BPS-14), in relaxation of ban is hereby ordered with immediate effect, in the best public interest:-

| # | Name | From | To | Remarks |
|---|--------------------|--|--|----------------|
| 1 | Mr. Sajjad Hussain | SDA PHE Sub Division Charsadda, District Charsadda | O/o Chief Engineer (East) PHED | Vice item No.2 |
| 2 | Mr. Shakil Ahmad | O/o Chief Engineer (East) PHED | SDA PHE Sub Division Charsadda, District Charsadda | Vice item No.1 |

Chief Engineer (Center)

Endstt: No. 05 / CE-9 / PHE,

Dated 02 / 12 / 2021

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa, Peshawar.
2. The Chief Engineer (East) PHE Department Peshawar.
3. The Superintending Engineer PHE Circle Peshawar.
4. The Executive Engineers PHE Division Charsadda.
5. The District Accounts Officer Charsadda.
6. The official concerned.

Chief Engineer (Center)

Attested

(17)

IMMEDIATE
BY SMS

No. F.16(1)/2021-LGE-KP
ELECTION COMMISSION OF PAKISTAN

Annex F



SECRETARIAT,
Constitution Avenue, G-5/2,
Islamabad, the 4th Novomber, 2021

To,

All the Returning Officers,
Tehsil/City Councils/NC/VC,
Appointed for 1st phase Local Government Elections,
In Khyber Pakhtunkhwa.

Through:- The Provincial Election Commissioner,
Khyber Pakhtunkhwa,
PESHAWAR.

Subject:- REVISED SCHEDULE FOR CONDUCT OF LOCAL GOVERNMENT
ELECTION (FIRST PHASE) IN KHYBER PAKHTUNKHWA.

Dear Sir,

Consequent upon, the order passed by the Hon'ble Peshawar High Court in Writ Petitions Nos. 3605-P/2019, 3772-P/2019 and 5051-P/2019 dated 02.11.2021, and to facilitate the general public in filing nomination papers, I am directed to enclose herewith revised schedule for the conduct of Local Government Election in 17 districts of Khyber Pakhtunkhwa, for information and further necessary action at your respective end. However, the poll day will be remain the same as 19th December, 2021.

Yours faithfully,

Encl: As above.

Copy forwarded to the:-

- i. All District Returning Officers.
- ii. All Regional Election Commissioners,
- iii. All District Elections Commissioners, concerned.

(NAVEED UR REHMAN)
Deputy Director (LGE-KP)

(NAVEED UR REHMAN)
Deputy Director (LGE-KP)

Affected OLC

18

**ELECTION COMMISSION OF PAKISTAN
NOTIFICATION**

Islamabad, the 4th November, 2021

Subject:- REVISED SCHEDULE FOR CONDUCT OF LOCAL GOVERNMENT ELECTION (FIRST PHASE) IN KHYBER PAKHTUNKHWA.

No.F.16(1)/2021-LGE-KP:- Consequent upon the order passed by the Hon'ble Peshawar High Court in Writ Petitions Nos. 3605-P/2019, 3772-P/2019 and 5051-P/2019 dated 02.11.2021 and Section-58 of the Elections Act, 2017 read with Rule-15(4) of Khyber Pakhtunkhwa Local Councils (Conduct of Elections) Rules, 2021 all other powers enabling it in that behalf; the Election Commission of Pakistan is pleased to revise the election schedule to the extent shown against each activity issued earlier vide notification of even number dated 25th and 28th October, 2021 whereby voters of Tehsil/City Councils, Village/ Neighbourhood Councils were called upon to elect their representatives to the seat of Mayor or Chairman and members of Village Councils/ Neighbourhood Councils of districts Buner, Bajaur, Mardan, Swabi, Peshawar, Nowshera, Kohat, Karak, D.I.Khan, Bannu, Tank, Haripur, Khyber, Mohamand, Charsadda, Hangu and Lakki Marwat of Khyber Pakhtunkhwa Province and in connection therewith appoints the following new dates of various activities of election to the aforesaid Councils:-

| S# | Activity | Days | Date |
|----|---|----------------------------|--|
| 1 | Dates for filing of nomination papers with the Returning Officers by the candidates | 7 Days | 04.11.2021 to 10.11.2021 |
| 2 | Publication of names of the nominated candidates on | 1 Day | 11.11.2021 |
| 3 | Last date for Scrutiny of nomination papers by the Returning Officer | 3 Days Including Sunday | 12.11.2021 to 14.11.2021 (Sunday) |
| 4 | Last date for filing of appeals against decisions of the Returning Officer rejecting / accepting the nomination papers. | 3 Days | 15.11.2021 to 17.11.2021 |
| 5 | Last date for deciding of appeals by the Appellate Tribunal | 5 Days | 19.11.2021 |
| 6 | Publication of revised list of candidates | 1 Day | 20.11.2021 |
| 7 | Last date for withdrawal of candidature and publication of revised list of candidates | 1 Day | 22.11.2021 |
| 8 | Allotment of Election Symbols to contesting candidates and publication of list of contesting candidates | 1 Day | 23.11.2021 |
| 9 | Polling day on | | 19.12.2021 |
| 10 | Consolidation of Results | 5 Days | 24.12.2021 |

2. To ensure that elections to the Local Government are conducted honestly, justly, fairly in accordance with law and to ensure that the corrupt practices are guarded against, the Election Commission of Pakistan directs that:-

- i. All Executive Authorities in the Federation and in the Provinces shall neither announce any development project nor use State Resources in Local Government Elections calculated to influence the elections in favor of a particular candidate;
- ii. If any person in Government Service misuses his official position in any manner in order to influence results of the elections, he shall be liable to be proceeded against under the Law;
- iii. Districts in respect of which election schedule of local government elections has been issued, no transfers / postings of the Government Officers and Officials including Autonomous Bodies/ Authorities shall be made without prior approval of the Commission till the publication of election results;
- iv. After the issuance of Election Schedule, the President, Prime Minister, Chief Minister, Governor, Speaker and Deputy Speaker of any assembly, Chairman and Deputy Chairman, of Senate, Federal and Provincial Ministers, Advisors to the Prime Minister or Chief Minister or any other holder of public office shall not visit the area of any local council to announce any development scheme or to canvass or campaign for any candidate or any political party. In case if someone is resident of the district where election are being held he may visit the district however shall not take part in any kind of political activity.
- v. Districts in respect of which election schedule has been issued, no leave of the Government Officers and Officials including Autonomous Bodies/ Authorities will be granted after the issuance of Election Schedule of the Local Government Elections without prior approval of the Commission till the publication of election results. In case leave has already been sanctioned, the officer will not relinquish his charge without approval of the Hon'ble Commission;
- vi. Any holder of public office, who is found to have violated any provision of Election Laws or the instructions issued by the Election Commission, shall be proceeded against as mandated in law;

Note:- i. The offices of the Election Commission as well as the offices of District Returning Officers and Returning Officers shall remain open on all public holidays if any activity provided in the schedule falls on that day.

ii. All electoral activities mentioned in the aforesaid schedule shall be undertaken during office hours and the said timing will also be followed on public holidays fixed for any electoral activity of the schedule.

iii. Polling Hours will be observed from 08:00 AM to 05:00 PM.

iv. Appellate Tribunals may start proceedings of hearing/deciding of appeals simultaneously from 15.11.2021 to 19.11.2021.

By the order of the Election Commission of Pakistan

To

The Manager,
Printing Corporation of Pakistan Press,
Islamabad

(NAVEED UR REHMAN)
Deputy Director (LGE-KP)

[For publication in the Gazette of Pakistan
Extraordinary (Part-III) of today's date]

90

I. Copy forwarded for information to the:-

1. Secretary to the President, Aiwan-e-Sadar, Islamabad
2. Secretary to the Prime Minister, Prime Minister, Secretariat, Islamabad
3. Secretary, Cabinet Division, Islamabad
4. Secretary, Ministry of Interior Government of Pakistan, Islamabad
5. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar
6. The Secretary, Local Government Department, Pakhtunkhwa, Peshawar
7. The I.G Police Khyber Pakhtunkhwa

II. Copy also forwarded for information and necessary action to the:-

- i. The Provincial Election Commissioner Khyber Pakhtunkhwa, Peshawar
- ii. All District Returning Officers
- iii. All Returning Officers
- iv. All Regional Election Commissioner
- v. All District Election Commissioner

Through PEC, Khyber Pakhtunkhwa,
Peshawar.

III. Copy forwarded to the:-

- i. Director to the Hon'ble CEC.
- ii. PSs / PAs to the Hon'ble MEC-I & II.
- iii. Staff Officer to the Secretary
- iv. Staff Officer to the Special Secretary.
- v. Additional Secretary (Admn).
- vi. Director General (Law).
- vii. Director General (IT)
- viii. Additional Director General (PR)
- ix. Additional Director General (Electoral Rolls).
- x. Additional Director General (TR&E).
- xi. Additional Director General (Budget).
- xii. Additional Director General (Elections-I & II).
- xiii. Additional Director General (Gender Affairs)
- xiv. Deputy Director (LGE-S)
- xv. Deputy Director (LGE-Punjab)
- xvi. Deputy Director (Cord)
- xvii. Deputy Director (GS)
- xviii. Deputy Director (PR)
- xix. Deputy Director (Budget)
- xx. Deputy Director (Monitoring)
- xxi. Deputy Director (Web) for uploading the same on ECP's website.


(NAVEDD-UR-REHMAN)
Deputy Director (LGE-KP)



To,

(20)

The Secretary to Government of Khyber Pakhtunkhwa
Public Health Engineering
Peshawar.

ANNEX G

Subject **DEPARTMENTAL APPEAL AGAINST THE OFFICE ORDER NO. 05/CE-9/PHE DATED 02/2021 ISSUED BY CHIEF ENGINEER [CENTER] PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR.**

Respected Sir,

My humble submissions as under:-

1. That the applicant is serving as SDE/Senior Clerk under the administrative control of Chief Engineer Public Health Engineering [Center] Khyber Pakhtunkhwa Peshawar. That the applicant has been performed unblemished and satisfactory performance in the department and having no stigma or complaint against the applicant during entire service.
2. That earlier the applicant was transferred from PHE Sub Division Swabi to Mardan Division and posted as Accounts Clerk against vacant post in PHE Division Mardan, wherein the applicant assumed charged in compliance of the order No. 11//E-9/PHE dated 19/02/2021 issued by the Chief Engineer [Center] Khyber Pakhtunkhwa Peshawar [copy of order is attached as Annexure -A].
3. That after less than one month of tenure period the applicant once again transferred from the post of Accounts Clerk PHE Division Mardan to PHE Division Charsadda and posted as SDA in PHE Sub Division Tangi by the Chief Engineer [Center] Khyber Pakhtunkhwa Peshawar vide Order No. 6/E-9/PHE dated 11/03/202 but after [03] days the applicant once gain transferred from PHE Sub Division Tangi and posted in PHE Division Charsadda vide office order No. 05/E-9 d/PHE dated 15/03/2021 issued by Chief Engineer [Center] PHE Peshawar, which order also implemented by the applicant .[Copies attached as Annexure - B and C].
4. That after mostly 8th months period of tenure the applicant again transferred from PHE Division Charsadda and posted in the office of Chief Engineer (East) PHED on 02/12/2021 vide office order No. 05/CE-9/PHE

[Handwritten Signature]

in violation of tenure and posting transfer policy. / APT Rules 1989 Government of Khyber Pakhtunkhwa [copy attached as Anenx- D].

5. That the Election Commission of Pakistan vide Notification No. F-16(1)/2021-LGE-KP dated 04/11/2021 issued revised schedule for conduct Local Government Election in First Phase in Khyber Pakhtunkhwa and imposed ban on posting transfer/ any kind of misuse of Government office for announcement of developmental projects but in violation of the said revised schedule of ECP the applicant was transferred to influence the result of Local Government Election in the shape of transfer of the applicant [copy attached as Annex E].
6. That the applicant was transferred so many times just in the year 2021 without any reasons in violation of transfer posting and tenure policy which is also against the law rules and judgment of august Supreme Court of Pakistan enshrine in Anita Turab vs Federation of Pakistan reported as 2031 PLD SC Page 195.
7. That Likewise, the impugned order dated 02/12/2021 of the department / Chief Engineer [Center] qua transfer of the applicant being not permissible and the same being whimsical, arbitrary and punitive in nature and therefore, in violation of fundamental rights enshrined in Constitution of 1973 and in contravention of Rules and policy, hence, are not sustainable"
8. That the applicant has not been completed his tenure in Charsadda sub Division and the normal period of posting of a Government Servant at a station, according to Rule 21 of the Rules of Business is three years, which has to be followed in the ordinary circumstances, unless for reasons or exigencies of service a transfer before expiry of the said period becomes necessary thus the said transfer without completion of tenure is against the law and rules, constitution and fundamental rights.
9. That the transfer of the applicant is against the Tenure, appointment, promotion and posting/transfer are of utmost importance in the civil service, the same will rightly be considered and treated as part of the terms and conditions of service of a civil servant. If, however, rules and instructions are deviated from and as a result merit is discouraged on account of favoritism, sifarish or considerations other than merit, it should

Accepted

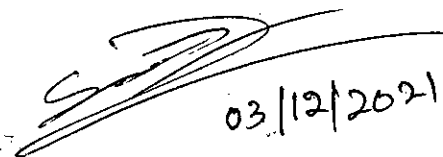
23

be evident the civil service will not remain independent or efficient in this regard reliance upon Constitution Petition No. 23/2012. Petition by Ms. Anita Turab vs Government of Pakistan etc.

10. That act of the respondents department for issuance of Political influential and without tenure policy transferis against the law and judgments of supra court relied upon the relevant para of judgment of the Supreme Court of Pakistan 1996 SCMR 1185 titled Hameed Akhtar Niazivs The Secretary Establishment Division, Government of Pakistan "If the Service Tribunal or Supreme Court decides a point of law relating to the terms of Service of a Civil Servant which covers not only the case of civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such judgment by Service Tribunal/ Supreme Court be extended to other civil servants, who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum".

It is, therefore humbly requested that on acceptance of the instant departmental appeal of the applicant, the impugned office order No. 05/CE-9/PHE dated 02/12/2021 issued by Chief Engineer [Center] PHE Khyber Pakhtunkhwa Peshawar may very kindly be set aside and may be declared, illegal, unlawful ab-initio in the light of the above mentioned references, judgments and relevant rules/ policy of posting /transfer

Yours obediently



03/12/2021

(SAJJAD HUSSAIN)

SDE/ SENIOR CLERK Charsadda Sub Division PHE

Mobile No. 0323-8895927



29

To,

The District Monitoring Officer,
Office of District Election Commissioner,
Charsadda.

Annex H

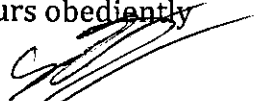
Subject APPLICATION FOR CANCELLATION OF TRANSFER ORDER BEARING NO. 05/CE-9/PHE, DATED: 02-12-2021, BY THE CHIEF ENGINEER (CENTER), PHED, KHYBER PAKHTUNKHWA, PESHAWAR, BEING ISSUED IN VIOLATION OF BAN IMPOSED VIDE PARA-2(III) OF THE ENCLOSED NOTIFICATION DATED: 04-11-2021, BY THE HON'BLE ELECTION COMMISSION OF PAKISTAN.

Respectfully Sheweth,

I have the honor to submit that the applicant is serving as SDA/Senior Clerk in Public Health Engineering, Charsadda since issuance of transfer order No. 05/E-9 d/PHE dated 15/03/2021 issued by Chief Engineer [Center] PHED Peshawar (Annex-A), however, without assigning any reason the Chief Engineer [Center] PHED Peshawar, whiling accepting political influence has transferred the applicant vide impugned office order No. 05/CE-9/PHE, dated: 02-12-2021 (Annex-B), in utter violation of para-2(III) of the Notification (Annex-C), issued by the Hon'ble Election Commission of Pakistan.

It is, therefore, very humbly requested that the good office of Chief Engineer [Center] PHE Khyber Pakhtunkhwa, Peshawar may very kindly be directed to withdraw the transfer order bearing No. 05/CE-9/PHE dated 02/12/2021, of the applicant, being violation of the Notification of Hon'ble Election Commission of Pakistan and obliged.

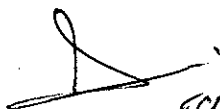
Yours obediently


(SAJJAD HUSSAIN)
SDE/ SENIOR CLERK,
Charsadda Sub Division PHE

CC.

Copy to the Executive Engineer, PHE, Division, Charsadda.




Zahir Khan
13-12-2021

To,

Returning
The District Monitoring Officer / Deputy Commissioner
~~Office of District Election Commissioner~~
Charsadda.

(98) (98)

Annex I

Subject

APPLICATION FOR CANCELLATION OF TRANSFER ORDER BEARING NO. 05/CE-9/PHE, DATED: 02-12-2021, BY THE CHIEF ENGINEER (CENTER), PHED, KHYBER PAKHTUNKHWA, PESHAWAR, BEING ISSUED IN VIOLATION OF BAN IMPOSED VIDE PARA-2(III) OF THE ENCLOSED NOTIFICATION DATED: 04-11-2021, BY THE HON'BLE ELECTION COMMISSION OF PAKISTAN.

Respectfully Sheweth,

I have the honor to submit that the applicant is serving as SDA/Senior Clerk in Public Health Engineering, Charsadda since issuance of transfer order No. 05/E-9 d/PHE dated 15/03/2021 issued by Chief Engineer [Center] PHED Peshawar (Annex-A), however, without assigning any reason the Chief Engineer [Center] PHED Peshawar, while accepting political influence has transferred the applicant vide impugned office order No. 05/CE-9/PHE, dated: 02-12-2021 (Annex-B), in utter violation of para-2(III) of the Notification (Annex-C), issued by the Hon'ble Election Commission of Pakistan.

It is, therefore, very humbly requested that the good office of Chief Engineer [Center] PHE Khyber Pakhtunkhwa, Peshawar may very kindly be directed to withdraw the transfer order bearing No. 05/CE-9/PHE dated 02/12/2021, of the applicant, being violation of the Notification of Hon'ble Election Commission of Pakistan and obliged.

Yours obediently



(SAJJAD HUSSAIN)
SDE/ SENIOR CLERK,
Charsadda Sub Division PHE

CC.

Copy to the Executive Engineer, PHE, Division, Charsadda.

| | |
|-----|-----------------|
| DC | <i>ADDER AG</i> |
| ADC | |
| ... | |
| ... | |
| ... | |

DC

Attested



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

13
Annex J

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

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

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

Attested
J

ATTESTED

26 27 18 19 20 21 22 23 24 25

- 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:

14

| 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

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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.

ATTACHED

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).

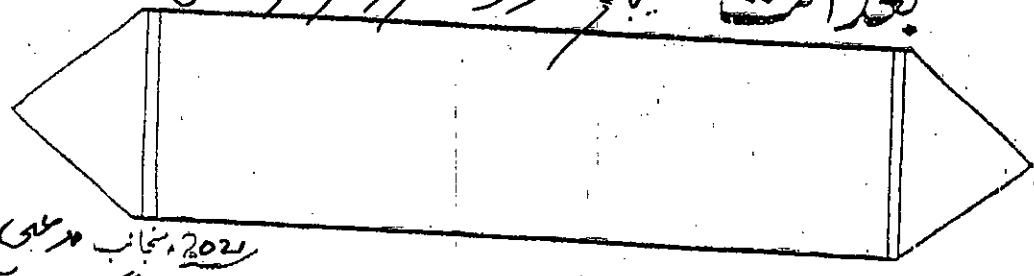
ED It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary.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

ED All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Provincial Government.

28

29

بعد الٹ خیمہ خوفناک سروسز ٹریبونل بنیاد۔



2020ء پنجاب مدعی

مجاہد حسین بنام گورنمنٹ آف پنجاب خوفناک سروسز

- مورخہ
- مقدمہ
- دعویٰ
- جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ حصر ط
 آن مقام پشاور کے لیے فہیم ایڈوائس نزاہہ ایروولٹ مائی وورٹ
 مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار دیا گیا۔ نیز
 وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک دروپہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری بیکلرنہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل گمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پروا خستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا ادکالت نامہ لکھد یا کہ مندر ہے۔

مجاہد حسین بنام گورنمنٹ آف پنجاب (مدعی و موکل) صاحب

المرقوم 17 _____ ماہ _____ 2020

کے لئے منظور ہے۔
Attested & Accepted

(Handwritten Signature)

بمقام پشاور

Before the Honorable Khyber Pakhtunkhwa Service Tribunal
Peshawar.

Sajjad Hussain
v/s

Govt of Kpk & others

Petition for withdraw of the above mentioned appeal as the grievance of the appellant has been redressed vide order dated 21/01/2022, submitted to this tribunal by the official of PHE today i.e 2/2/2022

Respectfully sheweth!

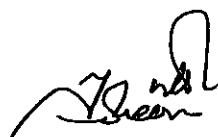
- 1) That the above titled appeal is pending before this august tribunal & is fixed for today i.e 2/2/2022.
- 2) That the appeal was fixed for submission of reply on behalf of respondents.
- 3) That representative of the respondent No-03 submitted office order vide No. 06/CE-9/PHE, dated 21/01/2022 issued by respondent No-3, wherein the grievance of the appellant has been redressed.

4) That in the light of the above mentioned office order, the appellant is going to withdraw the instant appeal.

Therefore it is requested that in the light of office order dated 21/01/2022 this appeal may please be disposed off accordingly, and respondent may please be directed not to take any actions against him without due course of law.

Appellant

through



Faeemullah Akhunzadeh
Advocate High Court.

Dated: 2/2/2022



OFFICE OF THE CHIEF ENGINEER (CENTER)
PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR
(No. 59/2022/CE, Email: ce@pheed.com, Pheed, Sector II, Phase V, Hayatabad, Peshawar)

No. 06 CE-9 /PHE
Dated Peshawar, the 21/01/2022

OFFICE ORDER

The following posting/transfer of SDA/Senior Clerks (BPS-14), in relaxation of ban is hereby ordered with immediate effect, in the best public interest:-

| Sr. | Name | From | To | Remarks |
|-----|--------------------|--|--|------------------------------|
| 1 | Mr. Shakil Ahmad | Under transfer as SDA PHE Sub Division Charsadda, District Charsadda | PHE Division Charsadda against the post of Accounts Clerk in (OPS), (relieved from the post of SDA PHE Sub Division Charsadda) | Against the existing vacancy |
| 2 | Mr. Sajjad Hussain | SDA PHE Sub Division Charsadda, District Charsadda | Retained as SDA in PHE Sub Division Charsadda | Against the existing vacancy |

Encls: No. 06 (CE) /PHE,

[Signature]
Chief Engineer (Center)
Dated 21/01/2022

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa, Peshawar.
2. The Chief Engineer (East) PHE Department Peshawar.
3. The Superintending Engineer PHE Circle Peshawar.
4. The Executive Engineers PHE Division Charsadda.
5. The District Accounts Officer Charsadda.
6. The official concerned.

Chief Engineer (Center)

Attested
[Signature]
21/2/2022
Suptt PHE(D)



OFFICE OF THE CHIEF ENGINEER (CENTER)
PUBLIC HEALTH ENGINEERING DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR
(The Chief Engineer, PHE, Center, Peshawar, District Charsadda, Peshawar, PAKISTAN)

No. 06 CE-9 /PHE
Dated Peshawar, the 21 /01/2022

OFFICE ORDER

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| 2 | Mr. Sajjad Hussain | SDA PHE Sub Division Charsadda, District Charsadda | Retained as SDA in PHE Sub Division Charsadda | Against the existing vacancy |

Encls: No. 06 CE-2 /PHE.

[Signature]
Chief Engineer (Center)
Dated 21 /01/2022

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa, Peshawar.
2. The Chief Engineer (East) PHE Department Peshawar.
3. The Superintending Engineer PHE Circle Peshawar.
4. The Executive Engineers PHE Division Charsadda.
5. The District Accounts Officer Charsadda.
6. The official concerned.

Attested

[Signature]
Suptd PHE D 2/2/2022

[Signature]
Chief Engineer (Center)