





Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 126/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/01/2022	<p>The appeal of Mr. Altaf Hussain presented today by Mr. Salman Khan 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 up there on <u>11/03/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p><i>Due to retirement of Worthy Chairman, the Tribunal is also defunct, therefore, the case is adjourned to 14/08/2022 for the same as before.</i></p> <p style="text-align: right;"></p>
	14 th June, 2022	<p>Clerk of counsel for the appellant present.</p> <p>Counsel are on strike. To come up for preliminary hearing on 01.08.2022 before S.B.</p> <p style="text-align: right;"></p> <p style="text-align: right;">(Kalim Arshad Khan) Chairman</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Alfaj Hussain vs Provincial Election Commission etc

S#	CONTENTS	Yes	No
1.	This Appeal has been presented by <u>Salman Khan Advocate</u>	✓	
2.	Whether counsel / appellant / respondent / deponent have signed the requisite document?	✓	
3.	Whether appeal is within time?	✓	
4.	Whether appeal enactment under which the appeal is filed is mentioned?	✓	
5.	Whether 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 / annexure are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal in the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/ clear?	✓	
13.	Whether copies of appeal is delivered to AG/ DAG?	✓	
14.	Whether Power of Attorney of the counsel engaged is attested and signed by Petitioner/ Appellant/ Respondents?	✓	
15.	Whether number of referred cases given are correct?	✓	
16.	Whether appeal contains cutting / 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 are attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are completed?	✓	
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 Rule 1974 rule 11, Notice along with copy of appeal and annexure has been sent to respondents? On _____	✓	
26.	Whether copies of comments / replay/ rejoinder submitted? On _____		✓
27.	Whether copies of comments / replay/ rejoinder provided to opposite party? On _____		✓

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

Name:- Salman Khan Advocate

Signature:- [Signature]

Dated:- 26/01/2022

BEFORE THE SERVICES TRIBUNAL KHYBER PUKHTOONKHWA

PESHAWAR

Appeal No. 126 of 2022

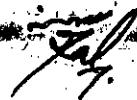
Altaf Hussain Vs Provincial Election Commissioner KPK etc.

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Dated: 26/01/2022

Appellant through
Salman Khan Advocate
High Court
At District Courts Mardan



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BEFORE THE SERVICES TRIBUNAL KHYBER PUKHTOONKHWA
PESHAWAR

Appeal No. _____ of 2022

Altaf Hussain S/o Sher Alam Khan R/o Babeni Tehsil & District Mardan.

(Appellant)

Vs

1. Provincial Election Commissioner Khyber Pukhtoonkhwa, Peshawar.
2. Regional Election Commissioner Malakand Division Swat.
3. District Election Commissioner Shangla.

(Respondents)

Appeal U/s 4, of the Services Tribunals Act 1973, against the order dated 01/04/2021, issued from the office of Provincial Election Commissioner Khyber Pukhtoonkhwa which is illegal against the law and facts and ineffective upon the rights of the appellant & against the spouse policy.

Respectfully sheweth:-

1. That the appellant was appointed as data entry operator in the District Election Commission office in Mardan. (Copy of appointment letter is attached)
2. That after his appointment appellant joined his duty in the District Election Commissioner Office Haripur on his initial appointment, but on after that appellant was transferred to the District Election Commissioner Office Mardan.
3. That the appellant got married on 14/05/2016 in District Mardan. (Copy of Nikah Nama is attached)

- ②
5. That the appellant was transferred to the office of District Election Commissioner Shangla on 01/04/2021, which is against the law and spouse policy on the following grounds.

Grounds of Appeal

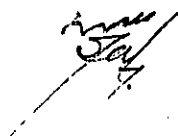
- A. That despite the spouse policy where it has been clearly mentioned in Para No. 1(VI) that "*spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest.*" (Copy of Spouse policy is attached)
- B. That the wife of appellant is a school teacher, and working in Government Girls Higher Secondary School Shahdand Mardan. (Copy of service certificate of spouse is attached)
- C. That the order of transfer of appellant issued from the office of respondent No.1 is wrong & illegal and against the spouse policy, because the spouse of appellant is working as a school teacher in Mardan while the appellant have served in Mardan before his transfer to District Shangla.
- D. That, the said policy was issued by Government to facilitate the civil servant in the prescribed area of their work and to eradicate all socio-economic evils of the spouses.
- E. That it is very much difficult for the appellant to manage his family in such circumstances, because District Shangla is too far from District Mardan, even it is very expensive for the appellant to do so.
- F. That the appellant parents are of old age, and father of appellant is ailing person, while no such person is available at home to take proper care of the appellant's father, infact the appellant is the one who can take proper care of him.
- G. That the appellant has already applied for his transfer to District Mardan, to respondent No.1 on 16/09/2021, but is of no avail. (Copy of application is attached).
- H. That purpose of spouse policy is for convenience to the Govt Servants, while respondents ignored the Basic principles of spouse policy and issued the impugned transfer order, which is illegal and ineffective.
- I. That the appellant is entitled for his transfer to District Mardan, and the deprivation of his right of transfer to District Mardan by the

respondents is illegal and against the Spouse Policy issued by Government of Pakistan.

It is, therefore, humbly prayed that, respondents may kindly be directed to pass an appropriate order regarding transfer of appellant on the same post to District Mardan.

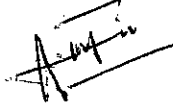
Dated: 26/01/2022

Appellant through
Salman Khan Advocate
High Court
At District Courts Mardan



Affidavit

Stated on Oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this tribunal.



Deponent

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BEFORE THE SERVICES TRIBUNAL KHYBER PUKHTOONKHWA
PESHAWAR

Appeal No. _____ of 2022

Altaf Hussain Vs Provincial Election Commissioner KPK etc.

MEMO OF ADDRESS

Appellant

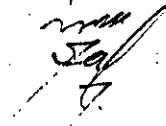
Altaf Hussain S/o Sher Alam Khan R/o Babeni Tehsil & District Mardan.

Respondents

1. Provincial Election Commissioner Khyber Pukhtoonkhwa, Peshawar.
2. Regional Election Commissioner Malakand Division Swat.
3. District Election Commissioner Shangla.

Dated: 26/01/2022

Appellant through
Salman Khan Advocate
High Court
At District Courts Mardan



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No. F. 1(2)/2007-Estt (PEC)
OFFICE OF THE
PROVINCIAL ELECTION COMMISSIONER
KHYBER PAKHTUNKHWA

PESHAWAR
April 4, 2013

MEMORANDUM

Subject: - **APPOINTMENT OF DATA ENTRY OPERATOR (BPS-13) UNDER THE PROVINCIAL ELECTION COMMISSIONER, KHYBER PAKHTUNKHWA, PESHAWAR.**

With reference to his application Mr. Altaf Hussain S/o Sher Alam Khan is informed that he has been selected for appointment as Data Entry Operator (BPS-13) in the office of the District Election Commissioner, Haripur on the following terms and conditions: -

- a. He will be entitled to draw pay in (BPS-13) viz Rs. 7500-550-24000 and other allowances as admissible under the rules.
- b. He will be required to produce a medical certificate from District Headquarter Hospital, Haripur, declaring him fit for Govt: Service.
- c. He will be required to sign and return the enclosed undertaking and also to produce two character certificates from different two Class-I Officers on the form enclosed herewith.
- d. His appointment will be provisional pending verification of his character and antecedents from the police authorities.
- e. His appointment is purely temporary and will not confer upon him any right or claim for permanent retention in the service of Election Commission.
- f. He will be on probation for a period of one year, if no order is issued on the expiry of the first year of probation, the period of probation shall be deemed to have been extended to another year. If no order is issued by the day following the termination of the extended period of probation, the appointment shall be deemed to be held by him until further orders.
- g. His service will be liable to be terminated, at any time, without assigning any reason, by giving a notice for a period of 14 days or payment in lieu thereof, of a sum equivalent to his 14 days pay or for the period by which the notice falls short of 14 days. If he wishes to terminate his service at any time, he shall resign in writing and continue in service until his resignation is accepted.
- h. He will be liable to transfer anywhere in Khyber Pakhtunkhwa.
- i. No TA/DA will be admissible for joining the post.

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2. If the offer of Appointment is acceptable to Mr. Altaf Hussain S/o Sher Alam Khan on these terms and conditions, he should report for duty immediately in the office of District Election Commissioner, Haripur in any case before 13th April, 2013, otherwise this offer of appointment shall automatically stand cancelled.

Mr. Altaf Hussain S/o Sher Alam Khan
R/o Distt & Tehsil Mardan,
Vill & PO Babeni,
Mardan

(SHARIFULLAH)
Deputy Director (Estt)

Copy forwarded for information to the District Election Commissioner, Haripur.

(SHARIFULLAH)
Deputy Director (Estt)



حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

مکان رجسٹریشن سرٹیفکیٹ

MARRIAGE REGISTRATION CERTIFICATE

CRMS No: M161044-16-0164

FORM No: P05324821

دولہہ کے کوائف	دولہا کے کوائف
نام: شہانہ زریستان شناختی کارڈ نمبر: 1610110845390 والد کا نام: زریستان تنولی شناختی کارڈ نمبر: 1610112079889 عمر: 31 سال 2 ماہ 4 دن ازدواجی حیثیت: غیر غلامی شدہ پتہ: مسواٹی روڈ پارہوٹی، محلہ نوبت آباد، شہر مردان، تحصیل مردان، ضلع مردان	نام: الطاف حسین شناختی کارڈ نمبر: 1610144389331 والد کا نام: شیر عالم خان شناختی کارڈ نمبر: عمر: 31 سال 4 ماہ 11 دن ازدواجی حیثیت: غیر غلامی شدہ پتہ: بابٹنی، محلہ طاہر خیل، شہر مردان، تحصیل مردان، ضلع مردان

Particulars of Bride	Particulars of Groom
NAME : SHABANA ZARISTAN CNIC : 1610110845390 FATHER NAME : ZARISTAN TANOOLI CNIC : 1610112079889 AGE : 31 Y 2 M 4 D MARITAL STATUS: VIRGIN ADDRESS : NOBAT ABAD, ADD INFO : SWABI ROAD PAR HOTI, CITY: MARDAN, TEH: MARDAN, DIST: MARDAN	NAME : ALTAF HUSSAIN CNIC : 1610144389331 FATHER NAME : SHER ALAM KHAN CNIC : AGE : 31 Y 4 M 11 D MARITAL STATUS: VIRGIN ADDRESS : TAHIR KHEL, BABENI, CITY: MARDAN, TEH: MARDAN, DIST: MARDAN

Date OF Marriage : 14-5-2016

14-5-2016 مکان کی تاریخ:

Marriage Solemnized by Name : MUHAMMAD ALAMGIR

مکان خواں کا نام: محمد عالمگیر

Marriage Solemnized by CNIC: 1610102183741

1610102183741 مکان خواں کا شناختی کارڈ نمبر:

Date of Entry : 22-8-2016

22-8-2016 تاریخ رجسٹریشن:

Date of Issuance : 22-8-2016

22-8-2016 تاریخ اجراء:

دستخط:

سیکرٹری یونین کونسل
بابٹنی (44) ضلع مردان

شناختی کارڈ نمبر: 161011047533

SECRETARY
V/C Babeni Mardan

(8) (26)

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION
.....

No.10/30/97-R.II

Islamabad, the 13th May, 1998.

OFFICE MEMORANDUM

Subject:- POSTING OF SERVING HUSBAND / WIFE AT THE SAME STATION.

The undersigned is directed to state that Government has taken note of the socio-economic problems and hardships faced by husbands and wives in Government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

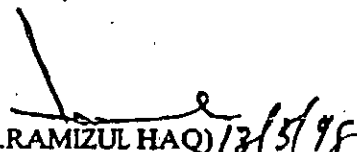
- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- (ii) If a request involves temporary deputation to another department, it may be processed in consultation with the concerned department, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- (iii) When a request is made for permanent transfer to/absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with Rule 4 of the Civil Servants (Seniority) Rules, 1993.
- (iv) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an organization, the Government servant with greater length of service may be preferred.
- (v) Request for posting by a spouse facing serious medical problems may be accorded highest priority.
- (vi) Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of

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deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. The above guide-lines are subject to the following conditions:-
 - (i) Posting of husband and wife at the same station should not be made by dislocation of any Government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the frame work of general policy of postings and transfers.
 - (ii) The prescribed selection authority should be consulted in each case.
3. All Government servants whose spouses are in Government service may be asked to furnish at the end of every calendar year the particulars of their spouses to their controlling Ministries/Divisions so as to facilitate maintenance of ICP Charts and upto-date monitoring of the situation.
4. The above guidelines may be circulated to the autonomous bodies under the charge of Ministries / Divisions for adoption, with such modifications, as may be considered necessary.


(M. RAMIZUL HAQ) 13/5/98
Senior Joint Secretary to the
Government of Pakistan

All Ministries / Divisions
Islamabad / Rawalpindi..



SERVICE CERTIFICATE

It is certified that Ms. Shabana Zaristan D/O Zaristan is working as SST (G) in Government Girls Higher Secondary School, Shahdand Mardan since 01-02-2007 to date.

During her work we find her so regular, hardworking, dedicated and committed to her job.

J. Khan
Principal
GGHSS, Shahdand
Mardan
VICE PRINCIPAL
GGHSS, Shahdand
Mardan



No.F.1(18)/2021-Estt (DEC-SH)
OFFICE OF THE
DISTRICT ELECTION COMMISSIONER
SHANGLA

SHANGLA
September 27, 2021

✓
The Provincial Election Commissioner,
Khyber Pakhtunkhwa,
Peshawar.

Through: Regional Election Commissioner,
Malakand Division,
Swat.

Subject: - TRANSFER OF MR. ALTAF HUSSAIN DATA ENTRY
OPERATOR FROM THE OFFICE OF THE DISTRICT
ELECTION COMMISSIONER, SHANGLA TO OFFICE OF
THE DISTRICT ELECTION COMMISSIONER, MARDAN.

Dear Sir,

I have the honour to forward herewith an application (in original) dated 16th September, 2021 received from Mr. Altaf Hussain, Data Entry Operator of this office, which is self-explanatory on the subject cited above for information and favourable consideration, please.

Yours faithfully,

(NOOR SAID KHAN)

District Election Commissioner
Shangla

Encls: As above

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To,

The Provincial Election Commissioner
Khyber Pakhtunkhwa,
Peshawar.

Through: Proper Channel.

Subject: - TRANSFER OF MR. ALTAF HUSSAIN DATA ENTRY OPERATOR
FROM THE OFFICE OF THE DISTRICT ELECTION
COMMISSIONER SHANGLA TO OFFICE OF THE DISTRICT
ELECTION COMMISSIONER, MARDAN.

Dear Sir,

I have the honour to state that Election Commission of Pakistan has sanctioned/created new posts of Data Entry Operator in all Districts of Khyber Pakhtunkhwa vide letter No.F.3(11)/2018-Estt-I (Vol-III) dated August 17, 2021. In District Mardan two posts of Data Entry Operator have been created and lying vacant.

2. Now in this connection, it is submitted that the undersigned belongs to District Mardan and District Shangla is far away from District Mardan and facing different hurdles. The wife/spouse of the undersigned is employee of Education Department Mardan and presently posted as SST (G) in Govt: Girls Higher Secondary School, Shahdhand Baba Mardan.

3. Moreover, the parents of undersigned are aged and ailing and they need medication and look after on daily basis. As there is no male member in our family to look after their care and medication on daily basis, so I have to do all the medication and look after.

It is, therefore, humbly prayed that I may kindly be transferred to District Election Commissioner Office Mardan, keeping in view the wedlock policy and the ailing condition of my parents.

I shall be thankful to you for this act of kindness.

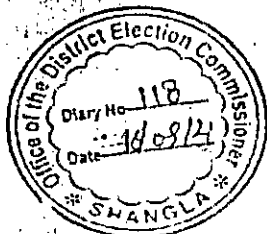
For N/A
16/9/21
GMA

Yours faithfully,



(ALTAF HUSSAIN)
Data Entry Operator
o/o District Election Commissioner
Shangla

Dated: 16-09-2021



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No. 412

RGL57659333

Postage stamps see reverse.
Stamps affixed except in case of
uninsured letters of not more than
the injun weight prescribed in the
Post Office Guide or on which no
acknowledgment is due.

RS. 72

Received a registered
addressed to

M. L. J. ...

Initials of Receiving Officer

Insured for Rs. (in figures)

Name and
Address
of sender

Rs. (in words)

RAIPUR P.O.
27 SEP 1971
M. L. J. ...
M. L. J. ...
M. L. J. ...



(14)

No. F. 2(1)/2007-Estt (PEC)
OFFICE OF THE
PROVINCIAL ELECTION COMMISSIONER
KHYBER PAKHTUNKHWA

SHAMI ROAD, PESHAWAR
Thursday April 1, 2021

✓ OFFICE ORDERS No. 25/2021

The postings/transfers of the following Data Entry Operators working in the Field Organization under the Provincial Election Commissioner, Khyber Pakhtunkhwa, Peshawar are hereby made in the public interest with immediate effect and until further orders:-


S. No	Name of official	Transferred	
		From	To
1	Mr. Shahid Ahmad	O/o the DEC, Bajaur	O/o the DEC, Mohmand
2	Mr. Khairullah	O/o the DEC, Mohmand	O/o the DEC, Bajaur
3	Mr. Muhammad Sadiq	O/o the DEC, Haripur	O/o the DEC, Mardan
4	Mr. Asif Iqbal	O/o the DEC, Shangla	O/o the REC, Mardan
5	Mr. Altaf Hussain	O/o the DEC, Mardan	O/o the DEC, Shangla
6	Pir Ibrarullah	O/o the REC, Mardan	O/o the DEC, Haripur
7	Mr. Muhammad Taimur	O/o the DEC, Karak	O/o the DEC, Bannu
8	Mr. Zahid Iqbal	O/o the DEC, Bannu	O/o the DEC, Karak

2. This has been issued with the approval of the Competent Authority.


(MUHAMMAD SAEED)
Deputy Director (Estt)

Copy forwarded for information and necessary action to:-

1. The Regional Election Commissioners, Malakand, Peshawar, Abbottabad, Mardan, Kohat & Bannu.
2. Director (MIS).
3. The District Election Commissioners, Bajaur, Mohmand, Haripur, Mardan, Shangla, Karak & Bannu.
4. The District Accounts Officers, Bajaur, Mohmand, Haripur, Mardan, Shangla, Karak & Bannu.
5. Accounts Officer (HQ).
6. ✓ Officials concerned.
7. Personal files.


(MUHAMMAD SAEED)
Deputy Director (Estt)

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بعد الٹ سندھ ٹریبیونل جیڈیٹو فوراً پشاور

کورٹ فیس

مورخہ 20 جنوری 2012ء منجانب Appellant

مقدمہ: راجداف حسین نام (سوائے) راجداف حسین

دعوی: Service appeal

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی کے لئے سید خان راجداف حسین نامی کورٹ کے لئے راجداف حسین مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقررات و فیصلہ پر حلف دیتے جواب دہی اور اقبال دعوی اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور لٹری ڈکونی اور ہر قسم کی تصدیق و اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخی وائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزی کی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے اقرار کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداشت منظور و قبول ہوگا اور اس کے لئے جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے لئے وکیل صاحب ہونگے۔ نیز تقابلاً خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اور کوئی تاریخ تہمتی مقام سے پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہونگے کی پیروی مقدمہ مذکورہ لٹری او کالٹ نامہ لٹری دیا تاکہ سدر ہے۔

المترقوم 20 جنوری 2012ء

الطاف حسین راجداف حسین کے لئے

بد گواہ شاہ

کے لئے منظور ہے۔

بمقام:

BC-17-75299

Attested & Accepted

0315-9030685

Salman Khan Advocate High Court

Sal