

Appeal No. 2717/2021  
Qazi Muhammad Sajjad vs Govt

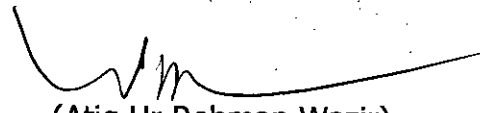
01.04.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Learned counsel for the appellant submitted application for withdrawal of the instant appeal, wherein the appellant do not want to proceed the case furthermore and want to withdraw it. In this regard signature of the learned counsel for the appellant was also obtained in the margin of order sheet. Consequently the present service appeal is dismissed as withdrawn. No order as to costs. File be consigned to record room.

ANNOUNCED

01.04.2021

  
(Atiq Ur Rehman Wazir)  
Member (E)

26.02.2021

Appellant with counsel present. Preliminary arguments heard.

Instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within ten 10 days, thereafter notice be issued to the respondents for submission of written reply/comments on 17.03.2021 before S.B

Alongwith the appeal, there is an application for suspension of operation of the impugned notification date 01.02.2020. Notice of the said application also be issued to the respondents for the date fixed. In the meanwhile, the impugned notification dated 01.02.2020 shall remain suspended till the next date to the extent of the appellant, if not acted upon earlier.

Appellant Deposited  
Security Process Fee

*[Handwritten signature]*  
08/3/21

*[Handwritten signature]*  
(Atiq Ur Rehman Wazir)  
Member (E)

17.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 01.04.2021 before S.B.

*[Handwritten signature]*  
Reader



*The appellant did not want to pursue the case further more and wants to withdraw and as per suggestion of client, want to withdraw the instant appeal. Date: 11/3/21*

Form- A

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 2719 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/02/2021	<p>The appeal of Qazi Muhammad Sajjad presented today by Mr. Taimur Ali 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/02/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

to

*Handwritten notes in Urdu:*  
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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. \_\_\_\_\_ /2021

Qazi Muhammad Sajjad

V/S

Revenue Deptt:

**INDEX**

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-04
2.	Suspension application	-----	05-06
3.	Copy of order dated 17.04.2019	---A---	07
4.	Copy of order dated 25.11.2020	---B---	08
5.	Copy of order dt: 01.02.2021	---C---	09
6.	Copy of Departmental Appeal	---D---	10-11
7.	Copy of rejection order	---E---	12
8.	Copy of posting/transfer policy	---F---	13-19
9.	Copy of Circular dt: 27.02.2013	---G---	20-21
10.	Copy of order dated 22.10.2020	---H---	22
11.	Copy of letter dt: 05.01.2021	---I---	23
12.	Vakalat Nama	-----	24

APPELLANT

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

  
(ASAD MEHMOOD)  
ADVOCATE HIGH COURT,

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

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

APPEAL NO. 2717 /2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 2662

Dated 11/2/2021

Mr. Qazi Muhammad Sajjad, Revenue Patwari,  
Halqa Rojya Havailian, Abbottabad.

(Appellant)

VERSUS

1. The Senior Member Board of Revenue Khyber Pakhtunkhwa, Peshawar.
  2. The Director Land Record/Chief Settlement Officer Khyber Pakhtunkhwa, Peshawar.
  3. The Settlement Officer Abbottabad.
  4. Mr. Qazi Muhammad Shoaib, Settlement Patwari, Langra-II Wazeera-  
*Abbottabad*
- (Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 01.02.2021, WHEREBY THE APPELLANT WAS PREMATURELY TRANSFERRED FROM HALQA RAJOYA TO HALQA KOKAL BARSEEN AND AGAINST THE ORDER DATED 09.02.2021, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

Filed to-day

Registrar

11/2/2021 PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 01.02.2021 AND 09.02.2021 MAY KINDLY BE SET-ASIDE AND THE RESPONDENTS MAY BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF POSTING TRANSFER POLICY AND CIRCULAR DATED 27.02.2013. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant is working in the revenue department as revenue ratwari and performing his duty with great devotion and honesty whatsoever, assigned to him and no complaint has been filed against him regarding his performance by his superiors.
2. That the appellant was transferred from Saji Kot Cheer Nagri Terli Makol Terli, Dewal Manal to Kokal, Barseen Jandaka, Gajjal Sajikot, Cheer, Dewal Manal vide order dated 17.04.2019. **(Copy of order dated 17.04.2019 is attached as Annexure-A)**
3. That the appellant was then transferred from Kokal Barseen to Mouza Rajoya vide order dated 25.11.2020 and was performing his duty at Mouza Rajoya with great satisfaction of his Superior and no complaint has filed against the appellant regarding his performance. **(Copy of order dated 25.11.2020 is attached as Annexure-B)**
4. That astonishingly just after 38-days, the appellant was again transferred from Rajoya to Kokal Barseen without completing his normal tenure at Rajoya. **(Copy of order dated 01.02.2021 is attached as Annexure-C)**
5. That being aggrieved from the order dated 01.02.2021, the appellant filed department appeal on 04.02.2021, which was rejected on 09.02.2021 without any reason and in that rejection order the respondent department admitted the stance of the appellant that his transfer is premature. **(Copies of departmental appeal and rejection order are attached as Annexure-D&E)**
6. That the appellant has no other remedy except to file the present service appeal for redressal of his grievances before this Honourable Tribunal on the following grounds amongst others.

**GRUNDS:-**

- A) That the impugned order dated 01.02.2021 and 09.02.2021 are against the law, facts, norms of justice, posting transfer policy and circular dated 27.02.2013 therefore, not tenable and liable to be set-aside to the extent of the appellant and private respondent No.4.
- B) That the appellant was transferred from Rojoya to Kokal Barseen just after 38-days, which is clear violation of posting/transfer policy and

circular dated 27.02.2013. **(Copies of posting/transfer policy and circular dated 27.02.2013 are attached as Annexure-F&G)**

- C) That the impugned order is premature as the impugned order was passed just after 38-days, which is clear violation of posting/transfer policy and circular dated 27.02.2013, therefore, the impugned transfer order is liable to be set-aside to the extent of the appellant and private respondent No.4 on the ground alone.
- D) That the private respondent No. 4 i.e Qazi Muhammad Shoaib was suspended alongwith other officials vide order dated 22.10.2020, however they were reinstated into service with clear warning so that settlement work could not be effected with further direction that they may allotted other than previously held mouzas for settlement work while their progress may be shared with this office regularly, which is evident from the letter of respondent No.2 dated 05.01.2021, but despite that private respondent No.4 was again posted on previous mouza Rajoya through impugned order dated 01.02.2021 through connivance of his immediate boss. **(Copies of order dated 22.10.2020 and letter dated 05.01.2021 are attached as Annexure-H&I)**
- E) That in the impugned rejection order dated 09.01.2021, the respondent department itself that the transfer order of the appellant was premature but despite that departmental appeal of the appellant was rejected.
- F) That the appellant transferred thrice in a period of one and half year and such successive transfers were discouraged by the Superior Court in Plathora of Judgments as due to successive transfers the appellant could not perform his duty to the best of his ability and capability.
- G) That the appellant has spent mostly of his time in hard areas, while private respondent No. spent most of his time in urban areas and when the appellant was transferred to urban area i.e Rajoya, he was again transferred to hard area which is against the norms of justice and fair play.
- H) That the impugned order was passed neither in any exigencies nor in public interest but just to adjust blue eyed person on the post of the appellant, which is not permissible under the law and rules.
- I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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



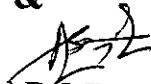
APPELLANT  
Qazi Muhammad Sajjad

THROUGH:



(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

&



(ASAD MEHMOOD)  
ADVOCATE HIGH COURT,



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

APPEAL NO. \_\_\_\_\_/2021

Qazi Muhammad Sajjad

V/S

Revenue Deptt:

**APPLICATION FOR SUSPENDING THE**  
**OPERATION OF ORDER DATED 01.02.2021**  
**TO THE EXTENT OF THE APPELLANT**  
**TILL THE DECISION OF MAIN SERVICE**  
**APPEAL.**


**RESPECTFULLY SHEWETH:**

- 1) That the appellant has filed an appeal against the order dated 01.02.2021, whereby the appellant was prematurely transferred just after 38-days, along with this application in this august Service Tribunal in which no date is fixed so for.
- 2) That impugned transfer order dated 01.02.2021 was premature and in violation of posting transfer policy and circular dated 27.02.2013, therefore, liable to be suspended to the extent of the appellant.
- 3) That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.
- 4) That the grounds of main appeal may also be considered as integral part of this application.

It is therefore most humbly prayed that the operation of the order dated 01.02.2021 may kindly be suspended to the extent of the appellant till the decision of main appeal.

THROUGH:

APPELLANT

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

**AFFIDAVIT**

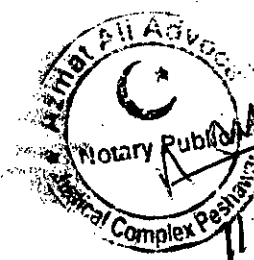
It is solemnly affirmed that the contents of the application is true and correct to best of my knowledge and belief and nothing has been concealed from this Honourable Service Tribunal.

*[Handwritten Signature]*

**DEPONENT**

**ATTESTED**

*[Handwritten Signature]*  
11-2-2021

A circular notary seal for Azim Ali Advocaat, Notary Public, located at the Central Complex, Peshawar. The seal features a crescent moon and star in the center. A handwritten signature and the date "11-2-2021" are written over the seal.



A 7

## OFFICE OF THE SETTLEMENT OFFICER ABBOTTABAD

fb: settlement.operation.aab | twitter: @SOAbbottabad

Email: so.abt4415@gmail.com

Office: 0992-9410514

No. Order/2018-19/1053-57/SO/ATD

Dated Abbottabad the: 17/04/2019

**ORDER:**

The posting/transfer of the following officials working in Settlement Operation, Tehsil Havelian, Abbottabad are hereby made in the best public interest as well as in order to accelerate the pace of work and achieve the desire target.

S.No	Name of Patwaris/Internees	From	To
1	Tariq Mehmood ✓	Nara, Gohra, Mohri Badben, Maira Bala	Manan, Ghora Bazgran, Harnara
2	Qazi Sajjad ✓	Sajikot, Cherr, Nagri Terli, Makol Terli, Dewal Manal	Kokal, Barscen, Jandaka, Gajjal Sajikot, Cherr, Dewal Manal
3	Aamir Khan	Majohan, Chotula, Maira Terla, Garba	Additional charge of; Nagri Terli, Makol Terli, Mohri Badben
4	Laisal Rehman	Manan, Ghora Bazgran	Dabran, Chotula, Maira Terla, Laasan
5	Salieman	Kayala	Gharba
6	Raja Imran Javed	Waiting for posting	Majohan
7	Yasir Khan	Waiting for posting	Ropar
8	Immaad Gul	Waiting for posting	Safora
9	Zain Ullah	Waiting for posting	Gali Batagan, Ghari Phulgran
10	Sajid Iqbal	Waiting for posting	Darmoetiyan
11	Nasser Ahmed	Waiting for posting	Dakhan
12	Naveed Iqbal	Waiting for posting	Baseera
13	Rehmat Ali	Waiting for posting	Chanjab
14	Abdul Waheed	Waiting for posting	Gohra
15	Muhammad Haroon	Waiting for posting	Nara
16	Rizwan Hashim	Waiting for posting	Dhanak
17	Sajad Ali Shah	Waiting for posting	Maira Bala
18	Muhammad Adnan	Waiting for posting	Goreeni
19	Muhammad Ishaq	Waiting for posting	Phallah
20	Ahmad Ali	Waiting for posting	Chamnaka
21	Ataullah	Waiting for posting	Dakhan Paiser
22	Faizan Ali	Waiting for posting	

محمد ابرار خان  
 سید صاحب  
 سید صاحب  
 سید صاحب

SETTLEMENT OFFICER  
 ABBOTTABAD

Dist. No. & Date Even.

Copy forwarded to the:

- Director Land Records, Khyber Pakhtunkhwa.
- Deputy Commissioner, Abbottabad.
- Settlement Tehsildar, Havelian to furnish compliance report.
- Kanungos Concerned with the direction to help the new Internees and allot them Settlement work target date.
- Officials Concerned for strict compliance.

No 1856/57/A  
 18/04/2019

SETTLEMENT OFFICER  
 ABBOTTABAD

ATTESTED



OFFICE OF THE SETTLEMENT  
OFFICER ABBOTTABAD

Sub Settlement Officer Abbottabad, District Abbottabad

Office: 100234/10319

Dated: Abbottabad the 25/11/2020

No. Order/2019-20 (2797) = 2860/SO/ABD

ORDER:


Quza Muhammad Sajjad Patwari is hereby transferred from Moza Kakal Barscon and posted him against Moza Rajoya, relieving Sardar Amir Khan Patwari from additional charge of Moza Rajoya.

  
SETTLEMENT OFFICER  
ABBOTTABAD

Endst. No. & Date Even:

Copy forwarded to the:

1. Director Land Records/Chief Settlement Officer Khyber Pakhtunkhwa, Peshawar
2. Settlement Tehsiladar Havelian.
3. Settlement Naib Tehsiladar Havelian.
4. Officials Concerned for strict compliance.

  
SETTLEMENT OFFICER  
ABBOTTABAD



ATTESTED



C. 9

## OFFICE OF THE SETTLEMENT OFFICER ABBOTTABAD

Email: [so.abb1413@gmail.com](mailto:so.abb1413@gmail.com) / [abbsettlement.operation@aol.com](mailto:abbsettlement.operation@aol.com) / [twitter@SOAbbottabad](mailto:twitter@SOAbbottabad)  
Office: 0992-2310514 / WhatsApp: 03121581952

No. Order/2020-23/CS - 61 /SO/ATD : Dated Abbottabad the; 01/02/2021

**ORDER:**

The following posting/transfer of the following officials working in Settlement Operation, Tehsil Havelian, Abbottabad are hereby made in the best of public interest as well as in order to accelerate the pace of work and achieve the desire target.

S.No	Name of Officials	Designation	From	To
1.	Qazi Muhammad Sajjad	Revenue Patwari	Rajoya	Kokal, Barseen, Banda Suhib Khan
2.	Sahar Gul	Settlement Patwari	Kokal, Barseen, Danak	Langra-II, Wazera
3.	Qazi Muhammad Shoaib	Settlement Patwari	Langra-II, Wazera	Rajoya, Danak

They are directed to handover/takeover the charge and report to Settlement Tehsildar, Havelian.

  
SETTLEMENT OFFICER  
ABBOTTABAD

**Endsdt: No. & Date Even**

Cc:-

1. Director Land Records/Chief Settlement Officer, Khyber Pakhtunkhwa Peshawar.
2. Settlement Tehsildar and Naib Tehsildar Havelian for Compliance.
3. Official concerned for strict compliance.
4. Office Copy.

  
SETTLEMENT OFFICER  
ABBOTTABAD

ATTESTED

D (10)

To

The Director Land Records,  
Chief Settlement Officer,  
Khyber Pakhtunkhwa, Peshawar.

Subject: **DEPARTMENT APPEAL AGAINST THE IMPUGNED ORDER NO 55-61 DATED 01.02.2021 PASSED BY SETTLEMENT OFFICER, TEHISL HAVAILIAN, DISTRICT ABBOTTABAD, WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM HALQA RAJOYA TO HALQA KOKAL BARSEEN, TEHSIL HAWAILIAN, DISTRICT ABBOTTABAD.**

Respected Sir,

1. That the appellant has been appointed as Patwari Halqa and has been rendering his services since 2012 with the best of his abilities, full devotion and due diligence.  
(Copies of appointment orders are attached).
2. That after appointment, the appellant served the department at various stations of District Abbottabad as Patwari Halqa.
3. That the settlement officer has issued three orders No. 2710-16 dated 22.10.2020, order No. 2797-2800 dated 25.11.2020 and order No. 2021 dated: 10.12.2020 in connection of acceleration of pace of work and achieve the desire target and through order No., 55-61 dated 01.02.2021, whereby the appellant has been transferred from Halqa Rajoya to Halqa Kokal Barseen, Tehsil Havailian, District Abbottabad just after passing the order dated: 25.11.2020 and the transfer of the appellant has been made within 40 days, which is absolutely negation of the rules and regulations or the administration of the Deputy Commissioner, Abbottabad. (Copies of orders and arrival/charge are attached).
4. That it is pertinent to mention here that, in order dated 05.01.2020 it has clearly been mentioned that the suspended Patwari cannot be appointed/ stationed at previous held Halqa, but in the case in hand one blue eyed person namely Muhammad Shoaib has been appointed as Patwari of Halqa Rajoya by the Settlement Officer, which is also against the law and procedure of the Revenue Department i.e. Director Land Record, thus, is not sustainable and liable to be set aside/cancelled.
5. That it is also worth noticing here that the Qazi Muhammad Shoaib has held the Halqa Rajoya as Patwari for more than 04 years but during such long stay the progress of the said person could not exceed more than 5% Shajra Nasab, which is absolutely against the object, purpose and intention of the impugned letter dated 01.02.2021.



**ATTESTED**

- (11)
6. That the impugned order issued by settlement officer is against law, facts and rules made and frame in his behalf, hence, the impugned notification is liable to be struck down/cancelled.
  7. That the appellant performing his duties since his appointment upto the mark and satisfaction of the high-ups and from none any complaint whatsoever has been lodged/ registered against the appellant.
  8. The no opportunity of being heard whatsoever has been provided to the appellant to prove his stance in respect of subject transfer; therefore, the impugned transfer order baseless is against the principle of nature justice, hence, liable to be declared illegal, without any lawful justification and of no legal effect.

For the aforesaid reasons, it is therefore, humbly prayed that on acceptance of the instant departmental appeal, the impugned transfer order dated 01.02.2021 may kindly be set aside/ cancelled and the appellant be seated/posted/stayed at Halqa Rajoya, Tehsil-Havailian, District Abbottabad, in the best interest of justice.



Dated: 04.02.2021

Appellant



**Qazi Muhammad Sajjad**  
Patwari Halqa (Revenue),  
District Abbottabad  
Cell: 0312-5136353

*Ar*  
*Attended*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE AND ESTATE DEPARTMENT

E-Mail: [landrecord.kpk@gmail.com](mailto:landrecord.kpk@gmail.com)

Phone: 091-9210057

@LandrecordKP  
fb.com/landrecord.kpk

No.LR-V/Posting/SO/Atd 6288-90

Peshawar dated the 09/02/2021.

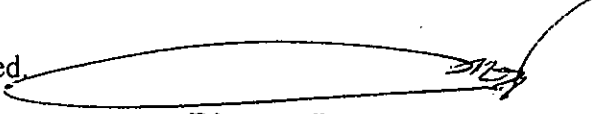
To

Mr. Qazi Muhammad Sajjad  
Revenue Patwari  
Settlement Operation, Abbottabad

Subject: **DEPARTMENTAL APPEAL AGAINST THEE IMPUGENED ORDER NO.55-61 DATED 01.02.2021 PASSED BY SETTLEMENT OFFICER, TEHSIL HAVELIAN, ABBOTTABAD, WHEREBY THE APPELLANT HAS BEEN TRANSFERED FROM HALQA RAJOIYAN TO HALQA KOKAL BARSEEN**

This is with reference to your appeal submitted on 04.02.2021 on the captioned subject against the posting/transfer order of Settlement Officer, Abbottabad vide No.55-61 dated 01.02.2021. Although your transfer is pre-mature yet Settlement officer/Collector if deems it appropriate can transfer any patwari in the best interest of Settlement operation as well as general public.

The said appeal is therefore rejected.

  
Director Land Records/  
Chief Settlement Officer

Endst. No. & date even.

Copy forwarded for information to the:-

- 1) Settlement Officer, Abbottabad.
- 2) PS to Secretary to Govt; of Khyber Pakhtunkhwa, Revenue & Estate Department.

  
Director Land Records/  
Chief Settlement Officer







GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

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

<sup>2</sup>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.

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2005, dated 21-09-2004

ATTESTED

ATTESTED

viii) No posting/transfers of the officer's/officials on detailment basis shall be made.

ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.

x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

(xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement  
 DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;

xii) In terms of Rule-17(1) and (2) read with Schedule III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

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

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

**ATTESTED**

*Attested*

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

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

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

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

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

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

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

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

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

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

.....

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

.....

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

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

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP  
 NAME OF ADMINISTRATIVE  
 DEPARTMENT

Dated Peshawar, \_\_\_\_\_

NOTIFICATION

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

CHIEF SECRETARY  
 GOVERNMENT OF NWFP

Encl. No. and date even.

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- 2.
- 3.
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5.

(NAME)  
SECTION OFFICER  
Administrative Department

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

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

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

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

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

.....  
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.  
{Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28<sup>th</sup> Oct, 2005.}

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

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

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

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

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

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

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

.....

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

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

.....

### PLACEMENT POLICY.

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

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

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

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

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

\*\*\*\*\*

*GR*  
*Attested*

**ATTESTED**

**ATTESTED**  
*A*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

(REGULATION WING)  
NO. SOR.VI (E&AD)1 -4/2005/Vol-II  
Dated Peshawar, 27<sup>th</sup> February, 2013

Government of Khyber Pakhtunkhwa  
Establishment Department  
No. SOR.VI (E&AD)1 -4/2005/Vol-II  
Dated 28-2-2013

To  
*[Handwritten signature]*

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

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

Sir,

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

(i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

(ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

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*[Handwritten signatures and initials]*

*[Handwritten signature: Sr. AC / Sr. Est]*

*[Handwritten initials: L-573]*

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(iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms. Instead, in such situations, they must record their opinion and, if necessary, dissent.

(iv) **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

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

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

Encl: as above.

A copy is forwarded to:-

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

*NAJAM*  
SECTION OFFICER (REG-VI)

*Attested*



# OFFICER ABBOTTABAD

fb/settlement.operation.atd twitter/@SOAbbottabad

Email: so.atd4413@gmail.com

Office: 0992-9310514

No Order/2019-20/ 2710 - 16 /SO/ATD

Dated Abbottabad the: 22 / 10 / 2020

## SUSPENSION ORDER:

H 22

In pursuance of direction contained in letter No.LR-V/Settlement Progress/3338-45 dated 19-10-2020 received from Director Land Records/Chief Settlement Officer Khyber Pakhtunkhwa Peshawar. The following Settlement Patwaris are hereby suspended.

S.No	Name of Official	Designation	Mouza
1.	Sabar Gul	Settlement Patwari	Langra II
2.	Qazi Muhammad Shoaib	Settlement Patwari	Rajohiya
3.	Nasir Khan	Settlement Patwari	Masah Gojri
4.	Shahid	Settlement Patwari	Lora

Consequent upon the additional charge of the following Mozas is entrusted to the following Patwaris.

S.No	Name of Official	Mouza
1.	Khusro Muntaz Patwari (Banda Sahib Khan)	Langra II, Wazecra
2.	Sardar Amjad Khan Patwari (Havelian Qasba)	Rajoya, Dhanak
3.	Zeeshan Jadoon Patwari (Dhakan Pesar)	Lora
4.	Amjad Ali Khan Patwari (Satoora)	Masah Gojri, Maira Bala, Masah Sayedan

Tehsildar Settlement is directed to handover/takeover the charge at the earliest and furnish report.

SETTLEMENT OFFICER  
ABBOTTABAD

Endst: No. & Date Even.

Copy forwarded to the;

1. Director Land Records/Chief Settlement Officer, Khyber Pakhtunkhwa Peshawar.
2. Settlement Tehsildar, Havelian.
3. Settlement Naib Tehsildar, Havelian.
4. Officials Concerned for strict compliance.

SETTLEMENT OFFICER  
ABBOTTABAD

محمد یونس صاحب

دکتر صاحب  
والی صاحب  
ذکر در دست

No 1695/ST/H  
23/10/2020

ATTESTED

I 23



GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE AND ESTATE DEPARTMENT

E-Mail: Landrecord.kpk@gmail.com

Phone: 091-9210057

@LandrecordKP

http://www.landrecord.kpk

No.LR-V/Settlement Progress/ 5338-43

Peshawar dated the 05/01/2021.

To

The Settlement Officers  
Abbottabad, Manshra and Nowshera

Subject: POOR PROGRESS OF SETTLEMENT PATWARIS FOR CONSECUTIVE THREE MONTHS

I am directed to refer to this office letter No.3338-45 dated 19/10/2020, wherein the Zero progress for the months of July, August and September, 2020 of Settlement patwaris (list enclosed) working under your supervision was sent with the direction to initiate disciplinary action against them for Nil progress.

S.No	Settlement Operation	Revenue Patwaris
1.	Abbottabad	04
2.	Manshra	16
3.	Nowshera	05

The matter has been discussed at this office level and it was decided that the suspended Settlement Patwaris may be reinstated in service with a warning so that settlement work could not be effected anymore. They may be allotted other than previously held mouzas for settlement work, while their progress may be shared with this office regularly.

Encl: 3 pages.

Assistant Director Land Records  
Khyber Pakhtunkhwa  
05/11/21

Endst: No. & date even.

Copy forwarded for information to the:-

- 1) Deputy Commissioners, Abbottabad, Manshra and Nowshera.
- 2) PS to Secretary to Govt, of Khyber Pakhtunkhwa, Revenue & Estate Department.
- 3) PA to Director Land Records, Khyber Pakhtunkhwa.

Assistant Director Land Records  
Khyber Pakhtunkhwa  
05/11/21

ATTESTED

**P L D 2013 Supreme Court 195****Present: Iftikhar Muhammad Chaudhry, C.J., Jawwad S. Khawaja and Khilji Arif Hussain, JJ****Syed MAHMOOD AKHTAR NAQVI and others---Petitioners****Versus****FEDERATION OF PAKISTAN and others---Respondents**

[Petition by Ms. Anita Turab for protection of Civil Servants: In re]

Constitution Petitions Nos.23 and 11, Criminal Original Petitions Nos.23, 24 and 27, H.R.C. No. 14427-P, C.M.As. Nos. 1575, 1611, 1792, 197-K and 231-K and Criminal Miscellaneous Application No.587 of 2012 in Criminal Original Petition No. 24 of 2012 in Constitution Petition No.11 of 2012.

**(a) Civil Servants Act (LXXI of 1973)---**

---Ss. 4, 5, 9 & 10---Civil Servants (Appointment, Promotion and Transfer) Rules, 1973---Constitution of Pakistan, Arts. 9, 14, 18 & 184(3)---Constitutional petition under Art. 184(3) of the Constitution seeking elaboration of constitutional and legal safeguards relating to the working of civil servants---Maintainability---Matter of tenure, appointment, posting, transfer and promotion of civil servants could not be dealt with in an arbitrary manner; it could only be sustained when it was in accordance with the law---Decision which deviated from the accepted or rule-based norm without proper justification, could be tested on the touchstone of a manifest public interest---Fundamental rights of civil servants, inter alia, under Arts.9, 14 & 18 of the Constitution were aspects arising in the present constitutional petition---Constitutional petition was maintainable.

Tariq Aziz-ud-Din's case 2010 SCMR 1301; Syed Yousaf Raza Gillani v. Assistant Registrar PLD 2012 SC 466 and Mehmood Akhtar Naqvi v. Federation of Pakistan, Constitution Petition No.5 of 2012 ref.

**(b) Civil Servants Act (LXXI of 1973)---**

---S.16---Constitution of Pakistan, Arts. 5 & 184(3)---Civil servant, duties of---Non-subservience to political executive and impartiality---Scope---Although civil servants did have a duty to follow the policy guidelines and directions of the political executive yet, because of Art.5 of the Constitution, their foremost duty was "obedience to the Constitution and the law", not unthinking obedience to all directives (right or wrong) issued from the political executive---Civil servants were public servants and were, therefore, meant to take decisions only in accordance with law in the public interest---Civil servants in their capacity as advisors in decision making or as administrators and enforcers of law, were not subservient to the political executive---Civil servants were under an obligation to remain compliant with the Constitution and law, hence they were not obliged to be servile or unthinkingly submissive to the political executive---Civil servants to give advice in the best public interest and were to administer the law impartially being in charge of the machinery of the State.

Quaid-e-Azam Mohammad Ali Jinnah Speeches as Governor General of Pakistan 1947-48, Sang-e-Meel Publications, Lahore: 2004 ref.

**(c) Civil Servants Act (LXXI of 1973)---**

---Ss. 3 & 5---Rules of Business, (1973), R. 5(10)---Appointment and conditions of service of civil servants---Transaction of business---Civil servant, opinion of---Scope---Implementation of policy or

directives, might be required in some cases notwithstanding the considered views of a civil servant to the contrary, however in such an event, the civil servant should record his/her honest and considered opinion without fear---Decisions violating the law relating to appointment and terms and conditions of service of civil servants which were manifestly wrong and were likely to cause gross injustice or undue hardship should be considered important enough for the purpose of R. 5(10) of Rules of Business, (1973).

**(d) Civil Servants Act (LXXI of 1973)---**

---Preamble---Object of civil Servant Act, 1973---Parliament had enacted Civil Servants Act, 1973 for providing meaningful legal guarantees to civil servants and doing away with arbitrariness---Object of Civil Servants Act, 1973 was to legally "regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan" (Preamble)---Rule of law was the key idea reflected in the whole scheme of the Act.

**(e) Civil Servants Act (LXXI of 1973)---**

---Ss. 4, 5, 9 & 10---Civil Servants (Appointment, Promotion and Transfer) Rules, 1973---Constitution of Pakistan, Art. 184(3)---Constitutional petition under Art. 184(3) of the Constitution seeking elaboration of constitutional and legal safeguards relating to the working of civil servants---Tenure, appointment, promotion and posting/transfer of civil servants---Favoritism/discouragement of merit---Effect---Tenure, appointment, promotion and posting/transfer were of utmost importance in the civil service, and if same were made on merit in accordance with definite rules, instructions etc., they would rightly be considered and treated as part of the terms and conditions of service of a civil servant; however, where rules and instructions were deviated from and as a result merit was discouraged on account of favoritism, sifarish or considerations other than merit, it should be evident that the civil service would not remain independent or efficient.

**(f) Civil Servants Act (LXXI of 1973)---**

---Ss. 5 & 11---Civil Servants (Appointment, Promotion and Transfer) Rules, 1973---Civil Servants (Efficiency and Discipline Rules), 1973---Constitution of Pakistan, Art. 184(3)---Appointment and removal of civil servants---Principles---Whenever there were statutory provisions or rules or regulations which governed the matter of appointments of civil servants, the same must be followed, honestly and scrupulously---Even where there were no explicit rules governing the appointment process, and appointments were to be made in the exercise of discretionary powers, such discretion must be employed in a structured, transparent and reasonable manner and in the public interest---Appointing authorities could not be allowed to exercise discretion at their whims, or in an arbitrary manner; rather they were bound to act fairly, evenly and justly and their exercise of power was judicially reviewable---Removal and dismissal of civil servants from service was not left to anyone's whims and caprice and it was governed by rules and regulations---Anachronistic concept where government servants held office during the pleasure of the Authority had no place in a dispensation created and paid for by the people.

Tariq Aziz-ud-Din's case 2010 SCMR 1301; Corruption of Hajj Arrangement's case PLD 2011 SC 963 and Muhammad Yasin v. Federation of Pakistan PLD 2012 SC 132 ref.

**(g) Civil Servants Act (LXXI of 1973)---**

---S. 9---Constitution of Pakistan, Art. 184(3)---Promotion of civil servants---Discretion---Principles---Discretion in matters of promotion must be exercised fairly and in a transparent manner---Such discretion had to be understood within the four corners of the concept of rule of law upon which the system of governance was founded---Every Authority in the State was bound to obey the dictates of the law and had no personal or absolute discretion.

Tariq Aziz-ud-Din's case 2010 SCMR 1301 ref.

Before KP Service Tribunal, Peshawar

Appeal NO.

Oazi Muhammad Sajjad V/S Revenue Deptt.  
Subject: Application for withdrawal of appeal.

Respectfully Sheweth:

1. That the instant appeal is pending before this Honourable Tribunal
2. That the instant appeal is in reply stage and fix for today. ie. 01-04-2021.
3. That the appellant do not want to proceed the case furthermore and wants to withdraw it.

It is therefore most humbly prayed that on acceptance of this application the instant appeal may kindly be withdrawn.

Appellant

Through:



Taimur Ali Khan

Advocate High Court