

Sr.
No

Date of
order/
proceeding
s

Order or other proceedings with signature of Judge or Magistrate

1

2

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 138/2018

Date of Institution ... 05.12.2017

Date of Decision ... 04.10.2018

Abdul Saboor Khan, Assistant Public Health Engineering Circle,
District Bannu.

Appellant

Versus

1. The Secretary, Public Health Engineering (PHE), Peshawar.
2. The Chief Engineer, Public Health Engineering (PHE), Khyber Pakhtunkhwa Peshawar.
3. Nawab Ur Rehman, Head Clerk, PHE Division Karak.

Respondents

04.10.2018

Mr. Muhammad Hamid Mughal-----**Member**

Mr. Hussain Shah-----**Member**

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Learned counsel for the appellant present. Learned counsel for respondent No.3 and Mr. Kabir Ullah Khattak learned Additional Advocate General present.

2. The appellant (Assistant/Head Clerk BS-16) has filed the present service appeal against order dated 18.10.2017 whereby he was transferred from PHE Division Karak and posted at PHE Circle Bannu whereas Nawab Ur Rehman (private respondent No.3) was

posted at PHE Division Karak from Bannu.

3. Learned counsel for the appellant argued that the appellant has a greater length of service than the private respondent No.3 and that the appellant served for thirty four (34) years out of his home district i.e. District Karak while private respondent No.3 has served thirty three (33) years in PHE Division Karak. Learned counsel for appellant vehemently stressed that the impugned order was issued against the transfer/posting policy and that the impugned order is not tenable even under the spouse policy in as much as the wife of the private respondent No.3 is serving in different department i.e. in the Education Department.

4. As against that private respondent No.3 and learned Additional Advocate General argued that the impugned order was issued keeping in view the spouse policy moreover the appellant also succeeded to frustrate the order dated 17.04.2017 whereby he was transferred to Bannu.

5. Arguments of learned counsel for appellant, learned counsel for private respondent No.3 and learned Additional Advocate General heard. File perused.

6. Documents available on file reflect that vide order dated 09.03.2017 the appellant was posted as Head Clerk PHE Division Karak and private respondent No.3 was posted at Bannu. However after a month vide order dated 17.04.2017 the appellant was transferred to Bannu and in his place private respondent No.3 was posted at District Karak. Then after a few weeks vide order dated

11.05.2017 the appellant was again posted at Karak and private respondent No.3 was transferred to Bannu. Then again after a period of Five (05) months vide order dated 18.10.2017, the appellant was again transferred to Bannu and private respondent No.3 was posted at Karak. Issuance of order dated 18.10.2017 led the appellant to file the present service appeal.

7. All the orders of transfer and posting of the appellant and private respondent No.3 as mentioned above were issued within a short span without disclosing the urgency for the same.

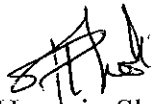
8. From the arguments and record it transpired that both the appellant and private respondent No.3 have been struggling hard to occupy the single post of Assistant at PHE Division Karak.

9. Both the appellant and private respondent No.3 belong to District Karak. It is also not disputed that the appellant mostly served, outside his home district while on the other hand the most part of service of the private respondent No.3 is in District Karak.

10. In the light of the stated facts and circumstances of the case, while also keeping in view that the normal tenure of posting at one station, as per existing posting/transfer policy of Provincial Government, is two (02) years, this Tribunal is constrained to hold that the impugned posting/transfer order dated 18.10.2017 shall remain effective only for two (02) years from the date of its issuance, if not withdrawn earlier and thereafter the appellant shall be transferred and posted at District Karak for a period not less than normal tenure as mentioned in the transfer/posting policy of

20

Provincial Government. The present service appeal is disposed off in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

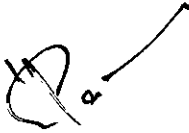


(Hussain Shah)

Member

ANNOUNCED

04.10.2018



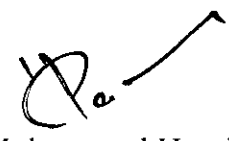
(Muhammad Hamid Mughal)

Member

04.10.2018

Learned counsel for appellant present. Learned counsel for private respondent No.3 and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Vide separate judgment of today of this Tribunal placed on file, In the light of facts and circumstances of the case, while also keeping in view that the normal tenure of posting at one station, as per existing posting/transfer policy of Provincial Government, is two (02) years, this Tribunal is constrained to hold that the impugned posting/transfer order dated 18.10.2017 shall remain effective only for two (02) years from the date of its issuance, if not withdrawn earlier and thereafter the appellant shall be transferred and posted at District Karak for a period not less than normal tenure as mentioned in the transfer/posting policy of Provincial Government. The present service appeal is disposed off in the above terms. Parties are left to bear their own costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED
04.10.2018

10.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 05.07.2018.


Reader


05.07.2018


Counsel for the appellant and Mr. Sardar Shoukat Hayat, Addl. AG alongwith Mr. Saleem Khan, Administrative Officer for official respondents No. 1 & 2 and junior counsel for private respondents No. 3 present. Written reply submitted on behalf of official respondents as well as private respondents. To come up for rejoinder if any and arguments on 10.08.2018 before D.B.


Member

10.08.2018

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourned. To come up for arguments on 19.09.2018 before D.B.



(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member


19.09.2018

Appellant with counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Saleem, A.O. for official respondents No. 1 & 2 and counsel for private respondents No. 3 present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 04.10.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

14.03.2018 Clerk of the counsel for appellant present. Mr. Riaz PainsaKhel, Assistant AG for the respondent present. Written reply / not submitted. Learned Assistant AG requested for adjournment. Adjourned. To come up for written reply and comments on 28.03.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

28.03.2018 Appellant alongwith counsel present. Mr. Kabir Ullah Khattak, Addl: AG alongwith Mr. Hayat Ullah, Senior Scale Stenographer for the respondent present. Written reply not submitted. Requested for adjournment. Adjourned. Last opportunity is granted. To come up for written reply/comments on **11.04.2018** before S.B.


Member


11.04.2018 Appellant absent. Clerk of the counsel present on behalf of appellant. Mr. Kabir Ullah Khattak, Addl: AG present, Junior counsel for Mr. Nasar Mehmood, Advocate present and submitted fresh wakalat nama on behalf of private respondent no. 3 which is placed on file. Mr. Hayat Ullah, Senior Scale Stenographer (Representative) of the respondent department is also absent. Therefore, fresh notices be issued to the representative of the respondent department to attend the court positively. Written reply not submitted. Requested for adjournment. Adjourned. Another last opportunity is granted. To come up for written reply/comments on 10.05.2018 before S.B.


Member

06.02.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant joined the Public Health Engineering department as Accounts Clerk on 21.04.1982. The appellant remained posted out of his home district for more than 34 years. He was transferred to Karak vide order dated 11.05.2017 and respondent no.3 was transferred to Bannu. However, vide impugned order dated 18.10.2017, the appellant was again transferred to Public Health Engineering Circle Bannu while private respondent no.3 was transferred to Karak. He preferred departmental appeal on 24.10.2017, which was not responded within stipulated period, hence, the instant service appeal. Pre-mature transfer is violation of Posting/Transfer Policy notified by the Provincial Government.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 20.02.2018 before S.B.


**Appellant Deposited
Security & Process Fee**


(AHMAD HASSAN)
MEMBER

20.02.2018



Counsel for the appellant present. Mr. Muhammad Jan, DDA for the respondents present. Written reply not submitted. Learned DDA requested for further time adjournment. Request accepted. To come up for written reply/comments on 14.03.2018 before S.B.


(Gul Zeb Khan)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 138/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	25/1/2018	<p>The appeal of Mr. Abdul Saboor Khan resubmitted today by Haji Muhammad Zahir Shah Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 25/1/18</p>
2-	06/02/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/02/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

This is an appeal filed by Mr. Abdul Saboor Khan today on 05/12/2017 against the order dated 18.10.2017 against which he preferred/made a departmental appeal dated 24.10.2017 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiency.

.. Address of respondent no. 3 is incorrect which may be corrected.

No. 2614 /S.T,

Dt. 06/12 /2017

[Signature]
REGISTRAR 6/12/17
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Haji Muhammad Zahir Shah
Adv. Peshawar.

*Sir, the respct. no. 3 is unnecessary party
and he has been removed from the list of
the respct. Respondents.*

[Signature]
Peshawar, Pesh.
19.1.2018.

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 138 /2018

Abdul Saboor Khan..Vs..PHE Department and others.

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Appellant,



Through: (Haji Muhammad Zahir Shah),
Advocate, Peshawar.

HAJI MUHAMMAD ZAHIR SHAH
Advocate
Supreme Court of Paksitan,
Peshawar.

1

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1383

Dated 05-12-2017

Service Appeal No. 138 /2018.

Abdul Saboor Khan, Assistant Public Health Engineering
Circle, District Bannu.Appellant.

-Vs-

1-The Secretary, Public Health Engineering (PHE), Civil
Secretariat, Peshawar.

2-The Chief Engineer, Public Health Engineering (PHE),
KPK, Peshawar.

~~The Secretary, Public Health Engineering (PHE), Civil Secretariat, Peshawar.~~

3-Nawab-ur-Rehman, Head Clerk, PHE Division, Karak.
.....Respondents.

Service Appeal against the Order dated
18.10.2017 of the learned Respondent
No.2.

Filed to-day

Registrar

5/12/17

Prayer in Appeal.

Re-submitted to -day
and filed.

Registrar

25/1/18

By acceptance of this appeal, the impugned
Order dated 18.10.2017 of the learned Respondent No.2
may be set aside and the appellant may be re-transferred
from PHE Circle Bannu and may be posted as Head
Clerk, PHE Division, Karak.

9

Respectfully Sheweth:

The appellant respectfully submits as under:-

Facts.

1- That the appellant belongs to District Karak and he had joined the Department on 21.4.1982 as Account Clerk.

2- That the appellant had served for (34) years out of his Home District and he has also served in the PHE FATA Sub-Division, Miran Shah from 01.07.2001 to 10.11.2011 in unsaved atmosphere which was prevailing in the area.

3- That Nawab-ur-Rehman, Head Clerk (Respondent No. 3) has served through out for (33) years in PHE Division, Karak on various posts and for the first time, he was transferred from Karak to Assistant PHE Circle Bannu, while the appellant was transferred from Bannu to Karak on 11.5.2017, but again Nawab-ur-Rehman, respondent No. 3 was transferred from Bannu to Karak while the appellant was transferred from Karak to Bannu in his place impugned transfer order dated 18.10.2017.

4- That the appellant then filed an appeal against the said order dated 18.10.2017, to the learned Respondent No.1 on 24.10.2017 but with no response and hence, this appeal is submitted on the following grounds:-

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Grounds of Appeal.

1- That the impugned Order of the learned respondent No.2 dated 18.10.2017 is illegal, void, against facts, and against the Government Policy and is liable to be set aside.

2- That the transfer order of the appellant as Assistant PHE Circle Bannu to PHE Karak dated 11.5.2017 was cancelled with a short period of time i.e. (five) months without giving any reason in the impugned order dated 18.10.2017, although, under the Government Policy, the appellant was to remain at Karak for at least three years from 11.5.2017.

3- That according to the Government of KPK Notification No.SOR-VI, dated 7.8.2012, it is specifically mentioned that "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". The appellant has got greater length of service than respondent No.3 and on this ground, too, he was to remain as Head Clerk Karak and his transfer from District Karak to District Bannu within a period of five months is quite illegal and wrong.

4- That the respondent No.3 Nawab-ur-Rehman has also served through out for (33) years in PHE Division,

(4)

Karak on various posts while the appellant had served outside his District Karak for (34) years and as such, the impugned order dated 18.10.2017 being illegal and unjust is liable to be set aside.

5- That the wife of the respondent No.3 is serving in Education Department while the respondent No.3 is serving in PHE Department and the policy of the Government to serve both spouses at one station is not applicable as they are not serving in one and the same department.

It is, therefore, humbly prayed that by acceptance of this appeal, the impugned Order dated 18.10.2017 of the learned Respondent No.2 may be set aside/cancelled and the appellant may be re-transferred from PHE, Bannu and may be posted as Head Clerk, PHE Division, Karak.

Dated: 25/11/2017.

A Sahoor
Appellant,

Zahid Shah
Through: (Muhammad *Zahid*),
Advocate, Peshawar.

Affidavit.

I, do hereby solemnly affirm that the contents of the Appeal are true and correct to the best of my knowledge and belief.

Deponent.

A Sahoor

Ahmed Sahoor applt.

Zahid Shah Ident. for my

HAJI MUHAMMAD ZAHIR SHAH
Advocate
Supreme Court of Pakistan,
Peshawar.



5

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____ /2016.

Abdul Saboor Khan..Vs..PHE Department and others.

Application for the suspension
of the impugned order dated
18.10.2017 of the learned
respondent No.2 till the
decision of the appeal.

Respectfully Sheweth:

- 1- That the appellant has filed an appeal in this Hon'ble Tribunal.
- 2- That the appellant has got a good prima facie case.
- 3- That the balance of convenience is also in favour of the appellant.
- 4- That if the impugned order dated 18.10.2017 is not suspended, the appellant will suffer great loss.
- 3- It is, therefore, humbly prayed that the impugned order dated 18.10.2017 may be suspended till the decision of the appeal.

Dated: 24/11 /2017

HAJI MUHAMMAD ZAHIR SHAH
Advocate
Supreme Court of Paksitan,
Peshawar.

Appellant,



Through (Haji Muhammad Zahir Shah),
Advocate, Peshawar.

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BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____ /2016.

Abdul Saboor Khan..Vs..PHE Department and others.

AFFIDAVIT.

I, Abdul Saboor Khan, Assistant Public Health Engineering Circle District, Bannu, do hereby solemnly affirm and declare that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent.

Dated: 25/11/2017.

Identified by:



(Haji Muhammad Zahir Shah)
Advocate, Peshawar.

HAJI MUHAMMAD ZAHIR SHAH
Advocate
Supreme Court of Pakistan,
Peshawar



OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG. DEPT. KHYBER PAKHTUNKHWA, PESHAWAR
Ph: 091-9212984 Fax: 091-9210228 E-mail: Ce.s.phcd.pr5419@gmail.com

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No. 02/E-9 /PHE,

Dated Peshawar, the 18 /10/2017.

OFFICE ORDER

The following posting/transfer of Assistant/Head Clerks are hereby ordered in the public interest with immediate effect.

#	Name	From	To	Remarks
1	Abdul Saboor Head Clerk	PHE Division Karak	Assistant PHE Circle Bannu	Vice S.No.2
2	Nawab-ur-Rehman Assistant	PHE Circle Bannu	Head Clerk PHE Division Karak	Vice S.No.1

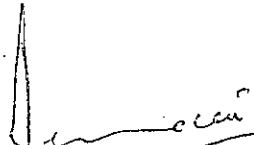
Chief Engineer (South)

Endstr: No. 02/E-9-B /PHE,

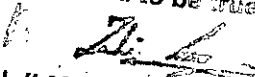
Dated 18 /10/2017

Copy forwarded to:

1. The Superintending Engineer PHE Circle Kohat/Bannu.
2. PS to Minister PHED Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary PHE Department Peshawar.
4. Executive Engineer PHE Division Karak.
5. District Accounts Officer Bannu/Karak.
6. The officials concerned.


Chief Engineer (South)

Attested to be true copy


Haji Muhammad Z. Shah
Advocate Supreme Court
A.O.R./ Peshawar



OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG: DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR
Ph#091-9212984 Fax#091-9210228 E-mail: Ce.s.phed.pr5419@gmail.com

No. 02/E-9 /PHE,

Dated Peshawar, the 18 /10/2017.

OFFICE ORDER

The following posting/transfer of Assistant/Head Clerks are hereby ordered in the public interest with immediate effect.

#	Name	From	To	Remarks
1	Abdul Saboor Head Clerk	PHE Division Karak	Assistant PHE Circle Bannu	Vice S.No.2
2	Nawab-ur-Rehman Assistant	PHE Circle Bannu	Head Clerk PHE Division Karak	Vice S.No.1

Chief Engineer (South)

Endstt: No. 02/E-2-B /PHE,

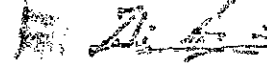
Dated 18/10/2017

Copy forwarded to

1. The Superintending Engineer PHE Circle Kohat/Bannu.
2. PS to Minister PHED Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary PHE Department Peshawar.
4. Executive Engineer PHE Division Karak.
5. District Accounts Officer Bannu/Karak.
6. The officials concerned.

Chief Engineer (South)

Attested to be true copy


Haji Muhammad Zahir Shah
Advocate Supreme Court
A.O.R./ Peshawar

The Secretary,
Public Health Engg: Deptt: Khyber pakhtunkhwa,
Peshawar.

Subject:

APPEAL AGAINST ILLEGAL / UNJUSTIFIED TRANSFER ORDER.

Noted 18-10-2017

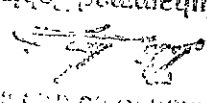
Most respectfully the undersigned have the honour to invite your kind attention to the following facts for your kind and sympathetic consideration and connection with my irregular transfer order from Public Health Engg: Division Karak to public Health Engg: circle Bannu vide Chief Engineer (south) PHE Department Peshawar Office order No:02/E-9/PHE Dated 18-10-2017(photo copy attached).

1. That I am serving as Head clerk PHE Division Karak since 10-03-2017. My promotion orders as a Head clerk were issued vide chief Engineer (south) PHE Department Khyber pakhtunkhwa Peshawar office order No 02/E-9/PHE Dated 09-03-2017 (photo copy attached) and was adjusted as Head clerk PHE Division Karak.

2. That without my cogent reason /report my posting orders were cancelled by 9/PHE Date 17-04-2017 (photo copy)attached

3. That during the period of 10-03-2017(my taking over as a Head clerk) to date one Mr. Nawab Ur Rehman (promoted as Head clerk in the aforementioned promotion orders as well) by making illegal approaches is trying to get and himself posted in my place as Head clerk PHE Division Karak and this contest following events have taken place in the office of the chief Engineer (south) PHE Department Peshawar:

- i) First transfer order No 11/E-9/PHE Dated 17-04-2017
- ii) This transfer order was cancelled after considering my Geneon request vide chief Engineer (south)PHE D Peshawar No 12/E-9/PHE Dated 11-05-2017
- iii) 2nd transfer order issue vide chief Engineer (south) PHE D Peshawar No 02/E-9/PHE Dated 18-10-2017 after putting heavy illegal pressure by Mr.nawab Ur Rehman Head clerk.

Attest to be the seal

Hajj Muhammad Zahid Shah
Advocate Supreme Court
A.O.R./ Peshawar

9

Now I-most humbly point out that Mr. Nawab Ur Rehman Head clerk has throughout his total service of 33 years is serving in PHE: Division Karak on various posts and it is fast chance of posting him outside PHE Division Karak. The entries of his service book are ample proof of this fact and can be scrutinized please.

(10)

Sir,

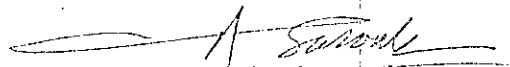
I also belong to Karak district and from 21-04-1982 (date of joining the department) to 14-12-2015 (posting as a Accounts clerk in PHE: Division Karak) i-e long period of 34 years I served out of my home District : During this period I also served IN PHE FATA Sub Division Miran Shah from 01-07-2001 to 10-11-2011 in the critical and unsaved atmosphere which was prevailing in the area.

Under the circumstances detailed above I hope that I am justified to approach your kind honour for justice to leave me in my home District against a person who has never served out of home District through out his long service as compared to me.

Thanking you in anticipation and with the hope to receive as positive response.

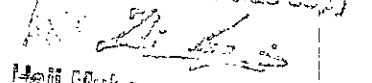
Date 24/10/2017

You're obediently



Abdul Saboor Khan
Head Clerk P.H.E
Division Karak

Attested to be true copy



Hajj Muhammad Zahir Shah
District Magistrate
Karak



OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR
Ph: 091-9212284, Fax: 091-9210228, E-mail: C.e.s.phed.pr5419@gmail.com

(11)

No. 11/E-9 /PHE,
Dated Peshawar, the 17/04/2017.

OFFICE ORDER

The posting/transfer order of the following Assistant/Head Clerks are hereby ordered in the public interest with immediate effect.

#	Name	From	To	Remarks
1.	Mr. Nawab-ur-Rehman Assistant	PHE Circle Bannu	PHE Division Karak	Vice S.No. 2
2.	Mr. Abdul Saboor Head Clerk	PHE Division Karak	PHE Circle Bannu.	Vice S.No. 1

Chief Engineer (South)

Endstt: No. 11/E-9 /PHE,

Dated 17/4/2017

Copy forwarded to:

1. The Superintending Engineer PHE Circle Bannu/Kohat.
2. PS to Minister for PHE/Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
4. The Executive Engineer PHE Division Karak.
5. The District Accounts Officer Bannu/Karak
6. The official concerned.

Chief Engineer (South)

Seen

SE

Attested to be true copy

M. J. Muhammad Ali
M. J. Muhammad Ali
M. J. Muhammad Ali
M. J. Muhammad Ali



OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG: DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR
Ph#091-9212984 Fax#091-9210228 E-mail: Ce.s.phed.pr5419@gmail.com

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No. 11/E-9 /PHE,

Dated Peshawar, the 17/04/2017.

OFFICE ORDER

The posting/transfer order of the following Assistant/Head Clerks are hereby ordered in the public interest with immediate effect.

#	Name	From	To	Remarks
1	Mr. Nawab-ur-Rehman Assistant	PHE Circle Bannu	PHE Division Karak	Vice S.No.2
2	Mr. Abdul Saboor Head Clerck	PHE Division Karak	PHE Circle Bannu	Vice S.No.1

Chief Engineer (South)

Endstt: No. 11/E-2-B /PHE,

Dated 17/4/2017

Copy forwarded to

1. The Superintending Engineer PHE Circle Bannu/Kohat.
2. PS to Minister PHED Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
4. The Executive Engineer PHE Division Karak.
5. The District Accounts Officer Bannu/Karak.
6. The officials concerned.

Chief Engineer (South)

Attested to be true copy


Haji Muhammad Zahir Shah
Advocate Supreme Court
PESHAWAR

12

OFFICE OF CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER
PAKHTUNKHWA

Ph#091-9212984, FAX#091-9210226 E-mail:
Ce.phed.pr5419@gmail.com

No. 18/1 /E-9/PHE

Dated Peshawar the 11/5/2017

OFFICE ORDER.

The posting/transfer of the following Assistant/Head Clerks are hereby ordered in the public interest with immediate effect.

S.NO	NAME	FROM	TO	REMARKS
1.	Abdul Saboor	Assistant PHE, Circle Bannu	Head Clerk PHE: Division Karak	Vice S.No 2
2.	Nawab ur Rehman	Head Clerk PHE: Division Karak	Assistant PHE: Circle Bannu	Vice S.No 1

CHIEF ENGINEER (SOUTH)

Adst. No. 12 /E-2-B/PHE.

Dated Peshawar the 11 /5/2017

Copy forwarded to the:-

- 1.) Superintending Engineer PHE: Circle Kohat/Bannu
- 2.) P.S to Minister for PHED Khyber Pakhtunkhwa Peshawar.
- 3.) P.S to Secretary PHED: Khyber Pakhtunkhwa Peshawar.
- 4.) Executive Engineer PHE: Division PHE: Division Karak
- 5.) District Account Officer Bannu/Karak.
- 6.) The officer concerned.

CHIEF ENGINEER (SOUTH)

Attested to be true
[Signature]
Haji Mohammad Zahir Shah
Advocate Supreme Court
A.C.I.J. Peshawar



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

Ph#091-9212984 Fax#091-9210228 E-mail:
Ce.s.phed.pr5419@gmail.com

34

No. 12/E-9 /PHE,

Dated Peshawar, the 11 /5/2017.

OFFICE ORDER

The posting/transfer of the following Assistant/Head Clerks are hereby ordered in the public interest with immediate effect.

S.NO	Name	From	To	Remarks
1	Abdul Saboor	Assistant PHE Circle Bannu	Head Clerk PHE Division Karak	Vice S.No.2
2	Nawab-ur-Rehman	Head Clerk PHE Division Karak	Assistant PHE: Circle Bannu	Vice S.No.1

/

CHIEF ENGINEER (SOUTH)

Endst. No. 12 /E-2-B /PHE.

Dated Peshawar the 11 /5/2017

Copy forwarded to:-

- 1) The Superintending Engineer PHE: Circle Kohat/Bannu.
- 2) P.S to Minister for PHED Khyber Pakhtunkhwa Peshawar.
- 3) PS to Secretary PHED: Khyber Pakhtunkhwa Peshawar.
- 4) Executive Engineer PHE: Division PHE: Division Karak.
- 5) District Accounts Officer Bannu/Karak.
- 6) The officials concerned.

sdf

CHIEF ENGINEER (SOUTH)

Checked to be true copy

[Signature]

Muhammad Amir Shah
Member Supreme Court
Khyber Pakhtunkhwa

PUBLIC HEALTH ENGG. DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR.

15

Attn: *Saboor*

No. 02 / E-9 / PHE

Dated Peshawar, the 6th / 10th / 2017

OFFICE ORDER

On the recommendation of the Departmental Promotion Committee (DPC) in its meeting held on 05.12.2016 under the Chairmanship of Secretary PHED, the competent authority is pleased to promote the following Accounts Clerks (BPS-10) to the rank of Assistant/Head Clerks BPS-16, in the best interest of public.

1. Aftab Kamal, 2. Iqbal-ud-Din, 3. Pervez Khan, 4. Nowshad Khan, 5. Afsar Khan
6. Sadre Alam, 7. Sofi Sardar, 8. Muhammad Sher, 9. Abdul Saboor,
10. Mukhtiar Hussain, 11. Noor Ali, 12. Alam Khan, 13. Sardar Nawaz,
14. Nawab-ur-Rehman, 15. Farid Ayaz, 16. Bakht Ali, 17. Mohib Shah,
18. Muhammad Aslam, 19. Mst. Rabeha Wabeed, 20. Muhammad Iqbal.

Consequent upon their promotion to the next rank, they will remain on probation for a period of one year or till the date of retirement whichever is earlier, as per Civil Servants act 1973 read with appointment/promotion and transfer rules 1989, as such the following posting is hereby ordered to actualize their promotion on regular basis, with immediate effect.

S.No.	Name	From	To	Remarks
1.	Mr. Aftab Kamal	Assistant (BPS-16) Acting Charge working as Admin. Officer o/o C.E South PHED.	Assistant (BPS-16) on regular basis & hold the charge of the post of Admin. Officer o/o C.E South PHED.	Against the existing vacancy.
2.	Mr. Iqbal-ud-Din	Head Clerk (BPS-16) PHE Division Nowshera (acting Charge)	Head Clerk (BPS-16) PHE Division Nowshera (on regular basis)	Against the existing vacancy.
3.	Mr. Pervez Khan	Head Clerk (BPS-16) PHE Division Mardan (acting Charge)	Head Clerk (BPS-16) PHE Division Mardan (on regular basis)	Against the existing vacancy.
4.	Mr. Nowshad Khan	Assistant (BPS-16) PHE Circle Peshawar (acting Charge)	Assistant (BPS-16) PHE FATA Circle Peshawar (on regular basis)	Against the existing vacancy.
5.	Mr. Afsar Khan	Assistant (BPS-16) PHE Circle Kohat (acting Charge)	Assistant (BPS-16) PHE Circle Kohat (on regular basis)	Against the existing vacancy.
6.	Mr. Sadre Alam	Head Clerk (BPS-16) PHE Division Charsadda (acting Charge)	Head Clerk (BPS-16) PHE Division Charsadda (on regular basis)	Against the existing vacancy.
7.	Mr. Sofi Sardar	Head Clerk (BPS-16) PHE Division Tank (acting Charge)	Assistant (BPS-16) o/o Chief Engineer North (on regular basis)	Against the existing vacancy.
8.	Mr. Muhammad Sher	Accounts Clerk (BPS-10) o/o C.E South PHED	Assistant BPS-16 o/o C.E South PHED.	Against the existing vacancy.
9.	Mr. Abdul Saboor	Accounts Clerk (BPS-10) PHE Division Karak	Head Clerk (BPS-16) PHE Division Karak	Against the existing vacancy.
10.	Mr. Mukhtiar Hussain	Accounts Clerk (BPS-10) PHE Division Peshawar	Head Clerk (BPS-16) PHE Division Peshawar	Vice Item No.22
11.	Mr. Noor Ali	Accounts Clerk (BPS-10) PHE FATA Division Kohat	Head Clerk (BPS-16) PHE Division Lakki Marwat	Against the existing vacancy.
12.	Mr. Alam Khan	Accounts Clerk (BPS-10) PHE Division Swat	Head Clerk (BPS-16) PHE Division Swat	Against the existing vacancy.

Intended to be true copy

Mohib Shah
Secretary

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Page-2

13.	Mr. Sardar Nawaz	Accounts Clerk (BPS-10) PHE Division Nowshera	Head Clerk (BPS-16) PHE Division Dir UDF	Against the existing vacancy.
14.	Mr. Nawab-ur-Rehman	Accounts Clerk (BPS-10) PHE Division Karak	Assistant (BPS-16) PHE Circle Manora	Against the existing vacancy.
15.	Mr. Fard Ayaz	Accounts Clerk (BPS-10) PHE FATA Division Kohat	Head Clerk (BPS-16) PHE FATA Division Kohat	Against the existing vacancy.
16.	Mr. Bakht Ali	Accounts Clerk (BPS-10) PHE Division Kohat	Assistant (BPS-16) PHE Circle Kohat	Against the existing vacancy.
17.	Mr. Mohib Shah	Accounts Clerk (BPS-10) PHE Division Kohistan	Head Clerk (BPS-16) PHE Division Kohistan	Against the existing vacancy.
18.	Mr. Muhammad Aslam	Accounts Clerk (BPS-10) PHE Division D.I.Khan	Head Clerk (BPS-16) PHE Division D.I.Khan	Vice item No.21
19.	Mst. Raheela Waheed	Accounts Clerk (BPS-10) o/o C.E North PHED	Assistant (BPS-16) o/o C.E South PHED	Against the existing vacancy.
20.	Mr. Muhammad Iqbal	Accounts Clerk (BPS-10) PHE Division D.I.Khan	Head Clerk (BPS-16) PHE Division Tank	Vice item No.7
21.	Mr. Muhammad Ishaq	Head Clerk PHE Division D.I.Khan	Assistant PHE Circle D.I.Khan	Against the existing vacancy.
22.	Mr. Saeed Ullah	Head Clerk PHE Division Peshawar	Assistant PHE Circle Peshawar	Vice item No.4

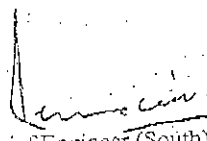
Chief Engineer (South)

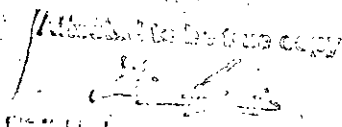
Encls: No. 02 / E-2-B/PHE,

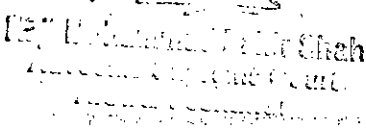
Dated Peshawar, the 07 / 03 / 2017

Copy forwarded to:

1. The Secretary to Govt of Khyber Pakhtunkhwa PHED Peshawar
2. The Accountant General Khyber Pakhtunkhwa Peshawar.
3. The Additional Accountant General PR Sub office Peshawar
4. The Chief Engineer (North) Public Health Engg. Department Peshawar.
5. The Chief Engineer (FATA) Works & Service Department Peshawar.
6. All Superintending Engineers (North/South/FATA) PHED.
7. PS to Minister for PHED Khyber Pakhtunkhwa Peshawar.
8. The Section Officer (Estt) PHE Department Peshawar.
9. All Executive Engineers (North/South/FATA) PHED.
10. All District/Agency Accounts Officer concerned.
11. The official concerned.


 Chief Engineer (South)


 Mr. Muhammad Ishaq


 Mr. Muhammad Ishaq



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

B. M. Khan

No. 02/E-9 /PHE,

17

Dated Peshawar, the 09/03 /2017.

OFFICE ORDER

On the recommendation of the Departmental Promotion Committee (DPC) in its meeting held on 05.12.2016 under the Chairmanship of Secretary PHED, the competent authority is pleased to promote the following Accounts Clerks (BPS-10) to the rank of Assistant/Head Clerks BPS-16, in the best interest of public.

1. Aftab Kamal, 2. Iqbal-ud-Din, 3. Pervez Khan, 4. Nowshad Khan, 5. Afsar Khan
6. Sadre Alam, 7. Sofi Sardar, 8. Muhammad Sher, 9. Abdul Saboor,
10. Mukhtiar Hussain, 11. Noor Ali, 12. Alam Khan, 13. Sardar Nawaz, 14. Nawab-ur-Rehman, 15. Farid Ayaz, 16. Bakht Ali, 17. Mohib Shah, 18. Muhammad Aslam,
19. Mst. Raheela Waheed, 20. Muhammad Iqbal.

Consequent upon their promotion to the next rank; they will remain on probation for a period of one year or till the date of retirement whichever is earlier, as per Civil Servants act 1973. Read with appointment/promotion and transfer rule 1989, as such as the following posting is hereby ordered to actualize their promotion on regular basis, with immediate effect.

S.No.	Name	From	To	Remarks
1.	Mr. Aftab Kamal	Assistant (BPS-16) Acting charge working as Admn: Officer o/o C.E South PHED.	Assistant (BPS-16) on regular basis & hold the charge of the post of Admn: Officer o/o C.E South PHED.	Against the existing Vacancy.
2.	Mr. Iqbal-ud-Din	Head Clerk (BPS-16) PHE Division Nowshera (acting Charge)	Head Clerk (BPS-16) PHE Division Nowshera (on regular basis)	Against the existing Vacancy.
3.	Mr. Perviz Khan	Head Clerk (BPS-16) PHE Division Mardan (acting Charge)	Head Clerk (BPS-16) PHE Division Mardan (on regular basis)	Against the existing Vacancy.
4.	Mr. Nowshad Khan	Assistant (BPS-16) PHE Circle Peshawar (acting Charge)	Assistant (BPS-16) PHE FATA Circle Peshawar (on regular basis)	Against the existing Vacancy.
5.	Mr. Afsar Khan	Assistant (BPS-16) PHE Kohat (acting Charge)	Assistant (BPS-16) PHE Circle Kohat (on regular basis)	Against the existing Vacancy.
6.	Mr. Sadre Alam	Head Clerk (BPS-16) PHE Division Charsadda (acting Charge)	Head Clerk (BPS-16) PHE Division Charsadda (on regular basis)	Against the existing Vacancy.
7.	Mr. Sofi Sardar	Head Clerk (BPS-16) PHE Division Tank (acting Charge)	Head Clerk (BPS-16) o/o Chief Engineer North (on regular basis)	Against the existing Vacancy.
8.	Mr. Muhammad Sher	Accounts Clerk (BPS- 10) o/o C.E South PHED	Assistant BPS-16 o/o C.E South PHED	Against the existing Vacancy.
9.	Mr. Abdul Saboor	Accounts Clerk (BPs- 10) PHE Davison Karak	Head Clerk (BPS-16) PHE Division Karak	Against the existing Vacancy.
10.	Mr. Mukhtiar Hussain	Accounts Clerk (BPs- 10) PHE Davison Peshawar.	Head Clerk (BPS-16) PHE Division Peshawar	Vice Item No.22
11.	Mr. Noor Ali	Accounts Clerk (BPs- 10) PHE FATA Division Kohat	Head Clerk (BPS-16) PHE Division Lakki Marwat	Against the existing Vacancy.
12.	Mr. Alam Khan	Accounts Clerk (BPs- 10) PHE Davison Swat	Head Clerk (BPS-16) PHE Division Swat	Against the existing Vacancy.

M. M. Khan
Chief Engineer
Public Health Engineering
Department

13.	Mr. Sarder Nawaz	Accounts Clerk (BPS-10) PHE Davison Nowshera	Head Clerk (BPS-16) PHE Division Dir Upper	Against the existing Vacancy.
14.	Mr. Nawab-ur-Rehman	Accounts Clerk (BPS-10) PHE Davison Karak	Assistant (BPS-16) PHE Circle Bannu	Against the existing Vacancy.
15.	Mr. Farid Ayaz	Accounts Clerk (BPS-10) PHE FATA Davison Kohat	Head Clerk (BPS-16) PHE FATA Division Kohat	Against the existing Vacancy.
16.	Mr. Bakht Ali	Accounts Clerk (BPS-10) PHE Davison Nowshera	Assistant (BPS-16) PHE Circle Kohat	Against the existing Vacancy.
17.	Mr. Mohib Shah	Accounts Clerk (BPS-10) PHE Davison Kohistan	Head Clerk (BPS-16) PHE Division Kohistan	Against the existing Vacancy.
18.	Mr. Muhammad Aslam	Accounts Clerk (BPS-10) PHE Davison D.I.Khan	Head Clerk (BPS-16) PHE Division D.I.Khan	Vice. Item No. 21
19.	Mst. Raheela Waheed	Accounts Clerk (BPS-10) o/o C.E North PHED	Assistant (BPS-16) o/o C.E South PHED	Against the existing Vacancy.
20.	Mr. Muhammad Iqbal	Accounts Clerk (BPS-10) PHE Davison D.I.Khan	Head Clerk (BPS-16) PHE Division Tank	Vice. Item No. 7
21.	Mr. Muhammad Ishaq	Head Clerk PHE Division D.I.Khan	Assistant PEH Circle D.I.Khan	Against the existing Vacancy.
22.	Mr. Sareer Ullah	Head Clerk PHE Division Peshawar	Assistant PHE Circle Peshawar	Vice. Item No. 4

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CHIEF ENGINEER (SOUTH)

Endst. No. 02 /E-2-B/PHE.

Dated Peshawar the 09 /13/2017

Copy forwarded to:-

- 1) The Secretary to Govt of Khyber Pakhtunkhwa PHED Peshawar.
- 2) The Accountant General Khyber Pakhtunkhwa, Peshawar.
- 3) The Additional Accountant General PR Sub Office Peshawar.
- 4) The Chief Engineer (North) Public Health Engg. Department Peshawar.
- 5) The Chief Engineer (FATA) Works & Service Department Peshawar.
- 6) All Superintending Engineers (North/South/FATA) PHED.
- 7) S to Minister for PHED Khyber Pakhtunkhwa Peshawar.
- 8) The Section Officer (Estt) PHE Department Peshawar.
- 9) All Executive Engineers (North/South/FATA) PHED.
- 10) All District/Agency Accounts Officer concerned.
- 11) The official concerned.

sd/-
CHIEF ENGINEER (SOUTH)

Attested to be true copy

Muhammad Zahir Shah
Muhammad Zahir Shah
Advocate Supreme Court
L.O.R./Peshawar

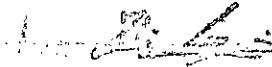
DETAILS OF STAY PERIOD IN VARIOUS STATIONS SINCE FIRST APPOINTMENT TILL DATE

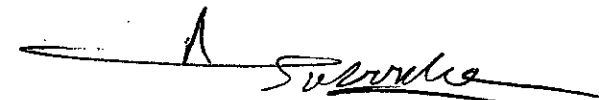
IN RESPECT OF MR. ABDUL SABCOR KHAN (HEAD CLERK)

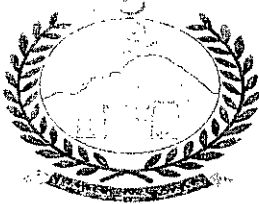
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S. No.	Name of Division	Period of Stay	
		From	To
1.	PHE: FATA Div Kohat	21.04.19982	To 31.10.1993
2.	PHE: Div D.I.Khan	01.11.1993	To 22.01.1995
3.	PHE: FATA S/Div M/Shah NWA	23.01.1995	To 13.09.2000
4.	PHE: Div Hangu	14.09.2000	To 30.06.2001
5.	PHE: FATA S/Div M/Shah	01.07.2011	To 31.10.2011
6.	PHE: Div Charssada	01.11.2011	To 30.09.2014
7.	PHE: Div Peshawar	01.10.2013	To 03.01.2014
8.	PHE: Div Bannu	04.01.2014	To 14.12.2015
9.	PHE: Div Karak	15.12.2016	To 09.03.2017 (As Accounts Clerk)
10.	PHE: Div Karak	10.03.2017	To 18.10.2017 (Promoted as Head Clerk)

Attested to be true copy


 M. Muhammad Zahir Shah
 Head Clerk, Accounts Centre
 District Office, Kohat


 20/11/2017



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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

(REGULATION WING)

No. SOR-VI/E&AD/1-4/2010/Vol-VIII
Dated Peshawar, the, 07th August, 2012

To

3. The Additional Chief Secretary, Planning & Development Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. All the Divisional Commissioners in Khyber Pakhtunkhwa.
6. All Heads of the Attached Departments in Khyber Pakhtunkhwa.
7. All the District Coordination Officers in Khyber Pakhtunkhwa and Political Agents in FATA.

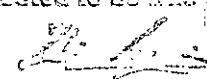
Subject: POSTING OF SERVING HUSBAND/WIFE AT THE SAME STATION OF THE PROVINCIAL GOVERNMENT.

Dear Sir,

I am directed to refer to the subject noted above and to state that keeping in view the Socio economic Problems and hardships faced by husbands and wives in Government Service due to posting at different station of duty, the competent authority has been pleased to prescribe the following guideline 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 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) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an

(Attached to be file copy)


Muhammad Zaheer Shah
Additional Secretary

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organization, the Government servant with greater length of service may be preferred.

iv) Request for posting by a spouse facing serious medical problems may be accorded highest priority.

v) Spouses already posted at one station, including those posted on deputation may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. Kindly acknowledge receipt.

Yours faithfully,

Naqam
7/8/12

(NAJ-MUS-SAHAR)
SECTION OFFICER (REG-VI)

Endst No. & date even.

Copy forwarded to:

1. The Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Registrar, Peshawar High Court, Peshawar.
4. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. The Director General, Provincial Disaster Management Authority.
6. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.
7. Private Secretaries to all Provincial Ministers in Khyber Pakhtunkhwa.
8. PSO to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
9. Private Secretary to Secretary Establishment Department.
10. Private Secretary to Secretary Administration Department.
11. The Incharge Resource Centre, Estt.&Admn. Department.

Naqam
7/8/12

SECTION OFFICER (REG: VI)

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30/12/2012

ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(REGULATION WING)

No. SOR- (E&AD) 1-1/85 (VOL-ID)

Dated Peshawar the 15th February 2003.

499 539
3 years / Two
years term
Transfer case

1. All Administrative Secretaries to Govt of NWFP.
2. The Secretary to Governor. N.W.F.P.
3. The Secretary to Chief Minister. N.W.F.P.
4. All Heads of Attached Departments in N.W.F.P.
5. All Heads of Autonomous Semi-Autonomous Boards in N.W.F.P.
6. All District Coordination Officers; political Agents in N.W.F.P.
7. The Registrar Peshawar High Court Peshawar.
8. All District and Session Judges in N.W.F.P.
9. The Secretary. N.W.F.P. Public Service Commission. Peshawar.
10. The Director Anti-Corruption Establishment. Peshawar.
11. The Secretary. Board of Revenue. N.W.F.P. Peshawar.
12. The Registrar. N.W.F.P. Service Tribunal. Peshawar.

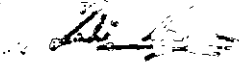
Subject :- POSTING/TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

Dear Sir.

I am directed to refer to the subject noted above and to say that to supercession of posting Transfer Policy.

- (i). All the postings transfers shall be strictly in public interest and shall not be abused misused to victories the Government Servants.
- (ii). All Government servants are prohibited to exert political Administrative or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest.
- (iii). All contract Government employees appointed against specific post cannot be posted against any other post.

Attested


Haji Muhammad Zahir Shah
Advocate Supreme Court
A.O.R./ Peshawar

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(iv). The normal tenure of posting shall be three year 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.

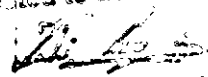
(v). Months of March and July are fixed for posting/transfer of the officers/officials excluding the officers in B-19 and above in the Province. Posting/transfer in Education and Health Departments shall be made March while the remaining departments shall make posting/transfers in July There shall be a ban on posting/transfers throughout the year excluding the aforesaid two months. However there shall be no restriction in cases where posting/transfers of government employees become unenviable in other months due to promotion retirement aeration of new posts/return from long leave involvement in disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.

While making postings transfers from sealed areas to FATA and vice-versa. Specific approval of the Governor. NWFP needs to be obtained.

Officers may be posted on executive administrative posts in the Districts of their domicile except Distract Coordination Officers (D.C.Os) and Superintendent of police (SP). Similarly Deputy Superintendent of police (DSP) shall not be posted at a place where the police Station (Thana) of his area residence is situated.

(viii). No postings/transfers of the officers/officials derailment basis shall be made.

Attorney to be true of


Haji Muhammad Zahir Shah
Advocate Supreme Court
A.O.R. Peshawar

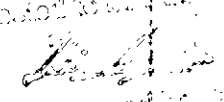
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- (ix). Regarding the posting of husband/wife both provincial services efforts where possible would be made to post such persons at one station and this will be subject to the public interest.
- (x) All the posting/transferring authorities may facilitate the posting/transfers of the unmarried female Government Servants at the station of the residence of their parents.
- (xi) Officers/officials except DCOs and SPs who are due to retire within one year may allowed to serve then till the retirement.
- (xii) In terns of Rule-17(1) and (2) read with Schedule-III of the Government of NWFP Rules of Business 1985 transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officers in column 2 thereof :-

1	2
---	---

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 the Establishment and the 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.	Head of Attached Departments and other Officers in B-19 & above in all the Debus In the Secretariat:-	-do-	
4.	Secretaries.	Chief Secretary with the approval of the Chief Minister.	
5.	Other Officers of and above the rank of section Officers:-		


 Head of the Secretariat
 Government of NWFP
 Peshawar

32/36

(a)	Within the Same Department.	Secretary of the Department concerned.
(b)	Within the Secretariat from one Department to another.	Chief Secretary/Secretary Establishment.
6.	Officials upto the rank of Superintendent:	
a	Within the same Department.	Secretary of the Department concerned.
b	To and from an Attached Department.	Secretary of the Department in consultation with Head of Attached Department concerned.
c	Within the Secretariat from one Department to another.	Secretary (Establishment).

(xiii) While considering postings/transfers proposals all the concerned authorities shall keep in mind the following

- a) To ensure the posting of proper persons on proper posts, the 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/transfers authorities may seek remedy from next higher authority/the appointing authority as the case may be through an appeal to be sublimed 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 expressed only in the following cases:

Haji Usman
Advocate
A.C.P.

- a) Pre-mature posting/transfer or posting/transfer in violation of the provisions of this policy,
- b) Serious and grave personal (humanitarian) grounds.

2. To streamline the posting/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 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	-do-
3.	Other Officer in BPS-17 and above posted in the District	-do-
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 proposed to:

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

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

Yours faithfully

(GHULAM JILLANI-ASIF)
ADDL ; SECRETARY (REG)

Endst. No.SOR J(E&AD)1-85 Dated: Peshawar the 15.2.003

Copy forwarded to:

- 1. All Additional Secretaries in E& A Department

Head Office
Advoc

- 28 59
2. All Deputy Secretaries in E&A Department.
 3. All Section Officers in E&A Department.
 4. Private Secretary to Chief Secretary NWFP.
 5. Private Secretary to Secretary Establishment.
 6. Librarian E&A Department.

(HUSSAIN SHAH)
DEPUTY SECRETARY (REG-I)

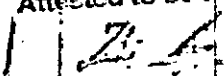
Endst. No.SOR J(E&AD)1-85 Dated: Peshawar the 15.2.003

Copy forwarded to:-

1. The Accountant General NWFP, Peshawar.
2. All District Agency Accounts Officer in NWFP.

(HAZANFAR ALI)
SECTION OFFICER (REG-I)

Attested to be true copy


Haji Muhammad Zeeshan
Advocate Supreme

Rs. 50

		13703
	ایڈوکیٹ:	
	بار کونسل ایسوسی ایشن نمبر:	
	رابطہ نمبر:	03000-9591712
پشاور بار ایسوسی ایشن، خیبر پختونخوا		


بعدالت جناب: سرسٹریٹونکل KKPK

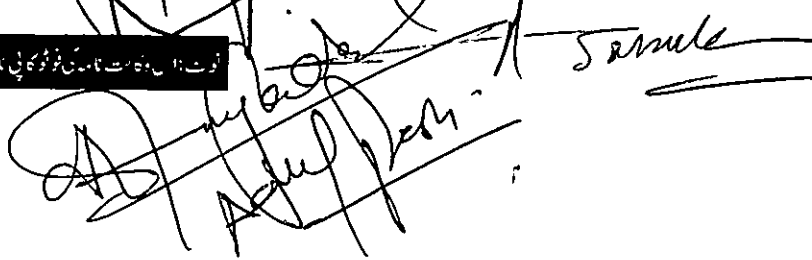
مخانب: ریسل انٹر	دعوی:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
عبدالکبیر بنام سیکرٹری سپیکٹروں	
باعت تحریر آگہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
آن مقام **SAJI MUHAMMAD ZAHIR SHAIK**
Advocate
Supreme Court of Pakistan
کر کے اقرار کیا جاتا ہے کہ صاحب موصوفہ کو کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 27-11-2017

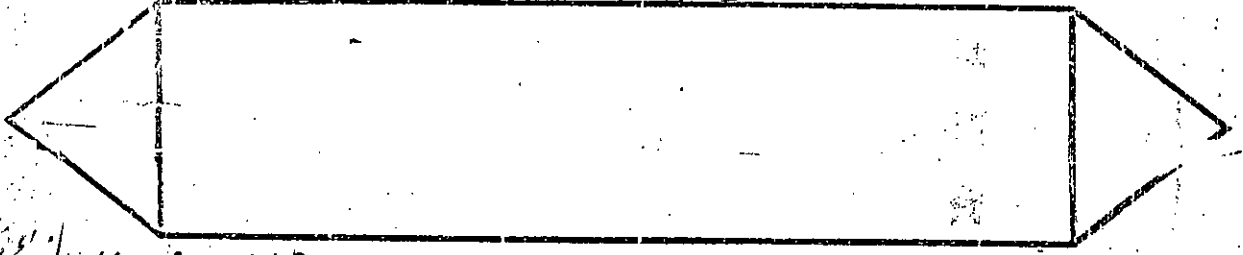
المقام: ریسل انٹر


SAJI MUHAMMAD ZAHIR
Advocate
Supreme Court of Pakistan
Peshawar



13703

بعدالت سرویس ٹرانسپورٹ ختم ہو گیا تھا اور



2018ء میں منجانب سید انور احمد

عبدالرشید بنام سید انور احمد

S.A.No. 138/2018

مورد
مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام پیروی اور کیلئے نامہ محمود محمود صاحب

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوفہ کے مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جو اب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک درو پیہا عرضی دعویٰ اور درخواست ہر قسم کے قبول

ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور

نیز وائر کرنے اپیل نگرانی 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 تقریر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجا ملے تو اسے مقدمہ کے سبب سے وہ ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

نہ کر کے میں نے بعد الت کا نام لکھ دیا کہ سندر ہے۔

(Signature)

2018ء

ماہ اپریل

المترقوم

واہ

کے لئے مندر ہے۔

کیٹنا اور

مقام

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

In Re: Service Appeal No.

138/2018

Abdul Saboor Khan.....Appellant

VERSUS

1. Secretary Public Health Engineering Department,
Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer PHED KPK Peshawar.
3. Nawab-ur-Rehman Head Clerk PHE Division Karak.....Respondents.

Subject: **REPLY ON BEHALF OF RESPONDENT NO.1 & 2.**

Respectfully Sheweth:

Preliminary objections

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. The appeal is not maintainable in the present forum.
3. That the appellant has concealed material facts from this honorable Tribunal so his appeal is worth rejection.
4. That the appeal is bad for non joinder and misjoinder of unnecessary parties.
5. That the appellant cannot claim to be posted to this choice place of posting because U/S 10 of Civil Servant Act, 1973 he is bound to serve anywhere as directed by the competent authority.
6. That the Honourable Tribunal has jurisdiction for adjudicate the matter.
7. That the appellant has not come to this honorable tribunal with clean hands and has suppressed material facts from this honorable tribunal.

ON FACTS

1. Pertains to record.
2. Incorrect, this para of the appeal is irrelevant and to be verified from service record. However, reportedly he has neither made complaint nor has shown any mala-fide on the part of respondents.
3. Incorrect. Respondent No.3 has not completed his normal tenure of posting on post of Head Clerk PHE Division Karak. Respondent No.3 who was serving as Assistant PHE Circle Bannu was transferred vide order dated 17/04/2017 as Head Clerk PHE Division Karak on the place of appellant. Then appellant vide order dated 11/05/2017 managed his transfer as Head Clerk PHE Division karak and transferred respondent No.3 as Assistant PHE Circle Bannu. Respondent No.3 challenged the same order in writ petition No.2182/2017 before honorable Peshawar High Court, Peshawar and vide order dated

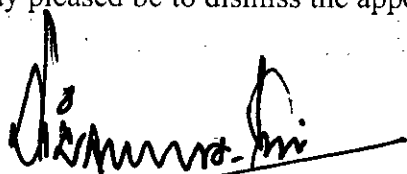
25/05/2017 his writ petition was treated as departmental appeal and was sent to appellate authority to decide the same positively within fortnight but strictly in accordance with law and rules on the subject. So the competent authority passed the impugned order in the light of grounds mentioned therein i.e on the basis wedlock policy of the provincial Government. (Copy of the writ and order of Peshawar High Court on A&B).

- 4 Incorrect, the appeal of appellant is not maintainable on that given grounds.

GROUNDS

- 1 Incorrect, the impugned order has been passed in accordance with law, rules and spouse policy.
- 2 Incorrect, the impugned transfer order of respondent No.3 was passed by the departmental appellant authority on the ground of spouse policy in compliance with Honorable Peshawar High Court's order dated 25/05/2017, passed in writ petition No.2182/2017.
- 3 That the impugned transfer order of Respondent No.3 was issued in compliance with direction of Honorable Peshawar High Court Peshawar dated 25/05/2017 passed in writ 2182/2017 wherein implementation of spouse policy in transfer and posting was directed. Copy of the order High Court is enclosed.
- 4 Incorrect, service in any station is no ground of appeal and pertains to verification of service record.
- 5 Para-5 is wrong and incorrect. The policy is very much applicable in the case of respondent No.3 and appellant has wrongly interpreted the same.

It is therefore, respectfully prayed that on acceptance of this written reply this honorable Tribunal may please be to dismiss the appeal of the appellant with costs.



Secretary to Govt. of Khyber Pakhtunkhwa,
PHE Department, Peshawar
(Respondent No.1) Dvt. of
Khyber Pakhtunkhwa
P.H.E. Department



Chief Engineer (South),
PHE Department, Peshawar
(Respondent No.2)

Chief Engineer (South)
Public Health Engineering Deptt:
Khyber Pakhtunkhwa, Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

In Re: Service Appeal No.
Abdul Saboor Khan -----


138/2018
Appellant

VERSUS

Secretary Public Health Engineering Department,
Khyber Pakhtunkhwa, Peshawar and others ----- Respondents.

AFFIDAVIT

I Saleem-ur-Rehman Administrative Officer (South) PHED Peshawar do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments submitted by respondent No.1 & 2 are true and correct to the best of my knowledge and belief and that nothing has been concealed from his honorable tribunal.


Saleem-ur-Rehman A.O.
PHED (S)

DEPONENT

NIC NO. 17301-2624462-3

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

In Re: Service Appeal no.138\2018

Abdul Saboor Khan.....Appellant

Versus

Secretary PHE Department, and others.....Respondents

REPLY ON BEHALF OF RESPONDANT NO.3

Respectfully Sheweth:

Preliminary Objections:

1. That the appellant has no cause of action and or locus standi to file the instant appeal.
2. That no legal right of the appellant have been infringed so the appeal is not maintainable in its present form and is therefore, liable to summary dismissal.
3. That according to Posting\Transfer Policy of the Govt. if request is made by spouse facing serious problems may be accorded highest priority.
4. That the appellant has concealed material facts from this honorable tribunal so his appeal is liable to summery dismissal on this score alone.
5. That the appeal of the appellant is false, frivolous, malafide, vexatious, based on mis-statement of facts and has been filed to blackmail and harass the answering respondents.
6. That the appellant cannot claim to be posted to his choice place of posting because U\S 10 of Civil Servant Act, 1973 he is bound to serve anywhere as directed by the competent authority.
7. That the appeal is premature.
8. That the appellant has not come to this honorable tribunal with clean hands and has suppressed material facts from this honorable tribunal.

On Facts

1. Para-1 is needs no reply.
2. Incorrect. It is further submitted that U\S 10 of Civil Servant Act, 1973 the appellant is bound to serve anywhere in the province as directed by the competent authority. Appellant has served in different stations on his sweet will.
3. Incorrect. It is further submitted that respondent no.3 has not completed his normal tenure of posting on post of Head Clerk PHE Division Karak. Respondent no.3 who was serving as Assistant PHE Circle Bannu was transferred vide order

dated 17.04.2017 as Head Clerk PHE Division Karak on the place of appellant. Then appellant vide order dated 11.05.2017 managed to transfer himself as Head Clerk PHE Division Karak and transferred respondent no.3 as Assistant PHE Circle Bannu. Respondent no.3 challenged the same order in writ petition no.2182\2017 before honorable High Court, Peshawar and vide order dated 25.05.2017 his writ petition was treated as departmental appeal and was sent to appellate authority to decide the same positively within fortnight but strictly in accordance with law and rules on the subject. So the competent authority passed the impugned order in the light of grounds mentioned therein i.e. on the basis wedlock policy of the provincial govt.

4. Incorrect. It is further submitted that the present appeal of the appellant is premature.

Grounds:

1. Ground-1 is wrong and incorrect. It is further that the impugned order has been passed in accordance with law, and govt. spouse policy. No illegality has been committed by the replying respondents.
2. Ground-2 is wrong and incorrect. It is further submitted that when respondent no.3 was transferred vide order dated 17.04.2017 as Head Clerk PHE Division Karak at that time he has also not completed normal tenure but appellant managed to transfer respondent no.3 vide order dated 11.05.2017 which was challenged by him in writ petition no.2182\2017 before honorable High Court, Peshawar and vide order dated 25.05.2017 his writ petition was treated as departmental appeal and was sent to appellate authority to decide the same positively within fortnight but strictly in accordance with law and rules on the subject. So the competent authority keeping in view the spouse policy of the provincial govt. passed the impugned order. So he who seeks equity must do equity but appellant is ignoring this golden principle of law.
3. In reply to Ground-3 it is submitted that the appellant is referring to one clause of the policy but ignoring the other clause which is of highest importance which says that if request is made by spouse facing serious problems he may be accorded highest priority.
4. Incorrect. Service in any station is no ground for appeal.
5. Para-5 is wrong and incorrect. The policy is very much applicable the case of respondent no.3.

It is, therefore, respectfully prayed that on acceptance of this written reply this honorable Tribunal may please be to dismiss the appeal of the appellant with costs.

Affidavit

I, do hereby solemnly affirm and declare on oath that all the contents of the above reply are true and correct.

IRFAN ULLAH ADVOCATE
NOTARY PUBLIC
Deponent.

Through

Respondent no.3

Nasir Mahmood Advocate
Supreme Court of Pakistan

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

In Re: Service Appeal No.

138/2018

Abdul Saboor Khan.....Appellant

VERSUS

1. Secretary Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer PHED KPK Peshawar.
3. Nawab-ur-Rehman Head Clerk PHE Division Karak.....Respondents.

Subject: REPLY ON BEHALF OF RESPONDENT NO.1 & 2.

Respectfully Sheweth:

Preliminary objections

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. The appeal is not maintainable in the present forum.
3. That the appellant has concealed material facts from this honorable Tribunal so his appeal is worth rejection.
4. That the appeal is bad for non joinder and misjoinder of unnecessary parties.
5. That the appellant cannot claim to be posted to this choice place of posting because U/S 10 of Civil Servant Act, 1973 he is bound to serve anywhere as directed by the competent authority.
6. That the Honourable Tribunal has jurisdiction for adjudicate the matter.
7. That the appellant has not come to this honorable tribunal with clean hands and has suppressed material facts from this honorable tribunal.

ON FACTS

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2. Incorrect, this para of the appeal is irrelevant and to be verified from service record. However, reportedly he has neither made complaint nor has shown any mala-fide on the part of respondents.
3. Incorrect. Respondent No.3 has not completed his normal tenure of posting on post of Head Clerk PHE Division Karak. Respondent No.3 who was serving as Assistant PHE Circle Bannu was transferred vide order dated 17/04/2017 as Head Clerk PHE Division Karak on the place of appellant. Then appellant vide order dated 11/05/2017 managed his transfer as Head Clerk PHE Division Karak and transferred respondent No.3 as Assistant PHE Circle Bannu. Respondent No.3 challenged the same order in writ petition No.2182/2017 before honorable Peshawar High Court, Peshawar and vide order dated

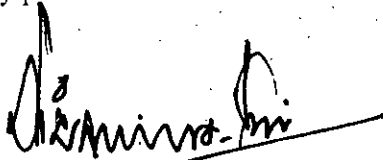
25/05/2017 his writ petition was treated as departmental appeal and was sent to appellate authority to decide the same positively within fortnight but strictly in accordance with law and rules on the subject. So the competent authority passed the impugned order in the light of grounds mentioned therein i.e on the basis wedlock policy of the provincial Government.(Copy of the writ and order of Peshawar High Court on A&B).

- 4 Incorrect, the appeal of appellant is not maintainable on that given grounds.

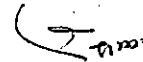
GROUNDS

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- 2 Incorrect, the impugned transfer order of respondent No.3 was passed by the departmental appellant authority on the ground of spouse policy in compliance with Honorable Peshawar High Court's order dated 25/05/2017, passed in writ petition No.2182/2017.
- 3 That the impugned transfer order of Respondent No.3 was issued in compliance with direction of Honorable Peshawar High Court Peshawar dated 25/05/2017 passed in writ 2182/2017 wherein implementation of spouse policy in transfer and posting was directed. Copy of the order High Court is enclosed.
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It is therefore, respectfully prayed that on acceptance of this written reply this honorable Tribunal may pleased be to dismiss the appeal of the appellant with costs.



Secretary to Govt. of Khyber Pakhtunkhwa,
PHE Department, Peshawar
(Respondent No.1) Dvt. of
Khyber Pakhtunkhwa
P.H.E. Department



Chief Engineer (South),
PHE Department, Peshawar
(Respondent No.2)

Chief Engineer (South)
Public Health Engineering Deptt:
Khyber Pakhtunkhwa, Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

In Re: Service Appeal No.
Abdul Saboor Khan -----

138/2018
Appellant

VERSUS

Secretary Public Health Engineering Department,
Khyber Pakhtunkhwa, Peshawar and others -----

Respondents.

AFFIDAVIT

I Saleem-ur-Rehman Administrative Officer (South) PHED Peshawar do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments submitted by respondent No.1 & 2 are true and correct to the best of my knowledge and belief and that nothing has been concealed from his honorable tribunal.

Saleem A.O. PHED. (CS)

DEPONENT

NIC NO. 17301-2624462-3

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR.

Fixed on 10.8.2018.

Service Appeal No.138/2018.

Abdul Saboor Khan.....Appellant.

---Versus---

The Secretary, Public Health Engineering Department, KPK,
Peshawar and others.....Respondents.

Re-joinder of appellant of Reply of the
respondents No.1 and 2.

Respectfully Sheweth:

The appellant respectfully submits as under:

Preliminary Objections.

- 1-4 That the contents of paras 1 to 4 are wrong.
- 5- In reply to objection No.5, it is submitted that the transfer orders in question are illegal and against the transfer/posting policy of the Provincial Government, which is attached at pages No.21 to 26.
- 6- No reply regarding objection No.6.
- 7- That the contents of objection No.7 are wrong.

ON FACTS.

- 1- No reply.
- 2- That the contents of para-2 are wrong.
- 3- That the contents of para-3 of the appeal of the appellant are correct. Moreover, the respondent No.3 has served for (33) years in Public Health Engineering

Department (PHED) Karak on various posts and for the first time he was transferred from Karak to PHE Bannu while the appellant was transferred from Bannu to Karak on 11.5.2017 but again respondent No.3 was transferred from Bannu to Karak and the appellant was transferred from Karak to Bannu in his place vide impugned order dated 18.10.2017 i.e. within a short period of five months, which is against the transfer/posting policy of the Provincial Government and the appellant was entitled to remain at Karak for at least three years from 11.5.2017, even in accordance with the Notification No.SOR-VI, dated 7.8.2012, particularly, when the appellant had served for more than (34) years in different stations outside District Karak.

4- That the contents of para-4 of the reply are wrong. The appeal is maintainable in the present form.

GROUND.

1- That the contents of ground-1 are wrong and detailed reply has been given above.

2- That the contents of ground-2 are wrong. The impugned transfers order dated 18.10.2017 was not made on the basis of spouse policy and no such order was made by the Hon'ble High Court in Writ Petition No.2182-P/2017.

3- That the contents of ground-3 are wrong.

4- That the contents of ground-4 are wrong.

5- That the contents of ground-5 are wrong.

6. Both the officials were promoted to the post of Head clerk BPS-16 through the departmental promotion committee meeting held on 05.12.2016 under the Chairmanship of Secretary Public Health Engineering Department KPK Peshawar.

The adjustment of posting / transfer summary of the officials was proposed by the Chief Engineer South PHE Department, Peshawar which was duly approved from the Secretary PHED Peshawar and Minister PHED Peshawar.

Whereas, the applicant was adjusted in PHE Division, Karak against the vacant post of Head Clerk vide Chief Engineer (S) PHED Peshawar office order No. 02/E-9/PHE dated 09.03.2017. (Copy attached)

In compliance of the Chief Engineer (South) PHED Peshawar Office Order, the applicant assumed the charge of Had Clerk in PHE Division Karak on 10.03.2017. (Copy attached).

In compliance of the above order, the respondent No. 3 has been reported arrival for duty in PHE Circle Bannu as a Office Assistant BPS-16 vide has charged assumption. Copy attached for ready reference and the arrival report was forwarded to C.E.C (South) PHED Peshawar vide Superintending Engineer PHE Circle Bannu No. 1-3/E-1/PHE/BU dated 13.03.2017. (Copy attached).

(4) -

Later on 17.04.2017, the applicant transferred to PHE Circle Bannu without mentioned any reason vide office order No. 11/E-9/PHE dated 17.04.2017 but the same office illegal order was cancelled by the Chief Engineer (South) on the genuine request of the applicant office Order No. 12/E-9/PH on dated 11.05.2017. (Copy attached).

Later on, the applicant was once again transferred to PHE Circle Bannu on 18.10.2017 without any reason vide office order No. 02/E-9/PHE dated 18.10.2017. (Copy attached).

It is therefore, humbly prayed that the Reply of the respondents No. 1 and 2 may be struck off and the appeal of the appellant may be accepted with cost.

Dated: 10.08.2018

Appellant

Through



Haji Muhammad Zahir Shah

Advocate, Peshawar.

Haji Muhammad Zahir Shah
Advocate
Supreme Court of Pakistan
Peshawar

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.138/2018.

Abdul Saboor Khan.....Appellant.

---Versus---

The Secretary, Public Health Engineering Department, KPK,
Peshawar and others.....Respondents.

Affidavit.

I, Haji Muhammad Zahir Shah, advocate
Peshawar, as per instruction of my client, do hereby
solemnly affirm that the contents of the Re-joinder of
appellant of Reply of the respondents No.1 and 2 are true
and correct to the best of my knowledge and belief and
nothing has been concealed from this Hon'ble Court/Tribunal.

Dated:

~~9/10/2018~~

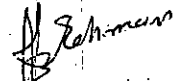
10-08-18



(Haji Muhammad Zahir Shah),
Advocate, Peshawar,
Counsel for the appellant.

CHARGE ASSUMPTION REPORT

In compliance of Chief Engineer(South) PHE Department Khyber Pakhtunkhwa Peshawar Office order No.02/E-9/PHE dated 09-03-2017, I Mr. Nawab-ur-Rehman Office Assistant BPS-16 assume the charge of the post of Office Assistant in the office of PHE Circle Bannu today on 13-03-2017(F.N).

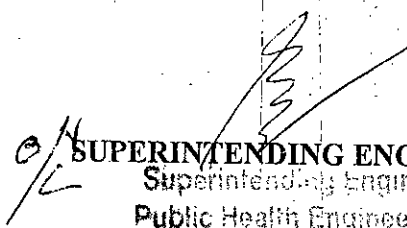

(Nawab-ur-Rehman)
Office Assistant
PHE Circle Bannu

Endst.No. 01-03 /E-1/PHE(Bu)

Dated Bannu the, 13 - 3 - 2017

Copy is forwarded to the :-

1. Chief Engineer(South) PHE Department Khyber Pakhtunkhwa Peshawar , please.
2. District Accounts Officer Bannu.
3. Executive Engineer PHE Division Bannu/Lakki Marwat.


SUPERINTENDING ENGINEER
Superintending Engineer
Public Health Engineering
Circle Bannu

D
8

**BEFORE THE PESHAWAR HIGH
COURT PESHAWAR**

Writ Petition No:- 2182-P/2017

12 No
2769



Nawab ur Rehman son of Mian khail resident of Khada Banda
Tehsil Takhtnasrati and District Karak.

----- (Petitioner)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary
Public Heath Engineering Department KPK, Peshawar

2. Chief Engineer South Public Heath Engineering
Department KPK, Peshawar.

----- (Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN 1973**

SCANNED

FILED TODAY
Deputy Registrar

15 MAY 2017

ATTESTED

EXAMINER
Peshawar High Court

21 JUL 2017

FORM "A"
FORM OF ORDER SHEET

Date of order or proceedings 2.	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary. 3.
25.05.2017	<p><u>WP No.2182-P/2017 with Interim Relief.</u></p> <p><u>Present:</u> Mr. Bilal Almad Durrani, Advocate for petitioner.</p> <p>*****</p> <p><u>IKRAMULLAH KHAN, J.-</u> This Constitutional petition is directed against the impugned order dated 11.5.2017 rendered by respondent No.2, whereby, petition has been transferred from Public Health Engineering Division Karak to Assistant Public Health Engineering Circle Bannu.</p> <p>2. We have gone through the record carefully and have also considered the submissions made by learned counsel for petitioner.</p> <p>3. Undeniably, petitioner is a civil servant, performing his duties as Accounts Clerk in the Public Health Engineering Department. Admittedly, posting and transfer is a matter pertaining to the terms and conditions of service under Section 10 of Chapter 2 of the Civil Servants Act, 1973, which exclusively falls within the domain of Service Tribunal attracting</p>



ATTES
EXAMINER
21 JUL

Constitutional bar under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 against entertainment of petition in such like matters. However, no representation has been filed by petitioner as per his learned counsel before the Competent Authority against the impugned order, so in the interest of justice, we treat the instant petition as representation of petitioner and send it to the Secretary, Government of Khyber Pakhtunkhwa, Public Health Engineering Department, Peshawar (respondent No.1), who shall decide the same positively within a fortnight but strictly in accordance with law and rules on the subject. Office shall send this petition immediately to the quarter concern by retaining copy thereof for record.

4. Accordingly, this petition stands disposed of in the above terms.

Announced.
Dated: 25.05.2017

Abdul Wahid Khan
Abdul Sami Khan



No. 1622

Date of Presentation of Application 18/7/17

No of Pages 369

Copying Fee _____

Urgent Fee _____

Total 100

Date of Preparation of Copy 21/7/17

Date Given For Delivery 21/7/17

Date of Delivery of Copy 24-7-17

Received By Uzair Jilani

CERTIFIED TO BE TRUE C
Peshawar High Court, Peshawar
Authority Under Article 8
The Qanun-e-Shahadat Order
21 JUL 2017