

I

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 161 /2018

Mr. Bakhtiar Ahmad,
Tehsildar (BPS-16) Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Entry No. 173

Dated: 6-2-18

(Appellant)

VERSUS

1. The Chief Secretary KPK, civil secretariat Peshawar.
2. The Senior Member Board of Revenue KPK, Peshawar.
3. The Commissioner, Peshawar Division, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS
ACT, 1974 AGAINST THE ORDER DATED 06.02.2018
WHEREBY THE DEPARTMENTAL APPEAL OF THE
APPELLANT HAS BEEN REJECTED AGAINST THE
PREMATURE TRANSFER ORDER DATED 22.01.2018 FOR
NO GOOD GROUND.

PRAYER:

Friday
6/2/18

THAT THE ACCEPTANCE OF THIS APPEAL, THE
IMPUGNED ORDERS DATED 06.02.2018 AND 22.01.2018
MAY BE SET ASIDE BEING PREMATURE PASSED IN THE
VIOLATION OF POSTING/TRANSFER POLICY. THE
RESPONDENT DEPTT: MAY FURTHER PLEASE BE
DIRECTED NOT TO TRANSFER THE APPELLANT BEING
PREMATURELY AND IN VIOLATION OF
POSTING/TRANSFER POLICY. ANY OTHER REMEDY
WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND
APPROPRIATE THAT MAY ALSO BE AWARDED IN
FAVOUR OF APPELLANT.

12

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 161/2018

Date of institution ... 06.02.2016
Date of judgment ... 15.03.2018

Bakhtiar Ahmad,
Tehsildar (BPS-16) Peshawar.

... (Appellant)

VERSUS

1. The Chief Secretary KPK, Civil Secretary Peshawar.
2. The Senior Member Board of Revenue KPK, Peshawar.
3. The Commissioner, Peshawar Division, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT,
1974 AGAINST THE ORDER DATED 06.02.2018 WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN
REJECTED AGAINST THE PREMATURE TRANSFER ORDER
DATED 22.01.2018 FOR NO GOOD GROUND.

Mr. Nazir Ahmad, Advocate.
Mr. Muhammad Jan, Deputy District

.. For appellant.
.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
MR. MUHAMMAD HAMID MUGHAL

.. MEMBER (JUDICIAL)
.. MEMBER (JUDICIAL)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER:- Learned counsel for the
appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr:
Attallah, Assistant Secretary for the respondents also present. Arguments heard and
file perused.

2. Brief facts of the case as per appeal are that the appellant was serving in
Revenue Department as Tehsildar. He was transferred from the post of Tehsildar
Ghazi to the post of Tehsildar Peshawar vide order dated 14.07.2016 and was
performing his duties since that time. The competent authority has transferred the

appellant from the post of Tehsildar Peshawar to report to Board of Revenue vide order dated 22.01.2018. The appellant feeling aggrieved from the impugned transfer order dated 22.01.2018 filed departmental appeal which was rejected vide order dated 06.02.2018 hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Revenue Department. It was further contended that the appellant was transferred from the post of Tehsildar Ghazi to the post of Tehsildar Peshawar vide order dated 14.07.2016. It was further contended that there was no complaint against the appellant and the appellant was performing his duty with great zeal and devotion. It was further contended that without completing his normal tenure the competent authority has transferred him from the post of Tehsildar Peshawar to report to Board of Revenue vide order dated 22.01.2018 therefore, the impugned transfer order dated 22.01.2018 is against the law, facts and norms of justice being premature. It was further contended that the impugned transfer order is against the transfer posting policy. It was further contended that the impugned transfer order has not been passed in public interest nor there was any urgency therefore, the impugned transfer order is liable to be set-aside.

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving as Tehsildar in Revenue Department and was transferred from the post of Tehsildar Ghazi to the post of Tehsildar Peshawar vide order dated 14.07.2016. It was further contended that the competent authority vide order dated 22.01.2018 has transferred him from the post of Tehsildar Peshawar to report of Board of Revenue Department after his normal tenure i.e one and half year. It was further contended that both the offices mentioned above are situated in Peshawar. It was further contended that it is not a case of the appellant that the appellant was

transferred to a far flung area and the appellant has faced suffered hardship or inconvenience from the impugned transfer order. It was further contended that Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 empowers the competent authority to transfer the civil servant where his/her services were most required and the civil servant has no right to claim posting/station of his/her own choice therefore, prayed for dismissal of the appeal.

6. Perusal of the record reveals that the appellant was serving as Tehsildar Peshawar and after performing duty for about one year and six month he was transferred from the post of Tehsildar Peshawar to report to Board of Revenue vide order dated 22.01.2018 by the competent authority. Meaning thereby that both the offices are situated in Peshawar and it is not a case of the appellant that the appellant was transferred to a far flung area or the appellant has faced suffered hardship or inconvenience from the impugned transfer order. Moreover, Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 empowers the competent authority to transfer the civil servant where his/her services were most required and the civil servant has no right to claim posting/station of his/her own choice therefore, the appeal has no force which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
15.03.2018

(ML)

DI

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 161/2018

Date of institution ... 06.02.2016

Date of judgment ... 15.03.2018

Bakhtiar Ahmad,
Tehsildar (BPS-16) Peshawar.

... (Appellant)

VERSUS

1. The Chief Secretary KPK, Civil Secretary Peshawar.
2. The Senior Member Board of Revenue KPK, Peshawar.
3. The Commissioner, Peshawar Division, Peshawar.

... (Respondents)

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DATED 22.01.2018 FOR NO GOOD GROUND.

Mr. Nazir Ahmad, Advocate.

.. For appellant.

Mr. Muhammad Jan, Deputy District

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. MUHAMMAD HAMID MUGHAL

.. MEMBER (JUDICIAL)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Learned counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Attaullah, Assistant Secretary for the respondents also present. Arguments heard and file perused.

2. Brief facts of the case as per appeal are that the appellant was serving in Revenue Department as Tehsildar. He was transferred from the post of Tehsildar Ghazi to the post of Tehsildar Peshawar vide order dated 14.07.2016 and was performing his duties since that time. The competent authority has transferred the

M. Amin
15.3.2018

appellant from the post of Tehsildar Peshawar to report to Board of Revenue vide order dated 22.01.2018. The appellant feeling aggrieved from the impugned transfer order dated 22.01.2018 filed departmental appeal which was rejected vide order dated 06.02.2018 hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Revenue Department. It was further contended that the appellant was transferred from the post of Tehsildar Ghazi to the post of Tehsildar Peshawar vide order dated 14.07.2016. It was further contended that there was no complaint against the appellant and the appellant was performing his duty with great zeal and devotion. It was further contended that without completing his normal tenure the competent authority has transferred him from the post of Tehsildar Peshawar to report to Board of Revenue vide order dated 22.01.2018 therefore, the impugned transfer order dated 22.01.2018 is against the law, facts and norms of justice being premature. It was further contended that the impugned transfer order is against the transfer posting policy. It was further contended that the impugned transfer order has not been passed in public interest nor there was any urgency therefore, the impugned transfer order is liable to be set-aside.

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving as Tehsildar in Revenue Department and was transferred from the post of Tehsildar Ghazi to the post of Tehsildar Peshawar vide order dated 14.07.2016. It was further contended that the competent authority vide order dated 22.01.2018 has transferred him from the post of Tehsildar Peshawar to report of Board of Revenue Department after his normal tenure i.e one and half year. It was further contended that both the offices mentioned above are situated in Peshawar. It was further contended that it is not a case of the appellant that the appellant was

M. Amin
15-3-2018

transferred to a far flung area and the appellant has faced suffered hardship or inconvenience from the impugned transfer order. It was further contended that Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 empowers the competent authority to transfer the civil servant where his/her services were most required and the civil servant has no right to claim posting/station of his/her own choice therefore, prayed for dismissal of the appeal.

6. Perusal of the record reveals that the appellant was serving as Tehsildar Peshawar and after performing duty for about one year and six month he was transferred from the post of Tehsildar Peshawar to report to Board of Revenue vide order dated 22.01.2018 by the competent authority. Meaning thereby that both the offices are situated in Peshawar and it is not a case of the appellant that the appellant was transferred to a far flung area or the appellant has faced suffered hardship or inconvenience from the impugned transfer order. Moreover, Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 empowers the competent authority to transfer the civil servant where his/her services were most required and the civil servant has no right to claim posting/station of his/her own choice therefore, the appeal has no force which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
15.03.2018

Mughal

(MUHAMMAD HAMID MUGHAL)
MEMBER

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Service Appeal No. 161/2018

15.03.2018

Learned counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Attaullah, Assistant Secretary for the respondents also present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, the appeal has no force which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

15.03.2018

Hamid


(MUHAMMAD HAMID MUGHAL)
MEMBER

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

08.02.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was transferred from Ghazi and posted as Tehsildar Peshawar vide order datdd 14.07.2016. Before completion of normal tenure of posting he was transferred and directed to report to the Board of Revenue vide order dated 22.01.2018. Feeling aggrieved he preferred departmental appeal on 24.01.2018 which was rejected on 06.02.2018, hence, the instant service appeal. Premature transfer is violation of posting and transfer policy of the provincial government and letter dated 27.02.2013. The post of Tehsildar Peshawar is still vacant and Additional Charge has been assigned to Naib Tehsildar Daudzai Circle. The appellant is going to retire in November, 2018. Learned counsel for the appellant has also submitted application for suspension of impugned order referred to above.


Points urged need consideration. Admit. The appellant is directed to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 28.02.2018 before S.B. Notice of stay application be also issued to the respondent for the date fixed.


Appellant Deposited
Security & Process Fee


(AHMAD HASSAN)
MEMBER

28.02.2018


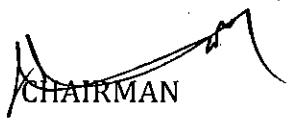
Counsel for the appellant and Addl. AG alongwith Mr. Mukhtiar Ali, Asst. Secretary for respondents present. Mr. Nazir Ahmad, Advocate filed wakalat nama on behalf of the appellant. Written reply submitted on behalf of respondents no. 1 and 2 and stated that respondent no. 3 rely on the same. To come up for rejoinder and arguments on 15.03.2018 before S.B.


(Ahmad Hassan)
Member (E)

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 161/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06/02/2018	<p>The appeal of Mr. Bakhtiar Ahmad presented today by Mr. Muhammad Asif Yousafzai 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</p>
2-	07/02/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/02/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 161 /2018

Bakhtiar Ahmad

V/S

Revenue Deptt:

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5.	Copy of departmental appeal	C	8
6.	Copy of rejection order	D	9
7.	Copy of posting/transfer policy	E	10-16
8.	Copy of circular dated	F	17-18
9.	Copy of order dated 29.1.2018	G	19
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APPELLANT
THROUGH: *M. Asif*
M.ASIF YOUSAFZAI
(ADVOCATE SUPREME COURT),
Taimur Ali Khan
TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)
& *S. Noman Ali Bukhri*
S. NOMAN ALI BUKHRI
(ADVOCATE PESHAWAR).

BEFORE THE KPK SERVICE TRIBUNAL PESHAWARAPPEAL NO. 161 /2018Khyber Pakhtunkhwa
Service TribunalMr. Bakhtiar Ahmad,
Tehsildar (BPS-16) Peshawar.Diary No. 173Dated 6-2-18

(Appellant)

VERSUS

1. The Chief Secretary KPK, civil secretariat Peshawar.
2. The Senior Member Board of Revenue KPK, Peshawar.
3. The Commissioner, Peshawar Division, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 06.02.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED AGAINST THE PREMATURE TRANSFER ORDER DATED 22.01.2018 FOR NO GOOD GROUND.

PRAYER:

Filed to-day
Registrar
6/2/18

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDERS DATED 06.02.2018 AND 22.01.2018 MAY BE SET ASIDE BEING PREMATURE PASSED IN THE VIOLATION OF POSTING/TRANSFER POLICY. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT BEING PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY. 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 Revenue department as Tehsildar and performing his duty with the entire satisfaction of his superiors and no complaint has been filed against the appellant.
2. That the appellant was transferred from the post of Tehsildar Ghazi to the post of Tehsildar Peshawar vide order dated 14.7.2016 and since then performing his duty with great zeal and devotion. **(Copy of order dated 14.7.2016 is attached as Annexure-A)**
3. That without completing the normal tenure at previous station, the appellant is transferred from Tehsildar Peshawar to report to Board of Revenue vide order dated 22.01.2018. **(Copy of order dated 22.1.2018 is attached as Annexure-B)**
4. That against the impugned transfer order, the appellant filed departmental appeal on 24.01.2018, which was rejected on 06.02.2018 for no ground. **(Copies of departmental appeal and rejection order is attached as Annexure-C&D)**
5. That the appellant has no other remedy but come this august Tribunal on the basis of following grounds amongst others.

GROUND:

- A) That the impugned order dated 06.02.2018 and 22.01.2018 are against the law, facts, norms of justice, being prematurely, violation of posting/transfer policy and Govt: circular dated 27.12.2013, therefore not tenable and liable to be set aside.
- B) The transfer of the appellant is in total violation of Govt: posting transfer policy and circular based on the Anita Turab case dated 27.2.2013. Thus the impugned order is liable to be set-aside on this score alone. **(Copies of policy and circular is attached as Annexure- E&F)**
- C) The impugned transfer order is also premature as the appellant has not completed his normal tenure at previous station which is clear violation of posting transfer policy.
- D) That the appellant has last leg of service and is going to retire in November 2018 and in such like situation the posting/transfer clear

mention that officer/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the District of their domicile and be allowed to serve there till the retirement and as the appellant has last leg of service, therefore, the impugned order of transfer of the appellant is liable to be set aside on this ground only.

- E) That no summary has been obtained from the competent authority before passing the impugned order of transfer of the appellant which is violation instruction 4 of the posting transfer policy.
- F) That Naib Tehsildar Daudzai Circle has given the additional charge on the post of Tehsildar Peshawar till further order vide order dated 29.1.2018, which show that the post of the Tehsildar Peshawar post is still vacant. **(Copy of order dated 29.1.2018 is attached as annexure-G)**
- G) That the impugned transfer order is not based on public interest nor any exigencies but just to accommodate the blue eyed person.
- H) That the appellant has not been treated according to law and rules and has been prematurely transferred in clear violation of posting transfer policy.
- 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

Bakhtiar Ahmad

THROUGH: 

M.ASIF YOUSAFZAI

(ADVOCATE SUPREME COURT),


TAIMUR ALI KHAN

(ADVOCATE HIGH COURT)

4

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2018

Bakhtiar Ahmad

V/S

Revenue Deptt:

**APPLICATION FOR SUSPENDING THE OPERATION OF
ORDER DATED 22.01.2018 TILL THE DISPOSAL OF MAIN
APPEAL.**

RESPECTFULLY SHEWETH.

1. That the appellant has filed an appeal along with this application in which no date is fixed so far.
2. That impugned transfer order has passed being prematurely and in violation of posting transfer policy.
3. That the appellant has last leg of service and is going to retire in November 2018 and in such like situation the posting/transfer clear mention that officer/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the District of their domicile and be allowed to serve there till the retirement and as the appellant has last leg of service, therefore, the impugned order of transfer of the appellant is liable to be set aside on this ground only.
4. That the grounds of main appeal may also be considered as integral part of this application.
5. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.

It is therefore most humbly prayed that the operation of the order dated 22.01.2018 may be suspended till the decision of main appeal.

APPELLANT

THROUGH:



M.ASIF YOUSAFZAI

(ADVOCATE SUPREME COURT)

TAIMUR ALI KHAN

(ADVOCATE HIGH COURT)

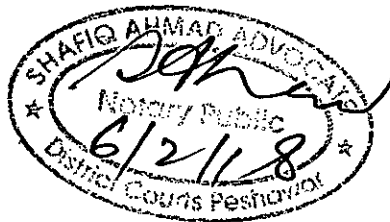
AFFIDAVIT

It is affirmed that the contents of the application is correct to best of my knowledge and nothing has been concealed from this august Tribunal



DEPONENT

ATTESTED





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A 6

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 14 /07/2016

Annex 'A'

NOTIFICATION

No.Estt:/PF/Bakhtiar Ahmad/_____ The Competent Authority is pleased to order the following posting /transfers amongst the following Tehsildar / Naib Tehsildar with immediate effect and in public interest:-

S.No	Name of Tehsildar / Naib Tehsildar	From	To
1.	Mr. Bakhtiar Ahmad	Tehsildar Ghazi	Tehsildar Peshawar
2.	Mr. Himayatullah Qureshi	Awaiting posting in Board of Revenue	Tehsildar Alpuri against the vacant post
3.	Mr. Sultan Haider	Naib Tehsildar Land Acquisition Peshawar	Naib Tehsildar Qasba against the vacant post.
4.	Mr. Shoukat Iqbal	Awaiting posting in Board of Revenue	Naib Tehsildar Parova against the vacant post.
5.	Mr. Zulfiqar Khan	Awaiting posting in Board of Revenue	Naib Tehsildar Land Acquisition Peshawar vice No. 3.

By order of
Senior Member

No.Estt:/PF/Bakhtiar Ahmad/ 18393-402

Copy forwarded to the:-

1. Commissioners, Peshawar, Malakand, Hazara and D.I. Khan.
2. Deputy Commissioners, of the respective Districts.
3. District Accounts Officers, of the respective Districts.
4. Officers / officials concerned.
5. Personal Files.

Secretary - I

Secretary - I



GOVERNMENT OF KHYBERPAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT.

Dated Peshawar the 22 January, 2018.

B(7)

Akmal

NOTIFICATION:

No.Estt://Azam Khattak/_____. The competent authority is pleased to order the following posting/transfer amongst Tehsildars with immediate effect and in public interest:-

S.No	Name of official.	From	To
1.	Mr. Bakhtiar Ahmad	Tehsildar Peshawar	Report to Board of Revenue.
2.	Mr. Muhammad Azam Khattak	Tehsildar Kohat.	Services placed at the disposal of Commissioner Peshawar Division for further posting as Tehsildar Peshawar.

By order of
Senior Member

No. Estt://Azam Khattak/ 3163-71

Copy forwarded to the:-

1. Commissioner, Peshawar and Kohat Divisions.
2. Deputy Commissioner of the respective Districts.
3. District Accounts Officer of the respective Districts..
4. Officials concerned.
5. Personal Files.

Assistant Secretary (Estt.)

ATTESTED

To

The Chief Secretary,
Khyber Pakhtunkhwa.

Subject: DEPARTMENTAL APPEAL.

Respected Sir,

Respectfully it is submitted that I have been posted as Tehsildar Peshawar on 14/07/2016 and have performed my duty fairly and honestly.

That on 22/01/2018 I am once again transfer from Peshawar vide Notification No. 3163/71 and directed to report the Board of Revenue.

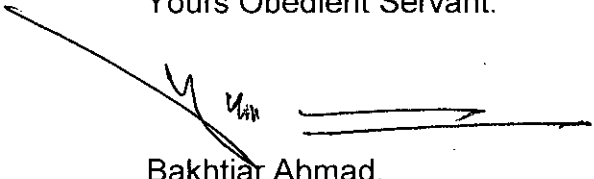
Sir, I have not completed my normal tenure at Peshawar Circle, moreover, as per Posting / Transfer Policy of the Provincial Government, the Government Servant who is going to be retired within one year then the Civil Servant shall be posted on his own choice station till his retirement.

It is, therefore, humbly requested that on acceptance of this appeal, the Notification No. 3163/71 dated 23/01/2018 may kindly be set-aside.

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

Yours Obedient Servant.

Dated: 24/01/2018


Bakhtiar Ahmad,
Tehsildar, Peshawar.

ATTESTED


D 9

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt: I/ Bakhtiar/ 9092
Peshawar dated the 06/02/2018

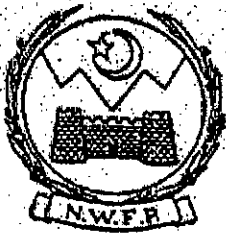
To

Mr. Bakhtiar Ahmad,
Ex – Tehsildar Peshawar.

SUBJECT: DEPARTMENTAL APPEAL.

Your departmental appeal dated 24.01.2018 has been examined and rejected by the Appellate Authority.


Assistant Secretary (Estt)



**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 posting/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

1 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.
2 Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

ATTESTED

ATTESTED

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- 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:	

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

ATTESTED

ATTESTED



Northwest General Hospital & Research Centre

Dr. Arshad Hussain

MBBS, MRCPS, MACP, MAACE, MRCPI
Consultant Physician in Diabetes & Endocrinology

Patient ID:

Name: Barkatullah

Date: 02/03/18

RM&DC Reg. No: 6489-N

Ht (Cm)	Wt (Kg)	BMI	Waist	B.P	P.R
6:2"	121	34	122	120	102

Age: 59 . Gender: M . Occupation:

Diabetes History		Co-morbidities		Hypoglycaemia	Insulin Issue
<input type="checkbox"/> Type 1	<input type="checkbox"/> Retinopathy	<input type="checkbox"/> CABG	Others	Freq:	<input type="checkbox"/> Timing
<input checked="" type="checkbox"/> Type 2	<input type="checkbox"/> Nephropathy	<input type="checkbox"/> Dyslipidemia		Time:	<input type="checkbox"/> Technique
<input type="checkbox"/> GDM	<input type="checkbox"/> Neuropathy	<input type="checkbox"/> HTN		Blood Sugar:	<input type="checkbox"/> site
Duration: 20yr	<input type="checkbox"/> IHD	<input type="checkbox"/> PCI		Awareness:	

Investigations

ba1c 16.3%

B

G

Creat 165 umol/l

FR

a++

SH

ree T4

holesteroi

Gs

DL

DL

CR

Others

Rx

Admit to ward-4

- $\frac{1}{2}$ ACCOY / Augmentin 1-2g BID
- Swel for 15 + 100 PMS $\frac{1}{2}$ TDS
- Lanta, selector 40 uhr @ 8 PM x SIC
- $\frac{1}{2}$ FlessQ 500 TDS
- Clove 400 x SIC x bag
- TDS Jammol 50/500 BD
- LABS:
 - U+R+ACR
 - Bz, fcu, CRP, CR, Ct
 - ACS

for diag of DM (R)

Attended
Raj

Followup-Adv:

Ref to M.D.S.



Clinic Suite: 161, 1st Floor, Northwest General Hospital, Sector A-3, Phase-V, Hayatabad Peshawar.
Appointments: 091-5838800, Mobile: 0313-9040299 , Email: dr.arshad@nwgh.pk , Web: www.nwgh.pk

A project of ALLIANCE HEALTHCARE (Pvt) Ltd.

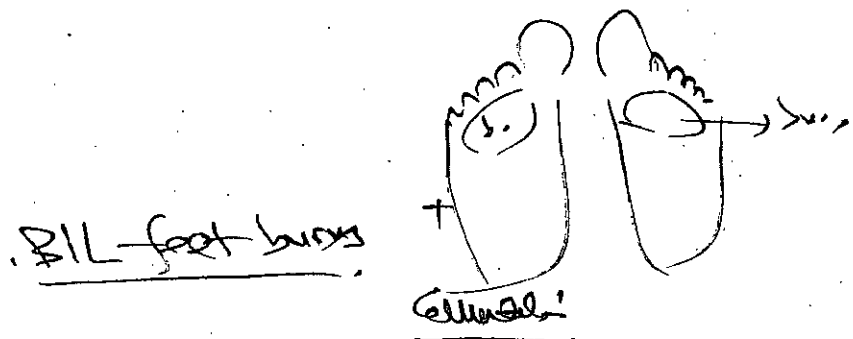
ماہ بعد معائنے کیلئے تشریف لائیں۔

Within Normal Limits
ROS:
 Blurry Vision
 Feet Burning
 Feet Cramps
 GI
 Polyuria
 Feet Parasthesia
 Constipation
 ED
 Polyuria
 Stress
 BPH Symptoms
 Polydipsia
 Wt. Loss
 Insomnia
Energy Level
 Low
 Good

numb feet x BIL / sweaty

Medication History		Dose
S.No	Name and Strength	
	Met 20/30 [60 30 Piome 15/50 10. ...	

Diet Control:
 Poor Moderate Good
 P/O: 1-1-1 ±
 P/U: 2-3/wk / sweaty
Exercise:
 Inactive
 Walking
 Jogging
 Cycling
 Gym



P/O: BIL feet burn + Cet / CRP + CRP / bed / B+B
 P/U: B.

مطلوبہ شوکر لیول (mg/dL)

اور کوئی قابل غور بات

شوکر لیول (mg/dL)

انسولین انجکشن لگانے کے اوقات اور انسولین اینٹ

تاریخ

صبح سے پہلے

رات کے کھانے کے دو گھنٹے بعد

رات کے کھانے سے پہلے

دوپہر کے کھانے کے دو گھنٹے بعد

دوپہر کے کھانے سے پہلے

بچنے کے دو گھنٹے بعد

بچنے سے پہلے

205

142 185 189 < 216

150 140 183 < 206

9/3
10/3
11/3
12/3
13/3

[Handwritten signature]



Xenon Laboratory

Shafiq Medical Centre Mansehra Road, Abbottabad.

Date: *Friday, March 02, 2018*

Lab. NO: 0705

Patient Name: *BAKHTIAR*

Age: *59* Years

Sex: *MALE*

TEST	RESULT	UNITS	NORMAL VALUE
Plasma Glucose	372	mg/dl	Fasting: 60-100 Random: 80-160


INCHARGE,
XENON LAB

پروفیسر ڈاکٹر عمران اللہ خان اتقان رومی

ایم۔ بی۔ بی۔ ایس (پشاور) ایف۔ آر۔ سی۔ پی (یو کے)

ممبر امریکن میڈیکل سوسائٹی

سربراہ شعبہ امراض جلد و جنسیات

ایوب میڈیکل کالج و ہسپتال کمپلیکس، ایبٹ آباد

شفیق میڈیکل سنٹر منڈیاں ایبٹ آباد

اسٹنٹ موبائل نمبر: 0333-5058475

موبائل نمبر: 0311-5324631

کلنک کا فون نمبر: 0992-380782

ناغہ بروز: ہفتہ، التوار

آئندہ کیلئے فون پر نمبر لیا کریں شکریہ

(13)

دن بعد دوبارہ معائنہ کیلئے تشریف لائیں۔

Date: 5/3/2018

Name: اختیار Age: 59y Sex: M

Occupation: Address: A.T.D.

13

Mupirocin ointment

111 _____ 14 days

Δ Max of
Burn.
4 days

2

Linezolid

111 _____

(20)

Known diabetic

3

Saline soaks

پانی سے دھو کر لینا - 5 بار دن میں

4

Penicillin / Amoxicillin soup

111 _____

(30)

Dr. Umar



Health Ways Laboratories

Ahmad's X-Rays & Imaging

Main Branch: 8/111, Murree Road, Opposite Ministry of Defence Secretariat, Rawalpindi. Tel: 051-5519959, 051-5120432 Fax: 051-5120433
Abbottabad Branch: Haidri Shopping Precinct, Mandian, Adjacent Army Burnhall College, Abbottabad. Tel: 0992-384150-51, Fax: 0992-384152

Timings
(Mon. to Sat.) 8:00 AM- 8:30 PM
(Public Holidays Closed)

اوقات کار
(سوموار تا ہفتہ) صبح ۸:۰۰ بجے رات

Quality Oriented Services

Date : 06/03/2018 12:59 PM
Name : MUKHTIYAR AHMAD
Gender : Male
Referred By : DR FATTAH ULLAH
Nature of specimen: Blood

Patient ID: 201180306017

Age : 59 Years

HWL/RWP/Chem/F/005

DEPARTMENT OF CHEMICAL PATHOLOGY - GLUCOSE PROFILE

INVESTIGATIONS

Blood Glucose Fasting
Blood Glucose 2 h after meals
Blood Glucose Random
Glycosylated Haemoglobin

RESULTS

16.38

REFERENCE RANGES

3.9 - 5.6 mmol/L
5.6 - 7.8 mmol/L
< 11.1 mmol/L
4.8 - 5.9 %

Remarks:

Specimen brought from outside Laboratory
This is a computer generated report. The report has been verified by the pathologist

MI

Quality control checked by
Member International EQAS, UK for Clinical Chemistry
Member NEQAFP Quality Assurance Programme.
Results generated by Auto Analyzer Selectra E.

Lt. General Manzoor Ahmad (Retd.), HI(M)
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Pathology, FCPS (Pak), FRCP (Edin), FRC Path

Dr. Parveen Ara Ahmad
MBBS, MCPS (Clin. Path)

Dr. Mawish Javed
MBBS, FCPS - 1

Dr. Huzaifa Saleem
MBBS, FCPS - 1

Dr. Atif Ahmad
MBBS, MCPS

Dr. Amina Noor
MBBS

Dr. Sadia Atif Ahmad
MBBS, FCPS

Dr. Hina Rasheed
MBBS

Note: This report is based on the analysis of patient sample and requires clinical correlation. Referring physician may contact reporting pathologist for detailed discussion.
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E-mail: healthwayslab@gmail.com Website: www.healthwayslabs.net



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Timings
(Mon. to Sat.) 8:00 AM
(Public Holidays Cl

اوقات کار
سب سے پہلے 8:00 بجے

Quality Oriented Services

Date : 06/03/2018 12:59 PM Patient ID: 201180306017
Name : MUKHTIYAR AHMAD
Gender : Male Age : 59 Years
Referred By : DR FATTAH ULLAH
Nature of specimen: Serum

HWL/RWP/SpChem/F/005

DEPARTMENT OF ENDOCRINOLOGY - THYROID PROFILE

INVESTIGATIONS	RESULT	REFERENCE RANGES
Serum T3		1.3 - 3.1 nmol/L
Serum FT4		12.0 - 22.0 pmol/L
Serum TSH	1.92 —	0.27 - 4.2 mIU/L, < 12 months 1.36-8.8 mIU/L

Remarks

This is a computer generated report. The report has been verified by the pathologist

Results generated by Auto Analyzer Roche Elecsys Cobas E411.

Quality control checked by

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Timings
(Mon. to Sat.) 8:00 AM- 8:30 PM
(Public Holidays Closed)

اوقات کار
(سہوارات) 8:00 تا 8:30 بجے

Quality Oriented Services

Date : 06/03/2018 12:59 PM Patient ID: 201180306017
Name : MUKHTIYAR AHMAD
Gender : Male Age : 59 Years
Referred By : DR FATTAH ULLAH
Nature of specimen: Blood

HWL/RWP.

UREA TEST

Result = 12.4 mmol/L

Ref Ranges:

Women < 50 years	(2.6-6.7 mmol/L)
Women > 50 years	(3.5-7.2 mmol/L)
Men < 50 years	(3.2-7.3 mmol/L)
Men > 50 years	(3.0-9.2 mmol/L)
Children	
1-3 years	(1.8-6.0 mmol/L)
4-13 years	(2.5-6.0 mmol/L)
14-19 years	(2.9-7.5 mmol/L)

Note = The result has been rechecked with controls.

MI

This is a computer generated report. The report has been verified by the pathologist

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MBBS, MCPS

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MBBS, FCPS

Dr. Hina Rasheed
MBBS

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(Public Holidays Closed)

اوقات کار
سوموار تا ہفتہ (صبح ۸:۳۰ تا ۸:۰۰ بجے رات)

Quality Oriented Services

Date: 06/03/2018 12:59 PM
Name: MUKHTIYAR AHMAD
Gender: Male
Referred By: DR FATTAH ULLAH
Nature of specimen: Serum

Patient ID: 201180306017

Age: 59 Years

HWL/RWP/Chem/F/008

DEPARTMENT OF CHEMICAL PATHOLOGY- RENAL FUNCTION TESTS

INVESTIGATIONS

Serum Creatinine

Serum Sodium

Serum Potassium

RESULTS

165.6

137.1

5.04

REFERENCE RANGES

Males 62 -106 umol/L; Females 44-80 umol/L

135 - 148 mmol/L

3.5 - 5.30 mmol/L

Remarks: The result has been rechecked with controls.

This is a computer generated report. The report has been verified by the pathologist

Results generated by Auto Analyzer Selectra E and Easy Lyte Analyzer.

Quality control checked by

Member International EQAS, UK for Clinical Chemistry

Member NEQAPP Quality Assurance Programme.

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Timings
(Mon. to Sat) 8:00 AM-
(Public Holidays Clo

اوقات کار
(من 8:00 بجے تا 8:00 بجے)

Quality Oriented Services

Date : 06/03/2018 12:59 PM Patient ID: 201180306017
Name : MUKHTIYAR AHMAD
Gender : Male Age : 59 Years
Referred By : DR FATTAH ULLAH
Nature of specimen: Urine

HWL/RWP/CIPath/F/003

DEPARTMENT OF CLINICAL PATHOLOGY - URINE ANALYSIS

Type of Specimen Random
Volume 20 ml

PHYSICAL EXAMINATION

Specific Gravity 1010
Color Pale yellow
Turbidity Nil
Nitrite Nil
pH 5.0

CHEMICAL EXAMINATION

Glucose (++++)
Acetone Nil
Proteins Nil
Bile Salts -
Bile Pigments -
Urobilinogens Nil
Bilirubin Nil
Chlorides -

MICROSCOPIC EXAMINATION

WBC's 2-3/HPF
RBC's Nil
Casts Nil
Crystals Nil
Epith Cells Nil

REMARKS

This is a computer generated report. The report has been verified by the pathologist.

MI
Quality control checked by
Results generated using Urine Analyzer ARKRAY Japan.

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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

[Signature]

ATTESTED

13

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**

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.

ATTESTED
★

ATTESTED

14
18
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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) 1-4/2008/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 28th 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;

ATTESTED
*

ATTESTED

- 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 Secretaries. 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

ATTESTED



nwfp.gov.pk

ATTESTED

mushkawat

16
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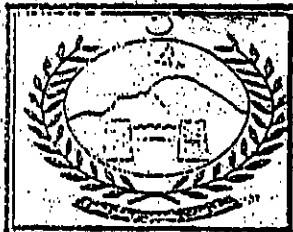
officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

- a) Permanent posting of an officer to the training institutions for 2-3 years;
 - b) Temporary attachment with the training intuitions 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.

ATTESTED

ATTESTED

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

NO. SOR.VI (E&AD) 1-4/2005/Vol-II

Dated Peshawar, 27th February, 2013

To
S. Javed

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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Page 18 of 205

(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,

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

Encl: as above.

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.

Majum
SECTION OFFICER (REG-VI)



**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

No: 6/7/EA/2018/

Dated: 29.01.2018

OFFICE ORDER

The following posts / transfers amongst Tehsildars / Naib Tehsildars are hereby ordered with immediate effect in the public interest.

S. #	Name of Officials	From	To
1.	Mr. Muhammad Azam Khattak Tehsildar (BPS-16)	Waiting for posting in this office	Tehsildar Jehangira District Nowshera
2.	Mr. Zulfqar Naib Tehsildar (BPS-14)	Tehsildar Shabqadar (OPS)	Reader to Commissioner Peshawar Division
3.	Mr. Khurshid Shah Naib Tehsildar (BPS-14)	Under transfer to HCR	Tehsildar Shabqadar (OPS)

Mr. Atab Ahmad Naib Tehsildar District Circle Peshawar is hereby authorized to hold the additional charge of the Post of Tehsildar Peshawar till further orders.

-sd-
COMMISSIONER
PESHAWAR DIVISION PESHAWAR

No: 6/7/EA/2018/1/

Copy forwarded to.

1. Senior Member Board of Revenue Khyber Pakhtunkhwa with the request for services of Mr. Hiral Khan Tehsildar already requisitioned may kindly be placed at the disposal of this office for further posting as Tehsildar Peshawar please.
 2. Accountant General Khyber Pakhtunkhwa.
 3. Deputy Commissioners Peshawar, Charsadda & Nowshera.
 4. District Accounts Officers, Peshawar, Charsadda & Nowshera.
 5. PS to Chief Secretary, Govt. of Khyber Pakhtunkhwa.
 6. PS to Commissioner Peshawar Division.
- Officials concerned for compliance.

ATTESTED

ASSISTANT TO COMMISSIONER (A/C)
PESHAWAR DIVISION PESHAWAR

*Better Copy Available
61-20*

OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION,
PESHAWAR.

No. 6/7/EA/2018
Dated 29.01.2018

OFFICE ORDER

The following posting/transfers amongst Tehsildars/Naib Tehsildars are hereby ordered with immediate effect in the public interest.

S.No.	Name of officials	From	To"
1.	Muhammad Azam Khattak Tehsildar (BPS-16)	Waiting for posting in this office	Tehsildar Jehangira District Nowshera.
2.	Mr. Zulfiqar Naib Tehsildar (BPS-14)	Tehsildar Shabqadar (OPS)	Reader to Commissioner, Peshawar Division
3.	Mr. Khurhid Shah, Naib Tehsildar (BPS-14)	Under transfer to HCR	Tehsildar Shabqadar

Mr. Muhammad Aftab Naib Tehsildar Daudzai Circle Peshawar is hereby authorized to hold additional charge of the post of Tehildar Peshawar till further orders.

Sd/- Commissioner,
Peshawar Division.

No. 6/7/EA/2018/1/1419-29

Copy forwarded to:

1. Senior Member Board of Revenue Khyber Pakhtunkhwa with the request that services of Mr. Miraj Khan Tehsildar already requisitioned may kindly be placed at the disposal of this office for further posting as Tehsildar Peshawar Please.
2. Accountant General Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioners, Peshawar, Charsadda and Nowshera.
4. District Accounts Officers, Peshawar, Charsadda and Nowshera.
5. P.S to Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
6. P.S to Commissioner, Peshawar Division.
7. Officials concerned for compliance.

Sd/- Assistant to Commissioner,
Peshawar Division.

ATTESTED

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Securce Tribunal Peshawar

Bakhtiar Ahmad

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Revenue Deptt

(Respondent)
(Defendant)

I/We, Bakhtiar Ahmad

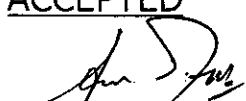
Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.


I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.


Dated _____/20


(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.

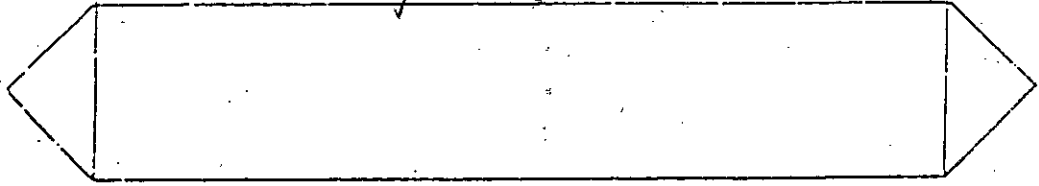

Taimur Ali Khan
Advocate High Court


Syed Nauman Ali Bukhari
Advocate

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

بعد الت جناب میر حسین علی صاحب مدظلہ العالی



20 منجانب

Revenue
Department

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے دہستہ بیرونی وجوہات دیکھی اور روائی حلقہ
آن مقام گنڈاپور کیسے محمد عدیل علی صاحب مدظلہ العالی
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب مونسوف کو مقدمہ کی کس کارروائی کا کمال اختیار ہوگا۔ نیز دیکھیں صاحب
کو راضی نامہ کرنے و تقریر پلٹ دینے پر صرف دیئے جواب دہی اور اقبال دہائی اور بہت دقت: مگر یہ کرنے
اجراء اور وصولی چیک در ذمہ عرضی دہائی اور درخواست ہر قسم کی تصدیق زاریں پر دستخط کرانے کا اختیار ہوگا۔
نیز صورت عدم بیرونی یا ڈگری کیسٹرنہ یا ایسی کی برآمدگی اور مستوفی نیز دہستہ کرنے ایسی عمرانی و نظریاتی و بیرونی
کرنے کا اختیار ہوگا۔ از بسورت ضرورت مقدمہ مذکور کے کس یا جزوی کارروائی کے واسطے اور دیکھیں یا اختیار
قانونی کرانے ہر ادا یا اپنے بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات
حاصل ہوں گے اور اس کا ساختہ پر ناختہ مشورہ قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جہاں انتوائے
مقدمہ کے سبب ہوگا۔ کوئی تاریخ پیشی مقام دور پر ہو یا حد سے بہر ہو تو دیکھیں صاحب پابند نہ ہوتے
کہ بیرونی مذکور کریں۔ لہذا ذاکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 20

مقام کیسے مشورہ ہے۔

محمد عدیل علی صاحب مدظلہ العالی

بعد الت جناب میر حسین علی صاحب مدظلہ العالی

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 161/2018.

Bakhtiar Ahmad Tehsildar PeshawarAppellant

VERSUS

1. The Chief Secretary Khyber Pakhtunkhwa Civil Secretariate Peshawar
2. The Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar
3. The Commissioner Peshawar Division Peshawar..... Respondents

RESPECTFULLY SHEWETH.

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 & 2 ARE AS UNDER

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action or locus standi.
2. That the appeal is bad for mis- joinder and non- joinder of necessary parties.
3. That appellant is estopped by his own conduct to institute the instant appeal.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the Honble tribunal has no jurisdiction to adjudicate the matter.
6. That the impugned order is in accordance with Section 10 of Khyber Pakhtunkhwa Civil Servants Act 1973.

ON FACTS

1. No comments. Pertains to record.
2. Correct to the extent that the appellant was transferred from the post of Tehsildar Ghazi to the post of Tehsildar Peshawar on 14.07.2016 in public interest.
3. Incorrect. After completion of more than one and half year the appellant was transferred from the post of Tehsildar Peshawar and reported to Board of Revenue . Furthermore, posting / transfer is part of service and can be made any time by the Competent Authority in public interest.
4. Departmental appeal of the appellant has been examined and rejected by the appellate authority (Copy of rejection order is Annexure – A).
5. Incorrect. Appeal of the appellant is not maintainable.

GROUNDS

- A. Incorrect. The order dated 06.02.2018 and 22.02.2018 have been issued in accordance with law / rules and no violation has been committed. Posting / transfer is part of service and can any time be made by the Competent Authority.
- B. Incorrect. Case of Anita Turabe is not applicable in the instant case.
- C. Incorrect. The appellant has completed normal tenure as Tehsildar Peshawar.
- D. Incorrect. As the appellant is domicile holder of Manshera District, therefore his retention as Tehsildar Peshawar does not cover posting / transfer policy.
- E. Incorrect. There is no need of appeal from any other authority.
- F. Incorrect. One Mr. Miraj Khan has been posted as Tehsildar Peshawar on 09.02.2018 (Annexure – B).
- G. Incorrect transfer order was made in public interest.
- H. Incorrect. The appellant has been treated in accordance with law / rules.
- I. The respondent will also seek permission to advance additional grounds at the time of arguments.

In view of the above the appeal of the appellant having no legal grounds may be dismissed with costs.


Respondent No. 1 to 2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 161/2018

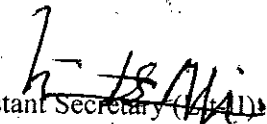
Bakhtiar Ahmad Tehsildar PeshawarAppellant

VERSUS

Government of KPK, Chief Secretary & Others.....Respondents

AFFIDAVIT

I Mr. Mukhtiar Ali, Assistant Secretary (Lit-II), Board of Revenue Khyber Pakhtunkhwa do hereby solemnly affirm that the contents of the written reply are true and correct to the best of my knowledge and belief, information has been provided to me and nothing has been deliberately concealed from this Honourable Tribunal.


Assistant Secretary (Lit-II)
Board of Revenue

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 161/2018.

Bakhtiar Ahmad Tehsildar PeshawarAppellant

VERSUS

1. The Chief Secretary Khyber Pakhtunkhwa Civil Secretariate Peshawar
2. The Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar
3. The Commissioner Peshawar Division Peshawar..... Respondents

RESPECTFULLY SHEWETH.

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 & 2 ARE AS UNDER

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action or locus standi.
2. That the appeal is bad for mis- joinder and non- joinder of necessary parties.
3. That appellant is estopped by his own conduct to institute the instant appeal.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the Honble tribunal has no jurisdiction to adjudicate the matter.
6. That the impugned order is in accordance with Section 10 of Khyber Pakhtunkhwa Civil Servants Act 1973.

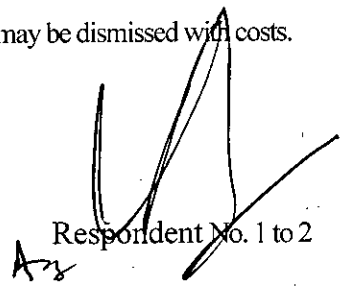
ON FACTS

1. No comments. Pertains to record.
2. Correct to the extent that the appellant was transferred from the post of Tehsildar Ghazi to the post of Tehsildar Peshawar on 14.07.2016 in public interest.
3. Incorrect. After completion of more than one and half year the appellant was transferred from the post of Tehsildar Peshawar and reported to Board of Revenue . Furthermore, posting / transfer is part of service and can be made any time by the Competent Authority in public interest.
4. Departmental appeal of the appellant has been examined and rejected by the appellate authority (Copy of rejection order is Annexure – A).
5. Incorrect. Appeal of the appellant is not maintainable.

GROUNDS

- A. Incorrect. The order dated 06.02.2018 and 22.02.2018 have been issued in accordance with law / rules and no violation has been committed. Posting / transfer is part of service and can any time be made by the Competent Authority.
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- C. Incorrect. The appellant has completed normal tenure as Tehsildar Peshawar.
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In view of the above the appeal of the appellant having no legal grounds may be dismissed with costs.


Respondent No. 1 to 2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 161/2018

Bakhtiar Ahmad Tehsildar PeshawarAppellant



VERSUS

Government of KPK, Chief Secretary & Others.....Respondents

AFFIDAVIT

I Mr.Mukhtiar Ali, Assistant Secretary (Lit-II), Board of Revenue Khyber Pakhtunkhwa do hereby solemnly affirm that the contents of the written reply are true and correct to the best of my knowledge and belief, information has been provided to me and nothing has been deliberately concealed from this Honourable Tribunal.


Assistant Secretary (Lit-II)
Board of Revenue

قیمت 50 روپے	 	29018
ایڈوکیٹ: <u>نور احمد</u>	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر: <u>bc-10-7997</u>		
رابطہ نمبر: <u>8571879</u>		
<u>8546781</u>		

بعدالت جناب: حکومت خیبر پختونخواہ سرویس ایسوسی ایشن

مخاطب: <u>اسیٹس</u>	دعویٰ: <u>سرویس ایسوسی ایشن نمبر 16/2018</u>
<u>Bakhtia Ahmad.</u>	علت نمبر: <u>—</u>
<u>بنام</u>	مورخہ: <u>28.2.2018</u>
<u>Govt of P.K. / P.M.B.R</u>	جرم: <u>—</u>
	تھانہ: <u>—</u>

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
آن مقام سید و کیلئے نور احمد درج ذیل امور میں کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زیریں 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 باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم 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: 28.2.2018

العبد واہ شد العبد

مقام سید و کے لیے منظور ہے۔

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

Accepted &
Subscribed
by