

1023/14

28.1.2015.

Counsel for the appellant, Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for the official respondents present who already filed written reply. Counsel for private respondent No. 3 present and requested for further time. To come up for written reply of private respondent No. 3 on main appeal as well as reply/arguments on stay application on 30.3.2015.

  
MEMBER

30.03.2015

None present for appellant. Mr. Mukhtiar Ali, Supdt. for respondent No. 1 alongwith Addl: A.G for official respondents No. 1 and 2 and counsel for private respondent No. 3 present. Written statement by respondent No. 3 submitted. Learned counsel for private respondent informed the Court that the appeal has become infructuous. Since none is in attendance on behalf of the appellant as such the appeal is dismissed in default. File be consigned to the record.

ANNOUNCED  
30.3.2015.

  
Chairman

30.03.15

17.10.2014

Counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for the official respondents and counsel for private respondent No. 3 present and wakalatnama placed on file. Official respondents have filed their written reply and copy handed over to counsel for the appellant while counsel for private respondent No. 3 needs further time. To come up for written reply of private respondent No. 3 on main appeal as well as reply/arguments on stay application on 19.11.2014.



MEMBER

19.11.2014

Clerk to counsel for the petitioner, Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for the official respondents and private respondent No. 3 in person present. The Tribunal is incomplete. To come up for the same on 19.12.2014.



READER

19.12.2014

Junior to counsel for the appellant, Mr. Kabeerullah Khattak, Asstt. A.G with Mukhtiar Ali for the official respondents and junior to counsel for private respondent No. 3 present. The Tribunal is incomplete. To come up for the same on 28.01.2015.



READER

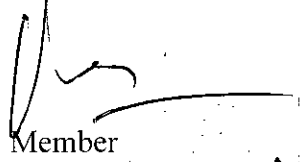
Appeal No. 1023/2014  
Mr. Musammil Gajel

3 . 29.08.2014

Appellant alongwith his counsel present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned transfer order dated 14.04.2014 vide which the appellant was transferred from Mardan to Dir lower as Sub-Registrar. Against the above said impugned order appellant filed departmental appeal on 06.05.2014 which was not responded by the competent authority within the statutory period of 90 days, hence the instant appeal on 07.08.2014. Counsel for the appellant has also filed an application for suspension of operation of impugned order dated 14.04.2014. Notice of application should also be issued to the respondents for reply/arguments

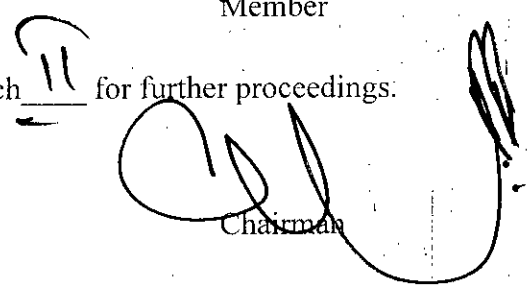
Appellant deposited  
Process fee & Security  
Rs. 3000/- Bank Receipt  
attached with file

Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on main appeal on 19.11.2014 as well as reply/arguments on application on 15.09.2014.

  
Member

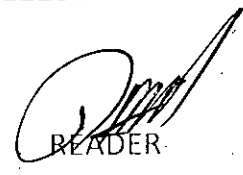
4 . 29.08.2014

This case be put before the Final Bench II for further proceedings:

  
Chairman

15.09.2014



Appellant with counsel and Mr. Kabeerullah Khattak, Asstt. A.G with Murad Ali, Assistant for the official respondents and private respondent No. 3 with Mr. Nazir Ahmad, Advocate counsel and requested for filing of Wakalatnama on the next date. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court affecting his status as District & Sessions Judge. To come up as before on 25.11.2014.

  
READER

Form- A  
FORM OF ORDER SHEET

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

Case No. 1023/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07/08/2014	<p>The appeal of Mr. Muhammad Iqbal presented today by Mr. Sajid Amin Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	8-8-2014,	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>29-8-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

0

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1023/2014

*Muhammad Iqbal*, Sub Registrar, Mardan, presently Sub Registrar Dir Lower.

(Appellant)

**VERSUS**

Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.


(Respondents)

**INDEX**

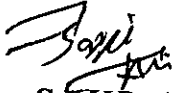
S.No	Description of Documents	Annexure	Page No.
1.	Memo of Appeal		1-4
2.	Stay Application & Affidavit		5-6
3.	Office order dated 12.07.2013 & Charge Report	A & B	7-8
4.	Impugned transfer order dated 14.04.2014	C	9
5.	Departmental Appeal	D	10-12
6	Transfer / Posting Policy	E	13-16
7.	Order dated 12.02.2014, 06.03.2014	F & G	17-18
8	Last pay certificate	H	19
9.	Vakalatnama		20

  
Appellant

Through

  
**IJAZ ANWAR**  
Advocate Peshawar.

&

  
**SAJID AMIN**  
Advocate Peshawar

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

Service Appeal No. 1023/2014

1053  
07/8/2014

*Muhammad Iqbal*, Sub Registrar, Mardan, presently Sub Registrar Dir Lower.

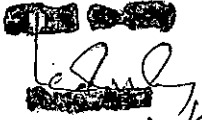
(Appellant)

**VERSUS**

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Director Land Record/ Inspector General Registration, Khyber Pakhtunkhwa, Peshawar.
3. Hamayun Khan HRM, Mardan, presently Sub Registrar Mardan.

(Respondent)

Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the office order dated 14.04.2014, whereby the appellant has been transferred from the post of Sub Registrar, Mardan to the post of Sub Registrar, Dir lower, with additional charge of SR, Dir Upper, while the Respondent No. 3 has been transferred/ Posted vice the Appellant, against which the departmental appeal dated 06.05.2014, has not been responded despite the lapse of statutory period.

  
7/8/14  
Prayer in Appeal;

On acceptance of this appeal the impugned order dated 14.04.2014, may please be set-aside and the appellant may kindly be allowed to continue his duties as Sub Registrar, Mardan any other remedy deem just and proper may also be allowed in favour of the appellant.

Respectfully Submitted:

1. That the appellant is serving in the Revenue Department as Sub Registrar, Mardan.
2. That it is pertinent to point out here that ever since his appointment, the appellant remained at different stations as and when directed/posted.
3. The appellant was lastly transferred and posted as Sub Registrar, Mardan, vide order dated 12.07.2013. the appellant took over the charge of his new place of posting and started performing his duties.  
*(Copies of the office order dated 12.07.2013 & Charge Report are attached as Annexure A & B)*
4. That the appellant having hardly served for about 8 month at Mardan, in order to accommodate a politically favorite (Respondent No. 03), without allowing him to complete his normal tenure of posting, the appellant has been again transferred from the post of Sub Registrar, Mardan to the post of Sub Registrar, Dir lower, with additional charge of SR, Dir Upper, while the Respondent No. 2 has been posted vice the appellant vide office order dated 14.04.2014.  
*(Copy of the office order dated 14.04.2014 is attached as Annexure C)*
5. That the appellant also submitted his departmental appeal on 06.05.2014, however the same has not been responded despite the lapse of statutory period.  
*(Copy of the departmental appeal is attached as Annexure D)*
6. That the impugned transfer order is illegal, unlawful, against the Law/ rules, politically motivated and malafide inter alia on the following grounds:

**GROUND OF SERVICE APPEAL:**

- A. That the appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the Law and constitution are badly violated.
- B. That the appellant has not yet completed his normal tenure of posting at Mardan and thus the transfer order is illegal and unlawful, moreover the same is in violation of posting and transfer policy of the Provincial Government and the

Judgments of the Superior Courts reported in PLD 1995 SC 530 & PLD 2013 SC 195.

*(Copy of the Transfer and posting Policy is attached as Annexure E)*

- C. That even otherwise it is also not in the interest the Department to make rolling stone its employees, on the one hand the working of the department is disturbed, while on the other hand the employee is humiliated and his family life is disturbed.
- D. That in fact there exist no exigencies of service nor the order of transfer can be termed as in the public interest, rather it was passed in favour of the respondent No. 3, to accommodate him at the cost of the appellant.
- E. That the Respondent No. 3 has always exerted political pressure to obtain choice posting. He was transferred and posted as Sub Registrar, Lower Dir, on current charge basis vide order dated 12.02.2014, however he managed to cancel the order on 06.03.2014, later he continued exerting political pressure and again managed to obtain posting of his choice at Mardan vide the impugned order dated 14.04.2014.  
*(Copies of the order dated 12.02.2014, 06.03.2014 are attached as Annexure F and G)*
- F. That the all the orders made in favour of the respondent No. 3, seems to be bogus and signed in back dates as at one side vide order dated 06.03.2014, his transfer order to Dir Lower dated 12.02.2014, was withdrawn, while on the other hand his salary was stopped from Mardan after the cancellation of his transfer order, moreover while at the time of issuing the impugned transfer order dated 14.04.2014, he has been shown to have been posted as HRM, Mardan.  
*(Copy of the Last Pay Certificate is attached as H)*
- G. That during his posting at Mardan, his performance remained commendable and there was no complaint whatsoever regarding his performance.
- H. That the impugned transfer order is illegal, unlawful, without lawful authority and passed without jurisdiction, not in the prescribed period, in violation of transfer and posting policy, thus nullity in the eyes of law and not tenable.
- I. That repeated transfer orders were made in violation of Posting and Transfer Policy, thus the order is nullity in the eyes of law.




- J. That in fact exerting political pressure in obtaining choice posting amount to misconduct under the Govt. Servants Conduct Rules, 1987, thus the transfer order is liable to be set aside on this score alone.
- K. That the appellant seeks the permission of this Honourable Authority to rely on additional grounds at the hearing of this appeal.

*It is, therefore, humbly prayed that on acceptance of this appeal the impugned order dated 14.04.2014, may please be set-aside and the appellant be allowed to continue his duties as Sub Registrar, Mardan.*

  
Appellant

Through

  
IJAZ ANWAR  
Advocate Peshawar.  
&

  
SAJID AMIN  
Advocate Peshawar

5

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_/2014

*Muhammad Iqbal*, Sub Registrar, Mardan, presently Sub  
Registrar Dir Lower.

**(Appellant)**

**VERSUS**

Senior Member Board of Revenue, Khyber Pakhtunkhwa,  
Peshawar.

**(Respondents)**

**Application for the suspension of operation of  
the order dated 14.04.2014, to the extent of the  
appellant till the decision of the above noted  
Appeal**

**Respectfully Submitted:**


1. That the appellant has filed today the above noted appeal in this Honourable Tribunal in which no date of hearing has been fixed so far.
2. That the facts and ground mentioned in the accompanied appeal may be read as integral part of this application.
3. That the applicant has got a good prima facie case and there is likelihood of its success.
4. That the applicant would be exposed to great hard ship and inconvenience in case the order is not suspended.
5. That even otherwise the impugned order being made in violation of law rules and policy, hence not tenable and is thus liable to be suspended.


6. That it will also serve the interest of justice if the order impugned is suspended till the final decision of the appeal.

*It is, therefore, prayed that on acceptance of this application the operation of the impugned order dated 14.04.2014, may please be suspended till the decision of the appeal.*

  
Applicant

Through

  
**IJAZ ANWAR**  
Advocate Peshawar.  
&

  
**SAJID AMIN**  
Advocate Peshawar

**AFFIDAVIT**

I, **Muhammad Iqbal, Sub Registrar, Mardan, presently Sub Registrar Dir Lower**, do hereby solemnly affirm and declare on oath that the contents of the above Appeal as well as accompanied application are true and correct to best of my knowledge and believe and that nothing has been kept back or concealed from this Honourable Tribunal.



  
Deponent

(7)

ANNEX - A

GOVERNMENT OF KHYBER PAKHTUNKHWA  
INSPECTOR GENERAL OF REGISTRATION/  
DIRECTORATE OF LAND RECORDS.

Peshawar dated the 12 /07 /2013.

OFFICE ORDER


No. LR-IV/2013/..... With the approval of competent authority Mr. Muhammad Iqbal, Sub Registrar-II, Peshawar is hereby transferred and posted as Sub Registrar Mardan against the vacant post with immediate effect in the interest of general public.

INSPECTOR GENERAL REGISTRATION /  
DIRECTOR LAND RECORDS,  
Phone: # 091-9210057

Endost: No. LR-IV/Leave/SR&RM. 4283-91

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Private Secretary to Senior-Member Board of Revenue Khyber Pakhtunkhwa.
3. Deputy Commissioners, Peshawar & Mardan.
4. District Account Officer, Mardan.
5. Officials Concerned.
6. Office order file.

  
INSPECTOR GENERAL REGISTRATION /  
DIRECTOR LAND RECORDS,  
Phone: # 091-9210057


8

ANNEX B

OFFICE OF SUB REGISTRAR MARDAN

CHARGE ASSUMED REPORT

In compliance with Inspector General of Registration/DLR Khyber Pakhtunkhwa Office Order No: LR-IV/Leave/SR&RM.4283-91 Dated: 12/07/2013, I. MUHAMMAD IQBAL hereby assumed the charge of Sub Registrar Mardan today on 16th/07/2013 (FN)

sd

SUB REGISTRAR MARDAN

OFFICE OF SUB REGISTRAR MARDAN

ENDST NO 108-5 SRP-M

DATED 16 JULY 2013

Copy forwarded to:

1. Inspector General of Registration Khyber Pakhtunkhwa, Peshawar for Information Please.
2. Deputy Commissioner Mardan
3. Account General, Khyber Pakhtunkhwa Peshawar.
4. PS. to Senior member Board of Revenue Khyber Pakhtunkhwa Peshawar.
5. District Account Officer Khyber Pakhtunkhwa Peshawar/Mardan
6. Officer Concerned.



  
SUB REGISTRAR MARDAN

(9)

Amended: C

OFFICE OF THE DIRECTOR LAND RECORD /  
REVENUE & ESTATE DEPARTMENT  
KHYBER PAKHTUNKHWA

Peshawar dated the 14/04/2014

OFFICE ORDER

NO. LR-IV/ 22 / . With the approval of the competent authority the following posting/transfers amongst the Sub-Registrars are hereby ordered with immediate effect in the interest of public: -

S.No.	Name	From	To
1	Humayun Khan HRM	HRM Mardan	Sub-Registrar Mardan On current charge basis.
2	Muhamamad Iqbal	Sub-Registrar Mardan.	Sub-Registrar Dir lower with additional charge of SR. Dir Uppr

Director Land Records/  
Inspector General  
Registration, Khyber Pakhtunkhwa

Endst: NO. & date even. 213-22

Copy forwarded to the:-

1. Deputy Commissioner, Mardan.
2. Deputy Commissioner, Dir Lower/Upper.
3. District Accounts Officers/Mardan/Dir Lower/Upper.
4. PS to Senior Member Board of Revenue, KPK
5. Officials Concerned
6. Office order file.

*[Handwritten signature]*

Director Land Records/ Inspector  
General Registration, Khyber  
Pakhtunkhwa.

(10)

ANNEX D

**BEFORE THE SENIOR MEMBER BOARD OF REVENUE**  
**KHYBER PAKHTUNKHWAPESHAWAR**

Departmental Appeal No. \_\_\_\_/2014

Muhammad Iqbal, Sub Registrar, Mardan.

(Appellant)

**VERSUS**

1. Director Land Record/ Inspector General Registration, Khyber Pakhtunkhwa, Peshawar.
2. Hamayun Khan HRM, Mardan

(Respondent)

Appeal under Rule 3 of the Khyber Pakhtunkhwa Civil Servant (Appeal) Rules, 1986 read with section 22 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 against the office order dated 14.04.2014, whereby the appellant has been transferred from the post of Sub Registrar, Mardan to the post of Sub Registrar, Dir lower, with additional charge of SR, Dir Upper, while the respondent No. 2 has been transferred/ Posted vice the Appellant.

Prayer in Appeal;

On acceptance of this appeal the impugned order dated 14.04.2014, may please be set-aside and the appellant be allowed to continue his duties as Sub Registrar, Mardan.

Respectfully Submitted:

1. That the appellant is serving in the Revenue Department as Sub Registrar, Mardan.
2. That it is pertinent to point out here that ever since my appointment, I remained at different stations as and when directed/posted.
3. The undersigned was lastly transferred and posted as Sub Registrar, Mardan, vide order dated 12.07.2013. I took over the charge of my post and started performing my duties. (Copies of the office order dated 12.07.2013 & Charge Report are attached as Annexure A & B)
4. That the undersigned having hardly served for about 8 month at Mardan, in order to accommodate a politically favorite ( Respondent No. 02), without allowing me to complete my normal tenure of posting, I have been again transferred from the post of Sub Registrar, Mardan

*Ali*

(11)

to the post of Sub Registrar, Dir lower, with additional charge of SR, Dir Upper, while the Respondent No. 2 has been posted vice the undersigned vide office order dated 14.04.2014. (Copy of the office order dated 14.04.2014 is attached as Annexure C)

5. That the impugned order is illegal, unlawful, against the rules, politically motivated and malafide inter alia on the following grounds:

**GROUND OF DEPARTMENTAL APPEAL:**

- A. That the undersigned has not been treated in accordance with law, hence my rights secured and guaranteed under the Law are badly violated.
- B. That I have not yet completed the normal tenure of posting at Mardan and thus the transfer order is illegal and unlawful, moreover the same is in violation of posting and transfer policy of the Provincial Government and the Judgments of the Superior Courts reported in PLD 1995 SC 530 & PLD 2013 SC 195. (Copy of the Transfer and posting Policy is attached as Annexure D)
- C. That even otherwise it is also not in the interest the Department to make rolling stone its employees, on the one hand the working of the department is disturbed, while on the other hand the employee is humiliated and his family life is disturbed.
- D. That infact there exist no exigencies of service nor the order of transfer can be termed as in the public interest, rather it was passed in favour of the respondent No. 2, to accommodate him at the cost of the appellant.
- E. That the Respondent No. 2 has always exerted political pressure to obtain choice posting. He was transferred and posted as Sub Registrar, Lower Dir, on current charge basis vide order dated 12.02.2014, however he managed to cancel the order on 06.03.2014, later he continued exerting political pressure and again managed to obtain posting of his choice at Mardan vide the impugned order dated 14.04.2014 at the cost of the appellant. (Copies of the order dated 12.02.2014, 06.03.2014 are attached as Annexure E and F)
- F. That the all the orders made in favour of the respondent No. 2, seems to be manipulated and signed in back dates as on the one hand vide order dated 06.03.2014, his transfer order, to Dir Lower dated 12.02.2014, was withdrawn, while on the other hand his salary was stopped from Mardan after the cancellation of his transfer order, moreover while at the time of issuing the impugned transfer order dated 14.04.2014, he has been shown to





3


(12)

have been posted as HRM, Mardan. (Copy of the LPC is attached as G)

- G. That during my posting at Mardan, my performance remained commendable and there was no complaint whatsoever regarding my performance.
- H. That the impugned transfer order is illegal, unlawful, without lawful authority and passed without jurisdiction, not in the prescribed period, in violation of transfer and posting policy, thus nullity in the eyes of law and not tenable.
- I. That repeated transfer orders were made in violation of Posting and Transfer Policy, thus the order is nullity in the eyes of law.
- J. That infact exerting political pressure in obtaining choice posting amount to misconduct under the Govt Servant Conduct Rules, 1987, thus the transfer order is liable to be set aside on this score alone.
- K. That the appellant seeks the permission of this Honourable Authority to rely on additional grounds at the hearing of this appeal.

*It is, therefore, humbly prayed that on acceptance of this appeal the impugned order dated 14.04.2014, may please be set-aside and the appellant be allowed to continue his duties as Sub Registrar, Mardan..*

Appellant

  
**MUHAMMAD TOQBAL**  
Sub Registrar, Mardan.

Dated: \_\_\_ / 04 / 2014



15  
13  
ANNEX - E  
BETTER COPY.

GOVERNMENT OF N.W.F.P  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT  
(REGULATION WING)

NO.SOR-1(E&AD)1-1/85(Vol:II)

Dated the Peshawar the 15<sup>th</sup> February 2003

- 1- All Administrative secretaries to Govt: of NWFP.
- 2- The Secretary to Governor, NWFP.
- 3- The Secretary to Chief Minister, NWFP.
- 4- All Heads of Attached Departments in NWFP.
- 5- All the Heads of Autonomous/Semi Autonomous Bodies in NWFP.
- 6- All Distt: Co-Ordination Officer/Political Agents in NWFP.
- 7- The Registrar Peshawar High Court Peshawar.
- 8- All Distt: & Session Judges in NWFP.
- 9- The Secretary NWFP Public Service Commission, Peshawar.
- 10- The Director Anti-Corruption Establishment, Peshawar.
- 11- The Secretary Board of Revenue, NWFP, Peshawar.
- 12- The Registrar, NWFP Service Tribunal, Peshawar.

SUBJECT: POSTING/TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

Dear Sir,

1. I am directed to refer to the subject noted above and to say that in supersession of all policy, instructions issued in this behalf, the competent authority has approved the following Posting/Transfer Policy: -
  - i). All the posting /transfer shall be made strictly in the public interest and shall not be abused/misused to victimize the Government Servant.
  - ii). All Government servants are prohibited to exert political, Administrative or any other pressure upon the posting /transfer authorities for seeking posting/transfer of their choice and against the public interest.
  - iii). All contract Govt: employees appointed against specific posts cannot 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

ATTESTED  
[Signature]

[Signature]

(A) (B) (C)

while the remaining departments shall make posting/transfer in July. There shall be a ban on posting/transfer throughout the year excluding the aforementioned two months due to promotion/retirement/creation of new post/return from long leave/involvement in disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.

- vi) While making posting/transfers from settled area to FATA vice-versa specific approval of the Governor NWFP needs to be obtained.
- vii) Officers may be posted on executive/administrative posts in the Distt: of their domicile except District Co-Ordination Officers (DCOs), and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where a Police Station (Thana) of his area/residence is situated.
- viii) No posting/transfers of the officers/officials on the detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in the 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 posting/transfers authorities may facilitate the posting/transfers of unmarried female Govt; Servant at the station of their residence of their parents.
- xi) Officer/officials except DCOs and SPs who are due to retire within one year may be posted on their option, on posts in the Distt: of their domicile and be allowed to serve there till retirement.
- xii) In terms of Rule-17 (1) and (2) read with schedule-III of the Govt: of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table, table shall be made by the authorities shown against each officers in column 2 thereof: -

COLUMN-1	COLUMN-2
<p><u>Outside the Secretariat.</u></p> <ol style="list-style-type: none"> <li>1. Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.</li> <li>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)</li> <li>3. Head of attached Deptt: and other officers in B-19 &amp; above in all the Deptt:</li> </ol>	<p>Chief secretary in consultation with the Establishment Deptt. With the approval of the Chief Minister.</p>

AB  
J

In the Secretariat.	
4. Secretaries.	Chief Secretary with the approval of the Chief Minister.
5. Other officers and above the rank of Section Officers: -	
a)- Within the same Deptt:	Secretary of the Deptt: concerned.
b)- Within the Secretariat from one Deptt: to another.	Chief Secretary/ Secretary Establishment.
6. Officers up to the rank of Superintendents.	
a)- Within the same Deptt:	Secretary of the Deptt: concerned.
b)- To and from Attached Deptt:	Secretary of the Deptt: in consultation with the Head of Attached Deptt:
c)- Within the Secretariat from one Deptt: to another.	Secretary Establishment.

xiii) While considering the posting/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 integrity of the concerned officer/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 Distt: Government employees feeling aggrieved due to the orders of posting/transfers authorities may seek remedy from the next higher authority/ the appointing authority as the case may be brought an appeal to be submitted within seven days of the receipt of such order. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/transfers orders could be exercised only in the following cases: -

- i)- premature posting/transfers or posting/transfers in violation of this policy.
- ii)- Serious and grave personal( humanitarian) grounds.

*Handwritten signature*

10

15

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

As per Rule-25 (2) of the Rules mentioned above the Distt: Coordination Department shall consult the Govt: if it is proposed to:-

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

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

Your Faithfully,

Sd/xxx  
 (GHULAM JALANI ASIF)  
 ADDL: SECRETARY(REG:)

Endst:NO.SOR-1(E&AD)1-1/85

dated Peshawar the 15.2.2003.

*Handwritten signature*

ATTESTED  
*Handwritten signature*


17 ANNEX-F

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF LAND RECORDS  
INSPECTOR GENERAL OF REGISTRATION

Peshawar dated the 23/07/2014.

OFFICE ORDER.

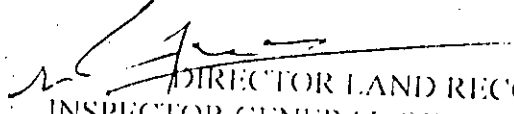
No.LR-IV/IIRM 613 With the approval of Competent Authority and on the recommendation of Departmental Promotion/Selection Committee meeting held on 12/07/2013, Mr. Hamayun Khan, Head Registration Moharrir (BPS-11) Mardan Division is hereby transferred and posted against the vacant post of Sub Registrar, Dir Upper on current charge basis in the interest of general public.

  
DIRECTOR LAND RECORDS/  
INSPECTOR GENERAL OF REGISTRATION.

Endst: No/LR-IV/IIRM 614-23

Copy forwarded to the:-

- 1) Commissioner, Mardan & Malakand Divisions.
- 2) Deputy Commissioners, Mardan and Dir Upper.
- 3) District Accounts Officer, Mardan and Dir Upper.
- 4) PS to SMBR.
- 5) Sub Registrar, Mardan.
- 6) Officials Concerned for compliance.
- 7) Office Order file.

  
DIRECTOR LAND RECORDS/  
INSPECTOR GENERAL OF REGISTRATION.



From:

(18)

ANNEX G

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF LAND RECORDS  
INSPECTOR GENERAL OF REGISTRATION

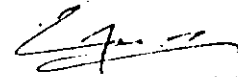
Peshawar dated the 6 / 3 / 2014.

OFFICE ORDER.

No LR IV/IIRM

287

The promotion order in respect of Mr. Hamayun Khan as Sub Registrar issued vide office order No. LR IV/IIRM/613 dated 05/03/2014 is hereby withdrawn.

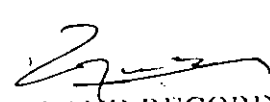
  
DIRECTOR LAND RECORDS/  
INSPECTOR GENERAL OF REGISTRATION.

Enclst: No/LR-IV/IIRM

288-96

Copy forwarded to the:-

- 1) Commissioner, Mardan & Malakand Divisions.
- 2) Deputy Commissioners, Mardan and Dir Upper.
- 3) District Accounts Officer, Mardan and Dir Upper.
- 4) Sub Registrar, Mardan.
- 5) Officials Concerned for compliance.
- 6) Office Order file.

  
DIRECTOR LAND RECORDS/  
INSPECTOR GENERAL OF REGISTRATION.



LAST PAY CERTIFICATE.

19 ANNEX H

1- Last Pay Certificate of Mr. Hamayun Khan Head Registrar Mohair of the office of Sub Registrar Deputy Commissioner office proceeding to Transfer/Promoter in acting charge been made to Sub Registrar Dir. Upper  
2- He has been paid upto 31-03-2014 at the following rates:-

P.No. 00124691

Particulars.

Substantive Pay.

A01151-Pay — B. 14880/-

Officiating Pay.

A01202-HRA Rs. 1234/-

Exchange Compensation Allowance.

A01203-C-All Rs. 2720/-

A01207-Med. All. Rs. 1000/-

A0120X-A.A. 2010 Rs. 3950/-

A0121A-A.A. 2011 Rs. 1185/-

A0121M-A.R.A. 2012 Rs. 2976/-

A0121T-ARA 2013 Rs. 2932/-

Total Rs. 30177/-

Pay stopped  
17-03-2014

Deductions.

1) GPF — A/C No. G/AMR/000548 — Rs. 675/-

2) B.F. Rs. 180/2

3) Addl. GPF — Rs. 13/2

B. 115/2

3. He made over charge of the office of Mohair on the 17-03-2014. Fare Moon of

4. Recoveries are to be made from the pay of the Government Servant as as detailed on the reverse.

5. He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

Period.	Rate.	Amount.
From.....to.....	at Rs.....	a month.
From.....to.....	at Rs.....	a month.
From.....to.....	at Rs.....	a month.

6. He is entitled to draw the following:-

7. He is also entitled to joining time for.....days.

8. The detailed to the Income-Tax recovered from him upto the date from the beginning of the current year are noted on the reverse.

G.P.R. No. 1867/M/540/10  
S. No. 10

Handwritten signature

(Signature.....)

(Designation) Deputy Commissioner

Mardan

S.O.  
C.A.B.A.H.  
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Handwritten signature



POWER OF ATTORNEY

In the Court of Khyber Pakhtunkhwa, Service Tribunal  
Peshawar.

Muhammad Iqbal

} For  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

VERSUS

Court of Khyber Pakhtunkhwa  
and others

} Defendant  
} Respondent  
} Accused  
}

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_

Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Sajid Amin Advocate

my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at \_\_\_\_\_  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_

Executant/Executants \_\_\_\_\_

Accepted subject to the terms regarding fee \_\_\_\_\_

**SAJID AMIN**  
ADVOCATE HIGH COURT

Legal Advisor Services & Labour Laws Consultants  
FR-3-4, Fourth Floor, Bilour Plaza Peshawar Cantt.  
Ph: 091-5272054, Mob: 0333-4594988, 03339188956

**Ijaz Anwar**

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT  
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt  
Ph.091-5272154 Mobile-0333-9107225

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

**Service Appeal NO.1023/2014**

Muhammad Iqbal Sub-Registrar Mardan  
presently working as Sub-Registrar Lower Dir..... (Appellant)

**VERSUS**

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa
2. Director Land Record/Inspector General of Registration Khyber Pakhtunkhwa
3. Mr. Hamayun Khan HRM, Mardan presently working as Sub-Registrar Mardan  
(Respondents)

**WRITTEN REPLY/COMMENTS ON**  
**BEHALF OF THE RESPONDENT NO.1&2**

**PRELIMINARY OBJECTIONS:**

- a. That the appellant has got no cause of action nor any locus standi to file the instant appeal.
- b. That the instant appeal is badly time barred.
- c. That the appellant has not come to the tribunal with clean hands.
- d. That under the Civil Servant Act, every civil servant is liable to serve anywhere throughout the Province.
- e. That the appeal is not maintainable in its present form.
- f. That the appeal is bad for mis-joinder/non-joinder of necessary parties.
- g. That the appellant is estopped by his own conduct to file the instant appeal.

**ON FACTS OF THE CASE.**

1. Correct.
2. Correct but it is also submitted that being a civil servant the appellant is bound to serve anywhere throughout the province as and when directed in the best interest of public.
3. Correct.
4. Correct to the extent of transfer of the appellant from the Post of Sub-Registrar Mardan to the post of Sub-Registrar Lower Dir with additional charge of Upper Dir. However, it is submitted that the order was issued in the best interest of public.


17/19

5. No comments.
6. Incorrect the impugned order is well in accordance with Law Rules and Policy, hence the appeal is liable to be dismissed.

**ON GROUNDS.**

- A. Incorrect, the appellant has been treated well in accordance with Law and Rules without there being any violation of his rights.
- B. Incorrect, under section 10 of the Civil Servant Act, the every civil servant is liable to serve throughout the Province. Further the order of transfer is issued well in accordance with the Transfer & Posting Policy.
- C. Incorrect as explained above.
- D. Incorrect the order was issued in the larger public interest.
- E. Incorrect, all the orders were issued in the public interest and exigencies of service and in accordance with law.
- F. Incorrect, as explained in the above para.
- G. Subject to proof.
- H. Incorrect the order is in accordance with Law, Rules & Policy.
- I. Incorrect. As stated above, the impugned order is issued according to Laws, Rules and policy.
- J. There is no political pressure involved in the instant case. Thus the impugned order is liable to be upheld.
- K. The respondents also seek permission to rely on additional grounds at the time of arguments.

It is, therefore, humbly prayed that the appeal of the appellant may graciously be dismissed with costs.

  
**DIRECTOR LAND RECORD/  
INSPECTOR GENERAL OF REGISTRATION,  
KHYBER PAKHTUNKHWA  
RESPONDENT NO.2**

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

**Appeal NO.1023/2014**

Muhammad Iqbal Sub-Registrar Mardan  
presently working as Sub-Registrar Lower Dir..... (Appellant)

**VERSUS**

Senior Member, Board of Revenue, Khyber Pakhtunkhwa..... (Respondent)

**COMMENTS/REPLY TO THE APPLICATION FOR STAY**

1. No comments.
2. No comments however the connected reply to the main appeal may also be read as part and parcel to the instant reply to the application.
3. Incorrect. The petitioner/appellant has no prima facia case and there is no hope of its success.
4. Incorrect, there is no inconvenience to the appellant.
5. Incorrect. The impugned order is in accordance with law and rules.
6. Incorrect. The impugned order is passed by the competent authority according to law, rules and policy which does not require interference.

It is, therefore, requested that the application may kindly be dismissed with costs.

  
**RESPONDENT NO.2**

12/10/17

Appeal No 1023/2014, WAKALATNAMA

F.B. II.

In the R.P.K Service Tribunal, Peshawar

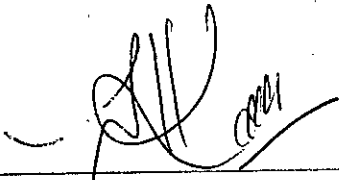
Muhammad Iqbal

VS

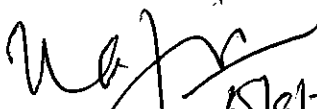
QMB-R & another (Hamayun Khan (R-3))


I/we Hamayun Khan (R-3)  
do hereby appoint Mr. Nazir Ahmad Advocate Peshawar High Court Peshawar my/our Counsel in subject proceedings and authorize him to appear, plead, compromise, withdraw or refer the matter for arbitration for me/us without any liability for his default and with the authority to engage/appoint any other advocate/counsel at my/our expense if necessary and receive all sums and amounts payable to me/us and to all such acts which he may deem necessary for protecting my/our interests in the matter. He is authorized to file Appeal, Revision, Review and Application for restoration or Application for setting-aside ex-parte decree proceedings on my/our behalf.

Dated: 15/9/2014

  
Respondent No 3

Accepted and Attested

  
15/9/2014  
Nazir Ahmad  
Advocate, Peshawar  
Cell: 0301-8571879  
Office: 091-5277215

  
Salman Masood  
Advocate, Peshawar.