

1.11064/14

2.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Javed Assistant for the respondents present. The Tribunal is incomplete. To come up for the same on 26.12.2014.



READER

26.12.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Muhammad Javed Assistant for the respondents present. The Tribunal is incomplete. To come up for the same on 19.1.2015.



READER

12.1.2015

Appellant alongwith his counsel and Mr. Usman Ghani, Sr.GP for the respondents present. Counsel for the appellant requested for requisition of file for to-day. File has been requisitioned.

Counsel for the appellant submitted an application for withdrawal of the appeal as the respondents have assured the appellant that his grievances would be redressed departmentally. He requested for withdrawal of the appeal un-conditionally. The learned Sr.GP has got no objection. As such the appeal is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED
12.01.2015.



MEMBER



MEMBER

13.10.2014

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG present. Fresh notices be issued to the respondents and case to come up for reply/arguments on stay application on 05.11.2014. Till then status quo is extended.


MEMBER

5.11.2014.

Appellant with counsel and Mr. Muhammad Jan, GP with Bilal Khan, AD (Litigation) for the respondents present and written replies on main appeal as well as on stay application received. Copies handed over to counsel for the appellant. To come up for arguments on stay application on 12.11.2014. Till then status quo is extended.


MEMBER

12.11.2014

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG with SO (General) for the respondents present. ~~Khalid Mateen, ADO for official respondents No. 1 to 3 present.~~ The Tribunal is incomplete. To come up for the same on 21.11.2014.


READER

21.11.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Javed Assistant for the respondents present. The Tribunal is incomplete. To come up for the same on 01.12.2014.



READER

05.09.2014

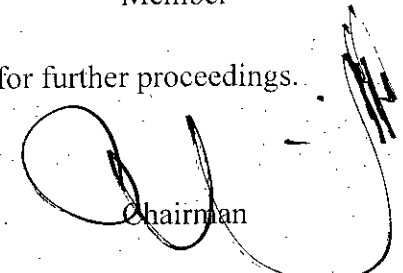
Appeal No. 1064/2014
Mr. Muhammad Bagher

Counsel for the appellant 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 order dated 14.06.2014, communicated to the appellant on 14.07.2014 vide which the appellant was transferred from the post of Gender Specialist-II, Social Welfare, Special Education & Women Empowerment Department, Peshawar to the post of District Officer, Social Welfare, Malakand. Against the impugned order, the appellant filed departmental appeal on 16.07.2014 which was rejected on 11.08.2014, hence the present appeal on 21.08.2014. Counsel for the appellant argued that the appellant has been transferred four times within a short span of eight months i.e 18.04.2013 to 09.01.2014, due to political influence. The impugned order has been passed in violation of transfer/posting policy of the Government and the judgments of the Superior Courts reported in PLD1995 SC 530 and PLD 2013 SC 195. Counsel for the appellant submitted an application for suspension of operation of the order dated 14.06.2014, to the extent of the appellant and order dated 11.08.2014. Notice of application should be issued to the respondents for reply/arguments.

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 01.12.2014 as well as reply/arguments on application on 13.10.2014. Till then status-quo be maintained.


Member

This case be put before the Final Bench 11 for further proceedings.


Chairman

8. 23.09.2014

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

6.

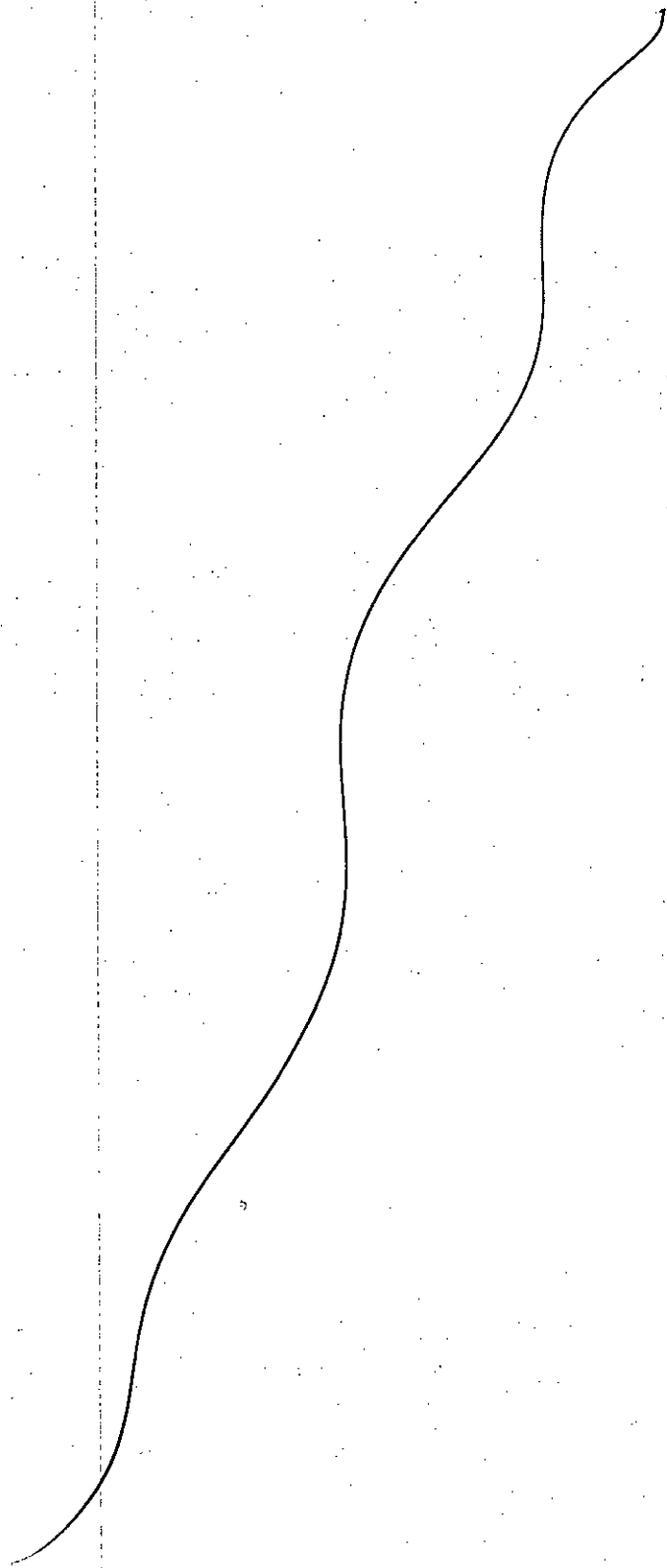
18.09.2014

Clerk of counsel for the appellant, and requested for adjournment. Request accepted. To come up for preliminary hearing on 23.09.2014.



Member

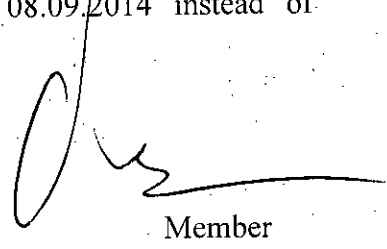
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3.

04.09.2014

Counsel for the appellant present and filed an application for early hearing. Case file requisitioned. Application allowed. To come up for preliminary hearing on 08.09.2014 instead of 18.09.2014.



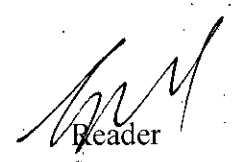
Member

4.

Reader Note:

08.09.2014

Counsel for the appellant present. Preliminary arguments could not be heard due to learned Member is on leave. To come up for preliminary hearing on 11.09.2014.



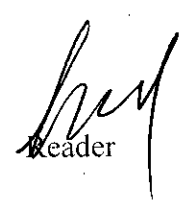
Reader

5.

Reader Note.

11.09.2014

Counsel for the appellant present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court, Peshawar effecting his status as District and Session Judge. To come up for preliminary hearing on 18.09.2014.





Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1064/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21/08/2014	<p>The appeal of Mr. Muhammad Basheer presented today by Mr. Ijaz Anwar 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	26-8-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>18-9-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1064/2014

Muhammad Bashir, Gender Specialist-II (BPS-18), Social Welfare, Special Education & Women Empowerment Department, Peshawar.

(Appellant)

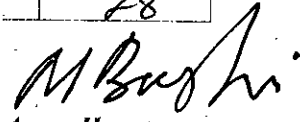
VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary
Khyber Pakhtunkhwa, Peshawar & others.


(Respondents)

INDEX

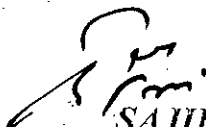
S.No	Description of Documents	Annexure	Page No
1.	Memo of Appeal		1-4
2.	Stay Application & Affidavit		5-6
3.	Transfer Orders dated 18.04.2013, 10.09.2013, 04.012.2013 & 09.01.2014	A, B C & D	7-10
4.	Departmental Appeal dated 10.01.2014	E	11-12
5.	Office order dated 14.06.2014	F	13
6.	Departmental Appeal & Judgment and order dated 24.07.2014	G & H	14-20
7.	Rejection order dated 11.08.2014	I	21
6	Transfer / Posting Policy	J	22-27
	Vakalatnama		28


Appellant

Through

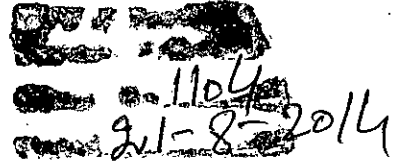

IJAZ ANWAR
Advocate Peshawar.

&


SAJID AMIN
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1064 /2014


1104
21-8-2014

Muhammad Bashir, Gender Specialist-II (BPS-18), Social Welfare, Special Education & Women Empowerment Department, Peshawar.

(Appellant)

VERSUS

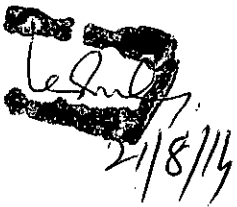
1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary to the Government of Khyber Pakhtunkhwa, Social Welfare, Special Education & Women Empowerment Department, Peshawar.
3. Director Social Welfare, Khyber Pakhtunkhwa, Peshawar.

(Respondent)

Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the office order dated 14.06.2014, whereby the appellant has been transferred from the post of Gender Specialist-II, Social Welfare, Special Education & Women Empowerment Department, Peshawar, to the post of DO, Social Welfare, Malakand, against which the departmental appeal dated 16.07.2014, has been rejected vide order dated 11.08.2014.

Prayer in Appeal;

On acceptance of this appeal the impugned orders dated 14.06.2014, and 11.08.2014, may please be set-aside/modified and the appellant may kindly be allowed to continue his duties as Gender Specialist-II, Social Welfare, Special Education & Women Empowerment Department, Peshawar any other remedy deem just and proper may also be allowed in favour of the appellant.


21/8/14

Respectfully Submitted:

1. That the appellant was initially appointed as Social Welfare Officer in the Social Welfare Department in the year 1983 against the quota reserved for disabled persons. Presently the petitioner is serving as Gender Specialist-II (BPS-18), Social Welfare, Special Education & Women Empowerment Department, Peshawar.
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. That the appellant has been transferred (4 times) within a span of eight months i.e from 18 April, 2013, to 9th January, 2014, due to political influence with ulterior motives and malafide intentions by the respondents. (Copies of the transfer orders dated 18.04.2013, 10.09.2013, 04.012.2013 & 09.01.2014 are attached as Annexure A, B, C & D)
4. That the appellant was lastly transferred and posted as Gender Specialist-II Social Welfare, Special Education & Women Empowerment Department, Peshawar vide order dated 09.01.2014, the appellant filed departmental appeal against the said order on 10.01.2014. (Copy of the departmental appeal dated 10.01.2014, is attached as Annexure E)
5. That while the departmental appeal of the appellant was pending, the respondent No. 2 again with malafide intentions issued the transfer order dated 14.06.2014, whereby the appellant has been transferred from the post of Gender Specialist-II, Social Welfare, Special Education & Women Empowerment Department, Peshawar, to the post of DO, Social Welfare, Malakand. The order was however communicated to the appellant on 14.07.2014. (Copy of the office order dated 14.06.2014 is attached as Annexure F)
6. That the appellant also submitted his departmental appeal on 17.07.2014. the appellant filed writ petition No. 2345-P/2014, in the ~~Peshawar High Court~~ however the writ petition being not maintainable was dismissed vide order and judgment dated 24.07.2014 ***(Copies of the departmental appeal and Judgment and order dated 24.07.2014 are attached as Annexure G & H)***
7. That lastly the departmental appeal of the appellant has also been rejected vide order dated 11.08.2014. ***(Copy of the order dated 11.08.2014, is attached as Annexure I)***

8. That the impugned orders are 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 J)
- 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 by the respondent No. 2 with malafide intentions.
- E. That the appellant has more than 31 years service, out of which he served on different posts and as per posting and transfer policy of the Govt, the normal tenure of posting is three years, hence the impugned notification vide which the appellant has been transferred due to political motivation and victimization is against the principles of nature justice.
- F. That the appellant is the senior most employee of the department, at the verge of retirement, moreover, by sending him to distant places will not only affect his working performance but also deteriorate him domestically.
- G. That the performance of the appellant remained commendable and there was no complaint whatsoever regarding his performance albeit he has been transferred.
- 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 orders dated 14.07.2014, and 11.08.2014, may please be set-aside/modified and the appellant may kindly be allowed to continue his duties as Gender Specialist-II, Social Welfare, Special Education & Women Empowerment Department, Peshawar any other remedy deem just and proper may also be allowed in favour of the appellant.


Appellant

Through


IJAZ ANWAR
Advocate Peshawar.

&

SAJID AMIN
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHAWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2014

Muhammad Bashir, Gender Specialist-II (BPS-18), Social Welfare, Special Education & Women Empowerment Department, Peshawar.

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary
Khyber Pakhtunkhwa, Peshawar & others.

(Respondents)

**Application for the suspension of operation of
the order dated 14.06.2014, to the extent of the
appellant and order dated 11.08.2014 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 it 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 14.06.2014 to the extent of the appellant and order dated 11.08.2014, may please be suspended till the decision of the appeal.

M Bashir
Applicant

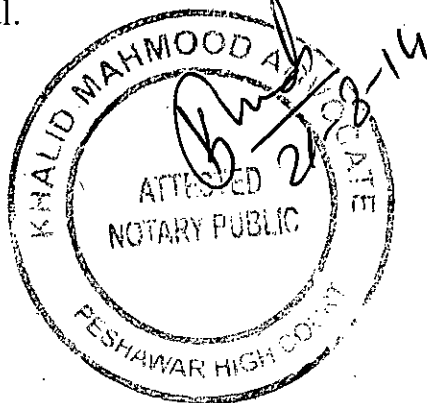
Through

Ijaz Anwar
IJAZ ANWAR
Advocate Peshawar.
&

Sajid Amin
SAJID AMIN
Advocate Peshawar

AFFIDAVIT

I, **Muhammad Bashir, Gender Specialist-II (BPS-18), Social Welfare, Special Education & Women Empowerment Department, Peshawar,** 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.



M Bashir
Deponent



①

Annexure - "B" "A"

②

③

GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 18th April, 2013.

NOTIFICATION.

2116-40

No. SOII (SW)2-52/2011. The following postings/transfers of officers of Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa are hereby ordered with immediate effect:-

S.No.	Name of Officers	From.	To	Remarks.
1.	Mr. Muhammad Bashir SWO (BPS-18)	Monitoring Officer, Office of Secretary, Social Welfare SE & WE Deptt: Peshawar.	Deputy Director, Directorate of Social Welfare, SE & WE Peshawar.	Against the vacant post.
2.	Mst. Rubina Riaz, SWO (BPS-18)	Superintendent Govt. Institute for the Blind (Girls) Peshawar	Deputy Director, Directorate of Social Welfare SE & WE Peshawar.	-do-
3.	Mr. Jehanzeb Khan, SWO (BPS-17)	DO Social Welfare, Charsadda.	Asstt: Director (Devolved Institutions) Directorate of Social Welfare SE & WE Peshawar.	Vice No. 4.
4.	Mr. Sajjad Hussain, Asst Director (Devolved Institutions)	Directorate of Social Welfare SE & WE Peshawar	DO Social Welfare Peshawar	Vice No. 5
5.	Mr. Saeed Ullah Bangash, SWO (BPS-17)	DO Social Welfare Peshawar	Social Welfare Officer Peshawar	Against th vacant post.
6.	Mr. Muhammad Salim	Superintendent Govt. Institute for the Blind (Boys) Peshawar.	Social Welfare Officer, Peshawar.	Against th vacant post.
7.	Mr. Muhammad Younis Afridi SWO (BPS-17)	Asstt: Director (Admn) Directorate of Social Welfare SE & WE Peshawar.	Superintendent Govt. Institute for the Blind (Boys) Peshawar	Vice No. 6
8.	Mr. Muhammad Arif Superintendent Welfare Homes (BPS-17)	Asstt: Director (Litigation) Directorate of Social Welfare SE & WE Peshawar.	Rehabilitation Officer, Centre for Drug Addicts, Peshawar.	Vice No. 9
9.	Mr. Noor Muhammad Rehabilitation Officer (BPS-17)	Rehabilitation Officer, Centre for Drug Addicts, Peshawar.	Asstt: Director (Litigations) Directorate of Social Welfare SE & WE Peshawar.	Vice No. 8
10.	Mr. Riaz Ulhaq Sani SWO (BPS-17)	District Officer Social Welfare Officer, Abbotabad.	Asstt: Director (Budgets & Accounts), Directorate of Social Welfare, SE & WE Peshawar.	Vice No. 3
11.	Mr. Insaf-ur-Rehman, Superintendent Welfare Home (BPS-17)	Asstt: Director (Budgets & Accounts),, Directorate of Social Welfare, SE & WE Charsadda.	DO Social Welfare Officer, Charsadda.	Vice No. 3
12.	Mst. Zubaida Begam SWO (BPS-17)	Social Welfare Officer, Peshawar	Superintendent Govt. Institute for the Blind (Girls) Peshawar.	Vice NO.

Asstt

Asstt

13.	Mr. Niaz Muhammad SWO (BPS-17)	Superintendent, Welfare Home Abbottabad	District Officer Social Welfare Officer, Abbottabad.	
14.	Mst. Iffat Nasir SWO (BPS-16)	Serving as Social Case Worker (BPS-16) in GSDC Haripur	Superintendent Welfare Home Abbottabad in her own pay & scale.	
15.	Mst. Shamim Akhtar SWO (BPS-17)	Shaheed Benazir Women Centre Abbottabad	Additional charge of the post of Manager MRPM Centre Haripur	
16.	Mr. Muhammad Tahir SWO (BPS-17)	Social Welfare Officer Peshawar	Assistant Director (Admin), Directorate of Social Welfare, SE & WE Peshawar.	Vice No.
17.	Mr. Fahad Ashraf, Social Welfare Officer	Social Welfare Officer Chakdara (Dir Lower)	Social Welfare Officer, Charsadda.	Against vacant post.

**Secretary to Govt: of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare, Special Education &
Women Empowerment Department.**

Endst: of Even No & Date:-

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
3. The Director Special Education, Khyber Pakhtunkhwa, Hayatabad Peshawar
4. The District Account Officers, Abbottabad, Haripur and Charsadda.
5. P.S. to Minister, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa.
6. PS to Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare & Women Empowerment Department.
7. Officers concerned.
8. Personal files of the officers concerned.

(Signature)

(Fahid L. Khan)
Section Officer-II



Annex 12 B
8

2
GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 10th September, 2013

NOTIFICATION:

NO. SOII(SW)2-52/2012/5276-83 The following postings/transfers of officers in the Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa is hereby ordered with immediate effect: -

Sr#	Name of Officer	From	To	Remarks
1	Mr. Muhammad Bashir, Deputy Director (BPS-18)	Deputy Director, Directorate of SW, SE & WE, Khyber Pakhtunkhwa	Incharge, Integrated Social Dev: Center (ISDC) Peshawar	
2.	Mr. Shamroz Khan, Gender Specialist-I (BPS-18)	Social Wel., Spi: Edu: & WE Department	Deputy Director (Admn), Directorate of SW, SE & WE, Khyber Pakhtunkhwa	Vice Sr. No. 1
3.	Miss Shazia Gul (BPS-17), Social Welfare Officer	Social Welfare Officer (Handicapped), Directorate of SW, SE & WE, Khyber Pakhtunkhwa	Gender Specialist-I, Social Wel., Spl: Edu: & WE Department in her own pay and scale	Vice Sr. No. 2

Sd/-

**Secretary to Govt: of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare, Special Education
& Women Empowerment Department**

Endst: of Even No. & Date:-

Copy is forwarded for information and necessary action to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
3. PS to Special Assistant to Chief Minister, Khyber Pakhtunkhwa, for Social Welfare, Special Education and Women Empowerment Department.
4. PS to Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare & Women Empowerment Department.
5. Officers concerned.
6. Personal File.

(Fahid Ullah Khan)
Section Officer-II
Phone No. 091-9213693

ATTESTED

(Signature)

Mr. Bashir

(Signature)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 04th December, 2013.

9

NOTIFICATION:

NO.SOI(SW)2-52/2012/123/2-25 The following postings/transfers amongst Officers of the Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department is hereby ordered in public interest with immediate effect: -

Sr#	Name of Officer	From	To	Remarks
1.	Mr. Muhammad Bashir, Deputy Director (BPS-18). <i>(063)</i>	Deputy Director, Integrated Development Peshawar.	Director, Social Centre Report to Social Welfare, Special Education & Women Empowerment Department.	
2.	Mr. Noor Muhammad Social Welfare Officer (BPS-17)	Monitoring Officer SW, SE & WE Deptt: Government of Khyber Pakhtunkhwa.	District Officer Social Welfare, Mardan	Vice No. 3.
3.	Syed Abdul Moeed Shah, Social Welfare Officer (BPS-17)	District Officer Social Welfare, Mardan	Assistant Director, Directorate of Social Welfare, Special Education & Women Empowerment.	Against the vacant post.
4.	Mr. Jaffar Khan Rehabilitation Officer (BPS-17)	Rehabilitation Officer, Rehabilitation Centre for Drug Addicts Kohat	District Officer Social Welfare, Kohat	Relieving Mst. Shazia Raza, Deputy Director, Nishtar Special Education Centre Kohat of the additional charge till further orders.
5.	Mr. Khalid Khan Rehabilitation Officer (BPS-17)	Rehabilitation Officer, Rehabilitation Centre for Drug Addicts Khan D.I.	Rehabilitation Officer, Rehabilitation Centre for Drug Addicts Kohat	Vice No. 4. Mr. Shah Zaman, District Officer Social Welfare D.I. Khan will hold the additional charge of Rehabilitation Officer, Rehabilitation Centre for Drug Addicts D.I. Khan till further orders.

2. No TA/DA is allowed.

Sd/-
 Secretary to Govt: of Khyber Pakhtunkhwa
 Zakat, Ushr, Social Welfare, Special Education
 & Women Empowerment Department

Endst: of Even No. & Date: -

Copy is forwarded for information and necessary action to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officer, Mardan/Kohat/DI Khan.
4. The District Officers Social Welfare, Mardan/Kohat/DI Khan.
5. PS to Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare & Women Empowerment Department, Peshawar.

(Handwritten signature)

(Handwritten signature)



Annexure - D

GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

10

Dated Peshawar the 09th January, 2014.

NOTIFICATION:

NO. SOII(SW)2-52/2012/ Consequent upon his transfer, Mr. Muhammad Bashir, Deputy Director (BPS-18), is posted against the vacant post of Gender Specialist-II, Social Welfare, Special Education & Women Empowerment Department in the public interest, till further orders.

Sd/-

Secretary to Govt: of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare, Special Education
& Women Empowerment Department

Endst: of Even No. & Date: -

Copy is forwarded for information and necessary action to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
3. PS to Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare & Women Empowerment Department, Peshawar.
4. Officer concerned.
5. Personal file.

ATTENDED

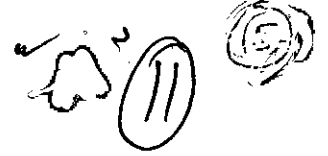
R. S. Khan

(Fahid Ullah Khan)
Section Officer-II
Phone No. 091-9213693

Adly

To

Annexure - E



The Chief Secretary
Government of Khyber Pakhtunkhwa
Peshawar.

THROUGH PROPER CHANNAL

SUBJECT REPRESENTATION AGAINST THE TRANSFER ORDER-
MOHAMMAD BASHIR KHAN DEPUTY DIRECTOR BPS-18
DIRECTORATE OF SOCIAL WELFARE DEPARTMENT

Dear Sir,

1. Most respectfully I submit in your honour that since my appointment as Social Welfare Officer in July 1983 till date I performed my duty only in the public interest with efficiency devotion and in spotless service track record. I have the honour to establish the Directorate of Social Welfare FATA and field formations of Zakat and Social Welfare in which my services were hired on request and I did the job during my stay from June 2010 to October 2012 in FATA. On successful completion of the job there, my services were repatriated to the Department and was posted as Monitoring Officer and then Deputy Director Social Welfare in the Directorate of Social Welfare on 18.4.2013. During my stay in the Directorate of Social Welfare it is on the record, I have initiated activities/ action plan for restructuring the vocational training programme for destitute women special education services for disabled and strengthening of the Directorate as well as re structuring of Artificial limbs Workshop and initiated action/ verification of large number illegal appointees

2. Subsequently I have been awarded for my work in the public interest and transferred frequently vide notifications given below in the margin.

- | | | |
|----|----------------------------|--------------------------------|
| 1. | SOII(SW)2-52/2011/2116-40 | Dated 18.4.2013 (Annexure-I) |
| 2. | SOII(SW)2-52/2011/5276-83 | Dated 10.9.2013 (Annexure-II) |
| 3. | SOII(SW)2-52/2011/12313-25 | Dated 4.12.2013 (Annexure-III) |
| 4. | SOII(SW)2-52/2011/13891-23 | Dated 23.12.2013(Annexure-IV) |

3. All above frequent and un law full posting/ transfer orders were made on malafide intension, reasons best known to the authority concerned.

4. Grounds of appeal against the impugned orders are given as under:-

- Being a regular employee of BPS-18 I have been frequently transferred from Deputy Director Post in the last nine month four times with out any reasons and completion of my minimum tenure of two years on the post, which is clear violation of the Government of Khyber Pakhtunkhwa posting/transfer policy.
- It is to my great surprise that I have been posted as OSD vide notification (Annexure-III and IV) in the Department with no post of OSD exist/created and even reason for the said action not intimated or given in the case which is again clear cut violation of the Supreme Court verdict, mise use of authority and great discrimination in this regard.

RECEIVED

Basir

[Signature]

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In light of the above facts and deviation from the government rules and policy the act committed is not only against the government policies but also mentally tortured me. Therefore, I humbly prayed that being senior most officer of the Department my all illegal transfers made in the last nine months may be withdrawn in the public interest.

6. The Honorable Chief Secretary is requested to allow me for personal hearing please.

Yours obediently:

M. Bashir Khan
MOHAMMAD BASHIR KHAN
DEPUTY DIRECTOR
INTEGRATED SOCIAL DEVELOPMENT
CENTRE AT PESHAWAR

Copy to the:-

1. Director Social Welfare Khyber Pakhtunkhwa Peshawar

MOHAMMAD BASHIR KHAN

ATTESTED

W. Shif

Attest



Annexure - 'F' (13) (17)

Government of Khyber Pakhtunkhwa
Social Welfare, Special Education & Women Empowerment Department

Dated Peshawar the 14th June, 2014

NOTIFICATION

No. SOII (SWD)2-52/2014/1509-10 The following postings / transfers of the Officers of the Social Welfare, Special Education & Women Empowerment Department are hereby ordered in the best public interest and with immediate effect.

S.No.	Name of Officer Designation with BPS	From	To	Remarks
1.	Mohammad Kalim RO (B-17)	SSMC/CDC (Devoled Facilites Chakdara Dir Lower	SWO Nowshera	Mr. Abdur Rashid SWO (B-18 /Personal) of SEC Dargai will look after the SEC/SW Units at Chakdara in addition to his own duties.
2.	Mst: Nazira Bibi Manager (B-17)	MRPH Center Haripur	Manager MRPH Center Nowshera	Against the vacant post.
3.	Mst: Iffat Naseer SWO (B-18)	Welfare Home Abbottabad	Manager MRPH Center Haripur	Against the vacant post to be vacated by the Officer at Serial No.2
4.	Mr. Javed Yousaf Ali V.Principal (B-18)	Special Education Complex Hayatabad Peshawar	VTCD Peshawar against the vacant post of Deputy Director.	Against the vacant post.
5.	Mr. Nasir Gul S.Teacher (B-17)	Monitoring Officer GIB Male Peshawar	Special Education Complex Hayatabad Peshawar	Original place of posting.
6.	Mst: Yasmin Akhtar SWO (B-18)	GIB, Swabi	DO SW, Swabi on addition charge basis.	Addition charge basis in addition to her own duties.
7.	Mr. Jamal Shah SWO (B-17)	DO SW Swabi	As SWO office of DO SW Swat	Against the vacant post.
8.	Muhammad Bashir Khan SWO (B-18)/ Personal	Presently working as Gender Specialist-II at SW Secretariat level	DO SW Malakand	Relieving Mr. Fazle Wahid of the charge of DO SW Malakand who would perform duties as SWO Malakand.
9.	Fazle Wahid SWO (B-17)	DO SW Malakand	SWO Malakand	Due to posting of Officer at Serial No.8
10.	Mr. Noor Muhammad (B-17)	Monitoring Officer	DO SW Tank	Relieving Mr. Sajad DZO Tank from his additional charge of DO SW. This has been necessitated due to influx of IDPs in the District of Tank.

The aforementioned Officers are further directed to assume their charge immediately.

ACCEPTED

-sd-

Secretary to Government of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare, Special Education &
Women Empowerment Department

Endst of Even No. & Date

Dated 14-07-2014

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
3. The Director, Nation Special Education Center, Phase V, Hayatabad.
4. The District Account Officers, Dir Lower, Haripur, Nowshera, Abbottabad, Peshawar, Swabi, Malakand, Tank,
5. PS to Special Assistant to Chief Minister, Khyber Pakhtunkhwa on Social Welfare, Special Education & Women Empowerment.
6. PS to Secretary to Government of Khyber Pakhtunkhwa, Social Welfare, Special Education & Women Empowerment.
7. PS to Additional Secretary to Government of Khyber Pakhtunkhwa, Social Welfare, Special Education & Women Empowerment.
8. Officers concerned.
9. Personal Files of the Officers concerned.

(Signature)
 (Abdul-Haq)
 Section Officer-II
 Social Welfare, Special Education & Women Empowerment Department

RECEIVED
(Signature)

To, 3173

PS/C.S Khyber Pakhtunkhwa

BY TCS Annexure Advance Copy

To,

The Secretary to Govt. of Khyber Pakhtunkhwa,
Zakat, Ushr, Social Welfare, Special Education &
Women Empowerment Department.

(14) Syed SW

Subject: APPEAL
Government of Khyber Pakhtunkhwa
Peshawar.

Respected Sir,
Through: PROPER CHANNAL

23/7
P.S. Chief Secretary
Govt. of Khyber Pakhtunkhwa

Subject: SERVICE APPEAL- REGARDING POSTING ORDER OF MR. MUHAMMAD BASHIR KHAN (GENDER SPECIALIST) AS DO MALAKAND.
With great veneration and respect I draw your kind attention that I have been appointed as Social Welfare Officer in June 2009 since then I have rendered

Dear Sir,

With great veneration I draw your kind attention that I have been appointed as Social Welfare Officer against one person quota reserved for disabled persons at that time in July, 1983. Since then, I completed about 31 years of regular services, done with professional honesty, efficiency clean service record and contributed a lot to the public good, despite my visual impairment (**Annexure-A**). After repatriation from FATA Secretariat in October, 2012, I have been posted in the department as Deputy Director on the vacant post being senior most officer on 18-04-2013 subsequently, my unabated frequent posting / transfer flow continued for five (5) times including the instant impugned orders issued in the last 15 months. I obeyed all four orders in letters and spirit, however, in the mean time I also availed my due right for Service Appeal to the Competent Authority in January, 2014, the redressal from the authority is still awaited (**Annexure-B**).

Scanned No. 1135
Date 16.07.2014

2) Now Department of social Welfare once again issued my fifth posting order as DO Social Welfare Malakand on 14-07-2014 (**Annexure-C**). In all five posting orders the undersigned has been politically victimized, mentally tortured with malafide intentions, as I refused during my tenure in the Directorate to appoint Class-IV employees directly without observing the codal formalities.

3) GROUND FOR APPEAL

i. Under the Khyber Pakhtunkhwa, Government policy of Posting/ Transfer regarding government servants in vogue, the government servants shall possess the same post for minimum period of three (3), while I have been transferred five (5) times in the last 15 months on political basis with malafide intentions.

S-II SW
15/7/14

ii. Being frequently posted against the government policy in vogue that resulting in my family disturbance and suffering of public service to a great extent.

iii. All previous four posting orders were complied with letter and spirit, however, for redressal the grievances of the appellant, a service appeal was preferred to the Competent Authority at the same time but no action or response received from the quarters concerned.

AS

- iv. During such flow of unabating frequently transfer orders, I have been denied my due rights as allowed to the government employees such as 20% special allowance meant for PWDs serving in the Department, training facilities, provision of staff and office accommodation. That is clear cut discrimination and against human rights duly guaranteed in the constitution of Islamic Republic of Pakistan.
- v. Being senior most officer the appellant is at the verge of retirement, has sent faraway that will affect the working performance of the appellant but also disturb the education of the children and affairs of the family.

4) In light of the above, I humbly submit in your honor to cancel the impugned order No.SO-II(SWD)2-52/2014/1802-10 dated 14-07-2014, and direct the department to provide me all incentives and equal opportunities as per with my colleagues on merit in the department.

5) In the last I request you to provide me an opportunity for audience please.

Yours sincerely,



(Muhammad Bashir Khan)
Gender Specialist, SWD

Dated 16-07-2014

Copy is forwarded to Director, Social Welfare, Special Education and Women Empowerment for information.

ANNEXURE H

15

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 2345-P/2014

Mohammad Basheer Khan S/o Malik Misri Khan
Resident of Rehmanabad, Kaga Walla, P.O Badli
Tehsil & District, Peshawar



..... Petitioner

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education and women empowerment, Benevolent Fund building, Peshawar.
3. Director Social Welfare, Khyber Pakhtunkhwa, Opposite Islamia Collage, Jamrud Road, Peshawar.
4. Advisor to C.M on Social Welfare, Khyber Pakhtunkhwa, Opposite Islamia Collage, Jamrud Road, Peshawar.

..... Respondents

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

Respectfully Sheweth,

ATTESTED
EXAMINER
Peshawar High Court,
26 JUL 2014

1. That petitioner is a law abiding & bonafide citizen of Pakistan, working as a Gender Specialist (BS-18) in Social Welfare Department.

(Copy of CNIC & Service Card are attached as Annexure "A" & "B" respectively)

2. That petitioner was appointed as Social Welfare officer in Social Welfare department in the year 1983 against the quota reserved

FILED TODAY
19 JUL 2014

16

for disabled persons through Public Service Commission. Since then he served on different posts and every task assigned to him was performed with utmost zeal, professional honesty and efficiency and contributed a lot to the public good, despite his visual impairment.

(Copy of the C.V is attached as Annexure "C")

3. That having more than 31 years of spotless career and excellent service record, petitioner has been transferred frequently (4 times), within a span of 8 months i.e from 18th April, 2013 to 9th, January 2014, due to political influence with ulterior motives and malafide intentions by respondent no. 2, but petitioner did not object on the same and resume the duties.

(Copies of Transfer/Posting orders are attached as Annexure "D", "E", "F" & "G" respectively)

4. That after the fourth consecutive transfer order, petitioner preferred a departmental appeal dated: 10. 01.2014, in the office of respondent no. 1 through proper channel, but till date no action has been taken in that regard.

(Copy of departmental appeal dated 10.01.2014 is attached as Annexure "H")

5. That petitioner was waiting for any kind of intimation from the office of respondent no. 1, but surprised to receive yet another transfer/posting order dated: 14.06.2014.

(Copy of transfer/posting order dated: 14.06.2014 is attached as Annexure "I")

6. That being aggrieved of the actions and inactions of the respondents and transfer/posting order dated: 14.06.2014, having no other efficacious and alternate remedy, hence approaches this Hon'able Court, inter alia, on the following grounds;

GROUND S:

- A. That the impugned transfer/posting order coupled with actions and inactions of respondents is arbitrary to law and rules governing the subject, hence untenable.

FILED IN
Duty
19 JUL 2014

ATTESTED
EXAMINER
Peshawar High Court,
26 JUL 2014

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- B. That petitioner has more than 31 years service, out of which he served on different posts and as per Posting Transfer Policy of the Government of Khyber Pakhtunkhwa, the maximum tenure to the posting is 3 years, hence the impugned notification vide which the petitioner has been transferred time and again (5 times) due to political motivation and victimization is against the principles of natural justice.
- C. That petitioner being politically victimized and subject to frequent illegal transfer/posting orders is denied of his due rights allowed to the Government employees i.e. 20% special allowance meant for PWDs, Training facilities, accommodation etc, hence discriminated against other employees and attracts the Principles enshrined by Article-25 of the Constitution of Islamic Republic of Pakistan, 1973.
- D. That petitioner is senior most employee of the department, at the verge of retirement; moreover, by sending him to distant places will not only affect his working performance but also deteriorate him domestically.
- E. That children of the petitioner are studying in different schools, elder son has just got admitted in 1st year B.S, while daughters are in primary and secondary standards and repeated shifting will deteriorate their career, hence indulgence of this Hon'able Court is very much essential to meet the ends of justice.
- F. That any other ground, with the permission of this Hon'able Court, will be taken at the time of arguments.

ATTESTED
EXAMINER
Registrar of High Court.

FILED TODAY
Deputy Registrar
19-JUL-2014

It is, therefore, most humbly prayed that on acceptance of instant Writ Petition, the impugned transfer/posting order dated 14.06.2014, to the extent of petitioner, may please be declared as illegal, unlawful, without lawful authority, void-ab-initio and of no legal effect, so as to secure the ends of justice.

18

Any other relief, not specifically prayed for and deemed appropriate by this Hon'able Court in circumstances of the case may also be granted to the petitioner.

INTERIM RELIEF:

By way of interim relief, operation of the impugned notification dated 14.06.2014 to the extent of petitioner may please be suspended till final decision of the main Writ Petition.

Petitioner

Through



Ijaz Anwar

&



Kashif Shahbaz Khan
Advocates, Peshawar

Dated: 19.07.2014

CERTIFICATE:

As per instructions of my client, it is certified that no such like **Writ Petition** has earlier been filed by the petitioner before this Hon'able Court.


Advocate

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Case Law According to Need.


Advocate

FILED TODAY
Deputy Registrar
19 JUL 2014

ATTESTED
EXAMINER
Peshawar High Court
26 JUL 2014

19

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Date of Order or Proceedings	Order of other Proceedings with Signature of Judge
1	2
24.7.2014	<p data-bbox="482 549 807 592"><u>WP No. 2345-P/2014</u></p> <p data-bbox="482 682 1356 725"><i>Present: Mr. Ijaz Anwar, Advocate for the petitioner.</i></p> <p data-bbox="874 788 984 813">*****</p> <p data-bbox="489 889 1387 937"><u>OAISER RASHID KHAN, J.</u> Through this single order we intend to dispose of this and the connected WP No. 2347-P/2014 because in both the petitions Notification No. SOII (SWD) 2-52/2014/11802-10 dated 14.6.2014 issued by respondent No.2 has been challenged whereby the petitioners have been transferred to DO SW Malakand and DO SW Tank respectively with the prayer that the same be declared as illegal, unlawful, without lawful authority, void ab- initio and of no legal effect.</p> <p data-bbox="514 1867 1403 2346">2. At the very outset, when the learned counsel for the petitioners were reminded that transfer being part and parcel of the terms and conditions of service of a civil servant and in view of the specific embargo contained in Article 212 (2) of the Constitution of the Islamic Republic</p>

ATTESTED

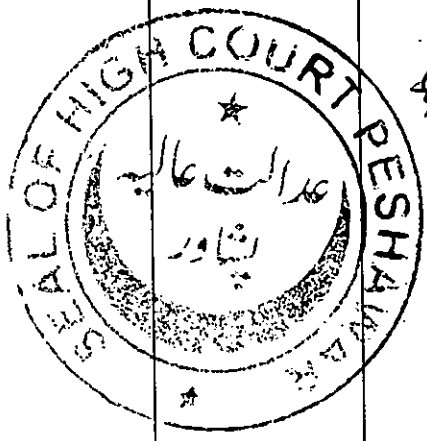
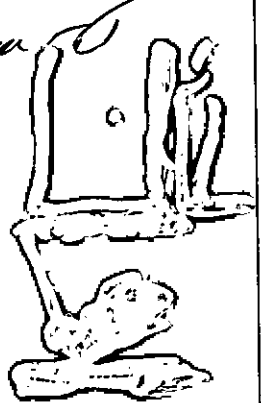
EXAMINER
Peshawar High Court,

26 JUL 2014

of Pakistan 1973, this court is unable to entertain and redress the grievance of the petitioners through the instant petitions, the learned counsel for the petitioners were unable to meet the query of the court.

3. In view of the foregoing reasons, this writ petition and WP No. 2347-P/2014 being not maintainable are accordingly dismissed in limine.

SDN Qaiser Rashid
By Ms. Margaret H. Kelly



No. 14661
Date of Presentation of Application 26/7/14
No of Pages 6
Copying fee
Urgent fee
Total 1200
Date of Preparation 26/7/2014
Date Given For Delivery 26/7/2014
Date of Delivery of Copy 26/7/14
Received By Rehman Khan

CERTIFIED TO BE TRUE COPY
Examiner
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Qanun-e-Shahadat Order 1984
26 JUL 2014



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
& WOMEN EMPOWERMENT DEPARTMENT

No. SO-II(SWD)/II-52/2014/2246-47
Dated Peshawar the 11.08.2014.

To,

Mr. Muhammad Bashir Khan,
Gender Specialist-I,
Social Welfare, Special Education &
Women Empowerment Department,
Peshawar.

Subject: - SERVICE APPEAL REGARDING POSTING ORDER OF MR. MUHAMMAD BASHIR KHAN (GENDER SPECIALIST) AS DO MALAKAND.

I am directed to refer to your appeal dated 16.07.2014 on the subject noted above and to state that despite knowing the fact that you are already relieved of your duties from the existing station, this Department has not yet received your compliance/arrival report to this Department Notification No. No. SO-II(SWD)/II-52/2014/2067-75 dated 21.07.2014. On the contrary, you have submitted appeal regarding cancellation of transfer, which is against official norms/procedure.

2. It is, therefore, requested to immediately assume charge at the new duty station and submit your arrival report to this Department without any further delay.

(Abdul Haq)
Section Officer-II
Phone No. 091-9213693.

Endst: of Even No. & Date:

Copy is forwarded for information to the PS to Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.

Section Officer-II



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

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

²While 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.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.

¹ Para-I(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

POWER OF ATTORNEY

In the Court of JPK Service Tribunal Peshawar,
Muhammad Bashir

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of PPK 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

Sattar 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 _____

M. Bashir

Accepted

*Sattar Amin
Advocate, Peshawar*

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

F.B.I

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

In the matter of
appeal No. _____/2014

Muhammad Bashir (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, Peshawar and others.
(Respondents)

Handwritten signature
Number
4/9/14

Application for early hearing in the titled appeal

Respectfully submitted:

1. That the titled appeal is pending adjudication before this Honorable Tribunal in which 18.09.2014, is the dated fixed for preliminary hearing.
2. That the titled appeal is also accompanied with an application for the suspension of the illegal and politically motivated transfer order, hence the appeal deserves to be fixed and heard at the earliest.
3. That the date fixed for hearing in the titled appeal is too far hence deserves to be expedited.
4. That there is no legal impediment in early hearing of the titled appeal.

It is therefore, humbly requested that on acceptance of this application the dated fixed for hearing in the titled appeal i.e 18.09.2014, may kindly be expedited.

Applicant *M Bashir*

Through

Ijaz Anwar
IJAZ ANWAR
Advocate, Peshawar.

Dated:04.09.2014



ANNEX I

(H)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
& WOMEN EMPOWERMENT DEPARTMENT**

No. SO-II(SWD)/II-52/2014/2246-47
Dated Peshawar the 11.08.2014.

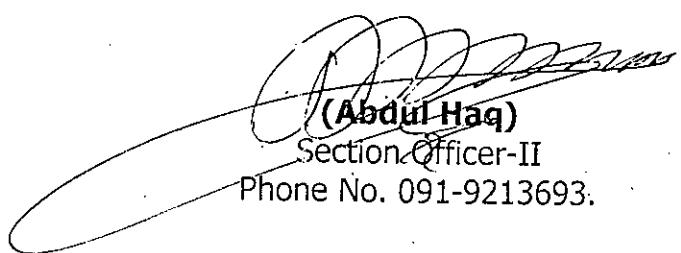
To,

Mr. Muhammad Bashir Khan,
Gender Specialist-I,
Social Welfare, Special Education &
Women Empowerment Department,
Peshawar.

Subject: - **SERVICE APPEAL REGARDING POSTING ORDER OF MR. MUHAMMAD BASHIR KHAN (GENDER SPECIALIST) AS DO MALAKAND.**

I am directed to refer to your appeal dated 16.07.2014 on the subject noted above and to state that despite knowing the fact that you are already relieved of your duties from the existing station, this Department has not yet received your compliance/arrival report to this Department Notification No. No. SO-II(SWD)/II-52/2014/2067-75 dated 21.07.2014. On the contrary, you have submitted appeal regarding cancellation of transfer, which is against official norms/procedure.

2. It is, therefore, requested to immediately assume charge at the new duty station and submit your arrival report to this Department without any further delay.


(Abdul Haq)
Section Officer-II
Phone No. 091-9213693.

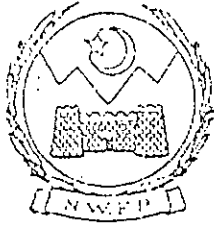
Endst: of Even No. & Date:

Copy is forwarded for information to the PS to Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.

Section Officer-II

4/13

1



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

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

²While 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.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.

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

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

POWER OF ATTORNEY

In the Court of

KPIC Service Folio caseal Peshawar
Muhammed Bashoox

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of KPIC 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

SATID 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 _____

M. Bashoox

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

Accepted
Satid Amin
Advocate, Peshawar

F.B.I

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

In the matter of
appeal No. _____/2014

Muhammad Bashir (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, Peshawar and others.
(Respondents)

Handwritten signature
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4/9/14

Application for early hearing in the titled appeal

Respectfully submitted:

1. That the titled appeal is pending adjudication before this Honorable Tribunal in which 18.09.2014, is the dated fixed for preliminary hearing.
2. That the titled appeal is also accompanied with an application for the suspension of the illegal and politically motivated transfer order, hence the appeal deserves to be fixed and heard at the earliest.
3. That the date fixed for hearing in the titled appeal is too far hence deserves to be expedited.
4. That there is no legal impediment in early hearing of the titled appeal.

It is therefore, humbly requested that on acceptance of this application the dated fixed for hearing in the titled appeal i.e 18.09.2014, may kindly be expedited.

Applicant

Through

Handwritten signature
IJAZ ANWAR
Advocate, Peshawar.

Dated:04.09.2014

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--	--	--

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.

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.

ALS

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

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

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

In the matter of
appeal No. _____/2014

Muhammad Bashir (*Appellant*)

VERSUS

Government of Khyber Pakhtunkhwa, Peshawar and others.
(*Respondents*)

Application for early hearing in the titled appeal

Respectfully submitted:

1. That the titled appeal is pending adjudication before this Honorable Tribunal in which 18.09.2014, is the dated fixed for preliminary hearing.
2. That the titled appeal is also accompanied with an application for the suspension of the illegal and politically motivated transfer order, hence the appeal deserves to be fixed and heard at the earliest.
3. That the date fixed for hearing in the titled appeal is too far hence deserves to be expedited.
4. That there is no legal impediment in early hearing of the titled appeal.

It is therefore, humbly requested that on acceptance of this application the dated fixed for hearing in the titled appeal i.e 18.09.2014, may kindly be expedited.

Applicant

Through

IJAZ ANWAR
Advocate, Peshawar.

Dated:04.09.2014

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

In the matter of
appeal No. _____/2014

Muhammad Bashir (*Appellant*)

VERSUS

Government of Khyber Pakhtunkhwa, Peshawar and others.
(*Respondents*)

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Applicant 

Through

IJAZ ANWAR
Advocate, Peshawar.

Dated:04.09.2014

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1064/2014

Mr. Muhammd Bashir -----(Appellant)


Versus

Government of Khyber Pakhtunkhwa

Respondents

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DEPONENTS
Cell# 03339374624

BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR

Service Appeal NO.1064/2014

Mr. Muhammad Bashir (Appellant)

Versus

Government of Khyber Pakhtunkhwa

AFFIDAVIT

I Mr. Kibaz Khan Section Officer-(Lit) Social Welfare, Special Education & Women Empowerment Department, do hereby solemnly affirm and declare on oath that the comments on behalf of Respondent No.1,2, &3 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.



DEPONENT

Cell# 03369297618

**Identified by
Government Pleader
Khyber Pakhtunkhwa,
Service Tribunal, Peshawar.**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.1064 of 2014

Mr. Muhammad Bashir,----- Appellant.

VERSUS

Government of Khyber Pakhtunkhwa & others----- Respondents

PARAWISE COMMENTS BY RESPONDENT NO. 1,2 & 3. CHIEF SECRETARY, GOVT OF KHYBER PAKHTUNKHWA, SECRETARY SOCIAL WELFARE, SPECIAL EDUCATION & WOMEN EMPOWERMENT DEPARTMENT & OTHERS.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

1. That the plaintiff has got no cause of action to file the instant appeal.
2. That the appeal is not maintainable in its present form.
3. That the appeal is bad due to non joinder and misjoinder of necessary parties.
4. That the impugned order is in accordance with section-10 of civil servant Act 1973.
5. That the appellant has not come to the Tribunal with clean hands.
6. That the Hon'able Tribunal has got no jurisdiction to entertain the Appeal.
7. That the Appellant has executed the impugned order (charges Relinquish and Assumption report are (Annex-A,B).

COMMENTS ON FACTS:

- 1) Correct.
- 2) Correct.
- 3) Incorrect and not admitted. It is worth clarification that the appellant remained posted in Peshawar for most of the period of his service further transfer orders of the appellants were in accordance with section-10
- 4) Correct. To the extent that the appellant was posted as Gender Specialist in side Peshawar on temporary basis
- 5) Incorrect and not admitted. The transfer order dated 14-07-2014 was issued in the best public interest and without any malafide intentions.
- 6). Correct: Departmental appeal of the appellant could not be considered due to the reasons mentioned in para-4 & 5 above. The Peshawar High Court, Peshawar did not entertain his appeal on merit.
- 7). Correct.

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- 3
- 8). The order dated 14-07-2014 is legal, lawful, in accordance with law/rules and without any malafide intentions.

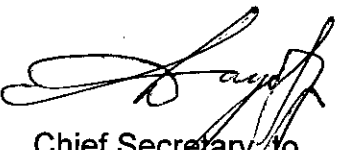
GROUND:-

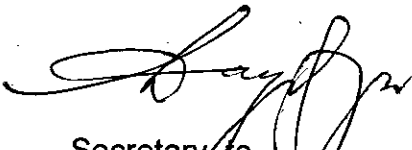
- A. The appellant has been treated in accordance with Law hence the question of violation of his rights does not arise at all.
- B. Incorrect and not admitted. The appellant was not posted at Mardan at the time of issuance of order dated 14-07-2014. He was rather posted as Gender Specialist-II in Social Welfare Department at secretariat.
- C. The Department/Govt has to take into consideration a number of issues/points before issuing any order. In the instant case, the Department was obliged to transfer the appellant to District Malakand due to the following reasons.
- i: The appellant is basically a Social Welfare, officer and was serving, against the post of Gender Specialist on temporary basis. The appellant was actually posted on the right position on 14-07-2014.
- ii: Services of an experienced Officer were required to run the affairs of Social Welfare Office District Malakand, the appellant one of the experienced Officer, was therefore, transferred and posted as District Officer Social Welfare, Malakand in best public interest.
- D. Incorrect and not admitted. The factual position has been explained in para-B and C above.
- E. Incorrect and not admitted. No political pressure was involved in transfer order of the appellant. The factual position has been explained in the preceding paras.
- F. Correct to the extent that the appellant is amongst the senior officers of the Department. However, according to the office record, date of birth of the Officer is 19-08-1957. He will thus retire from service in the year 2017. His plea that he is on the verge of retirement is therefore not correct.
- G. Correct to the extent that there are no written complaints against the appellant but as explained in the preceding paras, his transfer was not made on the basis of any complaint, rather he was transferred to Malakand in the best public interest.
- H. The transfer order dated 14-07-2014 is legal, lawful, with lawful authority and issued within the jurisdiction and is thus tenable in the eyes of law.
- I. Incorrect and not admitted. The factual position has been explained in the preceding paras.
- J. Correct to the extent that exerting political pressure in obtaining posting of one's choice tantamounts to misconduct under the rules but in case of the appellant no political pressure was exerted upon the respondents, his transfer to District Malakand was made purely on merit and in the best public interest as explained in the preceding paras.
- hr

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K. The respondents seek the permission of this Hon'able Court to rely on additional grounds at the time of hearing of this appeal.

In view of the above mentioned factual position, it is prayed, that the appeal, being devoid of any merit, may graciously be dismissed with cost.


Chief Secretary to
Govt of Khyber Pakhtunkhwa,
(Respondent No.1)


Secretary to
Govt: of Khyber Pakhtunkhwa,
Social Welfare Special Education
& Women Empowerment Department.
(Respondent No.2)


Director,
Social Welfare Khyber Pakhtunkhwa,
(Respondent No.3)

Sh



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GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE SPECIAL EDUCATION &
WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 1st September, 2014

CHARGE RELINQUISH REPORT

In compliance with the Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Peshawar Notification No. SO-II(SWD)2-52-2013-1802-10 dated 14-07-2014, I the undersigned hereby relinquished the charge of Gender Specialist-II, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, Peshawar today on 01-09-2014 (F.N).

(Muhammad Bashir Khan)
Gender Specialist-II

Copy forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare, Special Education & Women Empowerment, Peshawar.
3. Section Officer-II, Social Welfare, Special Education & Women Empowerment Department, Peshawar with reference to his Notification quoted above.

SO-II (SW)
Bank dated reference?
if a stage to make sub
sitting in same bldg,
this all took 18 days
to reach my father?

M. Bashir Khan
 GENDER SPECIALIST-II
 1/9/14

AS (SW)
12/9/14

AS (SW)
5075

6
39

OFFICE OF THE DISTRICT OFFICER,
SOCIAL WELFARE DEPARTMENT, MALAKAND AT BATKHELA.

Secy: ZIL, SW, SE, SWE Deptt
Diary No. 432
Date: 17/09/2014

Charge Assumption Report.

In compliance to the Secretary to Government of Khyber Pakhtunkhwa Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Notification No.SOII (SWD)2-52/2014/11802-10 dated 14.06.2014 I hereby submit my charge report on 01.09.2014 (Fore-Noon).

M Bashir
MOHAMMAD BASHIR KHAN,
DISTRICT OFFICER,
SOCIAL WELFARE DEPTT:
MALAKAND AT BATKHELA.

NO./PF/DO/SW/ 1182-54 DATED BATKHELA THE, 01/09 2014

Copy forwarded to:-

- ✓
1. The Director Social Welfare, Special Education & Women Empowerment Department, Government Of Khyber Pakhtunkhwa Peshawar.
 2. The Agency Accounts Officer, Malakand.
 - ✓ 3. Section Officer-II Social Welfare, Special Education & Women Empowerment Department, Government of Khyber Pakhtunkhwa Peshawar.

M Bashir
DISTRICT OFFICER,
SOCIAL WELFARE DEPTT:
MALAKAND AT BATKHELA.

~~AS (SW)~~
~~SO II (SW)~~

He has not allowed charge on the material as confirmed on phone date as per covered in statement of SO/6/9th deptt. It is noted reference.

~~SO II (SW)~~
~~SO II (SW)~~

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1064/2014

Mr. Muhammd Bashir -----(Appellant)

Versus

Government of Khyber Pakhtunkhwa

Respondents

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DEPONENTS
Cell# 03339374624

BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR

Service Appeal NO.1064/2014

Mr. Muhammad Bashir (Appellant)

Versus

Government of Khyber Pakhtunkhwa

AFFIDAVIT

I Mr. Kibaz Khan Section Officer-(Lit) Social Welfare, Special Education & Women Empowerment Department, do hereby solemnly affirm and declare on oath that the comments on behalf of Respondent No.1,2, &3 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.



DEPONENT
Cell# 03369297618

Identified by
Government Pleader
Khyber Pakhtunkhwa,
Service Tribunal, Peshawar.

2

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.1064 of 2014

Mr. Muhammad Bashir, ----- Appellant.

VERSUS

Government of Khyber Pakhtunkhwa & others----- Respondents

PARAWISE REPLY BY RESPONDENT NO. 1,2,3 ON THE APPLICATION FOR THE SUSPENSION OF OPERATION OF THE ORDER DATED 14-07-2014 & ORDER DATED 11-08-2014.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

1. That the applicant has got no cause of action to file the instant application.
2. That the application is not maintainable in its present form.
3. That the application is bad due to non joinder and misjoinder of necessary parties.
4. That the impugned order is in accordance with section-10 of civil servant Act 1973.
5. That the Applicant has already executed the impugned order (charges Relinquish and Assumption) report are at **(Annex-A,B)**.

ON FACTS:


1. Para-1 of the application needs no comments.
2. Para-2 of the application needs no comments. However, reply to main Appeal may be considered part of this reply.
3. Incorrect and not admitted. On the contrary the Govt has a good prima facie case in its favour and there is likelihood that the case will be decided in favour of the Govt/Respondents.
4. Incorrect and not admitted. Section-10 of the Civil Servants Act 1973, provides for posting/transfer of a civil servant anywhere in the province.

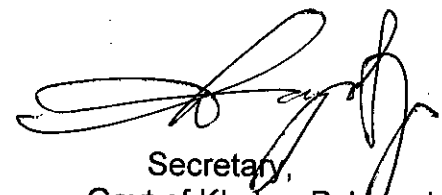
3


Furthermore every officer has at least one good reason to avoid posting/transfer in the far flung/backward Districts. This trend is adversely affecting the interest of the people living in far flung/backward Districts and if the impugned order is suspended the public will suffer irreparable loss.

5. Incorrect and not admitted. The order dated 14-07-2014 is very much in accordance with law, rules and policy as explained in para-4 above.
6. Incorrect and not admitted. It will rather be against the interest of justice and the interest of the public if operation of the order dated 14-07-2014 is suspended.

In view of the above mentioned factual position, it is prayed that the operation of the order dated 14-07-2014 may not be suspended as it will be against the interest of the justice and application of the appellant may kindly be dismissed.


Chief Secretary,
Govt of Khyber Pakhtunkhwa,
(Respondent No.1)


Secretary,
Govt of Khyber Pakhtunkhwa,
Social Welfare Special Education &
Empowerment Department
(Respondent No.2)


Director,
Social Welfare Khyber Pakhtunkhwa,
(Respondent No.3)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE SPECIAL EDUCATION &
WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 1st September, 2014

CHARGE RELINQUISH REPORT

In compliance with the Secretary to Government of Khyber Pakhtunkhwa, Zakat Ushr, Social Welfare, Special Education & Women Empowerment Department, Peshawar Notification No.SO-II(SWD)2-52-2013-1802-10 dated 14-09-2014, I the undersigned hereby relinquished the charge of Gender Specialist-II, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, Peshawar today on 01-09-2014 (F.N).

(Muhammad Bashir Khan,
Gender Specialist-II)

Copy forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare, Special Education & Women Empowerment, Peshawar.
3. Section Officer-II, Social Welfare, Special Education & Women Empowerment Department, Peshawar with reference to his Notification quoted above.

SO-II (SW)
Bank dated reference?
It is strange to make such
writing in same body?
The letter took 16 days?
any faults?

M. Bashir Khan
GENDER SPECIALIST-II

34

J
8

OFFICE OF THE DISTRICT OFFICER,
SOCIAL WELFARE DEPARTMENT, MALAKAND AT BARKHELA.

Secy: SW, SE, SW, SE Deptt

Diary No. 432

Dated 17/09/2014

Charge Assumption Report.

In compliance to the Secretary to Government of Khyber Pakhtunkhwa Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Notification No. SOII (SWD)2-52/2014/11802-10 dated 14.06.2014 I hereby submit my charge report on 01.09.2014 (Fore-Noon).

M Bashir

MOHAMMAD BASHIR KHAN,
DISTRICT OFFICER,
SOCIAL WELFARE DEPTT:
MALAKAND AT BARKHELA.

NO./PF/DO/SW/ 1182-84 DATED BARKHELA THE, 01/09 2014

Copy forwarded to:-

- ✓ 1. The Director Social Welfare, Special Education & Women Empowerment Department, Government Of Khyber Pakhtunkhwa Peshawar.
- 2. The Agency Accounts Officer, Malakand.
- ✓ 3. Section Officer-II Social Welfare, Special Education & Women Empowerment Department, Government of Khyber Pakhtunkhwa Peshawar.

M Bashir

DISTRICT OFFICER,
SOCIAL WELFARE DEPTT:
MALAKAND AT BARKHELA.

~~AC (SW)~~
~~SO II (SW)~~

He has not assumed charge on the notified date as confirmed by the SOI/6/972 dated 17/09/2014. The charge is not assumed on the notified date as confirmed by the SOI/6/972 dated 17/09/2014. The charge is not assumed on the notified date as confirmed by the SOI/6/972 dated 17/09/2014.

~~SOI/6/972~~
~~17/09/2014~~

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1064/2014

Mr. Muhammd Bashir -----(Appellant)

Versus

Government of Khyber Pakhtunkhwa

Respondents

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2.	Para-wise comments	2-4
3.	Annex-A	5
4.	Annex-B	6


DEPONENTS
Cell# 03339374624

(1). Correct.



BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR

Service Appeal NO.1064/2014


Mr. Muhammad Bashir (Appellant)

Versus

Government of Khyber Pakhtunkhwa

AFFIDAVIT

I Mr. Kibaz Khan Section Officer-(Lit) Social Welfare, Special Education & Women Empowerment Department, do hereby solemnly affirm and declare on oath that the comments on behalf of Respondent No.1,2, &3 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.


DEPONENT
Cell# 03369297618

Identified by
Government Pleader
Khyber Pakhtunkhwa,
Service Tribunal, Peshawar.

7). Correct.



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.1064 of 2014

Mr. Muhammad Bashir,----- Appellant.

VERSUS

Government of Khyber Pakhtunkhwa & others----- Respondents

PARAWISE COMMENTS BY RESPONDENT NO. 1,2 & 3. CHIEF SECRETARY, GOVT OF KHYBER PAKHTUNKHWA, SECRETARY SOCIAL WELFARE, SPECIAL EDUCATION & WOMEN EMPOWERMENT DEPARTMENT & OTHERS.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

1. That the plaintiff has got no cause of action to file the instant appeal.
2. That the appeal is not maintainable in its present form.
3. That the appeal is bad due to non joinder and misjoinder of necessary parties.
4. That the impugned order is in accordance with section-10 of civil servant Act 1973.
5. That the appellant has not come to the Tribunal with clean hands.
6. That the Hon'able Tribunal has got no jurisdiction to entertain the Appeal.
7. That the Appellant has executed the impugned order (charges Relinquish and Assumption report are **(Annex-A,B)**).

COMMENTS ON FACTS:

- 1) Correct.
- 2) Correct.
- 3) Incorrect and not admitted. It is worth clarification that the appellant remained posted in Peshawar for most of the period of his service further transfer orders of the appellants were in accordance with section-10
- 4) Correct. To the extant that the appellant was posted as Gender Specialist in side Peshawar on temporary basis
- 5) Incorrect and not admitted. The transfer order dated 14-07-2014 was issued in the best public interest and without any malafide intentions.
- 6). Correct: Departmental appeal of the appellant could not be considered due to the reasons mentioned in para-4 & 5 above. The Peshawar High Court, Peshawar did not entertain his appeal on merit.
- 7). Correct.



- 3
- 8). The order dated 14-07-2014 is legal, lawful, in accordance with law/rules and without any malafide intentions.

GROUNDS:-

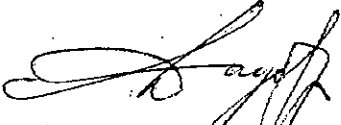
- A. The appellant has been treated in accordance with Law hence the question of violation of his rights does not arise at all.
- B. Incorrect and not admitted. The appellant was not posted at Mardan at the time of issuance of order dated 14-07-2014. He was rather posted as Gender Specialist-II in Social Welfare Department at secretariat.
- C. The Department/Govt has to take into consideration a number of issues/points before issuing any order. In the instant case, the Department was obliged to transfer the appellant to District Malakand due to the following reasons.
- i: The appellant is basically a Social Welfare, officer and was serving, against the post of Gender Specialist on temporary basis. The appellant was actually posted on the right position on 14-07-2014.
- ii: Services of an experienced Officer were required to run the affairs of Social Welfare Office District Malakand, the appellant one of the experienced Officer, was therefore, transferred and posted as District Officer Social Welfare, Malakand in best public interest.
- D. Incorrect and not admitted. The factual position has been explained in para-B and C above.
- E. Incorrect and not admitted. No political pressure was involved in transfer order of the appellant. The factual position has been explained in the preceding paras.
- F. Correct to the extent that the appellant is amongst the senior officers of the Department. However, according to the office record, date of birth of the Officer is 19-08-1957. He will thus retire from service in the year 2017. His plea that he is on the verge of retirement is therefore not correct.
- G. Correct to the extent that there are no written complaints against the appellant but as explained in the preceding paras, his transfer was not made on the basis of any complaint, rather he was transferred to Malakand in the best public interest.
- H. The transfer order dated 14-07-2014 is legal, lawful, with lawful authority and issued within the jurisdiction and is thus tenable in the eyes of law.
- I. Incorrect and not admitted. The factual position has been explained in the preceding paras.
- J. Correct to the extent that exerting political pressure in obtaining posting of one's choice tantamounts to misconduct under the rules but in case of the appellant no political pressure was exerted upon the respondents, his transfer to District Malakand was made purely on merit and in the best public interest as explained in the preceding paras.

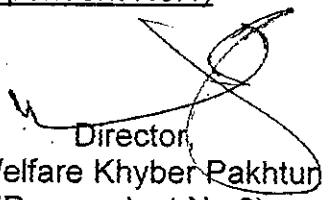
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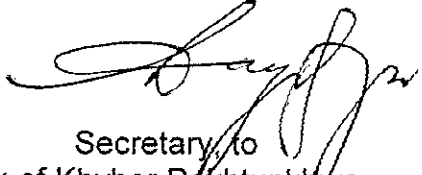
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K. The respondents seek the permission of this Hon'able Court to rely on additional grounds at the time of hearing of this appeal.

In view of the above mentioned factual position, it is prayed, that the appeal, being devoid of any merit, may graciously be dismissed with cost.


Chief Secretary to
Govt of Khyber Pakhtunkhwa,
(Respondent No.1)


Director,
Social Welfare Khyber Pakhtunkhwa,
(Respondent No.3)


Secretary to
Govt: of Khyber Pakhtunkhwa,
Social Welfare Special Education
& Women Empowerment Department.
(Respondent No.2)





GOVERNMENT OF KHYBER PAKHTUNKHWA
 ZAKAT, USHR, SOCIAL WELFARE SPECIAL EDUCATION &
 WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 1st September, 2014

CHARGE RELINQUISH REPORT

In compliance with the Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Peshawar Notification No.SO-II(SWD)2-52-2013-1802-10 dated 14-09-2014, I the undersigned hereby relinquished the charge of Gender Specialist-II, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, Peshawar today on 01-09-2014 (F.N).

(Muhammad Bashir Khan)
 Gender Specialist-II

Copy forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare, Special Education & Women Empowerment, Peshawar.
3. Section Officer-II, Social Welfare, Special Education & Women Empowerment Department, Peshawar with reference to his Notification quoted above.

SO-II (SW)
Bank dated reference?
if it stage to make sub
sitting in in same bldg?
has this all took 18 days?
to re-charge funds?

M Bashir Khan
 GENDER SPECIALIST-II
 1/9/14

DS(SW)
5075

19-9-14
9200

6

59

OFFICE OF THE DISTRICT OFFICER,
SOCIAL WELFARE DEPARTMENT, MALAKAND AT BATKHELA.

Secy: 20, SW, SE, AW, DEPT
Diary No. 432
Date: 17/09/2014

Charge Assumption Report.

In compliance to the Secretary to Government of Khyber Pakhtunkhwa Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Notification No.SOII (SWD)2-52/2014/11802-10 dated 14.06.2014 I hereby submit my charge report on 01.09.2014 (Fore-Noon).

M Bashir Khan

MOHAMMAD BASHIR KHAN,
DISTRICT OFFICER,
SOCIAL WELFARE DEPTT:
MALAKAND AT BATKHELA.

NO./PF/DO/SW/ 1182-84 DATED BATKHELA THE, 01/09 2014

Copy forwarded to:-

- ✓ 1. The Director Social Welfare, Special Education & Women Empowerment Department, Government Of Khyber Pakhtunkhwa Peshawar.
- 2. The Agency Accounts Officer, Malakand.
- ✓ 3. Section Officer-II Social Welfare, Special Education & Women Empowerment Department, Government of Khyber Pakhtunkhwa Peshawar.

M Bashir Khan

DISTRICT OFFICER,
SOCIAL WELFARE DEPTT:
MALAKAND AT BATKHELA.

~~AS (SW)~~
~~SO II (SW)~~

He has not assumed charge on the mentioned date as confirmed on phone at 9:15 am on 17/09/2014. SO II (SW) is not referred. SO II (SW) Malakand/Batkhele

~~AS (SW)~~
~~SO II (SW)~~

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1064/2014

Mr. Muhammd Bashir -----(Appellant)


Versus

Government of Khyber Pakhtunkhwa

Respondents

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DEPONENTS
Cell# 03339374624

BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR

Service Appeal NO.1064/2014

Mr. Muhammad Bashir (Appellant)

Versus

Government of Khyber Pakhtunkhwa

AFFIDAVIT

I Mr. Kibaz Khan Section Officer-(Lit) Social Welfare, Special Education & Women Empowerment Department, do hereby solemnly affirm and declare on oath that the comments on behalf of Respondent No.1,2, &3 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.


DEPONENT
Cell# 03369297618

Identified by
Government Pleader
Khyber Pakhtunkhwa,
Service Tribunal, Peshawar.

2

Fair Copy

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.1064 of 2014

Mr. Muhammad Bashir, ----- Appellant.

VERSUS

Government of Khyber Pakhtunkhwa & others----- Respondents

PARAWISE REPLY BY RESPONDENT NO. 1,2,3 ON THE APPLICATION FOR THE SUSPENSION OF OPERATION OF THE ORDER DATED 14-07-2014 & ORDER DATED 11-08-2014.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

1. That the applicant has got no cause of action to file the instant application.
2. That the application is not maintainable in its present form.
3. That the application is bad due to non joinder and misjoinder of necessary parties.
4. That the impugned order is in accordance with section-10 of civil servant Act 1973.
5. That the Applicant has already executed the impugned order (charges Relinquish and Assumption) report are at **(Annex-A,B)**.

ON FACTS:


1. Para-1 of the application needs no comments.
2. Para-2 of the application needs no comments. However, reply to main Appeal may be considered part of this reply.
3. Incorrect and not admitted. On the contrary the Govt has a good prima facie case in its favour and there is likelihood that the case will be decided in favour of the Govt/Respondents.
4. Incorrect and not admitted. Section-10 of the Civil Servants Act 1973, provides for posting/transfer of a civil servant anywhere in the province.

3

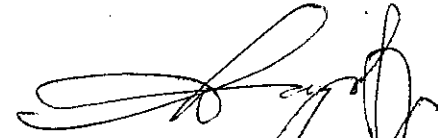
Furthermore every officer has at least one good reason to avoid posting/transfer in the far flung/backward Districts. This trend is adversely affecting the interest of the people living in far flung/backward Districts and if the impugned order is suspended the public will suffer irreparable loss.

5. Incorrect and not admitted. The order dated 14-07-2014 is very much in accordance with law, rules and policy as explained in para-4 above.
6. Incorrect and not admitted. It will rather be against the interest of justice and the interest of the public if operation of the order dated 14-07-2014 is suspended.


In view of the above mentioned factual position, it is prayed that the operation of the order dated 14-07-2014 may not be suspended as it will be against the interest of the justice and application of the appellant may kindly be dismissed.



Chief Secretary,
Govt of Khyber Pakhtunkhwa,
(Respondent No.1)



Secretary,
Govt of Khyber Pakhtunkhwa,
Social Welfare Special Education &
Empowerment Department
(Respondent No.2)



Director,
Social Welfare Khyber Pakhtunkhwa,
(Respondent No.3)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE SPECIAL EDUCATION &
WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 1st September, 2014

CHARGE RELINQUISH REPORT

In compliance with the Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Peshawar, Notification No.SO-II(SWD)2-52-2013-1802-10 dated 14-09-2014, I the undersigned hereby relinquished the charge of Gender Specialist-II, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, Peshawar today on 01-09-2014 (F.B).

(Muhammad Bashir Khan
Gender Specialist-II)

Copy forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare, Special Education & Women Empowerment, Peshawar.
3. Section Officer-II, Social Welfare, Special Education & Women Empowerment Department, Peshawar with reference to his Notification quoted above.

SO-II (Sw)
Bank dated reference?
if it stage to make that
to it is in same body?
the all took 18 days?
any other?

M Bashir Khan
GENDER SPECIALIST-II

OFFICE OF THE DISTRICT OFFICER,
SOCIAL WELFARE DEPARTMENT, MALAKAND AT BATKHELA.

Secy: SO, SW, SE, Peshawar
Diary No. 432
Date: 17/09/2014

Charge Assumption Report.

In compliance to the Secretary to Government of Khyber Pakhtunkhwa Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Notification No. SOII (SWD)2-52/2014/11802-10 dated 14.06.2014 I hereby submit my charge report on 01.09.2014 (Fore-Noon).

M Bashir

MOHAMMAD BASHIR KHAN,
DISTRICT OFFICER,
SOCIAL WELFARE DEPTT:
MALAKAND AT BATKHELA.

NO./PF/DO/SW/ 1182-84 DATED BATKHELA THE, 01/09 2014

Copy forwarded to:-

- ✓ 1. The Director Social Welfare, Special Education & Women Empowerment Department, Government Of Khyber Pakhtunkhwa Peshawar.
- 2. The Agency Accounts Officer, Malakand.
- ✓ 3. Section Officer-II Social Welfare, Special Education & Women Empowerment Department, Government of Khyber Pakhtunkhwa Peshawar.

M Bashir

DISTRICT OFFICER,
SOCIAL WELFARE DEPTT:
MALAKAND AT BATKHELA.

AS (SW) [Signature]
SO II (SW) [Signature]

He has not allowed charge on the material as comment on phone. It is quite covered in statement. SO/6/972 dated reference.

SO [Signature]