

1063/14

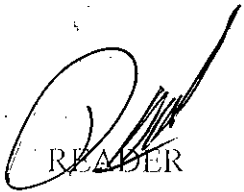
1.12.2014

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 As such the appeal is dismissed as withdrawn.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

Appeal No. 1063/2014
Mr. Noor Muhammad


05.09.2014

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 Planning Officer Planning Cell, Social Welfare, Special Education & Women Empowerment Department, Peshawar to the post of District Officer, Social Welfare, Tank. 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 11 times within a short span of three years from 2011 to 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.

Appellant deposited
Process fee & security
Rs. 3000/- Bonds/Receipt
attached with file.

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



Chairman

23.09.2014

8.

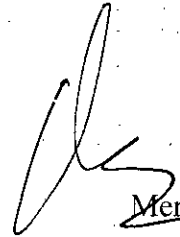
6
18.09.2014

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


Member

3.
04.09.2014

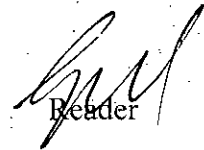
Counsel for the appellant present and filed an application for early hearing. Case file requisitioned. Application allowed. To come up for preliminary hearing on 08.09.2014 instead of 18.09.2014.


Member

4.
Reader Note:

08.09.2014

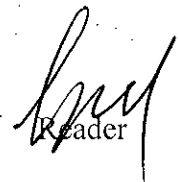
Counsel for the appellant present. Preliminary arguments could not be heard due to learned Member is on leave. To come up for preliminary hearing on 11.09.2014.


Reader

5.
Reader Note.

11.09.2014


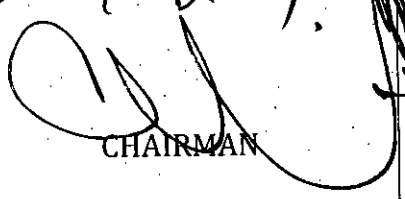
Counsel for the appellant present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court, Peshawar effecting his status as District and Session Judge. To come up for preliminary hearing on 18.09.2014.


Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1063/2014

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. Noor Muhammad 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 18-9-2014.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1063/2014

Noor Muhammad, Social Welfare Officer/Planning Officer
(BPS-17), planning Cell, Social Welfare, Special Education &
Women Empowerment Department, Peshawar.

(Appellant)

VERSUS

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

(Respondents)

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4.	Transfer Orders dated 11/06/2014 & 14/06/2014	I & J	15- 16
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	Vakalatnama		26.

Appellant

Through

IJAZ ANWAR

Advocate Peshawar.

&

SAJID AMIN

Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1063/2014

1105
21-8-2014

Noor Muhammad, Social Welfare Officer/Planning Officer
(BBS-17), planning Cell, 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 Planning Officer Planning Cell, Social Welfare, Special Education & Women Empowerment Department, Peshawar, to the post of DO, Social Welfare, Tank, against which the departmental appeal dated 16.07.2014, has been rejected vide order dated 11.08.2014.

Prayer in Appeal:

[Signature]
21/8/14

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 Planning Officer, planning Cell, Social Welfare, Special Education & Women Empowerment Department, Peshawar any other remedy deem just and proper may also be allowed in favour of the appellant.

Respectfully Submitted:

1. That the appellant was initially appointed as Social Welfare Officer (BPS-17) in the Social Welfare Department in the year 2009.
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 (11 times) within a span of 3 about three years from 2011 to 2014, with out allowing him to complete his normal tenure of posting by the Respondents, due to political influence with ulterior motives and malafide intentions. (Copies of the transfer orders dated 16.09.2011, 15.03.2012, 30.09.2012, 19.04.2013, 17.05.2013, 18.07.2013, 04.12.2013, & 23.12.2013, are attached as Annexure A, B, C, D, E, F, G & H)
4. That the appellant was lastly transferred Vide order dated 11.06.2014, however, just after 4 days the respondents have again issued the transfer order dated 14.06.2014, whereby the appellant has been transferred form the Post of Planning Officer Planning Cell, Social Welfare, Special Education & Women Empowerment Department, Peshawar, to the post of DO, Social Welfare, Tank. It is pertinent to mention that in the impugned order dated 14.06.2014, the designation of the appellant has wrongly been shown as Monitoring Officer. The order dated 14.06.2014, was however communicated toe the appellant on 14.07.2014. (Copies of the Transfer orders dated 11.06.2014 and 14.06.2014, are attached as Annexure I & J)
5. That the appellant also submitted his departmental appeal. Thereafter he also filed writ petition No. 2345-P/2014, in the Honourable Peshawar High Court, Peshawar, 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 K & L)*
6. 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 M)*
7. 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 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 N).
- 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 5 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, however the appellant has never been allowed to complete his normal tenure of posting, only in the last three years period he has been transferred as many as 11 times, which shows the malafide of the respondents. 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 transfer / posting of the appellant through the impugned order dated 14.06.2014, has been made on the grounds to provide services to the IDPs of North Waziristan Agency at District Tank, but n astonishing fact comes into picture that there are no IDPs camps established for any IDPs, furthermore, in near future there is no presumption of establishing any camp at Tank.
- G. That the appellant has already served as District Officer at Tank from June 2009 till December 2011, and again

transferring to the same station in such short span of time is against the rules and unjustifiable, being hard station.

- H. 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.
- I. That the performance of the appellant remained commendable and there was no complaint whatsoever regarding his performance albeit he has been transferred.
- J. 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.
- K. That repeated transfer orders were made in violation of Posting and Transfer Policy, thus the order is nullity in the eyes of law.
- L. 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.
- M. 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

Noor Muhammad, Social Welfare Officer/Planning Officer (BPS-17), planning Cell, 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 hardship 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.



Applicant

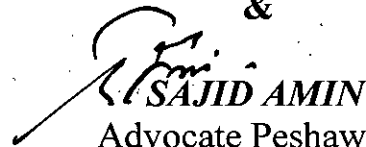
Through



IJAZ ANWAR

Advocate Peshawar.

&

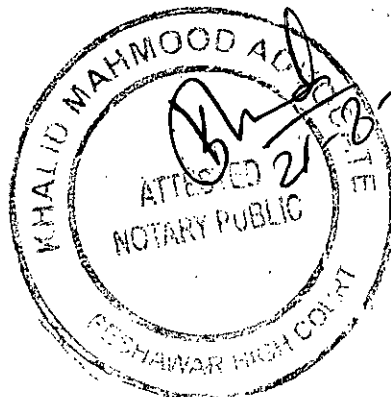


SAJID AMIN

Advocate Peshawar

AFFIDAVIT

I Noor Muhammad, Social Welfare Officer/Planning Officer (BPS-17), planning Cell, 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.




Deponent

Annexure - 19
 GOVERNMENT OF KHYBER PAKHTUNKHWA
 ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION &
 WOMEN DEV. DEPARTMENT

Dated Peshawar the November 16th 2011

NOTIFICATION.

NO. SOI(SWD)II-52/2011/2497-2006 The following postings/transfers of the Officers of Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa are hereby ordered in the public interest with immediate effect.

S.No	Name of the Officer	From	To	Remarks
1.	Mr. Shah Zaman	District Officer, Social Welfare, D.I Khan	District Officer, Social Welfare, Bannu	Relieving Mr. Shafiq Ameen, Supdt: Welfare Home Bannu from the additional charge
2.	Mr. Muhammad Yousaf Shah	District Officer, Social Welfare Peshawar	Planning Officer Directorate of Social Welfare Peshawar	Vice No. 4
3.	Mr. Muhammad Tahir	Social Welfare Officer Peshawar	District Officer, Social Welfare Peshawar	Vice No. 2
4.	Mr. Noor Muhammad	Planning Officer Directorate of Social Welfare Peshawar	District Officer, Social Welfare Swabi	Vice No.5
5.	Mr. Polil Khan	District Officer, Social Welfare Swabi	Social Welfare Officer Peshawar	Vice No. 3

2. Additional charge of the post of District Officer, Social Welfare D.I.Khan is hereby assigned to Mr. Muhammad Khalid, Superintendent Welfare Home D.I.Khan.

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

ENDST: EVEN NO & DATE

Copy is forwarded for information and necessary action to: -

1. The Accountant General, Khyber Pakhtunkhwa
2. The Director Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa Peshawar.
3. Distt. Coordination Officers, Peshawar, D.I.Khan, Bannu and Swabi.
4. The District Officers Social Welfare, Peshawar, D.I.Khan, Bannu and Swabi.
5. The District Accounts Officer, D.I.Khan, Bannu and Swabi.
6. PS to Minister, Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa
7. PS to Secretary, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Deptt.
8. Officers concerned.
9. Personal files of the officers concerned.

ATTESTED

(Signature)

(Pir Muhammad Mansoor)
 Section Officer -II

(Handwritten initials)



Annexure - B

GOVERNMENT OF KHYBER PAKTUNKHWA
Social Welfare, Special Education &
Women Empowerment Department

Dated Peshawar the March 15, 2012

NOTIFICATION.

NO. SOII(SWD)II-52/2011/15578-5611 The following postings/ transfers of the officers of the Directorate of Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa are hereby ordered in public interest with immediate effect:

S. No.	Name	From	To	Remarks
1.	Mr. Afsar Khan	Assistant Director, Directorate of SW, SE & WE	District Officer, Social Welfare, Peshawar	
2.	Mr. Syed Tahir Ahmad	District Officer Social Welfare, Peshawar.	District Officer, Social Welfare, Hangu.	Relieving Mr. Akhter Munir ACO/TMO from additional charge of DO, SW Hangu
3.	Mr. Phoill Khan	District Officer Social Welfare, Nowshera.	District Officer Social Welfare, Swabi Vice-S. No. 5	
4.	Mr. Niaz Muhammad	Superintendent, Welfare Home, Abbottabad.	District Officer, Abbottabad. Vice S.No. 5	
5.	Mr. Riaz-ul-Haq Sani	District Officer, Abbottabad.	Superintendent, Welfare Home, Abbottabad. Vice S.No: 4	
6.	Mr. Noor Muhammad	District Officer Social Welfare, Swabi.	Planning officer, Directorate of SW, SE & WE Vice S. No.8	
7.	Mr. Insaf-ur- Rehman	Manager, MR & PHC, Nowshera.	District Officer Social Welfare, Nowshera Vice S. No.03	
8.	Mr. Yousaf Shah.	Planning Officer, Directorate of SW, SE & WE.	Assistant Director, Directorate of SW, SE & WE	Against vacant post.

ATTESTED

(Signature)

Secretary,

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

(Signature)

Endst 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. District Coordination Officers, Peshawar. Nowshera, Abbottabad, Hangu & Swabi.
4. The District Officers, Social Welfare, Peshawar. Nowshera, Abbottabad, Hangu & Swabi.
5. District Account Officers, Nowshera, Abbottabad, Hangu & Swabi
6. P.S to Minister, Social Welfare, & Women Dev: Department
7. P.S Secretary, Social Welfare, Special Education & Women Empowerment Department
8. Officers concerned.
9. Personal file of the officers concerned. (6)


(Pir Muhammad Mahsud)
Section Officer -II

(Pir Muhammad Mahsud)
Section Officer -II

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

Dated Peshawar: the 30th November, 2012

NOTIFICATION:

NO. SOII(SW)2-52/2012/10485-69

Transfer/Posting of the following officers of Social Welfare, Special Education & Women Empowerment Department is hereby ordered with immediate effect in the public interest: -

Sr. No.	Name of Officer	From	To
1.	Mr. Insaf-Ur-Rehman, District Officer (BPS-17)	District Officer (Social Welfare) Nowshera	Directorate of Social Welfare, Special Education & Women Empowerment as Assistant Director (B&A)
2.	Mr. Noor Muhammad, Assistant Director (BPS-17)	Directorate of Social Welfare, Special Education & Women Empowerment	Drug Addict Center, Peshawar
3.	Mr. Muhammad Shoaib Khan, Rehabilitation Officer (BPS-17)	Drug Addict Center Peshawar	District Officer (Social Welfare) Nowshera, vice Sr. No. 1
4.	Mr. Saeedullah Bangash, Assistant Director (BPS-17)	Directorate of Social Welfare, Special Education & Women Empowerment.	Social Welfare Officer, Peshawar
5.	Mr. Muhammad Arif	Social Welfare Officer, Peshawar	Assistant Director (Litigation), Directorate of Social Welfare, Special Education & Women Empowerment

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

Ends: of Even No. & Date:-

Copy is forwarded for information and necessary action to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The District Coordination Officer, Peshawar/Nowshera.
3. The Director, Social Welfare Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
4. PS to Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare & Women Empowerment Department.
5. PS to Minister, Social Welfare & Women Empowerment, Khyber Pakhtunkhwa.
6. Officers concerned.
7. Personal files.

ATTESTED

[Signature]

(Pir Muhammad Mahsud)
Section Officer, II

[Signature]

Annexure D

TO BE SUBSTITUTED BEARING THE SAME NO. AND DATE 18.04.2013

10



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

Dated Peshawar the 19th April, 2013.

NOTIFICATION:

No. SOII (SW) 2-52/2013/218-2013 The following postings/transfers of officers of Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa are hereby ordered with immediate effect: -

Sr #	Name of Officers	From	To	Remarks
1.	Mr. Muhammad Bashir Khan, Social Welfare Officer (BPS-18)	Monitoring Officer, Social Wel: Spl: Edu: & Women Empowerment Deptt:, KP	Deputy Director (BPS-18), Directorate of Social Welfare, Spl: Edu: & Women Empowerment, KP	Against the vacant post
2.	Mst. Rubina Riaz, Social Welfare Officer (BPS-18)	Superintendent Govt. Institute for the Blind (Girls), Peshawar	Deputy Director (BPS-18), Directorate of Social Welfare, Spl: Edu: & Women Empowerment, KP	-do-
3.	Mr. Jehanzeb Khan, Social Welfare Officer (BPS-18)	District Officer (Social Welfare), Charsadda.	Asstt: Director (Devolved Institutions) Directorate of Social Welfare, Spl: Edu: & Women Empowerment, KP	Vice No. 4
4.	Mr. Sajjad Hussain, Assistant Director (BPS-17), (Devolved Institutions)	Directorate of Social Welfare, Spl: Edu: & Women Empowerment, KP	District Officer (Social Welfare), Peshawar	Vice No. 5
5.	Mr. Saeed Ullah Bangash, Social Welfare Officer (BPS-18)	District Officer (Social Welfare), Peshawar	Social Welfare Officer, Peshawar	Against the vacant post
6.	Mr. Ahmad Salim (BPS-17)	Superintendent, Government Institute for the Blind (Boys), Peshawar	Social Welfare Officer, Peshawar	Against the vacant post
7.	Mr. Muhammad Younis Afridi, Social Welfare Officer (BPS-17)	Assistant Director (Admn), Directorate of Social Welfare, Spl: Edu: & Women Empowerment, KP	Superintendent, Government Institute for the Blind (Boys), Peshawar	Vice No. 6
8.	Mr. Muhammad Arif Superintendent Welfare Homes (BPS-17)	Assistant Director (Litigation), Directorate of Social Welfare, Spl: Edu: & Women Empowerment, KP	Rehabilitation Officer, Centre for Drug Addicts, Peshawar	Vice No. 9
9.	Mr. Noor Muhammad, Social Welfare Officer (BPS-17)	Rehabilitation Officer, Centre for Drug Addicts, Peshawar	Assistant Director (Litigation), Directorate of Social Welfare, Spl: Edu: & Women Empowerment, KP	Vice No. 8

ATTESTED

PHONE NO. ---

10.	Mr. Riaz Ulhaq Sani, Social Welfare Officer (BPS-17)	District Officer (Social Welfare), Abbotabad	Assistant Director (Budgets & Accounts), Directorate of Social Welfare, Spl: Edu: & Women Empowerment, KP	Vice No. 11
11.	Mr. Insaf-Ur-Rehman, Superintendent Welfare Home (BPS-17)	Asstt: Director (Budgets & Accounts), Directorate of Social Welfare, Spl: Edu: & Women Empowerment, KP	District Officer (Social Welfare), Charsadda.	Vice No. 3
12.	Mst. Zubaida Begam, Social Welfare Officer (BPS-18)	Social Welfare Officer, Charsadda	Superintendent Govt. Institute for the Blind (Girls) Peshawar	Vice No. 2
13.	Mr. Niaz Muhammad, Social Welfare Officer (BPS-18)	Superintendent, Welfare Home Abbottabad	District Officer (Social Welfare), Abbottabad.	Vice No. 10
14.	Mst. Iffat Nasir, Social Welfare Officer (BPS-17)	Working as Social Case Worker in GSDC Haripur	Superintendent, Welfare Home Abbottabad	
15.	Mst. Shamim Akhtar SWO (BPS-17)	Shaheed Benazir Women Centre Abbottabad	Her services are placed at the disposal of the Manager MR&PH Centre Haripur. However, she will continue to draw pay from Shaheed Benazir Women Centre Abbottabad till further orders	
16.	Mr. Muhammad Tahir, Social Welfare Officer (BPS-18)	Social Welfare Officer, Peshawar	Assistant Director (Admn), Directorate of Social Welfare, Spl: Edu: & Women Empowerment, KP	Vice No. 7.
17.	Mr. Fahad Ashraf, Social Welfare Officer (BPS-17)	Social Welfare Officer, Chakdara (Dir Lower)	Social Welfare Officer, Charsadda.	Against the vacant post.

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

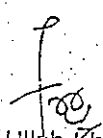
Endst: of Even No & Date: -

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, National Special Education Center, Phase-V Hayatabad, Peshawar.
4. The District Account Officers, Abbottabad, Haripur, Charsadda and Dir (Lower).
5. P.S. to Minister for Social Welfare & Women Development, 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.

ATTESTED

Pstif


 (Fahid Ullah Khan)
 Section Officer-II



Annexure - 1



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

Dated Peshawar the 17th May, 2013.

NOTIFICATION:

No. SOZI (SW)2-52/2013/_____ the following postings/transfers of officers of Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa are hereby ordered with immediate effect: -

Sr#	Name of Officers	From	To	Remarks
1.	Mr. Ahmad Saleem Principal (BPS-17)	Presently posted as Social Welfare Officer, Peshawar	Services placed at the Disposal of Director National Special Education Complex, Phase-V, Hayatabad Peshawar	On vacant post
2.	Mr. Noor Muhammad, Social Welfare Officer	Assistant Director (Litigation), Directorate of Social Welfare, Spl: Edu: & Women Empowerment, KP	District Officer (Social Welfare), Mardan	Vice No. 3
3.	Mr. Iftikhar Ali, District Officer, (Social Welfare) (BPS-17)	District Officer, Social Welfare, Mardan	Assistant Director (Litigation), Directorate of Social Welfare, Spl: Edu: & Women Empowerment, KP	Vice No. 2
4.	Mr. Fahad Ashraf, Social Welfare Officer (BPS-17)	Social Welfare Officer, Charsadda	District Officer (Social Officer), Hangu.	Relieving Mr. Akhtar Munir, Assistant Director LG&RDD Hangu of the additional charge.

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, National Special Education Center, Phase-V Hayatabad, Peshawar.
4. The District Account Officers, Peshawar, Mardan, Charsadda and Hangu.
5. PS to Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare & Women Empowerment Department.
6. Officers concerned.
7. Personal files of the officers concerned.

ATTACHED

(Signature)

(Fahid Ullah Khan)
Section Officer-II

(Handwritten signature)

Section Officer-II
Phone No. 021-9213699



Annexure - F

12

12

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

Date: Peshawar the 18th July, 2013.

NOTIFICATION.

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 & Designation of Officer with BPS	From	To	Remarks
1	Mr. Noor Muhammad SWO (B-17)	District Officer, Social Welfare Mardan	Monitoring Officer O/O Secretary, Social Welfare, Special Education & Women Empowerment Department.	Against the vacant post.
2	Mr. Ifthikhar Ali SWO (B-17)	Manager Darul Kafala Mardan.	District Officer, Social Welfare, Mardan.	Vice No.1
3	Mr. Bahadar Ali SWO (BPS-17)	Social Welfare Officer, Charsadda.	Manager, Darul Kafala Mardan.	Vice No.2

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 District Account Officers, Charsadda, Mardan.
4. PS to Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare & Women Empowerment Department.
5. Officers concerned.
6. Personal files of the officers concerned.

ATTESTED

AS
[Signature]

(Fahid Ullah Khan)
Section Officer (II)

[Signature]



Annexure - 67

13

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

Dated Peshawar the 04th December, 2013.

NOTIFICATION:

NO.SOII(SW)2-52/2012/17313-35 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).	Deputy Director, Integrated Social Development Centre Peshawar.	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, Nishter 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 D.I. Khan	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.
6. Officers concerned.
7. Personal files.

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

Annexure - "A"

3/1/15

(14)

NOTIFICATION

NO.SQ/MSW/2-52/2015 / 14/01/2015 In partial modification of this Department

Notification No. NO.SQ/MSW/2-52/2015 dated 04.12.2015, the competent authority

is pleased to amend posting/transfer order in respect of the following officers of the

Zakat, Social Welfare, Special Education & Women Empowerment Department in the

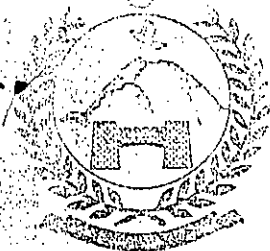
public interest with immediate effect: -

Sr #	Name of Officer	From	To	Remarks
1.	Mr. Muhammad Bashir, Deputy Director (BPS-18).	Deputy Director, Integrated Social Development Centre Peshawar.	Report to Social Welfare, Special Education & Women Empowerment Department.	---
2.	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 of DO Kohat
3.	Mr. Khalid Khan Rehabilitation Officer (BPS-17)	Rehabilitation Officer, Rehabilitation Centre for Drug Addicts D.I. Khan	Rehabilitation Officer, Rehabilitation Centre for Drug Addicts Kohat	Vice No. 2. Mr. Shah Zamam, 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.
4.	Mr. Muhammad Younis Social Welfare Officer (BPS-17)	Superintendent, Government Institute for the Blind Peshawar	District Officer Social Welfare Peshawar	Additional charge of the vacant post.

APPROVED

Signature

Signature



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

(15)

Dated Peshawar the 11th June, 2014.

NOTIFICATION:

7/2-25

NO.SOG(SWD)/PW/MLA/MO/2014/ Consequent upon appointment of Mr. Muhammad. Aftun as Monitoring Officer, Mr. Noor Muhammad Social Welfare Officer/Monitoring Officer is posted against the vacant post of Planning Officer in the Planning Cell of Social Welfare, Special Education & Women Empowerment Department w.e.f 21-05-2014. He will continue to hold the look after charge of Section Officer-III till further orders.

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

Endst No. and Date even:

Copy forwarded to the:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Director Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
3. Senior Planning Officer, Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa.
4. P.S to Secretary Establishment, Khyber Pakhtunkhwa.
5. P.S. to Secretary, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa.
6. P.A to Additional Secretary, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa.
7. P.A to Deputy Secretaries, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa.
8. All Section Officers, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa.
9. Accountant, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa.
10. Officer Concerned.
11. Office order file.
12. Personal file.

Noor Muhammad
ATTESTED

Ales

ceen

12/6/14

Wahid

Khadiem Hussin

(Khadim Hussin)
 Section Officer (General)



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



Approved: J (16)

Dated Peshawar the 14th June, 2014.

NOTIFICATION

No. SOII (SWD)2-52/2014/

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 (Devolved 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.

AMT/ST/11/11

AS/11/11

-sd-

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

Endst of Even No. & Date

AS

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.

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

ATTESTED

Aslib

S.No. 23

Dated 24/7/14

To, ✓

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

Approved: R
(17)

Subject: APPEAL

Respected Sir,

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 about 5 years of regular services with professional honesty, efficiency, utmost dedication & clean service record and contributed towards public service through sheer hard work.

I have been posted in the Department as Planning Officer on the vacant post and entrusted the additional charge of Section Officer-III. It is pertinent to mention here that since 2011, I have frequently been posted / transferred against the Government of Khyber Pakhtunkhwa Posting / Transfer policy, however, the undersigned obeyed all the orders in letter and spirit.

Since my appointment in the Department, I have been posted / transferred like a rolling stone detail as per given under: -

S.No	From	To	Notification No.
01	Social Welfare Officer	DO, DW Tank	SO-II(SWD)II-52/2006/Vol-VI/4138-72 dated 01.06.2009.
02	DO, SW Tank	Directorate of SW	SO-II(SWD)II-52/2008/Vol-VI/7108-27 dated 23.12.2010
03	Directorate of SW	DO, DW Swabi	SO-II(SWD)II-52/2011/2476-2500 dated 16.11.2011
04	DO, DW Swabi	Directorate of SW	SO-II(SWD)II-52/2011/5578-5611 dated 15.03.2012
05	Directorate of SW	Reh: Centre for Drug Addicts, Peshawar	SO-II(SWD)2-52/2012/10458-69 dated 30.11.2012
06	Reh: Centre for Drug Addicts, Peshawar	Directorate of SW	SO-II(SWD)2-52/2011/2180-2204 dated 19.04.2013
07	Directorate of SW	District Mardan	SO-II(SWD)2-52/2011/2675-85 dated 17.05.2013
08	District Mardan	Social Welfare Department	SO-II(SWD)2-52/2011/ dated 18.07.2013
09	Social Welfare Department	District Mardan	SO-II(SWD)2-52/2012/12313-25 dated 04.12.2013
10	District Mardan	Social Welfare Department	SO-II(SWD)2-52/2013/13891-13911 dated 23.12.2013
11	Social Welfare Department	DO, SW Tank	SO-II(SWD)2-52/2013/1802-10 dated 14.07.2014

Now the Department once again issued my posting order as District Officer, Social Welfare Tank vide Notification No. SO-II(SW)2-52/2014/11802-10 dated 14.7.2014 even though I have not yet completed my normal tenure at present duty station.



50
21/7/14
GROUNDS FOR APPEAL

Secy: SO, SW, SE & WE Deptt

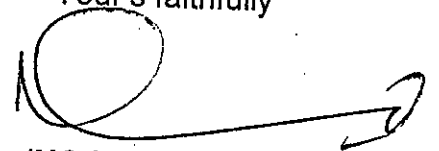
Diary No. 3089

21/07/2014

- 1) That under the Khyber Pakhtunkhwa Govt. policy of posting/transfer regarding Govt. Servants in vogue, the Govt. Servants shall possess for minimum period of three (3) years on a post, while been transferred Eleven (11) times since November, 2011.
- 2) That the transfer in question has been made on the grounds to provide services to the IDPs of North Waziristan Agency at district Tank. However, it is astonishing that no IDPs of NWA has been so far registered in district Tank as confirmed from reliable resources.
- 3) That the undersigned has already served as District Officer, Tank from June, 2009 to December, 2011. Transfer of the undersigned as District Officer, Social Welfare Tank is unjustifiable as per rules being hard station.
- 4) Besides, the undersigned being working as SO-III (Budget) dealing with the activities of Directorate of Social Welfare and some files were sent back to the Directorate with the approval of Competent Authority that ignited the posting of the appellant to the district Tank.
- 5) That the fresh order is technically wrong as the undersigned is working on the post of Planning Officer with additional charge of SO-III while Mr. Muhammad Adnan is working on the post of Monitoring Officer vide this department Notification No. SOG(SWD)/PF/M.A/MO/2014/712-25 dated 11.06.2014.

In light of the above, I humbly appeal in your honor to cancel the transfer order and re-consider the same in order to provide justice to undersigned, please.

Your's faithfully



(NOOR MUHAMMAD)
Planning Officer/
Additional Charge SO-III

Handwritten notes:
Noor Muhammad
SO-III
Copy forwarded for information to:-

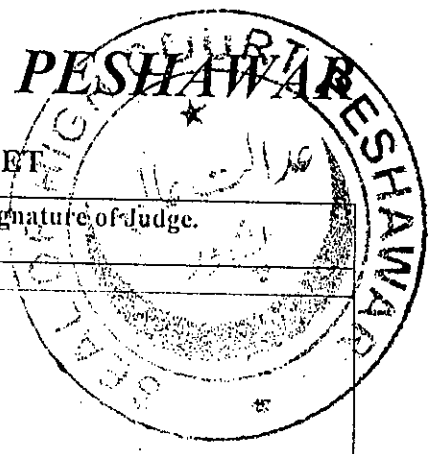
1. Director, Social Welfare, Special Education & Women Empowerment.
2. PS to Special Assistant to CM for Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa.

Planning Officer/
Additional Charge SO-III

Handwritten notes:
Do it pl.
Asstt.
22/7/14

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET



Date of Order or Proceedings	Order of other Proceedings with Signature of Judge.
24.7.2014	<p data-bbox="542 516 877 579"><u>WP No. 2347-P/2014</u></p> <p data-bbox="542 667 1436 768">Present: Mr. Kashif Shahbaz Khan, Advocate for the petitioner.</p> <p data-bbox="925 756 1053 793">*****</p> <p data-bbox="542 856 1436 1134"><u>OAISER RASHID KHAN, J.</u> For reasons recorded in our order of even date in WP No. 2345-P/2014, this writ petition stands dismissed in limine.</p> <p data-bbox="470 1121 1133 1297"><i>By Order Rashid Khan Ms. Muneer Hashmi</i></p>

1465

Date of Presentation of Application 26/7/14

No of Pages 5-0

Copying fee

Urgent Fee

Total 10000

Date of Payment 26/7/2014

Date Given For Delivery 26/7/14

Date of Delivery of Copy 26/7/2014

Received by Rahmanullah

Signature

Quseem

AS

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Dept.
Authorised Under Article
The Qanun-e-Sheradat Order

26 JUL 2014



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

Approved M
18

No. SO-II(SWD)/II-52/2014/ 2248-49
Dated Peshawar the 11.08.2014.


To,

Mr. Noor Muhammad,
Planning Officer/Additional Charge SO-III,
Social Welfare, Special Education &
Women Empowerment Department,
Peshawar..

Subject: - **Appeal.**


I am directed to refer to your appeal bearing number and date Nil 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) 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	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned



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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.

Handwritten signature of the official.



All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

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

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

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshawar, _____

NOTIFICATION

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

CHIEF SECRETARY
GOVERNMENT OF NWFP

Endst. No. and date even.
Copy forwarded

- 1.
- 2.
- 3.
- 4.
- 5.

(NAME)
SECTION OFFICER
Administrative Department

{Authority: Letter No. SO (E-1) 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-1 (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.

¹ 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

POWER OF ATTORNEY

In the Court of RPR Service Tribunal Peshawar

Abul Muhammad

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of KPK ER

} 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

P. Saad 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 _____

Accepted
Saad Amin
Saad Amin Advocate

Ijaz Anwar
Ijaz Anwar
Advocate High Courts & Supreme Court of Pakistan

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

In the matter of
appeal No. _____/2014

759
4-9-14

Noor Muhammad (Appellant)

VERSUS

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

Leamed
Leamed
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.

[Signature]
Applicant

Through

[Signature]
IJAZ ANWAR
Advocate, Peshawar.

Dated:04.09.2014

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

In the matter of
appeal No. _____/2014

Noor Muhammad (*Appellant*)

VERSUS

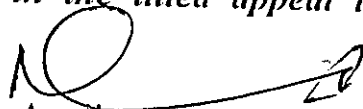
Government of Khyber Pakhtunkhwa, Peshawar and others.
(*Respondents*)

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Applicant

Through

IJAZ ANWAR
Advocate, Peshawar.

Dated:04.09.2014

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

In the matter of
appeal No. _____/2014

Noor Muhammad (*Appellant*)

VERSUS


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

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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 HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR AT D.I.KHAN CAMP**

Service Appeal No. 1095 of 2014

Muhammad Yousif

Versus

Govt. of KPK and others

**Subject: REPLY OF APPEAL ON BEHALF OF RESPONDENT NO. 6
(IMTIAZ HUSSAIN)**

Respectfully Shewith: Respondent No. 6 humbly submits as under,

PRELIMINARY OBJECTION:-

1. That the Appellant has no cause of action and locus standi against the respondent No. 6.
2. That Appellant has not come to this Honourable Court with clean hands.
3. That the appeal is not maintainable in its present form, hence liable to be dismissed.
4. That the instant appeal of the Appellant is badly time barred, hence liable to be dismissed.
5. That the appellant has not come to the court with clean hands and appeal of the appellant is based on malafide and just to take illegal benefit by misconceiving department as well as this Honourable Tribunal, hence, on the sole score appeal of the appellant is liable to be dismissed with cost.
6. That respondent No. 6 is made party in the instant appeal with malafide intention exercised by the appellant, because respondent No. 6 has no concern with the subject matter of the appeal.
7. That the appellant is stopped to file the instant appeal.
8. That the appeal of appellant is pre-mature, and on this ground the appeal is not maintainable.

OBJECTION ON FACTS:-

1. That para No. 1 of the Appeal is related with the Appellant's appointment which relates to the official respondents / department, hence, no reply.

2. That para No. 2 of the facts of Appeal is incorrect and misconceived and also related with the department's acts and omission which cannot deprive the vested rights of the respondent No. 6, hence, whole para is incorrect.
3. That para No. 3 of facts of Appeal is not related with the respondent No. 6, hence no reply.
4. That para No. 4 of facts of the Appeal is incorrect and misconceived hence not admitted, actually the appellant is not deserving in the seniority list due to his regularization matter on the post and respondent No. 6 was appointed on regular basis on 11-11-2008 in BPS-14 while appellant was appointed against the temporary post and not a regular post, hence, this material aspect of the matter shows disentitlement of the appellant in tentative seniority list as well as final seniority list while preparing by the competent authority.
5. That para No. 5 of facts of the Appeal is incorrect, and misconceived which relates to the departmental proceeding and a clear reply is required by respondent No. 2 while position of respondent No. 6 in the final seniority list is according to law, rule, regulations of the Civil Servants Act, and also respondent No. 6 has a preferential rights over the appellant.
6. That para No. 6 of facts of the Appeal is concerned with the departmental proceedings, hence, no reply but it is a fact that departmental appeal of the appellant as well as main appeal of the appellant is badly time barred and liable to be dismissed on the sole ground of law of limitation.
7. No reply.

REPLY OF GROUNDS:-

- a) That ground A is incorrect, hence denied. Appellant has no right of seniority over the respondent No. 6 and no law in this regard is violated by the department.
- b) That ground No. B of the Appeal of the Appellant is incorrect and misconceived, hence not admitted, actually the appellant was regularized against the post on 19-11-2008 while respondent No. 6 was appointed as regular employee on 11-11-2008, hence respondent No. 6 is senior with 08 days from appellant. Remaining para is also based on

malafide and incorrect. Seniority list of the department made after performing all code formalities and fulfilling requirements of law.

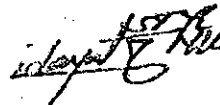
- c) That ground C of the Appeal of the Appellant is incorrect, misconceived, the matter agitated in the ground is a factual controversy and required a cogent and reliable proof of law which appellant apparently not provided in the instant appeal, hence all the para of the appellant is incorrect and based on wrong story and final seniority list at this stage cannot be changed/alter on the flimsy grounds of the appellant and rights of the respondent No. 6 is fully accrued and protected under the law.
- d) Incorrect and misconceived, hence not admitted.

In wake of submissions made above, it is therefore, humbly requested that on acceptance of reply on behalf of respondent No. 6, appeal of the Appellant may please be dismissed being meritless.

Dated: 22-04-2015

Yours Humble Respondent No. 6

Imtiaz Hussain
Office Assistant
District Agriculture Office Tank.



Through Counsel
Hidayatullah Mehsood
Advocate High Court.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR AT D.I.KHAN CAMP

Service Appeal No. 1095 of 2014

Muhammad Yousif

Versus

Govt. of KPK and others

AFFIDAVIT

I, **Hidayatullah Mehsood**, counsel for the respondent No. 5 do hereby solemnly affirm and declare on Oath that contents of the written statement are true and correct as per information provided to me by my client and nothing has been deliberately concealed from this Hon'ble Court.

Dated: 22-04-2015

Alim

Hidayatullah Mehsood

DEPONENT

Hidayatullah Mehsood

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR AT D.I.KHAN CAMP**

Service Appeal No. 1095 of 2014

Muhammad Yousif

Versus

Govt. of KPK and others

**Subject: REPLICATION OF APPLICATION ON BEHALF OF
RESPONDENT NO. 6 (IMTIAZ HUSSAIN)**

Respectfully Sheweth:

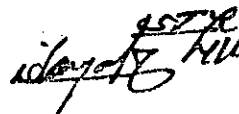
Respondent No. 6 humbly submits as under,

1. No-reply.
2. Incorrect hence not admitted, final seniority list is finalized prior to institution of the instant appeal by the department, hence, this application of the appellant become infructuous.
3. Incorrect and misconceived and also relates with the department, hence, no reply.
4. Incorrect and misconceived there is no serious apprehension and prima facie case of the appellant is baseless and liable to be dismissed.
5. Incorrect, appellant has no prima facie case as well as balance of convinces is not lying in his favour, hence application of the appellant is frivols and liable to be dismissed with cost.
6. Incorrect, and misconceived, appellant will not face any irreparable loss in the rejection of instant application, hence, para is incorrect.

In wake of submissions made above, this Honourable Court is humbly requested to dismiss the application of the appellant being meritless with cost.

Dated: 22-04-2015

Imtiaz Hussain
Office Assistant
District Agriculture Office Tank.



Through Counsel:
Hidayatullah Mehsood
Advocate High Court.

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR AT D.I.KHAN CAMP**

Service Appeal No. 1095 of 2014

Muhammad, Yousif

Versus

Govt. of KPK and others

AFFIDAVIT

I, **Hidayatullah Mehsood**, counsel for the respondent No. 5 do hereby solemnly affirm and declare on Oath that contents of this replication are true and correct as per information provided to me by my client and nothing has been deliberately concealed from this Hon'ble Court.

Dated: 22-04-2015

Hidayatullah Mehsood

DEPONENT

Hidayatullah Mehsood

Hidayatullah Mehsood
Adm

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1063/2014

Mr. Noor Muhammd -----(Appellant)

Versus

Government of Khyber Pakhtunkhwa

Respondents

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4.	Annex-B	6
5.	Annex-C	7


DEPONENTS
Cell# 03339374624

BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR

Service Appeal NO.1063/2014

Mr. Noor Muhammad (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.1063 of 2014

Mr. Noor Muhammad,----- 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. The factual position is that the appellant managed to get himself transferred to the stations/positions of his choice like District Officer Social Welfare Swabi, Distract Officer Social Welfare Mardan, Monitoring Officer and Planning Officer Social Welfare Department. Due to his problematic attitude and nature, the appellant could not stay at one station for more than a few months. It is also worth clarification that the appellant remained posted in Peshawar for most of the period of his service.
- 4) Correct. The Officer is basically Social Welfare Officer (BPS-17). He was serving as monitoring Officer in Social Welfare Department but after recruitment of Mr. Adnan Khan, as Monitoring Officer through Khyber Pakhtunkhwa, Public Service Commission, the appellant was adjusted against the vacant post of Planning Officer. He was later on

3

transferred to District Tank against the vacant of District Officer Social Welfare in the best Public interest on the following grounds.

- I: The appellant belongs to Ladha, South Waziristan Agency and he was posted in the nearest District Tank vide order dated 14-07-2014.
 - II: The post of District Officer Social Welfare Tank is being run on additional charge basis for the last quite some time due to which the public interest was badly harmed. It was, therefore, decided to fill the post on permanent basis and the appellant was chosen for the job because of his acquaintance within social dynamics of the area would facilitate the department to properly manage the District Social Welfare Office.
 - III: The appellant is basically Social Welfare Officer and was serving against the post of Planning Officer in Social Welfare Department, on temporary basis. The appellant was actually posted on his right position as per order dated 14-07-2014.
- 5) Correct: Departmental appeal of the appellant could not be considered due to the reasons mentioned in para-4 above. The worthy Peshawar High Court, Peshawar did not entertain his petition on merit.
 - 6). Correct. As explained in para-4 & 5 above.
 - 7). Incorrect and not admitted. The order dated 14-07-2014 is legal, Lawful, in accordance with the Law/rules and without any malafide intentions.

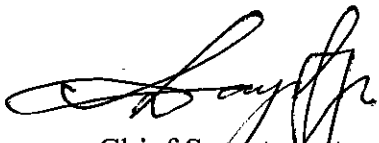
GROUND:-


- A. In correct and not admitted. The appellant has been treated in accordance with Law hence the question of violation of his rights does not arise at all.
 - B. Correct to the extant that the appellant has not completed his normal tenure against the post of Monitoring Officer and Planning Officer, but it is worth clarification that appellant is basically Social Welfare Officer (BPS-17), and was adjusted against the post of Monitoring Officer on temporary basis. Now, that the Department is in need of a full time Officer in District Tank due to the situation arisen as a result of influx of IDPs from Waziristan, the respondents were obliged to transfer and post him an District Officer Social Welfare Tank in the best public interest. Further Section-10 of civil servant Act1973 provides that a civil servant shall serve any where in the province so the impugned order is very much legal.
 - C. Incorrect and not admitted. The factual position has been explained in para-B above.
 - D. Incorrect and not admitted. The exigencies of service do exist. The Department/Govt was direly in need of a full time Officer in District Tank due to exigencies of service.
 - E. The factual position has already been explained in para-3 & 4 of the above facts.
 - F. Incorrect and not admitted. Although there are no camps for the IDPs in District Tank but the fact is that a number of IDPs are residing there either in rented buildings or with their
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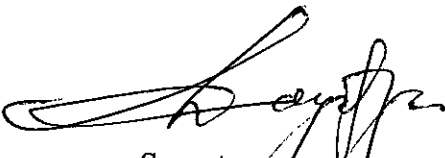
relatives/host families. It is the duty of the Govt: to provide them with rehabilitative services.

- G. Correct to the extent that the Officer earlier served as District Officer Social Welfare Tank, but it does not mean that the appellant can not be posted again against the said post.
- H. Incorrect and not admitted. The appellant is one of the junior most employees of the Department who was recruited as Social Welfare Officer (BPS-17) in the year 2009 vide order dated 2nd June 2009, (Annex-C).
- I. Correct to the extent that there is no written complaint against the appellant but he was not transferred to District Tank on the basis of any complaint. He was transferred to District Tank due to exigencies of service in the public interest.
- J. The order dated 14-06-2014 is legal, lawful, with due lawful authority and issued within the jurisdiction hence tenable in the eyes of law.
- K. Incorrect and not admitted. The position has already been explained in para-3 & 4 of facts.
- L. 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 and his transfer to District Tank was made purely on merit and in the best public interest as explained in the preceding paras.
- M. 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 lost.


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)




42
5

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

Dated, Peshawar the 01/ 09/2014 /2982-85

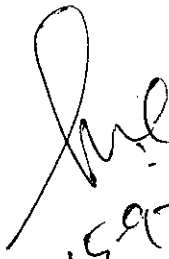
CHARGE RELINQUISH REPORT

In compliance with the Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Peshawar Notification No. SOII (SWD) 2-52/2013/1802-10 dated 14.07.2014, I the undersigned hereby relinquish the charge of Planning Officer, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, Peshawar today on 31.08.2014 (Afternoon).


(Noor Muhammad)
Planning Officer
SW, SE & WE Deptt

Copy forwarded for information to:

1. The Accountant General Khyber Pakhtunkhwa, Peshawar.
2. The Director, SW, SE & WE, Khyber Pakhtunkhwa, Peshawar.
3. Section Officer-II, SW, SE & WE Department, Khyber Pakhtunkhwa, Peshawar w/r to his Notification quoted above.
4. PS to Secretary, ZU, SW, SE & WE Department, Khyber Pakhtunkhwa, Peshawar.


15-9-2014
Asstt


Planning Officer
SW, SE & WE Deptt

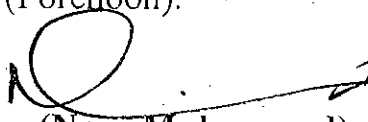
936

OFFICE OF THE DISTRICT OFFICER
SOCIAL WELFARE, SPL: EDU: & WOMEN
EMPOWERMENT DEPTT
DISTRICT TANK

Dated, Tank the ___ / 09/2014

CHARGE ASSUMPTION REPORT

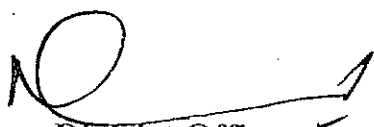
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(Noor Muhammad)
District Officer
Social Welfare, Tank

Endst: No.DO/SW/TK/9935-41 dated, Tank the 05.09.2014

Copy forwarded for information to:

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2. The Director, SW, SE & WE, Khyber Pakhtunkhwa, Peshawar.
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4. District Account Officer, District Tank.
5. Section Officer-II, SW, SE & WE Department, Khyber Pakhtunkhwa, Peshawar w/r to his Notification quoted above.
6. PS to Secretary, ZU, SW, SE & WE Department, Khyber Pakhtunkhwa, Peshawar.
7. PS to Commissioner, DIKhan Division, DIKhan


District Officer
Social Welfare, Tank

TO BE SUBSTITUTED IN THE SAME No. & DATE 01-06-2009.

GOVERNMENT OF NWFP
ZAKAT, USHR, SOCIAL WELFARE &
WOMEN DEV. DEPARTMENT

Dated Peshawar, the 2nd June, 2009

NOTIFICATION.

NO.SO-II(SW)II-171/Conversion/2008/4138-79 In pursuance to the recommendations of the NWFP Public Service Commission and acceptance of the Terms & Conditions offered to them vide this department offer of appointment No. SOII(SW)II-171/Conversion/2008/3872-79 dated 18-05-2009, the competent authority is pleased to appoint the following Officers in the Social Welfare and Women Development Department with immediate effect:-

S.No.	Name with Father's Name & Address.	Domicile / Zone
01.	Noor Muhammad S/O: Taj Ali Khan, /o: Spin Qamar, P/O: Makeen, Tehsil Makeen District South Waziristan Agency.	S.W Agency/1
02.	Qayyum Khan S/O: Nek Muhammad Khan, r/o: House No. 34-D, Sarai Malak Noor Zaman Singh Gate, Para Chinar Tehsil Upper Kurram District Kurram Agency.	Kurram Agency/1
03.	Bahadar Ali S/O: Nawab Shah, r/o: Moh: Herawand Bala, Vill: & P/O: Rustam Teh: & District Mardan.	Mardan/2
04.	Said Bahadar Shah S/O: Said Wahid Shah, r/o: Moh: Dand Vill: Kalpani Tehsil & P/O: Daggar District Buner.	Buner/3
05.	Muhammad Jamsheed Khan S/O: Wazir Azam, r/o: Qcemat Khel, Rehmat Abad Tehsil & District Karak.	Karak/4
06.	Rizwan Ullah S/O: Eid Gul, r/o: Nari Paras Tehsil Banda Dawood Shah District Karak.	Karak/4

2. Consequent upon their appointment, the competent authority is further pleased to order the following posting / transfers in the public interest with immediate effect: -

S.No	Name of the Officer	From	To	Remarks
i.	Noor Muhammad	Social Welfare Officer	District Officer Social Welfare Tank.	Relieving Shah Zaman from the Addl. Ch.
ii.	Qayyum Khan	Social Welfare Officer	District Officer Social Welfare Battagram.	Relieving Malik Abdur Rasheed from addl. Charge.
iii.	Bahadar Ali	Social Welfare Officer	Social Welfare Officer Peshawar.	Against the Vacant Post.
iv.	Syed Bahadar Shah	Social Welfare Officer	District Officer Social Welfare Buner.	Vice No. 7
v.	Muhammad Jamsheed Khan	Social Welfare Officer	Social Welfare Officer Abbottabad.	Against the Vacant Post.
vi.	Rizwan Ullah	Social Welfare Officer	District Officer Social Welfare Kohistan.	Relieving Mr. Masal Khan from the Addl. Charge.
vii.	Insaf-ur-Rehman	District Officer Social Welfare Buner.	Field Officer Directorate of SW & WD.	Against the vacant post.

Secretary to Govt. of NWFP
Zakat, Ushr, Social, Welfare & Women
Dev. Department

Dated Peshawar the 2nd June, 2009

1. The Accountant General NWFP, Peshawar.
2. The Director Social Welfare and Women Dev; NWFP Peshawar.
3. Distt. Coordination Officers, Peshawar, Buner, Kohistan, Abbottabad, Battagram and Tank.
4. The District Officers Social Welfare, Peshawar, Buner, Kohistan, Abbottabad, Battagram and Tank.
5. The District Accounts Officer, Buner, Kohistan, Abbottabad, Battagram and Tank..
6. PS to Minister, Zakat, Ushr & Social Welfare, NWFP.
7. PS to Secretary, Zakat, Ushr, Social Welfare & Women Dev: Deptt.
8. Director, (I & HRD) NWFP, Forest Department.
9. Conservator of Forest FATA.
10. Conservator of Forest Malakand Forest Division.
11. Deputy Secretary (Admn-1) Ministry of SW & Spl: Edu: Islamabad.
12. Officers concerned.
13. Personal files of the officers concerned.


(Muhammad Saeed)
Section Officer -II

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1063/2014

Mr. Noor Muhammd -----(Appellant)

Versus

Government of Khyber Pakhtunkhwa

Respondents

INDEX

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DEPONENTS
Cell# 03339374624

BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR

Service Appeal NO.1063/2014

Mr. Noor Muhammad (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.1063 of 2014

Mr. Noor Muhammad,----- 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 applicant 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 **(Annex-A,B)**).


COMMENTS ON FACTS:

1. 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.

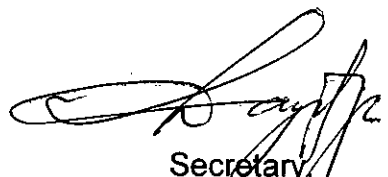
Furthermore the applicant is domicile in Ladha South Waziristan Agency and Tank is the nearest District to his home town and if the impugned order is suspended, the public will suffer irreparable loss.

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.

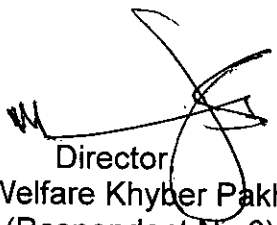
In view of the above mentioned factual position, it is prayed that the operation of the order dated 14-07-2014 may not be suspended as it will be against the interest of the justice and application of the appellant may kindly be dismissed.



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)

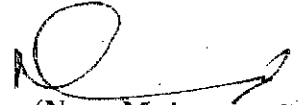


GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL
EDUCATION & WOMEN EMPOWERMENT
DEPARTMENT

Dated, Peshawar the 01/09/2014 /2982-85

CHARGE RELINQUISH REPORT

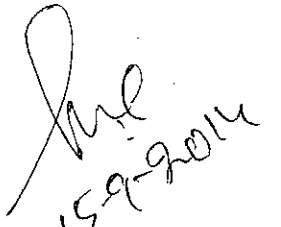
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(Noor Muhammad)
Planning Officer
SW, SE & WE Deptt

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Planning Officer
SW, SE & WE Deptt

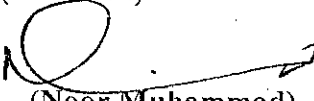

15-9-2014
Asstt

OFFICE OF THE DISTRICT OFFICER
SOCIAL WELFARE, SPL: EDU: & WOMEN
EMPOWERMENT DEPTT
DISTRICT TANK

Dated, Tank the ___ / 09/2014

CHARGE ASSUMPTION REPORT

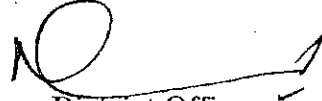
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(Noor Muhammad)
District Officer
Social Welfare, Tank

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District Officer
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BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1063/2014

Mr. Noor Muhammd -----(Appellant)

Versus

Government of Khyber Pakhtunkhwa

Respondents

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Service Appeal NO.1063/2014

Mr. Noor Muhammad (Appellant)

Versus

Government of Khyber Pakhtunkhwa

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DEPONENT
Cell# 03369297618

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Service Tribunal, Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.1063 of 2014

Mr. Noor Muhammad,----- 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 applicant is not maintainable in its present form.
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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 **(Annex-A,B)**).

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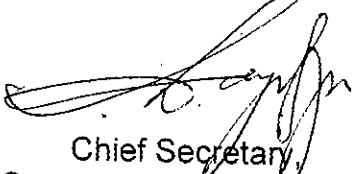
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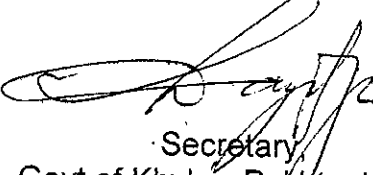
3


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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 appellants may kindly be dismissed.


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Social Welfare Special Education &
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(Respondent No.2)


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

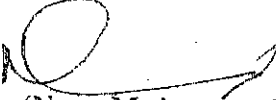


GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL
EDUCATION & WOMEN EMPOWERMENT
DEPARTMENT

Dated, Peshawar the 01/09/2014 /2982-85

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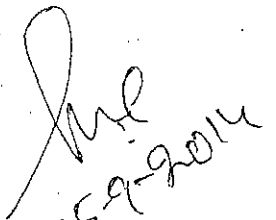
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Planning Officer
SW, SE & WE Deptt

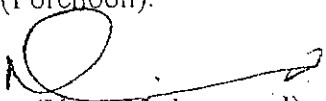

15-9-2014
Asstt

OFFICE OF THE DISTRICT OFFICER
SOCIAL WELFARE, SPL: EDU: & WOMEN
EMPOWERMENT DEPTT
DISTRICT TANK

Dated, Tank the ___/09/2014

CHARGE ASSUMPTION REPORT

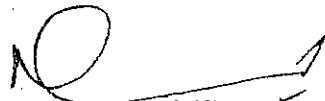
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(Noor Muhammad)
District Officer
Social Welfare, Tank

Endst: No.DO/SW/TK/9935-4/ dated, Tank the 05.09.2014

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7. PS to Commissioner, DIKhan Division, DIKhan


District Officer
Social Welfare, Tank

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In the matter

Of

Appeal No. 1063 Of 2014.

Noor Muhammad

..... Appellant

VERSUS

Govt. of KPK and others

..... Respondents

APPLICATION FOR THE RELEASE OF
THE SALARY OF THE APPELLANT.

RESPECTFULLY SHEWETH,

1. That the titled appeal before this Honourable Tribunal in which 5-11-2014 is date fixed for hearing.
2. That the appellant has in the instant appeal challenged the transfer order, the Honourable Tribunal have vide order dated 23-9-2014 while admitting the appeal for regular hearing also granted in favour of appellant, which was extended vide order dated 13/10/2014.
3. That despite the status quo order of the Honourable Tribunal the respondents have illegally withheld / stopped the salary of the appellant.
4. That the appellant have duly communicated the stay order to the respondents and have also made several request for the release of his salary, however, the


*File is requested
Memorandum salary of
the official be
released.*

as

respondents paid no heed to the request so made and have illegally withheld the salary.


5. That withholding of the salary of the appellant also amounts to violation of the order of this Honourable Tribunal granted in favour of the appellant.

It is therefore, humbly requested that on acceptance of this application, the respondents may please be directed to release the salary of the appellant illegally stopped by them.



Appellant

Through


SAJID AMIN
Advocate, High Court,
Peshawar.

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct and nothing has been concealed from this Honourable Tribunal.



23 - 10 - 14



DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In the matter

Of

Appeal No. 1063 of 2014.

Noor Muhammad

..... Appellant

VERSUS

Govt. of KPK and others

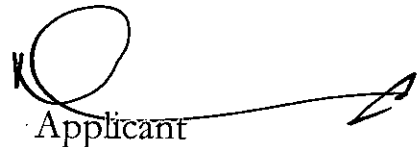
..... Respondents

APPLCIATION FOR EARLY HEARING

Respectfully Sheweth,

1. That the above noted appeal is pending adjudication before this Honourable Tribunal in which 05-11-2014 is the date fixed for hearing.
2. That the respondents have illegally withheld the salary of the appellant due to which the appellant is suffering. The appellant has today also filed an application for the release of his salary which deserve to be heard earliest.
3. That there is no legal impediment in early fixation of the titled appeal.

It is therefore, humbly requested that on acceptance of this application the next date in the noted appeal given for hearing may kindly be expedited and the appeal alongwith the instant application may be fixed for an early dates.


Applicant

Through

SAJID AMIN

Advocate, Peshawar.

Dated 23-10-2014