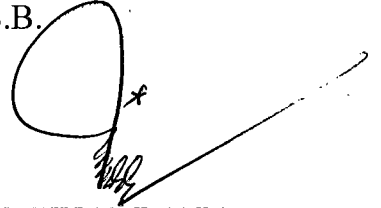


14.07.2022

Junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Farhan, Assistant for the respondents present.

Written reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit written reply/comments. Adjourned. To come up for written reply/comments on 13.09.2022 before S.B.

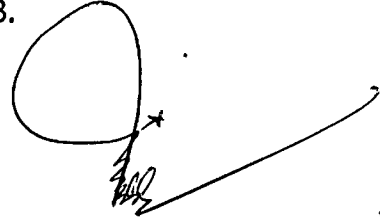
A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical line and a diagonal stroke extending to the right.

(MIAN MUHAMMAD)
MEMBER (E)

n24.01.2022

Counsel for the appellant present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing on 22.03.2022 before S.B.

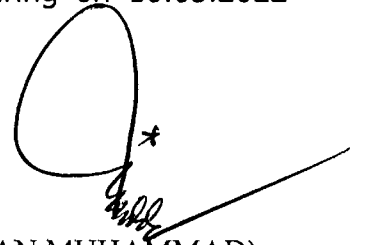


(Mian Muhammad)
Member(E)

22.03.2022

None for the appellant present.

Notices be issued to the appellant and his counsel. Adjourned. To come up for preliminary hearing on 10.05.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

10.05.2022

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections with direction to appellant to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 14.07.2022 before S.B.

Rs-500/-
Appellant Deposited
Security & Process Fee

A. J. Hashmi
12/5/22






(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7841 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/12/2021	<p>The appeal of Mr. Hidayat Ullah presented today by Mr. Mansoor Salam Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR,</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>20/12/21</u>.</p> <p> CHAIRMAN</p>
	20.12.2021	<p>Taimur Ali Khan Advocate present on behalf of learned counsel for appellant.</p> <p>He made a request for adjournment as counsel for appellant is not available being indisposed; granted. To come up for preliminary hearing on 24.01.2022 before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

In Re S.A. 7841 /2021

HidayatUllah

VERSUS

Government of Khyber Pakhtunkhwa & Others


INDEX

S#	Description of Documents	Annex	Pages
1.	Grounds of Appeal		1-6
2.	Suspension Application		7-8
3.	Affidavit		9
4.	Addresses of Parties		10
5.	Copy of impugned order dated 30-07-2021	"A"	11
6.	Copy of Departmental Appeal	"B"	12-12A
7.	Copy of Transfer & Posting Policy	"C"	13-13A
8.	Copy of Application on Medical Grounds & Rejection Order	"D-D1"	14-14A
9.	Notification No.SOR-VI/E&Ad/1-4/2010/Vol-viii Dated 7 th August 2012	"E"	15-15A
10.	Other documents		16-19
11.	Wakalat Nama		20

Dated: 06/12/2021

Appellant

Through


Mansoor Salam
 Advocate High Court
 Peshawar.

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In S.A _____/2021

Hidayat Ullah (Senior Clerk - BPS 14) S/o Abdul Jalil R/o Mohallah Jandar Khel, Village & Post Office Dallo Khel, Tehsil & District Lakki Marwat.

-----Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Higher Education Department at Civil Secretariat, Peshawar.
2. Director General Archives & Libraries Khyber Pakhtunkhwa at Directorate of Archives & Libraries, Peshawar.
3. Director, Archives & Libraries Khyber Pakhtunkhwa at Directorate of Archives & Libraries, Peshawar.

-----Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED TRANSFER ORDER NO. 1033/3/10/DA DATED 30-07-2021, OF THE OFFICE OF RESPONDENT NO. 03 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM DISTRICT LAKKI MARWAT TO DISTRICT HARIPUR IN UTTER VIOLATION TO THE LAW AND POLICY OF TRANSFER & POSTING GOVERNING THE SUBJECT, AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

Respectfully Sheweth,

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan and hails from a respectable family of District Lakki Marwat.
2. That after going through the mandatorily required criteria, the Appellant got onto the rolls of the Respondent Department years back.

3. That since induction into service and getting onto the rolls of this extremely humane and prestigious Department, the Appellant has remained the most pragmatic, devoted and dutiful fellow, who never left any stone unturned in performance of his duties and importing any responsibility that has been entrusted to the Appellant.
 4. That being highly professional and pragmatic towards the responsibilities interested to the Appellant and because of his professional skills, there have never been any sort of soot or sootage upon his long career, which fact is reflected from Appellant Service record, which sans any complaint or adverse or even advisory remarks mentioned or ever communicated to the Appellant.
 5. That it was in this backdrop that while the Appellant was serving his duties as Senior Clerk (BPS-14) was reverted to Junior Clerk (BPS-11) for a period of 01 year and was serving at Public Library Lakki Marwat. The above-said period of 01 year got expired on 29-07-2021.
 6. That this was the background and chequered history, whereby a brief glimpse is given in the preceding paras, the Appellant has been transferred vide the impugned Office Order No. 1033/3/10/DA Dated 30-07-2021, issued from the Office of Directorate of Archives & Libraries Khyber Pakhtunkhwa, like a bolt from the blue, from Lakki Marwat to District Haripur in utter violation of law and transfer and posting policy. (Copy of impugned order dated 30-07-2021 is annexed herewith as Annexure "A").
 7. That it would equally be important to mention here that Original post of the Appellant was restored vide the same Office Order Dated 30-07-2021 and was again penalized for no wrong done on his part by transferring
-

the Appellant from his original place of residence to far flung areas of District Haripur, hence was Double Jeopardized.

8. That feeling aggrieved, the Appellant preferred a Departmental Appeal but in spite of lapse of stipulated period as postulated in Khyber Pakhtunkhwa Transfer and Posting Policy, nothing came up of the same. **(Copy of Departmental Appeal is annexed herewith as Annexure "B")**.
9. That before going to jotted down to the grounds of the instant Service Appeal, it would be appropriate to mention here that the provincial government has provided for its own Transfer and Posting Policy as visualized as Khyber Pakhtunkhwa Transfer & Posting Policy, wherein, it has provided for all sorts of conditions for posting and transfer of any Civil Servant, whereas, the same policy has also provided for approaching this Hon'ble Tribunal quiet expeditiously. **(Copy of Transfer & Posting Policy is annexed herewith as Annexure "C")**.
10. That the irony of the fate is that the appellant has been diagnosed Irritable Bowel Syndrome (IBS) for which appellant moves 'Earned Leave Application' on medical grounds, however that too has been rejected by the respondent department, fact are reflected from Appellant Medical Record and Doctor's advice. **(Copy of the Application & Rejection order are Annexed herewith as Annexure "D")**
11. That feeling aggrieved and having the only remedy available being Civil Servant, the Appellant approaches this Hon'ble Tribunal for setting aside the impugned Transfer Order Dated 30-07-2021, issued from the Office of Directorate of Archives & Libraries Khyber Pakhtunkhwa, upon the following grounds, inter-alia;

Grounds:

- A. That the impugned Transfer & Posting Order is wrong, illegal, unwarranted, and hence not tenable in the eyes of law.
-

- B. That the impugned Transfer & Posting order is thoroughly in derogation to the principles as laid down and enumerated in statutory provision of Transfer & Posting Policy under Section 10 of Civil Servant Act 1973.
- C. That the Appellant is Lakki Marwat based and domicile of the Appellant is that of District Lakki Marwat. So as per rationale Policy, the Appellant is entitled to be placed in the same District and not beyond that.
- D. That the Establishment Department Regulation Wing KP has circulated vide Notification No. SOR-VI/E&Ad/1-4/2010/Vol-viii dated 7th August 2012 which stated as;
- i) where request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of the post in the same BPS.*
 - ii) If request involves temporary deputation to another department, it may be processed in consultation with the concerned department and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.*
 - iii) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an organization, the Government servant with greater length of service may be preferred.*
 - vi) request for posting by a spouse facing serious medical problems may be accorded highest priority.*
 - v) Spouses already posted at one station, including those posted on deputation may normally not be*
-

disturbed without compelling reasons of public interest, the permissible limit may be considered with compassion if interests of public service would permit.

(Copy of the vide Notification is Annexed herewith as Annexure "D")

- E. The children of the Appellant is studying in Lakki Marwat, and if the Appellant is transferred vide impugned transfer and posting order, the studies of the children would extremely suffer, therefore the impugned transfer and posting order is a nullity in the eyes of law.
- F. That the impugned transfer order is also against the normal tenure Policy and against the utter violation of prevailing laws.
- G. That by transferring the Appellant, the Appellant has virtually been penalized for no wrong done and have been simply kicked out from Lakki Marwat as in either case, the Appellant can easily be adjusted anywhere in Public Library Lakki Marwat.
- H. That even the impugned Transfer & Posting Policy is in sheer violation to Article 13 of the Constitution of Islamic Republic of Pakistan, which postulates that no one could be double jeopardized, but here the case is volta-facie and a totally different yard-stick has been taken to treat the Appellant.
- I. That even the Wedlock / spouse policy fully covers the case of the Appellant, as wife of the Appellant is serving as Certified Teacher in Government Girls High School, Dallo Khel, Lakki Marwat.
- J. That from every angle, the impugned Transfer & Posting Order is wrong, illegal, unlawful and is liable to be set-aside.

K. That any other ground not raised here may graciously be allowed at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned transfer order No. 1033/3/10/DA dated 30-07-2021, of the Office of respondent No.3 may very graciously be suspended & set-aside and the appellant may transfer back to their home station i.e. Lakki Marwat Main Library under the wedlock policy alike the respondent has transfer many other employees.

Any other relief not specifically asked for & hon'ble tribunal think fit & appropriate, may also graciously be extended in favor of the appellant in the circumstances of the case.

Dated: 06/12/2021.

F. Shah

Appellant

Through

Mansoor Salam

Mansoor Salam
Advocate High Court
Peshawar.

NOTE:

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Advocate.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

7

Service Appeal No. ____/2021

Hidayat Ullah

Vs

Secretary H.E.D & others

APPLICATION FOR SUSPENDING THE OPERATION OF ORDER DATED 30-07-2021 TO THE EXTANT OF THE APPELLANT TILL THE DECISION OF MAIN SERVICE APPEAL.

Respectfully Sheweth,

1. That the appellant has filed an appeal against the orders dated 30-07-2021, whereby appellant was transferred in violation of instruction 9 of posting & transfer policy along with this application in this August Service Tribunal in which no date is fixed so far.
2. That the impugned transfer orders dated 30-07-2021 is violation of instruction 9 of posting & transfer policy, therefore liable to be suspended to extent of appellant.
3. That the appellant has a good prima facie case and all the three ingredients are in favor of appellant.
4. That the grounds of main appeal may also be considered as integral part of this application.

It is therefore most humbly prayed that the operation of the order dated 30-07-2021 may kindly be suspended to the extent of the appellant and private responded No.4 till the final decision of main appeal.



APPELLANT
(HIDAYATULLAH)

Through

Mansoor Salam
Advocate High Court
High Court

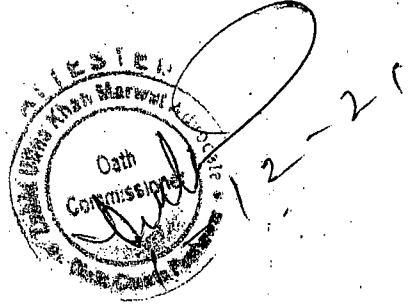
AFFIDAVIT:

it is solemnly affirmed that the contents of the application is true and correct to the best of my knowledge & belief and nothing has been kept secret from this Hon'ble Service Tribunal.

Ashraf
DEPONENT

Mansoor Salam

IDENTIFIED BY:
Mansoor Salam
Advocate High Court
Peshawar



(9)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Hidayat Ullah

VERSUS

Government of Khyber Pakhtunkhwa & Others

AFFIDAVIT

I, Hidayat Ullah S/o Abdul Jalil, Senior Clerk (BPS-14) Archives and Library Department R/o Moh: Jandar Khel, Village Dello Khel, Tehsil & District Lakki Marwat, do hereby solemnly affirm & declare on oath that all content of the instant Service Appeal, are true & correct to the best of my knowledge & belief and nothing has been concealed or misstated from this Hon'ble Tribunal.

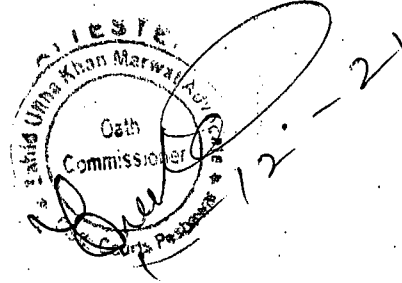
F. Shah
DEPONENT

CNIC: 11201-0336251-9

Cell No:0334-5702487

Identified BY

Mansoor Salam
Advocate, High Court,
Peshawar.



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

(10)

In Re S.A _____/2021

Hidayat Ullah

VERSUS

Government of Khyber Pakhtunkhwa & Others

ADDRESSES OF PARTIES

APPELLANT

Hidayat Ullah (Senior Clerk - BPS 14) S/o Abdul Jalil R/o
Mohallah Jandar Khel, Village & Post Office Dallo Khel, Tehsil
& District Lakki Marwat.

ADDRESSES OF RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary Higher Education Department at Civil Secretariat, Peshawar.
2. Director General Archives & Libraries Khyber Pakhtunkhwa at Directorate of Archives & Libraries, Peshawar.
3. Director, Archives & Libraries Khyber Pakhtunkhwa at Directorate of Archives & Libraries, Peshawar.

Dated: 06/12/2021


Appellant

Through

Mansoor Salam
Advocate High Court
Peshawar.



DIRECTORATE OF ARCHIVES & LIBRARIES,
KHYBER PAKHTUNKHWA, PESHAWAR.
Phone: - 091- 9210100 Website: - www.kpdal.gov.pk,
www.facebook.com/KParchivesandlibraries.

No. 1033 /3/10/DA Dated 30th July, 2021.

OFFICER ORDER.

Consequent upon the expiry of one year period of the modified penalty i.e. reduction to lower post of Junior Clerk(BPS-11) on 29-07-2021 imposed vide No. SO(C-IV)/HED/1-6/Hidayt Ullah/2020 dated 01-01-2021, Mr. Hidayt Ullah, Junior Clerk(BPS-11), Public Library, Lakki Marwat is hereby restored to his original post i.e. Senior Clerk(BPS-14) and posted against the existing vacancy in Public Library, Haripur with effect from 30-07-2021.


02- In terms of the amendment made in Rule-04, Sub Rule(1), Clause(b), sub Clause(i), Khyber Pakhtunkhwa Civil Servants(Efficiency & Discipline) Rules, 2011 notified on 18-07-2012, seniority of the said official will be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty.

(Raheela Hafeez)
Director of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & Date Even.

Copy forwarded to :-

- i)- The District Accounts Officer, Lakki Marwat and Haripur.
- ii)- The Section Officer(C-IV), Higher Education Department with reference to the notification referred to above.
- iii)- Incharge, Public Library, Lakki Marwat with reference to letter No. 74/3/1/LPL dated 28-06-2021.
- iv)- Incharge, Public Library, Haripur.
- v)- The official concerned.
- vi)- Officer Orders File.


Director of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.

بخدمت جناب ڈائریکٹر صاحبہ ڈائریکٹوریٹ آف آرکائیوز اینڈ لائبریری ڈیپارٹمنٹ خیبر پختونخواہ پشاور

عنوان: سپاؤس اینڈ ویڈ لاک پالیسی کے تحت تبادلہ برائے ہری پور پبلک لائبریری ٹوکی مروت پبلک لائبریری

جناب عالیہ!

میں ہدایت اللہ خان بطور سنیئر کلرک، حکیم عبدالسلام پبلک لائبریری ہری پور میں اپنی ڈیوٹی کے فرائض سرانجام دے رہا ہوں۔ ڈائریکٹر صاحبہ اور اس سے پہلے کے ڈائریکٹر صاحب کو مورخہ 09.08.2008 سے بار بار زبانی اور درخواست کی صورت میں عرض کر چکا ہوں کہ میری بیوی (Misses) سرکاری سکول میں استانی یعنی ٹیچر ہے۔ اور محکمہ ایلمینٹری اینڈ سکینڈری ایجوکیشن ڈیپارٹمنٹ میں بطوری ٹی (CT) پوسٹ گورنمنٹ گرلز ہائی سکول دلوخیل لکی مروت میں اپنی ڈیوٹی کے فرائض سرانجام دے رہی ہے۔

According to Establishmet code Khyber Pakhtunkhwa Revised Addition 2011 compendium of Laws, Rules and instructions relating to the terms and conditions of provincial civil servants.

اس قانون یعنی سپاؤس اینڈ ویڈ لاک پالیسی کے مطابق اگر میاں / بیوی دونوں صوبائی سرکاری ملازم ہوں تو اس قانون کے مطابق دونوں ملازمین کو اپنے ہوم اسٹیشن پر سرکاری ڈیوٹی کے فرائض سرانجام دینے کا حق ملنا چاہیے۔

جناب عالیہ! دوسری اہم بات وہ یہ کہ میرے چھوٹے چھوٹے بچے ہیں۔ بچوں کی تعلیم کی غرض سے لکی مروت شہر کے پرائیویٹ سکول میں داخل کروا چکا ہوں۔ چونکہ میری میسرز سکول ٹیچر ہے اور میرا تبادلہ لکی پبلک لائبریری سے حکیم عبدالسلام پبلک لائبریری ہری پور ہو چکا ہے اس وجہ سے بچوں کی صحیح تعلیم و تربیت میں بہت مشکلات کا سامنا ہے۔

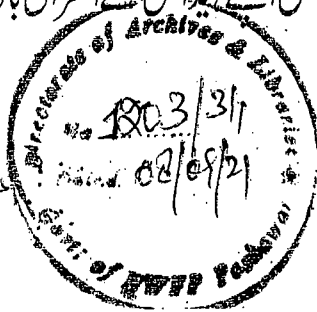
جن کی بناء پر ان کی صحیح تعلیم و تربیت اور مناسب دیکھ بھال کے لیے مجھے نزدیک کی اسٹیشن پر اپنی سرکاری ڈیوٹی سرانجام دینا موقع ملنا چاہیے۔

جناب عالیہ! تیسری اہم بات وہ یہ کہ میری والدہ محترم صاحبہ انتہائی بوڑھی بزرگ، لاغر و کمزور اور انتہائی کئی امراض میں مبتلا ہے۔ والدہ صاحبہ بلڈ پریشر اور گھٹنوں کے مرض میں بھی مبتلا ہے۔ جس کی بناء پر والدہ صاحبہ پاؤں پر چلنے پھرنے سے قاصر ہے۔ گھر پر میرے علاوہ انکے صحت کے لحاظ سے صحیح دیکھ بھال اور پراپر چیک اپ کے لیے ڈاکٹر صاحب کے پاس لے جانے کے لیے دوسرا ذمہ دار شخص گھر پر موجود نہیں ہے۔ سپاؤس اینڈ ویڈ لاک پالیسی کے قانون کے متعلق اپنے پٹافس کے افسران بالا کو پچھلے 13 سالوں سے بار بار زبانی اور

درخواست کی صورت میں آگاہ کر چکا ہوں۔

It is requested that postings / transfers matters may be marked to concerned officer please. Manish

09-09-2021



لیکن انتہائی افسوس اور دکھ کے ساتھ مجھے یہ لکھنا پڑ رہا ہے کہ قصداً ڈائریکٹر صاحبان نے سپاؤس اینڈ ویڈیو لاک پالیسی کی خلاف ورزی کرے ہوئے مجھے ہمیشہ دور کے ایٹیشن پر تعینات کرنے کے آرڈر صادر فرمائے۔

اب آخر میں ڈائریکٹر صاحبہ سے پرزور اپیل کر جاتی ہے کہ میرے ٹرانسفر کے مسئلے کو انتہائی سنجیدگی اور سیریز لے کر جلد از جلد قانون کے تناظر میں حل کی جائے۔

تاکہ ہم دونوں میاں بیوی سرکاری کام کی انجام دہی اور ہماری گھریلو زندگی کے معاملات متاثر نہ ہوں۔ جناب عالیہ! فرحانہ غزل صاحبہ سینئر کلرک (BPS-14) جو پچھلے ایک سال سے پبلک لائبریری لکی مروت میں اپنی ارائیول رپورٹ جمع کرنے کے بعد سے ڈیوٹی پر نہیں آرہی ہے اگر ان کو بنوں پبلک لائبریری تبدیل کر دیا جائے اور مجھے سپاؤس اینڈ ویڈیو لاک پالیسی کے تحت ہری پور سے لکی مروت تبدیل کیا جائے۔ لکی مروت لائبریری میں سٹاف کی کمی ہے اور ایڈمنسٹریٹو اور ٹیکنیکل سٹاف آف اسٹیشن ہیں چونکہ میں لکی مروت کارہائشی ہوں اور اس سے پہلے بھی میں نے لکی مروت پبلک لائبریری میں فرض شناسی سے ڈیوٹی کی ہے اور انشاء اللہ آئندہ بھی بہتر اور احسن طریقے سے لائبریری میں ڈیوٹی کرونگا۔

جناب عالیہ! ان تمام حقائق کو لکھنے اور آپ صاحبان کے نوٹس میں لانے کا مقصد یہ ہے کہ آپ صاحبان کو قانون کے تناظر میں فیصلہ کرنے میں آسانی ہو۔ میں ہمیشہ آپ صاحبان کا شکر گزار اور مشکور رہوں گا۔

نوٹ: درخواست کے متعلقہ کاغذات لف ہے۔

مورخہ 09/2021

العارض

Shah

ہدایت اللہ خان سینئر کلرک عبدالسلام پبلک لائبریری ہری پور

84 ESTA CODE [Establishment Code Khyber Pakhtunkhwa]**Posting and Transfer****Statutory Provision.****Section 10 of the NWFP Civil Servants Act, 1973.**

Posting and Transfer. Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

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

¹While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP

- 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.

ESTA CODE [Establishment Code Khyber Pakhtunkhwa] 85

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.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement
²DCOs 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.

1 Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004
 2 Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

بخدمت جناب لائبریرین صاحبہ، حکیم عبدالسلام پبلک لائبریری ہری پور

درخواست برائے آرٹھ لیو۔ میڈیکل لیو۔

عنوان:

جناب عالیہ! میں ہدایت خان بطور سٹیر کلرک حکیم عبدالسلام پبلک لائبریری ہری پور میں آپنی ڈیوٹی کے فرائض سرانجام دے رہا

ہوں۔

میں نے آپ صاحبان کو آرٹھ لیو درخواست بوجہ بیماری (بادی بواسیر) مورخہ 20-18-2021 کو بزرگیو رجسٹری ڈاک بھیجی تھی۔ پھر مجھے انچارج پبلک لائبریری ہری پور نے بزرگیو فون اطلاع دی۔ کہ ڈائریکٹوریٹ صاحبان نے آپکی آرٹھ لیو درخواست منظور نہیں کی ہے۔

پچھلے آرٹھ لیو درخواست کی کاپی بوجہ بواسیر بیماری جو میں نے آپ صاحبان کو بزرگیو ڈاک رجسٹری بھیجی تھی۔ اس آرٹھ لیو درخواست کی کاپی منسلک ہے۔

جناب عالیہ! اس بیماری میں بہت زیادہ لمبا سفر یا درمیانہ سفر بہت مشکل اور تکلیف دہ ہوتا ہے۔ اس وجہ سے میں نے آپ

صاحبان کو آرٹھ لیو کی درخواست بھیجی تھی۔ لیکن مجھے انتہائی آنسوؤں کے ساتھ یہ لکھنا پڑا، کہ میرے آرٹھ لیو اکاؤنٹ میں سے کافی چھٹیاں پڑی ہوئے باوجود میری آرٹھ لیو کی درخواست منظور نہ کرنا قانونی تقاضے کے برخلاف ہے۔

بواسیر بیماری کی تکلیف بہت زیادہ ہے، جنکی بناؤ پر میں ڈاکٹر صاحب کے پاس چیک اپ کیلئے گیا تھا۔ تو اس نے مجھے بواسیر کی بیماری کی وجہ سے مکمل بیڈ ریسٹ کا لکھا ہے۔ درخواست کیساتھ ڈاکٹر صاحب کی میڈیکل سرٹیفکیٹ منسلک ہے۔ لہذا آپ صاحبان سے التماس کیجاتی ہیں۔ کہ مجھے آرٹھ لیو اکاؤنٹ میں سے چار مہینے یعنی 07-09-2021 سے لیکر 07-01-2022 تک چھٹیاں عنایت فرمائیں۔

آپ صاحبان سے گزارش ہے کہ میری درخواست مع میڈیکل سرٹیفکیٹ کی کاپی کیساتھ جلد آز جلد منظوری کیلئے ڈائریکٹوریٹ آف آرکائیوز اینڈ لائبریری ڈیپارٹمنٹ پشاور بھیجا جائے۔ میں ایسٹ اپ صاحبان کا تابع ہوں اور اہوونگا۔

عین نوڈاش ہوگی۔

مورخہ 06/09/2021

العارض

ہدایت خان سٹیر کلرک (BPS-14)

حکیم عبدالسلام پبلک لائبریری ہری پور



DIRECTORATE OF ARCHIVES & LIBRARIES,
KHYBER PAKHTUNKHWA, PESHAWAR.
Phone: - 091- 9210100 Website: - www.kpdal.gov.pk,
www.facebook.com/KParchivesandlibraries.

No. 1550/3/10/DA Dated 01 /10/2021.

To

Mr. Hidayat Ullah, Senior Clerk, Hakim Abdus Salaam Public Library, Haripur,
Resident of Village, Dallo Khel, Lakki Marwat.

Subject:

**APPLICATION FOR 04-MONTHS EARNED LEAVE FROM 07-09-2021
TO 07-01-2022.**

Reference your above referred application dated 06-09-2021 along with two medical certificates issued by Medical Officer DHQ Hospital, Lakki Marwat for 14-days medical leave from 31-08-2021 to 07-09-2021, forwarded vide Incharge Librarian, Public Library, Haripur letter No. 540/HPL13-09-2021.

02- You are informed that as per Health Department letter No. SOIV/10-4/93/ dated 02-11-1993, only concerned District Medical Superintendent/Civil Surgeon is competent to advise more than 03-days leaves on medial grounds(copy attached), as such, your aforementioned certificates are not valid for the grant of 14-days medical leave and subsequent 04-months earned leave. Moreover, in future, none of your application for more than 03-days medical leave will be accepted unless duly recommended by the competent authority. Copy attached

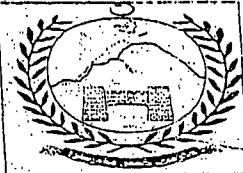
03- In view of the aforesaid, your application for 04-months earned leave has been rejected and you are accordingly directed to resume duties immediately, failing which, will result into initiation of disciplinary proceedings against you on account of misconduct and violation of Rule-03(d) of Khyber Pakhtunkhwa Civil Servants(Efficiency & Discipline) Rules, 2011 in terms of remaining absent without prior leave.

Director of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & Date Even.

Copy forwarded to Incharge Librarian, Public Library, Haripur with directions of assigning proper job description and keeping check on attendance and overall conduct of the official.

Director of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

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

(E)

Annex ⁴ B

(15)

To

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

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

Dear Sir,

I am directed to refer to the subject noted above and to state that keeping in view the Socio economic Problems and hardships faced by husbands and wives in Government Service due to posting at different station of duty, the competent authority has been pleased to prescribe the following guideline to facilitate posting of husband and wife at the same station:-

i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.

ii) If request involves temporary deputation to another department, it may be processed in consultation with the concerned department and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.

iii) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an

AC (R)

Commissioner Peshawar

D/No 7/10 Peshawar, 10/8/12

S
10/8/12
Sup 12

ATTESTED

15-A

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

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

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

2. Kindly acknowledge receipt.

Yours faithfully,

Naaj Mus-Sahar
7/8/12

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

Endst No. & date even.

Copy forwarded to:

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

Naaj Mus-Sahar
7/8/12

SECTION OFFICER (REG:VI)

ATTESTED

(Signature)

جناب عالیہ!

منوود بانہ گزارش ہے، کہ میری مسز ایلیمینٹری اینڈ سیکنڈری ایجوکیشن ڈیپارٹمنٹ لکی مروت میں بطور CT پوسٹ اپنی ڈیوٹی سرانجام دے رہی ہے۔ میں لکی مروت کارہائشی ہوں اور حکیم عبدالسلام پبلک لائبریری ہری پور میں بطور سینئر کلرک ڈیوٹی سرانجام دے رہا ہوں۔ سپاؤس پالیسی اینڈ ویڈ لاک پالیسی کے قانون کے مطابق جب میاں اور بیوی دونوں سرکاری ملازمین ہوں، تو قانون دونوں کو اپنے ہوم سٹیشن پر سرکاری ڈیوٹی کے فرائض سرانجام دینے کا حق دیتا ہے۔

دوسری اہم بات یہ ہے کہ میرے والدین انتہائی بوڑھے، ضعیف اور مختلف قسم کے بیماریوں میں مبتلا ہیں۔ ان کے علاج، چیک اپ اور دیکھ بال کیلئے گھر پر میرے علاوہ دوسرا کوئی موجود نہیں ہے۔

یہ کہ میرے چھوٹے چھوٹے بچے ہیں، جو لکی مروت کے پرائیویٹ سکول میں پڑھتے ہیں۔ چونکہ میری مسز سکول ٹیچر ہے اور میرا تبادلہ لکی پبلک لائبریری سے حکیم عبدالسلام پبلک لائبریری ہری پور ہو چکا ہے۔ اس وجہ سے بچوں کی تعلیم و تربیت میں بہت مشکلات کا سامنا ہے۔

یہ کہ لکی پبلک لائبریری لکی مروت میں سٹاف کی کمی ہے اور ایڈمنسٹریٹو اور ٹیکنیکل سٹاف آؤٹ آف سٹیشن ہیں۔ چونکہ میں لکی مروت کارہائشی ہوں، اور میں نے لکی پبلک لائبریری میں پہلے بھی فرض شناسی سے ڈیوٹی کی ہے اور آئندہ بھی بہتر طریقے سے لائبریری میں ڈیوٹی کروں گا۔

لہذا آپ صاحبان سے گزارش ہے کہ مجھے لکی پبلک لائبریری، لکی مروت میں ڈیوٹی سرانجام دینے کے احکامات صادر فرمائیں۔ جو میرے اور علاقے کے لئے فائدہ مند ہوگا۔

تاعمر دعا گو و شکر گزار رہیں گے

مورخہ: 13-08-2021

العارض

F. Shate

ہدایت اللہ

سینئر کلرک، حکیم عبدالسلام پبلک لائبریری، ہری پور

SERVICE CERTIFICATE

It is certified that Miss RAHILA TARIQ Wife of HIDAYAT ULLAH is Serving of Certified teacher (CT) in BPS (15) In Government Girls High School Dallo Khel District Lakki Marwat Since 1-11-2002.

Dated:17-12-2018

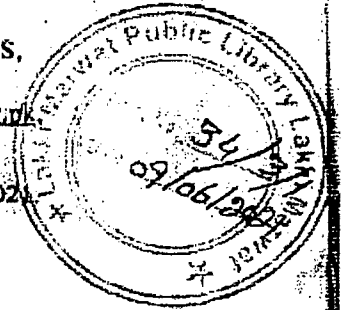


Principal
GGHS Dallo Khel
District Lakki Marwat

(18)

DIRECTORATE OF ARCHIVES & LIBRARIES,
KHYBER PAKHTUNKHWA, PESHAWAR.
Phone: - 091-9210100 Website: - www.kpdal.gov.pk
www.facebook.com/KParchivesandlibraries

No. 779 /3/1/DA. Dated 31st June, 2021



ORDER

In view of existing shortage of technical staff, Mr. Nazeer Ahmad, Cataloguer-Cum-Classifier, Public Library, Lakki Marwat is hereby directed to perform duties in the newly established Public Library, Charsadda till further orders.

(Rahccla Hafeez)
Director of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & Date Even.

Copy forwarded to :-

- i)- The Incharge, Public Library, Lakki Marwat.
- ii)- The Incharge, Public Library, Charsadda.
- iii)- The official concerned.

Director of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar

Sent to:

OUT DOOR PATIENT TICKET DHIS-02 (F)

DISTRICT HEADQUARTER HOSPITAL LAKKI

District _____ CRP No. 3228

Facility Name _____

Name M. Iqbal Age: _____ Sex: _____

Fathers / Husbands Name _____

Monthly OPD Serial No. _____

Provisional Diagnosis Par. anal fissure

Date

7/9/21

R

Bleeding PR

Cap. Doxium

Painful defecation

14 — 1-0-1

T.S. Tramadol plus

10 — 1-0-1

T.S. Voltrol 500

10 — 1-0-1

DRE

Painful

5 —

Cap. Duplozac

Adv

5 — 2-2-2

Avoid long standing
Travel

GTN forte Cream

Take complete bed rest

for 7 days

Officer [Signature]
District Hospital, Lakki

بعد الت

سروس ٹریبونل سیٹاور

2021ء منجانب

بنام

موردہ 06/12/2021

مقدمہ دعویٰ سروس ایپل

جرم

باعث تحریر پر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز مکمل صاحب کو رائی نامہ کرنے و تقرر کالت ہ فیصلہ بر عطف دیئے جواب وہی اور اقبال دعویٰ اور بصورت ذکر کرنے اجراء اور صولی چیک در و پیر عرضی دعویٰ اور درخواست ہر قسم کی تصدیق و زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا اگر کسی کیلٹرنہ یا ایپل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل ٹرائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بس صورت ضرورت مقدمہ مذکور کے کل یا جزئی کارروائی کے واسطے اور مکمل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساخت پروا ختم منظور تبدیل ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوا نے مقدمہ کے سبب سے وہوگا۔ کوئی تارخ پیشی مقام دورہ نہ ہو یا حد سے باہر آتا ہو مکمل صاحب پابند ہوں گے۔ کہ پیروی مذکورہ کریں۔ لہذا کالت نامہ لکھد یا کہ سندر ہے۔

الرقوم 06/12/2021 ماہ و کبر 2021

بمقام () کے لئے منظور ہے۔

بیت اللہ ولایت الجلیل سندہ قلم جدید دل دوشلی ملی روٹ

“A”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.B

No.

APPEAL No. 7841 of 2021.

Hidayatullah

Appellant/Petitioner

Versus

through Secy Higher Edu Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Hidayatullah (Senior Clerk-BPS-14)
S/o Abdul Jalil R/o Mohallah Tandar Khel, Village &
Post office Datta Khel Tehsil & Dist: Larkana

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 10/5/2022 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

APPEAL No..... 7841 of 20 21.

Hidayat ulah

Appellant/Petitioner

Versus

Through Secy Higher Edu Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Mansoor Salam Advocate
High Court Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/recrd/arguments/order before this Tribunal on 10/5/2022 at 9.00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

31/3/22

Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

SB

APPEAL No. 7841 of 20 21

Hidayatullah

Appellant/Petitioner

Versus

Through Secy Higher Education KPK Peshawar

RESPONDENT(S)

Respondent (1)

Notice to ~~Appellant/Petitioner~~

Govt of KPK through Secy
Higher Education Peshawar

Take notice that your appeal has been fixed for ~~Preliminary hearing,~~
~~replication, affidavit/counter affidavit/record/arguments/order~~ before this Tribunal
on 14/07/2022 at 9:00 AM

(Copy of Appeal is attached)

You may, therefore, appear before the Tribunal on the said date and at the said
place either personally or through an advocate for presentation of your case, failing
which your appeal shall be liable to be dismissed in default.

(For Reply)

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Received
29/7/22

[Signature]