


Appeal No. 1070/13

Mst. Naveet Begum

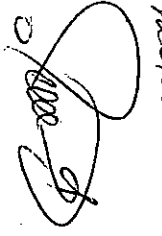
15.01.2014

Counsel for the appellant present and requested for withdrawal of the appeal being infructuous. In this respect his statement also recorded. As such the appeal is dismissed as withdrawn in limine. File be consigned to the record.

ANNOUNCED
15.01.2014.



Member

Request for withdrawal being infructuous


15/1/14

3.
01.08.2013

Clerk of counsel for the appellant present and requested for adjournment. Case is adjourned. To come up for preliminary hearing on 07/10/2013.


Member

4.
07.10.2013

Clerk of counsel for the appellant present and requested for adjournment due to non-availability of his counsel. To come up for preliminary hearing on 25.10.2013.


Member

5.
25.10.2013

Clerk of counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 06.12.2013.


Member

6.
06.12.2013



Clerk of counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 15.01.2013.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1070 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/07/2013	<p>The appeal of Mst. Zeenat Begum presented today by Mr. Khaled Rahman 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	16-7-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>1-8-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1070/2013

Mst. Zeenat Begum

.....Appellant

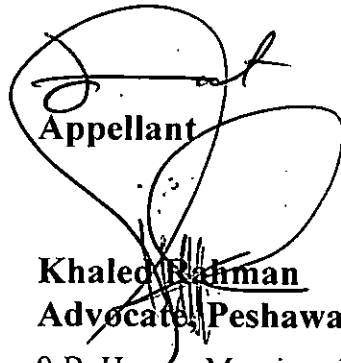
Versus

The Agency Education
Officer and others.

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-5
2.	Stay Application with Affidavit			0-6
3.	Circular letter/selection criteria	18.05.2012	A	7-8
4.	Transfer Order	03.09.2012	B	9-10
5.	Impugned transfer Order	26.03.2013	C	0-11
6.	Order of ban on transfers	17.02.2013	D	0-12
7.	Earlier transfer orders of Respondent No.4	24.09.2012 20.12.2012	E	13-14
8.	Departmental Representation		F	0-15
9.	Transfer Posting Policy		G	16-19
10.	Wakalat Nama			

Through


Appellant

Khaled Rahman
Advocate, Peshawar

9-B, Haroon Mansion,
Khyber Bazar, Peshawar.
Cell # 0345-9337312

Dated: 8 / 07/ 2013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1070 /2013

1122
09-7-13

Mst. Zeenat Begum,
Assistant Agency Education Officer,
(Female) Bajaur Agency.....Appellant.

Versus

1. The Agency Education Officer,
Bajaur Agency at Khar.
2. The Director Education FATA,
FATA Secretariat, Warsak Road Peshawar.
3. The Secretary,
Social Sectors Department
FATA Secretariat, Warsak Road Peshawar.
4. Mst. Sarwat Habib,
SET, GGHS Khar Bajaur Agency.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS
ACT, 1974 AGAINST THE IMPUGNED ORDER
DATED 26.03.2013 WHEREBY APPELLANT WAS
UNLAWFULLY TRANSFERRED FROM THE POST
OF ASSISTANT AGENCY EDUCATION OFFICER
(FEMALE) BAJAUR AGECCNY AND RESPONDENT
NO.4 WAS UNLAWFULLY POSTED VICE THE
APPELLANT AGAINST WHICH APPELLANT FILED
DEPARTMENTAL REPRESENTATION BUT THE
SAME WAS NOT DISPOSED OF WITHIN THE
STATUTORY PERIOD OF 90 DAYS.**

PRAYER:

On acceptance of the instant appeal, the impugned order dated 26.03.2013 may graciously be set aside and appellant be allowed to be posted against the post of Assistant Agency Education Officer (Female) for her remaining tenure.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That vide letter dated 18.05.2012 (*Annex:-A*), the FATA Secretariat Social Sectors Department circulated selection criteria for transfer/posting of Assistant Agency education Officers which has provided full-fledged mechanism including tenure for a period of Five years.
2. That a post of Assistant Agency Education Officer (Female) Bajaur Agency became vacant, therefore, as per the selection criteria *ibid*, selection- process were initiated therefore wherein the name of appellant was also included in the proposed panel. Accordingly appellant participated in the selection process and successfully went through the same and was consequently selected for the transfer and vide order dated 03.09.2012 (*Annex:-B*) she was transferred and posted as Assistant Agency Education Officer (Female) Bajaur Agency, where she took over the charge of her responsibilities and started performing the duties with full devotion and to best of her capabilities.
3. That to the utter bewilderment of appellant, she has hardly completed six months on the disputed

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posted when the impugned order dated 2.03.2013 (*Annex:-C*) was issued quite unlawfully issued in deviation of all norms, rules on the subject whereby Respondent No.4 was transferred vice the appellant.

4. That appellant being aggrieved of the impugned order *ibid*, challenged the same through Department Representation (*Annex:-E*) but the same was not disposed of within the statutory period of 90 days hence this appeal *inter alia* on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned order which is unjust, unfair and hence not sustainable in the eye of law.
- B. That the impugned order has been issued during the period of ban imposed by the FATA Secretariat itself as would be evident from the order dated 27.02.2013 (*Annex:-D*) therefore the same is nullity in the eye of law and thus liable to be set aside.
- C. That the transfer of appellant has been effected after full-fledged selection process as per the selection criteria evolved by the Competent

Authority but by means of the impugned order Respondent No.2 directly transferred Respondent No.4 to the disputed post without adhering to the selection criteria which is illegal and thus not legally maintainable.

- D. That Respondent No.2 is not Competent to issue such slipshod order of transfer which is the competence of Respondent No.3 thus the Impugned order is void, arbitrary without jurisdiction and thus liable to be brushed aside.
- E. That the Impugned order is the result of extraneous pressure triggered by Respondent No.4 inas much as it violated all the rules on the subject. Moreover, even earlier Respondent No.4 had exerted such pressure and obtained choice postings as would be evident from the orders dated 24.09.2012 and 20.12.2012 (*Annex:-E*).
- F. That neither the tenure of the appellant was taken into account nor was the tenure of the Respondent No.4 considered before issuing the impugned order and since both appellant and Respondent No.4 had not yet completed their normal tenures, therefore, the impugned transfer is wholesale uncalled for and therefore not maintainable.
- G. That not only the Transfer Posting Policy (*Annex:-G*) has been blatantly violated rather the mandatory judgments of the Hon'ble apex Court have been offended and thus the Impugned order is

an affront to the dicta laid down by the Supreme Court of Pakistan.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through


Appellant

Khaled Rahman,
Advocate, Peshawar.

Dated: 8 / 07/2013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2013

Mst. Zeenat BegumAppellant.

Versus

The Agency Education Officer & others...Respondents

Application for suspending the operation of the impugned order dated 26.03.2013 till the final disposal of the instant appeal.

Respectfully Sheweth,

1. That the above titled service appeal is being filed today which is yet to be fixed for hearing.
2. That the facts alleged and grounds taken in the body of main appeal may kindly be as an integral part of this application, which make out an excellent prima facie case in favour of the appellant.
3. That the balance of convenience also lies in favour of appellant and in case the impugned order is not suspended the appellant will suffer irreparable loss.

It is, therefore, humbly prayed that on acceptance of this application, the operation of the impugned

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order 2.03.2013 may graciously be suspended till the final disposal of the appeal.

[Signature]
Applicant

Khaled Rahman,
Advocate Peshawar.

Through

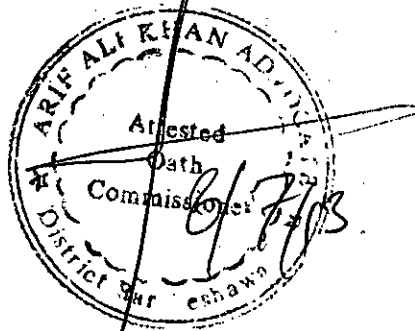
Dated: 8 / 07/ 2013

Affidavit

I, Khaled Rahman Advocate, as per the instructions of my client, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

[Signature]
Deponent

ATTESTED





FATA SECRETARIAT
 Social Sectors Department
 Warsak Road Peshawar

7
 A
 A

No. FS/SSD/SO(E)/Transfer. 187-99
 Dated Peshawar the 18/5/2012

To: All the Agency Education officers
 In FATA.

Subject: TRANSFER/POSTING OF ASSISTANT AGENCY EDUCATION OFFICERS.

Memorandum: I am directed to refer to the above noted subject with the remarks that the Secretary Social Sectors Department FATA Secretariat has desired to implement the prescribed criteria regarding the transfer/posting of the AAEOs in FATA, circulated vide Directorate of Education FATA No. 17351-61, dated 06.10.2011 (F/A).

You are therefore requested to send transfer proposal of all those Assistant Agency Education Officers (male & female) who have completed their normal tenure of 05 years against the post of AAEO under your respective administrative control.

I am further directed to request that a panel of three eligible/qualified teachers as per criteria may be proposed against each of the resultant vacancy of AAEO (M/F) for interview to be conducted by the Secretary Social Sectors Department FATA Secretariat so that the best candidate could be appointed as AAEO.

The transfer/posting proposals are required to be submitted within 07 days in accordance with the existing transfer/posting policy referred to above.

(Signature)
 (Azad Khan Wazir)
 Section Officer (Education)

Enclosures

- 1. Copy for information to...
- 2. For...

Section Officer (Education)

ATTESTED

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SECRET
FATA

Call

Subject: SELECTION FOR THE POST OF AAEO (M/F) (2' AAO (15/11)

I am directed to convey the following criteria duly approved by the competent authority for transfer against the post of AAEO (M/F) in your respective Agencies for strict compliance while submitting proposal to this Directorate:

- i) Seniority position of those to be considered for posting as AAEO/MF should be in the top 10 of the SETs seniority list of the concerned Agency/FR
- ii) Should have clean record of service and no departmental proceedings should be pending against any of those included in the panel
- iii) Should have the ability to deal with the public tactfully and have moral courage to carry out proper feasibility
- iv) A panel of at least three SETs in order of seniority should be prepared for a single post for selection of one through interview
- v) Recommendation of concerned Agency Education Officer would also be considered but not binding
- vi) Knowledge of Budget/Accounts, PC-IV and APT rules including procedure in disciplinary cases will be considered as additional qualification
- vii) Maximum tenure of the post will be five years based on good performance; otherwise, the incumbent could be posted out any time on administrative grounds/poor performance
- viii) Once an official has completed 05 years tenure, he/she will not be re-posted as AAEO
- xi) Due to acute shortage of science teachers in high schools SET (Science) will not be considered for the post of AAEO

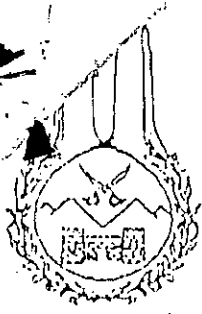
ADDL. DIRECTOR (ESTAB)

ATTESTED

ADDL. DIRECTOR (ESTAB)

CC:

1
2PS to Secy A&C FATA Secretariat
PA to DE FATA Local Directorate



SOCIAL SECTORS DEPARTMENT
FATA SECRETARIAT
Warsak Road Peshawar.

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ANNEX B

Notification

Dated Peshawar the 03/ 09 /2012.

FS/SSD/SO(E)/AAEO/6375-425 Consequent upon approval of the Selection Committee, the following Assistant Agency Education Officers & SETs (BS-16) are hereby transferred in their own pay scale to the schools and Agency Education Offices mentioned against their names below with immediate effect in the interest of public service.

S.#	Name of AAEO/SET	From the Agency Education Office/School	To the Agency Education Office/School as AAEO/SET.	Remarks.
1	Mr. Bahadur Khan, AAEO (Male).	Agency Education Office Khyber Agency.	Govt: Middle School Gudar, Khyber Agency.	Vice S.#. 2.
2	Mr. Shandi Gul, SET	Govt: Middle School Gudar, Khyber Agency.	Agency Education Office, Khyber Agency.	Vice S.#. 1
3	Mr. Hidayatullah, AAEO (Male).	Agency Education Office Khyber Agency.	Govt: High School Sama Garhi, Bara Khyber Agency.	Vice S.#. 4
4	Mr. Hikmat Khan, SET.	Govt: High School Sama Garhi, Bara Khyber Agency	Agency Education Office Khyber Agency	Vice S.#. 3
5	Mr. Akhtar Rehman, AAEO (Male).	Agency Education Office Khyber Agency.	Govt: Middle School, Prang, Dara Khyber Agency.	Vice S.#. 6
6	Mr. Hastam Khan, SET	Govt: Middle School, Prang Dara Khyber Agency.	Agency Education Office Khyber Agency	Vice S.#. 5
7	Mst: Waheeda Shinwari, AAEO (Female).	Agency Education Office Khyber Agency.	Govt: Girls Middle School Yar Afzal, Khyber Agency.	Vice S.#. 8
8	Mst: Shehnaz Alam, SET	Govt: Girls Middle School Yar Afzal, Khyber Agency.	Agency Education Office Khyber Agency.	Vice S.#. 7
9	Mst: Zahida Begum, AAEO (Female) BS-17	Agency Education Office Khyber Agency.	Head Mistress (BS-17) Govt Girls High School Khanzada Killi, FR Peshawar.	Against vacant post.
10	Mst: Shazia Sharif, SET.	Govt: Girls Middle School Ahmad Jan, Khyber Agency.	Agency Education Office Khyber Agency.	Vice S.#. 9
11	Mst: Sarwat Habib, AAEO (Female).	Agency Education Office Bajaur.	Govt: Girls Middle School Inayat Killi, Bajaur Agency.	Vice S.#. 12
12	Mst: Zeenat, SET.	Govt: Girls Middle School Inayat Killi, Bajaur Agency	Agency Education Office Bajaur.	Vice S.#. 11
13	Mr. Noor Sarwar, AAEO (Male)	Agency Education Office Orakzai Agency.	Govt: Middle School Suleman Khel Orakzai Agency.	Vice S.#. 14
14	Mr. Habib Hassan, SET	Govt: Middle School Suleman Khel Orakzai Agency.	Agency Education Office Orakzai Agency	Vice S.#. 13
15	Mst: Nazneen Bukhari, AAEO (Female).	Agency Education Office FR Bannu.	Govt: Girls High School Kotka Sher Andaz FR Bannu.	Vice S.#. 16
16	Mst: Azra Bibi, SET	Govt: Girls High School Kotka Sher Andaz FR Bannu	Agency Education Office FR Bannu.	Vice S.#. 15
17	Mr. Pasham Khan, AAEO (Male).	Agency Education Office FR Tank.	Govt: Middle School Khaisarai, FR Tank.	Vice S.#. 18
18	Mr. Sardar Ali, SET	Govt: Middle School Khaisarai, FR Tank.	Agency Education Office FR Tank.	Vice S.#. 17
19	Mr. Abdur Rauf, AAEO (Male).	Agency Education Office FR D.I.Khan.	Govt: High School Kohi Bahara, FR D.I.Khan.	Vice S.# 20
20	Mr. Shah Jehan, SET.	Govt: High School Kohi Bahara, FR D.I.Khan.	Agency Education Office FR D.I.Khan.	Vice S.# 19
21	Mr. Mukhtiar Ahmad, AAEO (Male).	Agency Education Office NWA.	Govt: Middle School Litak Kot NWA.	Vice S.# 22

ATTESTED

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S.#	Name of AAEO/SET	From the Agency Education Office/School	To the Agency Education Office/School as AAEO/SET.	Remark:
22.	Mr. Hoor Jamal, SET.	Govt: Middle School Latak Kot NWA.	Agency Education Office NWA.	Vice S.# 21
23.	Mst: Anjum Niso, AAEO (Female)	Agency Education Office Kurram Agency.	Govt: Girls High School College Colony Parachinar.	Vice S.# 24
24.	Mst: Shamim Fatima, SET.	Govt: Girls High School College Colony Parachinar.	Agency Education Office Kurram Agency.	Vice S.# 23
25.	Mr. Sahibzada, AAEO (Male).	Agency Education Office FR Peshawar.	Govt: High School Sra Dargal, FR Peshawar	Vice S.# 26
26.	Mr. Yar Hussain, SET	Govt: High School Sra Dargal, FR Peshawar	Agency Education Office FR Peshawar.	Vice S.# 25

Due to large No. of Educational Institutions in FR Bannu, it is difficult for single AAEO (Female) to carry out effective monitoring & supervision, therefore Mst: Ilhamia Zeb, SET Govt: Girls Middle School Kato Khan FR LAKKA will perform duties as Assistant Agency Education Officer (Female) in her respective area *fill* further orders. She will draw her monthly salaries against her original post.

Note: All the above named Assistant Agency Education Officers are posted for a probation period of 03 months. Their performance will be monitored closely and in case they failed to perform satisfactorily, they will be transferred immediately.

Secretary
Social Sectors Department

Encl: No. even, dated even.

Copy forwarded to the:

1. AGPR Sub Office Peshawar.
2. Director Education FATA, Peshawar.
- 3-7. Agency Education Officer Khyber, Bajaur, Orakzai, NWA and Kurram Agency.
- 8-10. Agency Education Officer, FR Tank, D.I. Khan and FR Peshawar.
11. Agency Education Officer FR Bannu with the instructions to specify & demarcate area/circle to Mst: Ilhamia Zeb for performing duties as AAEO (Female), under intimation to this office.
- 12-16. Agency Accounts Officer Khyber, Bajaur, Orakzai, NWA and Kurram Agency.
- 17-19. Distt: Accounts Officer Bannu, Tank & D.I. Khan.
20. PS to Secretary Social Sectors Department, FATA Secretariat Peshawar.
21. PS to Secretary Administration, Infrastructure and Co-ordination Department, FATA Secretariat Peshawar.
22. PS to Secretary Finance Department, FATA Secretariat Peshawar.
- 23-49. Officers concerned.
50. Office record.

ASL 39/10/2
Section Officer (Ed:SSD)

ATTESTED



ANNEX C² (11)

EXCHANGE OF POSTS

Consequent upon approval of the competent authority, exchange of posts between Mst. Sarwat Habib SET GGHS Khar Bajour Agency and Mst. Zeenat AAO Office of the AEO Bajour Agency is hereby ordered on their own pay & scale with effect from the date of their taking over charge.

Note:

1. Charge report should be submitted to all concerned.
2. TA/DA etc is not allowed.

(MUHAMMAD ISLAM BANGASH)
DIRECTOR EDUCATION (FATA)

Endst: No. 4225-30 /A-12/ Sarwat Habib SET

Dated Pesh: the 26/3 /2013

Copy forwarded to the:-

1. Section Officer (Education) FATA Secretariat
2. Agency Education Officer, Bajour Agency at Khar
3. Agency Accounts Officer, Bajour Agency at Khar
4. Headmistress GGHS Khar Bajour Agency
5. P/A to D.E FATA
6. P/File

ADDITIONAL DIRECTOR (ESTAB)

ATTESTED



ANNEX D³

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FATA SECRETARIAT

(Administration, Infrastructure & Coordination Department)

No.FS/E/100-19(Vol-39) 1078-8
17-02-2013.

ORDER.

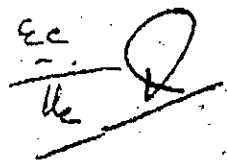
The competent authority has been pleased to impose a complete ban on postings & transfers in FATA with immediate effect.


2- The competent authority has further been pleased to direct that in case of exigency of service, a proposal for posting with complete justification be referred to the Administration, Infrastructure & Coordination Department FATA Secretariat, for obtaining approval of the competent authority.


(Munir Azam)
Secretary AI&C FATA

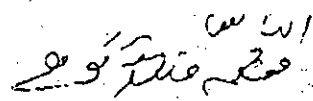
Copy of the above is forwarded to :

- 1- The Secretary to Governor Khyber Pakhtunkhwa (for information).
- 2- All Secretaries FATA Secretariat.
- 3- All Commissioners (except Hazara & Mardan).
- 4- All Political Agents / Deputy Commissioners (FRs)
- 5- All Heads of Line Directorates FATA.

cc



Secretary AI&C FATA

CF (FATA) D. No. 1538
Dated 20/2/13


(Forwards)


ATTESTED



FATA SECRETARIAT
Social Sectors Department
Warsal Road Peshawar

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ANNEX E

Dated Peshawar the 24-09-2012

TRANSFER/ADJUSTMENT ORDERS

No. FS/SSD/SO(E)/AAEO/11563 In partial modification in this Department Notification No. FS/SSD/SO(E)/AAEO/6315-425 dated 03-09-2012, the following re-adjustment and transfer orders are hereby ordered in their own pay & Scale with immediate effect to the schools mentioned against their named below, in the Interest of Public Service.

S. #	Name of Official	Present place of Posting	Transferred	Remarks
1	Mst. Jamila Azam SET	GGMS Civil Colony Khar Bajaur Agency	GGHS Khar Bajaur Agency	Against vacant Post of SET
2	Mst. Sarwat Habib AALO	Under transfer to GGMS Hayat Kill Bajaur Agency	GGMS Civil Colony Khar Bajaur Agency	Vice S. No. 1

Note:

1. Charge reports should be submitted to all concerned.
2. TADA is not allowed.

Secretary
Social Sectors Department

Encl No. & Dated Even

Copy forwarded to the

1. Director Education FATA, Peshawar.
2. Agency Accounts Officer Bajaur Agency
3. Agency Education Officer Bajaur Agency.
4. P.O to Secretary Social Sectors Department FATA Secretariat Peshawar.
5. Teacher concerned.
6. Office record

Section Officer (Edn. SSD)
24/9/2012

ATTESTED

DOE

pl. communicate
M.A. J. on 20/9/12

20/9/12



(14)

FATA SECRETARIAT
Social Sectors Department
Warsak Road Peshawar

Dated Peshawar the 20-12-2012

TRANSFER/ADJUSTMENT ORDER

No.FS/SSD/SO(E)/AAEO/7836-40 In partial modification in this Department Notification No. FS/SSD/SO(E)/AAEO/6688-93 dated 24-09-2012, the following re-adjustment and transfer orders are hereby ordered in their own pay & Scale with immediate effect to the schools mentioned against their names below, in the Interest of Public Service.

S. #	Name of Official	Present place of Posting	Transferred	Remarks
1.	Mst. Sarwat Habib AAEO	Under transfer to GGMS Civil Colony Khar Bajaur Agency	GGHS Khar Bajaur Agency	Vice S. No.2
2.	Mst. Jamila Azam SET	Under transfer to GGHS Khar Bajaur Agency	Retained at GGMS Civil Colony Khar Bajaur Agency	Vice S. No. 1

Note:

1. Charge reports should be submitted to all concerned.
2. TA/DA is not allowed.

Secretary
Social Sectors Department

Endst No. & Dated Even

Copy forwarded to the.

1. Director Education FATA, Peshawar.
2. Agency Accounts Officer Bajaur Agency
3. Agency Education Officer Bajaur Agency.
4. PS to Secretary Social Sector Department FATA Secretariat Peshawar.
5. Teacher concerned.

H/c

20/12/2012
Section Officer (Edu:SSD)

ATTESTED

ANSWER (15)

عزت مآب جناب ایڈیشنل چیف سیکرٹری صاحب فانا K,P,K پشاور
اپیل نمبر 1 عنوان سابقہ A.A.E.O نی میل سردت حبیب کی دوبارہ بحیثیت تعیناتی A.A.E.O باجوڑ منظور شدہ پالیسی کے
خلاف ہے

جناب عالی!

موبدانہ اور دردمندانہ اپیل دائر کرتی ہوں کہ سردت حبیب SET کا تبادلہ GGHS KHAR کو ہو گیا ہے اور اس نے وہاں
باقاعدہ چارج سنبھال لیا ہے۔

اس پوسٹ پر چھ سال عرصہ گزارنے کے بعد سزا کے طور پر تبادلہ ہوا ہے کافی منسلک ہے لیکن وہ ناجائز اور چور و دواڑوں سے
دوبارہ یہاں داخل ہوا ہے جبکہ درمیان میں چارج لینے اور GGHS Khar میں حاضری کرنے کے بعد دوبارہ آرڈر کرنے وال میں
کچھ کالا کالا نظر آ رہا ہے۔

2 اور اس نے وہاں باقاعدہ چارج سنبھال لیا ہے۔ دو ماہ کے وقفے کے بعد دوبارہ آرڈر کرنا خلاف قانون ناجائز اور حکومت

کی منظور شدہ پینور اور مطالبے کے خلاف ہیں

لہذا استدعا ہے کہ اسے فوری طور پر واپس کیا جائے اور مجھے اپنے سٹیشن یعنی AAEO نی میل پوسٹ پر چھوڑا جائے تاکہ

انصاف کا بول بالا ہو

میں انصاف چاہتی ہوں اور میری اپیل پر ہمدردانہ غور فرما کر دو عاؤں کا موقع دیجئے۔

اپیل کنندہ: زینت بیگم AAEO نی میل باجوڑ

AGENCY
AGENCY
AGENCY

محمد علی
محمد علی

کافی نو
سیکرٹری صاحب
FATA پشاور
SECRETARY GOVERNMENT
DE (Fata) صاحب

AEO صاحب باجوڑ ایجنسی

DD/S
DAE-1
03/4/13

ATTESTED

Posting and Transfer

Statutory Provision.

Section 10 of the NWFP Civil Servants Act, 1973.

ANNEX G' 16

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 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) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 0 1/2 years for unattractive areas and one year for hard areas.
- v) ⁷⁹[]

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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.

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While making posting/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. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. 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.

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.

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.

No posting/transfers of the officers/officials on detailment basis shall be made.

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.

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.

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

Added vide circular letter No. SOR-VI/E&AD/I-4/2010/Vol-VIII dated 20th March, 2010.

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⁸¹ DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;

xii) In terms of Rule 17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries.	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Department in consultation with Head of Attached Department concerned. Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/ officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

⁸¹ Added vide Urdu circular letter No. SOR-VI (E&AD)/1-1/2005, dated 9-9-2005.

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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 posting/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.

5. 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).

ATTESTED

WAKALAT NAMA

IN THE COURT OF

K.P.K Peshawar Tribunal

Mst. Zinat Begum Appellant(s)/Petitioner(s)

Gaut el VERSUS

Respondent(s)

I/We _____ do hereby appoint
Mr. Khaled Rehman, Advocate in the above mentioned case, to do all or
any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

Khaled Rehman,
Advocate, Peshawar.

9-B, Haroon Mansion
Khyber Bazar, Peshawar

Signature of Executants