29.04.2016

Clerk to counsel for the appellant and Mr. Usman Ghani, Sr.GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on 24.08.2016.

Member

24.08.2016

None present for the appellant despite repeated calls. Mr. Ziaullah, GP for the respondents. The court time is over.

Dismissed for want of prosecution. File be consigned to the record room.

member

<u>ANNOUNGED</u> 24.08.2016

On thairman 16.

ember

26.1.2015

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for respondents No. 1 & 2 present. The learned Judicial Member is on official tour to D.I.Khan, therefore, case to come up for arguments on 08.6.2015.



8.06.2015

Counsel for the appellant and Mr. Ziaullah, GP for the official respondents present. Counsel for the appellant requested for adjournment. Therefore, case to come up for arguments on 20.11.2015.

MEMBER

20.11.2015

Counsel for the appellant and Mr. Usman Ghani Sr. GP for the official respondents present. Since the court time is over, therefore, arguments could not be heard. To come up for arguments on

14-1-2016. P

Member

Inber

14.01.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant requested for adjournment. To come up for arguments on 29 - 4 - 16



MBER

521/13 16.12.2013.

None for the appellant as well as respondents present. Fresh notices be issued to the parties. To come up for written reply of respondent No. 3 on 27.2.2014.

MEME

MEMBER

MEME

27.2.2014

Neither appellant nor his counsel present. Mr. Muhammad Jan, GP present and needs time to contact the respondents No.1 and 2. None is available on behalf of respondent No.3. Fresh notice be issued to him through registered post. To come up for reply of respondent No. 3 on 14.5.2014.

EMBER

MEMBER

MEMBER

15.5.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for respondents No. 1 and 2 present, who already filed written reply. None is available on behalf of private respondent No. 3 nor his written reply received, despite proper notice, hence placed ex-parte. To come up for arguments on 27.08.2014.

27.08.2014

Junior to counsel for the appellant and Mr. Muhammad Jan, GP for respondents No. 1 & 2 present. Due to incomplete bench, the case is adjourned to 26.1.2015 for arguments.

MEMBER

29.04.2013

Appellant in person and Gohar Ali, DK for respondent No.1 and 2 present. In pursuance of judgment of the august Supreme Court of Pakistan con constitution petition No. 53/2007 and constitution petition No. 83/2012 titled Sh. Riaz-ul-Haq, Advocate Supreme Court and an other-vs-Federal of Pakistan through Minister of law, etc, the case is adjourned on note Reader for proceedings as before on 19.06.2013.

1846.2013

Appellant in person and Mr. Muhammad Jan, GP with Imtiaz Ahmad, Superintendent for the respondents present. In pursuance of promulgation of Khyber Pakhtunkhwa Service Tribunal (Amendment) Act 2013, the Tribunal is incomplete. To come up for the same on $\frac{15.7.2013}{15.7.2013}$. *II-9 - 2-013*

FADFR

MEMBER

11.9.2013

Counsel for the appellant and Mr. Muhammad Jan, GP with Syed Bacha Assistant for respondents No. 1 and 2 present and reply filed. Copy handed over to counsel for the appellant. Notice be issued to respondent No.3. To come up for written reply of respondent No. 3 on 16.12.2013.

MEN

Appeal No. 521 2013, Ma gonam Hullein.

27.3.2013

Appellant with Counsel present and heard. The learned Counsel, for the appellant, inter-alia, contended that the appellant has been made a rolling stone and transferred from one station to another within a short span, not on merit or in the public interest, but due to political influence. The learned Counsel pointed out that in the year 2012, the appellant was first transferred from Office Kanungo Topi to Girdawar Circle-I Lahor, to ADK Swabi, on 2.1.2012 and then from ADK Swabi to Office Kanungo Topi on 30.5.2012 and then immediately thereafter, to OK Lahor on 15.1.2013, which order was impugned before the appellate authority, who dismissed the appeal on 15.2.2013. Hence, this appeal on 11.3.2013. Points raised at the Bar need consideration. The appeal is admitted to full hearing, but subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notices be issued to the respondents. Counsel for the appellant has also submitted an application for suspending the operation of the impugned order dated 15.1.2013. Notice of application also be sent to the respondents. Case adjourned to 29.4.2013 for submission of written reply on main appeal as well as written reply/arguments on application.

Chairman

27.3.2012

proceedings.

Monors te de parity March Joe Journe Hu Als 180/2 Bound With H

This case be put before the Final Bench \underbrace{N}_{ngs} for further

Form- A

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FORM OF ORDER SHEET

Court of

r 521/2013 Case No. S.No. Date of order Order or other proceedings with signature of judge or Magistrate • • Proceedings 2 3 1 11/03/2013 The appeal of Mr. Imam Hussain presented today by Mr. Yaqoob Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary. hearing. 1.8-3-2013 This case is entrusted to primary Bench for preliminary hearing to be put up there on 17 - 3 - 2013**T**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. 02/2013

Imam Hussain Office Kanungo/Girdawar Circle Topi, R/o Village Taraki Tehsil Razar District Swabi.

...... Appellant

VERSUS

Commissioner, Mardan Division, Mardan and others.

..... Respondents

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S/No.	Description of documents	Annexure	From	То	
1.	Appeal with affidavit & stay Applic	ation -	1	5 -6	
2.	Copy of order dated 26/05/2010	A		7	
3.	Copy of order dated 02/01/2012	B	-	8	
4	Copy of order dated 30/05/2012	С	-	9	
5 .	Copy of impugned order dated 15/01/2013	D .	<u> </u>	10	
6.	Copy of departmental appeal and order dated 15/02/2013	E.	. 11	17	
7.	Copy of policy letter	F.	18	26	
8.	Wakalat Nama	-	-	27	

Appellant

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agu

Dated: 08/03/2013

Through Counsel: Yaqoob Khan Advocate Peshawar High Court Peshawar Cell: 0304-5207157

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. <u>5入</u>/2013

Imam Hussain Office Kanungo/Girdawar Circle ⊤opi, R/o Village Taraki Tehsil Razar District Swabi.

. Appellant

<u>VERSUS</u>

1. Commissioner, Mardan Division, Mardan.

2. Deputy Commissioner, Swabi.

Hussan-ul-Wahab Office Kanungo / Girdawar Circle Lahor, Swabi.

...... Respondents

/JUDGMENT OF APPEAL AGAIST ORDER RESPONDENT NO.1 DATED 15/02/2013 AND DATED **NO.2** ORDER OF RESPONDENT IS WHEREBY APPELLANT 15/01/2013, TRANSFERRED FROM OK OFFICE TOPI TO OK OFFICE LAHOR SWABI, WHICH IS ILLEGAL, AGAINST LAW AND FACTS.

Respectfully Sheweth:-

1. That appellant is posted as Office Kanungo Topi Swabi with respondent department.

That appellant was transferred from Office Kanugo Topi to Girdawar Circle-1 Lahor Swabi vide order dated 26/05/2010.

2.

3.

5.

6.

(Copy of order dated 26/05/2010 is attached as Annex "A")

That appellant was transferred once again from Office of Girdawar Circle-1 Lahor Swabi to ADK Swabi vide order dated 02/01/2012.

(Copy of order dated 02/01/2012 is attached as Annex "B")

That after 4 x months, appellant was again transferred from ADK Swabi to Office Kanungo Topi vide order dated 30/05/2012.

(Copy of order dated 30/05/2012 is attached as Annex "C")

That on 4th time, once again after 6x months appellant is transferred from OK Topi Swabi to Office Kanungo Lahor Swabi vide impugned order dated 15/01/2013, which is illegal, against law and facts.

(Copy of impugned order dated 15/01/2013 is attached as annexure "D")

That appellant preferred an appeal before respondent No.1 (Commissioner Mardan) dated 18/01/2013, which is also dismissed vide order/judgment dated 15/02/2013, which is illegal, against law and facts.

(Copy of departmental appeal and order dated 15/02/2013 is attached as annexure "E")

7. That order respondent No.2 dated 15/01/2013 and order of respondent No.1 dated 15/02/2013 is illegal, against law and facts on the following grounds: -

GROUNDS:

Β.

C.

A. Because order of respondent No.1 is illegal, against law and facts.

That appellant as well as respondent No.3 has not completed one year service on the post from where they are transferred by impugned order, thus tenure is not completed which is clear violation of posting/transfer policy.

(Copy of policy letter is attached as annexure "F").

- Because impugned order has been passed on the basis of political influence. It is clear from the impugned order that in pursuance of order of political person.
- D. Because impugned transfer order is frequent transfer order because the appellant is transferred two times within one year and as per judgment of Apex Supreme Court of Pakistan (reported judgment PLJ-1995 page 629) within one year transfer order and cancellation of transfer orders have been passed by authority. Such practice adversely affects efficiency of incumbents and also reduces their confidence and faith. Held tribunal has rightly deprecated such practice.

That transfer/posting of the appellant is not in the public interest, so impugned order is not speaking order.

E.

G.

Η.

- F. That as per transfer/posting policy of respondent dated 27/01/2002 that Patwari would not be transferred to that area where, he has already served, thus it is clear violation of his own policy.
 - That as per the posting transfer policy coupled with the judgment of superior Courts, civil servant would not be transferred as per punishment but in the instant case appellant is transferred as a punishment which is illegal, against law and facts.
 - That in the case of applicant namely Amjad Khan, court has passed order for appointment of the local commission to visit the spot and submit their proper report, in these circumstances appellant has got no power to point out demarcation report as per law and rules.
 - That as per the judgment of the superior Courts coupled with the section 24-A of General Clause Act, public officer should pass a proper and reasonable order but in the instant case respondent No.1 has passed order dated 15/01/2013 on the direction of political authorities so the impugned order has been passed on the basis of political basis.

It is therefore, humbly prayed that on acceptance of this appeal, order/Judgment of respondent No.2 dated 15/01/2013 and order of respondent No.1 dated 25/02/2013 may be set aside and appellant may

please be allowed to continue his service at his place i.e. Office Kanungo Topi Swabi. Any other relief deemed fit may also be graciously awarded.

Appellant manufullars

Dated: 08/03/2013.

Jaguk

Through Counsel: Yaqoob Khan Advocate Peshawar High Court Peshawar

AFFIDAVIT

I, undersigned declare on Oath that contents of the appeal are true and correct to the best of my knowledge and belief.

Dated: 08/03/2013

Deponent man fullain

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. /2013

Imam Hussain Office Kanungo/Girdawar Circle Topi, R/o Village Taraki Tehsil Razar District Swabi.

..... Appellant

VERSUS

Commissioner, Mardan Division, Mardan and others.

..... Respondents

Application for suspension operation of the impugned Subject: order dated 15/01/2013 till the decision of the case.

Respectfully Sheweth:

- That above captioned case is filed before this Honourable Court. 1.
- 2. That appellant has got a prima facie case.
- 3. That balance of convenience lies in favour of appellant.
- That there will be irreparable loss to the appellant if status quo is 4. not granted. · · · · ·

It is, therefore, humbly requested that operation of the impugned order may please be suspended till the decision of the case.

Applicant mansflucture June =

Dated: 08/03/2013

Through Counsel; Yaqoob Khan Advocate Peshawar High Court Peshawar

OFFICE ORDER.

the following posting/transfer emongst the Revenue staff/Kanunges is hereby order with imped effect in the public interest.

35. <u>Xe</u> .	NEXE of Ufficial	÷ eue	20
.	Fr. Igen Hugeels	Cfrice Regunso	Oirdever Circles I Labor,
2+	Mr. Fazle Harlon	Circlewar Circle-I Schor.	Offloo Keauiso Topi.
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OFFICE OF THE DISTS. OFFICER (REV. 5. ESTATE) & 4491.

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'i•	The Distr Goordiactica Officer, Swebi.		
8-3	The Deputy Dist: (fficer (R) Symbl/Labor.)	for information	ೆ.ಕ್ಲ ವಿ.ಕ್ಲ
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÷.	Er. Surdar All Khau, BPS 8/0. Lobar.		
2-8	Official concerned for couplaines.		2.22



DISTRICT OFFICE & () & ESTATE) A SWAFI.

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ONFICE ORDER.

The following posting/transfer amongst the Girdawars of this office is hereby ordered as nated against each, with innediate effect, in the best public interest.

Bren Name of Girdawar S.No. Gindever A.D.X Swabi Circle Labor Jesel Karin 1. (Girtawar) CSirele Labor-1 A.B.I Swable Inan Mussell 12. 1

Officer(R&E)/ District triet Wellector, Surbi 0

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11/2012-

OFFICE OF THE DISTRICT OFFICER (R&E) SWABL.

10-16 /BI/M Noo

1.

- Datel Swabl the
- · Copy forwarded to: + The Secretary, Board of Revenue, Shyber Pakhtunkhwa Peshawar w/r to his Office Memo Ng. Sstt: VII/PT, Swabi/30998 dated 24/12/2011.
- The Commissioner, Mardan Division, Mardaa.
- The Deputy DEATS of GEESSEL (Ast)Syabi 2. 3.
- The Dessides Brank Intelle 丛.
- The Officials societhed for immediate complitunce. 5

ot (Milicer(ILE)/ Disti District Collector, Swabi WF100 CKDER:

.ne following posting / transfer amongst the Girdawars of this office is hereby ordered, with immediate effoct, as noted against each, in the best public interest:

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3.		Roohu	l Amin			0.	а Торі	,	II Topi Girdawa I Topi.	r Circle
4.		Gul M	anzar		•	0.	K Laho	r	A.D.K,	

Consequent upon the above, Fr. Suhammad Baizan, A.O.K labor is directed to hold the charge of U.K. Labor in addition to his own duties, till further orders.

fficer(R&B)/ rict/Collector, Swabi

District (EEE)/ District Collector, Swabi.

DEPICS OF THE DISTRICT OFFICES (REE)/ COLLECTOR, SWARI

No. 375-37 /D.K/Popping Transfer Dated: 30th May 2012.

Copy forwarded to :-

- 3.
- The Deputy District Officer (Rev), Swabi. The Tehsildar, Swabi, Lebor, Topi & Razsar. The officials concerned for immediate compliance.



OFFICE ORDER

The following posting /transfers amongst the kanungos of this office is hereby ordered with immediate effect, in the public interest.

	S No.	Name of kanungo	From	To
	1-	Mr: Hussan Wahab	OK Lahor	OK Topi/ Kanungo
į	2-)	NA T T		Circle Toni
-4	2- / 5	Mr: Imam Hussain		OK Lahor
b {			Topi	

DEPUTY COMMISSIONER, SWABI.

OFFICE OF THE DEPUTY COMMISSIONER, SWABI

NO 290-95 /DC/S

Dated Swabi the 15 /01/2013.

Copy forwarded to:

- 1. The Assistant Commissioner, Lahor.
- 2. The Additional Assistant Commissioner, Topi.
- 3. The Tehsildars Lahor / Topi.
- 4. The officials concerned for immediate compliance.

DEPUTY COMMISSIONER, SWABI.

م را ميد رميليد رو متل سي مال لي الا مي ال

IN THE COURT OF COMMISSIONER MARDAN DIVISION MARDAN

Imam Hussain Office Kanungo

Appellant

Respondent

Versus

Deputy Commissioner Swabi etc

ORDER:

Case No..... Date of Institution: 18/01/2013 Date of Decision: 15/02/2013

APPEAL AGAINST THE ORDER OF RESPONDENT NO.1 DATED 15/01/2013, THROUGH WHICH THE APPELLANT WAS TRANSFERRED FROM THE POST OF OFFICE KANUNGO TOPI (SWABI) TO THE POST OF OFFICE KANUNGO LAHOR (SWABI)

Brief facts of the case are that the appellant was posted as office kanungo Topi vide office order dated 05/06/2012. later on, vide the impugned office order No.2090-95/DC/S dated 15/01/2013 of the Deputy Commissioner Swabi, the appellant was transferred from the post of office Kanungo Topi to the post of office Kanungo Lahor. Feeling aggrieved thereby, the appellant has lodged the instant appeal before this court.

Parties present. Arguments heard and case file perused. Representative of Deputy Commissioner, Swabi also present and who submitted parawise comments on behalf of Deputy Commissioner, Swabi.

From perusal of the case file as well as parawise comments of the Deputy Commissioner, Swabi and arguments advanced at the bar, it reveals that the impugned order has been passed in the public interest. Moreover, both the officials have handed over the charges as per the impugned order dated 15/01/2013 which got finality and calls for no interference, hence upheld and the appeal in hand, being with out any substance is hereby dismissed. No order as to cost.

File be consigned to record room after completion.

Announced 15/02/2013

Examiner/Beader Commis Mardzir Divisio h Màrdan

*Com	nissioner		
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Appeal No:

/2013



Imam Hussain Office Kanungo Topi Swabi. 0.

VERSUS

- 1. Deputy Commissioner, Swabi
- 2. Hussan Wahab Office Kanungo Lahor Swabi

eoder Respondents

APPEAL AGAINST ORDER OF RESPONDENT NO:1 DATED 15/01/2013, WHEREBY APPELLANT WAS TRANSFERRED FROM POST OF Office Kanungo Topi Swabi TO Office Kanungo Labor Swabi, WHICH IS ILLEGAL, AGAINST LAW AND FACTS.

PRAYER:-

ON ACCEPTANCE OF THIS APPÉAL, ORDER OF RESPONDENT NO:1 DATED 15/01/2013 MAY PLEASE BE SET ASIDE AND APPELLANT MAY PLEASE BE ALLOWED TO CONTINUO HIS SERVICE ON HIS OWN POST, i.e. WHERE APPELLANT WAS ALREADY SERVED.

see page (2)

Appellant humbly submits as under:-

5 - S. - L

Sir,

1.

2.

3.

4.

That appellant is posted as Office Kanungo Topi Swabi with respondent department.

That appellant was posted/transferred to the post of office Kanungo Topi Swabi on 05/06/2012, prior 6 months from to days.

(Copy of order is attached as Annexure "A")

That respondent No:2 and appellant was once again transferred from Office Kanungo Topi to Office Kanungo Lahor vide transfer order dated 15/01/2013.

(Copy of order is attached as Annexure B)

That the impugned transfer order within one year is illegal; against law and facts on the following grounds:-

GROUNDS:-

a. Because impugned order is void as per rule 6 (f) of NWFP District Government rules of Business 2001 as under: - "That District Collector shall exercise the power of Deputy Commissioner shall exercise the power of the transformers authority in respect of officer/officials from BPS-1 to BPS-10 **AFRESTED**

TESTED

Examinar Reader in Commissioner Court Mardan Division Mardan as a District Collector. In the instant case District Collector is mentioned in the impugned order dated 15/01/2013 without any approval of authority i.e. Commissioner Mardan Moreover, the transfer/posting of Revenue staff is hereby ordered with immediate effect and in public interest which is clear violation of posting/transfer policy.

3)

b.

C.

d.

e.

facts.

Because order of Respondent No:1 is illegal against law and

That appellant as well as respondent No:2 has not completed one year service on the post from where they are transferred by impugned order, thus tenure is not completed which is clear violation of posting/transfer policy.

Because impugned order has been passed on the basis of political influences. It is clear from the impugned order that in pursuance of order of political person.

Because impugned transferred order is frequent transfer order because the appellant is transferred two times within one year and as per judgment of Apex Supreme Court of Pakistan (Reported judgment PLJ-1995 page 629) within one year transfer order and cancellation of transfer orders have been passed by authority. Such practice adversely affects efficiency of incumbents and also reduces their confidence and faith. Held tribunal has rightly deprecated such practice.

TIESTED atter to ExaminerlE Marden Division Mardan

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It is therefore, humbly prayed that on acceptance of this appeal, order of respondent No:1 dated 15/01/2013 may please be set aside and appellant may please be allowed to continue his service on his own post, i.e. where appellant was already served. Any other relief deemed fit may also be graciously awarded.

montulan Appeilant

Deponent_

Through Counsel:-

(Yadub ian) Advocate) District courts Mardan.

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<u>AFFIDAVIT</u>

I, undersigned declare on oath that the contents of appeal are true and correct to the best of my knowledge and belief.

Yagub ' Advocate Bines: Courts Marseo

ATTESTED Examiner/Peaner in Commissione Court Mardan Division Mardan

No. 17.57 Date of Application Name of Appendix Delicit Urgent Fee..... Sign of Copyist... Date of Preparation...

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is dive pe la man of per NUIVIS · Oal REFORE THE COMMISSIONER MARDAN DIVISION MARDAN Appgal Ne. ____/2013. Appellant. Imam Hussain Office Kanunge Topi Versus Deputy Commissioner Swabi.) Hussan Wahab Office Kanunge Laher) Respondents; 1. 2. Appeal against the order of respondent No. 1 dated 15.1.013: whereby appellant was transferred from the post of office kanungo Tepi Swabi te office kanunge Laher Swabi. Parawise Comments of the Respondent No.1 are as under: Correct. 1, Correct to the extant that the appellant has been transferred from the post of O.K Topi to the post of O.K Lahor in the 2. 3. Incorrect. The impunged order is in accordance with the Posting Transfer policy. Hence legal and lawful. 4. incorrect. The Deputy Commissioner (Former D.C.O) is the Competent Authority in respect of Posting Transfer of Officials in B.P.S-01 to 16 in the District. The impunged order has been passed in accordance with the posting transfer policy, in the public interest. The impunged order is in lince with the posting transfer policy of the Government, hence legal and tenable in law. Incorrect. The impunged order has been made in the public interest, hence lawful. Grounds: a. ð. C. interest, hence lawful. As stated in the preceeding para -c. The impunged order is legal and lawful being made in the d. public interest. Incorrect. The impunged order has been passed in accordance with the posting transfer of officials in the interest of e. f, public service. No. Comments. Incorrect. The impugned order has been passed in accordance with law/facts hence legal and lawful. b. h No Comments. Incorrect. The impugned order has been passed in the public interest. Hence legal and tenable in law. i. 1. In view of the above facts, it is prayed that the instant appeal may be dismissed having no weight in the eyes of law. Deputy Commissioner, Swabi. (Res:No.1) No. 46 1D.K-I 24.1.2013

NESTED Examiner Requer 18 . Commissioner Court Mardan Division Mardan

No. 1752 Date of Application.

Name of Application Wards 400 Fee. Urgent Fee..... Sign of Copyist..... 01-3-2013 Date of Preparation.

Posting - Transfer Policy - updated till 10 Jan, 2009

GOVERNMENT OF NWFP ESTABLISHMENT & ADMINISTRATION DEPARTMENT

(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants

ii)

iv)

v) vi)

i)

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.

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.

While making postings/transfer from settled areas to FATA and viceversa, 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.

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

Posting - Transfer Policy - updated till 10 Jan, 2009

X)

xi)

xii)

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.

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 ¹DCOs 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;

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 column2 thereof:

· ·	Outside the Secretariat	
1.	Officers of the all Pakistan Unified	Chief Secretary in consultation with Establishment
•	Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Department and Department concerned with the approval of the Chief
		Minister.
2.	Other officers in BPS-17and 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 Superint endent: a) Within the same Department	Secretary of the Department concerned.
•	b) To and from an Attached / Department	Secretary of the Dept in consultation with Head of Attached Department concerned.

ייי 1-4/200*5, יי* 4 9-9-2005.

بالهدف المروؤونان

Posting - Transfer Policy - updated till 10 Jan, 2009

· · · · ·	· .'
 c)Within the Secretariat from one	Secretary (Eştablishment)
Department to another	

- 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.

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.

xiv)

Posting – Transfer Policy – updated till 10 Jan, 2009

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

It has been decided by the Provincial Government \cdot 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

> CHIEF SECREARY GOVERMENT OF NWFP

Endst. No. and date even.

Copy forwarded

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

(NAME) SECTION OFFICER Administrative Department

{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}.

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect; conseque 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 contained 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 sprit 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:-

V)

- 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;

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 8-6-2004 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)

BEFORE THE N.W.F.P. SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 10(13 /2010

Sing 27/5/10

Mr. Sherullah, B&A Officer, Office of the EDO, Mardan.

APPELLANT

VERSUS

- 1. The Secretary Education Department (E&SE), KPK, Peshawar.
- 2. The Director, Education (E&SE), KPK, Peshawar.
- 3. The D.C.O. Mardan.
- 4. The EDO, (E&SE), Mardan.

,2010

5. Mr. Karim Khan, Superintendent, EDO, E&SE, Dir Upper.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE NWFP SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 18.2.2010 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT

Appellant with counsel present & heard. The learned counsel for the appellant argued that within one and half month of their transfer/posting at Mardan, the appellant in this appeal as well as appellants in the connected appeals, were - transferred to far flung districts in the Province by the. Director (E&S) Education, Peshawar, without recommendation of the local EDO, to which the latter took exception vide his Memo. dated 19.2.2010, wherein, he also asked for cancellaOrder of clinic proceedings, which Signature of Jougo or Magistrate and that of parties or counsel where necessary

that in view of this situation, the



appellants have not been relieved from their existing place of posting so farg The learned counsel for the appellant also arguad that in a similar nature case, the appeal has been admitted for regular hearing vice order dated 26.5.2010. In view of the above, this appeal as well as the connected appeals are admitted for regular hearing. Process fee & security be deposited within 10 days. There-after, notices be issued to the respondents for written reply/ comments on 10.6.2010.

The learned counsel for the appellants also argued application for suspension of the impugned transfer order. Since the impugned order has already been suspended in the aforesaid appeal already admitted for regular hearing, status-quo be also maintained in this appeal as well as in the connected appeals, in the meantime, subject to notice.



and a se www.jang.com.pkj ***** اليلاك كم بين، "جب بم (مرف ك بعد) ريان الم بالشان كي رودنامه دماية 1202 S. Oak ABC الممياري جان موت كافرشتة بس مرتاب جوتم يرتنعين كردما كج THE JANS MILLINE 1 띩 ف سوم د کام کو خط ک مسود ا کامند و ک بي ريور) سريم كور <u>نے اس آر</u> مکومت کو خا سوکس مذہم کو بجوان م^ی لئے ادممييرة يدمين شربا وزكرا داجه يرديزا شرف 314 2043، الجعيرات 29زدان 1433 a51 زمبر 2012: 32 كاتك 2069 ب ا او معداد این می دادیم اس ماند برد و امرک سے مات میں موجد موجد عراق و اور سر میں اور در سیس از رقب معالی تو میں عدالت کا فرض اندین کرد یا۔10 اکتر برکو کر کی نظ مسلمات دی گلی ۔ بدی بیک دور جستن از در طبق سمنے کیلئے تمام ساحی قونتیں ل کرکام کریں، سیاست کو دشتی میں نہ بدلا جائے، ملک بیچے گا تو ہم بچیں کے نو در پېژ and the second s يتكذا لي معالي المكر Sara 2 į Hourser Contact *3*8-Ĵ) اسلام آباد (نمائند وصومی، آن لائن) مدد آمند زردادی نے دویش جنیس سے منینے کمیلیے تمام سیاسی آ ف کوچش کش ک ب کرل کر کام کری، انہوں نے کہا عفار زیر ایم رئیسانی کوہٹانے کیلئے بی بی قبادت آيلزا نے دالی زمانی ایند ہو کمنٹر اخطار کی جمامیت حاصل سے ،صادق عراقی سرد يكنذاكر واختيام ات آراد عملينا مديمة لريسندعنا بمرفرقه داريت بيسلاسة كأكت اسلام آباد (دلشاد منعم) بادچستان من بحران شير فرم بخر ز تجملو يتشونون Ĵzi او کیا ہے یا کستان میلز یارٹی کے وبلی سربرا، میز-اسمام آباد (ندوز ويورش) دزم القم ولند بردين اشرف مران نے دمویٰ کی ہے کہ دزمیاتی اسلم رئیسانی اور ر نے کراچی بی جاری رتشدر دانغات پر تشویش کا اظہار کرتے ہوتے اسے تنقین نوعیت کا معالمہ قراردیا فكومت - نحات حاصل كرف كيليخ انيس ادوان ماتودن کو پارٹی کی سنٹرل کمانڈ کی تملّ مایت ماہل ن ہے۔ انہیں نے کہا کہ شریعت منام کراتی میں فرقہ رار یہ کی تفاہیدا کر نے کہ کوشش کرد ہے ہیں بچھکوونا تی AN THE WAY 19 8 A G ان کا کہنا تما کہ ہم بی کی بادچتان، وزیراعلی رئیسانی باق شخہ 6 نبر 13 后知到 -----شکل دے دی جاتے کی ۔ یہ بات دزیرانی سیر فریٹ ش بیٹادر(نیوز ڈیسک) خیبر یختو نوا کے ذرین طلب و کا بیند کا جال ت خواب کرت موت دو راعم ب یکی تشیم کاس اے بی کی تشیم کاس اے میں کمپنی کے قام کو بر وزرائی امير حدر مان مول ك زر مدار م بالل الل ، وشروع ترد ! . ÷. ملانمات پی لمب للح افواج جمهوريت بانَّ منذِ 6 نمبر 2 منه 6 نبر 1 582 ÷., the company اسلام آباد (خسوص نمائند د است ام ل مادّی مر چیز بین سینسه قات کی اور باہمی دلیسی کے اہم ا رأخلاستن کنیسے سے بہت فائد ک چیندور نه کار کرون پر وله خیر کیا...، ۶ احرام كمريني كالمزميت ترست انختر را دق · · · · ق مند ۵۰ بان سغ 6 نمبر 14 جز ب خامد سیم دا تین سے چینی سفیر کی بای بحران دز براعظ ملا قات باہمی دلچیں کے اُمور پر تبادلہ خیال ۔ نے بی بی بلو راد لیندی (آن لائن) چرین جوالحط چیلس آف مناف سینی جزرل خالد همیم والیس سے چین سے سیلرلائی Lever and the grant مانان فراوييتدى برزل ميدكوا درس اا تاب كار آل اسام آباد كوند (ألي اين فر) ... ب ایس کی آر کے مطابق ماقات کے دوران دوون نے او پسان شار یارٹی کی دیا مشادر، دزیرای ایر حیذر ، ولی صو الی حکومت کے خصوص اقدامات بارين شراجل سك كم صدادر اڭ سۇ 6نمە $\mathcal{T} \simeq$

الاست مال من با بسار مدین می کار معاصل و بون می از این مادین با بین استی میزان موجع می بدای الاتین کار است و مهد با کار الد مد قالون ما مالی می می که است می دهای شهر المرکم تد مد زیم ای مهر مالم المرا بستان ما مالی می این بینان می می که جومز ایند ما ایم ال جزار مرسول الم الم بین می که دور بالاتا (ما من برین بناید مرکم کی جدیز ویلد منام بر کردسول مرکب مرک معید کی تعدید مرکز جدید کرد جدید مرکز و معدمات مرکز محکوم کی کرد کرد می ماد سال کرد جدید کرد مرکز مرکز می جدید مرکز مادر کرد و در مرکز محکوم مرکز محکوم کی مرکز محکوم محلوم کارد کو این کان محکوم مرکز مادر کرد و در مرکز محکوم کی مرکز محکوم کی محکوم محلوم کارد کو این کان محکوم کی مرکز محکوم کی مرکز محکوم کی مرکز محکوم محلوم کارد کو مرکز محکوم جدید مرکز محکوم کارد محکوم کی محکوم کی محکوم محلوم کارد کو مرکز محکوم کی محکوم کارد مادر محکوم کی مرکز محکوم کی محکوم محلوم کارد کی مرکز محکوم کی محکوم کارد محکوم کی محکوم کی محکوم کی مرکز محکوم کی مرکز محکوم مرکز محکوم کی محکوم کی محکوم کی محکوم کارد محکوم کی محکوم کی محکوم کی مرکز محکوم کی محکوم ک بول المن والم تعدول كادوش آسك بين اب آسك بالمحدوم الاستصر وت عومت كا مدين محا الكاف يعين كون كرن جاادده وادر تحضيت امم بكينط مى خوت فستح خناف بحوف متدرات مات جامب إي كميلا فات

בטילר גברי אינויג איניג גערייג איניג איניג גערייג גערייג גערייג גערייג גערייג גערייג גערייג גערייג גערייג געריי געריג גערייג ג تول الاستراكية حصر من سكان المتلك الموجود ومن المالا المدينة من المراح جريد من عامل كمالا المن المحالية المعالي ما المراحل عليه المراحل على المعالم المعالم المعالية المالية المعالم المعادية من تعالم المحالية المعالم عليه ال ما المراحل عليه المراحل المراحل المراحل المعالم المعالية المعالية المعالية المعالية المحالية المحالية المعالم ا ما المراحل عليه المراحل المراحل المحالية المحالية المحالية المحالية المعالية المعالم المعالية المحالية محالية معالية المحالية المحالي محالية المحالية محالية المحالية محالية المحالية المح محالية المحالية المح محالية المحالية ال) الما يابعدا كر مسجع ل كالان الله التي عن مدين على در معاد مدين مدين مدين المرسمة بالمسلم المائلي المعالي المعالي المعالي المعالي المعالي المعالي المعالي المعالي كما يتم المعالي المحدم معالي المعالي المعالي المعالي المعالي معالي المعالي كالمعالي كما يما ك المحاكية في كارون معالي على محاك المعالي المعالي معالي معالي المعالي معالي معالي المحاكية في كارون معالي كما يك في المعالي معالي معالي معالي المعالي المعالي كما يعالي المحاكية في كارون معالي كما يعالي المعالي معالي معالي معالي معالي كما يعالي المعالي كما يعالي معالي معالي معالي المحالي في معالي معالي كما يعالي المعالي معالي المحالي في كارون معالي كما يعالي معالي ك معالي المعالي معالي معالي معالي معالي معالي معالي معالي معالي معالي معالي

تر عمد جزال جان ایک سے برای منین سر مندس مندسر مسید ماید و اور است مام سر جزائر می جزال جان ایک سے برای منین سر جزم ، افروین کر لیے سے میں کا اعجد وارز استرا کرتے ہوئے ایک ایک سے تر عراق ب کارتی ہے ، توری اور اعتماد جل ایکن مشرک قرمت برا

> 63 ب الغابة المعالمة المعالمة المعالمة المعالمة المعالمة المعالية المعالية المعالية المعالية المعالية المعالية الم

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رجزكما مات كالمحاسر 2012 - فراكر ف م إساس فاستورى دو الاس یری کار ایک مادید مذارد بالا تعمر ک تیکرارم: بیک میکرادی کاری ایک ماد بر مراد میتر مراسط میکرد. مروسان بیک مادید مذارد بالا تعمر ک تیکرارم: بیک میکردی کاری میکودان دارد اربه مند داشت کددک آب ایس کی ایکرادی مشاه العراق اوراد یران که سی ایم مقد ایس کاروسیکری سیکری کیلی کمک بیکودک ۲۰۱۶ مداند کا دید کوں - کر یک کو کر ای ا Auvenilia Justicesystan (المال كار) استی بیند و استان مرکب مرکب استان می این ایرون بین می این این می ایس سور مسال مان مان کسی تیکی به مواند کار مرکب میک ایرون ای هموی اندابات سی در در مان ما به امد سک - را می سے مانا بی می مانا در جوان دانسان ایس

الام يحظى فادوت جادا فيتن كماجاة ماتسط اعتام أبتس الا کی تصنیع کر کی تعدید سے اند کی الد میں ایر بر ایر تعلیم کی تعدید کی کہ بیند اور کم کی کہ ایے آذاد ایر ایر کی کی تعدید کی تعدید کی تحدید کی تعدید کی تع

ليكذالوني ولاأنبي رمث سيم شعبول شمل موجود وتشومت كرز ور ال عداد من المار الم ير ک

مر بالمر المراجري عمون ك ارب عل ما م ك اً مح تا مع مو توجد وسنة كى موروت برودود بار ويك. المسافية من مام سرة الجام أوكت تسوم في المذكل الغرافة فأأدخر يشراد م إد م عن الإ الم تي البد م يكونك في المام كوموت كا الحا الل الله كيس ال س قام في مراش س ارت من السيامة بتائی بيترايم كمن ادرة في في المرات في درم الا كوتيت محيد مركى تنسبات - 1 كاركيا ادراك إد.

ادو تن في دو ما و كرد يا ب . محر علو قرم دامنت كرد ال محرك دو اتم كى موامد كرنى ب دو تومد محك الن من م محر فا<u>شر من مان</u> الما كروار دار الرساني . دوم اعم م ک مقول مرکزین بر فکار محم ادرانی مرکزین ب کم بودندی خالد و می دورون که در بر می ما می م عالی نے اج کور اوال می در در اطلم نے کو کم م که ای می ذیکرد نے بیز کور بر فریش مل کی دست كرت ورد البروات كماك كارد الركى مسداد الك بتيك ف مدد تحب مدخ بالبن مباد كا د مرکی ا بالممتيجن الدوام كمدمشترك ووطرف مفادات الدوامن مناجى واجتام ي مشترك ماة أن مدامد وكمة ج مشترکی، قاطندی بتراکمت داد بر طور پریسے میتین سے کردیم دون مکون سکے ایمی مذہ یک مشتر کو مقاصر کے معرف کے 28. كرت دين ك در المعم ي مالك دان قان ا قبل مديدكى وقالت براضوى كالعباد كرت : وسط الن ك این سیلین اداعی بر مون به جهار رف دان می کان منتربت کم بخش در کار در بن از ۵۰ دان در مانتین از دانسان تحییق میشی ایک بی کر شدرد در را معم ایک على دور مشطق تا بسیروی افراف مند لو توت کم خان این این اتواد مستقد مین میریم کورند می جنس دان کارروان نے آگام کیا۔ قارر ق ان کا ایک نے دار بر الملم کر الا ایک مرکز کا کورف نے این آواد طلسا دسمی دو دیا ملم کے خلاف توجن عذالت سے جادبز اذاب کردیے برا۔ ورباعظم مداخل فیط کوراج ہوئے اے افسان کی ت قرارد ودر اعم الم ال وم مدايت ومام متعلد متول كالميتان كرمقان كاميال - مناب يردو وقالون ادر

میرون بینیم و با منطق و مان میرون و مانند. مهمه کاریم ماکن ستوری و بول ب - به متوری و ماکن ماز پاشتم دوند بروز اخرف کی و مساوت اور اسل

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. 521 of 2013

Imam Hussain Office Kanungo / Girdawar Circle Topi. r/o village Tarakai Tehsil Razzar District Swabi

Appellant

Respondents

Versus

1. Commissioner Mardan Division Mardan.

2. Deputy Commissioner, Swabi.

3. Hussan-ul-Wahab Office Kanungo / Girdawar Circle Lahor, Swabi.

APPEAL AGAINST ORDER / JUDGEMENT OF RESPONDENT NO.1 DATED 15.02.2013 AND ORDER OF RESPONDENT NO.2 DATED 15.01.2013. WHEREBY APPELLANT IS TRANSFERRED FROM OK OFFICE TOPI TO OK OFFICE LAHOR SWABI. WHICH IS ILLEGAL, AGAINST LAW AND FACTS

Parawise comments in respect of respondent No. 1 & 2 are as under:

Respectfully Sheweth:

- 1. Incorrect. The appellant is posted as Office Kanungo Labor.
- 2. No Comments.
- 3. No Comments.
- 4. No Comments.
- 5. Correct to the extent that the appellant was transferred and posted as Office Kanungo Lahor on written complaint from Mr. Amjad Khan s/o (Late) Abdus Sattar and others r/o Topi Tehsil Topi District Swabi.
- 6. Incorrect. The appeal has been dismissed on the grounds that the same had no weight in the eyes of law.
- 7. Incorrect. The posting order issued, is quite legal, lawful and is in the best interest of public. Similarly the order dated 15.02.2013 is also quite legal and lawful.

<u>Grounds:</u>

А. В. Incorrect. The impugned order has been passed in accordance with the posting transfer policy, in the public interest.

Correct to the extent that the appellant and respondent No. 3 have not completed renure but the order passed is legal and lawful, as the same has been issued on the complaint from Mr. Amjad Khan s/o (Late) Abdus Sattar and others t/o Topi Tehsil Topi District Swabi, in the best public interest.

sime the DCp is inis المحدخان ولاعمدال مارم وم سالن توم مرك كمول في محفول وى منا حمدا قر در رسرمل و ماسم امام حس net for) من مالى ... كمعلى برطوف بالمعالي مال كالملا م دهد ارداد مرافل در مرام من - q vera: ----Const HDC بر مندور مردام را بر از از از من عوام این ^ر P Gju in astigate 191 Entice of differ 1319 Fr weather action اور زیکو مفتن وی در سر اماع - سیامی نے کاری محمال مانت اور می معنی از می معنی می تقامی از نا م accordinghi 2 010-1-1-6 مر مسابل کاروری محرب کارونی ور ماج دهری موس ت كم مسرير مروم 353 12/1/2013 1651 5615' ; A.L. CAVIC # 16202-0889567--9

نتى مى نى 16 202-0889359-3 · 5 202-16 ل لفرا سن ولم علي المعلم الم 16202-6419489-7 Will Johnshiting 2, 16202-6151341-1 . This first 1; Fig. 3, 162 02-09.66992-5 (1) (2) - 20 - 20 - 20 - 20 - 66992-5 (6) (6202-6486663-9 2 (14) 1/ (17) CHIQ. 16202-0883326-9 + 1 - 11/ au elizarilizari 16202-0888590-7 Falabala' 16202-0888590-7 Falabala' (1) - مرومان دار برس الجن المحلق 162020 9913455 Rud En iligitization دين سي يور فريزويو سيطري ف مريد سيرون سي مور ردر، مرردر تمن ولاماه تقرقن 101.00 مدرزمان فان (14) . 9-550-98-9-2026/ 1/201-08 99 567.9 (B) done 1/201-08 99 567.9 (B) 162020896898-1 0621 Nº I UP Lie MAND. Rhyber Pakhtunklywa Service Tribunul. Peshawar. The hours of attendance is the court are the same that at the high Court except Sunday and Gazetted Holidays. Mosie Aways quote Case No. While making any correspondence

AUTHORITY LETTER:

Syed Bacha Establishment Assistant of this office is hereby authorized to attend the Honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar in case titled" Imam Hussain versus Commissioner Mardan Division Mardan" on behalf of Commissioner Mardan, Deputy Commissioner Swabi on the date fixed i.e. 11.9.2013 and subsequent dates, to safe-guard the Government interest (if any)

Deputy Commissioner / District Collector, Swabi.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. 521 of 2013

lmam Hussain Office Kanungo / Girdawar Circle Topi. r/o village Earakai Tehsil Razzar District Swabi

Versus.

1. Commissioner Mardan Division Mardan.

2. Deputy Commissioner, Swabi,

3. Hussan-ul-Wahab Office Kanungo / Girdawar Circle Lahor, Swabi, ...

APPEAL AGAINST ORDER 7 JUDGEMENT OF RESPONDENT NO.1 DATED 15.02.2013 AND ORDER OF RESPONDENT NO.2 DATED 45.01.2013, WHEREBY APPELLANT IS TRANSFERRED FROM OK OFFICE TOPI TO OK OFFICE LAHOR. SWABL WHICH IS ILLEGAL, AGAINST LAW AND FACTS

Respondents

Parawise comments in respect of respondent No. 1 & 2 are as under:

Respectfully Sheweth:

- 1. Incorrect. The appellant is posted as Office Kanungo Labor.
- 2. No Comments.
- 3. No Comments.
- 4. No Comments.

5. Correct to the extent that the appellant was transferred and posted as

Office Kanungo Lahor on written complaint from Mr. Amjad Khan s/o (Late) Abdus Sattar and others r/o Topi Tehsil Topi District Swabi.

- 6. Incorrect. The appeal has been dismissed on the grounds that the same had no weight in the eyes of law.
- 7. Incorrect. The posting order issued, is quite legal, lawful and is in the best interest of public. Similarly the order dated 15.02.2013 is also quite legal and lawful.

Grounds:

Λ.

Β.

- Incorrect. The impugned order has been passed in accordance with the posting transfer policy, in the public interest.
 - Correct to the extent that the appellant and respondent No. 3 have not completed tenure but the order passed is legal and lawful, as the same has been issued on the complaint from Mr. Amjad Khan s/o (1 ate) Abdus Sattar and others r/o Topi Tehsil Topi District Swabi, in the best public interest.

⁻ С. D.	As per para-B above. As in preceding para.	and bound as the same has been
E.	As in preceding para. Incorrect. The posting Aransfer order is legal	and fawrith as the same may need
	issued in the best public interest.	
F.	No Comments.	
. G.	No Comments.	
Н. + 1.	No Comments. Incorrect, No such order has been passed - is 15.1.2013.	ssued by respondent No. I on

In view of the above, it is humbly prayed that the instant appeal has no weight in the eyes of law, hence may please be dismissed.

y Commissioner, Sylabi. Respondent No. 2 · Deputy Commit

Commissione Mardan Division, Mardan Vespondent No. 1

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size the DCpt is ins ا محد خان و در عدد ال ما د مردوم سالن نو مجمل لو می کعبل و ی منه عدد مر در رسرمل توی سسی امام جسی melejas) من فالى ... كمعلين رطور ، معلم مال كالملار ر هد زاده مرالی می ایم و س مر زاده می مرای می ایم و س - 9 0910 · ---Const HDC dthe Telle PLJUL in distignation of Entice of Fr weadful action اور زیکو مفن و کا در مرابع کے سیامی نے کا سی متحال مالي اور مرجنون ار و حسن مع فقال ار accordinghy - 2010-21-مر ما مل کاررزی محرب کارزیمام ور ما د دهری موه تاكم مرابت سروما -353 12/1/2013 16/312 -6,5' - Chil CAVIC # 16202-0889567--9

16 202-0889589-3-, beil might " there and 16202-6419489-7 Will Jobi willing 2, 16202-6151341-1 July Fire 1, Fire 3, and 15/1/2/10/ 45 162-2-166-175-7 さい しん くう たい しん いう 15202-0849220-1 24190 16202-0888590-7 Falabala' 1200-20888590-7 Falabala' (9) - All باردان دلد سرین الجن بالی -162020 9913455 Rug ijejuju en je wi دين معادو ز کارو معلم کان ميدن معلوز ردر مررار آمن ولاماه لعلاقان 101 (14) 9-16202-21995552-9 (14) 16201-08 99 567.9 (1) don in the 162020896898-1 0651 Nº1 69 lie 1TNG Ehyber Pakhtunkl/wa Service Tribungh v Peshawar. The yours of attendance in the court are the same that of the high Court except Sunday and Gazetted Holidays. Always quote Case No. While haking any correspondence Nore

· 10 (1) Vier / L) ci لعدالت (كور فيس باعث تحريراً نكه مقدمہ مندرجہ عنوان بالامیں اپن طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقد أن مقام /) ور محلئ كرفتو ف رد ر مقرر کرکے اقرار کیاجاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کاکال اختيار موكا نيز وكيل صاحب كوراضي نامه وتقرر ثالث وفيصله برحلف دييخ جواب دبى اور اقبال دعویٰ اوربصورت ڈگری کرانے اجراءاور دصولی چیک رو پیہاور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراس پرد سخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیر دی یاڈ گری یک طرفہ یا پیل کی برآمدہوگی اور منسوخی دائر کرنے کی ایپل تکرانی ونظرتانی و پیروی کرنے کا اختبار ہوگااور بصورت ضرورت مذکور کے عمل یاجزوی کاردائی کے واسطے اور دیل يامختار قانوني كوابني بهمراه ياابني بجائح تقرر كااختيار بهوكا اورصاحب مقرر شده كوبهي جمله مذكوره بالااختبارات حاصل مونكم اوراسكاساخته برداخته منظور وقبول موكااور دوران مقدمه مي جوخرچہ وہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہوئے ۔ نیز بقایا دخرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگرکوئی تاریخ پیشی مقام دورہ پہویا حدسے باہر ہوتو وکیل صاحب یابند ہوئے کی پیروی مقدمہ مذکور لہذاوکالت نامہ لکھ دياتا كەسندرى ـ <u>2013</u> 27,6 ob الرقوم __بدگواه ش____ده الع____ ارائی مر کے لئے منظور ہے Attested & Alasted Juil-