

16.03.2022

Due to retirement of the Hon'ble Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same on 16.05.2022.

Reader

16.05.2022

None for the appellant present. Mr. Muhammad Riaz Khan, Assistant Advocate General for respondents present.

Previous date was adjourned through Reader note, therefore, notice for prosecution of appeal be issued to the appellant as well as her counsel. Adjourned. To come up for arguments before D.B on 19.07.2022 at camp court Abbottabad.

(Fareeha Paul)  
Member(E)

(Kaleem Arshad Khan)  
Chairman  
Camp Court Abbottabad

Sir,

The grievance of the appellant has been redressed. The appeal may be dismissed as withdrawn.

19<sup>th</sup> July 2022

1. Counsel for the appellant present. Syed Naseer Ud Din, Assistant Advocate General for respondents present.

Learned counsel for the appellant submits that grievance of the appellant has been redressed and requested for withdrawal of this appeal. As a token of admission of his submission, he signed the margin of the order sheet. Dismissed as withdrawn. Consign.

M. Arshad Khan

3. Pronounced in open court in Camp Court Abbottabad and given under our hands and seal of the Tribunal on this 19<sup>th</sup> day of July, 2022.

Adv Asc



(Salah Ud Din)  
Member(Judicial)

(Kalim Arshad Khan)

Chairman  
Camp Court Abbottabad

24.09.2021

Clerk of learned counsel for the appellant present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is ill and cannot attend the Tribunal today. Adjourned. To come up for arguments before the D.B on 19.11.2021 at Camp Court Abbottabad.



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)  
CAMP COURT ABBOTTABAD



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD

19.11.2021

Junior to counsel for appellant present.

Muhammad Rasheed learned Deputy District Attorney a for respondents present.

The learned Member (Judicial), feeling not well, is unable to attend the proceedings. Therefore, case is adjourned. To come up on 16.03.2022 before D.B at Camp Court, Abbottabad.



Chairman  
Camp Court, A/Abad

20.02.2020

Due to COVID-19, the case is adjourned for the same on 18.02.2021.


  
READER

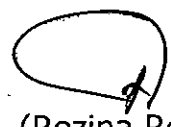
18.02.2021

Counsel for appellant present.

Noor Zaman Khattak learned District Attorney for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 20.05.2021 before D.B at Camp Court, Abbottabad.

  
(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, A/Abad

  
(Rozina Rehman)  
Member(J)  
Camp Court, A/Abad

20-5-21

Due to covid 19, case is Ad journed to 24-9-21 for the same.

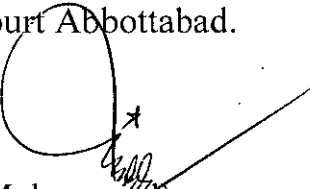
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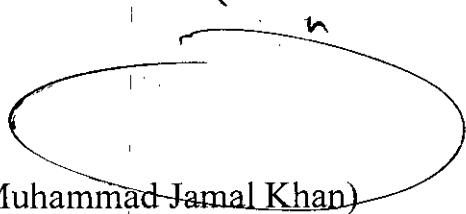
18.11.2020

Counsel for the appellant is present. Mr. Usman Ghani, District Attorney alongwith Mr. Shahid Mehmood, District Officer for respondents are present.

Learned counsel for the appellant requests for adjournment as he has not prepared the brief.

Adjourned to 20.01.2021 for arguments before D.B at camp court Abbottabad.

  
(Mian Muhammad)  
Member(E)

  
(Muhammad Jamal Khan)  
Member(J)  
Camp Court Abbottabad

Due to covid ,19 case to come up for the same on / /  
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on / /  
9 / 20 at camp court abbottabad.

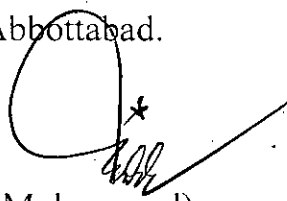
  
Reader

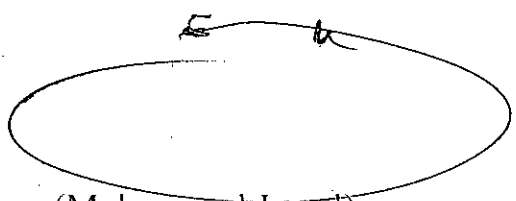
14.09.2020

Appellant is present in person. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Shahid Mehmood, District Officer for respondents present.

According to the appellant his respective counsel has proceeded to Peshawar and is not available at Abbottabad today, therefore, requested for adjournment.


Adjourned to 18.11.2020 for arguments before D.B at camp court Abbottabad.

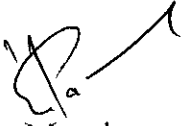
  
(Mian Muhammad)  
Member(E)

  
(Muhammad Jamal)  
Member  
Camp Court A/Abad

20.01.2020

Appellant in person present. Mr. Muhammad Jan, DDA for respondents present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 23.01.2020 before D.B at camp court Abbottabad.


  
Member

  
Member  
Camp Court A/Abad

23.01.2020

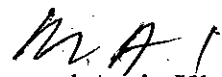
None for the appellant present. Mr. Muhammad Jan, DDA for the respondents present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings on 17.02.2020 before D.B at camp court Abbottabad. Appellant be put on notice for the date fixed.

  
Member

  
Member  
Camp Court A/Abad

19.09.2019

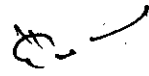
Appellant in person and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Shahid Mehmood, District Officer for official respondents No. 1 to 3 present. Private respondents No. 4 alongwith Mr. Shahbaz Ahmad Tanoli, Advocate present and submitted Vakalatnama which is placed on record. Written reply on behalf of official respondents No. 1 to 3 already submitted while learned counsel for private respondent No. 4 requested for further adjournment for filing of written reply. Case to come up for written reply/comments on behalf of private respondent No. 4 on 23.10.2019 before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member

Camp Court Abbottabad


23.10.2019

Appellant present in person. Mr. Usman Ghani, District Attorney present. Mr. Shahid Mahmood, District Officer On-farm Water Management Abbottabad for the respondents No. 1 to 3 present and seeks time to furnish reply. Counsel for respondent No. 4 present and furnish<sup>ed</sup> reply, placed on file. Adjourn. To come up for written reply/comments of respondents No. 1 to 3 on 20.11.2019 before S.B at camp court, Abbottabad.

  
Member  
Camp court, A/Abad


20.11.2019

Clerk to counsel for the appellant present. Mr. Usman Ghani learned District Attorney present. Reply/comments on behalf of respondents have already been submitted. The present service appeal is posted before D.B for arguments/rejoinder. Adjourned to 20.01.2020 before D.B at Camp Court, Abbottabad.

  
Member  
Camp Court, A/Abad


20.05.2019

Counsel for the appellant, Mr. Shahid Mehmood, District Officer alongwith Mr. Muhammad Bilal, Deputy District Attorney for official respondents No. 1 to 3 and private respondent No. 4 in person present. Representative of official respondents No. 1 to 3 submitted written reply while private respondent No. 4 requested for adjournment for filing of written reply. Adjourned. To come up for written reply/comments on behalf of private respondent No. 4 on 11.07.2019 before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

11.07.2019

Appellant in person present. Mr. Muhammad Bilal, Deputy District Attorney for official respondents No. 1 to 3 present. Written reply on behalf of official respondents No. 1 to 3 already submitted. None present on behalf of private respondent No. 4 therefore, notice be issued to private respondent No. 4 for attendance and filing of written reply. Case to come up for written reply/comments on behalf of private respondent No. 4 on 19.09.2019 before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad



22.02.2019

Counsel for the appellant Aurangzeb present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Agriculture Department as Office Assistant. It was further contended that the appellant was transferred from Swat to Mansehra vide order dated 14.02.2017 but the said order was cancelled by the competent authority vide order dated 24.02.2017. It was further contended that again the appellant was transferred from Swat to Mansehra vide order dated 31.05.2018 but the said order was again cancelled by the competent authority for the reason best known to him. It was further contended that again the appellant was transferred from Swat to Mansehra vide order dated 02.07.2018 but again the said order was cancelled vide order dated 12.07.2018. It was further contended that the appellant filed departmental appeal on 16.07.2018 but the same was not responded hence, the present service appeal on 16.11.2018. It was further contended that since the appellant was transferred from Swat to Mansehra vide order dated 06.07.2018 but the same order was cancelled just after 10 days on 16.07.2018 without completing normal tenure and against the transfer posting policy therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 20.05.2019 before S.B at Camp Court Abbottabad.

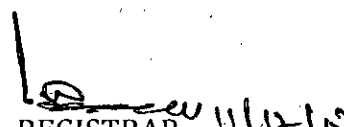

Appellant's Security & Process Fee

*MA*  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1475/2018

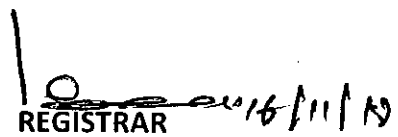
| S.No. | Date of order proceedings | Order or other proceedings with signature of judge  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1-    | 11/12/2018                | <p>The appeal of Mr. Aurang Zeb resubmitted today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><br/>REGISTRAR</p> |
| 2-    | 12-12-18                  | <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-2-18</u>.</p> <p style="text-align: right;"><br/>CHAIRMAN</p>  |

The appeal of Mr. Aurangzeb Office Assistant office of on Form Water Management Abbottabad received today i.e. on 16.11.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent no. 4 is incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- In the memo of appeal many places have been left blank which may be filled up.
- 3- Copy of order dated 29.10.2014 mentioned in para-7 of the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Copy of transfer order dated 27.7.2018 mentioned in the prayer of appeal is not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 6- Most of the dates mentioned in the memo of appeal are not matching with the dates of attached documents.

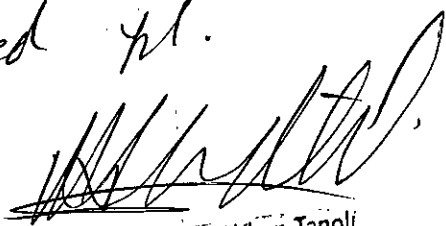
No. 2250 /S.T,

Dt. 16/11 /2018.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M.Arshad Khan Tanoli Adv.  
High Court Abbottabad.

Sir,  
Service appeal is re-submitted  
duly rectified pt.

  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

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

Service Appeal No. 1475 /2018

Aurangzeb Officer Assistant, office of on Form Water Management  
Abbottabad.

...APPELLANT

**VERSUS**

Secretary Agriculture & Live Stock KPK Peshawar & others.

....RESPONDENTS

**SERVICE APPEAL**

**INDEX**

| S. # | Description   | Page #  | Annexures |
|------|---|---------|-----------|
| 1.   | Service appeal alongwith affidavit  | 1 to 10 |           |
| 2.   | Copy of promotion order to the post of Office Assistant   | 11      | "A"       |
| 3.   | Copy of promotion order showing transfer order at swat  | 12      | "B"       |
| 4.   | Copy of transfer order dated 14/02/2017   | 13      | "C"       |
| 5.   | Copy of first cancellation order dated 24/02/2017   | 14      | "D"       |
| 6.   | Copy of second transfer order dated 03/05/2018  | 15      | "E"       |
| 7.   | Copy of transferred vide order dated 29/10/2014/DG/ OF WM dated 02/07/2018                            | 16-17   | "F"       |
| 8.   | Copy of charge assumption report  | 18-20   | "G"       |
| 9.   | Copy of departmental appeal dated 16/07/2018  | 21-23   | "H"       |
| 10.  | Copies of relevant rules  | 24-25   | "I"       |
| 11.  | Copy of transfer order dated 24/07/2017 forwarded to Minister Agriculture Khyber Pakhtunkhwa Peshawar | 26-30   | "J"       |
| 12.  | Wakalatnama   | 31      |           |

  
...APPELLANT

Through

Dated: \_\_\_\_\_/2018

  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

1

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

Service Appeal No. 1475 /2018

Aurangzeb Officer Assistant, office of on Form Water Management  
Abbottabad.

...APPELLANT  
Khyber Pakhtukhwa  
Service Tribunal

Diary No. 1639  
Dated 16-11-2018

VERSUS

1. Secretary Agriculture & Live Stock KPK Peshawar.
2. Director General on Form Water Management KPK Peshawar.
3. District Offices on Farm Water Management District Abbottabad.
4. Muhammad Saleem Office Assistant on Form Water Management.  
*Manshure.*

....RESPONDENTS

Filed to-day

*[Signature]*  
Registrar  
16/11/18.

Re-submitted to -day  
and filed.

*[Signature]*  
Registrar  
11/12/18

**SERVICE APPEAL UNDER SECTION 4 OF  
KPK SERVICE TRIBUNAL ACT, 1974, FOR  
DECLARATION TO THE EFFECT THAT THE  
APPELLANT WAS FIRST TRANSFERRED  
FROM ON FARM WATER MANAGEMENT**

SWAT TO ON FARM WATER MANAGEMENT DISTRICT MANSEHRA IN PLACE OF RESPONDENT NO.4 VIDE ORDER DATED 14/02/2017, WHICH WAS GOT CANCELLED BY RESPONDENT NO. 4 ON 24/02/2017, THE APPELLANT HAS AGAIN BEEN TRANSFERRED FROM SWAT TO DISTRICT MANSEHRA ON COMPLETION OF TENURE ON 31/05/2018, WHICH WAS CANCELLED ON 05/06/2018, DUE TO THE BAN ON POSTING/ TRANSFER IMPOSED BY THE ELECTION COMMISSION OF PAKISTAN, AFTER LIFTING BAN, THE APPELLANT WAS TRANSFERRED FROM SWAT TO MANSEHRA ON 02/07/2018, BUT RESPONDENT NO. 4 HAVING POLITICAL INFLUENCE AS USUAL AGAIN GOT TRANSFER ORDER DATED 02/07/2018 CANCELLED ON 12/07/2018 AND THUS RESPONDENT NO. 2 HAS BEEN POSTED FROM SWAT TO DISTRICT ABBOTTABAD. ON THE SAME DATED I.E. 12/07/2018. THAT BOTH THE IMPUGNED ORDERS DATED 12/07/2018 ARE ILLEGAL, DISCRIMINATORY, PERVERSE AND BOTH

THIS IMPUGNED ORDER NO. 3116,

12/7/2018 ARE LIABLE TO BE SET-ASIDE.

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**PRAYER:** ON ACCEPTANCE OF THE INSTANT IMPUGNED CANCELLATION ORDER 3116 DATED 12/07/2018 AND TRANSFER ORDER DATED 12/07/2018, MAY GRACIOUSLY BE CANCELLED AND RESTORE TRANSFER ORDER NO. 3117 DATED ~~20~~07/2018 OF THE APPELLANT.

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Respectfully Sheweth:-

That the facts of forming the back ground of the instant Service Appeal are arrayed as under;-

1. That the appellant got appointment in respondents' department as Junior Clerk on 02/04/1983 and got promotion as Senior Clerk on 01/09/2008, and got further promotion as office assistant on 23/05/2016. Copy of promotion order to the post of Office Assistant is attached as Annexure "A".

2. That the appellant served the department according to the prescribed standard of the respondent department and left no stone unturned in the way of smooth functioning of the department.
3. That the appellant got promotion to the post of Office Assistant on 23/05/2016., by dint of hard work and dedication towards the service. That after grant of promotion he was posted to on Farm Water Management office vide order dated 12-7-18. Copy of promotion order showing transfer order at swat is attached as Annexure "B"
4. That the appellant belongs to District Mansehra. Therefore, he was transferred from on Farm Water Management Swat to on Farm Water Management vide order No. 562/DG/ OF WM, dated 14/02/2017. Copy of transfer order dated 14/02/2017 is attached as Annexure "C".
5. That after expiring of 10 days, respondent No. 4 having political affiliation with the local political figures got transfer order cancelled the appellant dated 14/02/2017, vide cancellation order No. 688/DG of WN dated 24/02/2017. Copy of first



cancellation order dated 24/02/2017 is attached as Annexure "D".

6. That again appellant was transferred from swat to District Mansehra vide order No. 2566/ DG/OF WN. dated 21/05/2018. Copy of second transfer order dated 03/05/2018 is attached as Annexure "E".
7. That the appellant completed his Service Tenure at Swat. Therefore he was transferred again from Swat to Mansehra in place of respondent No. 4 who has more than 10 years service in the same scale and in the same office. Copy of transferred vide order ~~02/07/2018~~ 316/DG/ OF WM dated 02/07/2018 is attached as Annexure "F".
8. That the appellant took over the charge to the post vide charge assumption report No. 1267-68, dated 09/07/2018. Copy of charge assumption report is attached as Annexure "G".
9. That respondent No. 4 got cancelled transfer order of the appellant dated 02/07/2018 vide impugned cancellation order dated 316/ DG/ OF WM dated

12/07/2018; and on the same date the appellant has been posted in the office of on Farm Water Management Abbottabad vide impugned order No. 31-7/DG/ OF MW dated 12/07/2018. The appellant filed departmental appeal to respondent No. 1 against the impugned order on 18/07/2018, which is yet get to decided by the department. Copy of departmental appeal dated 16/07/2018 is attached as Annexure "H".

10. Hence, feeling aggrieved the instant Service appeal is filed inter-alia on the following grounds:-

**GROUND:-**

- a) That cancellation order dated 12/07/2018 and transfer order dated 12/07/2018 are illegal, against the law facts and without lawful justification. Therefore, both the orders dated 12/02/201 are liable to be cancelled.
- b) That the appellant has completed his service tenure as per service law. The respondent No. 4 is serving on the same post in district

Mansehra from the last 10 years. The appellant has preferential rights of posting to Mansehra as per service law. Copies of relevant rules are attached as Annexure "I".

c) That frequent transfer orders of the appellant within a period of one year and their frequent cancellation of have been held malafide by the apex court in precedent law which shall be produced at the time of arguments. Hence, impugned order dated 12/07/2018 is liable to be cancelled.

d) That respondent No. 4 is an influential person having political back. Therefore on the political intervention transfer orders of the appellant have been got cancelled by respondent No. 4. This fact can be ascertained has been forwarded to the PS to Minister Concerned from the first cancellation order dated 24/07/2017. Copy of transfer order dated 24/07/2017 forwarded to Minister Agriculture Khyber Pakhtunkhwa Peshawar is attached as Annexure "J".

- e) That good governance and cannon of ethics demand that what ever is written in black and white in laws that must be followed without fear and favour. Here, in this case, frequent cancellation orders on behalf of respondent No. 4 are illegal, discriminatory is a result of political interference. Hence, both the orders are liable to be cancelled.
- f) That respondent department has had the petitioner to the place which is utterly unknown to the principle of jurisprudence, natural justice and law on merit.
- g) That the matter relates to terms and conditions of service therefore, this Honourable has jurisdiction entertain the instant appeal. Besides, the service appeal of the appellant is within the period of limitation.

It is, therefore, humbly prayed that on acceptance of the instant impugned cancellation order 12-7-18 dated 12/07/2018 and transfer order dated 12/07/2018,

may graciously be cancelled and restore transfer order

no ~~29-10-14~~ dated 02/07/2018 of the appellant.

*A. B. Khan*

...APPELLANT

Through

Dated: \_\_\_\_\_/2018

*(Signature)*  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.

*(Signature)*

...APPELLANT

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

Service Appeal No. \_\_\_\_\_/2018

Aurangzeb Officer Assistant, office of on Form Water Management  
Abbottabad.

...APPELLANT

**VERSUS**

Secretary Agriculture & Live Stock KPK Peshawar & others.

....RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, Aurangzeb Officer Assistant, office of on Form Water Management  
Abbottabad, do hereby solemnly affirm and declare that the contents of  
foregoing service appeal are true and correct to the best of my knowledge  
and belief and nothing has been concealed therein from this Honourable  
Court.



*Saif-ur-Rehman*

**DEPONENT**

**DIRECTORATE GENERAL ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**

**OFFICE ORDER**

581  
*Ann*

On recommendations of the Departmental Promotion Committee in its meeting held on 19-05-2016, the following Senior Clerks (BS-14) of On Farm Water Management Wing of Agriculture Department are here by promoted as Office Assistants (BS-16) on regular basis with immediate effect. They will be on probation for the period of one year:-

1. Mr. Aurungzeb
2. Mr. Maz Muhammad

Consequent upon their promotion, they are hereby transferred/adjusted as under

| S.No | Name & Designation                              | From   | To  |
|------|---|--|---|
| 1    | Mr. Muhammad Saleem<br>Office Assistant (BS-16) | o/o District Director<br>On Farm Water Management<br>Mansehra                          | o/o District Director<br>On Farm Water Management Swat<br>against the vacant pos  |
| 2    | Mr. Aurungzeb<br>Senior Clerk (BS-14)           | o/o District Director<br>On Farm Water Management<br>Mansehra                          | Promoted as Office Assistant (BS-16)<br>and posted in office of the District<br>Director On Farm Water<br>Management Mansehra<br>Vice S.No. 01        |
| 3    | Mr. Niaz Muhammad<br>Senior Clerk (BS-14)       | Senior Clerk (BS-14)<br>o/o District Director<br>On Farm Water Management<br>Charsadda | Promoted as Office Assistant (BS-16)<br>and posted in office of the District<br>Officer On Farm Water Management<br>Hangu<br>Against the vacant post. |

*Step 11 record in  
file in Post. File of*

Sd/-  
Director General,  
On Farm Water Management  
Khyber Pakhtunkhwa Peshawar

No. 2559 /DG/OFWM dated Peshawar the 23 /5/2016

Copy for information and necessary action to the:-

1. Section Officer (Estt.) Govt. of Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Department Peshawar.
2. District Directors On Farm Water Management Mansehra, Swat & Charsadda.
3. District Officers On Farm Water Management Hangu.
4. District Accounts Officers Mansehra, Swat, Charsadda & Hangu.
5. Director HQ of this office.
6. Officers concerned.
7. Personal files of the officers.

*Attested*  
Muhammad Arshad Khan Janjani  
Advocate High Court  
Office No. 33-Adjacent to

Director General,  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS SWAT

No. DCA/Swat/PF/LPC/PR/165

date d/27/2018

To

The Distt Accounts Officer

Annex B

12

Subject:- MANSEHRA  
LPC AND SERVICE DOCUMENTS IN RESPECT OF MR. Aurangzeb Aslam  
PERSONAL NO. 257209

Memo:-

Consequent upon transfer of the above named officer to your Audit jurisdiction. His her service documents viz. LPC, Service statement and personal file are sent herewith.

He/She has been paid up to and for 30/6/18 at the following rates:-

PAYMENTS

| B.Pay | HRA  | Con: All | STA | BSA | UAA  | Med: All | ARA 2010 90% | ARA 2013 | ARA 2016 | ARA 2015 | Total |
|-------|------|----------|-----|-----|------|----------|--------------|----------|----------|----------|-------|
| 40190 | 1818 | 5000     | —   | —   | 1500 | 1500     | 4019         | 2664     | 3252     | 594      | 60537 |

888

DEDUCTIONS

| GR Fund | Benevolent Fund | Add. G. Insurance | Group Insurance | House rent deduction 5% | Income tax | HBA | Minor Car | Total |
|---------|-----------------|-------------------|-----------------|-------------------------|------------|-----|-----------|-------|
| 3340    | 800             |                   | RTSDC 1089      | 2009                    | 1205       | —   | —         | 8443  |
|         |                 |                   |                 |                         |            |     |           | 6090  |

1. He is entitled to draw pay & allowance at the above rates; wef: \_\_\_\_\_ to \_\_\_\_\_
2. Over payment of Adhoc allowance from 1/7/16 to 30/6/18 is recoverable: Total Rs. 42624/-
3. T.T.A advance Rs. \_\_\_\_\_ is recoverable. ER 1776
4. He handed over the charges on \_\_\_\_\_ service statement prior to 25/5/16 the officer was under the audit jurisdiction of Dr. Manselam.

| Period   | B.Pay | HRA  | Con: All | STA  | BSA  | UAA  | Med: All | ARA 2010 50% | ARA 2013 | ARA 2014 | ARA 2015 | Total |
|----------|-------|------|----------|------|------|------|----------|--------------|----------|----------|----------|-------|
| 25/5/16  | 25330 | 1818 | 5000     |      |      | 1500 | 1500     | 4555         | 2664     | 1771     | 2533     | 46676 |
| 09/6/16  | 25330 | 1818 | 5000     |      |      | 1500 | 1500     | 4555         | 2664     | 1771     | 2533     | 46676 |
| 01/9/16  | 31240 | 1818 | 5000     |      | 3124 | 1500 | 1500     | 4555         | 2664     | 594      | 594      | 51995 |
| 01/12/16 | 32520 | 1818 | 5000     |      | 3252 | 1500 | 1500     | 4555         | 2664     | 594      | 594      | 53605 |
| 01/7/17  | 38670 | 1818 | 5000     | 3867 | 3252 | 1500 | 1500     | —            | 2664     | —        | 594      | 58865 |
| 11/2/17  | 40190 | 1818 | 5000     | 4019 | 3252 | 1500 | 1500     | —            | 2664     | —        | 594      | 60537 |

Noted: I. Overpayment of Adhoc rel. 2013 Total amount Rs. 42624/- is recoverable.  
II. Handed over charges on 25/5/16.  
III. Available and regular leave of \_\_\_\_\_ days.

District Comptroller of Accounts  
Swat

Attested

Muhammad Iqbal Khan Janjani  
Advocate High Court  
Office No 33 Adjacent to  
Muzaffargarh





Annex - A

**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA PESHAWAR**



3  
13

**Annex C**

OFFICE ORDER

The posting/transfer of the following Office Assistants (BS-16) of On Farm Water Management Department are hereby ordered from and to the offices mentioned against each with immediate effect in the interest of public service.

| S. No | Name of Official                            | From  | To  |
|-------|---|---|---|
| 1     | Mr. Aurangzeb<br>Office Assistant (BS-16)   | O/O District Director<br>On Farm Water Management<br>Swat     | O/O District Director<br>On Farm Water Management<br>Mansehra                             |
| 2     | Muhammad Saleem<br>Office Assistant (BS-16) | O/O District Director<br>On Farm Water Management<br>Mansehra | O/O District Officer<br>On Farm Water Management<br>Battagram<br>Against the vacant post. |

Sd/-  
**Director General,**  
On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar  
the 14/2 /2017

No. 563 /DG/OFWM dated Peshawar

Copy to the:

1. District Director On Farm Water Management Swat.
  2. District Director On Farm Water Management Mansehra.
  3. District Officer On farm Water Management Battagram.
  4. District Accounts Officer Swat, Mansehra & Battagram.
  5. Officers concerned.
- For information and further necessary action.

211

Asstt

2-3-17

*[Signature]*  
**Director General,**  
On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar


*[Signature]*  
**Muhammad Iqbal Khan Tanoli**  
Advocate High Court  
Office No 33 Adjacent to  
District Office Abbottabad



~~Amex B~~ 35

14

**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA  
PESHAWAR**



**OFFICE ORDER**

The posting/transfer order of Office Assistants (BS-16) of On Farm Water Management Department issued vide this office order No. 562/DG/OFWM dated 14-02-2017 is hereby cancelled from the date of issue in the interest of public service.

Sd/-  
Director General  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

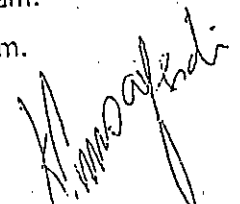
No. 688 /DG OFWM

dated Peshawar the, 24/2 /2017

Copy to the:

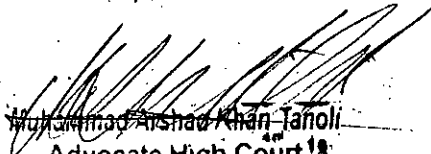
1. PS to Minister for Agriculture Khyber Pakhtunkhwa, Peshawar.
2. District Director On Farm Water Management Swat.
3. District Director On Farm Water Management Mansehra.
4. District Officer On Farm Water Management Battagram.
5. District Accounts Officer Swat, Mansehra & Battagram.
6. Officers concerned.

For information and further necessary action.

  
Director General  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

2/1

Attested

  
Muhammad Ashraf Khan Jaholi  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad



NT  
SWAT

Anwar-E

10



DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR



OFFICE ORDER:


The posting/transfer order of Office Assistant (BS-16) of On Farm Water Management Department issued vide this office order No. 2910-14/DG/OFWM dated 02-07-2018 is hereby cancelled from the date of issue in the interest of public service.

Sd/-  
Director General  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

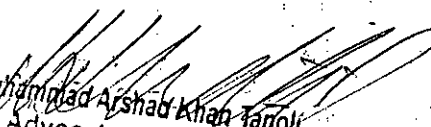
No. 3112 /DG/OFWM dated Peshawar the, 12 /07/2018

Copy of the above is forwarded for information and necessary action to the:

1. District Directors On Farm Water Management Swat & Mansehra.
2. District Officer On Farm Water Management Abbottabad.
3. District Accounts Officer Mansehra, Swat & Abbottabad.
4. Director HQ of this Directorate General.
5. Officers concerned.

  
Director General  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

Attested

  
Muhammad Arshad Khan Yartoli  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad

5



~~Amir~~

**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**



~~Amir~~

(16)

**OFFICE ORDER:**

The following Office Assistants (BS-16) of On Farm Water Management Department is hereby posted / transferred from and to the offices mentioned against each with immediate effect in the interest of public service.

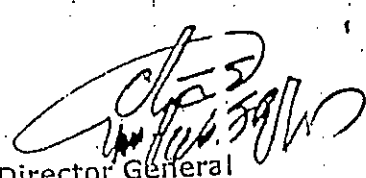
| S. No | Name            | From  | To  |
|-------|-----------------|---|---|
| 1     | Muhammad Saleem | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Mansehra | Office Assistant (BS-16)<br>o/o District Officer<br>On Farm Water Management<br>Abbottabad against the<br>vacant post |
| 2     | Aurungzeb       | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Swat     | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Mansehra<br>Vice S. No. 01           |

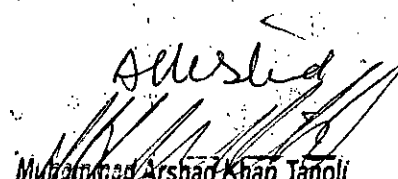
Sd/-  
Director General,  
On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar


No. 2566 /DG/OFWM dated Peshawar the, 31/05/2018

Copy of the above is forwarded for information and necessary action to the:

1. District Directors On Farm Water Management Swat & Mansehra.
2. District Officer On Farm Water Management Abbottabad.
3. District Accounts Officers Swat, Mansehra & Abbottabad.
4. Director HQ of this Directorate General.
5. Officers concerned.

  
Director General  
On Farm Water Management  
Khyber Pakhtunkhwa Peshawar

  
Muhammad Arshad Khan Janoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

o/Asst. Dir  
Pw P/No  




**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**



17

**Annex F**

**OFFICE ORDER:**

The posting/transfer of the following Office Assistants (BS-16) of On Farm Water Management Department are hereby ordered from and to the offices mentioned against each with immediate effect in the interest of public service.


| S. No | Name                | From   | To   |
|-------|---------------------|--|--|
| 1     | Mr. Muhammad Saleem | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Mansehra. | Office Assistant (BS-16)<br>o/o District Officer<br>On Farm Water Management<br>Abbottabad<br>Against the vacant post. |
| 2     | Mr. Aurangzeb       | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Swat      | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Mansehra.<br>Vice S.No. 01            |

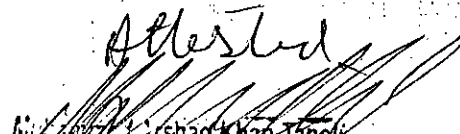
Sd/-  
Director General,  
On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar

No. 2910-14/DG/OFWM dated Peshawar the 02/07/2018

Copy of the above is forwarded for information and necessary action to the:

1. District Directors On Farm Water Management Swat & Mansehra.
2. District Officer On Farm Water Management Abbottabad.
3. District Accounts Officer Mansehra, Swat & Abbottabad.
4. Director HQ of this Directorate General.
5. Officers concerned.

  
Director General  
On Farm Water Management  
Khyber Pakhtunkhwa Peshawar

**Attested**  
  
Advocate High Court  
Office No 33 Adjacent to  
Dist. Bar Abbottabad

GOVERNMENT OF KHYBER PAKHTUNKHWA PROVINCE  
ASSUMPTION OF CHARGE


A n n e x 6

18

In Compliance of Director General on Farm Water Management KPK Peshawar Vide Officer Order No 3117 dated 12.07.2018:  
I have assumed the charge of the post of Office Assistant against the vacant post in the office of District officer On-Farm Water Management Abbottabad today on 16.07.2018 F.Noon.

**Note:**

The charges as Office Assistant in the office of District Officer Water Management Abbottabad is taken under aggravated protest. This impugnable transfer order mentioned above has been challenged in civil court and processed for adjudication properly.


  
Signature of Government  
Servant receiving  
Charge .....

Dated 16.7.2018 (F.N)


Indst: No. 804-05 Dated 16/7/2018.

To

1. The Director General OFWM Khyber Pakhtunkhawa Peshawar with reference to the office order No quoted above for information please.
3. The District Comptroller of Account Abbottabad for information.

  
District Officer  
Water Management  
Abbottabad

Attested

  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad

GOVERNMENT OF KHYBER PAKHTUNKHWA PROVINCE  
ASSUMPTION OF CHARGE

(19)

Certified that I, Aurangzeb

Have this day 3-7-2018 F. Noon assumed the charge of the post of Office Assistant in the office of District Director On-Farm Water Management Mansehra with reference to the Director General On Farm Water Management Peshawar vide office order No. 2910-14 dated 02.07.2018.

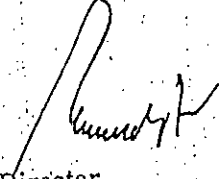
Signature of Government  
Servant receiving  
Charge: Aurangzeb

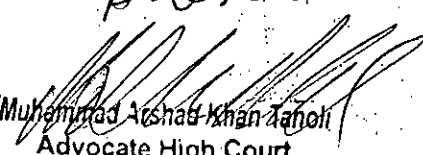
Dated 03.07.2018 (F.N.)

No 1267-68 /DDOWM/MANSEHRA Dated  
Copy to,

9/7/2018.

1. The Director General OFWM Khyber Pakhtunkhwa Peshwar with reference to the office order No quoted above for information please.
3. The District Comptroller of Account Mansehra for information.

  
District Director  
Water Management  
Mansehra

Attested  
  
Muhammad Arshad Khan Zahedi  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad

ASSUMPTION OF CHARGE

20

Certified that I, Aurangzeb

Have this day 3~~7~~-2018 F. Noon assumed the charge of the post of Office Assistant in the office of District Director On-Farm Water Management Mansehra with reference to the Director General On Farm Water Management Peshawar vide office order No. 2910-14 dated 02.07.2018.

Signature of Government  
Servant receiving  
Charge .. Aurangzeb Khan

Dated 03.07.2018 (F.N.)

No 1267-68 /DDOWM/MANSEHRA Dated 9/7 /2018.  
Copy to,

1. The Director General OFWM Khyber Pakhtunkhwa Peshwar with reference to the office order No quoted above for information please.
3. The District Comptroller of Account Mansehra for information.

Aurangzeb Khan  
District Director  
Water Management  
Mansehra

Muhammad Iqbal Khan Janoli  
Attested  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad



Annex H 2

To

The Secretary  
Agriculture & Livestock  
Govt of Khyber Pakhtunkhawa Peshawar

(21)

Subject

**DEPARTMENTAL APPEAL FOR THE REQUEST  
RESTORE OF CANCELLATION ORDER**

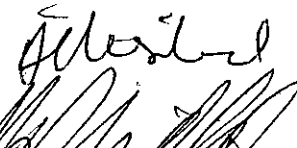
Memo:-

With profound respect, it is stated that I would like to inform your kind information that I belong to District Mansehra and working against the post of Office Assistant (BPS-16) in the Office of District Director Water Management Swat since May 2016. On my request application submitted in the Office of Director General OFWM Peshawar for transfer from District Director Water Management Swat to District Director Water Management Mansehra due to illness of my wife & completed my Tenure about two years services at District Swat. Many times the Director General OFWM Peshawar issued my transfer order from Swat to Mansehra & was cancelled under political pressure.

Detail of transfer order & cancellation orders is as under.

1. Transfer order No.562/DG/OFWM dated Peshawar 14/2/17 copy attached(annexure- A)
2. Cancellation transfer order No.688/DG/OFWM Dated Peshawar 24/02/2017 copy attached(annexure-B)
3. Transfer order No.2566/DG/OFWM Dated Peshawar 31/05/2018 copy attached(annexure-C)
4. Cancellation transfer order No.2605/DG/OFWM Dated Peshawar 05/06/2018 copy attached(annexure-D)
5. Transfer order No.2910-14/DG/OFWM Dated Peshawar 02/07/2018 copy attached(annexure-E)
6. Cancellation transfer order No.3116/DG/OFWM Dated Peshawar 12/07/2018 copy attached(annexure-F)

After issued of final transfer order from Office of District Director Water Management Swat to Mansehra, I have assumed the charge for the post of Office Assistant (BPS-16) on the dated of 03-07-2018 and continuously working at Mansehra from the date of taking the charge of said post, also my LPC and

  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad

documents has been received from the Office of District Comptroller of Account Swat and my pay has been stopped at Swat.

22

Sir according to completed my tenure at Swat and I have faced the illness of my wife suffered from Hepatitis C, Sugar, Arthritics and Heart patient. My transfer order No. 2910-14/DG/OFWM dated Peshawar 02-07-2018 may please be restore from the date of issued so I could be able to performed my duty efficiently and with full dedication. I will pray for your long life & be very thankful to you for this act of kindness.

Sincerely Yours

*A. Khan*  
AURANGZEB  
OFFICE ASSISTANT

Copy to:

1. The Director General OFWM Government of Khyberpakhtunkhawa Peshawar for information please.
2. District Director Water Management Mansehra for information

*Dated*  
*16/7/2018*

*A. Khan*  
AURANGZEB  
OFFICE ASSISTANT

*Muhammad*  
Muhammad ~~Abdullah Khan~~ Khan Janda  
Advocate High Court  
Office No. 33 Adjacent to  
Distt. Bar Abbottabad

To,

The Director General,  
Farm Water Management,  
Khyber Pakhtunkhwa Peshawar.

23

Subject: -

REQUEST FOR TRANSFER.


Memo: -

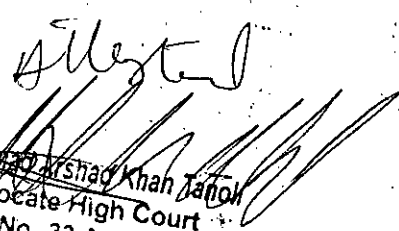
With profound respect, it is stated that I have working as Office Assistant in the Office of the District Director OFWM Swat, and I have completed my tenure of 2 years at Swat as per Rules Government of Khyber Pakhtunkhwa, Sir I belong to District Mansehra. My children is studying in District Mansehra, my wife is ill and suffered from Hepatitis (C), Sugar, Arthritis, and Hart patient and under treatment.

In the light of above fact, it is request that I may please be transfer from the office of District Director (OFWM) Swat to Mansehra, so I perform my duty efficiently and with full dedication. I will be very thankful to you for this act of kindness.

Daboch  
3/5/18

Sincerely Yours,

  
AURANGZEB  
OFFICE ASSISTANT

  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad

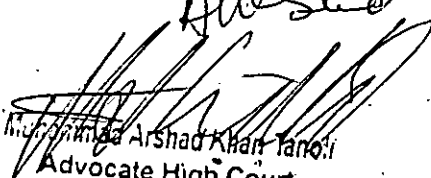
35

24

# MANUAL OF CIVIL SERVICES RULES

K.P.K.  
GOVERNMENT EMPLOYEES  
2016

By  
Amir Badshah,

Attested  
  
Muzammil Arshad Khan Jango  
Advocate High Court  
Office No. 33 Adjacent :  
Distt. Govt. Abbotabad

25

## Posting and Transfer

### Statutory Provision.

#### Section 10 of the KPK 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 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) Tenure of posting/transfer shall be two (2) years for settled areas, and 1½ years for unattractive areas.
- vi) While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, KPK 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, KPK 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.

- vi (a) 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.

*Muhammad Arshad Khan Janc.*  
 Advocate High Court  
 Office No 33 Adjacent  
 Dist Bar Abbottabad



**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**



**OFFICE ORDER:**

The posting/transfer of the following Office Assistant (BS-16) of On Farm Water Management Department is hereby ordered from and to the offices mentioned against each with immediate effect in the interest of public service.

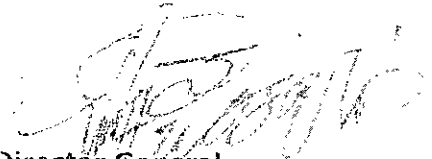
| S. No | Name          | From  | To   |
|-------|---------------|---|--|
| 1     | Mr. Aurungzeb | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Swat | Office Assistant (BS-16)<br>o/o District Officer<br>On Farm Water Management<br>Abbottabad<br>Against the vacant post. |

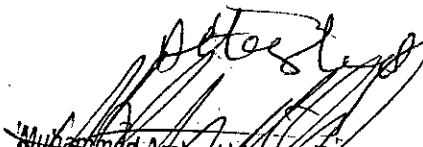
**Sd/-**  
**Director General,**  
On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar

No. 3117 /DG/OFWM dated Peshawar the 12 /7/2018

Copy of the above is forwarded for information and necessary action to the:

1. District Directors On Farm Water Management Swat.
2. District Officer On Farm Water Management Abbottabad.
3. District Accounts Officers Swat & Abbottabad.
4. Director HQ of this Directorate General.
5. Officer concerned.

  
**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa Peshawar

  
**Muhammad Asghar Khan Taboli**  
Advocate High Court  
Office No- 33 Adjacent  
Distt Bar Abbottabad

*Amir - D*



DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR



*27*

OFFICE ORDER:

The posting/transfer order of Office Assistants (BS-16) of On Farm Water Management Department issued vide this office order No. 2566/DG/OFWM dated 31-05-2018 is hereby cancelled from the date of issue due to ban imposed by Election Commission of Pakistan on posting/transfer.

Sd/-  
Director General  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

No. 2605 /DG/OFWM dated Peshawar the, 5/6 /2018

Copy of the above for information and necessary action is forwarded to:-

1. District Directors On Farm Water Management Swat & Mansehra.
2. District Officer On Farm Water Management Abbottabad.
3. District Accounts Officers Swat, Mansehra & Abbottabad.
4. Director HQ of this office.
5. Mr. Aurungzeb Office Assistant & Mr. Muhammad Saleem Office Assistant.

*[Signature]*  
Director General  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

*Admitted*  
*[Signature]*  
Advocate High Court  
Office No. 33 Adjacent  
Distt Bar Abbottabad

28

20

Daily Attendance Register of the D.D. MEM for the Month of July 1971

DATE AND HOURS OF ATTENDANCE

| Sl. No. | Name            | Rank | DATE AND HOURS OF ATTENDANCE |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|---------|-----------------|------|------------------------------|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
|         |                 |      | 1                            | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
| 1       | Farid Ahmad     | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 2       | Muhammad Saleem | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 3       | Muhammad Waheed | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 4       | Muhammad Ali    | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 5       | Muhammad Ahmad  | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 6       | Muhammad Saad   | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 7       | Muhammad Ali    | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 8       | Muhammad Iqbal  | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 9       | Muhammad Farooq | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 10      | Muhammad Ali    | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 11      | Muhammad Yousaf | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 12      | Muhammad Iqbal  | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 13      | Muhammad Saad   | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 14      | Muhammad Ali    | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 15      | Muhammad Iqbal  | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 16      | Muhammad Farooq | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 17      | Muhammad Ali    | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 18      | Muhammad Yousaf | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 19      | Muhammad Iqbal  | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 20      | Muhammad Saad   | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 21      | Muhammad Ali    | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 22      | Muhammad Iqbal  | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 23      | Muhammad Farooq | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 24      | Muhammad Ali    | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 25      | Muhammad Yousaf | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 26      | Muhammad Iqbal  | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 27      | Muhammad Saad   | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 28      | Muhammad Ali    | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 29      | Muhammad Iqbal  | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 30      | Muhammad Farooq | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 31      | Muhammad Ali    | WSD  | P                            | P | P | P | P | P | P | P | P | P  | P  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

*Muhammad Farooq*  
 Advocate High Court  
 Office No 33 Adjacent  
 Distt Bar Association



(28)

**DISTRICT OFFICER ON FARM WATER MANAGEMENT**  
**MANSEHRA**

No 11 /DOWM/  
Dated 25/2/2009

To


The Director,  
On Farm Water Management(NPIWC)  
NWFP Peshawar.

Subject:

Monthly Staff Position Statement for the Month of February 2009.

Memo:


The above subjected monthly staff position statements (Developmental & Non-Developmental) for the Month of February 2009 in respect of this office is sent herewith for favour of further necessary action please.  
(Enclosed as above)

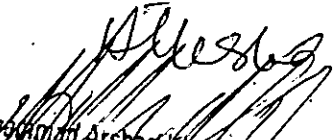
  
District Officer  
On Farm Water Management  
Mansehra.

No. 112 /DOWM/ dated, 25/2/2009.

Copy of the above along with a copy of staff position for the month of February 2009 is sent to :-

1. The Director General On Farm Water Management N.W.F.P Peshawar. For information please.

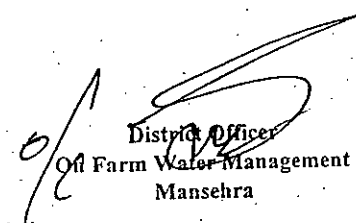
  
District Officer  
On Farm Water Management  
Mansehra.

  
Muhammad Arshad Khan Tar.  
Advocate High Court  
Office No 33 Adjacent  
Distt. Bar Association

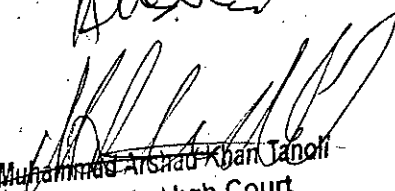
**MONTHLY STAFF POSITION FOR THE MONTH OF FEBRUARY 2009 OFFICE OF THE DISTRICT OFFICER  
ON FARM WATER MANAGEMENT MANSEHRA. (NON DEVELOPMENTAL)**

| Sr# | Name of Post with BPS    | No. of Sanction Posts | No. of Vacant Posts | Present Position | Name of Incumbent   | Home District | Date of Birth | Date of First App: | Date of Present Post | Basic Pay | Date of Working at Present Place |
|-----|--------------------------|-----------------------|---------------------|------------------|---------------------|---------------|---------------|--------------------|----------------------|-----------|----------------------------------|
| 1   | D.G.W.M - 18             | 1                     | 0                   | 1                | Salar Khan          | Mansehra      | 28.06.1959    | 31.08.1986         | 01.07.2004           | 28120     | 01.07.2004                       |
| 2   | A.D.W.M - 17             | 1                     | 0                   | 1                | Obaidullah          | Mardan        | 16.09.1958    | 09.09.1987         | 23.02.2008           | 24650     | 01.10.2009                       |
| 3   | W.M.O (Agri:) S/Mob:- 17 | 1                     | 1                   | 0                |                     |               |               |                    |                      |           |                                  |
| 4   | S. Engineer - 11         | 2                     | 0                   | 2                | 1-Zameer Ahmed      | D.I. Khan     | 20.08.1958    | 20.12.1981         | 20.12.1981           | 10990     | 01.03.2004                       |
|     |                          |                       |                     |                  | 2-Zulfiqar Qamer    | D.I. Khan     | 01.11.1951    | 21.12.1981         | 21.12.1981           | 11265     | 01.09.2007                       |
| 5   | Office Assistant -14     | 1                     | 0                   | 1                | Muhammad Saleem     | Mansehra      | 04.05.1963    | 11.07.1981         | 01.07.2008           | 8650      | 01.07.2008                       |
| 6   | KPO-10                   | 1                     | 0                   | 1                | Muhammad Wasiq      | Mansehra      | 02.04.1978    | 11.02.2009         | 11.02.2009           | 3955      | 11.02.2009                       |
| 7   | Senior Clerk-09          | 1                     | 0                   | 1                | Aurangzeb           | Mansehra      | 01.04.1965    | 02.04.1983         | 01.09.2008           | 8650      | 01.01.2005                       |
| 8   | F/Assistant - 6/7        | 1                     | 0                   | 1                | Muhammad Hussan     | Peshawar      | 18.03.1962    | 04.12.1983         | 04.12.1983           | 8955      | 01.11.2007                       |
| 9   | Junior Clerk - 5/7       | 1                     | 1                   | 0                |                     |               |               |                    |                      |           |                                  |
| 10  | Vehicle Driver - 4       | 1                     | 0                   | 1                | Riaz Ahmed          | Nowshera      | 02.03.1962    | 11.04.1984         | 01.07.206            | 6060      | 01.07.2006                       |
| 11  | Naib Qasid - 1           | 1                     | 0                   | 1                | Amirdad             | Mardan        | 01.07.1961    | 09.04.1984         | 09.04.1984           | 5435      | 01.11.2007                       |
| 12  | Chowkidar - 1            | 1                     | 0                   | 1                | Pasham Gul          | Peshawar      | 01.07.1953    | 17.12.1983         | 17.12.1983           | 5400      | 01.11.2007                       |
| 13  | Rod Man - 1              | 2                     | 0                   | 2                | 1-Muhammad Rafeique | Peshawar      | 01.07.1952    | 04.01.1984         | 04.01.1984           | 5335      | 01.07.2007                       |
|     |                          |                       |                     |                  | 2-Muhammad Shoab    | Charsadda     | 04.10.1954    | 04.10.1984         | 04.10.1984           | 4935      | 01.11.2007                       |

30

  
 District Officer  
 Office Farm Water Management  
 Mansehra

717475  
30/10

Alger  
  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No: 33 Adjacent to  
Distt. Bar Abbottabad

کورٹ فیس

وکالت نامہ

31

بعدالت Service Tribunal KPK Peshawar

عنوان: Aurang Zeb نام Court of KPK

منجانب: Appellant

نوعیت مقدمہ:

### باعث تحریر آنکے

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Abbottabad

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سندر ہے۔

المرقوم:

بمقام  
Accept

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Abbottabad

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**ABBOTTABAD CAMP**

In the matter of Service Appeal No. 1475 of 2018 of Aurungzeb Office  
Assistant of On Farm Water Management Department

.....Appellant

**VERSUS**

1. Secretary Agriculture & Livestock Khyber Pakhtunkhwa Peshawar.
2. Director General, On Farm Water Management Khyber Pakhtunkhwa, Peshawar.
3. District Officer On Farm Water Management Abbottabad.
4. Muhammad Saleem Office Assistant On Farm Water Management Department.

.....Respondents

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1,2&3**

Respectfully Shewith

**Preliminary Objections**

1. That the appeal is badly time bared in the eyes of Law.
2. That the appellant has got no locus standi or cause of action against the replying respondents.
3. That the appellant has not approached this Hon'ble Tribunal with clean hands.
4. The appeal of the appellant is premature.
5. That no discrimination/injustice have been done to the appellant.
6. That due to concealment of material fact and misstatement the appeal is liable to be dismissed.
7. That the transfer of the appellant was in the interest of public service and under section-10 of the Khyber Pakhtunkhwa Civil Servants Act.

**COMMENTS**

1. Pertains to record hence needs no comments.
2. Pertains to record hence needs no comments.



3. Correct to the extent that the appellant Mr. Aurungzeb was promoted as Office Assistant (BS-16) vide Director General On Farm Water Management Khyber Pakhtunkhwa Peshawar Office Order No. 259/DG/OFWM dated 23-05-2016 **(Annex-A)** and posted in office of the District Director OFWM Swat against the vacant post. It is pertinent to mentioned here that the appellant remained/worked in District Mansehra as Senior Clerk w.e.from 01-03-2002 till his promotion as Office Assistant i.e. 23-05-2016 (about 14 Years).
4. Correct to the extent that the appellant belongs to District Mansehra and was transferred from Swat to Mansehra vide order dated 14-02-2017 **(Annex-B)** and the same was cancelled vide order dated 24-02-2017 due to the reason that the official work in district Swat was suffered due to his transfer, the transfer order was cancelled in the interest of public service.
5. As explained above.
6. Correct to the extent that the appellant was transferred from office of the District Director OFWM Swat to office of the District Director OFWM Mansehra vide Office Order dated 31-05-2018 **(Annex-C)** but the same was cancelled due to the ban imposed by Election Commission of Pakistan on posting/transfer (Copy of cancellation order dated 05-06-2018 attached **Annex-D)**.
7. Pertains to record hence needs no comments.
8. Pertains to record hence need no comments.
9. That the appellant was transferred from Swat to Mansehra vide order dated 02-07-2018 **(Annex-E)** but the same was cancelled vide order dated 12-07-2018 **(Annex-F)** and transferred to Abbottabad against the vacant post of Office Assistant vide order dated 12-07-2018 **(Annex-G)** on the demand of District Officer OFWM Abbottabad due to shortage of Ministerial staff in his office.  

Moreover, the plea of the appellant that he filed the departmental appeal to respondent against the impugned order dated 12-07-2018 which is yet get to decide by the department is not based on facts as the record reveals that the departmental appeal of the appellant was received on 23-07-2018 and on the same date i.e. 23-07-2018 he filed Civil Suit in the court of Civil Judge-III Mansehra (copy of appeal & Civil Suit attached **Annex-H&I)** which was disposed of by the honourable court vide dated 30-10-2018, therefore, the plea of the petitioner that his departmental appeal has yet to be decided is out of place and not based on facts (Copy of Court order attached **Annex-J)**.
10. That reply to the grounds are as under.

**GRDUNDS**

- a) Incorrect, the cancellation order dated 12.7.2018 and transfer order from Swat to Abbottabad dated 12.07.2018 were according to law, rules and policy on the subject matter and material on record.
- b) Incorrect, the appellant has not completed his normal tenure at his present place of posting i,e Abbottabad, therefore, the plea of the appellant that he has preferential right of posting to District Mansehra is out of place as no disparity has been made.
- c) Incorrect, the posting/transfer order of the appellant was cancelled due to ban imposed by the Election Commission of Pakistan on posting/transfer, therefore, the plea of the petitioner is not based on fact.
- d) The plea of the petitioner is out of place as the transfer orders of the appellant were either cancelled due to imposition of ban by Election Commission of Pakistan or on the demand of the concerned offices.
- e) The transfer order dated 12.07.2018 of the appellant from Swat to Abbottabad was issued on the demand of District Officer OFWM Abbottabad as the post was vacant and the official work was badly suffered.
- f) Incorrect, the petitioner presently working in District Abbottabad which is nearest District to his home District i.e. Mansehra moreover, being BPS-16 officer the plea of the petitioner for transfer to Mansehra is out of place and against the policy of the Government on the subject matter.
- g) That respondents also seeks permission of this honorable Tribunal to advance further grounds during arguments.

In light of the above facts, it is prayed that appeal of the appellant may please be dismissed.

  
**Secretary**

Govt. of Khyber Pakhtunkhwa  
Agriculture, Livestock & Coop: Deptt:  
Peshawar  
**(Respondent No-1)**

  
**Director General**

On Farm Water Management  
Khyber Pakhtunkhwa Peshawar  
**(Respondent No-2)**

  
**District Officer**

On Farm Water Management  
Abbottabad  
**(Respondent No-3)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL \ ABBOTTABAD CAMP

Appeal. No.1475 of 2018

MR, AURANGZEB

Petitioner.

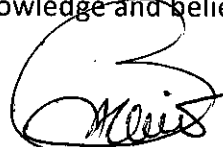
VERSUS

1. Secretary Agriculture and Livestock Khyber Pakhtunkhwa Peshawar.
2. Director General, ON Farm Water Management Khyber Pakhtunkhwa Peshawar.
- 3- District Officer On Farm Water Management Abbottabad.
- 4- Muhammad Saleem Office Assistant ON Farm Water Management Department.

Respondent.

**AFFIDAVIT**

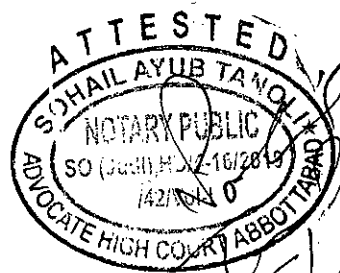
Mr. Shahid Mehmood District Officer On-Farm Water Management Abbottabad do hereby solemnly affirm and declare that the contents of the accompany reply on behalf of respondent No.1 to 3 are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

  
Deponent.

CNIC No. 13101-42414449

Identified by:

Government Pleader,  
District Attorney Abbottabad





**DIRECTORATE GENERAL ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**

**OFFICE ORDER**

On recommendations of the Departmental Promotion Committee in its meeting held on 19-05-2016, the following Senior Clerks (BS-14) of On Farm Water Management Wing of Agriculture Department are here by promoted as Office Assistants (BS-16) on regular basis with immediate effect. They will be on probation for the period of one year:-

1. Mr. Aurungzeb
2. Mr. Niaz Muhammad

Consequent upon their promotion, they are hereby transferred/adjusted as under:-

| S.No | Name & Designation                              | From   | To  |
|------|---|--|---|
| 1    | Mr. Muhammad Saleem<br>Office Assistant (BS-16) | o/o District Director<br>On Farm Water Management<br>Mansehra                          | o/o District Director<br>On Farm Water Management Swat<br>against the vacant post.  |
| 2    | Mr. Aurungzeb<br>Senior Clerk (BS-14)           | o/o District Director<br>On Farm Water Management<br>Mansehra                          | Promoted as Office Assistant (BS-16)<br>and posted in office of the District<br>Director On Farm Water<br>Management Mansehra.<br>Vice S.No. 01       |
| 3    | Mr. Niaz Muhammad<br>Senior Clerk (BS-14)       | Senior Clerk (BS-14)<br>o/o District Director<br>On Farm Water Management<br>Charsadda | Promoted as Office Assistant (BS-16)<br>and posted in office of the District<br>Officer On Farm Water Management<br>Hangu<br>Against the vacant post. |

Sd/-

**Director General,**

On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

No. 2559 /DG/OFWM dated Peshawar the, 23/5/2016

Copy for information and necessary action to the:-

1. Section Officer (Estt:) Govt. of Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Department Peshawar.
2. District Directors On Farm Water Management Mansehra, Swat & Charsadda.
3. District Officers On Farm Water Management Hangu.
4. District Accounts Officers Mansehra, Swat, Charsadda & Hangu.
5. Director HQ of this office.
6. Officers concerned.
7. Personal files of the officers.

*Alexander*  
*Mus*  
District Officer  
Water Management  
Abbottabad

*Alexander*  
**Director General,**  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar



60

**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA PESHAWAR**



**OFFICE ORDER**

The posting/transfer of the following Office Assistants (BS-16) of On Farm Water Management Department are hereby ordered from and to the offices mentioned against each with immediate effect in the interest of public service.

| S. No | Name of Official                            | From  | To  |
|-------|---|---|---|
| 1     | Mr. Aurangzeb<br>Office Assistant (BS-16)   | O/O District Director<br>On Farm Water Management<br>Swat     | O/O District Director<br>On Farm Water Management<br>Mansehra                             |
| 2     | Muhammad Saleem<br>Office Assistant (BS-16) | O/O District Director<br>On Farm Water Management<br>Mansehra | O/O District Officer<br>On Farm Water Management<br>Battagram<br>Against the vacant post. |

Sd/-

**Director General,**

On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar

No. 562 /DG/OFWM dated Peshawar the, 14/2 /2017

Copy to the:

1. District Director On Farm Water Management Swat.
2. District Director On Farm Water Management Mansehra.
3. District Officer On farm Water Management Battagram.
4. District Accounts Officer Swat, Mansehra & Battagram.
5. Officers concerned.

For information and further necessary action.

  
**Director General,**

On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar

Attested  
  
District Officer  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar



**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA  
PESHAWAR**



617

**OFFICE ORDER**

The posting/transfer order of Office Assistants (BS-16) of On Farm Water Management Department issued vide this office order No. 562/DG/OFWM dated 14-02-2017 is hereby cancelled from the date of issue in the interest of public service.

*1 p-609*

Sd/-  
**Director General  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar**

No. 688 /DG OFWM

dated Peshawar the, 24/2 /2017

Copy to the:

1. PS to Minister for Agriculture Khyber Pakhtunkhwa, Peshawar.
2. District Director On Farm Water Management Swat.
3. District Director On Farm Water Management Mansehra.
4. District Officer On Farm Water Management Battagram.
5. District Accounts Officer Swat, Mansehra & Battagram.
6. Officers concerned.

For information and further necessary action.

*[Signature]*  
**Director General  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar**

*[Signature]*  
**District Officer  
Water Management  
Abbottabad**

*[Signature]*  
Director General OFWM,  
Khyber Pakhtunkhwa, Peshawar.

Peshawar



92

**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**



**OFFICE ORDER:**

The following Office Assistants (BS-16) of On Farm Water Management Department is hereby posted / transferred from and to the offices mentioned against each with immediate effect in the interest of public service.

| S. No | Name            | From  | To  |
|-------|-----------------|---|---|
| 1     | Muhammad Saleem | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Mansehra | Office Assistant (BS-16)<br>o/o District Officer<br>On Farm Water Management<br>Abbottabad against the<br>vacant post |
| 2     | Aurungzeb       | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Swat     | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Mansehra<br>Vice S. No. 01           |

Sd/-


**Director General,**  
On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar

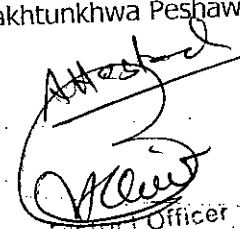
No. 2566 /DG/OFWM dated Peshawar the 31/05 /2018

Copy of the above is forwarded for information and necessary action to the:

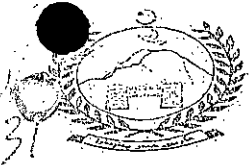
1. District Directors On Farm Water Management Swat & Mansehra.
2. District Officer On Farm Water Management Abbottabad.
3. District Accounts Officers Swat, Mansehra & Abbottabad.
4. Director HQ of this Directorate General.
5. Officers concerned.

o/c

  
**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa Peshawar

  
District Officer  
Water Management  
Abbottabad

94



**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**



**OFFICE ORDER:**

The posting/transfer order of Office Assistants (BS-16) of On Farm Water Management Department issued vide this office order No. 2566/DG/OFWM dated 31-05-2018 is hereby cancelled from the date of issue due to ban imposed by Election Commission of Pakistan on posting/transfer.

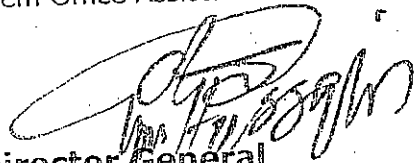
**Sd/-**


**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

No. 2605 /DG/OFWM dated Peshawar the, 5/6 /2018

Copy of the above for information and necessary action is forwarded to:-

1. District Directors On Farm Water Management Swat & Mansehra.
2. District Officer On Farm Water Management Abbottabad.
3. District Accounts Officers Swat, Mansehra & Abbottabad.
4. Director HQ of this office.
5. Mr. Aurungzeb Office Assistant & Mr. Muhammad Saleem Office Assistant.

  
**Director General**  
 On Farm Water Management  
 Khyber Pakhtunkhwa, Peshawar

  
 District Officer  
 Water Management  
 Abbottabad



967

**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**



**OFFICE ORDER:**

The posting/transfer of the following Office Assistants (BS-16) of On Farm Water Management Department are hereby ordered from and to the offices mentioned against each with immediate effect in the interest of public service.


| S. No | Name                | From   | To   |
|-------|---------------------|--|--|
| 1     | Mr. Muhammad Saleem | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Mansehra. | Office Assistant (BS-16)<br>o/o District Officer<br>On Farm Water Management<br>Abbottabad<br>Against the vacant post. |
| 2     | Mr. Aurungzeb       | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Swat      | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Mansehra.<br>Vice S.No. 01            |


Sd/-  
**Director General,**  
On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar

No. 2910-12f /DG/OFWM dated Peshawar the, 02/07/2018

Copy of the above is forwarded for information and necessary action to the:

1. District Directors On Farm Water Management Swat & Mansehra.
2. District Officer On Farm Water Management Abbottabad.
3. District Accounts Officer Mansehra, Swat & Abbottabad.
4. Director HQ of this Directorate General.
5. Officers concerned.

  
**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa Peshawar

  
**District Officer**  
Water Management  
Abbottabad



101

**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**



**OFFICE ORDER:**

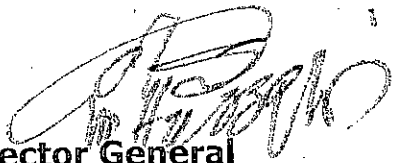
The posting/transfer order of Office Assistant (BS-16) of On Farm Water Management Department issued vide this office order No. 2910-14/DG/OFWM dated 02-07-2018 is hereby cancelled from the date of issue in the interest of public service.


**Sd/-**  
**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

No. 3116 /DG/OFWM dated Peshawar the, 12 /07/2018

Copy of the above is forwarded for information and necessary action to the:

1. District Directors On Farm Water Management Swat & Mansehra.
2. District Officer On Farm Water Management Abbottabad.
3. District Accounts Officer Mansehra, Swat & Abbottabad.
4. Director HQ of this Directorate General.
5. Officers concerned.

  
**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

  
District Officer  
Water Management  
Abbottabad



97.

**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**



**OFFICE ORDER:**

The posting/transfer of the following Office Assistant (BS-16) of On Farm Water Management Department is hereby ordered from and to the offices mentioned against each with immediate effect in the interest of public service.

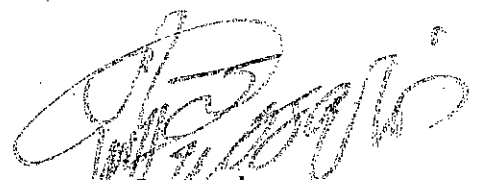
| S. No | Name          | From  | To   |
|-------|---------------|---|--|
| 1     | Mr. Aurungzeb | Office Assistant (BS-16)<br>o/o District Director<br>On Farm Water Management<br>Swat | Office Assistant (BS-16)<br>o/o District Officer<br>On Farm Water Management<br>Abbottabad<br>Against the vacant post. |

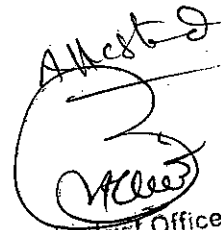
Sd/-  
**Director General,**  
On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar

No. 3117 /DG/OFWM dated Peshawar the 12/7/2018

Copy of the above is forwarded for information and necessary action to the:

1. District Directors On Farm Water Management Swat.
2. District Officer On Farm Water Management Abbottabad.
3. District Accounts Officers Swat & Abbottabad.
4. Director HQ of this Directorate General.
5. Officer concerned.

  
**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa Peshawar

  
**District Officer**  
Water Management  
Abbottabad



To

The Secretary  
Agriculture & Livestock  
Govt of Khyber Pakhtunkhwa Peshawar

Subject DEPARTMENTAL APPEAL FOR THE REQUEST  
RESTORE OF CANCELLATION ORDER

Memo:-

With profound respect, it is stated that I would like to inform your kind information that I belong to District Mansehra and working against the post of Office Assistant (BPS-16) in the Office of District Director Water Management Swat since May 2016. On my request application submitted in the Office of Director General OFWM Peshawar for transfer from District Director Water Management Swat to District Director Water Management Mansehra due to Illness of my wife & completed my Tenure about two years services at District Swat. Many times the Director General OFWM Peshawar issued my transfer order from Swat to Mansehra & was cancelled under political pressure.

Detail of transfer order & cancellation orders is as under.

1. Transfer order No.562/DG/OFWM dated Peshawar 14/2/17 copy attached(annexure- A)
2. Cancellation transfer order No.688/DG/OFWM Dated Peshawar 24/02/2017 copy attached(annexure-B)
3. Transfer order No.2566/DG/OFWM Dated Peshawar 31/05/2018 copy attached(annexure-C)
4. Cancellation transfer order No.2605/DG/OFWM Dated Peshawar 05/06/2018 copy attached(annexure-D)
5. Transfer order No.2910-14/DG/OFWM Dated Peshawar 02/07/2018 copy attached(annexure-E)
6. Cancellation transfer order No.3116/DG/OFWM Dated Peshawar 12/07/2018 copy attached(annexure-F)

After issued of final transfer order from Office of District Director Water Management Swat to Mansehra, I have assumed the charge for the post of Office Assistant (BPS-16) on the dated of 03-07-2018 and continuously working at Mansehra from the date of taking the charge of said post, also my LPC and

Diry No. 994  
Dated 23/7/18  
Office of District Director  
Water Management  
Peshawar

*Est. Section PP.*

*For Comments & N/Action*

*[Signature]*

*[Signature]*  
District Officer  
Water Management  
Peshawar

documents has been received from the Office of District Comptroller of Account Swat and my pay has been stopped at Swat.

Sir according to completed my tenure at Swat and I have faced the illness of my wife suffered from Hepatitis C, Sugar, Arthritics and Heart patient. My transfer order No. 2910-14/DG/OFWM dated Peshawar 02-07-2018 may please be restore from the date of issued so I could be able to performed my duty efficiently and with full dedication. I will pray for your long life & be very thankful to you for this act of kindness.

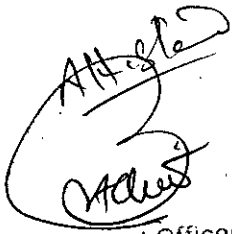
Sincerely Yours

**AURANGZEB**  
OFFICE ASSISTANT

Copy to:

1. The Director General OFWM Government of Khyberpakhtunkhawa Peshawar for information please.
2. District Director Water Management Mansehra for information

  
**AURANGZEB**  
OFFICE ASSISTANT

  
District Officer  
Water Management  
Abbottabad

# سمن بغرض قرار واداموں کی تصحیح طلب

(حکم-5، قواعد 51، مجموعہ دیوانی)۔ آئندہ بیسی 22/9/2018

بعد الت جناب سول جج صاحب آئی جی و ضلع سول  
نمبر مقدمہ سال 2018، تاریخ رجوع 23/7/18  
عنوان مقدمہ اور نکتہ بنام موبائی ٹولمن وغیرہ  
سمن بنام ڈائریکٹر جنرل آن فام و ایئر سروسز KPK پشاور

ہر گاہ عربی نے آپ کے خلاف ایک مقدمہ جس کے عرضی  
دعویٰ کی نقل ہمراہ لٹ ہے، بابت دعویٰ اسٹوریٹ کیا ہے۔ لہذا بذریعہ سمن لہذا آپ کو  
ہدایت کی جاتی ہے کہ آپ تاریخ 22 ماہ ستمبر 2018 کو بوقت 8:00 بجے  
صبح اسات / مختیار ٹایا بذریعہ وکیل جو آپ کی جانب سے واضح ہدایات رکھتا ہو، دعویٰ سے متعلق تمام ضروری  
سوالات کا جواب دے سکتا ہو، یا آپ کے ہمراہ کوئی ایسا شخص ہو، جو ایسے تمام سوالات کا جواب دینے کے قابل  
ہو، حاضر عدالت ہو کر عیداری کی جو ابدہ ہی کرے۔

آپ کو مزید ہدایت کی جاتی ہے کہ تاریخ مذکورہ بالا وہ تمام دستاویزات جن پر آپ اپنے دفاع پر انحصار  
کرنا چاہتے ہیں، پیش عدالت کریں۔ نیز تاریخ مذکورہ یا اس سے قبل اپنا جواب دعویٰ داخل کریں۔

واضح رہے کہ کسی مناسب عذر کے بغیر حاضر عدالت نہ ہونے کی صورت میں آپ مجموعہ ضابطہ دیوانی  
کے حکم 16 قاعدہ 12 میں مضمون نتائج کے مستوجب ہوں گے۔

آج تاریخ 30 ماہ جولائی 2018 کو بہ ختم دستخط میرے، دھرم عدالت کے جاری کیا گیا۔

دستخط جج صاحب

(مہر عدالت متعلقہ)

Dist. Officer  
Water Management  
Abbotabad

Est. Section

ب۔۔۔ دعویٰ براد صدر دہری حکیم امتیازی دواہی بر خلاف مہر علیہ لکھنؤ مندرجہ شیخ الف منوان دعویٰ کی بنیاد پر مدعی سے زبردستی حاصل کر کے مدعی کو تنگ و پریشان کرتے ہوئے اس فعل کے لیے مجبور کر کے کہ مذکورہ کینسلیشن آرڈر کیمپلٹی اپنی سابقہ پوسٹنگ سے یا دیگر دوسری جگہ پر اپنے فرائض کو سرانجام دے اور مدعی کو اس کے بنیادی حقوق سے یا دیگر کوئی بھی ایسا فعل کرنے جس سے حقوق متاثر ہوں سرانجام دینے سے دواماً باز رہے۔

مالیت لجنہ کی کورٹ فیصلہ اختیار سماعت  
مبلغ = 200/- روپے

ضابہ ظالی :- بیان دعویٰ ذیل عرفی ہے۔

۱۔ یہ کہ مدعی بحیثیت آفس اسٹنٹ محکمہ آن فارم و ایگریکلچر (محکمہ آبپاشی) میں ملازم ہے اور عرصہ انفراداً 36 سال سے مذکورہ محکمہ کھلیے قابل قدر خدمات بطریق احسن سرانجام دے رہا ہے۔

۲۔ یہ کہ مدعی نے بمطابق سروس رولز اور اعلیٰ احکام بالا کے یہ آرڈر و فیصلہ کو مقدم جانے پر انتہائی اہم انداز میں کیا تھا اپنی ڈیوٹی و فرائض سرانجام دینے اور جب کبھی بھی کسی طور پر مدعی کو جس علاقہ میں ٹرانسفر و پوسٹنگ کر کے بھیجا جاتا رہا مدعی نے اس کو سروس کا حصہ تصور کرتے ہوئے بغیر کسی جیل و محنت کے قبول کیا۔

۳۔ یہ کہ مدعی کو تحت آرڈر نمبر 2559 مورخ 23.5.16 سینڈ ٹکس (BS-14) سے پروجیکٹ کر کے آفس اسٹنٹ (BS-16) ترقی دی گئی جو کہ مہر علیہ کا مالک ہے۔ یہ 15 سالہ Tenure پورا تھا یہیں P.O. اسکو سوات Vacant Post پر تعینات کیا گیا اور مدعی کو مالکہ میں ہی تعینات کیا گیا۔ (فصل مذکورہ آرڈر لف ہے)۔

۴۔ یہ کہ مدعی کو سیاسی دباؤ اور سروس رولز کی دھمکیاں بکھرتے ہوئے صرف 15 لاکھ لکھ مدعی مذکورہ آرڈر کو کینسل کرتے ہوئے تحت آرڈر نمبر 2835 مورخ 9/6/16 پر مدعی کو دوبارہ سوات ٹرانسفر کرنے کا آفس آرڈر جاری ہوا حالانکہ مدعی کا مذکورہ پوسٹنگ Tenure بھی پورا نہیں ہوا تھا۔ فصل مذکورہ آرڈر لف دعویٰ ہذا ہے۔

P-T-0

Handwritten signature and stamp: District Officer Water Management Abbottabad

۵۔۔ یہ کم مدتی کو درجہ ۱۳۹-۰۲-۰۴ کو تحت آفس نمبری 562 دوبارہ سوات سے مالیزہ ٹرانسفر کیا گیا۔ نقل آرڈر نمبری مذکورہ لف ہذا ہے۔

۴۔۔ یہ کم ایک بار پھر مدتی کی نوکری پر سیاسی اثر و رسوخ و دباؤ دہانے پر مذکورہ آرڈر کو ایک بار پھر منسوخ کر دیا گیا اور یہ کمیشن آرڈر حرف 20 یوم بعد جاری کیا گیا جبکہ مذکورہ اسٹیٹس پر بھی مدتی کے Tenure کو پورا نہیں دیا۔ نقل آفس آرڈر نمبری 688 مورخہ 24-2-17 لف دہری ہذا ہے۔ بعدہ مدتی نے مدعا علیہ کو ہزلہ درخواست مورخہ 3.5.18 استعفا کی کم اس نے مذکورہ اسٹیٹس سوات پر اپنے Tenure پورا کر لیا ہے اور بمطابق سروس رولز KPK اسے اگلے یوم اسٹیٹس پر تعینات کرنے کے احکامات جاری فرمائے جائیں جس پر مدعا علیہ نے مدتی کی گزارشات اور بمطابق سروس رولز KPK مدتی کو دوبارہ تحت آرڈر نمبری 2566 مورخہ 03-05-180 سوات سے مالیزہ ٹرانسفر فرمایا گیا۔ نقل درخواست منجانب مدتی نام مدعا علیہ و ٹرانسفر آرڈر نمبری 2566 لف میں

۶۔۔ یہ کم مدتی کے ساتھ مکمل طور پر اور سیاسی مداخلت منجانب مدعا علیہ کی بناء پر شدید زیادتی پر مدتی سے جو آرڈر نمبری 2605 مورخہ 05-06-180 سے صاف بیان ہے مدتی کو ایک بار پھر حرف اندازاً 32 یوم بعد ہی مذکورہ آرڈر کو منسوخ فرمائے ہوئے مدتی کو سالانہ اسٹیٹس پر مدتی ٹرانسفر سوا تمام دینے کا آفس آرڈر جاری فرمایا گیا۔ نقل آفس آرڈر نمبری 2605 مورخہ 05.06.180 لف ہے۔

۷۔۔ یہ کم مدتی کو ایک بار پھر تحت آفس آرڈر نمبری 2910-14 مورخہ 02-07-18 سوات سے مالیزہ ٹرانسفر کے احکامات جاری ہوئے۔ نقل مذکورہ آرڈر لف ہے۔ مدتی نے مذکورہ آرڈر کی پاسداری کرتے ہوئے مذکورہ اسٹیٹس سے حارثہ صاحبہ کو سروس پر اسٹیٹس تعیناتی پر حاضری کرتے ہوئے حارثہ سے سنبھال لیا۔

Office of the District Comptroller of Accounts  
Sawat - LPC کی بنام ڈسٹرکٹ ٹرانسفر آفیسر مالیزہ کو جاری کردی

Handwritten signature and stamp: District Water

نقل مذکورہ LPC لف دعویٰ ہذا ہے۔

9۔۔ یہ کہ مدعی بمشکل ہی بار بار کمی ٹرانسفر سے مذکورہ اسٹیشن پر ایئر کنڈیشننگ سوانٹھا کر کے روز روز کی محکمانہ دسیا یہی دباؤ کی بنا پر مدعی کو جب چند روز بعد ہی ایک اسٹیشن سے دوسرے اسٹیشن پر ٹرانسفر کیا جاتا تو مدعی ذہنی طور پر بہت ڈسٹرب و ذہنی انتشار کے باعث بہتر طور پر اپنے فرائض سرانجام دینے سے قاصر رہا ایبار علی مدعا علیہ کی جانب سے آفیس آرڈر 3116 غیری 18-07-12 کے تحت صرف 10 یوم بعد ہی مذکورہ آرڈر کو منسوخ کر دیا حالانکہ مناب ڈسٹرکٹ ڈائریکٹر ڈائریمنٹ مائیکرو چارج Assumption of Charge کی کاپی ڈائریکٹر جنرل ڈائریمنٹ KPK اور دوسری کاپی ڈسٹرکٹ کمیشنر اور اکاؤنٹ مائیکرو کو فارورڈ بھی کر دیں تھیں کہ مدعی نے مذکورہ اسٹیشن مورخ 03-07-18 کو جانہ سفیال لیا ہے۔ نقل مذکورہ Assumption of Charge لف ہے۔

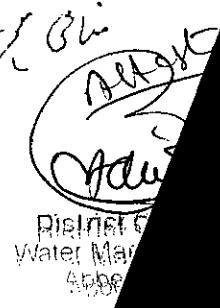
اسی طرح Daily attendance رجسٹر برائے تاثیر حاضر مدعی کی نقل لف ہے۔

10۔۔ یہ کہ مدعی کو ایبار علی مارگٹ کرسٹ مورخ 12-07-18 کو تحت آفیس آرڈر 3117 ایک دوسرے اسٹیشن ضلع ایبٹ آباد تعینات کرسٹ کے احکامات جاری فرمائے گئے۔ نقل مذکورہ آرڈر لف ہے۔

11۔۔ یہ کہ مدعی نے بالآخر تنہا آر سیڈ ٹری ایگری کلچر لائیو اسٹاک خیر بخون نمبر 01 شمار محکمانہ طور پر اپیل بھی کی۔ نقل مذکورہ لف دعویٰ ہذا ہے۔

12۔۔ یہ کہ مدعا علیہم کا بار بار مدعی کو ایک اسٹیشن سے دوسرے اسٹیشن پر ٹرانسفر کرنا تا صرف سرورس رولز KPK سے نمبر اسٹیشن مٹا دی و متقاعد ہے بلکہ مدعا علیہم کا ایسا غیر نتیجہ وراثہ وغیرہ خیر بخون مٹا دی و متقاعد ہے۔

مٹا دی کرسٹ کی بنا پر حصول مدعی کا لعدم ہے اس لیے۔



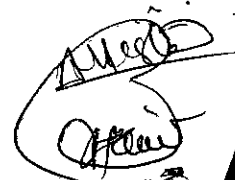
اور آؤی آفس آرڈر نمبری 3117 مور 12.7.18 جسکی بنیاد پر من مدھی کو لیکچر اس کا  
Tenure لیورائی کے بدون اختیار، بلا جواز وغیرہ قانونی و سرورس رولز کے عین منافی  
ایسٹ آباد ٹرانسفر کرنے کے احکامات جاری فرمائے گئے اور مدھی کا یہ قانونی و آئینی  
حق ہے کہ وہ تحت آرڈر نمبری 14-2910 مور 02-7-180 اپنا سرحد ملازمت لیورائی

لیکن آرڈر نمبری 3117 مور 12.07.180 پنجاب ہدعا علیہم کا لہدم و غیرہ قانونی حق  
کی بنیاد پر قابل منسوخ ہے کیونکہ مور 12.7.18 کو ہی ہدعا علیہ نے مدھی کی ٹرانسفر آرڈر  
منسوخ کر دیا تھا اور جیسی روز یعنی 12.7.18 کو ہی نیا آرڈر برائے ایسٹ آباد کر دیا تھا۔

13 :- یہ کہ ہدعا علیہ نے خلاف قانون و ضابطہ اور سرورس رولز کے منافی، بدون حق و اختیار و اتفقہ  
یعنی بر بد نتیجے سے مدھی کی مال بندہ آفس تعیناتی کے آرڈر کو منسوخ فرمایا جبکہ مدھی قطعاً  
بائندہ ہے اور مدھی کو یہ قانونی و آئینی حق حاصل ہے کہ وہ اپنا سرحد ملازمت  
مال بندہ آفس لیورائی اور علیہ کا روایتی حصہ ہدعا علیہ کو ایڈجسٹ کرنے کیلئے  
کیا گیا ہے بدین و پ عیب شئی الف عنوان دعویٰ استدعا کی گئی ہے

14 :- یہ کہ ہدعا علیہ ایک بااثر شخصیت کا حامل شخص ہے جس سے محکمہ طور پر کافی  
تعلقات احکام بالا کے ساتھ استوار شدہ ہیں جو مسلسل سال 2002ء سے  
مال بندہ اسٹیٹ میں ہی تعینات ہے جو اولاً بحیثیت سنیئر کلرک موجودہ  
مال بندہ اسٹیٹ پر ملازمت کرتا رہا پھر بحیثیت آفس اسٹنٹ سال 2008ء  
سے مال بندہ آفس میں ہی تعینات ہے جو محکمہ کے مجاز اختیارات و ہدعا علیہ کی  
مالیاتی بلٹی و سازش کا منہ بولتا ٹرٹ ہے۔

یہ کہ مدھی اب محکمہ مستعدہ سے مستعدی ہے کہ عیناً سرورس رولز اسکا سرحد  
ملازمت مال بندہ آفس / اسٹیٹ میں لیورائی پر نہ دیں مگر ہدعا علیہ ان کاری  
میں بدین و P. د لوی ہذا دائر کرنے کی ضرورت لاحق ہوئی۔

  
District Officer  
Water Management  
Abbottabad

14۔ یہ کہ مدعی کو ایک جگہ بھی سرحد ملازمت پر لے کر نہ گئے دیا جانا چھوڑ دیا علیہ کی جانب سے ایک  
تندرست و پورے طور پر اس کے پاس لکھا مدعی کے مال پر آئندہ ٹرانسفر کے آرڈر کو Restore

کروانا مطلوب ہے اور ایسٹ آباد آرڈر کو آئندہ مداخلت Suspend  
کروانا درکار ہے جسے نیت ہر اس Suspension علیہ درخواست دی جا رہی ہے

15۔ یہ کہ مدعا علیہ کا آرڈر غری 14-2910 مورخہ 018-7-2 مدعی پر سیاسی دباؤ ڈال کر زبردستی  
کاروبار حاصل کرنے اور حکم پر عملدرآمد کرنے کے لیے ہے اگر مدعا علیہ اپنے اس سبب سے  
منزل میں کامیاب ہوئے تو مدعی کو ناقابل تلافی نقصان کا اندیشہ ہے اس لیے عنوان درج  
میں جوڑت ہے حکم امتناعی دوامی کی استدعا کی جا رہی ہے

16۔ یہ کہ مدعا علیہ کے پاس کیا کہ وہ مطالبہ مدعی کو درست تسلیم کریں بلکہ وہ مدعی کی انکاری  
ہیں ہیں وہ 9 دعوئی حذا دائر کر کے کی ضرورت جسوں کی گئی ہے

17۔ یہ کہ بنائے دعوئی دینا کے مخالفت از انکار مدعا علیہ سے انہر حدود اختیار سماعت  
پیدا شدہ ہے اور مداخلت عدالت کو اختیار سماعت میں حاصل ہے

18۔ یہ کہ ملکیت لیز میں کر کے فیس و اختیار سماعت عنوان دعوئی میں مفصل طور پر درج  
شده ہے

اندریں حالات استدعا ہے کہ مدعی سے مدعی صاحب داد رسی کے عنوان پر مزید  
جس داد رسی کا مدعی بدانت عدالت حذا ثابت ہو بحق مدعی پر خلاف مدعا علیہ  
صادر فرمائی جائے۔

المرفوع 23 07  
انڈین ویلہ صیب الرحمان سکنہ ٹوکٹ تحصیل و ضلع ملتان 18  
مدعی

Altaf  
District Officer  
Water Management  
Abbottabad

تصدیق  
انڈین ویلہ صیب الرحمان سکنہ ٹوکٹ تحصیل و ضلع ملتان 18  
مدعی





لئے الٹ جناب سول جج III مال سیدہ

صوبائی حکومت وغیرہ

نام

ادرنگلاب

(مدعا علیہ)

(مدعی)

Muhammad Haris Nisa  
Civil Judge-III  
Manshera

دعویٰ استوار میں وغیرہ

جواب درخواست برادر خواجگی مقدمہ زیر آرڈر 7 رول 11 ص 11-د

جناب عالی :- جواب درخواست ذیل عرض ہے :-

۱۔ یہ کہ فٹوہ نمبر 1 درخواست درست ہے۔

۲۔ یہ کہ فٹوہ نمبر 2 درخواست سراسر غلط ہے بنیاد اور حقائق ثابت ہے۔

۳۔ یہ کہ فٹوہ نمبر 3 درخواست کا جواب یہ ہے کہ *When there is a right there is remedy.* اور جہاں *Malafide* کا عنصر پایا جائے تو سول کورٹ کے پاس اختیار سماعت حاصل ہوتا ہے

۴۔ فٹوہ نمبر 4 درخواست حقائق ثابت ہے۔

۵۔ یہ کہ فٹوہ نمبر 5 درخواست بھی سراسر غلط اور حقائق ثابت ہے۔

اندرین حالات استمداعیہ درخواست نمبر فرم خارج  
زمانی جائے۔

المترجم 7/10/18

ادرنگلاب — مدعی

بذریعہ وکیل خود

ATTESTED  
Examiner Suiyoo Court Manshera  
07 NOV 2018  
Signature

Attested  
District Officer  
Water Management  
Abbottabad

District Officer  
Water Management  
Abotabad

*[Handwritten signature]*

malafide on the part of defendant  
2018 by the defendant No. 02 on account of alleged  
Management challenging office order No 3116 dated 12-7-  
in irrigation department serving as Office Assistant Water  
It is observed that plaintiff is a Government Servant

ATTESTED  
07 NOV 2018  
Examined Special Local Magistrate  
Signature

3

ground of jurisdiction.

present application for rejection of the plaint on the  
department/defendants. The defendants have filed  
transfer and posting, alleging malafide on the part of  
declaration and mandatory injunction with regard to his  
to cancellation. Plaintiff is Government <sup>servant</sup> seeking  
politically motivated, against the service rules, hence liable  
7-2018 by the defendant No. 02 is wrong unlawful  
the effect that cancellation office order No. 3116 dated 12-  
instant suit for declaration and mandatory injunction to  
The record transpires that plaintiff has filed the

already heard and record perused.

the defendants on the ground of jurisdiction. Arguments  
order 07 Rule 11 CPC, 1908 for rejection of plaint filed by  
This order would dispose of the application under

Pleader present.

Plaintiff present. Defendant through Government

07  
30/10/2018

Contd  
Page 11b

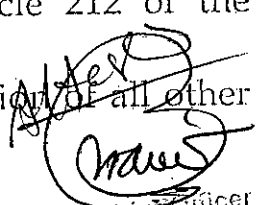
The record on file would show that plaintiff is a government servant i.e. as such the jurisdiction of the Civil Court would be barred. Section 02 (b) of the NWFP Civil Servants Act, 1973 provides the definition of the Civil servant:

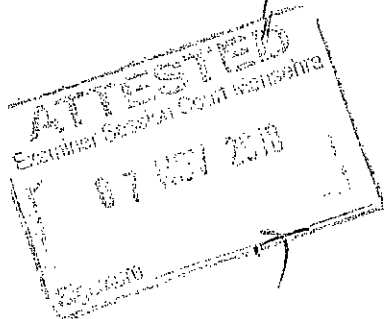
*Civil servant "means a person who is a member of a Civil service of the province or who holds civil post in connection with the affairs of the province."*

A civil servant is regulated by the terms and conditions of the service and jurisdiction of any aggrieved civil servant regarding his terms and conditions of the service lies with the service tribunal particularly established for this purpose.

Section 04 of the NWFP Service Tribunal Act, 1974 clearly provides that any Civil servant aggrieved by departmental authority in respect of any of the term and condition of his service will approach to the Service tribunal against the order of the said authority. The matter regarding the Transfer and posting is a part of terms and conditions of the civil servant and this court lacks jurisdiction to entertain the suit in hand.

Moreover, in the light of the Article 212 of the Constitution of Pakistan 1973 the jurisdiction of all other

  
District Officer  
Water Management  
Abbottabad



courts is ousted as the matter with regard to terms and conditions of Government Servant can be challenged only

before Service Tribunal which has the exclusive jurisdiction to decide such matters.

The above discussion has led me to conclude that plaintiff being civil servant has to approach to the Service Tribunal in respect of his grievances with regard to transfer matters. The jurisdiction of Civil Court is barred in such matters therefore, the instant Court lacks jurisdiction to entertain the present plaint.

Resultantly, the instant plaint be returned in

original under Order 07 Rule 10 CPC, 1908 to the plaintiff

to be presented/filled at the proper forum/Service

Tribunal. Copy of the plaint be retained on the file.

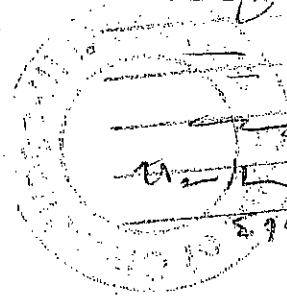
Application of the defendants is disposed off accordingly.

No order as to cost.

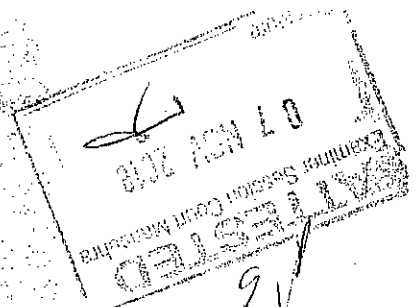
File be consigned to record room after its necessary

completion and compilation.

Announced  
30.10.2018



Case No. \_\_\_\_\_  
Date \_\_\_\_\_  
Page No. \_\_\_\_\_  
\_\_\_\_\_



(SYED HASSAN RAZA SHAH)  
Civil Judge-III,  
Mansehra

Plaintiff Officer  
Water Management  
Appointed  
*Mansoor*

*Contd*  
*Page (iii)*

**"B"**

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

No.

112

Appeal No..... 1475 ..... of 20 18

..... Aurangzeb ..... Appellant/Petitioner

Versus

..... Singh Agriculture Officer ..... Respondent

Respondent No..... 4 .....

Notice to: — Muhammad Saleem office Assistant  
on Form Water Management M/s. Saha.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on..... 19/07/2018 ..... at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will b given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No..... dated.....

Given under my hand and the seal of this Court, at Peshawar this..... 15/7/18 .....

Day of..... July ..... 20 18

at Camp Court A. Akbar

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.







**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL CAMP COURT**  
**ABBOTTABAD.**

Service appeal no. 1475/2018

(1) Aurangzeb Officer Assistant, Office on Form Water  
Management Abbottabad

**Appellant..**

**VERSUS**

(1) Secretary Agriculture & live Stock KPK & others.

**RESPONDENTS...**

**Comments on Behalf of Respondent no.4**

*Respectfully Sheweth,*

**Preliminary Objections.**

- (1) That the appeal is not maintainable under the law.
- (2) That the appellant has not come to the court with clean hands.
- (3) That the appellant estopped due to his own conduct.
- (4) That the appeal is not within time.

**FACTS**

- (1) Para 1 of the appeal needs no reply.
- (2) Para 2 of the appeal is subject to evidence hence denied.
- (3) Corresponding para of the appeal is correct only to the extent that appellant got promotion in 2016, however the factum has been concealed by the appellant that he remained posted at his hometown for more than 15 years hence the remaining para is denied.

- (4) Corresponding para is correct to the extent that appellant belongs to district manséhra. remaining para is denied for the reason that appellant beeing a civil servant can not claim posting/transfer as a matter of right as per law governing the subject, hence denied.
- (5) Para 5 of the appeal is incorrect ,against the factual position and an attempt to mislead the court. order of answering respondent was made by the authority concern in the best public interest.
- (6) Corresponding para is misconceived hence denied.
- (7) Para 7 of the appeal is not based on true facts rather the appellant remained posted for more than 15 years at his hometown but the same has not been mentioned by the appellant hence the para is denied.
- (8) Para 8 needs no reply.
- (9) Para 9 of the appeal is incorrect to the extent that the answering respondent did not cancel the transfer order of the appellant rather than same was the discretion of the authority which was

duly exercise after fulfilling all the legal and codal formalities. Appropriate to say here that initially on 5-6-2018 the transfer order was cancelled due to banned by the election commission and subsequently the same was ordered in the best public interest to the nearest domicile district of the appellant. para is denied.

**GRUNDS:-**

A, Ground taken by the appellant is not according with law as both the orders are legal and sustainable.

B, Ground B taken by the appellant is as attempt to prejudice the mind of the court by submitting wrong assumptions, no civil servant has the right to claim the particular posting.

C, The appellant has ascerted a misleading ground for the reason that the appellant was posted at his new place of posting on promotion after serving 14 years at his hometown.

D, Ground taken by the appellant is denied in toto as the appellant

is malijning the institution for his personel allegal interest.

E,The ground taken by the appellat is based on wrong assumption as neither any illegality has been committed by the authority concern nor the appellat was discriminated.

F,No right what so ever has been voilated by the posting/transfer order as the appellat had already approach learned civil court for the purpose.

G,The appeal is not within time.

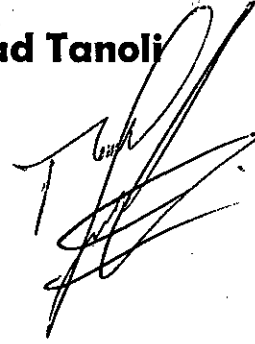
It is therefore humbly prayed that on acceptance of these comments by answering respondent appeal filed by the appellat may please be dismiss.

Dated: 23/10/2019

Through

Shahbaz Ahmad Tanoli

Advocate



**AFFIDAVIT**

I, Mohammad saleem S/o Mohammad zaman r/o jhangi tehsil & district Mansehra do hereby solemnly affirm and declare that the contents of foregoing petition are true and correct and nothing has been suppressed from this Honourable Court.



Deponent

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL CAMP COURT**  
**ABBOTTABAD.**

Service appeal no. 1475/2018

(1) Aurangzeb Officer Assistant, Office on Form Water  
Management Abbottabad

**Appellant..**

**VERSUS**

(1) Secretary Agriculture & live Stock KPK & others.

**RESPONDENTS...**

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D, Ground taken by the appellant is denied in toto as the appellant

is malijning the institution for his personel allegal interest.

E,The ground taken by the appellat is based on wrong assumption as neither any illegality has been committed by the authority concern nor the appellat was discriminated.

F, No right what so ever has been voilated by the posting/transfer order as the appellat had already approach learned civil court for the purpose.

G, The appeal is not within time.

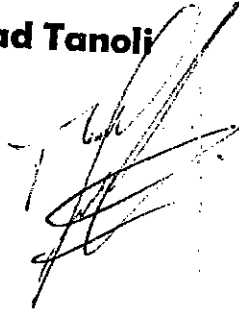
It is therefore humbly prayed that on acceptance of these comments by answering respondent appeal filed by the appellat may please be dismiss.

Dated :

Through

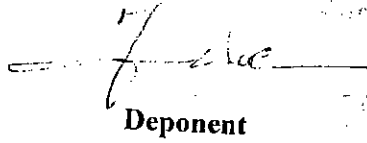
Shahbaz Ahmad Tanoli

Advocate



**AFFIDAVIT**

I, Mohammad saleem S/o Mohammad zaman r/o jhangi tehsil & district Mansehra do hereby solemnly affirm and declare that the contents of foregoing petition are true and correct and nothing has been suppressed from this Honourable Court.



Deponent