

## Khyber Pakhtunkhwa Service Tribunal Peshawar

**Service Appeal No. 1152/2022 Zia Ullah Khan Vs SMBR**

Order

27.07.2022

1. Appellant alongwith counsel present.
2. Preliminary arguments heard. Available record perused.
3. Brief facts of the case are that the appellant was appointed as Junior Scale Stenographer in the office of Deputy Commissioner, Nowshera in 1997, and later on he was appointed as Private Secretary (BPS-17) on acting charge basis vide order dated 30.12.2021, and was posted as Private Secretary to the Deputy Commissioner, Khyber. He submitted an application for repatriation to Deputy Commissioner office Nowshera on the grounds that his wife was seriously ill and there was no one to look after her and that there was no government accommodation available for him and private accommodation was highly priced and out of his range. Whereas, in Nowshera the DC had provided him government accommodation near the office. His application was honored and he was transferred to the office of DC Nowshera on 18.04.2022. The DC Nowshera issued an office order on 25.04.2022, which has been impugned by the appellant, through which he has assigned certain specialized tasks to the appellant and he has to assist Additional DC (General), Nowshera at District Secretariat DC office Nowshera on behalf of DC Nowshera. In addition, he was also authorized to pursue the litigation cases in Peshawar High Court and Service Tribunal Khyber Pakhtunkhwa on behalf of DC Nowshera.
4. The appellant submitted departmental representation to the Senior Member Board of Revenue against the impugned order. On the other hand, DC Nowshera requested the Commissioner Peshawar Division to take up case with SMBR for surrender of services of Mr. Zia Ullah Khan and initiate strict disciplinary action against him.
5. It is found that the appellant is a civil servant and he is bound to obey orders of his high ups, and is liable to serve anywhere to the satisfaction of his competent authority. The Deputy Commissioner was competent to issue any direction for the appellant which he deemed appropriate to assist him in disposing off his official duties. Assigning certain duties by a superior would not infringe the terms and conditions of service nor would create a cause of action in the appellant rather the act of the appellant to challenge such a direction/order/assignment creates indiscipline in the department. Therefore, I see no force in this appeal nor there <sup>is</sup> any ground to proceed further with it.
6. In view of the above scenario, instant service appeal is dismissed in limine. No order as to costs. Copy of this order be sent to respondents. File be consigned to record room.

Announced

27.07.2022

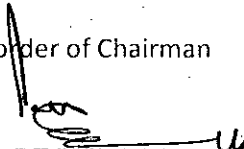
  
{Fareeha Paul}  
Member (E)

Form- A

## FORM OF ORDER SHEET

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

Case No.- 1152/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/07/2022	<p>The appeal of Mr. Zia Ullah presented today by Muhammad Arif Jan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <b>27.07.22</b>. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

## CHECK LIST

Case Title: Zia Ullah

v/s

Senior Member

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Arif Jan Adv-H/c

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No MS2 /2022

Zia Ullah Khan Private Secretary .....Appellant

VERSUS

Senior Member, Board of Revenue Khyber Pakhtunkhwa Peshawar  
and others.....Respondents

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7.	Copies of charge assumption report and order dated 25-4-2022	E & F	19-20
8.	Copy of Departmental representation	G	21
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Through

**APPELLANT**

Muhammad Arif Jan  
Advocate Peshawar

E-Mail: arifJanadv@yahoo.com

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No 1152 /2022

Diary No. 787

Dated 25/07/22

Zia Ullah Khan Private Secretary Deputy Commissioner Office  
Nowshera .....Appellant

VERSUS

1. Senior Member, Board of Revenue Khyber Pakhtunkhwa Peshawar.
2. Commissioner Peshawar Division, Peshawar.
3. Deputy Commissioner, Nowshera.
4. Muhammad Tariq Senior Scale Stenographer (BPS-16) Posted as Private Secretary to Deputy Commissioner Office, Nowshera

.....Respondents

**APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 25-04-2022 PASSED BY RESPONDENT NO-3 AGAINST WHICH DEPARTMENTAL APPEAL WAS PREFERRED BUT THE SAME HAS NOT BEEN DECIDED WITHIN THE STIPULATED PERIOD OF TIME.**

Respectfully Sheweth;

1. That the appellant was appointed as Junior Scale Stenographer on 15/08/1997 in the Office of Deputy Commissioner, Nowshera through Public Service Commission and then in the year, 2018 was promoted to post of Senior Scale Stenographer (BPS-16).
2. That on 30.12.2021, the appellant was promoted as Private Secretary (BPS-17) and posted with Deputy Commissioner Khyber. (Copies of promotion and transfer orders are attached as **ANNEX-A & B**)
3. That in pursuance of application for transfer on compassionate grounds, being illness of the appellant's wife, the Deputy Commissioner, Khyber forwarded it to the Commissioner, Peshawar Division Peshawar which was subsequently sent to Senior Member, Board of Revenue for further necessary action/approval and after all codel formalities, the competent authority issued transfer order 18-04-2022 of the appellant as Private Secretary to Deputy Commissioner Nowshera (Copies of application and transfer order are attached as **ANNEX-C & D respectively**).

**Filed to-day**

**Registrar**

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4. That the appellant assumed the charge of Private Secretary to Deputy Commissioner Nowshera on 22/04/2022 but the appellant was not posted against the vacant seat of Private Secretary and respondent No-3 further issued an office order dated 25/04/2022 wherein the appellant was directed to assist Additional Deputy Commissioner Nowshera and also assigned the task of litigation cases in Peshawar High Court and Service Tribunal Khyber Pakhtunkhwa on his behalf which is beyond my service/job description. (Copies of charge assumption report and order dated 25-4-2022 are attached as **(ANNEX-E & F respectively)**).
5. That feeling aggrieved with the above illegal order, the appellant submitted Departmental Representation on 26/04/2022 before the Hon'ble Senior Member, Board of Revenue Khyber Pakhtunkhwa Peshawar (Respondent No-1) but the same has not been decided within the prescribed period. (Copy of Departmental Representation is attached as **(ANNEX-G)**).
6. That the appellant being obedient civil servant and strong believer in the supremacy of Law honored the impugned order dated 25.04.2022 under protest and thus Joined duties with Additional Deputy Commissioner (General), Nowshera without having proper office and also used to attend the Peshawar High Court in cases assigned by the Responded No-3 for the sake to avoid any mishap till the disposal of appeal. (Copies of some necessary documents are attached as **(ANNEX-H)**).
7. That just to harass and humiliate the appellant and further to compel him from withdrawal of the departmental appeal/representation, moreover the respondent No-3 having no any good reason and justification to answer to respondent No-1 then on 19/05/2022 submitted a baseless complaint with mala-fide intentions and dishonesty before Respondent No-1 in retaliation and consequential victimization of appeal through Respondent No-2 requesting wherein for surrender of appellant knowingly all the facts and circumstances and even the genuine reason of compassionate transfer which was already been considered. (Copy of complaint dt 19-5-2022 is attached as **ANNEX-I)**).
8. That Respondent No-1 asked for comments on appeal of the appellant from Respondents No.3 through Respondent No.2, but Respondent No.2 did not send it to Respondent No.3 for onward submission and respondent No-3 just referred the complaint in place of para wise comments. (Copies of letters are attached as **(ANNEX- J)**).

(4)

~~(5)~~

9. That Respondent No.1 without giving opportunity of personnel hearing to the appellant, and by way of ignoring the original departmental appeal and decision thereupon, issued order dated 07-07-2022 by maintaining the complaint of the Respondent No-3 where the same has also been honored by the appellant under protested subject to appeal. (Copy of order/letter dated 07-07-2022 is attached as **Annex-K**).
10. That the appellant being aggrieved and having no other remedy except to approach this Hon'ble Tribunal on the following amongst other grounds.

**GROUND:**

- A. That the act, commission and omission of the respondents by way of passing the order dated 25-04-2022 passed by respondent-3 (**hereinafter impugned**) and all pre and post proceedings thereupon including the order dated 07-07-2022 passed by respondent No-1 are patently illegal, unlawful, without lawful authority of no legal effect, hence the impugned orders may graciously be set-aside and further the respondents be directed to act in accordance with law to allow the appellant to keep and continue his duties as Private Secretary against the designated post with respondent No-3 without any delay, reason and Justification.
- B. That respondent No.1 badly failed to follow the law, rules and regulation governing the subject matter as the impugned order is result of discrimination and victimization.
- C. That no opportunity of personal hearing has been provided to the appellant nor the respondent No.1 himself gone through the record and passed the impugned order in a hasty manner just to deprive the appellant from his valuable rights.
- D. That respondents are duty bound to abide by law but in the present case the respondents being knowingly the facts and

(5) (4)

circumstances of compassionate transfer case of the appellant then passed the impugned orders which are against the norms of justice.

E. That the respondents also badly failed to consider the unblemished service record of about more than 24 years of the appellant.

F. That it is worth mentioned here that not only the present case but in the past this practice was in vogue as prior to the posting of appellant, the Predecessor named Mr. Zahid Gul had also been deprived from his designated post and had been replaced with one Junior Scale Stenographer (BPS-14) Muhammad Tariq (a Surplus employee of Cooperative Department) and still this Surplus Steno is seated on Private Secretary Post beside the fact that the competent authority of posting/transfer of Private Secretary is Senior Member, Board of Revenue, not the Deputy Commissioner. (Copies of necessary documents are attached as **(ANNEX-L)**).

G. That the appellant is/was qualified, physical fit, eligible, honest, obedient, dutiful man and deserve and entitled for the post of Private Secretary.

H. That in the Khyber Pakhtunkhwa Manual of Secretariat Instruction, there is no provision for Private Secretary to appear before the court and to deal with litigation. (Copy of relevant page of manual is attached as **Annex-M**).

I. That if the appellant has not been posted against the designated post of PS then the appellant will be suffer with irreparable losses which will not be count in shape of coins.



(6)

(S)

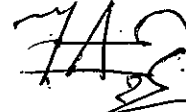
J. That any other grounds which have not been mentioned may also be permitted to raise at the time of arguments.

It is therefore, most humbly prayed that on acceptance of the instant appeal,

- i. The impugned order dated 25-04-2022 passed by respondent No-3 along with all subsequent proceedings thereupon including the order dated 07-07-2022 passed by respondent No-1 may graciously be set-aside.
- ii. The respondents may kindly be directed to act in accordance with law and to allow the appellant to keep and continue his duties as Private Secretary against the designated post of PS with respondent No-3 without any delay, reason and Justification.
- iii. That any other relief which has not been specifically asked for and is fit in the circumstances may also be allowed in favor of appellant against respondents.

  
Appellant

Through



Muhammad Arif Jan  
Advocate, Peshawar.

Dated: 25/07/2022

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No \_\_\_\_\_ /2022

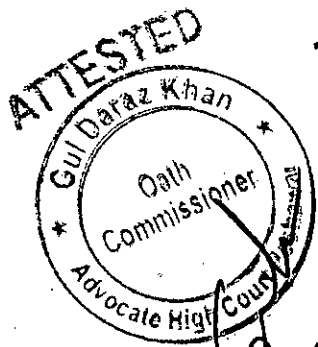
Zia Ullah Khan Private Secretary .....Appellant

VERSUS

Senior Member, Board of Revenue Khyber Pakhtunkhwa Peshawar  
and others.....Respondents

AFIDAVIT

I, Zia Ullah Khan S/O Abdullah Khan R/O Chowki Drub District  
Nowshera do hereby solemnly affirm and declare on oath that the  
contents of the **appeal** are true and correct to the best of my  
knowledge and belief and nothing has been concealed from this  
Hon,ble Court.



DEPONENT  
CNIC NO.17201-6930667-5

(8)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. \_\_\_\_\_ /2022

Zia Ullah Khan Private Secretary ..... Appellant

VERSUS

Senior Member, Board of Revenue Khyber Pakhtunkhwa Peshawar  
and others ..... Respondents

**APPLICATION FOR SUSPENSION OF OPERATION OF THE  
IMPUGNED ORDER/LETTER DATED 25-04-2022 PASSED BY  
RESPONDENT NO-3 AND TO ALLOW THE  
APPELLANT/APPLICANT TO KEEP AND CONTINUE HIS DUTIES  
IN THE LIGHT OF POSTING ORDER DATED 18-04-2022 TILL  
FINAL DECISION OF TITLED APPEAL.**

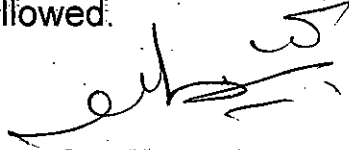
**Respectfully Sheweth:**

1. That the above titled appeal is being filed before this hon'ble Tribunal along with instant application.
2. That the grounds of main appeal may kindly be considered as integral part and parcel of this application.
3. That appellant is having a good prima-facie case in his favour and is also sanguine about its success.
4. That balance of convenience also lies in favour of applicant/appellant.
5. That if the relief as prayed for in the heading of this application is not granted, the very purpose of accompanying appeal will

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become in fructuous and applicant/appellant will suffer an irreparable loss.

It is, therefore, prayed that on acceptance of this application, the relief as prayed for in the heading of this application may graciously be allowed.



**Applicant/Appellant**

**Through**



**Muhammad Arif Jan  
Advocate High Court.**

10 - (H)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No \_\_\_\_\_ /2022

Zia Ullah Khan Private Secretary .....Appellant

VERSUS

Senior Member, Board of Revenue Khyber Pakhtunkhwa Peshawar  
and others.....Respondents

**AFIDAVIT**

I, Zia Ullah Khan S/O Abdullah Khan R/O Chowki Drub District  
Nowshera do hereby solemnly affirm and declare on oath that the  
contents of the **application** are true and correct to the best of my  
knowledge and belief and nothing has been concealed from this  
Hon,ble Court.



DEPONENT  
CNIC NO.17201-6930667-5

(8) (11)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No \_\_\_\_\_ /2022

Zia Ullah Khan Private Secretary .....Appellant

VERSUS

Senior Member, Board of Revenue Khyber Pakhtunkhwa Peshawar  
and others.....Respondents

**ADDRESSES OF PARTIES**

**APPELLANT:**

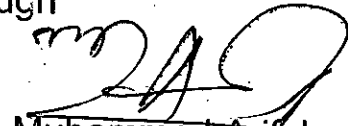
Zia Ullah Khan Private Secretary, Deputy Commissioner, Nowshera.

**RESPONDENTS.**

1. Senior Member, Board of Revenue Khyber Pakhtunkhwa Peshawar.
2. Commissioner Peshawar Division, Peshawar.
3. Deputy Commissioner, Nowshera.
4. Muhammad Tariq Senior Scale Stenographer (BPS-16) Post as Private Secretary to Deputy Commissioner Office, Nowshera


Appellant

Through



Muhammad Arif Jan  
Advocate Peshawar.

Dated: 24.7.2022

	<b>GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE &amp; ESTATE DEPARTMENT.</b>		<span style="font-size: 2em;">(12)</span>
	091-9214280	Dated Peshawar the 30/12/2021	

Annex 'A'

**NOTIFICATION**

No. Estt: II/DPC/Cmr/Hazara/\_\_\_\_\_ On the recommendation of the Departmental Promotion Committee meeting dated 28.10.2021 and approval of the Competent Authority the following Senior Scale Stenographer (BS-16) of the Divisional Commissioner's offices Peshawar, Hazara and Bannu are hereby promoted/appointed as Private Secretary (BS-17) with immediate effect:-

S.No.	Name and Designation	Name of office	Promoted
1.	Mr. Amina-Ul-Haq, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Abbottabad	Promoted as Private Secretary (BS-17) on regular basis.
2.	Mr. Kifayatullah Khan, Senior Scale Stenographer (BS-16)	Commissioner office Bannu	Promoted as Private Secretary (BS-17) on regular basis
3.	Mr. Shakil-Ur-Rehman, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Bannu	Appointed as Private Secretary (BS-17) on Acting Charge basis
4.	Mr. Zia Ullah Khan, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Nowshera	Appointed as Private Secretary (BS-17) on Acting Charge basis
5.	Mr. Muhammad Wisal, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Charzadda	Appointed as Private Secretary (BS-17) on Acting Charge basis

On promotion, the officers at S. No. 1 and 2 will be on probation for a period of one year in term of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer Rules, 1989).

By order of  
Competent Authority

No. Estt: II/DPC/Cmr/Hazara/ 34672-78

Copy forwarded to the:-

1. Commissioners of the respective Divisions.
2. Deputy Commissioners of the respective Districts.
3. District Accounts Officers of the respective Districts.
4. PS to Senior Member, Board of Revenue.
5. PS to Member-III, Board of Revenue.
6. Officers concerned.
7. Office order file.

CTC



Assistant Secretary (Estt:)  
Board of Revenue

Annex B

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**GOVERNMENT OF KHYBER PAKHTUNKHWA,  
BOARD OF REVENUE,  
REVENUE & ESTATE DEPARTMENT.**

Dated Peshawar the 14/01/2022

**NOTIFICATION**

No. Estt:II/DPC/Cmt/Hazara/\_\_\_\_\_ Consequent upon the promotions notified vide this Departmental Notification No. Estt:II/DPC/Cmt/Hazara 14480/87 & Estt:II/DPC/Cmt/Hazara 14672/21 each dated 30/12/2021 and recommendation of the placement committee the Competent Authority is pleased to order the following posting/transfers with immediate effect in best public interest

Sr	Name of Official	From	To
1	Mr. Nazim Ullah, Superintendent (BS-17)	On promotion as Superintendent on regular basis	Superintendent in the office of the Commissioner Hazara Division against the vacant post
2	Mr. Amir-Ul-Haq, Private Secretary (BS-17)	On promotion as Private Secretary on regular basis	PS to Deputy Commissioner Abbottabad against the vacant post
3	Mr. Kibiyasatish Khan, Private Secretary (BS-17)	On promotion as Private Secretary on regular basis	PS to Commissioner Darius Division against the vacant post
4	Mr. Shahid-Ul-Rehman, Private Secretary (BS-17)	On appointment as Private Secretary on Acting Charge Basis	PS to Deputy Commissioner North Waziristan against the vacant post
5	Mr. Zia Ullah Khan, Private Secretary (BS-17 ACB)	On appointment as Private Secretary on Acting Charge Basis	PS to Deputy Commissioner Khyber against the vacant post
6	Mr. Muhammad Waseel, Private Secretary (BS-17 ACB)	On appointment as Private Secretary on Acting Charge Basis	PS to Deputy Commissioner Mohmand against the vacant post

With the approval of  
Competent Authority

235-79



(13) Better copy Annex 'B'

**GOVERNMENT OF KHYBER PAKHTUNKHWA,  
BOARD OF REVENUE,  
REVENUE & ESTATE DEPARTMENT.**

Dated Peshawar the 24/01/2022

**NOTIFICATION**

No. Estt:II/DPC/Cmr/Hazara/\_\_\_\_\_ Consequent upon the promotions, notified vide this Department Notification Nos. Estt:II/DPC/Cmr/Hazara/34680-87 & Estt:II/DPC/Cmr/Hazara/34672-78 each dated 30.12.2021 and recommendation of the placement committee the Competent Authority is pleased to order the following posting/transfers with immediate effect in best public interest:-

Sr	Name of Official	From	To
1.	Mr. Naseem Ullah, Superintendent (BS-17)	On promotion as Superintendent on regular basis	Superintendent in the office of Commissioner Bannu Division against the vacant post
2.	Mr. Anis-Ul-Haq, Private Secretary (BS-17)	On promotion as Private Secretary on regular basis	PS to Deputy Commissioner Abbottabad against the vacant post
3.	Mr. Kifayatullah Khan, Private Secretary (BS-17)	On promotion as Private Secretary on regular basis	PS to Commissioner Hannu Division against the vacant post
4.	Mr. Shahid-Ur-Rehman, Private Secretary (BS-17)	On appointment as Private Secretary on Acting Charge Basis	PS to Deputy Commissioner North Waziristan against the vacant post
5.	Mr. Zia Ullah Khan, Private Secretary (BS-17 ACB)	On appointment as Private Secretary on Acting Charge Basis	PS to Deputy Commissioner Khyber against the vacant post
6.	Mr. Muhammad Wajid, Private Secretary (BS-17 ACB)	On appointment as Private Secretary on Acting Charge Basis	PS to Deputy Commissioner Mohmand against the vacant post

With the approval of Competent Authority.

No. Estt:II/DPC/Cmr/Hazara/2175-79

Copy forwarded to the:-

1. Commissioners of the respective Divisions.
2. Deputy Commissioners of the respective Districts.
3. PS to Senior Member, Board of Revenue.
4. District Accounts Officers of the respective Districts.

CJC

*[Signature]*  
Assistant Secretary (Estt)

To,  
The Senior Member,  
Board of Revenue, Peshawar.

Annex-C, \$  
(14)

THROUGH PROPER CHANNEL.

Subject: APPLICATION FOR REPATRIATION.

R/Sir,

With due respect it is stated that DC office Nowshera is my parent department and after serving 24 years in Nowshera I was promoted to the post of Private Secretary (BPS-17) and posted with DC Khyber.

Apropos, it is submitted that my wife is serious ill and there is no one in my home for look after her as neither I have daughter nor parents being already died. The DC, Nowshera had provided me govt accommodation near the office as he was aware from my issue. I used to visit my home during the office time whenever needed. After transfer, I managed to shift family here but on the one hand, the childs are studying in schools and colleges and on the other hand, here there is no govt: accommodation and private accommodation is very high and out of my range.

It is pertinent to mention that the PS posted with DC Nowshera being resident of Peshawar also willing for repatriation.

In view of the above it is therefore requested that I may kindly be repatriated to DC office Nowshera.

Your Obedient,

  
Zia Ullah Khan,

PS to DC Khyber.

CTC  


OFFICE OF THE DEPUTY COMMISSIONER, KHYBER



Handwritten initials 'T' in a circle



Handwritten number '15' in a circle

No 1001 /DCK/E

Date 25-3-2022

To

The Commissioner,  
Peshawar Division,  
Peshawar.

**Subject: - APPLICATION FOR REPTRATION**

**Memo:**

Enclosed please find here with an application submitted by Mr. Ziaullah Khan PS to undersigned with the request to recommend it to the worthy Senior Member Board of Revenue, as the request is genuine.

Secy:	
AC P/D:	
AC H/Ga:	
Suptd:	
Branch:	2832
Diary No.	28/3/22
Date:	

Handwritten signature of the Deputy Commissioner, Khyber

DEPUTY COMMISSIONER KHYBER

Handwritten initials 'CPR' and a signature



OFFICE OF THE  
COMMISSIONER PESHAWAR DIVISION  
PESHAWAR

16

No. 6/2/EA/2022/1/  
Dated: 01.04.2022 /4321

To

The Senior Member,  
Board of Revenue,  
Khyber Pakhtunkhwa.

Subject: APPLICATION FOR REPATRIATION.

Dear Sir,

I am directed to enclose herewith a copy of Deputy Commissioner Khyber letter No.1001/DCK/E dated 25.03.2022 alongwith self explanatory application submitted by Mr. Ziaullah Khan (PS to Deputy Commissioner Khyber) regarding his request for transfer/repatriation to district Nowshera on grounds of serious illness of his wife for favorable consideration.

It is further requested that services of Mr. Ziar Khan PS already posted with DC Nowshera may be repatriated to Commissioner Peshawar Division Peshawar as he has furnished his NOC in this regard.

ASSISTANT TO COMMISSIONER (REV/GA)  
PESHAWAR DIVISION PESHAWAR

No. 6/2/EA/2022/1/4322

Copy forwarded to Deputy Commissioner Khyber w/r to above quoted letter.

ASSISTANT TO COMMISSIONER (REV/GA)  
PESHAWAR DIVISION PESHAWAR

*Kha Khizmat ye  
Nowshera Usattha*

*Kindly do this work  
must.*

*Zia is my very old  
friend.*

*Called you but no  
response.*

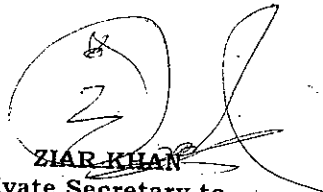
*ATC*

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17

**NO OBJECTION CERTIFICATE**

In pursuance of application submitted by Mr. Zia Ullah (Private Secretary to Deputy Commissioner Khyber), I have no objection on his posting with Deputy Commissioner Nowshera and my repatriation to Commissioner Office Peshawar Division.



**ZIAR KHAN**  
Private Secretary to  
Deputy Commissioner Nowshera

CTC



18

Amma-D

	<b>GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE &amp; ESTATE DEPARTMENT.</b>	
	Peshawar Dated the 18/04/2022	091-9214208

**NOTIFICATION:**

No.Estt:II/Posting/Transfer/12076-82 The Competent Authority is pleased to order the posting/ transfer of the following Private Secretaries of Commissioner /Deputy Commissioner offices with immediate effect in the best public interest:-

S#	Name of official	From	To
1.	Mr. Ziar Khan, Private Secretary	Private Secretary to Deputy Commissioner Nowshera	Private Secretary to Commissioner, Peshawar
2.	Mr. Zahid Gul Private Secretary	Private Secretary to Commissioner Peshawar	Private Secretary to Deputy Commissioner, Khyber
3.	Mr. Zia Ullah Khan Private Secretary	Private Secretary to Deputy Commissioner, Khyber	Private Secretary to Deputy Commissioner, Nowshera

By order of  
Senior Member

Even No & Date.

Copy forwarded to the:-

1. Commissioner Peshawar Division Peshawar.
2. Deputy Commissioners Khyber and Nowshera.
3. District Account Officers Peshawar, Khyber, and Nowshera.
4. Officer Concerned.

Noor Khan  
Assistant Secretary (Estt)

CTC

(19)

Annex-E

Suppl.

OFFICE OF THE  
DEPUTY COMMISSIONER  
NOWSHERA  
Diary No. 4084  
Date 22.4.22

## CHARGE ASSUMPTION REPORT

In compliance with the worthy Senior Member, Board of Revenue Notification No. Estt:II/Posting/Transfer/12076-82, dated 18.04.2022, I hereby assumed the charge of the post of Private Secretary to Deputy Commissioner, Nowshera, to-day on 22/04/2022 (F.N).

(Zia Ullah Khan)  
Private Secretary to  
DC Nowshera

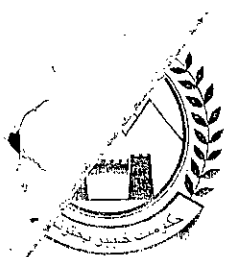
No. 3359-62/PS/DC/NSR

Dated 29/04/2022

Copy forwarded to:

1. The Senior Member Board of Revenue Khyber Pakhtunkhwa.
2. The Commissioner Peshawar Division Peshawar
3. The Deputy Commissioner, Nowshera.
4. The District Account Officer, Nowshera

  
Private Secretary to  
DC Nowshera.



Deputy Commissioner  
Nowshera

Annex-F

20

92-The Mall Road Nowshera Cantt, Office Phone#0923-9220098-99, Fax#0923-9220159

Facebook.com/DCNowshera Twitter.com/DCNowshera M dconsrpk@gmail.com

25<sup>th</sup> April, 2022

**OFFICE ORDER**

No. 3371-74 /16/PS/DC/NSR/2022. In pursuance to Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa Officer Order No. Estt:II/Posting/Transfer/12076-82 dated 18/04/2022, the undersigned is pleased to direct Mr. Zia Ullah Private Secretary Deputy Commissioner-Office Nowshera to assist Additional Deputy Commissioner (General) Nowshera at District Secretariat DC Office Nowshera on behalf of the undersigned in miscellaneous tasks assigned to him from Provincial Government and from Deputy Commissioner Office Nowshera. Furthermore, he is also authorized to pursue litigation cases in August Peshawar High Court Peshawar and Services Tribunal Khyber Pakhtunkhwa on behalf of the undersigned. Authorization letters for appearance in courts shall be issued case to case basis accordingly.

Deputy Commissioner  
Nowshera

Even No. & date.

Copy forwarded to the:

- 1- Commissioner Peshawar Division, Peshawar.
- 2- Additional Deputy Commissioner (General) Nowshera for information and necessary action.
- 3- PS to Senior Member Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa.
- 4- Mr. Zia Ullah Private Secretary Deputy Commissioner Office Nowshera for necessary action.

Deputy Commissioner  
Nowshera

CTC



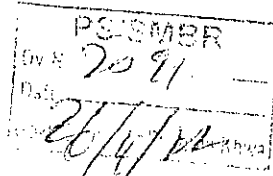
**BEFORE THE SENIOR MEMBER BOARD OF REVENUE KHYBER**  
**PAKHTUNKHWA**

Zia Ullah Khan (Private Secretary) Deputy Commissioner Office Nowshera.

(Applicant)

Versus

Deputy Commissioner ~~Nowshera~~ Nowshera.



(Respondent)

**DEPARTMENTAL REPRESENTATION AGAINST OFFICE ORDER NO.3371-74/16/PS/DC/NSR/2022 DATED 25.04.2022 WHEREBY THE APPLICANT HAS WRONGLY BEEN POSTED.**

Respected Sir,

It is humbly submitted:-

1. That the applicant has been transferred to Deputy Commissioner Office Nowshera vide your goodself office Notification No.Esst:II/Posting/Transfer/12076-82 dated 18.04.2022.
2. That in compliance of the above, ~~that~~ applicant submitted his arrival before the concerned, but it is worth mentioned here that the applicant has wrongly been assigned with the charge of litigation which is utter violation of the posting order as superseded the order of your goodself being not competent for the same.
3. That the act of issuing the impugned order above is against the prevailing law, rules and regulation. Furthermore, it also amounts to abuse of law and come under the ambit of contempt because the applicant specifically posted / transferred as Private Secretary to Deputy Commissioner Nowshera.
4. That Deputy Commissioner office Nowshera is my parent department as appointed through Public Service Commission in the year 1997 and have served more that 24 years of service, no disciplinary proceedings has been taken place even I have not been served with a single explanation during this long tenure.
5. That soon after submission of my arrival report, prior to meeting with the Deputy Commissioner Nowshera, one Mr. Laiq Zada (Computer Operator) posted with Deputy Commissioner Nowshera being very influential and so closed to the Deputy Commissioner as he has been provided government vehicle No.AFR-2016, called the seated Steno and assured him that no one can move him from the post instead of the arrival of the Private Secretary which is later on proved by the Deputy Commissioner Nowshera above order.

It is humbly prayed that on acceptance of this application, the above illegal order may kindly be cancelled and the Deputy Commissioner Nowshera may be directed to obey your goodself order dated 18.04.2022.

CTC

5  
26.4.2022  
Zia Ullah Khan  
Private Secretary to  
Deputy Commissioner Nowshera

(22)

OFFICE OF THE  
DEPUTY COMMISSIONER  
DIARY NO. 4989  
DATE 18-5-22

Anna-H<sup>3</sup>

Subject:- PARAWISE COMMENTS IN WRIT PETITION NO. 4949/2021

R/Sir,

1. The concerned branch has drafted Parawise comments in writ petition No. 4949/2021.
2. It is therefore requested that the AAC-I/PS to DC may kindly be directed to vet the comments from Advocate General Khyber Pakhtunkhwa please.
3. Para -2 submitted for approval please.

*[Signature]*  
PA to DC

W/DC

PS to DC to vet

18/05

TEHSILDAR JEHANGIRA.

Sir,

The subject matter comments  
is submitted for further consideration  
Please.

DIARY NO. 2138  
18/05/22

*[Signature]*

AS  
27.5.2022

WDC.

*[Signature]*

18/05  
27/05

OFFICE OF THE  
DEPUTY COMMISSIONER  
DIARY NO. 544  
DATE 27.5.22

P/S

LAB  
For a/s. *[Signature]*

CTC

*[Signature]*



(DGN) 0000001222581  
Token No: 017172

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DISTRICT FUND OF DISTRICT

Cheque No. 1222581

A/C No. \_\_\_\_\_ A/C Type. ACCOUNT 4 (NWSHER) Pre-Audit Cheque Dated. 15.06.2022

Department \_\_\_\_\_  
Office of \_\_\_\_\_

On the \_\_\_\_\_ Bank of Pakistan / National Bank of Pakistan

Pay to: ZIA ULLAH KHAN BANK A/c 7848-70

Rs. \*\*\*2,480/-\*\*\* Rupees TWO THOUSAND FOUR HUNDRED EIGHTY ONLY

NOT PAYABLE AFTER  
30.06.2022

and charge the same against the District Fund of District.

N.B. This cheque is current for three months only after the month of issue.

DO NOT WRITE BELOW THIS LINE

Assistant Accountant General  
District Accounts Officer / Accounts Officer

(23)

70



24) - - - - - OFFICE OF THE  
Annex 1 Deputy Commissioner  
Nowshera

92-The Mall Road Nowshera Cantt, Office Phone#0923-9220098-99, Fax#0923-9220159

Facebook.com/DCNowshera Twitter.com/DCNowshera M:dcnowshk@gmail.com

No. 3953-61 /03/PS/DC/NSR/2022  
19<sup>th</sup> May, 2022

To

The Commissioner,  
Peshawar Division, Peshawar.

Subject: - SERVICES SURRENDER OF MR. ZIA ULLAH PS TO DC NOWSHERA

R/Sir,

Please refer to the subject noted above and to state that Mr. Zia Ullah PS to Deputy Commissioner Nowshera was authorized vide this office letter No. dated 19-05-2022 to submit Parawise comments in Writ Petitions W.P 1959/2021, W.P 1954/2021, W.P 1953/2021, W.P 1956/2021, W.P 1957/2021, W.P 1958/2021, W.P 1955-P/2021 in August Peshawar High Court Peshawar and also to vet Parawise comments in writ Petition No. 4949/2021 from Advocate General Khyber Pakhtunkhwa, however Mr. Zia Ullah PS to Deputy Commissioner Nowshera refused to comply with the directions of the undersigned in state interest cases but also challenged the jurisdictions of the undersigned that Deputy Commissioner is not vested to direct Private Secretary

2. It is pertinent to mention here that for correspondence with august Peshawar Court Peshawar and Advocate General Khyber Pakhtunkhwa office, officer of BPS-17 is mandatory, however currently all post of AACs are lying vacant and the remaining administrative officers were engaged in disposal of important official tasks and allied important official disposal, therefore the undersigned authorized Mr. Zia Ullah Private Secretary in official interest to submit and vet Parawise comments being most important/Court matter cases.
3. Prima facie the act of the Private Secretary is a clear violation of the Civil Servants Conduct rules read with Khyber Pakhtunkhwa Civil Servants Efficiency & Disciplinary Rules 2011 and liable to punished under the relevant sections of the rules Ibid.
4. Foregoing in view of the above facts the services of Mr. Zia Ullah PS to DC Nowshera is no more required for District Administration Nowshera in large public and official interest and recommend that Senior Member Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa being a competent authority may kindly be approached to surrender his services and initiate strict disciplinary action against Mr. Zia Ullah PS to Deputy Commissioner Nowshera on account of non-compliance of the orders of immediate officer and creating hurdle for the undersigned in important official tasks.

*Submitted for favorable considerations please.*

Deputy Commissioner  
Nowshera

Even No. & date.


Copy forwarded for information and necessary action to the:

- 1- Senior Member Board of Revenue, Revenue & Estate Department Government of Khyber Pakhtunkhwa for kind information please.
- 2- Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
- 3- Registrar august Peshawar High Court Peshawar.
- 4- PSO to Chief Minister Khyber Pakhtunkhwa.
- 5- PSO to Chief Secretary Khyber Pakhtunkhwa.
- 6- PS to Advocate General Khyber Pakhtunkhwa Peshawar.
- 7- Superintendent DC Office Nowshera for necessary action.
- 8- Accounts Officer DC Office Nowshera for immediate necessary action.

Deputy Commissioner

(25)

Annex - J

	<b>GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE &amp; ESTATE DEPARTMENT.</b>		
091-9213989	1 <sup>st</sup> Reminder		091-9214208
No. Estt:II/Ziaullah Khan/PS/ 168 CB		Peshawar Dated the 15/06/2022	

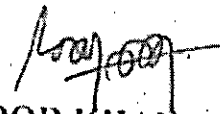
To

The Commissioner,  
Peshawar Division, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL.

Dear Sir,

I am directed to refer to this Department letter No. Estt:II/Ziaullah Khan/PS/14452 dated 18.05.2022 and to state that the requisite views/comments are still awaited from your end which may be furnished at the earliest please.

  
(NOOR KHAN)  
Assistant Secretary (Estt)  
Board of Revenue

CL





(26)

**OFFICE OF THE  
COMMISSIONER PESHAWAR DIVISION  
PESHAWAR**

No. 6/2/EA/2022/II / 7875  
Dated: 22.06.2022

To

The Assistant Secretary (Estt.),  
Board of Revenue, Revenue & Estate Department,  
Govt. of Khyber Pakhtunkhwa.



Subject: **DEPARTMENTAL APPEAL.**

I am directed to refer to your letter No.Estt:II/Ziaullah Khan/PS/16856 dated 15.06.2022 on the subject cited above and to state that as requested by Deputy Commissioner Nowshera, the services of Mr. Zia Ullah Khan has already been surrendered to Board of Revenue Khyber Pakhtunkhwa vide letter No.6/2/EA/2022/I/6667 dated 27.05.2022 please.

6/c  
  
ASSISTANT TO COMMISSIONER (REV/GA)  
PESHAWAR DIVISION PESHAWAR

27

A m a k

	<b>GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE &amp; ESTATE DEPARTMENT.</b>	
	Peshawar Dated the <u>07/07/2022</u>	 091-9214208

**NOTIFICATION**

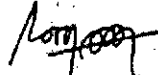
No. Estt/II/Posting/Transfer/ 19218-26 The Competent Authority is pleased to place the services of Mr. Ziaullah Khan Private Secretary (BS-17) to Deputy Commissioner, Nowshera at the disposal of Board of Revenue with immediate effect.

With the approval of  
Competent Authority

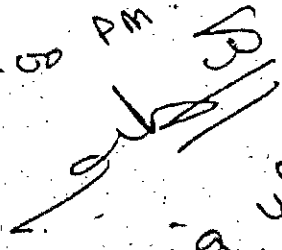
No. & Date Even.

Copy forwarded to the: -

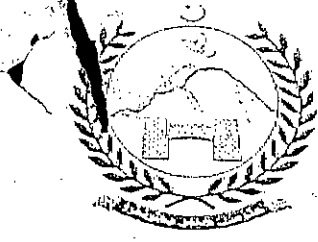
1. Commissioner Peshawar Division, Peshawar.
2. Deputy Commissioner, Nowshera.
3. PS to Senior Member, Board of Revenue.
4. PS to Member-III, Board of Revenue.
5. PS to Secretary-I Board of Revenue.
6. District Accounts Officer, Nowshera.
7. Bill-Assistant, Board of Revenue.
8. Officer concerned

  
(NOOR KHAN)  
Assistant Secretary (Estt),  
Board of Revenue

Received  
To-day on 13.7.2022  
at 2.00 PM



Zia ulleah Khan  
PS. to DC, Nowshera



Amir-2  
Office of the (28)  
DEPUTY COMMISSIONER  
NOWSHERA.

(Office Phone#0923-9220098, Fax#0923-9220159,  
Email: dconsrpk@yahoo.com)

Dated 11/10/2018

OFFICE ORDER

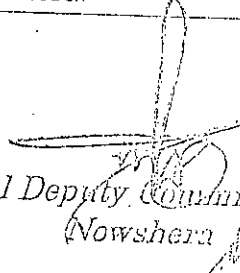
No. 5762-65/EA-07/DC/NSR/2018. The following officials of this office are hereby directed to perform their duties in the offices / sections mentioned against each with immediate effect in the best public interest:-

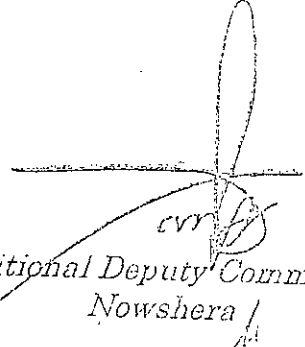
S.No	Name & Designation	From	To
1.	Mr. Zahid Gul PS (BPS -17)	Deputy Commissioner Bungalow Office Nowshera.	Deputy Commissioner Secretariat Nowshera
2.	Mr. Tariq Khan Steno	PA to Additional Deputy Commissioner Nowshera.	Deputy Commissioner Bungalow Office Nowshera.

Even No. & Date.

Copy forwarded for information to:-

1. The Deputy Commissioner Nowshera.
2. The Superintendent DC Office Nowshera.
3. Officials Concerned for compliance.

  
Additional Deputy Commissioner  
Nowshera

  
Additional Deputy Commissioner  
Nowshera

CTC





Annex - M' (29)

## KPK Manual of Secretariat Instructions

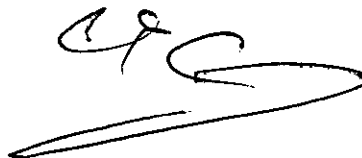
30

GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)  
nwfp.gov.pk

**Job Description of Private Secretaries:**

(a) The Private Secretaries to the Chief Minister, Ministers, Special Assistants and Advisors shall perform the following duties:-

- (i) to prepare drafts of personal letters except those required to be prepared by the respective Department;
- (ii) to attend visitors and to arrange interviews;
- (iii) to prepare tour programme(s) of Chief Minister, Ministers, Special Assistants and Advisors and circulate to all concerned as well as to correspond with the agencies concerned and individuals in this connection;
- (iv) to go through petitions and complaints received from the public / aggrieved person(s), addressed to the Chief Minister, Ministers/Special Assistants or Advisors and after obtaining the orders thereon, pass them on to the officer/department concerned;
- (v) to deal with cases relating to telephone bills in respect of the calls made from telephones of Chief Minister/Ministers/Special Assistants/Advisors and cases relating to carriage of their personal effects on tour;
- (vi) to arrange engagements and maintain an engagement diary;
- (vii) to obtain papers for meetings, functions and interviews etc; from Administrative Department and to put up the same to the Chief Ministers, Ministers, Special Assistants and Advisors;
- (viii) to bring to the notice of Chief Minister, Minister, Special Assistant and Advisor (if the latter is required to attend) the notice/agenda of the Cabinet meeting at once. If the Chief Minister, Minister, Special Assistant or Advisor is on tour, the Private Secretary shall contact him and convey information. In case the Private Secretary accompanies the Chief Minister, Minister, Special Assistant or Advisor, the P.A. will do the needful;
- (ix) to bring to the notice of Chief Minister/Ministers/Special Assistants or Advisors papers/files bearing priority/security labels;
- (x) to keep a record of all office furniture, equipment and books provided to the Chief Minister, Ministers, Special Assistants or Advisors. He (the Private Secretary) shall be responsible for proper use of those articles and ensuring that these are in good condition..



(xi) To see that the furniture and other articles of the office of Chief Minister, Minister, Special Assistant or Advisor are in good condition and properly maintained; and

(xii) to keep up to-date copies of all books relating to privileges and conduct of Ministers/Advisors.

9. The Private Secretaries to the Chief Secretary, Additional Chief Secretary, and Secretaries shall perform the following duties:-

(i) to attend telephones and keep record of outstation calls;

(ii) to screen callers and telephone calls;

(iii) to arrange engagements and maintain engagement diary;

(iv) to collect papers for meetings and interviews;

(v) to see that matters requiring Secretary's attention are brought to his notice well in time complete and in proper form;

(vi) to receive and arrange and, where necessary, register the Secretary's papers and correspondence including secret and top secret papers;

(vii) to keep record of suspense cases and to see that such cases are put up to Secretary on due dates;

(viii) to keep reference books upto date;

~~(ix) to attend to work connected with Secretary's tour etc;~~

(x) to assist the Secretary in such matters as he may direct;

~~(xi) to keep record of movement of files and other classified document;~~

(xii) to receive visitors and arrange interviews etc; and

(xiii) to take dictation and make fair copies of draft and other papers of secret/confidential nature and also other communications with enclosures.

#### 10. Superintendent

(a) A Superintendent who normally holds charge of a Branch under the control of a Section Officer shall be responsible for ensuring that the work is conducted properly and that there is tidiness and discipline in his Branch;

(b) The Superintendent of the Receipt and Issue Branch shall be personally responsible for the accurate sorting of Dak Section-wise, and shall further ensure that:-

(i) the Receipt Clerk submits the receipts at least twice daily to the appropriate Section/Office along with diary;

(ii) letters are dispatched on the date of receipt and office copies returned promptly to the Section/Office concerned; and

(iii) that confidential/secret communications are treated in the manner prescribed in paragraph 67-76.

(c) The Superintendent Receipt and Issue Branch or any other official assigned the job, should open all covers other than those sealed and addressed by name to any particular office/officer in the Department and to:-

(i) make sure that each envelope is completely emptied;



**WAKALATNAMA**

**BEFORE THE HON'BLE** *KP Seemee Tribunal*

*Zia ul Haq Khan*

*Pesh*  
Plaintiff(s)  
Petitioner(s)  
Complainant(s)

VERSUS

*SMBR & others*

Defendant(s)  
Respondent(s)  
Accused(s)

By this, power-of-attorney I/we the said *Appellant* in the above case, do hereby constitute and appoint **MUHAMMAD ARIF JAN** Advocate as my attorney for me/us in my/our name and on my/our behalf to appear, plead, give statement, verify, administer oath and do all lawful act and things in connection with the said case on my/our behalf or with the execution of any decree or order passed in the case in my/our favour/ against which I/we shall be entitled or permitted to do myself/ourselves, and, in particular, shall be entitled to withdraw or compromise the case or refer it to arbitration or to agree to abide by the special oath of any person and to withdraw and receive documents and money from the Court or the opposite party and to sign proper receipts and discharges for the same and to engage and appoint any other pleader or pay him as his fee irrespective of my/our success or failure in case, provided that, if the case is heard at anyplace other than the usual place of sitting of the Court the pleader shall not bound to attend except on my agreeing to pay him a special fee to be settled between us.

Signature of Client

*[Signature]*  
0310-1983645

Accepted  
*[Signature]*

*Muhammad Arif Jan*  
Advocate High Court  
Peshawar  
Office No.210, Mumtaz Plaza  
G.T Road, Hashtnagri Stop,  
Peshawar City.  
CNIC No.17201-2275748-7  
Bc No.10-6663  
Cell: 0333-2212213