


| S.No. | Date of order/<br>proceedings | Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.   |
|-------|-------------------------------|---|
| 1     | 2                             | 3   |
|       | 16 <sup>th</sup> June, 2022   | <p style="text-align: center;"><b><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u></b><br/><b><u>PESHAWAR.</u></b></p> <p style="text-align: center;"><b>Service Appeal No. 7758/2021</b></p> <p>Muhammad Zeb son of Arshullah Khan, Serving as Social Welfare Officer at District Office Social Welfare District Dir, Lower.<br/>..... (Appellant)</p> <p style="text-align: center;"><u>Versus</u></p> <ol style="list-style-type: none"> <li>1. The Chief Secretary Govt of Khyber Pakhtunkhwa at Peshawar.</li> <li>2. Govt: of Khyber Pakhtunkhwa through Secretary Zakat and Usher and Social Welfare Special Education and Women Empowerment Department Peshawar.</li> <li>3. Director Social Welfare Special Education and Women Empowerment Department Peshawar.</li> <li>4. Khizar Hayat posted/transferred as District Officer Social Welfare Dir Lower.</li> <li>5. Nisar Ahmad Rehabilitation Officer RCDA BS-17 Dir Lower.<br/>..... (Respondents)</li> </ol> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p><b><u>KALIM ARSHAD KHAN CHAIRMAN:-</u></b> Learned Counsel for the appellant present and heard.</p> <p>2. The appellant had initially filed a writ petitioner No. 998-M/2021 in the Hon'ble Peshawar High Court*Minogra Bench (Daar-UI-Qaza) Swat wherein he prayed for cancellation of notification No. SOII(SWD)/11-52/2021 dated 15.10.2021, whereby two officers namely Hizar Hayat and Nisar Ahmad were transferred from different stations to the post of District Officers Social Welfare, Dir Lower and Rehabilitation Officer, RCDA, Dir Lower (in his own pay and scale respectively). At the very outset when the learned counsel was confronted with the situation that name of the appellant was not mentioned in the impugned notification dated 15.10.2021 then how he is aggrieved of the same to which he replied that vide notification No. SOII(SWD)/11-52/2020 dated 17.08.2021, he was posted as Principal, School for Deaf Children Dir Lower relieving him of the additional charge of District Officer, Social</p> |

Welfare, Dir Lower whether actually and originally he was aggrieved of that order. Again learned counsel for the appellant was asked as to whether the order, dated 17.08.2021 relieving him from the additional, duties was challenged or not to which he submitted that the appellant had not challenged that order before this Tribunal nor is there any representation found placed on the file of this appeal. This being so this appeal is misconceived and ill-founded. Thus it stands dismissed in *limine*. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 16<sup>th</sup> day of June, 2022.*

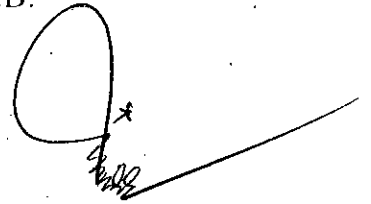


**(KALIM ARSHAD KHAN)**  
Chairman

25.05.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Raheem Ullah, Deputy Secretary for official respondents N. 1 to 3 Present. None present on behalf of private respondents No. 4 & 5.

In compliance with order of the Service Tribunal dated 17.12.2021, the respondent department has issued Notification bearing No.SOII(SW) II-52/2022 dated 24.05.2022 whereby the impugned Notification dated 15.10.2021 has been withdrawn. It also came to the notice of this Bench that CM was purported to have been submitted by the learned counsel for appellant on the previous date which could not be taken due care of though placed and now found as loose/scattered papers in the court's case file. The CM in question is regarding suspension of the operation of impugned order 17.08.2021 till final disposal of the main service appeal. The same be therefore properly recorded/placed on file and notices be issued to the parties. Notice be issued to private respondents No. 4 & 5 for submission of written reply/comments on 16.06.2022 before S.B.




(Mian Muhammad)  
Member (E)

09.05.2022

Appellant with counsel present.

Kabir Ullah Khattak learned Additional Advocate General for official respondents No.1 to 3 present.

On the previous date, private respondents No.4 & 5 were put on notice but record shows that respondents No.4 & 5 have not been served properly, therefore, office is strictly directed to make sure service upon private respondents No.4 & 5 for 12.05.2022 before S.B. The operation of impugned order dated 15.10.2020 shall remain suspended till next date fixed.

  
(Rozina Rehman)  
Member (J)

11.05.2022

Petitioner alongwith counsel present.

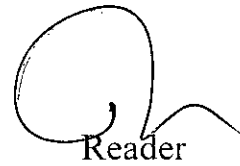
Muhammad Adeel Butt, learned Additional Advocate General alongwith Nabi Gul Superintendent for official respondents No.1 to 3 present. Nemo for private respondents No.3 & 4.

Implementation report is still awaited. Representative of official respondents requested for time to submit implementation report. Last chance is given. Notices were issued to private respondents No.3 & 4 but were not properly served upon them, hence, office is directed to make sure service upon private respondents No.4 & 5 to submit proper implementation report in this regard. To come up for implementation report on 25.05.2022.

  
(Rozina Rehman)  
Member (J)

16.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 02.03.2022 for the same as before.

  
Reader

2-3-2022

Due to retirement of the Honble Chairman the case is adjourned to come up for the same as before on 6/4/2022

  
Reader

06.04.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. M. Nabi Gul, Supdt for official respondents present.

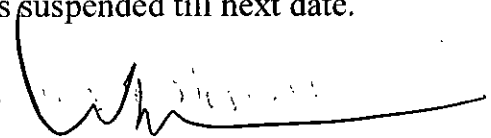
Written reply/comments on behalf of official respondents No. 1 to 3 submitted which is placed on file. A copy of the same is also handed over to the appellant. None present on behalf of private respondents No. 4 and 5, therefore, notices be issued to them for submission of reply/comments. Adjourned. To come up for reply/comments of respondents No. 4 and 5 on 09.05.2022 before S.B. The operation of the impugned order dated 15.10.2021 shall remain suspended till date fixed.

  
(MIAN MUHAMMAD)  
MEMBER(E)

11.01.2022

Appellant alongwith counsel his counsel present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Naheed Gul Superintendent for respondents present.

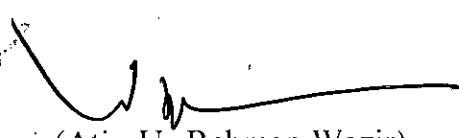
Reply/comments on behalf of respondents are still awaited. Representative of respondents sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 01.02.2022. The operation of the impugned order dated 15.01.2021 is suspended till next date.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

02.02.2022

Appellant with counsel present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Naheed Gul, Superintendent for respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of respondents sought time for submission of reply/comments. Another last opportunity is Granted. To come up for reply/comments before the S.B on 16.02.2022.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

17.12.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while opening his arguments stated that the appellant is working as Social Welfare Officer (BS-17) who was lastly posted as District Officer Social Welfare Dir Lower and transferred as District Officer Social Welfare Torghar against the vacant post vide impugned order dated 21.06.2021. This notification was however withdrawn on the very next date i.e 22.06.2021. Yet again vide notification dated 17.08.2021, the appellant was transferred as Principal School for Deaf Children Dir Lower and relieving him from additional charge as District Officer Social Welfare Dir Lower. The appellant submitted departmental appeal to the appellate authority and during pendency of departmental appeal, he instituted writ petition 838-M/2021 in Peshawar High Court, Peshawar Mingora Bench (Dar-ul-Qaza) Swat which was disposed of on 22.09.2021 directing the Chief Secretary to decide departmental appeal of the petitioner within a period of 15 days. His departmental appeal was disposed of in manner that private respondents No. 4 and 5 were adjusted/posted leaving the appellant deprived of the relief to serve and complete normal tenure of two years. So much so that a junior officer i.e private respondent No.7 serving in BS-16 was posted as Rehabilitation Officer RCDA (BS-17) Dir Lower in his own pay scale vide notification dated 15.10.2021. It was further contended that the impugned notifications dated 21.06.2021 and 15.10.2021 have been issued in utter violation of Clause (i) and (ii) of the posting/transfer policy of provincial government. The appellant has suffered due to political interference in the service matters by the local MPA's belonging to District Dir Lower as is evident from the proposal for posting submitted by the Directorate of Social Welfare to Social Welfare department on 21.06.2021 in glaring violation of Rule-22 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules 1987 read with circular of the former S&GAD dated 09.07.1990. The frequent transfers of the appellant are also violation of the Supreme Court judgement in PLD 2013 Supreme Court 195 case.

The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 11.01.2022 before S.B.

Request for an interim relief for suspension of the operation of the impugned notification dated 15.10.2021 has been made. As the appellant has apparently not relinquished charge against the post of District Officer Social Welfare Dir Lower, the impugned order dated 15.10.2021 is therefore, suspended till next date.

(Mian Muhammad)  
Member(E)

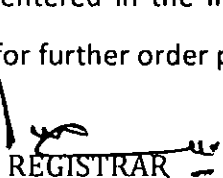

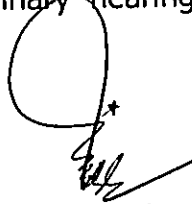
Appellant Deposited  
Security & Process Fee

22/12/21

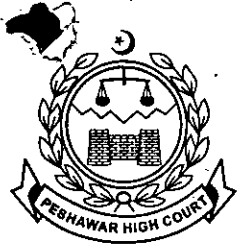
Form-A  
FORM OF ORDER SHEET

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

Case No. 7758/2021

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1     | 15/11/2021                | <p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Mingora Bench Daraul Qaza and the Hon'ble High Court vide its order dated 03.11.2021 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;"><br/>REGISTRAR</p> <p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>16-12-2021</u> at <u>Peshawar</u></p> <p style="text-align: right;"><br/>CHAIRMAN</p> <p>16.12.2021</p> <p>Counsel for the appellant present.</p> <p>Preliminary arguments could not be heard due to shortfall of electricity. Adjourned: To come up for preliminary hearing on 17.12.2021 before S.B.</p> <p style="text-align: right;"><br/>(MIAN MUHAMMAD)<br/>MEMBER (E)</p> |





The  
**PESHAWAR HIGH COURT**  
Mingora Bench/Dar-ul-Qaza  
Swat

All communications should be addressed to the Additional Registrar of this Bench.

Office: 0946-885005  
Fax: 0946-885004  
E-Mail: darulqazaswat2011@gmail.com

No. 3558 / *Writ Petition Branch;*

Dated: 09-11-2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1663

Dated 15-11-2021

To

The Registrar,  
Khyber Pakhtunkhwa Service Tribunal, Peshawar. 091-9212281

Subject: Writ Petition No. 998-M of 2021

Muhammad Zeb \_\_\_\_\_ Petitioner

Versus

The Chief Secretary, Govt. of KPK & others \_\_\_\_\_ Respondents

Dear Sir,

I am directed by the Hon'ble Division Bench of this Court vide judgment dated 03-11-2021 to forward herewith the original grounds of subject Writ Petition alongwith Annexures, etc and certified copy of judgment for necessary action in the light of judgment dated 03-11-2021.

| S. No | Case No with Title.   | Pages/<br>Sheets     |
|-------|---|----------------------|
| 01    | <b>W.P 998-M of 2021</b><br><i>Muhammad Zeb Vs The Chief Secretary, Govt. of KPK &amp; others</i> | 29 Pages<br>(1-File) |

Kindly acknowledge the receipt of this letter along with its enclosures please.

Encl. a.a

Additional Registrar

**JUDGMENT SHEET**

**PESHAWAR HIGH COURT, MINGORA  
BENCH (DAR-UL-QAZA), SWAT  
(Judicial Department)**

**W.P. No. 998-M/2021  
With Interim Relief**

**JUDGMENT**

Date of hearing: **03.11.2021**

**Petitioner:- (Muhammad Zeb) by Syed Abul Haq, Advocate.**

**Respondents: -**

**WIOAR AHMAD, J.-** Petitioner has filed the instant constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, with the following prayer;

*It is, therefore, humbly prayed that the impugned notification dated 15.10.2021 passed by respondent No. 2 may kindly be cancelled & the petitioner be posted/adjusted as District Officer Social Welfare Dir Lower.*

**OR**

*The respondent No. 1 may kindly be directed to decide the departmental appeal filed by the petitioner under the direction of this honourable Court rendered in W.P. No. 838-M/2021 after cancellation of impugned notification dated 15.10.2021."*

2. Earlier writ petition filed by the petitioner was disposed of with the following observations;

*"Learned counsel for petitioner after arguing the case for a while requested that since departmental appeal of the petitioner has already been pending before the Worthy Chief Secretary Khyber Pakhtunkhwa, therefore direction be issued to respondent No. 1 to decide appeal of the petitioner at the earliest. The Worthy Chief Secretary Khyber Pakhtunkhwa is directed to decide departmental appeal of the petitioner within a period of fifteen days of receipt of*

*this order. Office shall also send a copy of the instant writ petition to the quarter concerned. The constitutional petition is disposed of, accordingly."*

The Secretary Social Welfare Government of Khyber Pakhtunkhwa had then called for comments of the concerned Director Social Welfare and has finalized the matter at their end. In such circumstances, learned counsel for the petitioner stated that the case was ripe for consideration of the Khyber Pakhtunkhwa Service Tribunal and requested for sending same to the Tribunal as per ratio of the judgment of Hon'ble Supreme Court of Pakistan rendered in the case of "Government of Punjab through Secretary Education Lahore & others v/s Sameena Perveen & others" reported as 2009 SCMR 1. Request is justified, the instant petition is therefore ordered to be sent to the Worthy Khyber Pakhtunkhwa Service Tribunal where it shall be treated as an appeal filed before the Tribunal. Office shall also send a copy of the instant writ petition to the quarter concerned. The instant writ petition is accordingly disposed of.

**NNOUNCED**

**Dt: 03.11.2021**

**Certified to be True Copy**

*KG*  
**EXAMINER**

Principal High Court, Mingora/Dar-ul-Qaza, Swat  
Authorized Under Article 07 of Qanoon-e-Shahadat Order 1984

**JUDGE**

**JUDGE**

Nowab (D.B.) Hon'ble Mr. Justice Ishtiaq Ibrahim  
Hon'ble Mr. Justice Wiqar Ahmad

Office  
06/11/2021

BEFORE THE PESHAWAR HIGH COURT, MINGORA  
BENCH/DARUL QAZA SWAT

W.P. 998-M -M/2021  
Service Appeal no. 7758/2021  
Muhammad Zeb .....Petitioner  
VERSUS  
Government of KPK & others ..... Respondents

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| S.No | Description   | Annexure | Pages |
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| 1.   | Copy of writ Petition   |          | 1-8   |
| 2.   | Copy of certificate   |          | 9     |
| 3.   | Address of the Parties  |          | 10    |
| 4.   | Copy of Affidavit   |          | 11    |
| 5.   | copies of orders are attached                                 |          | 12-15 |
| 6.   | Copy of both the notifications.                               | A&B      | 16-17 |
| 7.   | (Copies of notifications dated 22.06.2021<br>17.08.2021       | C & D    | 18-19 |
| 8.   | Copy of the order of his honourable Court dated<br>22.09.2021 |          | 20-21 |
| 9.   | Copy of letter dated 30.09.2021                               |          | 22    |
| 10.  | Copy of letter dated 07.10.2021                               |          | 23    |
| 11.  | copy of the impugned notification dated<br>15.10.2021         | E        | 24    |
| 12.  | Court Fee + <u>Legal Notice</u>                               |          | 25-26 |
| 13.  | Wakalath Nama   |          | 27    |

Petitioner through Counsel

**SYED ABDUL HAQ**

Advocate Supreme Court

Office: Swat Shopping Opp:  
Peshawar High Court  
Mingora, Bench at  
Fizagat Swat.

Cell#: 0311-09509599

**FILED TODAY**

**27 OCT 2021**

Additional Registrar

**Noted for  
AAG**

Sign.....

Date.....

27-10-2021

C

**BEFORE THE PESHAWAR HIGH COURT, MINGORA**

**BENCH/DAR UL QAZA SWAT**  
*service Appeal no. 7758/2021*  
W.P. 998 -M/2021

Muhammad Zeb Son of Arshullah Khan, Serving as Social Welfare Officer at District Office Social Welfare District Dir Lower.....Petitioner

**VERSUS**

- 1) The Chief Secretary Govt of Khyber Pakhtunkhwa at Peshawar.
- 2) Govt. of Khyber Pakhtunkhwa through Secretary Zakat and Usher and Social Welfare Special Education and Women Empowerment Department Peshawar.
- 3) Director Social Welfare Special Education and Women Empowerment Department Peshawar.
- 4) Khizar Hayat posted/transferred as District Officer Social Welfare Dir Lower.
- 5) Nisar Ahmad Rehabilitation Officer RCDA BS-17 Dir Lower.

..... Respondents

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**WRIT PETITION**

**UNDER ARTICLE 199 OF THE CONSTITUTION OF**

**ISLAMIC REPUBLIC OF PAKISTAN 1973, AS AMENDED**

2

UP TO DATE FOR SETTING ASIDE THE IMPUGNED  
TRANSFER ORDER DATED 15.10.2021 ISSUED BY THE  
RESPONDENT NO.2 BEING DECLARED ILLEGAL,  
UNLAWFUL, VOID AB-INITIO, AGAINST THE POLICY.

Respectfully Sheweth;

The facts of the instant petition are as under.

1. That the Petitioner is permanent resident of Dir lower at Timergara & initially appointed as Social Case Worker vide appointment letter dated 10.10.2009 and later on due to his seniority he was promoted to District Officer Social Welfare Dir Lower on 26.6.2015. (copies of orders are attached).
  2. That the petitioner was transferred as principal to Govt School for deaf Timergara on 03.12.2020 and also assigned the additional Charge as District Officer Social Welfare Timergara on 11.12.2020.
- That the Petitioner was working against the post in question efficiently & up to the entire satisfaction of his

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superiors, however, astonishingly via political interference the Petitioner was recommended to be transferred to District Torghar Hazara Division vide notification 11.6.2021 and in pursuance of the said allege recommendation he was transferred to District Torghar vide order dated 21.6.2021 (Copy of both the notifications are attached as annexure-A and B respectively).

4. That the respondent No.2 vide notification 22.06.2021 withdrawn the office order i.e. 21.06.2021 and again transferred the petitioner as principal school for Deaf Children Dir Lower by reliving from additional Charge of D.O social Welfare vide impugned notification dated 17.08.2021. (Copies of notifications dated 22.06.2021 17.08.2021 are attached as annexure-C & D Respectively):

5. That the petitioner assailed the same via departmental appeal on 17.08.2021 but the respondent No.1 failed to decide the same one way or the other within stipulated time i.e. 15 days.

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6. That the petitioner filed a writ petition bearing NO. 838-M/2021 wherein this honourable Court directed the respondent No.1 to decide the departmental appeal within 15 days. (Copy of the order of his honourable Court dated 22.09.2021 is attached).
  
7. That the respondent No.2 directed the Director Concerned i.e Respondent No.3 to submit the requisite comments vide letter 30.09.2021. (Copy of letter dated 30.09.2021 is attached).
  
8. That in response the respondent No.3 intimated the respondent No.2 via a letter dated 07.10.2021 categorically admitted the illegality during transfer process & proposed malafidely two names for the post of SWO (Copy of letter dated 07.10.2021 is attached).
  
9. That after the respondent No.1 malafidely & politically adjusted/posted respondent No.4, resultantly the departmental appeal filed by the petitioner became infructuous & intentionally the directions passed by this honourable Court in W.P 838-M/2021 were disobeyed.

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(copy of the impugned notification dated 15.10.2021 is attached as annexure-E ).

10. That the respondents are not willing to redress the grievances of petitioner under the mandate of their executive power & all the process initiated by the petitioner has been thrown in a bin, so the petitioner have no other remedy except to file the instant petition under the Article 199 of the constitution due to transgression or infraction of law interalia on the following grounds.

### GROUNDS

- A. That the impugned notification & order dated 15.10.2021 issued by the respondent No.1 is against the law, facts, norms of natural justice & material on record hence not tenable & liable to be set aside.

- B. That every public officer or public functionary had to discharge his duties as a trustee on behalf of the people with the highest level of dedication, commitment,

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integrity, transparency & fairness but the official respondent failed to exercise their power vested to them under the law, so this honourable Court has ample power to interfere in the instant matter.

C. That this honourable Court have the power to look into any matter if there is violation of law & fundamental rights of the citizen were under threat, so the impugned order is highly discriminatory & issued on political motivation, hence not maintainable & be cancelled.

D. That where the determination of any question raised before the Court required interpretation or application of any provision of the constitution the Court was obliged to adjudicate upon the same & the petition could not be thrown out on ground of non-maintainability, as in the instant case the petitioner approached the departmental as well as this honourable Court but the respondent without any reason disobeyed the directions rendered by this honourable Court, so this honourable Court under

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Article 199 any action/decision can scrutinized & audit under judicial review.

E. That the action as taken over by the official respondents is a clear infringement of the constitution guarantees under Article 4, 25 & 10-A of the constitution, hence such impugned action is without backing of law, hence liable to be struck down.

F. That the petitioner seeks leave of this honourable court to raise/argue any additional points at the time of arguments.

*It is, therefore, humbly prayed that the impugned notification dated 15.10.2021 passed by respondent No.2 may kindly be cancelled & the petitioner be posted/adjusted as District Officer Social Welfare Dir Lower.*

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OR *The respondent No.1 may kindly be directed to decide the departmental*

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*appeal filed by the petitioner under the direction of this honourable Court rendered in W.P. 838-M/2021 after cancellation of impugned notification dated 15.10.2021.*

**INTERIM RELIEF**

That meanwhile the operation of the impugned notification dated 15.10.2021 may kindly be suspended till the disposal of the instant writ petition.



**Syed Abdul Haq,**  
Advocate, Supreme Court  
0311-0950959

**List of Books:**

1. Constitution of Islamic Republic of Pakistan ,1973
2. Law as per need.



Advocate

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BEFORE THE PESHAWAR HIGH COURT, MINGORA  
BENCH/DARUL QAZA SWAT

W.P. 998 -M/2021

Muhammad Zeb .....Petitioner  
VERSUS  
Government of KPK & others ..... Respondents

CERTIFICATE

As per instruction of my client no such like writ petition, earlier has been filed by the petitioner on the subject matter before this Hon'able Court.



ADVOCATE

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**BEFORE THE PESHAWAR HIGH COURT, MINGORA  
BENCH/DAR-UL-QAZA SWAT**

W.P. 998 -M/2021

Muhammad Zeb .....Petitioner

**VERSUS**

Government of KPK & others ..... Respondents

**ADDRESSES OF THE PARTIES**

**PETITIONER**

Muhammad Zeb Son of Arshullah Khan, Serving as Social Welfare Officer at District Office Social Welfare District Dir Lower

CNIC 15302 0851905-9

MOB: 0345 9242607

**RESPONDENTS**

- 1) The Chief Secretary Govt of Khyber Pakhtunkhwa at Peshawar.
- 2) Govt. of Khyber Pakhtunkhwa Through Secretary Zakat and Usher and Social Welfare Special Education and Women Empowerment Department Peshawar.
- 3) Director Social Welfare Special Education and Women Empowerment Department Peshawar.
- 4) Khizar Hayat posted/transferred as District Officer Social Welfare Dir Lower.
- 5) Nisar Ahmad Rehabilitation Officer RCDA BS-17 Dir Lower.

**Petitioner through Counsel**

**SYED ABDUL HAQ (ASC)**

**FILED TODAY**

**27 OCT 2021**

**Additional Registrar**

**Office:** Swat Shopping Opp: Peshawar High Court Mingora, Bench at Fizagat Swat.

**Cell#:** 0311-09509599

11

BEFORE THE PESHAWAR HIGH COURT, MINGORA  
BENCH/DARUL QAZA SWAT

W.P. 998-M-M/2021

Muhammad Zeb .....Petitioner

VERSUS

Government of KPK & others ..... Respondents

AFFIDAVIT

I Muhammad Zeb Son of Arshullah Khan, Serving as Social Welfare Officer at District Office Social Welfare District Dir Lower, do hereby affirm that the contents of the above title writ petition are true and correct to the best of my knowledge and belief and nothing is concealed from this honourable Court.

DEPENDENT

CNIC (15302-0851905-9)

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27 OCT 2021

Additional Registrar

S.No. 3995  
Certified that the above was verified on Solemn  
affirmation before me on this 27 day  
of Oct 2021 by Muhammad Zeb  
S/o Arshullah Khan No Distress who  
was identified by self

ADDL REGISTRAR  
Peshawar High Court  
Mingora Bench Dar-ul-Qaza, Swat.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF SOCIAL WELFARE,  
SPECIAL EDUCATION AND WOMEN  
EMPOWERMENT JAMRUD ROAD  
PESHAWAR.

Dated Peshawar the 16/09/2011

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ORDER

No. E-17/54/DSW/5663-72. In pursuance of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 notified vide Fndst. No. PA/NWFP/3111s/2009/38472. dated 24<sup>th</sup> October, 2009, services of the following Social Case Workers (BPS-16) are hereby regularized w.e.f the date of their arrival with terms & conditions mentioned below:

| S.No. | Name of officer  | Place of posting   | Date of arrival |
|-------|------------------|--|-----------------|
| 1     | Mr. Salah-ud-Din | Government School for Deaf Children Gulbahar Peshawar.   | 02.10.2009      |
| 2     | Ms. Hina Shafi   | Artificial Limbs Workshop Peshawar.  | 03.10.2009      |
| 3     | Ms. Hina Arif    | Working against the post of Supervisor Registration (B-16) in Directorate of Social Welfare Khyber Pakhtunkhwa in her own pay & scale. | 03.10.2009      |
| 4     | Mr. Mohammad Zeb | Government School for Deaf Children Timergara Dir Lower.   | 10.10.2009      |
| 5     | Mr. Sohail Nadir | Center for Mentally Retarded & Physically Handicapped Children Chitral.  | 08.10.2009      |
| 6     | Mr. Shakil Iqbal | Center for Mentally Retarded & Physically Handicapped Children Bannu.  | 05.10.2009      |

- 1- They shall, for all intents and purposes, be civil servant except for the purpose of pension or gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount contributed by them towards Contributory Provident Funds (CP Fund) along with the contributions made by the Government Servants to their Accounts in the said fund in the prescribed manner.
- 2- They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and other laws applicable to civil servants and the rules made there under.
- 3- They shall be considered on probation of two years w.e.f the date of their arrivals. The probation period is extendable up to three years.

2  
Ctc



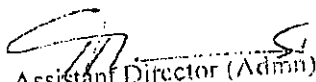

- 4- Their services will be liable to termination at any time without assigning any reasons therefore, before the expiry of the period of probation / extended period of probation if his work during this period is not found satisfactory. In such an event, they will be given a month notice of termination from service or one month's pay in lieu thereof. In case they wish to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.

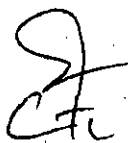
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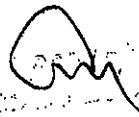
-Sd-  
Director  
Social Welfare, Special Education  
& Women Empowerment  
Khyber Pakhtunkhwa

Copy to:

- 1- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Comptroller of Accounts, City District Government Peshawar.
- 3- The District Accounts Officers, Dir Lower, Chitral & Bannu.
- 4- The Section Officer-II, Social Welfare Department Peshawar.
- 5- The District Officers, Social Welfare Peshawar, Dir Lower, Chitral & Bannu.
- 6- The Manager, Artificial Limbs Workshop Peshawar.
- 7- The Assistant Director (Budget & Accounts) Directorate of Social Welfare & Women Dev: Khyber Pakhtunkhwa Peshawar.
- 8- The Principals, Government School for Deaf Children, Gulbahar Peshawar, Timergara Dir Lower.
- 9- The Manager, Center for Mentally Retarded & Physically Handicapped Children Chitral & Bannu.

  
Assistant Director (Admin)  
Social Welfare, Special Education  
& Women Empowerment  
Khyber Pakhtunkhwa  


  
CFC





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHER, SOCIAL WELFARE, SPECIAL EDUCATION &  
WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 26<sup>th</sup> June, 2015

Notification

No. SOII(SW)II-105/2015/ 933-54 Consequent upon the recommendations of the Departmental Promotion Committee, the competent authority is pleased to order the promotion of the following Social Case Workers (BPS-16) to District Officer Social Welfare (BPS-17), on regular basis with immediate effect.

| S# | Name of Officers  |
|----|-------------------|
| 1. | Mr. Nasib Gul     |
| 2. | Mst: Hina Arif    |
| 3. | Mst: Hina Shafi,  |
| 4. | Mr. Sohail Nadir, |
| 5. | Mr. Shakil Iqbal  |
| 6. | Mr. Muhammad Zeb  |
| 7. | Mr. Sala-ud-din   |

2. On promotion, the above officers will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989.

3. Resultantly the following postings/transfers are ordered with immediate effect.

| S# | Name of Officers                                 | Place of present posting  | Proposed to be posted as   | Remarks   |
|----|--|---|--|---|
| 1. | Mr. Nasib Gul,<br>Social Case Worker (BPS-16)    | Working as SWO of devolved facilities CDC/SSMS Chakdara.                          | Social Welfare Officer (BPS-17), Social Welfare Centre, (Adenzai) Dir Lower.             | Against the vacant post. Will also hold the charge of devolved Units at Chakdara. |
| 2. | Mst: Hina Arif,<br>Social Case Worker (BPS-16)   | Supervisor (BPS-16), Directorate of Social Welfare.                               | Social Welfare Officer (BPS-17), office of the DO (SW) Peshawar.                         | Against the vacant post.  |
| 3. | Mst: Hina Shafi,<br>Social Case Worker (BPS-16)  | Artificial Limbs Workshop Peshawar  | Manager, Women Crises Centre Peshawar.   | Vice No.8   |
| 4. | Mr. Sohail Nadir,<br>Social Case Worker (BPS-16) | Working against the post of Social Welfare Officer (BPS-17) Charsadda in his OPS. | As Social Welfare Officer (BPS-17) at Charsadda (already working against the said post). |   |

*[Signature]*

P.T.O

*[Signature]*

|    |  |   |   |  |
|----|--|---|---|--|
| 5. | Mr. Shakil Iqbal,<br>Social Case Worker (BPS-16) | Working against the post of District Officer, Social Welfare Tank in his OPS.   | As District Officer Social Welfare, Tank. (already working against the said post).              |  |
| 6. | Mr. Muhammad Zeb,<br>Social Case Worker (BPS-16) | Working against the post of District Officer Social Welfare Dir Lower with additional charge of the post of DO (SW) Dir upper in his OPS. | As District Officer (SW) Dir Lower. (already working against the said post).<br><i>Proposed</i> |  |
| 7. | Mr. Salah-ud-din,<br>Social Case Worker (BPS-16) | Government School for Deaf Children Gulbahar Peshawar.  | As District Officer Social Welfare Dir Upper.   | Relieving Mr. Muhammad Zeb from the additional charge of the post DO (SW) Dir Upper. |
| 8. | Mst: Nadia Shah,<br>Manager (BPS-17)             | Women Crises Centre, Peshawar.  | Social Welfare Officer (H), Directorate of Social Welfare Khyber Pakhtunkhwa.                   | Against the vacant post.   |

Secretary to Government of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

Endst: of Even No & Date:

Copy is forwarded for information and necessary action to:-

- 1) The Accountant General, Khyber Pakhtunkhwa Peshawar.
- 2) Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa Peshawar.
- 3) District Accounts Officers, Peshawar, Tank, Dir Lower, Dir Upper and Charsadda.
- 4) District Officers, Peshawar, Tank, Dir Lower, Dir Upper and Charsadda.
- 5) PS to Special Assistant to Chief Minister for Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa Peshawar.
- 6) PS to Secretary, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa Peshawar.
- 7) Officer concerned.
- 8) Personal file.

*(Zar Gul Khan)*  
Section Officer-II

*CTC*

A  
**ANNEXURE**

16

Government of Khyber Pakhtunkhwa  
Directorate of Social Welfare, Special  
Women Empowerment opp: Ishkhan G  
Jinnah Road Peshawar

No.

D/SW/2020-21

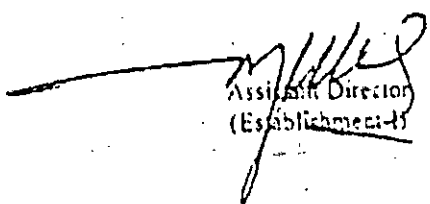
Dated Peshawar the 11/6/2021

The Section Officer-II,  
Social Welfare Department

Subject: **NOTIFICATION / PROPOSAL FOR POSTING**

I am directed to refer to your office Notification No. SO-III(SWD)/II-209/2020/6162-68 dated 31.05.2021 on the subject noted above and to propose the following posting:

| S. No | Name of officer                                    | From   | To   | Remarks   |
|-------|--|--|--|---|
| 1     | Syed Nabi Gul,<br>Superintendent (BPS-17)          | Waiting for posting  | Directorate of Social Welfare against the vacant post of Superintendent (BPS-17)   | New promoted as Superintendent (BPS-17)                                     |
| 2     | Mr. Abid Muhammad,<br>Superintendent (BPS-17)      | Waiting for posting  | District Officer Social Welfare Kohistan   | New promoted as Superintendent (BPS-17)                                     |
| 3     | Mr. Ikramullah Jan,<br>Superintendent (BPS-17)     | Waiting for posting  | Directorate of Social Welfare against the vacant post of Superintendent (BPS-17)   | New promoted as Superintendent (BPS-17)                                     |
| 4     | Mr. Sardar Ali,<br>Superintendent (BPS-17)         | Waiting for posting  | Superintendent Welfare Home Peshawar   | New promoted as Superintendent (BPS-17)                                     |
| 5     | Mr. Muhammad Zeb,<br>Social Welfare Officer (B-17) | Principal, School for Deaf Children Timergara Dir Lower (Additional Charge of the post of District Officer SW Dir Lower) | District Officer Social Welfare Tor Ghar   | His transfer is recommended by the two MPAs belonging to District Dir Lower |
| 6     | Mr. Nisar Ahmad, Social Case Worker (B-16)         | Rehabilitation Officer RCDA Timergara Dir Lower  | District Officer Social Welfare Dir Lower with additional charge of the post of Rehabilitation Officer RCDA Dir Lower  |   |
| 7     | Mr. Omar Zada<br>Senior Teacher (BPS-17)           | Special Education Complex Hayatabad Peshawar   | Principal (B-17) School for Deaf Children Timergara Dir Lower  |   |
| 8     | Mr. Irfan Ud Din,<br>Rehabilitation Officer (B-17) | RCDA Karak   | Principal School for Deaf Children Karak. The charge of the post of Rehabilitation Officer (B-17) RCDA Karak may be assigned to Mr. Insaf ur Rahman District Officer Social Welfare Karak in addition to his own duties. | As desired by the honorable Minister for Social Welfare Khyber Pakhtunkhwa  |

  
 Assistant Director  
 (Establishment-I)

Copy to: PA to DSW

J  
C/T

Assistant Director

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF SOCIAL WELFARE SPECIAL EDUCATION  
WOMEN EMPOWERMENT OPP; ISLAMIA COLLEGE  
JAMRUD ROAD PESHAWAR

16  
A

To,

The section officer-II,  
Social welfare Department.

21-6-2021

Subject: NOTIFICATION/PROPOSAL FOR POSTING

I am directed to refer to your office notification No. SO-II(SWD)/II-209/2020/6162-68 dated 31.05.2021 on the subject noted above and to propose the following posting.

| S. No. | Name of Officer                                      | From  | To   | Remarks   |
|--------|--|---|--|---|
| 1.     | Syed Nabi Gul,<br>Superintendent (BPS-17)            | Waiting for posting   | Directorate of Social Welfare Against the vacant post of Superintendent (BPS-17)   | New promoted as Superintendent (BPS-17)                                     |
| 2.     | Mr. Abid Muhammad,<br>Superintendent (BPS-17)        | Waiting for posting   | District Officer Social Welfare Kohistan   | New promoted as Superintendent (BPS-17)                                     |
| 3.     | Mr. Ikramulla Jan,<br>Superintendent (BPS-17)        | Waiting for posting   | Directorate of Social Welfare Against the vacant post of Superintendent (BPS-17)   | New promoted as Superintendent (BPS-17)                                     |
| 4.     | Mr. Sardar Ali,<br>Superintendent (BPS-17)           | Waiting for posting   | Superintendent Welfare Home Peshawar   | New promoted as Superintendent (BPS-17)                                     |
| 5.     | Mr. Muhammad Zeb,<br>Social Welfare Officer (BPS-17) | Principal school for deaf children Timergara Dir Lower (additional charge of the post of District officer SW Dir Lower) | District Officer Social Welfare Tor Ghar   | His transfer is recommended by the two MPAs belonging to District Dir Lower |
| 6.     | Mr. Nisar Ahmad,<br>Social Welfare Officer (B-17)    | Rehabilitation Officer RCDA Timergara Dir Lower   | District Officer Social Welfare Dir Lower with additional charge of the post of Rehabilitation officer RCDA Dir Lower  |   |
| 7.     | Mr. Omar Zada,<br>Senior Teacher (BPS-17)            | Special Education Complex Hayatabad Peshawar  | Principal (B-17) school for Deaf Children Timergara Dir Lower  |   |
| 8.     | Mr. Irfan Ud Din,<br>Rehabilitation Officer (B-17)   | RCDA Complex  | Principal School for Deaf Children Karak. The charge of the post of rehabilitation officer (B-17) RCDA Karak may be assigned to Mr. Insaf Ur Rahman District Officer Social Welfare Karak in addition to his own duties. | As desired by the honorable Minister for Social Welfare Khyber Pakhtunkhwa  |

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*[Signature]*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 21<sup>st</sup> June, 2021

NOTIFICATION:

No. SOII(SW) II-52/20201/6704-21 :- The competent authority is pleased to approve the posting / transfer of the following officers of Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa in the best public interest with immediate effect:-

| Sr# | Name & Designation                                | From   | To  |
|-----|---|--|---|
| 1.  | Syed Nabi Gul, Superintendent (BPS-17)            | Waiting for posting                                    | Directorate of Social Welfare against the vacant post of Superintendent (BPS-17)              |
| 2.  | Mr. Abid Muhammad, Superintendent (BPS-17)        | Waiting for posting                                    | District Officer Social Welfare Kohistan  |
| 3.  | Mr. Ikram Ullah Jan, Superintendent (BPS-17)      | Waiting for posting                                    | Directorate of Social Welfare against the vacant post of Superintendent (BPS-17)              |
| 4.  | Mr. Sardar Ali, Superintendent (BPS-17)           | Waiting for posting                                    | Superintendent Welfare Home Peshawar  |
| 5.  | Mr. Irfan ud Din, Rehabilitation Officer (BPS-17) | Rehabilitation Officer (BPS-17), RCDA Karak            | Principal (BPS-17), Govt. School for Deaf & Dumb Karak  |
| 6.  | Mr. Sajid ur Rahman, Religious Teacher (BPS-16)   | Principal (BPS-17), Govt. School for Deaf & Dumb Karak | Rehabilitation Officer (BPS-17), RCDA Karak   |
| 7.  | Mr. Muhammad Zeb, SWO (BPS-17)                    | District Officer, Social Welfare, Dir Lower            | District Officer, Social Welfare, Tor Ghar against the vacant post                            |
|     | Worker (BPS-16)                                   | Officer (BPS-17), RCDA, Dir Lower                      | Lower in his OPS with additional charge of the post of Rehabilitation Officer, RCDA Dir Lower |
| 9.  | Umer Zada, Senior Teacher (BPS-17)                | Special Education Complex, Hayatabad, Peshawar         | Principal, Govt. School For Hearing Impaired Children Munda Dir Lower                         |
| 10. | Mst. Tauheed Rasheed, Principal (BPS-17)          | Govt. Institute for Blind Swabi                        | Principal, Deaf & Dumb School Swabi   |
| 11. | Mst. Yasmin Saeed, SWO BPS-17                     | Under transfer as Officer, Social Welfare              | Manager, MR & PHC, Mansehra   |
| 12. | Mst. Irfat Naseer, SWO                            | SWO Haripur  | Manager, MR & PHC, Haripur  |
| 13. | Mst. Maika Hijab, Superintendent                  | Manager, MR & PHC, Haripur                             | Superintend Darul Aman Haripur  |

Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education & Women  
Empowerment Department.

Endst: of Even No & Date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Director Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
3. Deputy Director MIS cell, Social Welfare, Department.
4. District Officer Social Welfare concerned.
5. District Account Officer concerned.
6. Section Officer-VI, Social Welfare Department.
7. PS to Minister for Social Welfare, Khyber Pakhtunkhwa.
8. PS to Secretary, Social Welfare, Department.
9. Officers concerned.

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*[Handwritten signature]*  
etc

*[Handwritten signature]*  
Section Officer-II

21/06/2021

*[Handwritten mark]*

17

B  
ANNEXURE

ANNEXURE

18



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the June 22<sup>nd</sup>, 2021

NOTIFICATION.

No: SOII/SWD/II-52/2020/6756-64. In Partial modification of this department Notification SOII/SWD/II-52/2020/6704-21, dated 21-05-2021, the transfer of incumbent at Sr No 07 (Mr Muhammad Zeb, SWO (BPS-17) and Sr No 08 (Mr Nisar Ahmed, Social Case Worker (BPS-16) is hereby withdrawn

--Sd--

Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

Endst: of Even No & Date:

Copy forwarded to the

1. Accountant General, Khyber Pakhtunkhwa
2. Director Social Welfare, Khyber Pakhtunkhwa
3. Deputy Director MIS cell, Social Welfare, Department,
4. District Officer Social Welfare concerned
5. District Account Officer concerned
6. Section Officer-VI, Social Welfare Department
7. PS to Minister for Social Welfare, Khyber Pakhtunkhwa
8. PS to Secretary, Social Welfare, Department
9. Officers concerned

Section Officer-II

22-06-2021

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF SOCIAL WELFARE SPECIAL EDUCATION  
WOMEN EMPOWERMENT OPP; ISLAMIA COLLEGE  
JAMRUD ROAD PESHAWAR

Dated Peshawar the June 22<sup>nd</sup>, 2021

**NOTIFICATION.**

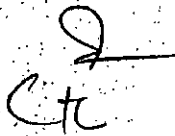
No: SOII/SWD/II-52/2020/6756-64:- In Partial modification of this department notification SOII/SWD/II-52/2020/96704-21 dated 21-06-2021; the transfer of incumbent at Sr. No. 07 (Mr. Muhammad Zeb, SWO (BPS-17) and Sr. No. 08 (Mr. Nisar Ahmad, Social Welfare case worker (BPS-16) is hereby withdraw.

Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

Endst of Even & date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Director social Welfare, Khyber Pakhtunkhwa.
3. Deputy Director MIS Cell; Social Welfare, Department.
4. District Officer Social Welfare, Department.
5. District Account Officer Concerned.
6. Section officer-VI, Social Welfare Department.
7. PS to Minister for Social Welfare, Khyber Pakhtunkhwa.
8. PS to Secretary, Social welfare, Khyber Pakhtunkhwa.
9. Officers concerned.

  
Ctc

Section Officer-II





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION AND  
WOMEN EMPOWERMENT DEPARTMENT

Dated: Peshawar the 17-08-2021.

19  
ANNEXURE

NOTIFICATION:

No. SOII(SWD)/11-52/2020.

The competent authority is pleased to withdraw this Department Notification No. SOII/SWD/11,52/2020/6756-64, dated 22<sup>nd</sup> June, 2021 with immediate effect in the public interest.

Consequent of the above, the following postings/transfers of the officers of Social Welfare, are hereby ordered as below:-

| Sr# | Name & Designation                                     | From  | To   |
|-----|--|---|--|
| 01  | Mr. Muhammad Zeb,<br>Social Welfare Officer,<br>(B-17) | Principal School for<br>Deaf Children, Dir<br>Lower with additional<br>charge District Officer,<br>Social Welfare, Dir<br>Lower | Principal School for Deaf Children<br>Dir Lower by relieving from<br>additional charge DO, SW, Dir<br>Lower. |
| 02  | Mr. Nisar Ahmad,<br>Social Case Worker (BS-16).        | Rehabilitation Officer<br>(BS-16) RCDA, Dir<br>Lower.   | District Officer (BS-17), Social<br>Welfare Dir Lower in his OPS.  |

Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

Endst No. and Date even:

Copy forwarded for information and necessary action to the:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Director, SW, SE & WE Department, Khyber Pakhtunkhwa.
3. The District Officer, Social Welfare, Dir Lower.
4. The District Accounts Officers, Dir Lower.
5. The Section Officer-VI, SWD.
6. PS to Secretary, SW, SE & WE Department, Khyber Pakhtunkhwa.
7. Officers concerned.

  
SECTION OFFICER-II


JUDGMENT SHEET

PESHAWAR HIGH COURT, MINGORA  
BENCH (DAR-UL-QAZA), SWAT  
(Judicial Department)

W.P. No. 838-M/2021  
With Interim Relief

JUDGMENT

Date of hearing: 22.09.2021

Petitioner:- (Muhammad Zeb) by Syed Abul Haq, Advocate.

Respondents: -

WIQAR AHMAD, J.- Petitioner has filed the instant constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, with the following prayer;

*It is, therefore, humbly prayed that the inaction of respondent No. 1 by not deciding the departmental appeal of the Petitioner in light of Clause-XIV of the transfer/posting policy may be declared as illegal, unconstitutional & ineffective upon the right of Petitioner, furthermore, the respondent may please be directed to dispose of the departmental appeal of the Petitioner in the light of clause-XIV of the transfer/posting policy of the provincial government immediately as per stipulated time for deciding the appeal has been elapsed.*

*This honourable Court may kindly set aside the impugned transfer order dated 07.08.2021 as being against the mandate of relevant rules/notification after assuming jurisdiction just to safeguard the fundamental rights of petitioner.*

2. Learned counsel for petitioner after arguing the case for a while requested that since departmental appeal of the petitioner has already been pending before the Worthy Chief Secretary Khyber Pakhtunkhwa, therefore direction be issued to

*[Handwritten signature]*  
*etc*

respondent No. 1 to decide appeal of the petitioner at the earliest. The Worthy Chief Secretary Khyber Pakhtunkhwa is directed to decide departmental appeal of the petitioner within a period of fifteen days of receipt of this order. Office shall also send a copy of the instant writ petition to the quarter concerned. The constitutional petition is disposed of, accordingly.

**NNOUNCED**  
**Dt: 22.09.2021**

JUDGE

JUDGE

J  
Ctc

Office  
23/09/2021

REMINDER

22

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT

No. SO-II/SWD/1-44/2021/complaint/inquiry  
Dated Peshwar the: 30<sup>th</sup> September, 2021

14309



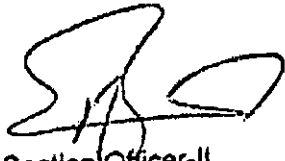
(091.9211274)

To,

The Director, Social Welfare,  
Khyber Pakhtunkhwa.

Subject - DEPARTMENTAL APPEAL

I am directed to refer to this office letter of even number dated 01-09-2021 on the subject noted above and to enclose herewith a copy of Section Officer (II), Social Welfare Department letter dated 30-09-2021 alongwith copy of WP No. 838-M/2021 and Judgment dated 22-09-2021 and to state that the requisite comments are still awaited. The same may please be furnished at the earliest.

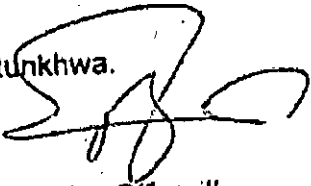
  
Section Officer-II

Encl: AA (wp alongwith judgment)

Endst: of Even No. & Date:-

Copy forwarded for information to the:-

PS to Secretary, Social Welfare, Department Khyber Pakhtunkhwa.

  
Section Officer-II

O/c

J  
etc



Government of Khyber Pakhtunkhwa  
Directorate of Social Welfare, Special Education &  
Women Empowerment, Jamrud Road.

No. F-02/157/DSW/ 2050-51  
Dated Peshawar the 01/09/2021

To,

The Section Officer (II),  
Social Welfare, Special Education &  
Women Empowerment, Khyber Pakhtunkhwa.

Subject: DEPARTMENTAL APPEAL.

I am directed to refer to your Office letter No.SO-II/SWD/I-44/2021/complaint/inquiry/8839-40 dated 01-09-2021, on the subject noted above and to state that, the transfer of Mr. Nisar Ahmad, Social Case Worker BPS-16, against the post of District Officer Dir Lower contravenes the Social Welfare Department rules vide notification No: SOII/SWD/II-12/Service Rules/2019-20/320-52, where in it is stated that the post of District Officer be filled by transfer from amongst the Officer in BPS-17, of Directorate of Social Welfare.

It is therefore proposed to post any SWO from the list given below against the post of District Officer.

1. Mr. Khizer Hayal (SWO) Lower Chitral
2. Mr. Ziaullah District Officer Upper Chitral.

—Sd—

DIRECTOR  
SW, SE, WE

*[Handwritten signature]*  
CFC

Copy for information to:

1. PA to Director Social Welfare, SE & WE Khyber Pakhtunkhwa.

*[Handwritten signature]*  
ASSISTANT DIRECTOR  
Establishment-I

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION AND  
WOMEN EMPOWERMENT DEPARTMENT**

Dated: Peshawar the 15-10-2021

**NOTIFICATION:**

**No. SOII(SWD)/11-52/2021**

With the approval of competent authority the following postings/transfers of the officers of Social Welfare, are hereby ordered with immediate effect until further orders :-

| Sr# | Name & Designation                           | From   | To   |
|-----|--|--|--|
| 01  | Mr Khizar Hayat,<br>BS-17 SWO                | Social Welfare Officer<br>(BS-17), Chitral                   | District Officer, (BS-17), Social<br>Welfare, Dir Lower      |
| 02  | Mr Nisar Ahmad, BS-16,<br>Social Case Worker | District Officer, (BS-<br>17), Social Welfare,<br>Dir Lower. | Rehabilitation Officer, RCDA BS-<br>17, Dir Lower in his OPS |

**Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department**

**Endst No. and Date even:**

Copy forwarded for information and necessary action to the:-

1. The Director, SW, SE & WE Department, Khyber Pakhtunkhwa.
2. The District Officer, Social Welfare, Dir Lower.
3. The District Officer, Social Welfare, Chitral.
4. The District Accounts Officers, Dir Lower.
5. The Section Officer-VI, SWD.
6. PS to Secretary, SW, SE & WE Department, Khyber Pakhtunkhwa.
7. Officers concerned.

SECTION OFFICER-II

15/10/2021

192293

25

500  
Rupees

PAKISTAN COURT FEE

WP 998 m/2

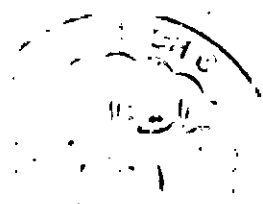
**CANCELLED**

**CANCELLED**

FILED TODAY

27 OCT 2021

Additional Registrar



**SYED ABDUL HAQ**  
ADVOCATE, SUPREME COURT

Mobile : 0311-0950959  
Email : [syedabdulhaq@gmail.com](mailto:syedabdulhaq@gmail.com)  
Address: Swat Shopping Mall Opp:  
Peshawar High Court Mingora, Bench at  
Fizagat Swat.

26

To,

Director Social Welfare,  
Special Education and Women Empowerment,  
Department Peshawar.

Memo,

I am going to file a Writ Petition in the Peshawar High Court Peshawar on behalf of Muhammad Zeb Son of Arshullah Khan, Serving as Social Welfare Officer at District Office Social Welfare District Dir Lower , against his unlawful transfer". (Copy of the writ Petition is sent herewith for your information please).

  
SYED ABDUL HAQ

Advocate Supreme Court



27

**BEFORE HON'BLE PESHWAR HIGH COURT/MINGORA  
BENCH**

**WAKALAT NAMA**

Case No. WP 998 of 2021

CASE TITLE

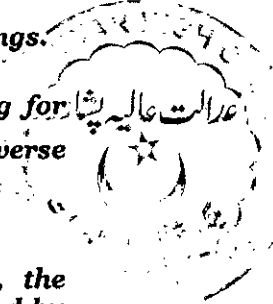
Muhammad Zeb

VERSUS

Govt

I, Petitioner, do hereby appoint SYED ABDUL HAQ Advocate, Supreme Court of Pakistan in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct prosecution or defence of the said case at all its stages.
3. To receive payment of and issue receipts for, all money that may be or become due and payable to us during the course of proceedings.
4. To do any act necessary or ancillary to the above acts, deed and things.
5. To appoint any other counsel to do any/all of the acts, deeds and things.
6. I/We shall appear in the court/tribunal on every date of hearing for assistance and if due to my/our non-appearance, any adverse judgment/order/decree is passed, they will not be held responsible.



In witness whereof I/We have signed this Wakalatnama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this, 27 / 10 / 2021.

Muhammad Zeb  
Signature of Executant

Attested & Accepted by:

SYED ABDUL HAQ  
Advocate, Supreme Court of Pakistan  
Cell No. 0311-0950959

**FILED TODAY**

27 Oct 2021  
Additional Registrar

27

**BEFORE HON'BLE PESHWAR HIGH COURT/MINGORA  
BENCH**

**WAKALAT NAMA**

Case No. MP 998 of 2021

CASE TITLE

Muhammad Zeb

VERSUS

Govt

I, Petitioner, do hereby appoint **SYED ABDUL HAQ Advocate, Supreme Court of Pakistan** in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct prosecution or defence of the said case at all its stages.
3. To receive payment of and issue receipts for, all money that may be or become due and payable to us during the course of proceedings.
4. To do any act necessary or ancillary to the above acts, deed and things.
5. To appoint any other counsel to do any/all of the acts, deeds and things.
6. I/We shall appear in the court/tribunal on every date of hearing for assistance and if due to my/our non-appearance, any adverse judgment/order/decree is passed, they will not be held responsible.

In witness whereof I/We have signed this Wakalatnama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this, 27 / 10 / 2021.

Muhammad Zeb  
Signature of Executant

Attested & Accepted by:

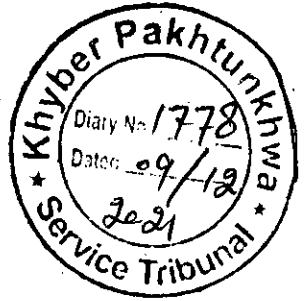
SYED ABDUL HAQ  
Advocate, Supreme Court of Pakistan  
Cell No. 0311-0950959

**FILED TODAY**

27 Oct 2021  
Additional Registrar

To

The Worthy



put up to the worthy Chairman Service Tribunal  
Chairman, Khyber Pakhtunkhwa

Respect

Subj

Peshawar  
Application for transfer (Sweet to Peshawar)  
Fixed a case in respect of Muhammad

Allowed

Re: vs Court of KPKs other

Allowed  
09/12/21

R/S: is

I have the honor to say that  
I have filed a writ petition in Peshawar  
high court (Daud Giza Sweet). The honorable  
high court has a case to this honorable  
court. The matter is related to emergency  
basis. Therefore you are humbly requested  
to fix the case in Peshawar on urgent basis  
I would be thankful for your this act  
of kindness.  
Muhammed / Zeb  
petitioner vs  
Call 0345 922 7607  
Court of KPKs etc



قیمت  
50 روپے

119797



ایڈوکیٹ: Muyeab Ullah

بار کونسل/ایسوسی ایشن نمبر: bc 17-7302

رابطہ نمبر: 03338521721

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

Honble Chairman Service Tribunal KP

بعدالت جناب:

Appellant

مخائب:

دعوی:

علت نمبر:

مورخہ:

جرم:

تھانہ:

Muhammad Zeb



باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام Peshawar کیلئے Muyeab Ullah کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور ہر قسم کی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ بلائے جانے پر رکا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور ان کا ساختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

المرقوم:

09/05/2022

PESHAWAR BAR ASSOCIATION

کے لیے منظور ہے۔

Peshawar

مقام

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Accepted

Muyeab Ullah  
Adv Muyeab  
0301 8521721

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

Muhammad Zeb----- (Appellant)

**Versus**

Government of Khyber Pakhtunkhwa

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**DEPONENT**  
CNIC No. 17101-0377128-9  
Cell# 0346-9148582

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

**Service Appeal No. 7758 of 2021**

Muhammad Zeb----- Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Chief Secretary and others ... **Respondents**

Respectfully sheweth

**PRELIMINARY OBJECTIONS**

- (I) The appellant has got no cause of action and locus standi to file the instant appeal.
- (II) The appeal is not maintainable in its present form.
- (III) The appellant has not come to this Hon'ble Tribunal with clean hands.
- (IV) The appellant has concealed the material facts from this Hon'ble Tribunal, hence needs to be dismissed.

**PARAWISE COMMENTS ON BEHLAF OF RESPONDENTS NO.1, 2 & 3**

**FACTS:-**

1. Pertains to record.
2. No comments.
3. Incorrect, hence denied. The appellant has been working in Government School for Deaf Children Timergara Dir Lower since regularization of his services as Social Case Worker (BPS-16) in 2009 vide Order No.E-17/54/DSW/5663-72 Dated 16/09/2011 (**Annex-I**). On promotion as Officer Social Welfare Officer (BPS-17), the appellant was posted as District Officer Social Welfare Dir Lower on regular basis vide Notification No.SOII(SW)II-105/2015/933-54 Dated 26/06/2015 (**Annex-II**). **In pursuance of the Provincial Cabinet decision with respect to transfer of officers/officials working against their posts/position for more than two years, the appellant was transferred from the post of District Officer Social Welfare Dir Lower to the post of Principal School for Deaf Children Timergara vide Notification No.SOII/SWD/II-52/2020/5152-63 Dated 3/12/2020 (**Annex-III**). The appellant relinquished the charge of the post of District Officer Social Welfare Dir Lower on 9/12/2020 (**Annex-IV**). Thus the appellant worked on the same post for more than 5 years and stayed in the same station for more than 12 years.** Therefore, the appellant was transferred as District Officer Torghar Hazara Division in light of the afore-said decision of the Provincial Cabinet circulated by the Establishment & Administration Department (Cabinet Wing) vide letter No.SOC(E&AD)9-41/2020 Dated 24/08/2020 (**Annex-V**). The appellant managed to get cancelled his transfer to Torghar Hazara due to political approach.

4. Incorrect, hence denied. Prior to Notification dated 21/06/2021, the appellant was working as Principal School for Deaf Children Dir Lower since 3/12/2020 and retained on same post vide Notification dated 17/08/2021 (**Annex-VI**).
5. Incorrect, hence denied. The Departmental appeal of the appellant was processed to the competent authority for consideration in pursuance of PHC Mingora Bench Order dated 22/09/2021 (**Annexure-VII**) and the competent authority approved the posting of Mr. Khizar Hayat, Social Welfare Officer (BPS-17) Chitral as District Officer Social Welfare Dir Lower and Mr. Nisar Ahmad, Social Case Worker was allowed to continue as Rehabilitation Officer RCDA, Dir Lower vide Notification dated 17/08/2021 (**Annex-VI ibid**). In pursuance of Establishment Department circular letter No.SO (O&M) E&AD/3-15/2007 dated 26/07/2013 (**Annex-VIII**), Mr.Khizar Hayat, Social Welfare Officer (BPS-17) and Mr. Nisar Ahmad, Social Case Worker (BPS-16) were posted against the post of Social Welfare Officer, Dir Lower and Rehabilitation Officer, RCDA vide Notification No.SOII(SWD)11-52/2021/14816-22 dated 15/10/2021 was issued (**Annex-IX**). Posting/transfer of officers/officials is the prerogative of the competent authority and no officer/official can exert administrative or any other pressure upon the posting/transfer authorities for seeking posting/transfer of their choice and against the public interest as defined in para-ii of the posting/transfer policy (**Annex-X**). However, the appellant has submitted an application for adjustment as DO Social Welfare (**Annex-XI**) which is against the spirit of above referred policy.
6. Incorrect, hence denied. Factual position has been explained in para-5 above.
7. Pertains to record.
8. Incorrect, hence denied. Factual position has already been explained in the preceding paras.
9. Incorrect, hence denied. Factual position has been explained in para -5 above.
10. Incorrect, hence denied. The appellant exerts pressure on the administrative department for posting of his choice i.e. District Officer Social Welfare Dir Lower, which is sheer violation of the Posting/Transfer Policy of the Provincial Government.

**GROUND.**

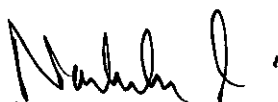
- A. Incorrect, hence denied. Factual position has already been explained in the preceding para. No injustice has been done to the appellant.
- B. Incorrect, hence denied. The respondents have discharged their duties as per government Policy/Rules/Regulations and exercised their power in accordance with the Rules.
- C. Incorrect, hence denied. No violation of Law/Rules/Policy of the Provincial Government has been made in the instant case.



D. Incorrect, hence denied. Factual position has already been explained in para-5 above.

E. Incorrect, hence denied. No violation of constitution has been made in the instant case. The Respondents are Law abiding citizen and cannot think about the disobedience of the court's orders.

In view of the above , it is humbly prayed that the appeal of the appellant may please be dismissed with cost alongwith the interim relief granted to the appellant vide order sheet dated 1/01/2022, as the appellant has already relinquished the charge of the post of District Officer, Social Welfare Dir Lower on 9-12-2020.



**SECRETARY**

Social Welfare, Special Education & Women Empowerment Department  
(Respondent No: 2)



**DIRECTOR**

Social Welfare, Special Education & Women Empowerment Department  
(Respondent No.3)



**CHIEF SECRETARY**

Govt: of Khyber Pakhtunkhwa  
(Respondent No: 01)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF SOCIAL WELFARE,  
SPECIAL EDUCATION AND WOMEN  
EMPOWERMENT JAMRUD ROAD  
PESHAWAR.

Amex-I

5

Dated Peshawar the 16/09/2011

ORDER

No. E-17/54/DSW/5663-72. In pursuance of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 notified vide Endst. No. PA/NWFP/Bills/2009/38472, dated 24<sup>th</sup> October, 2009, services of the following Social Case Workers (BPS-16) are hereby regularized w.e.f the date of their arrival with terms & conditions mentioned below:

| S.No. | Name of officer  | Place of posting   | Date of arrival |
|-------|------------------|--|-----------------|
| 1     | Mr. Salah-ud-Din | Government School for Deaf Children Gulbshar Peshawar.   | 02.10.2009      |
| 2     | Ms. Hina Shafi   | Artificial Limbs Workshop Peshawar.  | 03.10.2009      |
| 3     | Ms. Hina Arif    | Working against the post of Supervisor Registration (B-16) in Directorate of Social Welfare Khyber Pakhtunkhwa in her own pay & scale. | 03.10.2009      |
| 4     | Mr. Mohammad Zeb | Government School for Deaf Children Timergara Dir Lower.   | 10.10.2009      |
| 5     | Mr. Sohail Nadir | Center for Mentally Retarded & Physically Handicapped Children Chitral.  | 08.10.2009      |
| 6     | Mr. Shakil Iqbal | Center for Mentally Retarded & Physically Handicapped Children Bannu.  | 05.10.2009      |

- 1- They shall, for all intents and purposes, be civil servants except for the purpose of pension or gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount contributed by them towards Contributory Provident Funds (CP Fund) along with the contributions made by the Government Servants to their Accounts in the said fund in the prescribed manner.
- 2- They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and other laws applicable to civil servants and the rules made there under.
- 3- They shall be considered on probation of two years w.e.f the date of their arrivals. The probation period is extendable up to three years.

*[Handwritten signature]*



*[Handwritten initials]*

4- Their services will be liable to termination at any time without assigning any reasons therefore, before the expiry of the period of probation / extended period of probation if his work during this period is not found satisfactory. In such an event, they will be given a month notice of termination from service or one month's pay in lieu thereof. In case they wish to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.

-Sd-  
Director  
Social Welfare, Special Education  
& Women Empowerment  
Khyber Pakhtunkhwa

Copy to:

- 1- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Comptroller of Accounts, City District Government Peshawar.
- 3- The District Accounts Officers, Dir Lower, Chitral & Bannu.
- 4- The Section Officer-II, Social Welfare Department Peshawar.
- 5- The District Officers, Social Welfare Peshawar, Dir Lower, Chitral & Bannu.
- 6- The Manager, Artificial Limbs Workshop Peshawar.
- 7- The Assistant Director (Budget & Accounts) Directorate of Social Welfare & Women Dev: Khyber Pakhtunkhwa Peshawar.
- 8- The Principals, Government School for Deaf Children, Gulbahar Peshawar, Timergara Dir Lower.
- 9- The Manager, Center for Mentally Retarded & Physically Handicapped Children Chitral & Bannu.

  
Assistant Director (Admin)  
Social Welfare, Special Education  
& Women Empowerment  
Khyber Pakhtunkhwa  






Annex - II

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHER, SOCIAL WELFARE, SPECIAL EDUCATION &  
WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 26<sup>th</sup> June, 2015

Notification

No. SOII(SW)II-105/2015/933-754 Consequent upon the recommendations of the Departmental Promotion Committee, the competent authority is pleased to order the promotion of the following Social Case Workers (BPS-16) to District Officer Social Welfare (BPS-17), on regular basis with immediate effect.

| S# | Name of Officers  |
|----|-------------------|
| 1. | Mr. Nasib Gul     |
| 2. | Mst: Hina Arif    |
| 3. | Mst: Hina Shafi,  |
| 4. | Mr. Sohail Nadir, |
| 5. | Mr. Shakil Iqbal  |
| 6. | Mr. Muhammad Zeb  |
| 7. | Mr. Sala-ud-din   |

2. On promotion, the above officers will be on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Services Act, 1973 read with Rule 15(1) of Khyber Pakhtunkhwa Civil Services (P) Rules, 1985.

3. Resultantly the following postings/transfers are ordered with immediate effect.

| S# | Name of Officers                                 | Place of present posting  | Proposed to be posted as   | Remarks   |
|----|--|---|--|---|
| 1. | Mr. Nasib Gul,<br>Social Case Worker (BPS-16)    | Working as SWO of devolved facilities CDC/SSMS Chakdara.                          | Social Welfare Officer (BPS-17), Social Welfare Centre, (Adenzai) Dir Lower.             | Against the vacant post. Will also hold the charge of devolved Units at Chakdara. |
| 2. | Mst: Hina Arif,<br>Social Case Worker (BPS-16)   | Supervisor (BPS-16), Directorate of Social Welfare.                               | Social Welfare Officer (BPS-17), office of the DO (SW) Peshawar.                         | Against the vacant post.  |
| 3. | Mst: Hina Shafi,<br>Social Case Worker (BPS-16)  | Artificial Limbs Workshop Peshawar  | Manager, Women Crises Centre Peshawar.   | Vice No.8   |
| 4. | Mr. Sohail Nadir,<br>Social Case Worker (BPS-16) | Working against the post of Social Welfare Officer (BPS-17) Charsadda in his OPS. | As Social Welfare Officer (BPS-17) at Charsadda (already working against the said post). |   |

*[Signature]*

P.T.O

*[Signature]*

8

|    |  |   |   |  |
|----|--|---|---|--|
| 5. | Mr. Shakil Iqbal,<br>Social Case Worker (BPS-16) | Working against the post of District Officer, Social Welfare Tank in his OPS.   | As District Officer Social Welfare, Tank. (already working against the said post).              |  |
| 6. | Mr. Muhammad Zeb,<br>Social Case Worker (BPS-16) | Working against the post of District Officer Social Welfare Dir Lower with additional charge of the post of DO (SW) Dir upper in his OPS. | As District Officer (SW) Dir Lower. (already working against the said post).<br><i>Proposed</i> |  |
| 7. | Mr. Salah-ud-din,<br>Social Case Worker (BPS-16) | Government School for Deaf Children Gulbahar Peshawar.  | As District Officer Social Welfare Dir Upper.   | Relieving Mr. Muhammad Zeb from the additional charge of the post DO (SW) Dir Upper. |
| 8. | Mst: Nadia Shah,<br>Manager (BPS-17)             | Women Crises Centre, Peshawar.  | Social Welfare Officer (H), Directorate of Social Welfare Khyber Pakhtunkhwa.                   | Against the vacant post.   |

Secretary to Government of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

Endst: of Even No & Date:

Copy is forwarded for information and necessary action to:-

- 1) The Accountant General, Khyber Pakhtunkhwa Peshawar.
- 2) Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa Peshawar.
- 3) District Accounts Officers, Peshawar, Tank, Dir Lower, Dir Upper and Charsadda.
- 4) District Officers, Peshawar, Tank, Dir Lower, Dir Upper and Charsadda.
- 5) PS to Special Assistant to Chief Minister for Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa Peshawar.
- 6) PS to Secretary, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa Peshawar.
- 7) Officer concerned.
- 8) Personal file.

*(Signature)*  
(Zar Gul Khan)  
Section Officer-II

*(Signature)*  
CFC



Annex - III

9

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT**

Dated Peshawar the December 3, 2020

**NOTIFICATION.**

**NO.SOII/SWD/II-52/2020/5752-63** In compliance of the of the 41<sup>st</sup> meeting of the Provincial Cabinet held on August 18<sup>th</sup> 2020 circulated vide Establishment and Admn: Department letter NO.SOC(E&AD)9-41/2020, dated 24-08-2020, the competent authority is pleased to order transfer/posting of the officers of the Directorate of Social Welfare, Special Education & Women empowerment, Khyber Pakhtunkhwa as per detail given below with immediate effect in the best public interest.

| Sr# | Name & Designation                                  | From   | To   |
|-----|---|--|--|
| 1.  | Mr. Qayyum Khan Social Welfare Officer (BPS-17)     | Assistant Director, Directorate of Social Welfare                              | Deputy Director (Admn.), Directorate of Social Welfare in his own pay & scale.   |
| 2.  | Mr. Muhammad Khalid, Rehabilitation Officer BPS-17  | Social Welfare Officer, Peshawar.  | Deputy Director (Women Empowerment) Directorate of Social Welfare in his own pay & scale.  |
| 3.  | Mr. Insaf-ur-Rehman Social Welfare Officer (BPS-17) | Deputy Director (Admn.), Directorate of Social Welfare in his own pay & scale. | District Officer, Social Welfare Karak.  |
| 4.  | Mrs. Tahira Ali, Social Welfare Officer             | Manager Artificial Limbs Workshop  | Social Welfare Officer, Peshawar. She is also assigned the additional charge of the post of Manager, Artificial Limbs Workshop.                      |
| 5.  | Mr. Jaifar Khan, Rehabilitation Officer             | District Officer Social Welfare Peshawar                                       | Deputy Director, VHC, Charsadda.   |
| 6.  | Hina Kamran, Social Welfare Officer                 | Social Welfare Officer, Peshawar   | Manager Darul Kafala Peshawar relieving Mrs. Rehab Khattak Manager MR&PH Peshawar from additional charge   |
| 7.  | Mr. Salah-Ud Din, Social Welfare Officer            | Social Welfare Officer Peshawar  | District Officer, Social welfare, Nowshera.  |
| 8.  | Mst Nadia Shah, Manager                             | Assistant Director, Directorate of Social Welfare Peshawar                     | Manager, Women Crises Centre, Peshawar.  |
| 9.  | Mr. Muhammad Arif Social Welfare Officer            | Supdt: Govt Institute for the Blind (Male) Peshawar.                           | Superintendent, GIB (Girls), Peshawar. He is also assigned the additional charge of the post of Supdt: Govt Institute for the Blind (Male) Peshawar. |
| 10. | Mr. Jawad Hussain Rehabilitation Officer            | Supdt: Drug Addict Centre, Peshawar.   | Manager, Welfare Home for Child Beggar, Peshawar. His is also assigned the additional charge of the post of Supdt: Drug Addict Centre Peshawar.      |
| 11. | Saqib Habib Social Welfare Officer                  | Social Welfare Officer, Peshawar.  | District Officer Social Welfare, Buner.  |
| 12. | Mr. Zafar Ali Khan, Assistant Chief (BPS-17)        | Working in DO Office Swabi as Incharge Sarkari Sarai                           | Rehabilitation Officer, Drug Addict Centre, Swabi on deputation basis.   |
| 13. | Mr. Noor Muhammad Social Welfare Officer            | Deputy Director (Admn.) Directorate of Social Welfare                          | Deputy Director VTCD, Special Education Complex Peshawar.  |

|     |   |   |   |
|-----|---|---|---|
| 14. | Mrs. Faqiha, Social Welfare Officer           | District Social Welfare Officer, Nowshera                                     | Supdt: Welfare Home Nowshera.   |
| 15. | Mr. Fahad Ashraf, Social Welfare Officer      | District Officer Social Welfare Shangla                                       | District Officer Social Welfare, Haripur.   |
| 16. | Mr. Hamid, Social Welfare Officer             | On promotion as Social Welfare Officer BPS-17                                 | District Officer, Social Welfare, Shangla.  |
| 17. | Mst. Saima Ghazan, Manager                    | Manager Darul Aman, Peshawar.   | Social Welfare Officer, Peshawar.   |
| 18. | Fozia Aziz, Social Welfare Officer            | Social Welfare Officer Nowshera   | Social Welfare Officer, Mardan.   |
| 19. | Mr. Muhammad Adil Khan Social Welfare Officer | Social Welfare Officer Abbottabad   | District Officer Social Welfare, Battagram  |
| 20. | Mst: Rabia Zakir, Manager                     | Supdt: Dar-ul-Aman Abbottabad   | Supdt: Welfare Home Abbottabad. She is also assigned the additional charge of the post of Dar-ul-Aman, Abbottabad.  |
| 21. | Syed Sabir Ali Shah, Social Welfare Officer   | District Officer, Social Welfare, Batagram                                    | District Officer, Social Welfare, Mansehra.   |
| 22. | Mrs. Sana Iqbal, Social Welfare Officer       | Social Welfare Officer, Haripur   | Supdt: Dar-ul-Aman Haripur.   |
| 23. | Mrs. Iffat Nasir, Manager                     | Manager, Govt School for Mentally Retarded Children Haripur                   | Social Welfare Officer, Haripur.  |
| 24. | Mrs. Malika Hijab, Superintendent             | Supdt: Dar-ul-Aman Haripur  | Manager, Government School for MR Children Haripur.   |
| 25. | Mst: Yasmin Saeed, Social Welfare Officer     | Principal Special Education Centre Deaf & Dumb Mansehra                       | Senior Special Education Teacher, MR&PH Children Mansehra.  |
| 26. | Mrs. Shamsah Begum, Social Welfare Officer    | Vice Principal, Special Education Centre, Abbottabad                          | Supdt: Government School for Blind Abbottabad.  |
| 27. | Mr. Sohail Nadir, Social Welfare Officer      | Social Welfare Officer, Charsadda   | Principal MR&PH, Charsadda.   |
| 28. | Mr. Abdur Rahseed, Social Welfare Officer     | Deputy Director VHC Charsadda   | District Officer, Social Welfare, Mardan.   |
| 29. | Mr. Said Bahadur Shah, Social Welfare Officer | District Officer, Social Welfare, Buner                                       | District Officer, Social Welfare, Dir Lower.  |
| 30. | Mr. Muhammad Zeb, Social Welfare Officer      | District Officer Social Welfare Dir lower                                     | Principal School for Deaf Children Timergara. He is also assigned the work of Social Welfare Officer Social Welfare Medical Center THQ Chakdara Dir Lowe in additional to his own duties. |
| 31. | Mr. Saleem Zada, Social Welfare Officer       | Social Welfare Officer, Social Welfare Medical Center THQ Chakdara Dir Lower. | Social Welfare Officer, Social Welfare Centre Tehsil Adenzai Malakand against the vacant post.  |

*Fahad*

|     |   |  |   |
|-----|---|--|---|
| 32  | Mr. Muhammad Jamshid, Social Welfare Officer                  | District Officer Social Welfare, Karak   | District Officer, Social Welfare, Lakki Marwat.   |
| 33. | Miss Tauheed Rasheed, Superintendent                          | Superintendent Dar-ul-Aman Mardan  | Supdt: Dar-ul-Kafala, Mardan.   |
| 34. | Mrs. Yasmin Ara, Social Welfare Officer                       | Principal Govt School for Deaf & Dumb Children, Takht Bhai Mardan.             | Superintendent Govt Institute for the Blind-Children at Sheikh Maltoon Mardan   |
| 35. | Mst. Azra Begum Social Welfare Officer                        | Superintendent Govt Institute for the Blind Children at Sheikh Maltoon Mardan. | Principal Govt School for Deaf & Dumb Children Takht Bhai Mardan.   |
| 36  | Mr. Malik Abdur Rashid, Social Welfare Officer                | District Officer, Social Welfare, Mansehra                                     | District Officer, Social Welfare, Abbottabad.   |
| 37  | Miss Yasmin Akhtar, Social Welfare Officer                    | Supdt: Special Education Centre for Bind Swabi                                 | Rehabilitation Officer, RCDA, Swabi.  |
| 38  | Mr. Masihullah, Assistant                                     | Assistant: Directorate of Social Welfare, Khyber Pakhtunkhwa.                  | He is authorized to look after the work of Assistant Director Reg, Directorate of Social Welfare Khyber Pakhtunkhwa.  |
| 39  | Mr. Farooq Khan, Computer Operator (BPS-16)                   | Office of the DO, Social Welfare Mardan  | Principal Welfare Home Abbottabad in his OPS  |
| 40  | Mr. Muhammad Younis Afridi, Social Welfare Officer (BPS-18-P) | Deputy Director, Nishitar Education Center, Kohat                              | District Officer Social Welfare Peshawar  |
| 41  | Mr. Razwanullah, Social Welfare Officer                       | District Officer, Social Welfare Bannu   | He is also assigned the additional charge of the post of Supdt: Welfare Home, Bannu.  |
| 42. | Mr. Rafi Ullah, Senior Teacher BPS-17                         | Senior Teacher Special Education Centre for hearing Impaired Children Swat     | Deputy Director, Special Education Centre for Hearing Impaired Children Swat in his own pay & scale.  |
| 43. | Mr. Ghani-ur-Rehman, Computer Operator, BPS-16                | Computer Operator, Darul Kafala, Swat  | Supdt: Darul Kafala, Swat in his own pay and scale.   |
| 44. | Mr. Naseeb Gul, Social Welfare Officer BPS-17                 | Principal, Govt: School for Deaf & Dumb, Dargai, Malakand                      | Principal Govt: School for Deaf & Dumb Thana Malakand. He is also assigned the additional charge of the post of Principal Govt: School for Deaf & Dumb, Dargai, Malakand. |
| 45. | Mr. Fazal-ur-Rehman, Manager, BPS-16                          | Manager, MR & PH Children Centre Dir Upper.                                    | District Officer, Social Welfare Dir Upper in his own pay & scale. He is also assigned the additional charge of the post of Manager, MR & PH children Centre Dir Upper.   |
| 46  | Salma Nusrullah, Social Welfare Officer                       | Supdt: GIB (Girls), Peshawar   | Social Welfare Officer Peshawar.  |

-Sd-

Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education & Women  
Empowerment Department.



12

Endst: NO.SOII/SWD/II-52/2020. /S/52-63, Dated Peshawar the December 3, 2020

Copy forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
3. Director, Social Welfare, Merged District, Khyber Pakhtunkhwa.
4. All District Accounts Officer, Khyber Pakhtunkhwa.
5. Section Officer (Cabinet), Establishment & Admn: Department, Khyber Pakhtunkhwa w/r to his letter mentioned above.
6. All District Officers Social Welfare in Khyber Pakhtunkhwa.
7. PS to Minister for Social Welfare and Women Empowerment Department, Khyber Pakhtunkhwa.
8. PS to Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare & Women Empowerment Department, Peshawar.
9. PS to Deputy Secretary (Admin) Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare & Women Empowerment Department, Peshawar
10. Officers concerned.
11. Personal files.
12. So. in SW Dept.

*Muhammad Saud*  
(Muhammad Saud)  
Section Officer-II

Annex - IV  
13

**CHARGE RELINQUISHES REPORT.**

Consequent upon Notification No SOII/SWD/II-52/2020/15152-63 dated 03-12-2020, I hereby relinquish the charge of the post of District Officer Social Welfare Special Education & Women Empowerment Department Dir Lower today on 09-12-2020 (After Noon)

(MUHAMMAD ZEB)  
RELIEVED OFFICER

**OFFICE OF THE DISTRICT OFFICER SOCIAL WELFARE SPECIAL EDUCATION & WOMEN EMPOWERMENT DEPARTMENT DIR LOWER.**

NO.DO/SW/DL/Charge Relinquish Report/205-55 Dated Timergara, the 09 / 12 /2020.

Copy forwarded to the.

1. P.S to Secretary Government of Khyber Pakhtunkhwa Zakat, Usher Social Welfare & Women Empowerment Department Peshawar.
2. The Director Social Welfare Special Education and Women Empowerment Department Khyber Pakhtunkhwa Peshawar.
3. The Deputy Director MIS Cell, Social Welfare Special Education and Women Empowerment Department Khyber Pakhtunkhwa.
4. The District Accounts Officer Dir Lower.
5. Officer Concerned
6. Personal File.

DISTRICT OFFICER  
SOCIAL WELFARE SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT  
DIR LOWER

As (Suo)

DS (Suo)

21-12-20  
22/12/2020  
80-II



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT  
(CABINET WING)

No. SOC(E&AD)9-41/2020  
Dated Peshawar the 24<sup>th</sup> August, 2020.

14

Amex V

To: All Administrative Secretaries,  
Government of Khyber Pakhtunkhwa

SUBJECT: MINUTES OF 41<sup>st</sup> MEETING OF THE PROVINCIAL CABINET HELD ON  
AUGUST 18<sup>th</sup>, 2020.

Dear Sir,  
I am directed to refer to the subject noted above and to forward herewith the following decision of 41<sup>st</sup> meeting of Provincial Cabinet held on 18.08.2020 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

MISCELLANEOUS

All Cabinet members as well as Administrative Secretaries were directed to carry out an exercise for preparation of lists of officers / officials working against their posts/positions for more than two years. The exercise shall be completed within 15 days and lists shall be submitted for perusal of the Chief Minister, Khyber Pakhtunkhwa for appropriate action as per posting / transfer policy of the Provincial Government.

Implementing Department: All Administrative Secretaries.

2. I am to request that an implementation report of the Cabinet decision as required under Rule 25. (2) of the Khyber Pakhtunkhwa Government Rules of Business, 1985 may kindly be furnished on top priority basis to the Cabinet Section, Administration Department.

Yours faithfully

(TAJ MUHAMMAD)  
SECTION OFFICER (CABINET)

ENDST.NO. & DATE EVEN.

Copy to-

1. P.S to Secretary Administration Department.
2. PA to Additional Secretary (Cabinet) Administration Department.
3. PA to Deputy Secretary (Cabinet) Administration Department.

SECTION OFFICER (CABINET)

Soa:

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Annex-11



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15

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION AND  
WOMEN EMPOWERMENT DEPARTMENT

Dated: Peshawar the 17-08-2021.

NOTIFICATION:

No. SOII(SWD)/11-52/2020

The competent authority is pleased to withdraw this Department Notification No. SOII/SWD/11-52/2020/6756-64, dated 22<sup>nd</sup> June, 2021 with immediate effect in the public interest.

Consequent of the above, the following postings/transfers of the officers of Social Welfare, are hereby ordered as below:-

| Sr# | Name & Designation                                     | From   | To   |
|-----|--|--|--|
| 01  | Mr. Muhammad Zeb,<br>Social Welfare Officer,<br>(B-17) | Principal School for<br>Deaf Children Dir<br>Lower with additional<br>charge District Officer,<br>Social Welfare, Dir<br>Lower | Principal School for Deaf Children<br>Dir Lower by relieving from<br>additional charge DO, SW, Dir<br>Lower. |
| 02  | Mr. Nisar Ahmad,<br>Social Case Worker (BS-16).        | Rehabilitation Officer<br>(BS-16) RCDA, Dir<br>Lower.  | District Officer (BS-17), Social<br>Welfare Dir Lower in his OPS.  |

Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

Endst No. and Date even:

Copy forwarded for information and necessary action to the:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Director, SW, SE & WE Department, Khyber Pakhtunkhwa.
3. The District Officer, Social Welfare, Dir Lower.
4. The District Accounts Officers, Dir Lower.
5. The Section Officer-VI, SWD.
6. PS to Secretary, SW, SE & WE Department, Khyber Pakhtunkhwa.
7. Officers concerned.

  
SECTION OFFICER-II



ZUSWE/WF-48-90-00445  
Annex: VII

151

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION &  
WOMEN EMPOWERMENT DEPARTMENT

16

NOTE FOR INCHARGE MINISTER FOR SOCIAL WELFARE, SPECIAL EDUCATION &  
WOMEN EMPOWERMENT DEPARTMENT, KHYBER PAKHTUNKHWA

SUBJECT:- POSTING/TRANSFER OF OFFICERS OF SOCIAL WELFARE  
DEPARTMENT.

1. Earlier, the Social Welfare, Special Education & Women Empowerment Department has notified postings/transfers order in respect of the officers of the Directorate of SW, SE, & WD, Khyber Pakhtunkhwa vide Notification dated 22/06/2021 (**Annexure-I**), upon which the Hon'ble Chief Minister, Khyber Pakhtunkhwa has recorded the following:-

"Kindly cancel"

2. As per direction of the Hon'ble Chief Minister, Khyber Pakhtunkhwa, the Notification dated 22/06/2021 was withdrawn and Mr. Nisar Ahmad, BPS-16 was posted as District Officer, Social Welfare, Dir Lower and Muhammad Zeb was allowed to continue as Principal for Deaf Children Timergara vide Notification dated 17/08/2021 (**Annexure-II**).

3. Consequent upon above, Muhammad Zeb, Social Welfare Officer (BPS-17) at District Office Social Welfare, Dir Lower has filed a Writ Petition No.838-M/2021 in the Peshawar High Court, Mingora Branch, Swat (**Annex-III**). The Hon'ble Peshawar High Court, Mingora Bench, Swat has disposed of the said Writ Petition with the direction to the worthy Chief Secretary, Khyber Pakhtunkhwa to decide the departmental appeal of the petitioner within a period of fifteen days of the receipt of the Order vide Judgment dated 22/9/2021 (**Annexure-IV**).

4. The Additional Registrar, Peshawar High Court Mingora Bench/Dar-ul-Qaza, Swat has forwarded the above-mentioned Judgment dated 22/09/2021 alongwith certified copy on grounds of the subject Writ Petition to the worthy Chief Secretary, Khyber Pakhtunkhwa to dispose of the departmental appeal of the petitioner in light of the said judgment within the stipulated time as ordered by the Hon'ble Court (**Annexure-V**).

5. Accordingly, the Establishment Department, Khyber Pakhtunkhwa has forwarded a copy of letter No.2973/Writ Branch dated 29/9/2021 of Additional Registrar, Peshawar High Court, Mingora Bench/ Dar-ul-Qaza to this Department for information and compliance of the court directions vide letter No.SG (Lit-III)E&AD/2-218/2021 Dated 07/10/2021 (**Annexure-VI**).

6. It is pertinent to mention here that the transfer of Mr.Nisar Ahmad, Social Case Worker (BPS-16) against the post of District Officer Dir Lower contravenes the Social Welfare Department Service Rules, wherein it is stated that the post of District Officer be filled by transfer from amongst the officers in BPS-17 of the Directorate of Social Welfare vide Notification SOII/SWD/11-12/Service Rules/2019-20/320-52 dated 25<sup>th</sup> September, 2019 (**Annexure-VII**).

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11/10/21

7. In order to dispose of the departmental appeal of Muhammad Zeb, Social Welfare Officer (BPS-17), this Department proposes that Mr. Khizar Hayat, Social Welfare Officer (BPS-17), Chitral may be posted as District Officer, Social Welfare Officer, Dir Lower and the present incumbent of the said post i.e. Mr. Nisar Ahmad, Social Case Worker (BPS-16) may be allowed to continue as Rehabilitation Officer, RCDA, Dir Lower.

8. Proposal contained in para-7 of the Note is submitted for approval of the Incharge Minister, Social Welfare Department, Peshawar please.

*M. Ali Shah*  
(ZULFIQAR ALI SHAH)  
SECRETARY SOCIAL WELFARE DEPARTMENT  
KHYBER PAKHTUNKHWA

PRINCIPAL SECRETARY TO CHIEF MINISTER  
KHYBER PAKHTUNKHWA.

9 - For approval, being  
court matter. *12/11/21*

H KM

10 - Para - 9/s, approved

Sec (S/W)

*14-10-2021*  
Chief Minister  
Khyber Pakhtunkhwa

*put copy*

*15/11*

*12/11*

Approved by Secy, S.W.D, K.P. *15/11/21*

SOTT

*15/11/21*



Annex: VIII

GOVT. OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMN: DEPARTMENT  
(REGULATION WING)

No. SO(O&M)E&AD/3-15/2007  
Dated Peshawar, the 26<sup>th</sup> July, 2013

18

To All Administrative Secretaries,  
to Govt. of Khyber Pakhtunkhwa.

Subject: POSTING/TRANSFER

Dear Sir,

I am directed to refer to the subject noted above and to state that the Competent Authority has been pleased to direct that the posting/transfer of the officers upto BPS-18 may be made at the level of the Department concerned in consultation with Minister Incharge. However, the posting/transfer of the officers of BPS-19 and above may be made after seeking prior approval of the Chief Minister, Khyber Pakhtunkhwa.

2. I am, further, directed to request that the above directions of the competent authority should be strictly complied with.

Yours faithfully,

(KHUDA BAKHSHE)

DEPUTY SECRETARY (Reg-III)

Copy for information:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
3. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
4. PS to Additional Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
5. PS to Additional Chief Secretary (FATA), Peshawar.

Copy to:

1. All Additional Secretaries in E&A Department.
2. All Deputy Secretaries in E&A Department.
3. All Section Officers in E&A Department.

DEPUTY SECRETARY (Reg-III)

SECTION OFFICER (O&M)



Annex-IX

19

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION AND  
WOMEN EMPOWERMENT DEPARTMENT

Dated: Peshawar the 15-10-2021

NOTIFICATION:

No. SOII(SWD)/11-52/2021

14816-22

With the approval of competent authority the following postings/transfers of the officers of Social Welfare, are hereby ordered with immediate effect until further orders :-

| Sr# | Name & Designation                             | From   | To  |
|-----|--|--|---|
| 01  | Mr. Khizar Hayat,<br>BS-17, SWO.               | Social Welfare Officer<br>(BS-17), Chitral                   | District Officer, (BS-17), Social<br>Welfare, Dir Lower.      |
| 02  | Mr. Nisar Ahmad, BS-16,<br>Social Case Worker. | District Officer, (BS-<br>17), Social Welfare,<br>Dir Lower. | Rehabilitation Officer, RCDA BS-<br>17, Dir Lower in his OPS. |

Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

Endst No. and Date even:

Copy forwarded for information and necessary action to the:-

1. The Director, SW, SE & WE Department, Khyber Pakhtunkhwa.
2. The District Officer, Social Welfare, Dir Lower.
3. The District Officer, Social Welfare, Chitral.
4. The District Accounts Officers, Dir Lower.
5. The Section Officer-VI, SWD.
6. PS to Secretary, SW, SE & WE Department, Khyber Pakhtunkhwa.
7. Officers concerned.

*OR*

*[Signature]*  
SECTION OFFICER-II 15/10/2021





GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)

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) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained  
 While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detainment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

ATTESTED  
by Advocate

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

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- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement  
 DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

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

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

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

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xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

| S. No. | Officers   | Authority  |
|--------|--|--|
| 1.     | Posting of District Coordination Officer and Executive District Officer in a District. | Provincial Government.   |
| 2.     | Posting of District Police Officer.  | Provincial Government  |
| 3.     | Other Officers in BPS-17 and above posted in the District.                             | Provincial Government  |
| 4.     | Official in BPS-16 and below   | Executive District Officer in consultation with District Coordination Officer. |

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

.....

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.  
(Authority: Letter No. SOR-VIIE&AD/1-4/2003 dated 24-6-2003).

.....

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

Handwritten signatures and initials: CR, and several scribbles.

*[Handwritten scribbles]*

Annex = XI

To

The Worthy Secretary Social Welfare  
Special Education And Women Empowerment Department  
Khyber PakhtoonKhwa Peshawar.

Subject Request for adjustment as District Officer Social Welfare Dir Lower.

Respected Madam,

I have the honor to say that I was appointed as Social Case Worker(BPS-16) and latter on promoted as District Officer social Welfare Dir lower. I was performing my duty honestly. Then I was transferred to District Toor Ghar as Distrc officer by recommendation of local MPas on 21/6/2021. And withdrawn this notification on 22/6/2021 by your good self. The Undersigned was again transferred as principal Govt school for deaf children Timergara Dir lower and posted Nisar Ahmad social Case worker (BPS-16) as District Officer Dir Lower.. I submitted departmental appeal to appellat authority and then filled writ petition in Peshawar High Court Darul Qaza bench Swat., which was disposed of on 22/9/2021 directing honorable chief Secretary to decide the departmental appeal within 15 days . My departmental appeal was disposed of in manner that Nisar Ahmad was transferred but Mr. KHizar Hayat was Posted as District Officer On 15/10/2021. I again filled writ petition on Darul qaza Swat and was disposed of and sent my case to service Tribunal Peshawar for further proceeding on 3/11/2021.

The honorable service tribunal Khyber Pakhtoonkhwa Peshawar suspended the the impugned notification dated 15/10/2021 and I was appointed as District Officer Social welfare Dir Lower.( Copy of order sheet of attested copy is attached).

Therefore, your good self is requested to adjust me as District officer Social welfare Dir Lower, I will be thankful for your this act of kindness.

Muhammad Zeb (Social welfare Officer)

*28/11/21*

Principal Govt Institute For Hearing and Speech Impairments.

Copy to

- (1) Registrar Service Tribunal peshawa.
- (2) SO (LiA) Social welfare department

*[Handwritten signature]*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 24<sup>th</sup> May, 2022

**NOTIFICATION:**


**No.SOII(SW) II-52/2022/** \_\_\_\_\_ :- The Competent Authority (Secretary Social Welfare Department) is pleased to withdraw this Department's Notification No: SOII(SW)II-52/2021/14816-22 dated 15-10-2021, in the best public interest.

Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Usher, Social Welfare, Special Education &  
Women Empowerment Department.

**Endst: of Even No & Date:**

Copy forwarded for information and further necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Director Social Welfare, Khyber Pakhtunkhwa.
3. Deputy Director MIS cell, Social Welfare, Department.
4. District Officer Social Welfare concerned.
5. District Account Officer concerned.
6. PS to Minister for Social Welfare, Khyber Pakhtunkhwa.
7. PS to Secretary, Social Welfare, Department.
8. Officers concerned.

  
(ALEM ZEB)  
Section Officer-II

# BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

C:M \_\_\_\_\_-M/2022  
in Service Appeal No.. 7758/2021

Muhammad Zeb..... Appellant


**VERSUS**

Govt. of Khyber Pakhtunkhwa, through Chief Secretary and others  
..... Respondents

## INDEX

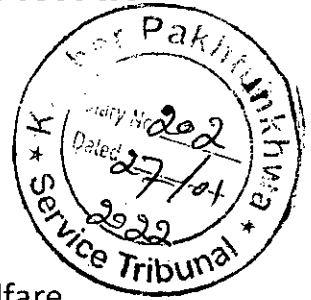
| S.NO | DESCRIPTION   | ANNEX | PAGES |
|------|---|-------|-------|
| 1.   | Copy of application   |       | 1-3   |
| 2.   | Copy of affidavit   |       | 4     |
| 3.   | Copy of service appeal No. 7758/2021<br>alongwith suspension order dated 17.12.21 |       | 5-6   |

**Appellant/applicant through Counsel**

  
**SYED ABDUL HAQ (ASC)**  
HIGH COURT DARULQAZA  
BAR ROOM SWAT  
Cell No 0333-9546154

01/02

**BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR**



C.M \_\_\_\_\_-M/2022  
in Service Appeal No.. 7758/2021

Muhammad Zeb Son of Arshullah Khan Serving as Social Welfare Officer at District Office Social Welfare District Dir Lower.  
..... Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa, through Chief Secretary and others..... Respondents

*Put up to the court with relevant appeal.*

*[Signature]*  
27/11/2022.

**APPLICATION FOR SUSPENSION OF THE OPERATION OF THE IMPUGNED NOTIFICATION DATED 17.08.2021, TILL THE FINAL DISPOSAL OF THE SERVICE APPEAL MENTIONED IBID.**

*Leadu*

**FATCS**

Respectfully Sheweth;

The facts of the instant appeal are as under.

1. That the applicant/appellant has impugned the notification dated 17.08.2021 via departmental appeal, but they failed to respond one way or the other, so the applicant filed a writ petition bearing No. 838-M/2021 before the Peshawar high Court Mingora bench, where in the same was send to

the worthy chief Secretary Khyber Pakhtunkhwa and directed him to decide the departmental appeal within a period of 15 days, vide order dated 22.9.2021 (Copy of notification and judgment of honourable High Court is available on page#19 to 21)

2. That after the receipt of the order dated 22.9.2021 the respondent No.1 directed the respondent No.2 and called for requisite comments as the same is available on page#22 of service appeal.
3. That the respondent No.2 categorically admitted the illegality regarding transferring and suggested vide letter dated 07.10.2021 that any SWO be adjusted against the said post. (Copy of same is available on page#23).
4. That the impugned order dated 15.10.2021 (available on page#24) arise from the order dated 17.8.2021, so as per law, if the order dated 15.10.2021 has been suspended by the honourable Tribunal , then the order dated 17.8.2021 would be worthless and cannot be remained in field.
5. That as and when the appellant/appellant provided the suspension order dated 17.12.2021 passed by this




honourable Tribunal, the official respondent are reluctant to comply with the same , having pretext that the notification 17.8.2021 is still in field, so the applicant now seeking the honourable directions of this tribunal to suspend the same as per mandate of justice.

6. That the grounds taken in the memo of appeal be considered part of this application.

*It is therefore humbly prayed that on on acceptance of the instant application the operation of impugned notification dated 17.8.2021 may kindly be suspended, till the final disposal of the service appeal bearing No. 7758/2021.*

Appellant/applicant  
Through  
Counsel

  
**SYED ABDUL HAQ,**  
Advocate Supreme Court

**BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR**

C.M \_\_\_\_\_-M/2022  
in Service Appeal No.. 7758/2021

Muhammad Zeb..... Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa, through Chief Secretary and others  
..... Respondents

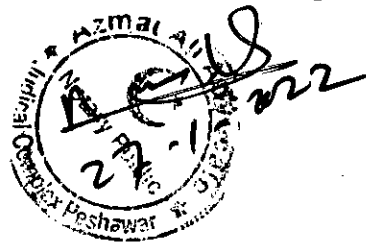
***Affidavit***

I, Muhammad Zeb Son of Arshullah Khan Serving as Social Welfare Officer at District Office Social Welfare District Dir Lower. do hereby affirm that the contents of the above titled Service Appeal are true and correct to the best of my knowledge and belief and nothing is concealed from this honourable Tribunal.

DEPENDENT *et al*

(CNIC 15302-0851905-9)

**ATTESTED**





BEFORE THE PESHAWAR HIGH COURT, MINGORA

BENCH/DAR UL QAZA SWAT

Service Appeal no. 7758/2021  
W.P. 998 -M/2021

Muhammad Zeb Son of Arshullah Khan, Serving as Social Welfare Officer at District Office Social Welfare District Dir Lower.....Petitioner

VERSUS

- 1) The Chief Secretary Govt of Khyber Pakhtunkhwa at Peshawar.
- 2) Govt. of Khyber Pakhtunkhwa through Secretary Zakat and Usher and Social Welfare Special Education and Women Empowerment Department Peshawar.
- 3) Director Social Welfare Special Education and Women Empowerment Department Peshawar.
- 4) Khizar Hayat posted/transferred as District Officer.Social Welfare Dir Lower.
- 5) Nisar Ahmad Rehabilitation Officer RCDA BS-17 Dir Lower.

..... Respondents

FILED TODAY

27 OCT 2021

Additional Registrar

WRIT PETITION

UNDER ARTICLE 199 OF THE CONSTITUTION OF

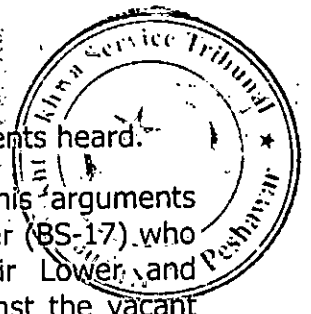
ISLAMIC REPUBLIC OF PAKISTAN 1973, AS AMENDED

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

17.12.2021

Counsel for the appellant present. Preliminary arguments heard.



Learned counsel for the appellant while opening his arguments stated that the appellant is working as Social Welfare Officer (BS-17) who was lastly posted as District Officer Social Welfare Dir Lower and transferred as District Officer Social Welfare Torghar against the vacant post vide impugned order dated 21.06.2021. This notification was however withdrawn on the very next date i.e 22.06.2021. Yet again vide notification dated 17.08.2021 the appellant was transferred as Principal School for Deaf Children Dir Lower and relieving him from additional charge as District Officer Social Welfare Dir Lower. The appellant submitted departmental appeal to the appellate authority and during pendency of departmental appeal, he instituted writ petition 838-M/2021 in Peshawar High Court, Peshawar Mingora Bench (Dar-ul-Qaza) Swat which was disposed of on 22.09.2021 directing the Chief Secretary to decide departmental appeal of the petitioner within a period of 15 days. His departmental appeal was disposed of in manner that private respondents No. 4 and 5 were adjusted/posted leaving the appellant deprived of the relief to serve and complete normal tenure of two years. So much so that a junior officer i.e private respondent No.7 serving in BS-16 was posted as Rehabilitation Officer RCDA (BS-17) Dir Lower in his own pay scale vide notification dated 15.10.2021. It was further contended that the impugned notifications dated 21.06.2021 and 15.10.2021 have been issued in utter violation of Clause (i) and (ii) of the posting/transfer policy of provincial government. The appellant has suffered due to political interference in the service matters by the local MPA's belonging to District Dir Lower as is evident from the proposal for posting submitted by the Directorate of Social Welfare to Social Welfare department on 21.06.2021 in glaring violation of Rule-22 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules 1987 read with circular of the former S&GAD dated 09.07.1990. The frequent transfers of the appellant are also violation of the Supreme Court judgement in PLD 2013 Supreme Court 195 case.

The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 11.01.2022 before S.B.

Request for an interim relief for suspension of the operation of the impugned notification dated 15.10.2021 has been made. As the appellant has apparently not relinquished charge against the post of District Officer Social Welfare Dir Lower, the impugned order dated 15.10.2021 is therefore, suspended till next date.

*[Handwritten signature]*  
 (Mian Muhammad)  
 Member(E)

Certified to be true copy

EX-1121  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

Date of Presentation of Application 27/12/21  
 No. 8200  
 C. 10/2  
 U. 4/2  
 T. 15/2  
 N. \_\_\_\_\_  
 Da. # Copy 27/12/21  
 Date of Delivery of Copy 27/12/21