

06.10.2022

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present and stated at the bar that no minutes of placement committee are available with them.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 10.11.2022 before the D.B at Camp Court Swat.



(Rezina Rehman)
Member (J)
Camp Court Swat



(Salah-Ud-Din)
Member (J)
Camp Court Swat

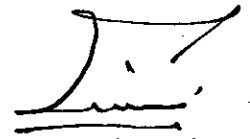
05.09.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Appellant submitted rejoinder, which is placed on file and copy of the same is handed over to learned Assistant Advocate General. Appellant also sought adjournment for arguments on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments on 04.10.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (Executive)
Camp Court Swat



(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

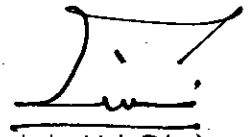
04.10.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

After hearing arguments at certain length, it was observed that the impugned order dated 11.02.2022 has been passed upon the recommendations of placement committee, therefore, learned Assistant Advocate General shall intimate the respondents to produce the said recommendations on the next date and to come up for arguments on 06.10.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat




(Salah-Ud-Din)
Member (J)
Camp Court Swat

13rd June, 2022

Appellant in person present. Mr. Kabeer ullah Khattak, AAG alongwith Imran Akhtar for respondent No.1 to 3 & Ghulam Mustafa Superintendent for respondents No.4 & 5 present.


Respondents are directed to submit written reply/comments. The case pertains to Malakand Division. Therefore, to come up for written reply/comments on 04.07.2022 before S.B at camp court Swat.


(Kalim Arshad Khan)
Chairman

04.07.2022

Counsel for the appellant present. Mr. Noor Zaman, District Attorney alongwith Mr. Rasool Shah, Finance Officer respondents present.

Written reply on behalf of respondent No. 1 to 5 submitted which is placed on filed. A copy of the same is handed over to the learned counsel of appellant. To come up for rejoinder/arguments on 01.08.2022 before D.B at camp court, Swat.


(Fareeha Paul)
Member (E)
Camp Court, Swat

1-8-22

Due to common law vacation the case is adjourned to 5-9-22 for the same.

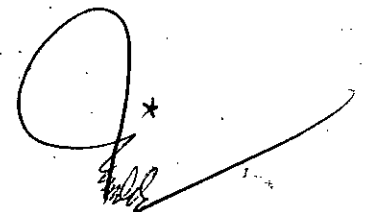


24.05.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant at the outset of his arguments contended that the appellant is basically aggrieved of the impugned order dated 11.02.2022 when he was directed to report to Board of Revenue. The appellant could hardly served as P.S to Deputy Commissioner Dir Upper for 4 months as he was previously transferred from Board of Revenue to the post of P.S to Deputy Commissioner Dir Upper vide earlier notification dated 27.09.2021. His departmental appeal against the impugned order dated 11.02.2022, submitted to respondent No. 2 on 15.02.2022 was not decided within the statutory period hence the instant service appeal was filed in the Service Tribunal on 18.05.2022. It was further contended that the impugned order has been issued prematurely with total disregard to the 2 years normal tenure against a post under the Posting Transfer Policy of the Provincial Government. The Posting order has not been issued in the public interest and the appellant has been transferred frequently for no fault on his part and in utter violation of Clause-I and IV of the said Posting Transfer Policy. Moreover, the appellant has not relinquished the charge against the post of P.S to Deputy Commissioner Dir Upper due to the reason that the post is still vacant and no substitute has been provided. Additionally, the post is a Division Cadre post and appellant hails from Malakand Division having the right to serve in his own Division, he concluded.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 13.06.2022. Alongwith the memorandum of appeal there is an application for suspension of the order dated 11.02.2022 of the appellant till the final disposal of the service appeal. The impugned posting order dated 11.02.2022 in respect of the appellant, is suspended till the date fixed.



(Mian Muhammad)
Member(E)


Rs-700/-
Appellant Deposited
Security & Process Fee
A. M. H. / 25/5/22

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 803/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/05/2022	<p>The appeal of Mr. Zafar Iqbal presented today by Mr. Zartaj Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		

18/05/2022
18/05/2022

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 803 / 2022

Zafar Iqbal (Private Secretary BPS-17) to Deputy Commissioner
Dire Upper (Appellant)

VERSUS

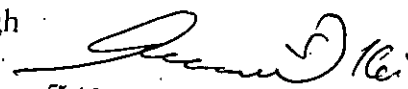
Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Peshawar, and others..... (Respondents)

INDEX

S. No	Description of documents	Annexure	Page No
1	Memo of appeal + Affidavit		
2	Stay Application + Affidavit		1 - 5
3.	Copy of the office order dated 17.08.2018	A	6 - 7
4	Copy of the charge assumed dated 01.10.2019 and office order dated 24.09.2020	B & C	8
5.	Copy of the office order dated 29.01.2021 and charge assumed report dated 01.02.2021	D & E	9 - 10
6	Copy of the office order dated 29.06.2021	F	11 - 12
7	Copy of the office order dated 27.09.2021 & charge report dated 01.10.2021	G & H	13
8	Copy of the office order dated 11.02.2022	I	14 - 15
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10	Copy of the posting /transfer policy	K	17 - 18
11	Copy of the detail of private secretaries while occupied different position of Malakand division	L	19 - 24
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Appellant

Through


ZARTAJ ANWAR
 Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. _____ / 2022.

Zafar Iqbal (Private Secretary BPS-17) to Deputy
Commissioner Dire Upper.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Senior Member, Board of Revenue, Khyber Pakhtunkhwa civil secretariat Peshawar.
3. Secretary, Board of Revenue, Civil secretariat Khyber Pakhtunkhwa Peshawar.
4. Commissioner, Makand Division Saidu Sharif Swat.
5. Deputy Commissioner Upper Dir.

(Respondents)

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned transfer order dated 11.02.2022 whereby the appellant is prematurely transferred, against the Posting transfer Policy, against which the appellant filed departmental appeal dated 15.02.2022, which is not yet responded.

Prayer in appeal

On acceptance of this appeal the impugned order dated 11.02.2022 may kindly be set aside and the appellant may kindly be allowed to continue his service on the Post of Private Secretary BPS-17) to Deputy Commissioner Dire Upper, the pre-mature transfer order of the appellant is against the posting transfer policy and the secure and granted rights of the appellant. Or any other remedy which is not specifically asked for may also be awarded in favor of the appellant.

Respectfully submitted,

1. That the appellant was initially performing his duties as Senior Scale Stenographer (BPS-16) at office of the Deputy Commissioner Dir Upper, the services of the appellant was surrendered to Commissioner Malakand vide office order dated 17.08.2018, *(Copy of the office order dated 17.08.2018 is attached as annexure A).*
2. That the appellant has assumed the charge of Private Secretary BPS-17 at office of the Deputy Commissioner Dir Upper on 01.10.2019, the appellant start to performing his duties with great zeal and devotion, but the services of the appellant was again prematurely transferred/surrendered vide office order dated 24.09.2020 without completing the normal tenure of posting transfer under the Govt policy. *(Copy of the charge assumed dated 01.10.2019 and office order dated 24.09.2020 are attached as annexure B & C).*
3. That since his posting the appellant was performing his duties with great zeal and devotion to the entire satisfaction of his superiors without any complaint whatsoever regarding his performance.
4. That the appellant was posted as Private Secretary BPS-17 at office of the Deputy Commissioner Dir Upper vide office order dated 29.01.2021, the appellant assumed the charge of the post vide charge report dated 01.02.2021 *(Copy of the office order dated 29.01.2021 and charge assumed report dated 01.02.2021 are attached as annexure D & E)*
5. That the services of the appellant was again prematurely transfer placed at the disposal of the Board of Revenue vide office order dated 29.06.2021, *(Copy of the office order dated 29.06.2021 is attached as annexure F).*
6. That the appellant was waiting for post and in the mean while vide office order dated 27.09.2021 the appellant was posted as Private Secretary to Deputy Commissioner Dir Upper, the appellant assumed the charge on 01.10.2021. *(Copy of the office order dated 27.09.2021 & charge report dated 01.10.2021 G & H).*

- 5
7. That the appellant was performing his duties as Private Secretary BPS-17 to Deputy Commissioner Dir Upper, in the meanwhile on the appellant was on the bases of political motivation prematurely transferred vide office order dated 11.02.2022, and few months on the post lastly transferred. *(Copy of the office order dated 11.02.2022 is attached as annexure I)*
 8. That being aggrieved from the impugned order dated 11.02.2022 the appellant filed a departmental appeal before the competent authority which is not yet responded even after the lapse of statutory period of 90 days *(Copy of the departmental appeal is attached as annexure J)*
 9. That the appellant prays for the acceptance of his appeal inter alia on the following grounds:

GROUND OF SERVICE APPEAL


- A. That the appellant has not been treated in accordance with law, and posting transfer policy hence his rights secured and guaranteed under the law are badly violated.
- B. That the transfer order dated 11.02.2022 of the appellant is against the law and posting and transfer policy Normal tenure of the posting shall be 2 years but the appellant spent only 4 months on the post of private Secretary BPS-17 to Deputy Commissioner Upper Dir.
- C. That according to the Posting/transfer policy: - All the posting/transfer shall be strictly in public interest and shall not be abused/misused to victimize the government servants. *(Copy of the posting /transfer policy is attached as annexure K).*
- D. That the appellant has not languished the charge of the post and the post is still laying vacant. Which is evident from the detail of private secretaries while occupied different position of Malakand division *(Copy of the detail of private secretaries while occupied different position of Malakand division is attached as annexure L).*

- E. That the transfer order of the appellant is based on the malafide intention and was only adjust their own blue eyed ones on the post of the appellant i.e. Post of Private Secretary BPS-17.
- F. That the impugned office order is illegal, unlawful and clear cut violation of the posting and transfer policy of the provincial government.
- G. That the transfer order dated 11.02.2022 is based on the political victimization and just to adjust their own blue eyed ones.
- H. That the appellant seeks permission of this Honourable court to rely on additional grounds at the time of hearing of the appeal.

It is therefore prayed that On acceptance of this appeal the impugned order dated 11.02.2022 may kindly be set aside and the appellant my kindly be allow to continue his service on the Post of Private Secretary BPS-17) to Deputy Commissioner Dire Upper, the premature transfer order of the appellant is against the posting transfer policy and the secure and granted rights of the appellant. Or any other remedy which is not specifically asked for may also be awarded in favor of the appellant.

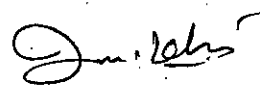
Appellant

Through



ZARTAJ ANWAR
Advocate, Peshawar.

&



IMRAN KHAN
Advocate, Peshawar

AFFIDAVIT

I Zafar Iqbal (Private Secretary BPS-17) to Deputy Commissioner Dire Upper, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

Deponent

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. _____ / 2022

Zafar Iqbal (Private Secretary BPS-17) to Deputy
Commissioner Dire Upper

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Peshawar, and others.

(Respondents)

**APPLICATION FOR THE SUSPENSION OF ORDER
DATED 11.02.2022 OF THE APPELLANT TILL THE
FINAL DISPOSAL OF THE SERVICE APPEAL**

Respectfully Sheweth:

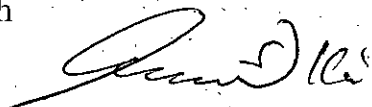
1. That the Applicant since his appointment performed his duties with great zeal and devotion to the entire satisfaction of his superiors without any complaint whatsoever regarding his performance.
2. That the appellant performing his duties as Private Secretary BPS-17 at office of the Deputy Commissioner Dir Upper and the respondent department prematurely transferred the appellant against the posting transfer policy.
3. That while knowing the fact that the appellant is posted as Private Secretary BPS-17 at office of the Deputy Commissioner Dir Upper before 4 months but despite of this, the appellant was Prematurely transferred from Private Secretary BPS-17 at office of the Deputy Commissioner Dir Upper to Board of Revenue, which is against the posting transfer policy.
4. That the transfer order dated 11.02.2022 of the appellant is against the law and posting and transfer policy Normal tenure of the posting shall be 2 years but the appellant spent only 4 months on the post of private Secretary BPS-17 to Deputy Commissioner Upper Dir.

5. That according to the Posting/transfer policy: - All the posting/transfer shall be strictly in public interest and shall not be abused/misused to victimize the government servants.
6. That the appellant has not languished the charge of the post and the post is still laying vacant.
7. That the transfer order dated 11.02.2022 is based on the political victimization and just to adjust their own blue eyed ones
8. That the impugned office order is illegal, unlawful and clear cut violation of the posting and transfer policy of the provincial government.

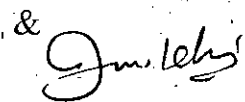
It is therefore most humbly prayed that on acceptance of this application the transfer office order dated 11.02.2022 of the appellant may kindly be suspended till the final disposal of the service appeal.

Applicant

Through



ZARTAJ ANWAR
Advocate, Peshawar

& 

IMRAN KHAN
Advocate, Peshawar

AFFIDAVIT

I Zafar Iqbal (Private Secretary BPS-17) to Deputy Commissioner Dire Upper, do hereby solemnly affirm and declare on oath that the contents of the above noted application are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

Deponent



67

8

ANNEX "A"

OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

Dated: 17/08/2018

OFFICE ORDER


No. 4565 /20/Estt: The services of Mr. Zafar Iqbal, Senior Scale Stenographer (BPS-16) office of the Deputy Commissioner, Dir Upper are hereby surrendered and placed at the disposal of this office with immediate effect in the larger public interest.

BY ORDER
COMMISSIONER MALAKAND DIVISION

No. 4566-69 /20/Estt:

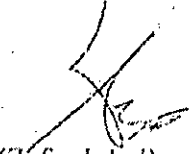
Copy forwarded to:-

1. The Secretary, Board of Revenue, Revenue & Estate Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner, Dir Upper.
3. Official concerned.
4. Office order file.


 SECRETARY TO COMMISSIONER
 MALAKAND DIVISION
 P.O. 1946-SWAT

9
ANNEX "B"
CHARGE ASSUMPTION REPORT.

In compliance with the Govt. of Khyber Pakhtunkhwa, Board of Revenue, Revenue & Estate Department Peshawar Notification No. Estt:II/DPC/Com/Mkd/31/58 dated 30-09-2019, I Zafar Iqbal hereby assumed the charge of the post of Private Secretary (BPS-17) office of the Deputy Commissioner Dir Upper today on 01-10-2019 (F.N):


(Zafar Iqbal)
Private Secretary (BPS-17)

OFFICE OF THE DEPUTY COMMISSIONER DIR UPPER.

No. 18230-38/DC/Estt:PS/PF Dated Dir the, 01/10/2019.

Copy forwarded to the:-

1. Commissioner Malakand Division Saidu Sharif Swat.
2. Additional Deputy Commissioner Upper Dir.
3. All Assistant Commissioners in Upper Dir.
4. All Additional Assistant Commissioners in Upper Dir.
5. Assistant Secretary (Estt:) Board of Revenue Khyber Pakhtunkhwa Peshawar.
6. District Accounts Officer Upper Dir.
7. PS to Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
8. Superintendent local office.
9. Accountant local office.


Deputy Commissioner
Upper Dir: sh

09469240229

11.01

10

Approved

@commissioner_mkc

secretary@cmkd.gov.pk

Commissioner Malakand Division



By Fax

OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

Annexure H

Date: 24/09/2020

ORDER

No. 4038-46/2/18/Estt: The following posting/transfer of officer/official in District Dir Upper is hereby ordered with immediate effect in the best public interest:

S	Name & Designation	From	To
1	Mr. Zafar Iqbal, Private Secretary (ACB)	Private Secretary to Deputy Commissioner Dir Upper.	Services are hereby surrendered to the Board of Revenue, Khyber Pakhtunkhwa.
2	Mr. Rashid Ahmad, DRA (ACB)	District Revenue Accountant District Dir Upper.	District Revenue Accountant (ACB) District Upper Chitral against the vacant post.

Sd/-

COMMISSIONER MALAKAND DIVISION

ENDST: NO & DATE EVEN

Copy forwarded to:-

1. The Deputy Commissioners, Dir Upper and Upper Chitral.
2. The Secretary Board of Revenue, Khyber, Pakhtunkhwa, Peshawar.
3. The District Accounts Officers, Dir Upper and Upper Chitral.
4. The Officers concerned, for compliance.
5. Office order File.

ASSISTANT TO COMMISSIONER (REV/GEN)
MALAKAND DIVISION

Subdt
[Handwritten signature]

D e
30/9/2020

GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.		
091-9213989		091-9214208
Peshawar Dated the 29 /01/2021		

Amended

11

ORDER

No. Estt./Posting/Transfer / The Competent Authority is pleased to post
 Mr. Zafar Iqbal Private Secretary (BS-17) presently waiting for posting in Board of Revenue
 against the vacant post of Private Secretary to Deputy Commissioner Dir Upper with
 immediate effect and in public interest.

By order of
 Senior Member

Estt. No. Estt./Posting/Transfer / 2459-64

- Copy forwarded to the: -
1. Commissioner Malakand Division Saidu Sharif Swat.
 2. Deputy Commissioners, Dir Upper.
 3. PS to Senior Member, Board of Revenue.
 4. District Accounts Officer, Dir Upper.
 5. Official concerned

[Signature]
 Assistant Secretary (Estt.)

*1150
 15-2-21*

ESB/Asst

[Signature]

CHARGE ASSUMPTION REPORT

CR
ANNEX-E

In compliance with the Government of Khyber Pakhtunkhwa Board of Revenue, Revenue & Estate Department order issued vide No. Estt/Posting/Transfer/2459-64 dated 29/01/2021, I Zafar Iqbal Private Secretary (BPS-17) hereby assumed the charge of the post of PS to Deputy Commissioner Dir Upper today on 01/02/2021 (F.N).


Zafar Iqbal
PS to Deputy Commissioner
Dir Upper


OFFICE OF THE DEPUTY COMMISSIONER DIR UPPER

No. 1837-1905 /DC/E.A

Dated Upper Dir. 01 /02/2021

Copy forwarded to the:-

- 1) Commissioner Malakand Division Saidu Sharif Swat.
- 2) Additional Deputy Commissioner (G) Dir Upper.
- 3) Additional Deputy Commissioner (F&P) Dir Upper.
- 4) All Assistant Commissioners in Dir Upper.
- 5) All Additional Assistant Commissioners in Dir Upper.
- 6) District Accounts Officer Dir Upper.
- 7) Assistant Secretary (Estt) Board of Revenue Khyber Pakhtunkhwa Peshawar.
- 8) PS to Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
- 9) All Tehsildars in Dir Upper.


Deputy Commissioner
Dir Upper

Annexure I



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 29/06/2021

Annex F⁴

13

NOTIFICATION

No. Estt./I/Posting/Transfer/ 16222 Consequent upon the recommendation of placement committee, the Competent Authority is pleased to place the services of Mr. Zaffar Iqbal Private Secretary to Deputy Commissioner, Dir Upper at the disposal of Board of Revenue with immediate effect.

By Order of
Competent Authority

No. Estt./I/Posting/Transfer/ 16223-28

Copy forwarded to the:-

1. Commissioner, Malakand Division, at Saidu Sharif Swat.
2. Deputy Commissioners, Dir Upper.
3. District Accountant Officer, Dir Upper.
4. PS to Senior Member, Board of Revenue.
5. Bill Assistant, Board of Revenue.
6. Official concerned.

Assistant Secretary (Estt)

E.A

DCMU
7/6/21



NOTIFICATION:

No. Estt./Posting/Transfer/2021/..... Consequent upon the recommendation of Placement Committee, the Competent Authority is pleased to order the following posting/transfer of Private Secretaries with immediate effect and in the best public interest:-

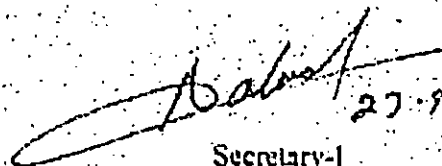
S. No.	Name of Tehsildar	From	To
1.	Mr. Jehan Zeb.	PS to Deputy Commissioner, Kolai Pallas.	PS to Commissioner, Hazara Division.
2.	Mr. Zafar Iqbal.	Waiting for posting in Board of Revenue.	PS to Deputy Commissioner, Dir Upper.

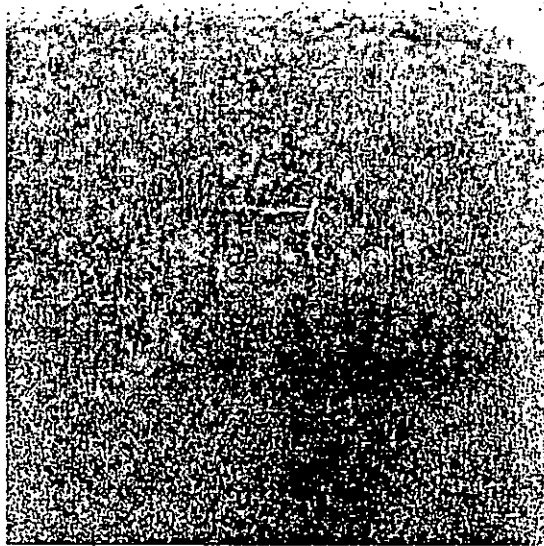
With the approval of
Competent Authority

No. Estt./Posting/Transfer/2021/25663-71

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Commissioners, Hazara Division, Abbotabad.
3. Deputy Commissioners, Kolai Pallas and Dir Upper.
4. PS to Senior Member, Board of Revenue.
5. PS to Member-III Board of Revenue.
6. PS to Secretary-I Board of Revenue.
7. Bill Assistant, Board of Revenue.
8. Officers concerned.
9. Personal File.

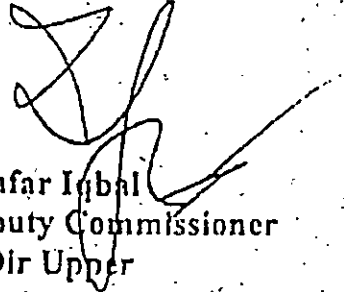

 27.9.21
 Secretary-I
 Board of Revenue



15
CHARGE ASSUMPTION REPORT

Amir H⁹

In compliance with the Government of Khyber Pakhtunkhwa Board of Revenue, Revenue & Estate Department Notification issued vide No. Estt:/Posting/Transfer/2021/2566-71 dated 27/09/2021, I Zafar Iqbal Private Secretary (BPS-17) hereby assumed the charge of the post of PS to Deputy Commissioner Dir Upper today on 01/10/2021 (F.N).


Zafar Iqbal
PS to Deputy Commissioner
Dir Upper

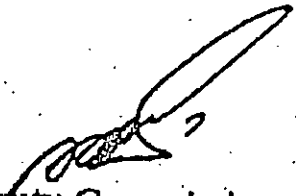
OFFICE OF THE DEPUTY COMMISSIONER DIR UPPER

No. 16717-23 /DC/E.A.

Dated Upper Dir 01 /10/2021

Copy forwarded to the:-

- 1) Secretary-I Board of Revenue Khyber Pakhtunkhwa Peshawar.
- 2) Additional Deputy Commissioner (General) Dir Upper.
- 3) Additional Deputy Commissioner (F&P) Dir Upper.
- 4) All Assistant Commissioners in Dir Upper.
- 5) District Accounts Officer Dir Upper.
- 6) PS to Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar
- 7) Accountant Local Office.





Deputy Commissioner
Dir Upper

Annex
Dir Upper Peshawar

FORM NO. 10919213589

11 Feb. 2022 10:05:41 PM

PA+

		GOVERNMENT OF KHYBER PAKHTUNKHWA	
		BOARD OF REVENUE,	
		REVENUE & ESTATE DEPARTMENT.	
	091-0214103		091-0214103
End: No. Estt:II/PZ/Transfer:		Peshawar Dated the 11/02/2022	

26 Annex I

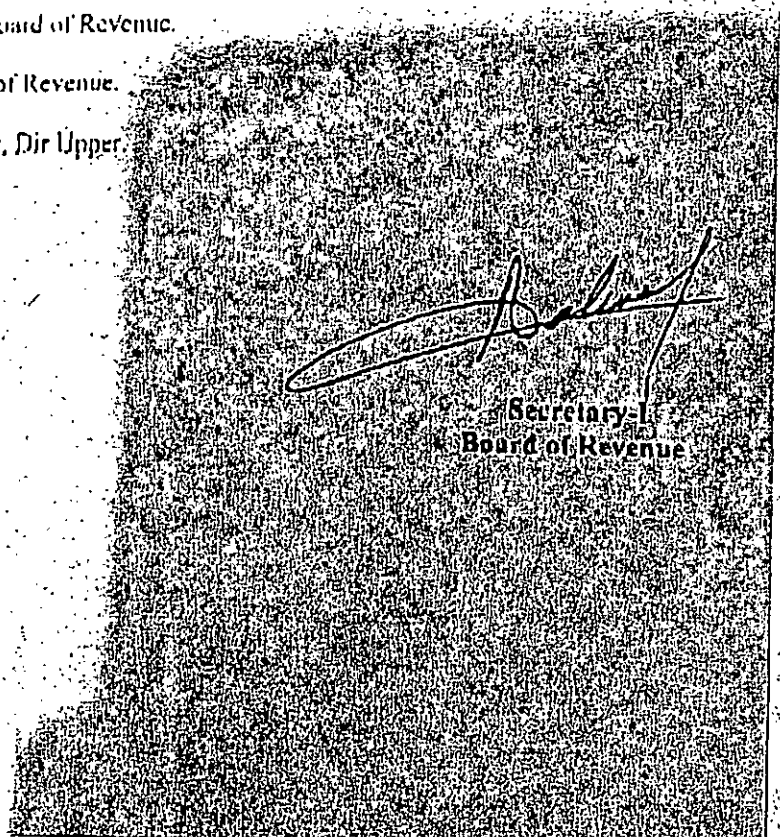
ORDER

No. Estt:II/Posting/Transfer/ 3787-93 Consequent upon the recommendation of placement committee, the Competent Authority is pleased to place the services of Mr. Zafar Iqbal Private Secretary (BS-17) to Deputy Commissioner, Dir Upper at the disposal of Board of Revenue with immediate effect.

By order of
Competent Authority

No. & Date Even:
Copy forwarded to the:

1. Commissioner Malakand Division Saidu Sharif Swat.
2. Deputy Commissioners, Dir Upper.
3. PS to Senior Member, Board of Revenue.
4. PS to Secretary-I, Board of Revenue.
5. District Accounts Officer, Dir Upper.
6. Official concerned



Secretary-I
Board of Revenue

17

ANNEX J

BEFORE THE SENIOR MEMBER BOARD OF REVENUE
KHYBER PAKHTUNKHWA, PESHAWAR.

Subject:- **APPEAL AGAINST ORDER NO. ESTT:II/POSTING/
TRANSFER/3787-93. DATED 11.02.2022.**

R/Sir,

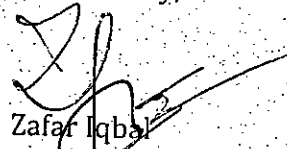
1. With due veneration and humble submission, it is stated that I am serving as Private Secretary BPS-17 in Deputy Commissioner Office Dir Upper since 01.10.2021 being bonafide resident of District Dir Upper.
2. Sir, according to posting/transfer policy of the Provincial Government, tenure for the said post is two years and I was posted as Private Secretary to Deputy Commissioner Dir Upper vide order No. Estt:II/Posting/Transfer/2021/2566-71, dated 27.09.2021 and I assumed the charge of the post of Private Secretary in Deputy Commissioner Office Dir Upper on 01.10.2021 which shows that I have not yet completed my tenure of posting i.e two years over the same post. (**Annexure "A"**).
3. The post of Private Secretary in Revenue & Estate Department Khyber Pakhtunkhwa is Divisional Cadre as per rules of the Revenue Department Khyber Pakhtunkhwa Peshawar. (**Annexure "B"**).
4. It is pertinent to mention here that my Bosses are satisfied with my services as no one filed any complaint against me during my tenure of posting, neither any of my superior Officers have filed any complaint against me in my whole service and I have been awarded very good and outstanding Performance Evaluation Reports throughout my service career, which shows that I am performing my duty with zeal, zest and devotion/dedication.
5. Most importantly, my services were four time surrendered to Commissioner Office Malakand Division and to Board of Revenue Khyber Pakhtunkhwa Peshawar since 2018 till 11.2.2022 which shows that all posting transfers being made purely on political basis. **Copy of orders are Annexure ("C,D,E, & F")**.
6. Such premature posting/transfer is not only against the government policy but also against the good governance policy of the present provincial government, as every government servant is required to be provided suitable atmosphere to serve without any political pressure/ease of mind but I have been transferred four times in short spin of time from my home District to far-flung areas i.e. Swat and Peshawar purely on political basis by violating government policy.
7. The transfer order is against the rules as my post belongs to Divisional cadre and I have not yet completed my tenure of posting of two years on the said post at District Dir Upper which is evident from the order No.4565/2/20/Estt: dated 17-08-2018, No.4038-46/2/18/Estt: dated 24-09-2020, No. Estt:II/Posting /Transfer 16222, dated, 29.6.2021 and No.Estt:II/Posting /Transfer/3787-93 dated 11.02.2022 issued by your honourable office. **Annexure "G, H, I & J"**. The whole state of affairs/illegality of the earlier four orders were mentioned in the said letter.

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8. Besides, my family is residing in Dir Upper, my mother having multiple health issues and I am the only elder one at home to take care of her. My children are also getting Education at Dir Upper and such posting transfer will not only unfavorable impacts over the health of my mother but will also adversely affect over the education of my children.
9. Since I was posted out four times without any reason during the present/incumbent government with only aim to malign my good reputation and to mentally torture me and my family by compelling Senior Officer through political pressure for issuance of such illegal orders and orders against the government policy.
10. Most importantly, Election Commission of Pakistan has imposed ban on all kinds of posting transfers and thus my present transfer is against the orders of Election Commission of Pakistan. In this regard a letter addressed to Secretary Communication & Works Khyber Pakhtunkhwa NO.F.6(14)/2022-LGE(PEC), dated, 12.2.2022 is enclosed as annexure (K).
11. In view of the position explained above, it is humbly requested that my transfer order mentioned in the above subject may please be withdrawn and I may kindly be allowed to continue my services in Deputy Commissioner's Office Dir Upper, as due to reasons mentioned above I am unable to manage /serve out of my home District.

Dated 15.2.2022.

Yours Obediently,



Zafar Iqbal
PS to Deputy Commissioner,
Dir Upper.

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ANNEX "K"

Policy

NO.SOR-II (E&AD) 1-1/85(VOL-II)
Dated Peshawar the 15th February 2003.

Subject: POSTING /TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

I am directed to refer to the subject noted above and to say that in supersession of all policy instructions issued in this behalf, the competent authority has approved the following posting Transfer Policy.

- i. All the postings /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 posting /transfers of their choice and against the public interest.
- iii. All contract Government employees, appointed against specific posts, cannot be posted against any other post.
- iv. The normal tenure of posting shall be three years more two years subject to the condition that for the officers /officials posted in unattractive areas, the tenure shall be two years and for hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v. Months of March and July are fixed for posting /transfer of the officers /officials excluding the officers in B-19 and above in the Province. Posting /transfer in Education and Health Departments shall be made in March while the remaining Departments shall make posting /transfers in July. There shall be a ban on posting/transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where posting /transfer of Government employees become inevitable in other months due to promotion /retirement /creation of new posts/return from long leave/involvement in

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disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.

vi. While making postings transfers from settled areas to FATA and vice versa specific approval of the Governor, NWFP needs to be obtained.

vii. Officers may be posted on executive /administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area /resident is situated.

viii. No postings /transfers of the officers/officials on detailment 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 and this will be subject to the public interest.

x. All the posting /transferring authorities may facilitate the postings /transfers of the unmarried female Government Servants at the station of the residence of their parents.

xi. Officers /officials except DCOs and 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 their till the retirement.

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

1

Outside the Secretariat

i. Officers of the all Pakistan Unified Group i.e DMG , PSP including Provincial Police Officers in BPS-18 and above.

ii. Other officers in BPS-17 and above to be posted against schedule posts, or posts normally held by the APUG, PCS (EG) and PCS (SG).

iii. Head of Attached Departments and other Officers in B-19 & above in all Departments.

In the Secretariat:

iv. Secretaries .

v. Other Officers of and above the rank of Section Officers:-

- a. Within the Same Department.
- b. Within the Secretariat from one Department to another.

vi. Officials upto the rank of Superintendent:-

- a. Within the same Department.
- b. To and from an Attached Department.

2

Chief Secretary in consultation with the Establishment Department and the Department concerned with the approval of the Chief Minister.

-do-

-do-

Chief Secretary with the approval of Chief Minister.

Secretary of the Department concerned .
Chief Secretary /Secretary Establishment.

Secretary of the Department concerned.
Secretary of the Department in consultation

c. Within the Secretariat from one Department to another.

with Head of Attached Department concerned. Secretary (Establishment)

xiii. While considering postings /transfers proposals all the concerned authorities shall keep in mind the following:

a. To ensure the posting of proper persons on proper posts, the annual confidential reports, past and present record of service, performance on post held presently and in tile 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.

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

i) pre-mature posting/transfer or posting/transfer in violation of the provisions of this policy.

ii) Serious and grave personal (humanitarian) grounds.

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 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 Officer 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.
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As per Rule 25(2) of the Rules 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; and
- b. require an officer to hold charge of more than one post for a period exceeding two months.

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

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

Appeal No. 803/2022

Zafar Iqbal Private Secretary, Deputy Commissioner Office Dir Upper.....Appellant

VERSUS

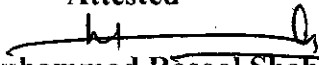
- 1) Chief Secretary Government of Khyber Pakhtunkhwa
- 2) Senior Member Board of Revenue Government of Khyber Pakhtunkhwa.
- 3) Secretary, Board of Revenue Government of Khyber Pakhtunkhwa.
- 4) Commissioner, Malakand Division.
- 5) Deputy Commissioner Dir Upper.

.....Respondents.

**INDEX SHOWING THE DETAIL OF ENCLOSURES WITH PARAWISE
COMMENTS IN SERVICE APPEAL NO. 803/2022.**

S. #	Documents/description	Annexure/Flag	Page
01	Affidavit	---	01
02	Parawise comments in respect of the respondents	----	2-3
03	Copy of section-10 of Civil Servant Act-1973 read with posting transfer policy of the provincial government	"A"	4-6

Attested


Muhammad Rasool Shah
Finance Officer Dir Upper

①

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

Appeal No. 803/2022


Zafar Iqbal Private Secretary, Deputy Commissioner Office Dir Upper.....Appellant

VERSUS

- 1) Chief Secretary Government of Khyber Pakhtunkhwa
- 2) Senior Member Board of Revenue Government of Khyber Pakhtunkhwa.
- 3) Secretary, Board of Revenue Government of Khyber Pakhtunkhwa.
- 4) Commissioner, Malakand Division.
- 5) Deputy Commissioner Dir Upper Respondents.

AFFIDAVIT

I, Muhammad Rasool Shah Finance Officer Upper Dir do hereby solemnly affirm and declare on oath that the contents of the instant reply are true and correct to the best of my knowledge and belief and nothing relevant has been concealed from this Honorable Tribunal.


(Muhammad Rasool Shah)

Finance Officer Dir Upper

Dated: 04 / 07 / 2022

(2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 803/2022

Zafar Iqbal Private Secretary, Deputy Commissioner Office, Dir Upper.....Appellant.

VERSUS

- 1) Chief Secretary Government of Khyber Pakhtunkhwa
- 2) Senior Member Board of Revenue Government of Khyber Pakhtunkhwa.
- 3) Secretary, Board of Revenue Government of Khyber Pakhtunkhwa.
- 4) Commissioner, Malakand Division.
- 5) Deputy Commissioner Dir Upper Respondents.

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1, 2, 3, 4 & 5
ARE AS UNDER:-**

RESPECTFUL SHEWETH.

PRELIMINARY OBJECTONS.

1. That the appellant has got no cause of action.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has been estopped by his own conduct to file the appeal.
4. That the appeal is pre-mature.
5. That the Appellant has not come to this Honorable Tribunal with clean Hands.
6. That this Honorable Tribunal has got no jurisdiction to entertain the present appeal.

ON FACTS.

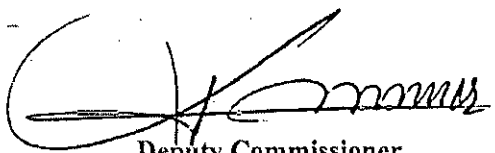
1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Correct to the extent that the services of the appellant was placed at the disposal of Board of Revenue by Commissioner Malakand Division. Moreover, as per Section-10 of the Civil Servant Act-1973 (posting and transfer policy of the Provincial Government), the appellant is bound to serve anywhere and the competent authority transferred the appellant accordingly (copy of the relevant section is enclosed at annexure "A").
6. Pertains to record.
7. The appellant was transferred from Deputy Commissioner Office Dir Upper and placed at the disposal of Board of Revenue in compliance of Government Policy.
8. Incorrect. Appeal of the appellant is not maintainable.
9. No Comments.

(3)

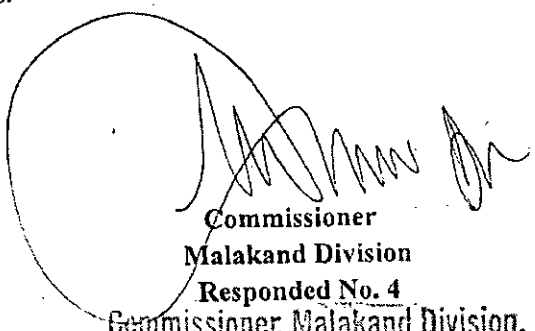
GROUNDS

- A. Incorrect. The appellant has been treated in accordance with law.
- B. As explained in para 7 above.
- C. Incorrect. The appellant has been transferred in light of Government Policy.
- D. Pertains to record.
- E. Incorrect.
- F. Incorrect. Transfer order of the appellant was issued with the approval of Competent Authority.
- G. Incorrect. As explained in para "E" above.
- H. The responded will also seek permission to submit to additional ground at the time of arguments.

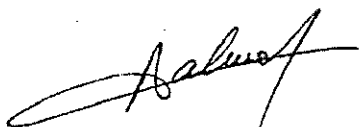
Keeping in view of the above, the appeal of the appellant having no legal grounds may be dismissed with costs.



Deputy Commissioner
Dir Upper
Responded No. 5



Commissioner
Malakand Division
Responded No. 4
Commissioner, Malakand Division.



Secretary-I
Board of Revenue
Responded No. 3



Senior Member
Board of Revenue
Responded No. 1 & 2

Annadure - 7A

(4)

THE NWFP CIVIL SERVANTS ACT, 1973
(NWFP Act No. XVIII of 1973)

An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of the North West Frontier Province.

Preamble- *WHEREAS* it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of the North West Frontier Province, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. Short title, application and commencement:- (1) This Act may be called the North West Frontier Province Civil Servants Act, 1973.

(2) This section and section 25, shall apply to persons employed on contract, or on work charged basis, or who are paid from contingencies, and the remaining provisions of this Act including this section, shall apply to all civil servants wherever they may be.

3) It shall come into force at once.

CHAPTER-I

PRELIMINARY

2. Definitions:- (1) In this Act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method,
- (b) "civil servant" means a person who is a member of a civil service of the Province, or who holds a civil post in connection with the affairs of the Province, but does not include-
- (i) a person who is on deputation to the Province from the Federation or any other Province or other authority;
- (ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies; or
- (iii) a person who is a "worker" or "workman" as defined in the Factories Act, 1934 (Act XXV of 1934), or the Workman's Compensation Act, 1923 (Act VIII of 1923);
- (c) "Government" means the Government of the North-West Frontier Province.

¹ Published in the NWFP Government Gazette Extraordinary dated 12-11-1973 at pages 287 N-287V

Annexure 'A'

Seniority on initial appointment to a service, [cadre] or post shall be as may be prescribed. (5)

(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se-seniority as in the lower post.

(5) The seniority lists prepared under sub-section(1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

9. Promotion:- (1) A civil servant possessing such minimum qualifications as may be prescribed, shall be eligible for promotion to a ¹⁰[higher] post for the time being reserved under the rule for departmental promotion in ¹¹[] the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non selection post to which promotion shall be made as may be prescribed-

(a) in the case of a selection post, on the basis of selection on merit; and

(b) in the case of non-selection post, on the basis of seniority-cum-fitness.

10. Posting and Transfer:- Every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local authority, or a corporation or body set up or established by any such Government.

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

11. Termination of service:- (1) The service of a civil servant may be terminated without notice-

(i) During the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one [service], cadre or post to another [service], cadre or post, his service shall not be so terminated so long as he

⁷ The word "grade" substituted by NWFP Ordinance No. IV of 1985.

⁸ Sub section (4) of Sec-8 substituted by NWFP Ordinance No. IV of 1985.

⁹ Sub section (5) of Sec-8 added by NWFP Act No. I of 1989

¹⁰ The word "higher" inserted by NWFP Ordinance No. IV of 1985.

¹¹ The words "the higher grade of" omitted by NWFP Ordinance No. IV of 1985.

Posting and Transfer

Statutory Provision.

Section 10 of the NWFP Civil Servants Act, 1973.

Posting and Transfer. Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

Posting/transfer policy of the Provincial Government.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.
- v) ?[]

⁷⁹ Para-I(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter 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.

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 803/2022

Zafar Iqbal (Private Secretary BPS-17) to Deputy
Commissioner Dirè Upper
.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Peshawar, and others
.....(Respondents)

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Appellant

Through,


ZARTAJ ANWAR

Advocate Supreme Court
Of Pakistan

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

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VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Peshawar, and others
.....(Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Submitted:

The appellant submit his rejoinder as under:

Preliminary Objections:

1. That the appellant has cause of action against the respondents and not concealed any material facts from this Honorable Tribunal.
2. That all the necessary parties duly mentioned at the heading of the appeal.
3. That the appellant has locus standi and got cause of action to file the instant appeal
4. That the appeal is filed within the stipulated time.
5. That the appeal is legal and based real facts.
6. That the honourable tribunal has the jurisdiction to entertain the matter of Civil Servant.

ON FACTS:

1. Contents of Para No 1 needs no reply, as pertain to record.
2. Contents of Para No 2 needs no reply, as pertain to record.
3. Contents of Para No 3 needs no reply, as pertain to record.

4. Contents of Para No 4 needs no reply, as pertain to record.
5. Contents of Para No 5 of the comments is incorrect and misleading That the services of the appellant was again prematurely transfer placed at the disposal of the Board of Revenue vide office order dated 29.06.2021.
6. Contents of Para 6 need no reply as admitted by the respondents.
7. Contents of Para No 7 of the comments is incorrect and misleading, the appellant was performing his duties as Private Secretary BPS-17 to Deputy Commissioner Dir Upper, in the meanwhile on the appellant was on the basses of political motivation pre-maturely transferred vide office order dated 11.02.2022, and few months on the post lastly transferred.
8. Contents of Para No 8 of the comments is incorrect and misleading, the appellant is aggrieved from the inaction of the respondents while transferred prematurely and against the posting transfer policy.

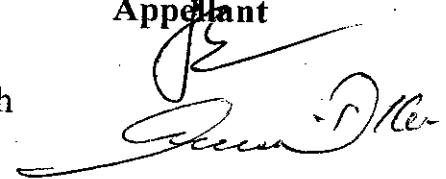
Grounds

All the grounds taken are legal and will be argue at the time of hearing

It is, therefore, most humbly prayed that the *Service Appeal*, of the appellant may please be accepted as prayed for.


Appellant

Through


ZARTAJANWAR
Advocate Supreme Court
Of Pakistan

Affidavit

I, do hereby solemnly affirm and declare that the contents of the *above Rejoinder* are true and correct and that nothing has been kept back or concealed from this Honourable Court.


Deponent

**BEFORE THE KHYBER PAKHTUNKWA
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Appellant

Through


ZARTAJ ANWAR
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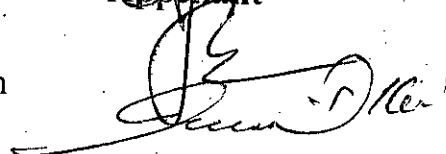
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Appelland

Through


ZARTAJANWAR
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Of Pakistan

Affidavit

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Depoent

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.....(Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Submitted:

The appellant submit his rejoinder as under:

Preliminary Objections:

1. That the appellant has cause of action against the respondents and not concealed any material facts from this Honorable Tribunal.
2. That all the necessary parties duly mentioned at the heading of the appeal.
3. That the appellant has locus standi and got cause of action to file the instant appeal
4. That the appeal is filed within the stipulated time.
5. That the appeal is legal and based real facts.
6. That the honourable tribunal has the jurisdiction to entertain the matter of Civil Servant.

ON FACTS:

1. Contents of Para No 1 needs no reply, as pertain to record.
2. Contents of Para No 2 needs no reply, as pertain to record.
3. Contents of Para No 3 needs no reply, as pertain to record.

4. Contents of Para No 4 needs no reply, as pertain to record.
5. Contents of Para No 5 of the comments is incorrect and misleading That the services of the appellant was again prematurely transfer placed at the disposal of the Board of Revenue vide office order dated 29.06.2021.
6. Contents of Para 6 need no reply as admitted by the respondents.
7. Contents of Para No 7 of the comments is incorrect and misleading, the appellant was performing his duties as Private Secretary BPS-17 to Deputy Commissioner Dir Upper, in the meanwhile on the appellant was on the basses of political motivation pre-maturely transferred vide office order dated 11.02.2022, and few months on the post lastly transferred.
8. Contents of Para No 8 of the comments is incorrect and misleading, the appellant is aggrieved from the inaction of the respondents while transferred prematurely and against the posting transfer policy.

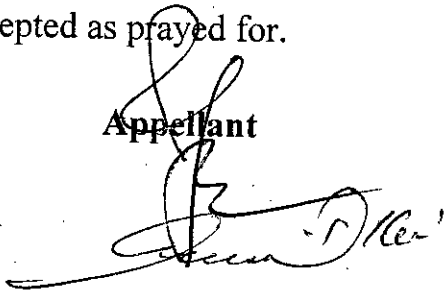
Grounds

All the grounds taken are legal and will be argue at the time of hearing

It is, therefore, most humbly prayed that the *Service Appeal*, of the appellant may please be accepted as prayed for.

Appellant

Through


ZARTAJANWAR
 Advocate Supreme Court
 Of Pakistan

Affidavit

I, do hereby solemnly affirm and declare that the contents of the *above Rejoinder* are true and correct and that nothing has been kept back or concealed from this Honourable Court.


 Deponent



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

Peshawar dated the 30/09/2019

NOTIFICATION:

No. Estt-II/DPC/Com/Mkd/ _____ On the recommendation of Departmental Promotion Committee, Mr. Zafar Iqbal Senior Scale Stenographer (BS-16) office of the Deputy Commissioner Dir Upper is appointed as Private Secretary (BS-17) on Acting Charge Basis with immediate effect.

Consequent upon his appointment, he is hereby posted as Private Secretary to Deputy Commissioner Dir Upper.

By order of
Senior Member

No. Estt-II/DPC/Com/Mkd/ 31555-58

Copy forwarded to the:-

1. Commissioner Malakand Division, Saidu Sharif Swat.
2. Deputy Commissioner Dir Upper.
3. District Accounts Officer Dir Upper.
4. Official concerned.

~~Assistant Secretary~~

"B"

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

No.

Appeal No. 803 of 2022

Zafar Iqbal Appellant/Petitioner

Versus

Govt. of KPK through Chief Secy Respondent

Respondent No. 4

Rgd

Notice to: - Commissioner Malakand Division Laidu
Sharif Swat.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal ^{on 13/6/22} at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal ^{Along with stay Application} is attached. Copy of appeal has already been sent to you vide this

office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 13

Day of June 2022

for Reply

[Signature]

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

"B"

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

No.

Appeal No. 803 of 20 22

Zafar Jawal Appellant/Petitioner

Versus

Govt. of KPK through Chief Secy Respondent

Respondent No. 5

Regd

Notice to: — Deputy Commissioner Upper Dir.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 13/6/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Along with stay Application
 Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 1st

Day of June 20 22

for Reply

[Signature]

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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“B”

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

No.

Appeal No. 803 of 20 22

Zafar Iqbal Appellant/Petitioner

Versus

Govt. of KPK through Chief Secy. Respondent
Respondent No. 1

Notice to: — Govt. of KPK through Chief Secretary
KPK Peshawar.

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

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office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 1st

Day of.....June 20 22

(for Reply)

SECRETARY
Govt. of Khyber Pakhtunkhwa
Peshawar

03-6-22

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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"B"

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

S.B

No.

Appeal No. 803 of 20 22 Date 03-06-22

Zafar Iqbal Appellant/Petitioner

Versus

Govt. of K.P.K. through Chief Secy. Respondent

Respondent No. 2

Notice to: -

Senior Members, Board of Revenue K.P.K. Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 13/6/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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✓ Along with stay application
Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 1 th

Day of June 20 22

for Reply

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.:

General Diary
 Dy: No.....
 Date: 03-06-22
 Revenue & Estate
 Khyber Pakhtun
 K.P.

Appeal No..... 803 of 20 22
Zafar Iqbal Appellant/Petitioner

Versus

Govt. of K.P. through Chief Secy. Respondent
 Respondent No. 3

Notice to: Secretary Board of Revenue Secretariat
Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 13/6/22 at 8:00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement along with any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this 1st 1/2

Day of June 20 22

(for Reply)

[Signature]

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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