



15.09.2022

Junior to counsel for the appellant present.

Muhammad Jan, learned District Attorney alongwith  
Muhammad Nisar, Focal Person for respondents present.

Former made a request for adjournment as learned  
counsel for the appellant is busy before the Hon'ble  
Peshawar High Court. Adjourned. To come up for arguments  
on 28.11.2022 before D.B.

  
(Fareena Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

28/11/22

deleted from the list to  
come up for the same on 6/2/23



21.12.2021

Clerk of counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Mazhar, Steno for the respondents present.

The respondents have not furnished reply/ comments and seeks further time. Let the respondents be afforded with last opportunity with the warning that in case they fail to submit the written reply/comments on or before next date, their right for reply/comments shall be deemed as struck off by virtue of this order. Case to come up for arguments on 08.03.2022 before the D.B.

Chairman

8-3-22

*Due to retirement of the Hon.ble. Chairman the case is adjourned to 29-6-22*

*of and  
Rehman*

29.06.2022

Mr. Izaz Khan, junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 15.09.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

**Muhammad Yar 16439/2021**

01.09.2021

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant was transferred from the post of Junior Clerk DHQ Hospital Bajaur to DHQ Hospital Mohmand at Ghalani vide impugned order dated 28.10.2020. He submitted departmental appeal to Secretary Health on 02.11.2020 and requested for cancellation of the said impugned transfer order. However, his departmental appeal was turned down on 18.11.2020 and he was directed to report for duty on new place of posting. Where-after he approached the Service Tribunal for redressal of his grievance under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

Contention of the learned counsel for the appellant is that being Junior Clerk, he cannot be posted out from his District of Domicile to some other District. The post is transferable within the District. Moreover, the impugned order has been issued by DG Health Services whereas under para-2 of the posting transfer policy dated 09.09.2005, Executive District Officer Health being the competent Authority was required to have issued the impugned order. He further contended that the impugned order dated 28.10.2020 is not actualized and implemented because Mr. Muhammad Ishfaq, Senior Clerk who replaced the appellant has been restored and allowed to continue in DHQ Hospital Mohmand at Ghalani vide subsequent office order dated 05.08.2021. He, therefore, requested that the treatment met out to the appellant is discriminatory in nature and he is also required to be allowed/retained at DHQ Hospital Bajaur.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. 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 in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 21.12.2021 before the D.B.

The appeal is also accompanied with an application for suspension of the impugned order. Notice of the same be also given to the respondents for the date already fixed.

(Mian Muhammad)  
Member(E)

Appellant Deposited  
Security Process Fee  
28/11/20

06.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 24.08.2021 for the same as before.



Reader

24.08.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and sought time for submission of reply. Adjourned. To come up for submission of reply/comments before the S.B on 01.09.2021.






(SALAH-UD-DIN)  
MEMBER (J)

Form- A

FORM OF ORDER SHEET

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

Case No.- 16439 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/12/2020	<p>The appeal of Muhammad Yar Khan resubmitted today by Mr. Noor Muhammad Khattak 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/01/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
28.01.2021		<p>Appellant is present alongwith his counsel Mr. Noor Muhammad Khattak, Advocate.</p> <p>In view of the arguments addressed at the bar by the learned counsel representing appellant, it is deemed appropriate to issue pre-admission notice to respondents for 06.05.2021, simultaneously, directing them to submit their reply/comments before S.B.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)</p>

The appeal of Mr. Muhammad Yar Khan Junior Clerk DHQ Hospital Bajaur received today i.e. on 18.12.2020 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be flagged.
- 2- Annexures of the appeal may be attested.
- 3- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 4093 /S.T,

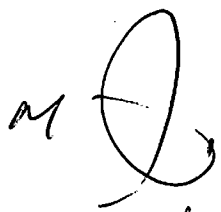
Dt. 21/12 /2020

  
REGISTRAR,  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

*Notice,*

*All objections have been removed,  
hence, re-submitted today dated 31/12/2020.*

  
31/12/2020

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

APPEAL NO. 16439 /2020

MUHAMMAD YAR KHAN

V/S

HEALTH DEPARTMENT

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**APPELLANT**

THROUGH:

  
**NOOR MOHAMMAD KHATTAK,  
ADVOCATE**

Khattak Law Associates,  
Flat No. 4, 2<sup>nd</sup> Floor, Juma Khan Plaza,  
Warsak Road, Peshawar  
**0345-9383141**

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

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. \_\_\_\_\_/2020

Diary No. 16668  
Dated 18/12/2020

Mr. MUHAMMAD YAR KHAN, (Junior Clerk BPS-11),  
DHQ Hospital, District Bajaur under transfer to DHQ Hospital Mohmand at  
Ghallanai..... **APPELLANT**

**VERSUS**

1. The Secretary, Health Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director General Health Services, Khyber Pakhtunkhwa Warsak Road, Peshawar.
3. The Medical Superintendent, DHQ Hospital Khar District Bajaur.
4. Muhammad Ashfaq, Senior Clerk, DHQ Hospital Mohmand at Ghallanai under transfer to DHQH Bajaur at Khar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED  
ORDER DATED 28.10.2020 WHEREBY THE APPELLANT HAS  
BEEN TRANSFERRED FROM DHQ HOSPITAL, DISTRICT  
BAJAUR TO DHQ HOSPITAL MOHMAND AT GHALANAI ON  
ADMINISTRATIVE GROUND AND AGAINST THE IMPUGNED  
APPELLATE ORDER DATED 18.11.2020 WHEREBY  
DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN  
REJECTED ON NO GOOD GROUNDS.**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 28.10.2020 and 18.12.2020 may very kindly be set aside to the extent of appellant and private respondent No.4 and be directed the respondents, not transfer the appellant from DHQ Hospital, Bajaur. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day

*SM*  
Registrar  
18/12/2020

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as  
under:-**

- 1- That appellant is the employee of respondent Department and is working as Junior Clerk (BPS-11) under the administrative control of respondent No. 3 with all zeal & zest.
- 2- That appellant while working as Junior Clerk at DHQ Hospital Khar District Bajaur was transferred to the Office of District Health Officer



Mohmand at Ghallanai vide order dated 05-04-2019. Copy of Order dated 05.04.2019 is attached as annexure ..... **A.**

3- That later on the order dated 05-04-2019 passed in respect of transfer the of appellant was withdrawn vide order dated 01-10-2019 passed by the then Director Health Services Merged Area. Copy of withdrawal order dated 01-10-2019 is attached as Annexure ..... **B.**

4- That just after a period of at least ONE year the appellant was again transferred from DHQ Hospital Khar Bajaur to DHQ Hospital Mohmand at Ghallanai on administrative ground vide the impugned order dated 28-10-2020. Copy of Impugned Order dated 28.10.2020 is attached as Annexure ..... **C.**

5- That appellant feeling aggrieved from the impugned order dated 28-10-2020 filed Department appeal before the respondent No. 1, but the same has been rejected on no good grounds. Copy of the Departmental Appeal and rejection are attached as annexure ..... **D and E.**

6- That appellant feeling aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

**GROUND:**

- A. That the impugned orders dated 28-10-2020 and 18.12.2020 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B. That the appellant has not been treated in accordance with law and rules by the respondent department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C. That the impugned order dated 06-10-2020 is also violative of Clause-I & Clause-IV of transfer/posting policy of Provincial Government. Copy of the transfer/posting policy is attached as annexure ..... **F.**
- D. That the impugned order dated 28-10-2020 has been issued by the respondent No. 2 in arbitrary and malafide manner, therefore, the same is not tenable in the eye of law and liable to be struck down.
- E. That the impugned order dated 28-10-2020 is based on discrimination, favoritism and nepotism hence not tenable and liable to be set aside.
- F. That, the impugned order dated 28-10-2020 has neither been passed in the best interest of public nor in the exigencies of service.

- G. That the appellant has been transferred on the basis of irrelevant complaint which was not relates to the appellant, hence the impugned transfer order dated 28-10-2020 is void and is liable to be set aside on this score.
- H. That, the impugned order dated 28-10-2020 is nothing but just to harass the appellant and to accommodate his blue eyed person i.e. private respondent No.4.
- I. That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of appellant may be accepted as prayed for.

APPELLANT

  
**MUHAMMAD YAR KHAN**

Through:

  
**NOOR MOHAMMA KHATTAK**

&  
  
**MUHAMMAD MAAZ MADNI,**  
Advocates, Peshawar

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

C.M NO. \_\_\_\_\_/2020

IN

Appeal No. \_\_\_\_\_/2020

**MUHAMMAD YAR KHAN VS EDUCATION DEPTT:**

**APPLICATION FOR SUSPENSION OF OPERATION OF**  
**THE IMPUGNED ORDERS DATED 28.10.2020 AND**  
**18.12.2020 TO THE EXTENT OF APPELLANT AND**  
**PRIVATE RESPONDENT NO.4 TILL THE DISPOSAL OF**  
**THE ABOVE MENTIONED APPEAL**

**R/SHEWETH:**

- 1- That the above mentioned appeal along with this application has been filed by the appellant before this august Service Tribunal in which no date is fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 28.10.2020 whereby the appellant has been transferred from the DHQ Hospital, District Bajaur to DHQ Hospital, Mohmand at Ghallanai.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned order/corrigendum dated 28.10.2020 has been issued by the respondents in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of the impugned orders dated 28.10.2020 and 18.12.2020 may very kindly be suspended till the final disposal of the above mentioned appeal.

**THROUGH: APPLICANT**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**



**DIRECTORATE OF HEALTH SERVICES**  
**MERGED AREA SECRETARIAT WARSAK ROAD PESHAWAR**  
PH # 091-9210212 FAX # 091-9212110

B-9

A-5

The following posting / transfer of ministerial staff are hereby ordered in the interest of public service with immediate effect.

S#	Name with Designation	From	To
1	Ghulam Muhammad Office Assistant (BS-16)	Medical Superintendent AHQ Hospital Bajaur	Medical Superintendent AHQ Hospital Ghallanai
2	Adeel Ahmad Office Assistant (BS-16)	Medical Superintendent AHQ Hospital Ghallanai	Medical Superintendent AHQ Hospital Bajaur
3	Muhammad Yar Khan Junior Clerk (BS-11)	Medical Superintendent AHQ Hospital Bajaur	Agency Surgeon Mohmand
4	Muhammad Shoaib Junior Clerk (BS-11)	Agency Surgeon Bajaur	Medical Superintendent AHQ Hospital Ghallanai
5	Said Ahmad Junior Clerk (BS-11)	Agency Surgeon Bajaur	Agency Surgeon Mohmand
6	Yaqoob Khan Senior Clerk (BS-14)	Agency Surgeon Mohmand	Agency Surgeon Bajaur
7	Abdul Wadood Junior Clerk (BS-11)	Agency Surgeon Mohmand	Medical Superintendent AHQ Hospital Bajaur
8	Muzaffer Khan Junior Clerk (BS-11)	Medical Superintendent AHQ Hospital Ghallanai	Agency Surgeon Bajaur

--sd--

Director Health Services,  
Merged Areas, Peshawar

Dated 06/04/2019

No. 4762-68 /DHS/Admin

Copy forwarded to the:-

1. Agency Surgeon Bajaur.
  2. Agency Surgeon Mohmand.
  3. Medical Superintendent AHQ Hospital Bajaur.
  4. Medical Superintendent AHQ Hospital Ghallanai.
  5. Agency Accounts Officer Bajaur & Mohmand.
  6. Accountant DHS Merged Areas.
  7. Officials concerned.
- For information and necessary action.

*Attested*  
*AH/V*

Deputy Director (Admin)  
DHS Merged Areas

**ATTESTED**  
*[Signature]*

**BETTER COPY OF PAGE-6**

**DIRECTORATE OF HEALTH SERVICES**  
MERGED AREA SECRETARIAT, WARSAK ROAD, PESHAWAR

**OFFICE ORDER**

The following posting/transfer in respect of Junior Clerks (BPS-11) issued vide this office endorsement No.12858-65/DHS/Admn dated 06.08.2019 is hereby withdrawn in the interest of public services.

S#	Name with Desig:	From	To	Remarks
1.	Abdul Wadood Junior Clerk (BS-11)	District Health Officer, Mohmand	Medical Superintendent DHQ Hospital, Bajaur	Vice#2
2.	Muhammad Yar Junior Cler (BS-11)	Medical Superintendent DHQ Hospital, Bajaur	District Health Officer, Mohmand	Vice#1

Sd/-  
Director Health Services,  
Merged Area, Peshawar

No.15982-87/DHS/Admn

Dated: 01/10/2019

**ATTESTED**

B-6

DIRECTORATE OF HEALTH SERVICES

Merged Areas Peshawar

OFFICE ORDER

The following posting / transfer in respect of Junior Clerks (BS-11) bearing vide this office order number No. 12858-65/DHS/Admin dated 06/09/2019 is hereby withdrawn in the interest of public services.

S.No	Name With Design	From	To	Remarks
1	Mirza Wadood Junior Clerk (BS-11)	District Health Officer Mohmand	Medical Superintendent DHO: Hospital Bajaur	Visa / 2
2	Muhammad Yar Junior Clerk (BS-11)	Medical Superintendent DHO: Hospital Bajaur	District Health Officer Mohmand	Visa / 1

Sd/-  
Director Health Services,  
Merged Areas Peshawar

Dated / 10 / 2019

No. 15982-87 / DHS/Admin

Copy forwarded to the:-

- 1- Deputy Director (Admin) DHS Merged Areas.
- 2- District Health Officer Mohmand.
- 3- Medical Superintendent DHO: Hospital Bajaur.
- 4- District Accounts Officer Bajaur & Mohmand.
- 5- Official concerned.

For information and necessary action.

*Attested*  
*AT*

*[Signature]*  
Director Health Services,  
Merged Areas Peshawar

ATTESTED



D-~~11~~ C-7

## DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR

E-Mail Address: [dgshs@kpk.gov.pk](mailto:dgshs@kpk.gov.pk) Office Ph: 091-9210269 Ext. Exchange Ph: 021-0210287, 0210196 Fax #: 091-9210230

### OFFICE ORDER

As approved by the competent authority the following posting/ transfer of Ministerial Staff are hereby ordered in the interest of public service with immediate effect:-

S.No.	Name of Officials	From	To	Remarks
1.	Mr. Muhammad Yar Senior Clerk	DHQ Hospital Bajaur	DHQ Hospital Mohmand at Ghallana	Vice S.No. 5
2.	Mr. Muhammad Shoaib Senior Clerk	DHO Office Bajaur	DHO Mohmand	Vice S.No. 6
3.	Mr. Said Ahmad Senior Clerk	DHO Office Bajaur	DHO Mohmand	Against the vacant post
4.	Mr. Muhammad Azam Junior Clerk (Store Keeper)	DHQ Hospital Bajaur	DHQ Hospital Mohmand at Ghallana	Vice S.No. 7
5.	Muhammad Ashfaq Senior Clerk	DHQ Hospital Mohmand at Ghallana	DHQ Hospital Bajaur	Vice S.No. 1
6.	Mr. Fazil Rabbi Senior Clerk	DHO Mohmand	DHO Office Bajaur	Vice S.No. 2
7.	Muzaffar Junior Clerk	DHQ Hospital Mohmand at Ghallana	DHQ Hospital Bajaur	Vice S.No. 4

NB: Arrival/ departure report should be submitted to this Office for record.

Sd/ ~~XXXXXXXX~~

DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR  
Dated 28 / 10 / 2020

No. 2754-59 / Personnel

Copy forwarded to the:-

1. DHO Mohmand.
2. DHO Bajaur.
3. MS DHQ Hospital Bajaur.
4. MS DHQ Hospital Mohmand.
5. DAOs Mohmand/ Bajaur.
6. Officials concerned.

For information and necessary action.

*ATTACHED*

*[Signature]*

DIRECTOR GENERAL HEALTH  
SERVICES, K.P PESHAWAR.

*[Signature]*

D-8

محضور جناب سیکرٹری صاحب صلیبہ حکومت خیبر پختونخوا پشاور

عنوان: آپیل

جناب عالی

گزارش مودبانہ کی جاتی ہے کہ میں ضلع باجوڑ کا اصلی باشندہ ہوں اور ڈسٹرکٹ ہیڈ کوارٹر ہسپتال خاں باجوڑ میں بحیثیت جوئیر کلرک ڈیوٹی سرانجام دے رہا ہوں۔ 01-7-2020 کو یوسف آباد تحصیل خاں میں ایک موٹر سائیکل ایکسیڈنٹ ہوا جس میں ایک بچے جبران ولد نیک الرحمان کو سر پر شدید چھوٹیں لگیں۔ بچے کو شدید زخمی حالت میں تقریباً شام کے وقت لایا گیا۔ اس وقت ہمارا دفتر بند ہوتا ہے۔ ڈیوٹی پر موجود ڈاکٹر اور عملے نے ایمر جنسی میں بچے کو دستیاب علاج فراہم کیا اور مزید علاج کیلئے پشاور منتقل کیا۔ چونکہ بچے کے سر پر شدید چھوٹیں آئیں تھی جسکی وجہ سے وہ راستے میں دم توڑ گیا۔

ہسپتال کے ایم۔ ایس صاحب نے مذکورہ بچے کے بارے میں سپیشلسٹ ڈاکٹروں پر مشتمل انکوائری مقرر کی جس میں یہ بات سامنے آگئی کہ بچے کو علاج کے ساتھ ایسولینس اور ایکسٹرا آکسیجن سلنڈر بھی مہیا کیا گیا۔ اسی سلسلے میں سمس نیک الرحمان نے وزیر اعلیٰ خیبر پختونخوا کو کمپلیٹ کی جس پر ڈاکٹر ہیلتھ سروسز مرچنڈائریاز نے دوسری انکوائری بھی مقرر کی۔ اگر بچے کے علاج میں کوئی کوتاہی ہوئی تھی ہو تو ایمر جنسی کا عملہ ذمہ دار ہے۔ کلرک کامریض کیساتھ کوئی تعلق نہیں ہوتا نہ کلریکل سٹاف علاج فراہم کرنے کا مجاز ہے۔ اب جبران کا والد سمس نیک الرحمان سیاسی اثر و رسوخ استعمال کر کے کلریکل سٹاف پر طرح طرح کے بے جا الزامات لگا رہا ہے اور اسی سلسلے میں میرا تبادلہ ضلع مہمند کو کیا گیا ہے۔ چونکہ سائیکل ایک کم تنخواہ دار ملازم ہوں اور ضلع کیڈریا لسی کے تحت اپنے آبائی ضلع میں تعیناتی کا حقدار ہوں۔ لہذا درخواست ہے کہ میرا سفر ارڈر منسوخ کیے احکامات صادر فرمائیں۔

عین نوازش ہوگی

22/11/2020  
آپکا تعینادار محمد یار خان جوئیر کلرک ڈسٹرکٹ ہیڈ کوارٹر ہسپتال خاں باجوڑ

Attested  
H

ATTACHED





**DIRECTORATE GENERAL HEALTH SERVICES**  
**KHYBER PAKHTUNKHWA PESHAWAR**

E = 9

E-Mail Address: [nwfdghs@yahoo.com](mailto:nwfdghs@yahoo.com) office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230  
No. 2071 / Personnel Dated: 18/11/2020

To,

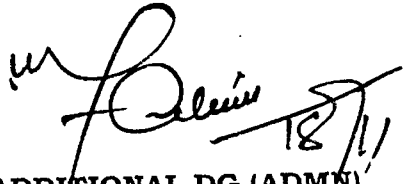
Mr. Muhammad Yar  
Junior Clerk  
DHQ Hospital Bajuar at Khar.

Subject: **APPEAL.**


Memo:

Reference to you appeal dated 02.11.2020 on the subject noted above.

You are hereby directed to report for duty to your new place of posting i-e  
DHQ Hospital Mohmand at Ghallanai.

  
18/11/2020  
ADDITIONAL DG (ADMIN)  
DIRECTORATE GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR.

18/11/2020

  
M. Yar.

41457ED



GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)

F- (10)

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) 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.  
  
<sup>2</sup>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 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 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.

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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

Attested  
[Signature]  
ATTESTED

- 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: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. 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.

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

ATTESTED

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-VI/E&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.

ATTACHED

Interested  
H/V

**VAKALATNAMA**

**BEFORE FEDERAL SERVICE TRIBUNAL, ISLAMABAD**

\_\_\_\_\_ OF 2020

Muhammad Yar Khan (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Health Dept. (RESPONDENT)  
(DEFENDANT)

I/We Muhammad Yar Khan  
Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2020

Muhammad Yar Khan  
CLIENT

Noor Mohammad Khattak  
**ACCEPTED**  
NOOR MOHAMMAD KHATTAK

Mir Zaman Safi  
MIR ZAMAN SAFI  
&

**AFRASIAB KHAN WAZIR  
ADVOCATES**

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