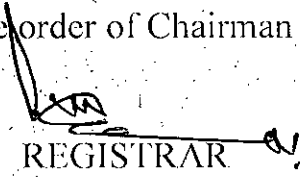


# FORM OF ORDER SHEET

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

Case No. - 1797/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/12/2022	<p>The appeal of Engineer Faiza Sana presented today by Mr. Akhtar Ilyas Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>16-12-2022</u>. Notices be issued to appellant and her counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**URGENT FORM**

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

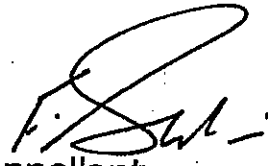
Service Appeal No. 1797 /2022

Engineer Faiza Sana ..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others ..... Respondents

1. Will you kindly treat the accompanying Appeal as urgent.
2. The Grounds of urgency are:  
That appellant has prematurely transferred and she has not relinquish the charge. The official are after her relinquishment of charge, therefore, the titled appeal required to be fixed on urgent basis in a day or two, otherwise, the appeal will infructuous.

  
Appellant

Through

  
**Akhtar Ilyas**  
Advocate High Court.

Dated: 15.12.2022

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1797 /2022

Engineer Faiza Sana ..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others ..... Respondents

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Appeal U/S 4 of the KP Service Tribunal Act, 1974 with affidavit		1-6
2.	Application for suspension of impugn order with affidavit		7-8
3.	Addresses of parties		9
4.	Appreciation Certificate	A	10
5.	Copy of Order dated 01.07.2022	B	11
6.	Copies of charge assumption and order dated 04.07.2022	C & D	12-13
7.	Copy of impugned transferred order	E	14-15
8.	Copy of Departmental Appeal	F	15-16
9.	Copy of the Order	G	17
10.	Copy of the Policy	H	18-23
11.	Vakalat Nama		24.

  
Appellant


Through

  
**Akhtar Ilyas**  
Advocate High Court.

Dated: 15.12.2022

Office # TF-27, Deans  
Trade Center, Saddar  
Cantt, Peshawar.

Cell # 0333-9417974

  
Abdul Majid Yousof  
Advocate, Peshawar.

①

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1797 /2022

Engineer Faiza Sana (BPS-18), Executive Engineer, PHE  
Division, Charsadda.

..... Appellant

Versus

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary,  
Civil Secretariat, Peshawar
2. Secretary, PHED, Khyber Pakhtunkhwa, Peshawar.
3. Chief Engineer (Center), PHED, Khyber Pakhtunkhwa,  
Peshawar.
4. Engineer Zahid Hussain (BPS-18), Design Engineer  
(Center) O/O The PHED, Khyber Pakhtunkhwa,  
Peshawar.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHUNKHWA SERVICE TRIBUNAL ACT,  
1974 AGAINST THE IMPUGNED ORDER  
DATED 09.12.2022 WHEREBY THE APPELLANT  
HAS BEEN TRANSFERRED FROM PHE  
DIVISION CHARASADDA TO THE O/O CHIEF**

**ENGINEER (CENTER) PHE DEPARTMENT,**  
**PESHAWAR AND HIS DEPARTMENTAL**  
**APPEAL HAS BEEN REGRETTED VIDE ORDER**  
**DATED 15.12.2022.**

**Sheweth:**

1. That the appellant has been serving in the respondent department since long with full zeal and devotion and to the entire satisfaction of her high ups. It is pertinent to mention here that she has been awarded an appreciation Certificate due to the best performance in the recent floods. **(Appreciation Certificate is attached as annexure "A")**.
2. That on 01.07.2022, the appellant was transferred from O/O the Chief Engineer (East) PHE Division to Executive Engineer PHE Division Charsadda. **(Copy of Order dated 01.07.2022 is attached as annexure "B")**.
3. That pursuant to the transfer order, the appellant assumed charge on 01.07.2022 and the same has duly notified by the Department vide Order dated 04.07.2022. **(Copies of charge assumption and order dated 04.07.2022 are attached as annexure "C" & "D")**.

4. That on 09.12.2022 to the dismay of the appellant, respondent No. 2 once again transferred the appellant from PHE Division Charsadda to the office of Chief Engineer (Center) PHE Department, Peshawar. Needless to mention here that the appellant has not completed one year what to speak of normal tenure. **(Copy of impugned transferred order is attached as annexure "E")**.
5. That the appellant preferred Departmental Appeal on 12.12.2022. **(Copy of Departmental Appeal is attached as annexure "F")**
6. That Departmental Appeal filed by the appellant has been regretted vide order dated 15.12.2022. **(Copy of the Order is attached as annexure "G")**.
7. That feeling aggrieved, the appellant seeks indulgence of this Hon'ble Tribunal, inter-alia, on the following:-

**GROUND**

- A. That the impugned orders are against the law, rules and policy on the subject, hence untenable.
- B. That the impugned order lacks reason what to speak of plausible one, which goes contrary to Section 24-A of the General Clauses Act, 1897, on

this score too, the impugned order is not sustainable.

C. That the appellant has not completed his normal tenure, which is against the transfer policy of the government. **(Copy of the Policy is attached as annexure "H").**

D. That the impugned transfer order is against the various pronouncement of the Superior Courts more particularly the law laid down in the case titled as **"PLD 2013 SC 195" & "2018 SCMR 1411(b)"**

E. That appellant has been transferred two times in a short span of time, which smacks malafide on the part of respondent-department.

F. That the appellant has not been treated in accordance with law, rather has been discriminated in utter disregard of Articles 4 and 25 of the Constitution, 1973, hence needs indulgence of this Hon'ble Tribunal.

G. That respondent No. 2 is incompetent to pass the impugned order as respondent No. 2 can only pass orders in respect of officials in BPS-16 and 17 only.

5

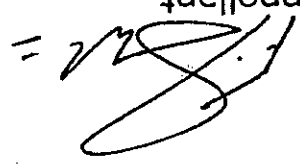
H. That Departmental Authority has passed the rejection order in a very haste manner, hence untenable.

I. That the appellant seeks leave to the court to urge additional grounds, at the time of arguments.


**PRAYER:**

It is, therefore, prayed that the impugned transfer order dated 09.12.2022 and rejection order dated 15.12.2022 may kindly be set aside and the appellant may be allowed to complete his normal tenure.

Any other order deems fit in the circumstances may be passed in favour of the appellant.

  
Appellant

Through

  
Akhtar Ilyas

Advocate High Court.

Dated: 15.12.2022

د اکھتار ایلیاس  
Advocate, Peshawar.



6

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

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

Engineer Faiza Sana ..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others ..... Respondents

**AFFIDAVIT**

I, do hereby solemnly affirm and declare that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
**DEPONENT**

**CERTIFICATE:**

Certified that no such like Appeal has earlier been filed by this Hon'ble Court.

  
Advocate

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

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

Engineer Faiza Sana ..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others ..... Respondents

**APPLICATION FOR SUSPENSION OF IMPUGNED  
TRANSFER ORDER DATED 09.12.2022**

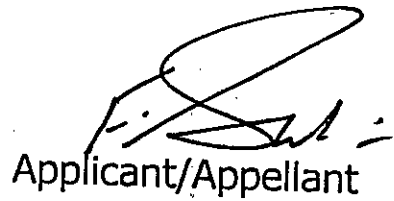
Respectfully Sheweth:

1. That the appeal titled above is pending before this Hon'ble Court which is fixed for today.
2. That the appellant /petitioner has a good prima facie case and arguable case and is sanguine about his success.
3. That the balance of convenience is also lies in favour of the appellant/petitioner.
4. That the ground taken in the main appeal, may please be considered as an integral part of the instant appeal.

- 5. That if the impugned order date 09.12.2022 is not suspended, the applicant / appellant would suffer irreparable loss.
- 6. That the appellant has not relinquish the charge, on this score alone, the order deserves suspension.

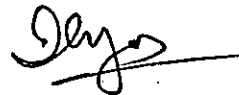
**PRAYER:**

**It is, therefore, most humbly submitted that on acceptance of instant Application, the impugned Order dated 09.12.2022 may kindly be suspended, till the final disposal of the main appeal.**



Applicant/Appellant

Through

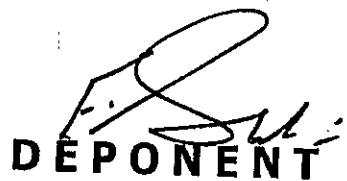


**Akhtar Ilyas**  
Advocate High Court.

Dated: 15.12.2022

**AFFIDAVIT**

I, do hereby solemnly affirm and declare that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



**DÉPONENT**

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

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

Engineer Faiza Sana ..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others ..... Respondents

**ADDRESSES OF PARTIES**

**APPELLANT:**


Engineer Faiza Sana (BPS-18), Executive Engineer, PHE Division, Charsadda.

**RESPONDENTS:**

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
2. Secretary, PHED, Khyber Pakhtunkhwa, Peshawar.
3. Chief Engineer (Center), PHED, Khyber Pakhtunkhwa, Peshawar.
4. Engineer Zahid Hussain (BPS-18), Design Engineer (Center) O/O The PHED, Khyber Pakhtunkhwa, Peshawar.

  
Appellant

Through

  
**Akhtar Ilyas**  
Advocate High Court.

Dated: 15.12.2022



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGINEERING DEPARTMENT

Miss. Faiza Sana,  
Executive Engineer,  
PHE Division Charsadda.

Date: 26-10-2022

Subject: APPRECIATION LETTER

It gives me immense pleasure to convey my gratitude, thanks and appreciation for your sincere & dedicated efforts during recent floods. The hard work of your team in ensuring the provision of clean drinking water, hygiene facilities, and a healthy environment to the public of Khyber Pakhtunkhwa contributed greatly to the overall relief process. I deeply appreciate your contribution, excellent cooperation and overall engagement throughout the flood emergency. I hope you will continue the good work with more passion and diligence and ensure better service delivery to the common man.

With Best Wishes.

**(MUHAMMAD IDREES KHAN)**

Secretary Public Health Engg: Department  
Khyber Pakhtunkhwa, Peshawar.

Attested



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT**

Dated Peshawar, the July 01, 2022

Annex-B (11)

**NOTIFICATION**

**No. SO(ESTT)/PHED/1-45/2022;**

Postings/transfers of the following officers of Public Health Engg: Department on administrative grounds and in the interest of public service, with immediate effect. The competent authority is pleased to order the

S #	Name	From	To
1.	Engr. Zahid Hussain, BPS-18	Executive Engineer PHE Division Charsadda	Executive Engineer PHE Division Karak-II.
2.	Engr. Faiza Sana, BPS-18	Design Engineer O/O the C.E (East) PHED	Executive Engineer PHE Division Charsadda
3.	Engr. Zeeshan Khan, BPS-18	Executive Engineer PHE Division South Waziristan	Design Engineer O/O the C.E (East) PHED
4.	Engr. Tariq Alam, BPS-18	Executive Engineer PHE Division Tank	Executive Engineer PHE Division South Waziristan
5.	Engr. Fazal Ahmad, BPS-18	Technical Officer (South) PHED Peshawar	Executive Engineer PHE Division Tank
6.	Mr. Jamshid Iqbal, BPS-17	SDO PHE Sub Division Takht- e-Nasreti Karak-II with addl charge of the post of XEN PHE Division Karak-II.	SDO PHE Sub Division Waral Dir Upper with addl charge of the vacant post of XEN PHE Division Dir Upper
7.	Engr. Muhammad Ishaq, BPS-17	SDO PHE Sub Division Waral Dir Upper	Assistant Design Engineer (South) PHED Peshawar
8.	Engr. Muhammad Siddiq, BPS-17	SDO PHE Sub Division Ghalani Mohmand	Assistant Design Engineer (North) PHED Peshawar
9.	Mr. Latfar Khan, BPS-17	Assistant Design Engineer (South) PHED Peshawar	SDO PHE Sub Division Ghalani Mohmand
10.	Mr. Abder Rahman, BPS-17	SDO PHE Sub Division No.1 Tank	SDO PHE Sub Division Mirali North Waziristan

2. Consequently, Mr. Missal Khan, SDO (BPS-17) Public Health Engg: Sub-Division No.2 Tank is authorized to hold additional charge of the post of SDO (BPS-17) Public Health Engg: Sub-Division No.1 Tank; in addition to his own duties, till further orders.

**Executive Engineer  
PHE Division Chasadda**

**SECRETARY  
PHE DEPARTMENT**

**No. SO(ESTT)/PHED/1-45/2022;**

Dated Peshawar, the July 01, 2022

Copy forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. All Chief Engineers PHE Department Khyber Pakhtunkhwa
3. Superintending Engineer PHE Circle Peshawar/Khyber/Konak/D.I. Khan/Malakand
4. Director Technical PHE Department Peshawar
5. Executive Engineer PHE Division Charsadda/Karak-II/South Waziristan/North Waziristan/  
Tank/Mohmand.
6. District Accounts Officer Charsadda/Karak-II/South Waziristan/North Waziristan/  
Tank/Mohmand.
7. All Section Officers PHE Department Peshawar
8. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
10. PA to Additional Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
11. Officers concerned.
12. Office Order / Personal Files.

**SECTION OFFICER (ESTT)**

*[Signature]*  
01/07/22

*[Signature]*



**OFFICE OF THE EXECUTIVE ENGINEER  
PUBLIC HEALTH ENGG: DIVISION CHARSADDA.**  
Email:- [muhammadtalhahp@zmail.com](mailto:muhammadtalhahp@zmail.com) Phone No.091-9220493

**ASSUMPTION OF CHARGE.**

In Pursuance of the Secretary to Government of Khyber Pakhtunkhwa Public Health Engineering Department Peshawar Notification No. SO (Estt :)/PHED/-1-45/2022 dated: 01-07-2022, I, Engr. Faiza Sana (BPS-18) hereby assume the charge of Executive Engineer (BPS-18) Public Health Engineering Division Charsadda, today on 04<sup>th</sup> July 2022 (F.N).

(Engr: Faiza Sana)  
Executive Engineer  
PHE Division Charsadda.

Endst: No. 2-1/01

Dated Charsadda the 4/7/2022.

**Copy forwarded for information to the: -**

- 1- Accountant General Khyber Pakhtunkhwa Peshawar.
- 2- Chief Engineer (Center) Public Health Engineering Deptt: Peshawar.
- 3- Superintending Engineer PHE Circle Peshawar.
- 4- Deputy Commissioner, Charsadda.
- 5- District Accounts Officer, Charsadda.
- 6- Section Officer (Estt:) PHE Deptt: Khyber Pakhtunkhwa Peshawar.
- 7- PS to Special Assistant to Chief Minister for PHE Department Peshawar.
- 8- P.S to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
- 9- Sub Divisional Officer PHE Sub Division Charsadda / Tangi.
- 10- O/O File / Personal File.

Attended  
[Signature]

[Signature]  
(Engr: Faiza Sana)  
Executive Engineer  
PHE Division Charsadda.

Annex-C (12)

## CHARGE RELINQUISHMENT CERTIFICATE

In compliance of the Secretary to Government of Khyber Pakhtunkhwa, Public Health Engineering Department, Peshawar Notification No. SO(Estt)/PHED/1-45/2022 dated 01/07/2022, I Engr. Miss Faiza Sana (BPS-18) relinquished the charge of the post of Design Engineer O/o the Chief Engineer (East) PHE Department Peshawar, today on 1<sup>st</sup> July 2022 (F.N).

  
Design Engineer (East)


(Engr. Miss Faiza Sana)  
Design Engineer  
O/O the Chief Engineer (East)  
PHE Department Peshawar.

No. 01 / E-I / PHE

Dated: the 01 / 07 / 2022

Copy forwarded for information & necessary action to the:-

- ✓ 1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (East) PHE Khyber Pakhtunkhwa, Department Peshawar.
3. Superintending Engineer H/Q (East) Khyber Pakhtunkhwa, Peshawar.
4. Director Technical PHE Department Khyber Pakhtunkhwa Peshawar.
5. PS to Minister PHE Department, Khyber Pakhtunkhwa Peshawar.
6. PS to Secretary PHE Department, Khyber Pakhtunkhwa, Peshawar.
7. Section Officer (Estt) PHE Department Khyber Pakhtunkhwa, Peshawar.
8. Officers concerned.
9. Office Order/Personal File.

  
Design Engineer (East)

(Engr. Miss Faiza Sana)  
Design Engineer  
O/O the Chief Engineer (East)  
PHE Department Peshawar.

Attended  
8





GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the December 09, 2022

**NOTIFICATION**

**No. SO(Estt)/PHED/1-45/2022:**

The competent authority is pleased to order the postings/transfers of the following officers of Public Health Enng: Department in the interest of public service, with immediate effect:

S #	Name	From	To
1.	Engr. Zahid Hussain, BPS-18	Design Engineer O/O the C.E. (Center) PHED Peshawar	Executive Engineer PHE Division, Charsadda
2.	Engr. Faiza Sana, BPS-18	Executive Engineer PHE Division, Charsadda	Design Engineer O/O the C.E. (Center) PHED Peshawar


SECRETARY  
PHE DEPARTMENT


**No. SO(ESTT)/PHED/1-45/2022:**

**Dated Peshawar, the December 09, 2022**

Copy forwarded for information & necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Chief Engineer (Center) PHE Department, Khyber Pakhtunkhwa
3. Superintending Engineer PHE Circle, Peshawar.
4. Director Technical PHE Department Peshawar
5. Executive Engineer PHE Division Charsadda.
6. District Accounts Officer Charsadda.
7. All Section Officers PHE Department Peshawar
8. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
10. PA to Additional Secretary PHE Department Khyber Pakhtunkhwa Peshawar
11. Officers concerned.
12. Office Order / Personal Files.

  
13/9/22  
(SHER AZAM KHAN)  
SECTION OFFICER (ESTT)



To  
The Secretary  
09/12/2022

Government of Khyber Pakhtunkhwa Public Health Engineering Department.

Through proper channel

Subject:

Departmental Appeal against the impugned Transfer Notification dated 09/12/2022 Where by the appellant has been prematurely Transferred from the post of Executive Engineer PHE Division Charsada without any lawful authority, in utter violation of Law, Rules and Transfer/Posting Policy of the Provincial Government.

Prayers:

On acceptance of this Departmental Appeal the impugned premature, illegal Transfer posting Notification dated 09/12/2022, may graciously be set aside and the appellant may kindly be posted on her previous place of posting i.e to Executive Engineer PHE Division Charsada.

Dear Sir,

The appellant submits as under;

1. That the appellant is serving as Engineer (BPS 18) and since her first day of appointment on the position of Executive Engineer, PHE Charassda, however, the appellant performed her duty with great zeal, zest, honesty and to the entire satisfaction of her high ups. It is pertinent to mention that during havoc of the recent disastrous floods, the appellant has served day and night strenuously and, therefore, the worthy Secretary, Public Health Engineering Department KP has awarded appreciation letter due to my efforts (attached for ready reference).
2. That the appellant was Previously posted as Design Engineer (BPS 18) at the office of C.E East PHED however the appellant was transferred to Executive Engineer PHE Division Charsada vide Notification dated 01/07/2022 and due to administrative grounds Eng. Zahid Hussain (BPS 18) was transferred and the appellant was posted on his place. The appellant in implementation of the Notification dated 01/07/2022 submitted arrival and started performing her duties in accordance with law and rules. (Copy of the Transfer/Posting Notification dated 01/07/2022 is annexed as annexure A). It is pertinent to mentioned that after my transfer to Charassda Division, Mr. Zahid Hussian was adamant to relinquish the charge despite the appellant request letters (attached) and explanations from him by the higher officials.
3. The appellant was surprised to see that Eng. Zahid Hussain (BPS 18) managed to get a prematurely transfer/posting Notification dated 09/12/2022, by exercising political influence whereby he was transferred to Executive Engineer PHE Division Charsada and the appellant was transferred and posted as Design Engineer (BPS 18) at the office of C.E (Centre) PHED Peshawar in utter violation of law, Rules and Principles of Natural justice. (Copy of the Notification dated 09/12/2022 is annexed as annexure B).
4. From the day of his transfer he became personal as already mentioned above that he used delaying tactics to relinquish his charge because that how a female can replaced him.
5. That the appellant has no other adequate remedy hence filing the instant Departmental Appeal on the following grounds ;

GROUND:

Attested  
Q

- A. That the impugned Notification dated 09/12/2022 is against the law, rules Principles of Natural Justice hence void ab initio not sustainable under the law.
  - B. That as per Transfer Posting Policy of Provincial Government normal tenure on a post of a civil servant is 2 years however the appellant has been made a rolling stone and after serving for almost five months the appellant was frequently transferred prematurely in utter violation of the Ibid policy.
  - C. That as per judgment of superior courts the authority given to any official shall be exercised as a Public Trust and in accordance with law and rules however the impugned order is an example of colourful exercise of powers in violation of law and Rules.
  - D. That the impugned notification has not been issued in the public interest but for facilitating a blue-eyed which is not sustainable under the law.
  - E. That the appellant is entitled to be treated equally in accordance with transfer posting policy however the appellant has been discriminated by transferring him prematurely which is violation of Article 4 and 25 of the constitution of Pakistan 1973.
  - F. As per reported judgment of Supreme Court of Pakistan 2018 SCMR 1411(b), Section 10 of the Baluchistan Civil Servant Act 1974 did not prescribe a minimum period during which a civil servant must serve at his post, it did not mean that the government without assigning any reason could move a civil servant from the place he was posted to after a month or subject the civil servant to repeated postings in a short period of time because that would amount to punishing him such postings also adversely affected the public interest and resulted in the wastage of scarce resources and constituted bad governance.
  - G. That the impugned order seems to be political motivated because it is premature transfer without any Reasons like, no complaint, no slackness in duty, no explanation or any other action under E&D Rules by the Department, rather purely on Political basis transfer etc and the recent experiences reinforces that Mr. Zahid Hussain became personal and stubborn regarding his transfer on administrative grounds from Charsada Division and therefore from the first day he was trying to cancel my order hence liable to be set-aside on the sole ground.
- It is therefore requested that the appeal may kindly be accepted as prayed for in the heading of the instant appeal.

Your's obediently

Eng. Faiza Sana (BPS-18)

12/12/22

Attended



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/ 1-45/2022

Dated Peshawar, the December 15, 2022

Amr-G (17)

To

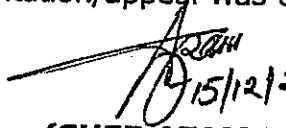
Engr. Faiza Sana,  
Executive Engineer PHE Division, Charsadda.

Subject:

**DEPARTMENTAL APPEAL AGAINST THE IMPUGNED TRANSFER NOTIFICATION DATED 09-12-2022.**

Dear Sir,

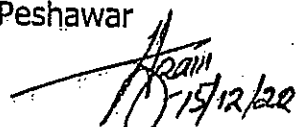
I am directed to refer to your appeal No. nil dated 12-12-2022 on the subject noted above and to inform that your representation/appeal was considered and rejected.

  
15/12/22  
(SHER AZAM KHAN)  
SECTION OFFICER (ESTT)

**ENSDST: NO & DATE AS ABOVE:**

Copy forwarded for information to:

1. PS to Minister for Public Health Engg: Khyber Pakhtunkhwa Peshawar.
2. PS to Secretary Public Health Engg: Department Peshawar

  
15/12/22  
(SHER AZAM KHAN)  
SECTION OFFICER (ESTT)

Attested  


NO.SOR-II (E&AD) 1-1/85(VOL-II )  
Dated Peshawar the 15<sup>th</sup> 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 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.

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**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.

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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

*Attested*  


c. Within the Secretariat from one Department to another.

with Head of Attached Department concerned. Secretary (Establishment)

Attested  
[Signature]



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 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.

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 .

Attended  
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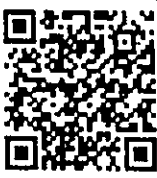
4.	Official in BPS-16 and below.	Executive District Officer in consultation with District Coordination Officer.
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As per Rule 25(2) of the Rules above the District Coordination Department shall consult the Government if it is proposed to :


- 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.

*Attest-d*  
*[Signature]*

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ایڈوکیٹ: افسر الیس		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: BC-11-1572				
رابطہ نمبر: 9417979-333				

بعدالت جناب: جسٹس خٹون خواہ سرگودھا

مخاتب: Appellant	دعویٰ: SA / 2022
 <p>ایجنسی فاکٹری ٹیکنام مقررہ</p>	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

## باعث تحریر آنگہ

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

آن مقام پشاور کیلئے افسر الیس رنیل عبدالحمید جو مسطورہ کی مقررہ طور پر کسٹم پشاور کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے، جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو فریج ہر جائے اتوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابندیہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 15/12/2022

بعد العواہ بعد الع

مقام پشاور کے لیے منظور ہے۔

Alter  
Jag  
اللہ

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی