

27.10.2021

Nemo for appellant.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

A Notification dated 17.10.2020 was submitted on behalf of official respondents vide which appellant stood retired on attaining the age of superannuation. The appeal in hand was filed against the Notification dated 8th November, 2019 vide which appellant had been transferred to District Karak as Assistant Director L.G&R.D.D.

In view of non-attendance of the appellant coupled with his retirement, the appeal stands dismissed being infructuous. No order as to costs. File be consigned to the record room.

Announced.
27.10.2021


(Rozina Rehman)
Member(J)
Camp Court, D.I.Khan



Government Of Khyber Pakhtunkhwa
Local Government, Elections & Rural
Development Department

NOTIFICATION

Dated Peshawar, the 17th August, 2020

/2352

No.SO(E)LG/3(11)/PENSION/2020.- Without prejudice to the legal remedies available to Provincial Government and in pursuance of judgement of the Peshawar High Court, Peshawar dated 19.02.2020 in Writ Petition No. 5673-P/2019, Mr. Naeem Khan, Assistant Director (BPS-17), Local Government & Rural Development Department Karak has stand retired from Government service on 14.08.2020 (A.N) on attaining the age of superannuation, as his date of birth is 15.08.1960, subject to CPLA / Appeal of the Provincial Government against aforementioned judgement of Peshawar High Court, Peshawar and any order contrary as and when issued by the Apex Court of Pakistan.

SECRETARY TO GOVERNMENT OF KHYBER
PAKHTUNKHWA LG,E&RD DEPARTMENT

Encl. No. & Date Even.

Copy is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. The Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. The Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. The Director General, LG&RDD Khyber Pakhtunkhwa Peshawar w/r to his letter No Director (J G) 3-1/Establishment/2019r 16752, dated 12th August, 2020.
5. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
6. All District Accounts Officers in Khyber Pakhtunkhwa
7. The Officer concerned.
8. The PS to Secretary LG,E&RDD Peshawar.
9. The PS to Special Secretary (E&A), LG,E&RDD Peshawar.
10. The Personal File of the officer concerned.
11. The Office order file.

SECTION OFFICER (ESTAB)
Phone # 091-9213224

Dir (Adm) HR

14/9/2020

23/8/20
14/09/2020
NO LOG

26.03.2021

Nemo for the appellant. Mr. Muhammad Rasheed, Deputy District Attorney for official respondents No. 1 to 4 and counsel for private respondent No. 5 present.

Learned counsel for private respondent No. 5 submitted copy of notification No. SO(E)LG/3(11)/PENSION/2020/3352 dated Peshawar, the 17th August, 2020 and stated that the appellant has been retired and the present appeal has become infructuous.

Today's date was posted on Note Reader, therefore, notice for prosecution of the appeal be issued to appellant as well as his counsel for 23.06.2021 before S.B at Camp Court D.I.Khan.



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

23.6.21

*Due to COVID-19, the case is adjourned
to 27-10-2021 for same.*



29.10.2020

Appellant has not forth come despite having been called time and again. Mr. Muhammad Jan, Deputy District Attorney for the respondents is present.

Neither private respondent No. 5 is present nor anyone else representing him has appeared. The Tribunal was not enlightened regarding other matters as ordained in the preceding order sheet. However, the legal community is in observance of a general strike. The case is adjourned to 23.11.2020 for further proceedings before S.B at Camp Court, D.I.Khan.

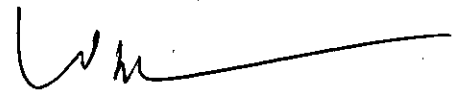
(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT D.I.KHAN

23.11.2020

Nemo for appellant.

Mr. Muhammad Jan, learned DDA for official respondents No. 1 to 4 and counsel for private respondent No.5 present.

Notice be issued to appellant/counsel and official respondents. To come up for further proceedings as per order sheet dated 25.09.2020 on 25.01.2021 before S.B at Camp Court, D.I.Khan.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, D.I.Khan

25.1.2021

due to COVID 19, the case is adjourned to 26.3.2021 for the same.




27/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/4/2020 at Camp Court, D.I Khan


Reader

23/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 25/4/2020 at Camp Court, D.I Khan

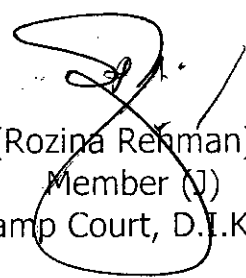

Reader

25.09.2020

Appellant is absent however, his counsel is present on his behalf.

Mr. Muhammad Jan, Deputy District Attorney for respondents No.1 to 4 present. Counsel for respondent No.5 present.

Counsel for respondent No.5 informed the Tribunal in respect of retirement of the appellant. The matter between the parties is in respect of transfer of the appellant who is now retired but counsel for appellant requested for adjournment in order to apprise this Tribunal in respect of some other issues regarding transfer and retirement of appellant. Therefore, last chance is given. To come up for further proceedings on 28.10.2020 before S.B at Camp Court, D.I.Khan.


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

27.02.2020

Appellant alongwith his counsel present and requested for further time to deposit security and process fee. Time granted. Appellant is directed to deposit security and process fee within three working days, thereafter, notices be issued to the respondents for written reply/comments for 27.03.2020 before S.B at Camp Court D.I.Khan.

Appellant Deposited
Security & Process Fee

[Signature]
02/3/20

[Signature]
(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan.

30.01.2020

Appellant Naeem Khan in person present. Preliminary arguments heard. It was contended by the appellant that he was serving as Assistant Director (BPS-17) in Local Government & Rural Development Department South Waziristan Tribal District at District Tank. It was further contended that he was transferred by the competent authority from District Tank to District Karak as Assistant Director Local Government & Rural Development Department vide order dated 08.11.2019. It was further contended that he also filed departmental appeal on 22.11.2019 but the same was rejected vide order dated 31.12.2019 hence, the present service appeal on 15.01.2019. It was further contended that he was prematurely transferred by the competent authority against the transfer posting policy as he had not completed his two years period before the impugned transfer order. It was further contended that he is at the verge of retirement and as per transfer posting policy he had not to be transferred from home district. It was further contended that private respondent No. 5^{to M} Office Assistant and non-cadre and as such he is illegally authorized to hold the additional charge of post of Assistant Director of the said department, therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 27.02.2020 before S.B at Camp Court D.I.Khan. The appellant also submitted application for suspension of impugned order. Notice of the same be also issued to the respondents for the date fixed. *The office is also directed*

M to make entry in the relevant register and also put number on it

M A
(M. Amin Khan Kundi)

Member


Camp Court D.I.Khan

The appeal of Mr. Naeem Khan Assistant Director LG&RDD S. W received today i.e. on 15.01.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Annexure-A of the appeal is illegible which may be replaced by legible/better one.
- ④- Copy of proper rejection order departmental appeal is not attached with the appeal which may be placed on it.
- 5- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal

No. 113 /S.T,

Dt. 15/01 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Nauman Akbar Adv. D.I.Khan.

Respected Sir,

As per your directions report is hereby submitted.

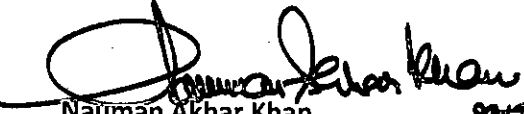
Objection No. 1 is rectified.

Objection No. 2 is rectified.

Objection No. 3 is rectified and better copy is annexed as Annexure "A-1"

Objection No. 4. To the extent of objection No.4. It is submitted that Annexure "C" in all respect is a proper rejection order. Furthermore, legal points will be placed before the honorable tribunal at the time of arguments.

Objection No. 5 is rectified.


Nauman Akbar Khan
Advocate High Court, DIKhan.

Sw,

The objection of this office
(objection no-4) and reply of counsel
for the appellant is submitted for
order please.

~~_____~~
20/01/2020

Humble chairman

Be filed before SA along with office
objection.


21/1

Registrar

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR.

Service Tribunal Appeal No 319 /2020

NAEEM KHAN.
VERSUS
GOVT OF KP & OTHERS

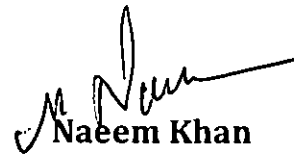
SERVICE APPEAL

I N D E X

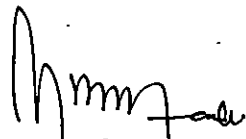
| S.No | Description of Documents | Annexure | Page |
|------|---------------------------------------|----------|-------|
| 1. | Grounds of Service Appeal & Affidavit | | 1-7 |
| 2. | Copy of the Transfer Order | "A" | 8 |
| 3. | Better Copy of Transfer Order | "A-1" | 9 |
| 4. | Copy of Departmental Appeal | "B" | 10-13 |
| 5. | Copy of Order Dated 31-12-2019 | "C" | 14 |
| 6. | Copy of Physician prescription | "D" | 15 |
| 7. | Wakalatnama | | 16 |


Dated -01-2020

Your Humble Appellant


Naeem Khan

Ex-AD, LG & RDD, SW,
Tribal District.


Mohammad Yousaf Khan
Advocate
Supreme Court, Stationed at D.I.Khan


Nauman Akbar Khan
Advocate
High Court, D.I.Khan.

①

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR.

Service Tribunal Appeal No 859 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 430

Date 15/01/2020

NAEEM KHAN.

(S/O Ghulam Mehmood Khan, Caste Kundi, R/O Green Town, Dera Ismail Khan), Assistant Director Local Government & Rural Development Department, South Waziristan Tribal District, now transferred as Assistant Director LG&RDD Karak.

(Appellant/Petitioner)

V E R S U S

1. Government of Khyber Pakhtunkhwa Province

Through Chief Secretary, Khyber Pakhtunkhwa, Peshwar.

2. Secretary.

Local Government, Election & Rural Development Department Peshawar.

3. Director General.

Local Government, Election, & Rural Development Department Peshawar.

4. Chairman.

Local Council Board, Local Government, Election, & Rural Development Department Peshawar.

5. Mr. Abdul Haleem Shah.

Office Assistant (BS-16) Additional in charge AD, LG&RDD, South Waziristan Tribal District,

(Respondents)

Filed to day

Registrar

15/01/2020

SERVICE APPEAL/REPRESENTATION UNDER
SECTION 4 OF THE SERVICE TRIBUNAL ACT(I),
1974 AGAINST THE ORDER/NOTIFICATION NO.
SO (E) LG/4-116/ POSTING-
TRANSFER/2019/5438 DATED PESHAWAR THE
31st DECEMBER 2019, AND THE
REPRESENTATION/APPEAL AGAINST THE
ORIGINAL ORDER NOTIFICATION NO. SO (E)
LG/4-116/2019 NO 4751 DATED PESHAWAR
THE 8TH NOVEMBER 2019/4751 VIDE WHICH

THE DEPARTMENTAL REPRESENTATION /REVIEW PETITION DATED 22-11-2019 HAS BEEN TURNED DOWN DUE TO MIS-UNDERSTANDING OF APPEAL/REVIEW RULES 1986 VIDE WHICH THE IMPUGNED ORIGINAL ORDER NOTIFICATION NO. SO (E) LG/4-116/2019 NO 4751 DATED PESHAWAR THE 8TH NOVEMBER 2019/4751 HAS BEEN SUSTAINED WITHOUT ANY REASON OR RHYME.

Prayer; On acceptance of the instant Appeal/Representation the Order/Notification No. SO (E) LG/4-116/ posting-transfer/2019/5438 dated Peshawar the 31st December 2019 and Notification No. SO (E) LG/4-116/2019 No 4751 dated Peshawar the 8th November 2019/4751 may kindly be declared null and void retrospectively.



The Petitioner, among other grounds, respectfully submits as under:-

- 1- **That** the Appellant/Petitioner is regular incumbent of the post of Assistant Director and his terms and conditions of service are guaranteed by CS(ACT)XVIII-1973 and the Appeal Rules made thereunder.
- 2- **That** the Appellant along with other BPS-18 officers was transferred vide impugned order Notification No. SO (E) LG/4-116/2019 No 4751 dated Peshawar the 8th November 2019/4751 passed under orders of the Chief Executive of the Province and he is the authority for redress of grievances of senior officers and under Appeal Rules 1986 and as such the Representation is to be addressed to the Government through the officer who issued order in pursuance of Office Note portion. Copy is annexed as **Annexure "A"**.
- 3- **That** the Representation has been moved through Respondent No. 2 and the Respondent No. 2 under obligation to transmit the representation to the next higher competent authority which has not been done as such at their end, and the Appellate matter

has been mishandled and mis-understood, and kept in it linger on beyond 30 days. Copy of the Appeal and Order is annexed as **Annexure "B & C"**.

- 4- **That** such act of omission on the part of the Respondent No. 2 has caused genuine grievance to the Appellant as the appellant has not been heard by the Respondent No. 1 through the intermediary forum of Respondent No. 2.
- 5- **That** the Memo of Departmental Representation may be read as part of the instant Service Tribunal Appeal when the impugned order dated 08-11-2019 against the Appellant has been passed merely to favour a non-cadre junior employee for indefinite period which is a clear inference of mis-governance of public affairs and non-transparency of official authorities on the pattern of to "Rob Peter and to pay Paul".
- 6- **That** the Appellant was transferred on 01-04-2018 to the South Waziristan Agency and served this esteemed Department till 08-11-2019, and then transferred to Karak vide impugned Notification no. SO (E) LG/4-116/2019 Dated Peshawar The 8th November 2019/4751, and the assignment is being handed over to a non-cadre Office Assistant which is on all counts is mismatch.
- 7- **That** as per the paragraph 10 of the Establishment Code of Khyber Pakhtunkhwa (ESTA Code), sub para IV the Posting/Transfer Policy of the Provincial Government is narrated and the same is re produced for ready reference,
- "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."*
- 8- **That** the appellant is at the verge of retirement and is to obtain superannuation period and this honorable forum was ought to



4

take into consideration the paragraph 10 sub paragraph XI, and the same is re produced for the ready reference,

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 their till the retirement.

- 9- **That** the recent Notification of the Government of Khyber Pakhtunkhwa wherein the age limit for retirement of civil servant has been extended to 63 years but the same is challenged and is subjudice before the Honorable Peshawar High Court, Peshawar.
- 10- **That** the Appellant/Petitioner is facing some serious health issues and is a chronic diabetic patient and is advised by the physician for taking insulin three times daily. Copy of the physician prescription is annexed as **Annexure "D"**.
- 11- **That** as long as the exigency of the transfer of the Appellant is concerned it is worth mentioning that the post of the Local Government & Rural Development Department, South Waziristan Tribal District has been handed over to a non-cadre Office Assistant, which is an instance of mis-governance of public affairs.
- 12- **That** this honorable forum has got ample powers in this respect, and the spelt out saga is not an instance which may not enable the competent authority to reconsider the matter in issue and on compassionate grounds, the Appellant/Petitioner's grievance can be addressed favorably in favour of the Appellant/Petitioner by recalling the impugned order to the extent of Serial No. 4 & 5.

It is, therefore, humbly requested that on acceptance of the instant Service Appeal, the impugned Notification No. SO (E) LG/4-116/2019 Dated Peshawar The 8th November 2019/4751 may kindly be suspended to the

extent of serial no. 4 and the Appellant may graciously be allowed to serve as Assistant Director LG & RDD South Waziristan Tribal District to meet the ends of justice and equity.

With the further request to Pass any appropriate order, which this honorable Tribunal thinks fit and proper in favour of the Appellant when he is on the verge of super annuation.

The Appellant Counsel may be permitted to raise further additional grounds during the hearing of the Appeal.

Dated -01-2020

Your Humble Appellant

Naeem Khan
Naeem Khan

Ex-AD, LG & RDD, SW,
Tribal District.

Mohammad Yousaf Khan

Mohammad Yousaf Khan
Advocate
Supreme Court, Stationed at D.I.Khan

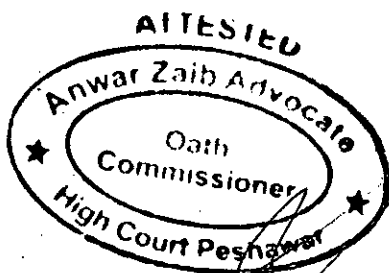
Nauman Akbar Khan

Nauman Akbar Khan
Advocate
High Court, D.I.Khan.

AFFIDAVIT;

I, **Naeem Khan**, S/O Ghulam Mehmood Khan, Caste Kundi, R/O Green Town, Dera Ismail Khan, do hereby affirm on oath that the contents of the this appeal is correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

Anwar Zaib
Deponent



15-01-2020

6

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR.

Service Tribunal Appeal No _____/2020

NAEEM KHAN

V E R S U S

Government of Khyber Pakhtunkhwa & Others.

SERVICE APPEAL

APPLICATION WITH THE REQUEST TO SUSPEND THE
IMPUGNED NOTIFICATION NO. SO(E) LG/4-116/2019
DATED 8-11-2019 TO THE EXTENT OF SERIAL NO. 4 &
5 TILL THE DECISION OF THE MAIN SERVICE APPEAL.

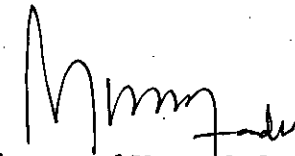
Respectfully Submitted:


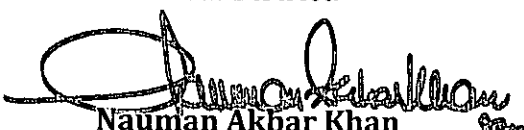
- **That** this instant application is submitting before your honour and may kindly be read as part of the main appeal.
- **That** the petitioner has good prima facie case and balance of convenience is also in favour of the petitioner & there is likelihood of success of the service appeal in favour of appellant.
- **That** if the operation of the impugned notification dated 08-11-2019 has not been suspended to the extent of serial no. 4 and 5 then the appellant will face irreparable loss and the purpose of the main appeal will be infructuous.

Therefore it is most humbly requested that by accepting the instant application the impugned notification NO. SO(E) LG/4-116/2019 DATED 8-11-2019 may kindly be suspended to the extent of serial no. 4 & 5 till the decision of the appeal.

Dated -01-2020

Your Humble Appellant


Mohammad Yousaf Khan
Advocate
Supreme Court, Stationed at D.I.Khan

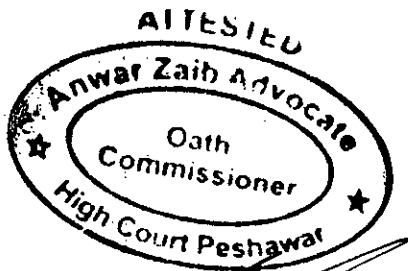

Naeem Khan
Ex-AD, LG & RDD, SW,
Tribal District.

Nauman Akbar Khan
Advocate
High Court, D.I.Khan.

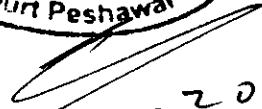
7

AFFIDAVIT;

I, **Naeem Khan**, S/O Ghulam Mehmood Khan, Caste Kundi, R/O Green Town, Dera Ismail Khan, do hereby affirm on oath that the contents of the this appeal is correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.


Deponent




15-1-2020



8

Ann = A

Government Of Khyber Pakhtunkhwa,
Local Government, Elections & Rural
Development Department

NOTIFICATION

Dated Peshawar the 8th November 2019 /4751

No. SO(ELG/4-116/2019.- The Competent Authority in the Local Government, Elections and Rural Development Department is pleased to order postings / transfers of the following officers of Local Government and Rural Development Department in public interest with immediate effect:-

| Sr. # | Name of Officer | From | To |
|-------|---|--|---|
| 1. | Mr. Asad Ullah | Assistant Director (Senior) LG&RDD Swabi | Deputy Director (BPS-18) Directorate General LG&RDD Khyber Pakhtunkhwa against vacant post. |
| 2. | Mr. Khashif-Ur-Rahman | Assistant Director (Senior) LG&RDD DIKhan (town pay scale) | Assistant Director LG&RDD Tribal District Khyber to relieve Qazi Noor-ul-Wahab Deputy Director (BPS-18) Directorate General LG&RDD Khyber Pakhtunkhwa of the additional charge. |
| 3. | Mr. Zeeshan Ali Shah | Assistant Director LG&RDD Karak | Assistant Director (Senior) LG&RDD DIKhan in his own pay scale vice Sr. No. 1 |
| 4. | Mr. Naeem Khan | Assistant Director LG&RDD South Waziristan Tribal District | Assistant Director LG&RDD Karak vice Sr. No. 3. |
| 5. | Mr. Abdul-Faleem Shah, Office Assistant (BS-16) | Office Assistant, office of AD, LG&RDD, Tribal District South Waziristan | He is authorized to hold additional charge of the post of Assistant Director LG&RDD Tribal District South Waziristan vice Sr. No. 4 |
| 6. | Mr. Rahmat Ullah | Progress Officer (BPS-16) LG&RDD DIKhan | He is authorized to hold additional charge of Assistant Director (Junior) LG&RDD DIKhan against a vacant post. |
| 7. | Mr. Mosam Khan | Assistant Director Directorate General LG&RDD Peshawar | Assistant Director LG&RDD Lakki Marwat vice Sr. No. 9 |
| 8. | Mr. Umar Farooq, Progress Officer (BS-16) | Assistant Director LG&RDD Tank in his own pay scale | Progress Officer (BPS-16) LG&RDD Lakki Marwat against vacant post. |
| 9. | Mr. Yousaf Khan | Assistant Director LG&RDD Lakki Marwat | Assistant Director LG&RDD Tank vice Sr. No. 8 |
| 10. | Mr. Ali Asma | Assistant Director (Junior) LG&RDD Peshawar | Assistant Director, LG&RDD, Shangla to relieve Assistant Director LG&RDD Mulakand of the additional charge. |

SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA, LG&RDD

Attested to be True Copy.
[Signature]
2019

9
Better Copy.

Ann = A-1

Government of Khyber Pakhtunkhwa
Local Government Elections & Rural
Development Department

NOTIFICATION

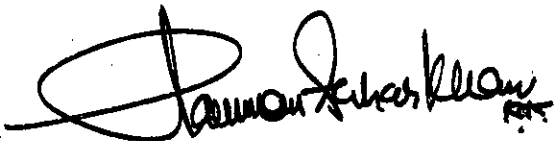
Dated Peshawar the 8th November 2019/4751

No. SO(E) LG/4-116/2019:-

The Competent Authority in the Local Government, Election and Rural Development Department is pleased to order posting/transfers of the following officers of Local Government, Election and Rural Development Department in the public interest with immediate effect:-

| Sr # | Name of Officer | From | To |
|------|--|--|---|
| 1. | Mr. Asad Ullah | Assistant Director (Senior) LG & RDD Swabi | Deputy Director (BPS-18) Directorate General LG & RDD Khyber Pakhtunkhwa against vacant post. |
| 2. | Mr. Kashif-ur-Rehman | Assistant Director (Senior) LG & RDD DIKhan (own pay scale) | Assistant Director LG & RDD Tribal District Khyber to relieve Qazi Noor-ul-Wahab Deputy Director (BPS-18) Directorate General |
| 3. | Mr. Zeeshan Ali Shah | Assistant Director LG&RDD Karak. | Assistant Director (Senior) LG & RDD DIKhan in his own pay scale vice Sr No. 1 |
| 4. | Mr. Naeem Khan | Assistant Director LG & RDD South Waziristan Tribal District | Assistant Director LG & RDD Karak vice Sr. No. 3 |
| 5. | Mr. Abdul Haleem Shah, Office Assistant (BPS-16) | Office Assistant, Office of AD LG & RDD Tribal District South Waziristan | He is authorized to hold additional charge of the post of Assistant Director LG & RDD Tribal District South Waziristan. |
| 6. | Mr. Rehmat Ullah | Progress Officer (BPS-16) LG&RDD DIKhan | He is authorized to hold additional charge of the post of Assistant Director (Junior) LG & RDD DIKhan against a vacant post. |
| 7. | Mr. Mosam Khan | Assistant Director Directorate General LG & RDD Peshawar | Assistant Director LG & RDD Lakki Marwat vice Sr. No. 9 |
| 8. | Mr. Umer Farooq Progress Officer (BPS16) | Assistant Director LG&RDD Tank in his own pay scale | Progress Officer (BPS-16) LG&RDD Lakki Marwat against vacant post |
| 9. | Mr. Younas Khan | Assistant Director LG & RDD Lakki Marwat | Assistant Director LG & RDD Tank vice Sr. No. 8 |
| 10. | Mr. Ali Asmat | Assistant Director (Junior) LG & RDD Peshawar | Assistant Director, LG&RDD, Shangla to relieve Assistant Director LG&RDD Malakand of the additional charge |

Attested to be True Copy.



SECRETARY TO THE GOVERNMENT OF
KHYBER PAKHTUNKHWA, LG & RDD

10

Amn = 3

**Before The Government of Khyber Pakhtunkhwa,
in the Local Government, Election & Rural
Development Department, Peshawar.**

Naeem Khan.

S/O Ghulam Mehmood Khan, Caste Kundi, R/O Green Town,
Dera Ismail Khan, Assistant Director Local Government & Rural
Development Department, South Waziristan Tribal District, now
transferred as Assistant Director LG&RDD Karak.


V E R S U S

1. **Government of Khyber Pakhtunkhwa**
Through Secretary Local Government, Election & Rural
Development Department, Peshawar.
2. **Secretary.**
Local Government, Election & Rural Development Department
Peshawar.
3. **Director General.**
Local Government, Election, & Rural Development Department
Peshawar.
4. **Mr. Abdul Haleem Shah.**
Office Assistant (BS-16) Additional in charge AD, LG&RDD,
South Waziristan Tribal District,

(Respondents)

REVIEW PETITION/REPRESENTATION
AGAINST THE NOTIFICATION NO. SO (E)
LG/4-116/2019 DATED PESHAWAR THE
8TH NOVEMBER 2019/4751, TO THE
EXTENT OF SERIAL NO. 4 & 5 WHEREIN
THE PETITIONER WAS TRANSFERRED TO
KARAK FROM SOUTH WAZIRISTAN AND
ASSIGNMENT IS BEING HANDED OVER TO

Attested





A NON-CADRE OFFICE ASSISTANT,
THEREBY RELEGATING THE PETITIONER
FOR NO WRONG ON HIS PART.

The Petitioner among other grounds respectfully submits as under,

- 1- **That** the Appellant/Petitioner is the law abiding, respectable, disciplined officer and is permanent resident of District Dera Ismail Khan, serving this esteemed Department since 1990.
- 2- **That** the Appellant was transferred on 01-04-2018 to the South Waziristan Agency and served this esteemed Department till 08-11-2019, and then transferred to Karak vide impugned Notification no. SO (E) LG/4-116/2019 Dated Peshawar The 8th November 2019/4751, and the assignment is being handed over to a non-cadre Office Assistant which is on all counts is mismatched. Copy is attached.
- 3- **That** as per the paragraph 10 of the Establishment Code of Khyber Pakhtunkhwa (ESTA Code), sub para IV the Posting/Transfer Policy of the Provincial Government is narrated and the same is re produced for ready reference,

"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."

Attested
Daman Jera

4- **That** the appellant is at the verge of retirement and is to obtain superannuation period and this honorable forum was ought to take into consideration the paragraph 10 sub paragraph XI, and the same is re produced for the ready reference,

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 their till the retirement.

5- **That** the recent Notification of the Government of Khyber Pakhtunkhwa wherein the age limit for retirement of civil servant has been extended to 63 years but the same is challenged and is subjudice before the Honorable Peshawar High Court, Peshawar.

6- **That** the Appellant/Petitioner is facing some serious health issues and is a chronic diabetic patient and is advised by the physician for taking insulin three times daily. Copy of the physician prescription is attached.

7- **That** as long as the exigency of the transfer of the Applicant is concerned it is worth mentioning that the post of the Local Government & Rural Development Department, South Waziristan Tribal District is handed over to non-cadre Office Assistant, which is an instance of mis-governance and public affairs.

8- **That** this honorable forum has got ample powers in this respect, and the spelt out sage is not an instance which may not enable the competent authority to reconsider the matter in issue and on compassionate grounds, the Appellant/Petitioner's grievance can be addressed favorably in favour of the Appellant/Petitioner by


Attested

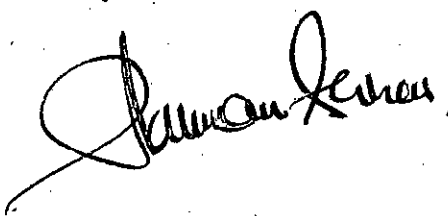
Danish Iqbal

recalling the impugned order to the extent of Serial No. 4 & 5.

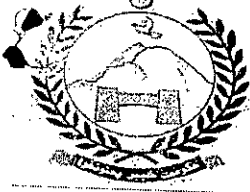
It is, therefore, humbly requested that on acceptance of the instant departmental appeal, the impugned Notification No. SO (E) LG/4-116/2019 Dated Peshawar The 8th November 2019/4751 may kindly be suspended to the extent of serial no. 4 and the appellant may graciously be allowed to serve as Assistant Director LG & RDD South Waziristan Tribal District to meet the ends of justice and equity.

Dated 22-11-2019 Your Humble Appellant


Naeem Khan
AD, LG & RDD, SW,
Tribal District.

Attested:


(14)
Ann = 
MOST IMMEDIATE



**Government Of Khyber Pakhtunkhwa
Local Government, Elections & Rural
Development Department**

No. SO(E)LG/4-116/Posting-Transfer/2019 / 3438
Dated Peshawar the 31st December, 2019

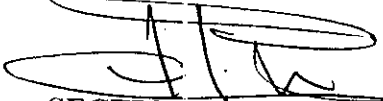
To

Mr. Naeem Khan,
Assistant Director, LG&RDD,
Karak.

SUBJECT:- **REVIEW PETITION / REPRESENTATION AGAINST THE NOTIFICATION NO. SO(E)LG/4-116/2019 DATED PESHAWAR THE 8TH NOVEMBER 2019/4751, TO THE EXTENT OF SERIAL NO. 4 & 5 WHEREIN THE PETITIONER WAS TRANSFERRED TO KARK FROM SOUTH WAZIRISTAN AND ASSIGNMENT IS BEING HANDED OVER TO A NON-CADRE OFFICE ASSISTANT, THEREBY RELEGATING THE PETITIONER FOR NO WRONG ON HIS PART**

Memo,

I am directed to refer to your representation dated 22.11.2019 on the subject cited above and to inform that under the Posting / Transfer Policy of the Provincial Government in vogue, Government Servants aggrieved due to the orders of posting / transfer Authorities may seek remedy from the next Higher Authority / Appointing Authority through an appeal to be submitted within 07-days of the receipt of such orders. As envisaged in the Policy, you were required to prefer appeal to the Chief Secretary, Khyber Pakhtunkhwa, but you submitted the same to the Administrative Department which is not covered under the law / rules, hence filed.


SECTION OFFICER (ESTAB)
Phone # 091-9213224

Endst. Even No. & Date

Copy is forwarded to:-

1. The Director General, LG&RDD Khyber Pakhtunkhwa Peshawar.
2. The PS to Secretary LG,E&RD Department Peshawar.
3. The PS to Special Secretary LG,E&RD Department Peshawar.


SECTION OFFICER (ESTAB)

ALMAN KUNDI

M.B.B.S, F.C.P.S. (Medicine)
M.R.C.P.II (England)
General Unit Gomal Medical College
& DHQ Hospital Dera Ismail Khan
Contact No: 0341-8221315
0341-9834870
0331-0657343



(15)

NOT VALID FOR COURT
PMDC-13106-N
FCPS-MED-14-14540

اسٹنٹ پروفیسر
ڈاکٹر سلمان کندی

ایم بی بی ایس، ایف سی بی ایس (میڈیسن)
ایم آر سی پی II (انگلینڈ)
میڈیکل پوسٹ گریجویٹ ٹریننگ کالج ایف ڈی ایچ کیو ہسپتال
ڈیرہ اسماعیل خان
بہرہ امتیاز حاصل شدہ دیگر برقیان، شوگر، بلڈ پریشر، لیبریا، ٹائیفائیڈ، بخار

Annex D

Pt. Name NAEEM KUNDI Age _____ Sex M Date 8-11-19

Clinical Record

Insulin dep. Diabetes
met

on Insulin

Znj. Lantus Solostar

Rt Sciatic
Pain

No

SCR
Rt & Lt



Znj. Dexameth
Znj. Gmule 1/4 stat

Cap. Exiladant
60ml

AD
MRI
Lubocan
Epic

Tab. Bre mizol
1cl

Tab. Nabent
1cl

Tab. delfo canis
3cl
3cl
3cl

Assistant Professor
Dr. Salman Kundi
General Unit Gomal Medical College
& DHQ Hospital Dera Ismail Khan

Admst New In 10 days
as may severe Back pain
Sciatic pain, Need
In today, then to
reassess again

گیلانی ہسپتال نزد نیو ایئر جیٹ سول ہسپتال ڈیرہ اسماعیل خان
کیٹ ایڈریس:

Attested to be True Copy

Salman Kundi

16

WAKALAT NAMA

Nauman Akbar Khan

BEFORE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

FROM: PETITIONER

NAEEM KHAN

VERSUS GOVT OF KP & Others

SUIT/ OFFENCE: SERVICE TRIBUNAL CASE

DETAIL OF SUIT/OFFENCE: _____

I, Mr. NAEEM KHAN, do hereby appoint, Mr. MOHAMMAD YOUSAF KHAN ADVOCATE SUPREME COURT & NAUMAN AKBAR KHAN ADVOCATE HIGH COURT, Dera Ismail Khan, in the above mentioned case, to do all or any of the following acts, deeds and things:

- 1) To appear, act and plead for me in the above mentioned case in this or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
- 2) To sign, verify, file or withdraw all proceedings, petitions, appeals, applications and affidavits for compromise or withdrawal or submission to arbitration of the said case or any other documents as may be deemed necessary or advisable by him for the conduct, prosecution or defense of the said case at all its stages.
- 3) To receive payment and issue receipt for all money that may or become due and payable to me during the course of proceedings.
- 4) To employ any other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

And hereby agree:

That the advocate shall be entitled to withdraw from prosecution/defense of the case if the whole or any part of the agreed fees remains unpaid.

In witness whereof I/We have signed this Power of Attorney here under, the contents of which have been read/explained to me/us and fully understood by me/us on this 15 day of, January, 2020

Attested & Accepted By:

Signature of Executant (s)

