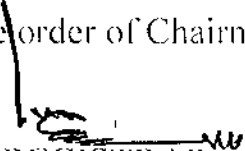


FORM OF ORDER SHEET

Court of _____

Case No. - 106/2023


S.No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/1/2023	<p>The appeal of Dr. Fazal Basir resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Fazal Basir Chief Medical officer DG Health Office Peshawar received today i.e. on 30.12.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures are unattested.
- 4- Affidavit is not attested by the Oath Commissioner.
- 5- Index has not been filed.
- 6- Memorandum of appeal be got signed by the appellant.
- 7- Copy of departmental appeal against the impugned order dated 5.9.2022 is not attached with the appeal which may be placed on it. Annexure-C is an appeal against the order dated 05.10.2022 but not a departmental appeal against the impugned order dated 05.9.2022.
- 8- Copy of transfer/posting policy mentioned in para-4 of the appeal is not attached with the appeal which may be placed on it.
- 9- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.
- 10- The documents that are to be provided must be illegible/visible.

No. 46 /S.T,

DL 5/1 /2023



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

R/Sir,

- objection No. 1 to 6 has properly been removed as well as objection 8,9,10 has also been removed.

- Due to clerical mistake the date of notification is written as 05.10.2022 instead of 05.09.2022 which has been correct accordingly.


11/1/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 106 / ~~2022~~ 2023

DR FAZAL BASIR

VS

HEALTH DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Service Appeal with Affidavit	1-3
2.	Impugned transfer order dated 05-09-2022	A	4
3.	Notification dated 19-12-2022	B	5-6
4.	Departmental Appeal	C	7-9
5.	Transfer Posting Policy	D	10-13
6.	Vakalatnama		14

APPELLANT

THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

BEFORE THE KHYBER PAKHTUNKHA SERVICE TRIBUNAL,

PESHAWAR

SERVICE APPEAL NO. 106 / 2022 2023

2610

30/12/22

Dr. Fazalbasir, Chief Medical Officer (BS-20), Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

VERSUS

1- The Government of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.

2- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.

3- Mr. Khalid Khan, District Medical Superintendent, DHO Upper Dir.

RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER

PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST

THE IMPUGNED NOTIFICATION DATED 05-09-

2022 WHEREBY THE APPELLANT WAS PREMATURELY

TRANSFERRED FROM DISTRICT HEALTH OFFICE, UPPER DIR

TO DIRECTORATE GENERAL HEALTH SERVICES, KHYBER

PAKHTUNKHWA AS OSD IN SHEER VIOLATION OF

TRANSFER/POSTING POLICY OF THE PROVINCIAL

GOVERNMENT.

PRAYER:

That on acceptance of the instant service appeal the impugned notification dated 05-09-2022 may very kindly be set aside to the extent of the appellant and private respondent no.3. The respondent department may kindly be directed not to transfer the appellant from the subject post. Any other remedy which this Honorable Tribunal deems fit may also be awarded in favour of the appellant.

R/SHEWETH:

Brief facts giving rise to the instant service appeal are as under:-

1-

That appellant was serving the respondent department as District Health Officer (DHO), Dir Upper (BPS-19) in his own pay scale from 15.02.2021 and has served quite efficiently and up to the entire satisfaction of his superiors.

- 2- That vide notification dated 05.09.2022, the appellant was transferred from the subject post in utter violation of the law and rules on the subject and was directed to report to Directorate of General Health Services, Khyber Pakhtunkhwa, Peshawar and malafidely the private respondent no.3 has been transferred/posted against the post of the appellant in his own pay and scale. Copy of the impugned transfer Notification 05.09-2022 is attached is annexure.....**A.**
- 3- That the post in question is of BPS-20 and the appellant is serving the department in the same scale however the private respondent no.3 is an officer of BPS-18 so the impugned notification is illegal on the reason that how an officer of BPS-18 could be posted against the post of BPS-20. Copy of the Promotion Notification dated 19.12.2022 is attached as Annexure **B.**
- 4- That feeling aggrieved the appellant filed Departmental Appeal against the impugned Notification dated 05.09.2022 but the same has not been responded till date though in the light of clause-xiv of the transfer/posting policy of the Provincial Government the respondents are duty bound to decide the Departmental appeal of the appellant within fort night. Copies of the Departmental Appeal and transfer/posting policy are attached as annexure..... **C & D.**
- 5- That appellant feeling aggrieved and having no other remedy but to file the instant Service Appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned Notification dated 05.09.2022 issued by the respondents is against the law, facts, norms of natural justice and in utter violation of posting /transfer policy hence liable to be set aside to the extent of appellant and private respondent no.3.
- B- That the appellant has not been treated by the respondent department in accordance with law and rules 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 notification dated 05.09.2022 is against the clauses I and IV of the transfer/posting policy of the provincial Government of Khyber Pakhtunkhwa.
- D- That the treatment meted out to the appeal is a clear violation of the Fundamental Rights of the appellant.

- E- That the respondents acted in arbitrary and mala fide manner by issuing the impugned Notification dated 05.09.2022 against the appellant.
- F- That the appellant has been discriminated by the respondents on the subject noted above and as such the respondents violated the Principle of Natural Justice.
- G- That neither the impugned Notification dated 05.09.2022 has been issued in the public interest nor the same has been issued in exigencies of public service.
- H- That the appellant seeks permission to advance on this grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the instant service appeal may kindly be accepted as prayed for.



APPELLANT
Dr. FAZAL BASIR

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT



WALEED ADNAN



UMAR FAROOQ MOMAND



MUHAMMAD AYUB

&

KHANZAD GUL
ADVOCATES

AFFIDAVIT

I Dr. Fazal Basir, Chief Medical Officer (BS-20), Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



Deponent



"A"
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

-4-

Dated Peshawar the 05th September, 2022

NOTIFICATION

NO: SOH/E-VV4-4/2022 The following posting/ transfer of doctors is hereby ordered, with immediate effect, in the best public interest:-

S.NO	NAME	FROM	TO
1.	Dr. Fazal Basir, General Cadre (BS-19)	District Health Officer, Dir (Upper)	Report to Directorate General Health Services, Khyber Pakhtunkhwa
2.	Dr. Jamil Ahmad, Management Cadre (BS-19)	Medical Superintendent, DHO Hospital Batkhela Malakand	Report to Directorate General Health Services, Khyber Pakhtunkhwa
3.	Dr. Khalid Khan, Management Cadre (BS-18)	Deputy Medical Superintendent, DHO Hospital Dir Upper	District Health Officer (BS-20), Dir (Upper) in OPS. Vice S No. 1
4.	Dr. Irfan ud Din, Management Cadre (BS-18)	Waiting for posting	Medical Superintendent (BS-19), DHO Hospital Batkhela Malakand in OPS. Vice S.No. 2

SECRETARY HEALTH

GOVERNMENT OF KHYBER PAKHTUNKHWA

No. 3590-99 Endst. of even No. & Date

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioner, Malakand & Dir Upper.
4. District Health Officer, Dir Upper.
5. Medical Superintendents DHO Hospital Dir Upper & Batkhela.
6. Distinct Accounts Officer, Batkhela & Dir Upper.
7. Deputy Director (IT), Health Department, with the direction to upload the notification on official website.
8. PS to Minister for Health Department, Khyber Pakhtunkhwa.
9. PS to Secretary Health Department, Khyber Pakhtunkhwa.
10. All concerned doctors.

[Signature]
05/09/2022
SECTION OFFICER (E-V)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

"B"

Dated: Peshawar the 19th December, 2022

-5-

NOTIFICATION

NO. SOH(E-V)/2-2/2022

On the recommendations of Provincial Selection Board, in its meeting held on 18.11.2022, the following Principal Medical Officers (BS-19) are hereby promoted to the post of Chief Medical Officers (BS-20), on regular basis, with immediate effect:-

S.NO.	NAME OF DOCTOR	S.No.	NAME OF DOCTOR
1.	Dr. Mir Azar Khan	37.	Dr. Shahnaz Ajmal
2.	Dr. Mubashir Ahmad	38.	Dr. Iqbal Jan
3.	Dr. Nayyar Halimi	39.	Dr. Sultan Bibi
4.	Dr. Sher Zaman	40.	Dr. Muzahir Jan
5.	Dr. Farida Mujahid	41.	Dr. Shafiq Ur Rehman
6.	Dr. Farzana Ayub	42.	Dr. Zia Ul Mulk
7.	Dr. Muhammad Amin Khan	43.	Dr. Muhammad Ansar
8.	Dr. Sajjad Ahmad	44.	Dr. Hazrat Shah
9.	Dr. Imran Hanif Pasha	45.	Dr. Sajid Ayaz
10.	Dr. Asghar Ullah Khan	46.	Dr. Gul Rahim
11.	Dr. Kiramat Ullah Khan	47.	Dr. Salimullah
12.	Dr. Musarat Ali	48.	Dr. Muhammad Yaqoob
13.	Dr. Insha Ullah Khan	49.	Dr. Abu Zar
14.	Dr. Islamuddin	50.	Dr. Bakht Zada
15.	Dr. Muhammad Riaz	51.	Dr. Ubaidullah
16.	Dr. Ayaz Mehmood	52.	Dr. Muhammad Younas
17.	Dr. Hidayatullah Khan	53.	Dr. Zulfiqar Ali
18.	Dr. Zakir Mehmood	54.	Dr. Noreen Begum
19.	Dr. Mubashar Shah	55.	Dr. Fazli Amin
20.	Dr. Abdul Shafiq	56.	Dr. Sohail Zahoor
21.	Dr. Asmat Ali Khan	57.	Dr. Faisal Amin
22.	Dr. Muhammad Sultab	58.	Dr. Abdul Sami Basit
23.	Dr. Muhammad Tariq Aziz	59.	Dr. Khalid Mehmood
24.	Dr. Fazal Basir	60.	Dr. Muhammad Tariq
25.	Dr. Akbar Hussain	61.	Dr. Kachkol
26.	Dr. Nowsherawan	62.	Dr. Rizwan Niamatullah
27.	Dr. Muhammad Jasmshid	63.	Dr. Riaz Ali
28.	Dr. Farrukh Nawab	64.	Dr. Sultan Bahadar
29.	Dr. Muhammad Farooq	65.	Dr. Shahzad Noor
30.	Dr. Muhammad Naseem	66.	Dr. Muhammad Anjum Khalid
31.	Dr. Nisar Muhammad	67.	Dr. Ziaullah Khan
32.	Dr. Ahmad Nawaz	68.	Dr. ...

33.	Dr. Aqila Rana	69.	Dr. Khan Askar
34.	Dr. Tahira Nasreen	70.	Dr. Ruhul Amin
35.	Dr. Najma Sultana	71.	Dr. Muhammad Arif Khan
36.	Dr. Salma Akbar	---	---

-6-

2. The doctors on promotion will remain on probation for a period of one year in terms of Section-6(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and extendable for another year with the specific orders of appointing authority within two months of the expiry of first year of probation period as provided in rule-15(2) of rules ibid.


3. Posting/ transfer order in respect of the above name doctors will be issued later on.

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

No. 5742-53 / Notification of even No. & dated:

Copies forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services. Khyber Pakhtunkhwa.
3. Director General, Provincial Health Services Academy Peshawar.
4. All District Health Officers in Khyber Pakhtunkhwa.
5. All Medical Superintendents in Khyber Pakhtunkhwa.
6. All District Accounts Officers in Khyber Pakhtunkhwa.
7. PS to Secretary Health Department Khyber Pakhtunkhwa.
8. Deputy Director (IT), Health Department, Peshawar.
9. PS to Minister for Health, Khyber Pakhtunkhwa.
10. All concerned doctors.
11. Personal files of all the concerned doctors.


 (DR. SYED YASIR ALI SHAH)
 SECTION OFFICER (E-V)

19-12-2022

To,

The Worthy Chief Secretary,
Government of Khyber Pakhtunkhwa
Peshawar.

"C"

-7-

Subject **DEPARTMENTAL APPEAL AGAINST NOTIFICATION NO.
SOH/E-VI/4-4/2022 DATED 05/09/2022 ISSUED BY
SECRETARY, GOVERNMENT OF KHYBER
PAKHTUNKHWA HEALTH DEPARTMENT PESHAWAR.**

Respected Sir,

My humble submission as under:-

1. That the applicant is serving as District Health Officer (DHO) Dir Upper [BPS-19] in his own pay and Scale from 15/02/2021 and has served unblemished and satisfactory performance as DHO Dir Upper.
2. That the applicant most senior in BPS19 and the case for promotion to BPS-20 of the applicant is already due and working paper for promotion to BPS-20 has been forwarded to PSB as scheduled in next few days.
3. That after one year and Seven month the Secretary to Government of Khyber Pakhtunkhwa Health Department issued a Notification NO. SOH/E-VI/4-4/2022 DATED 05/09/2022, wherein the applicant was transferred and to report Directorate General Health Services Khyber Pakhtunkhwa and one Dr. Khalid khan Deputy Medical Superintendent [Management Cadre BPS-18] transferred as District Health Officer against the post of the applicant in OPS i.e own pay and scale. That the Secretary Health Department violated law and rules and issued the said notification which is an illegal and void order hence may be set aside.
4. That Likewise, the impugned notification of the department qua transfer of the applicant from the DHO Dir Upper and to place on the disposal of the Directorate of Health and Services Khyber Pakhtunkhwa, being not permissible and the same being whimsical, arbitrary and punitive in nature and therefore, in violation of fundamental rights enshrined in

Constitution of 1973 and in contravention of Rules and policy, hence, are not sustainable”

5. That the applicant has not been completed his tenure as DHO Dir Upper and the normal period of posting of a Government Servant at a station, according to Rule 21 of the Rules of Business is three years, which has to be followed in the ordinary circumstances, unless for reasons or exigencies of service a transfer before expiry of the said period becomes necessary thus the said transfer without completion of tenure is against the law and rules, constitution and fundamental rights.
6. That the transfer of the applicant is against the Tenure, appointment, promotion and posting/transfer are of utmost importance in the civil service, the same will rightly be considered and treated as part of the terms and conditions of service of a civil servant. If, however, rules and instructions are deviated from and as a result merit is discouraged on account of favoritism, sifarish or considerations other than merit, it should be evident the civil service will not remain independent or efficient in this regard reliance upon Constitution Petition No, 23/2012. Petition by Ms. Anita Turab vs Government of Pakistan etc.
7. That it is well settled that placing an officer as OSD is tantamount to penalizing him because the expression 'OSD' is not known to either the Civil Servants Act, 1973 or the Civil Servants Appointment Promotion and Transfer Rules, 1973." Reference in this regard may also be made to the cases of Mir Shah Nawaz Marri vs. Government of Balochistan etc [2000 PLC (C.S) 533], Syed Ajmal Hussain Bokhari vs. Commissioner, Rawalpindi [1997 PLC (CS) 754] Sajjad Ahmad Javed Bhatti vs. Federation of Pakistan (2009 SCMR 1448) and Lt. Col. (R.) Abdul Wajid Malik vs. Government of the Punjab (2006 SCMR 1360).
8. That the transfer of applicant under the orders or directions of Minister Health because in the impugned notification a copy is forwarded to PS to the Advisor to CM for Health Department for information thus it shows

-9-

the political influence is certainly void, unlawful and violative of rules. The relevant dictum of the judgment 1995 PLD SC 530.

9. That act of the respondents department for issuance of Political influential and without tenure policy transfer is against the law and judgments of supra court relied upon the relevant para of judgment of the Supreme Court of Pakistan 1996 SCMR 1185 titled Hameed Akhtar Niazi vs The Secretary Establishment Division, Government of Pakistan "If the Service Tribunal or Supreme Court decides a point of law relating to the terms of Service of a Civil Servant which covers not only the case of civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such judgment by Service Tribunal/ Supreme Court be extended to other civil servants, who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum".

It is, therefore humbly requested that on acceptance of the instant departmental appeal the impugned NOTIFICATION NO. SOH/E-VI/4-4/2022 DATED 05/18/2022 may very kindly be set aside to the extent of the applicant shows at S.No. 1 and Dr. Khalid Khan show at S.No. 3 in the transfer Notification dated 05/09/2022 and the said Notification may also be declared, illegal, unlawful ab-initio in the light of the above mentioned references, judgments and relevant rules / policy of posting /transfer of Management Cadre.

Dr. Fazal Basir
(Dr. Fazal Basir)
District Health Officer
Dir Upper

CI
2.
Tf
3.

ND 10-

~~ANNEXURE~~

Posting - Transfer Policy - updated III 18 Jan, 2009



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

POSTING & TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking 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) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained.
While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice-versa, specific approval of the Governor NWFP shall be obtained.
- vi) a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thanna) 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.

ATTESTED

to be transferred

advocate

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

- 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.

- x) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted in their option on posts in the District 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 2nd 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.

Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority or 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.

ATTESTED

-14-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO: _____ OF 2022

Dr. Fazul Basit

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Dept

(RESPONDENT)
(DEFENDANT)


I/We Appellant

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** 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. ____/____/2022


CLIENT

ACCEPTED


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT
(BC-10-0853)
(15401-0705985-5)


UMAR FAROOQ MOHMAND


WALEED ADNAN

&


MUHAMMAD AYUB
ADVOCATES

OFFICE:

Flat No. (TF) 291*-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)