

29.07.2020

Appellant with counsel and Addl. AG alongwith Arif Wazir, A.D for the respondents present.

The representative of respondents has produced copy of order dated 06.07.2020 issued by respondent No. 2 (placed on record). Through the order the appellant has been transferred and posted to Regional Transport Authority, Peshawar.

In view of the development, learned counsel for the appellant does not press the appeal any further as it has become infructuous.

Disposed of as such. File be consigned to the record room.



Chairman

ANNOUNCED

29.07.2020

14.07.2020

Counsel for the appellant and Addl: AG alongwith Mr. Muhammad Arif Wazir, AD (Litigation) for respondents present.

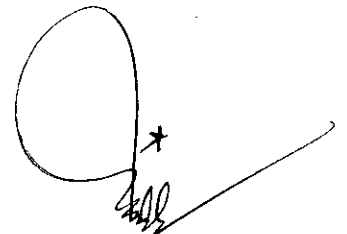
Mr. Saeed Ahmad, Advocate filed Wakalatnama on behalf of the private respondent No.3

Written reply not submitted. Representative of the respondents seeks time to submit the same on the next date of hearing.

Learned counsel for the appellant has also submitted an application for directing the respondents to implement the order dated 10.06.2020 of this Tribunal wherein he stated that the salary of the appellant has been stopped without any reason and justification.

Respondents are directed to implement the order dated 10.06.2020 and also release the salary of the appellant and submit proper written reply on the next date of hearing.

Adjourned to 29.07.2020 before S.B. In the meanwhile, the operation of impugned order/notification shall remain suspended to the extent of appellant, if not implemented already.

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a star and a long horizontal line extending to the right.

(Mian Muhammad)
Member(E)

10.06.2020

Counsel for the appellant present.

Contends that on 27.02.2020 the appellant was transferred from Peshawar to Bannu without having regard to the fact that he was to retire on attaining superannuation on or about 14.09.2020. This fact, on the part of the respondents, was in blatant violation of transfer/posting policy of the Provincial Government and also without adopting the prescribed procedure for forwarding the case through proper summary.

Instant appeal is admitted to regular hearing subject to all just exceptions in view of available record and arguments of learned counsel. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 25.06.2020 before S.B.

Alongwith the appeal there is an application for suspension of operation of impugned order dated 27.02.2020. Notice of the application be also given to the respondents for the date fixed. In the meanwhile, the operation of impugned order/notification shall remain suspended to the extent of appellant, if not implemented already.

Appellant Deposited
Security & Process Fee


Chairman

25.06.2020

Appellant with counsel present. Addl: AG alongwith Mr. Arif Wazir, AD for respondents present. Written reply not submitted. Requested for time to submit the same on the next date of hearing. To come up for written reply/comments on 14.07.2020 before S.B. In the meanwhile, the operation of impugned order/notification shall remain suspended to the extent of appellant, if not implemented already.


MEMBER

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5395 /2020

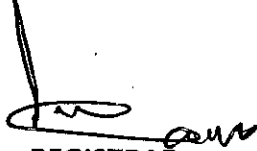
1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1- 2-	08/06/2020	<p>The appeal of Haji Shah Zaman resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p><i>[Signature]</i> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/06/2020</u>.</p> <p><i>[Signature]</i> CHAIRMAN</p>

The appeal of Mr. Haji Shah Zaman Superintendent PTA Peshawar received today i.e. on 04.06.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of N.I.C mentioned in para-1 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of impugned order dated 27.2.2020 mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.

No. 1207 /S.T;

Dt. 05-06/2020.


REGISTRAR -
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Asif Yousafzai Adv.

Sir,

1. Removed.
2. Already attached at pg-0.7
3. Removed.

Re submitted and requested to be fixed with appeal of Mr. Amir Nawab fixed on. _____



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. **5404** /2020

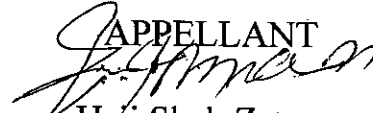
Haji Shah Zaman

V/S

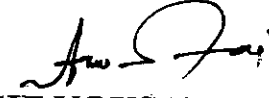
Govt: of KPK & etc.

I N D E X

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-03
2.	Copy of Stay Application	---	04
3.	Copy of Order	- A -	05
4.	Copy of CNIC	- B -	06
5.	Copy of Order	- C -	07
6.	Copy of Appeal	- D -	08
7.	Copy of complaint	- E -	09
8.	Copy of Policy	-F-	10-18
9.	Copy of Rules	-G-	19-23
10.	Vakalat Nama	-----	24

APPELLANT

Haji Shah Zaman

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

& 
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 03339103240

(1)

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

Appeal No. **5404** /2020

Haji Shah Zaman, Superintendent,
Provincial Transport Authority, Peshawar.

Khyber Pakhtunkhwa
Service Tribunal
Diary No. **4656**
Dated **04/6/2020**

APPELLANT

VERSUS

1. The Chief Secretary Government of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
2. The Secretary Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Mr. Javed Akhtar, Superintendent, Regional Transport Authority, Peshawar.

RESPONDENTS

.....

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974
AGAINST THE PREMATURE POLITICALLY
MOTIVATED TRANSFER ORDER DATED
27.02.2020, AND AGAINST NOT TAKING ANY
ACTION ON THE DEPARTMENTAL APPEAL OF
THE APPELLANT WITHIN STATUTORY PERIOD
OF 90 DAYS.**

Filed to-day
[Signature]
Registrar
04/06/2020

PRAYER:

.....

**THAT ON ACCEPTANCE OF THIS APPEAL, THE
ORDER DATED 27.02.2020 MAY BE SET ASIDE TO
THE EXTENT OF APPELLANT AND THE
RESPONDENTS MAY ALSO BE DIRECTED NOT TO
TRANSFER THE APPELLANT PREMATURELY ON
THE BASIS OF POLITICAL PRESSURE TILL THE
COMPLETION OF RETIREMENT. ANY OTHER
REMEDY, WHICH THIS TRIBUNAL DEEMS FIT AND
APPROPRIATE THAT MAY ALSO BE AWARDED IN
FAVOUR OF APPELLANT.**

Re-submitted to-day
and filed.
[Signature]
Registrar
10/6/2020

RESPECTFULLY SHEWETH:

1. That the appellant was posted as Superintendent in the Provincial Transport Authority vide order dated 27.9.2017 and is going to retire in July, 2020 on superannuation. **Copy of order and N.I.C are attached as Annexure-A & B.**
2. That the respondent No. 2 has issued the impugned transfer order on 27.02.2020, wherein the appellant has been transferred to Bannu, despite the fact that he is going to retire within few months. **Copy of the order is attached as Annexure-C.**
3. That the appellant filed appeal against the said order on 28.02.2020 and also submitted a complaint to the Worthy Chief Secretary Khyber Pakhtunkhwa, through his Association (APCA). But no action has been taken on that appeal so far. **Copies of appeal & Complaint are attached as Annexure-D & E.**
4. That having no other remedy, the appellant comes to this august Court on the following grounds amongst the others.

GROUND:-

- A) That the impugned order dated 27.02.2020 to the extent of appellant and not taking any action on the appeal of appellant within statutory period, is against the Law facts, norms of justice and material on record, therefore, liable to be set aside.
- B) That the appellant is going to retire in few months i.e. in last leg of service, therefore, as per posting/transfer policy of the Govt, the appellant could not have transferred. Therefore, the impugned order is liable to be set aside on this score alone. **Copy of Posting/Transfer Policy is attached as Annexure-F.**
- C) That the impugned order is politically motivated, and without any reasons /exigencies of service, especially keeping in view the Covid-19 situation, when there is a lock down within whole province.
- D) That even no summary was moved nor, any reason/exigencies existed there in summary (if any) which necessitated the respondent No. 2 to pass such like order.
- E) That the appellant has not been dealt in accordance with the Law, rules and posting/transfer policy.
- F) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT

Haji Shah Zaman
Haji Shah Zaman

THROUGH:

M. Asif Yousafzai

**(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.**

**(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT**

& Syed Noman Ali Bukhari

**(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT**

9

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

Service Appeal No. _____/2020

Haji Shah Zaman

V/S

The Govt: of KPK etc.

**APPLICATION FOR SUSPENDING THE OPERATION
OF THE IMPUGNED ORDER DATED 27.02.2020 TO
THE EXTENT OF APPELLANT TILL THE DISPOSAL
OF MAIN APPEAL.**

RESPECTFULLY SHEWETH:

1. That the appellant has filed a Service Appeal against the order dated 27.02.2020 in this august Tribunal, in which no date is fixed so far.
2. That the impugned order is a politically motivated and passed in utter violation of Govt: Posting & Transfer Policy.
3. That the applicant would suffer a lot if the impugned order is acted upon, especially keeping in view the last leg of service.
4. That the grounds of main appeal may also be considered as integral part of this application.

It is therefore most humbly prayed that the operation of the impugned order dated 27.02.2020 to the extent of applicant may be suspended with further directions to the respondents not to pass any adverse order against the applicant in mean while on acceptance of this application the respondents may kindly be restrained to stop recovery from the appellant till the decision of main appeal.

APPLICANT/ APPELLANT

Haji Shah Zaman

Haji Shah Zaman

THROUGH:

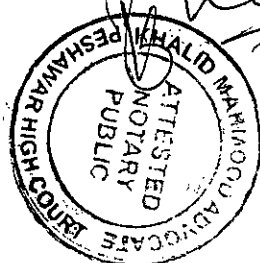
(M. ASIF YOUSAFZAI)

(M. ASIF YOUSAFZAI)

**ADVOCATE SUPREME COURT
OF PAKISTAN.**

AFFIDAVIT

It is affirmed that the contents of this application are true and correct and nothing has been concealed.



Haji Shah Zaman
26.2.2020
DEPONENT



**DIRECTORATE OF TRANSPORT & MASS TRANSIT
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Ground Floor, Benevolent Fund Building, Peshawar Cantt
Tel: 091-9214185

Dated Peshawar the 27/09/2017.

Arma
5

ORDER:

No. Dir/Tpt/1-24/P&T/staff/2011/648-64. The following Posting/Transfer Staff of Provincial Transport Authority, Khyber Pakhtunkhwa & Regional Transport Authorities Khyber Pakhtunkhwa are hereby ordered in public interest with immediate effect:

S. No.	Name & Designation	From	To
1.	Mr. Shah Zaman Superintendent (BS-17)	Provincial Transport Authority, Khyber Pakhtunkhwa	Retained in Provincial Transport Authority, Khyber Pakhtunkhwa
2.	Mr. Abdul Qayum, Superintendent (BS-17)	Provincial Transport Authority, Khyber Pakhtunkhwa	Regional Transport Authority, Mardan
3.	Mr. Javed Khan Superintendent (BS-17)	Regional Transport Authority, Kohat	Retained in Regional Transport Authority, Kohat
4.	Mr. Shokat Khan Superintendent (BS-17)	Regional Transport Authority, Bannu	Retained in Regional Transport Authority, Bannu
5.	Mr. Iftexhar Ahmad Assistant (BS-16)	Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa	Provincial Transport Authority, Khyber Pakhtunkhwa
6.	Mr. Zubair Hussain Assistant (BS-16)	Regional Transport Authority, D.I.Khan	Provincial Transport Authority, Khyber Pakhtunkhwa
7.	Miss Khush bakht Assistant (BS-16)	Regional Transport Authority, Hazara	Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa

-sd-
Director Transport & Mass Transit
Khyber Pakhtunkhwa

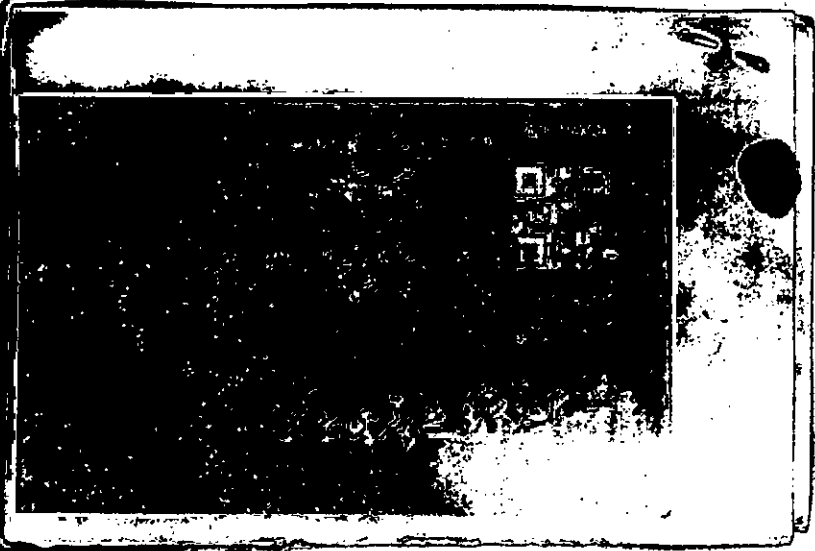
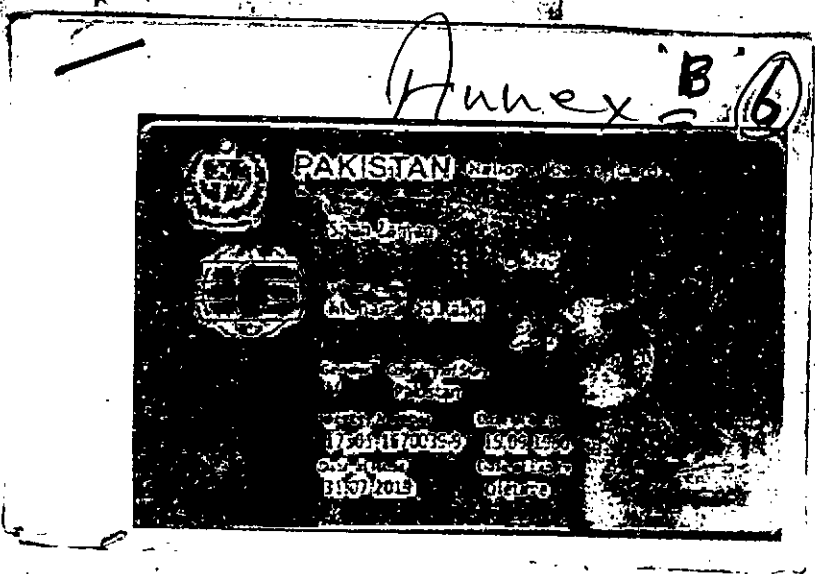
Endst: of even no and date:

A copy is forwarded for information to the:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Provincial Transport Authority, Khyber Pakhtunkhwa, Peshawar
3. All Secretaries, Regional Transport Authorities, Khyber Pakhtunkhwa.
4. P.S.to Secretary to Govt. of Khyber Pakhtunkhwa, Transport & Mass Transit Department.
5. Officers/Official concerned.

Khad
Director Transport & Mass Transit
Khyber Pakhtunkhwa

Affested



[Signature]
Attested



DIRECTORATE OF TRANSPORT & MASS TRANSIT
GOVERNMENT OF KHYBER PAKHTUNKHWA

Ground Floor, Benevolent Fund Building, Peshawar Cantt
Tel: 091-9214185

(4)

Annex

Dated Peshawar the 27/02/2020.

ORDER:

07

No. Dir/Tpt/1-24/P&T/staff/2011/1106-56. The following posting/transfer of Superintendent (BPS-17), Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa, Provincial Transport Authority, Khyber Pakhtunkhwa and Regional Transport Authorities is hereby ordered in public interest with immediate effect:

S. No.	Name & Designation	From	To
1. ✓	Haji Shah Zaman, Superintendent (BPS-17)	Provincial Transport Authority, Khyber Pakhtunkhwa	Regional Transport Authority, Bannu
2.	Mr. Javed Akhtar, Superintendent (BPS-17)	Regional Transport Authority, Peshawar	Provincial Transport Authority, Khyber Pakhtunkhwa
3.	Mr. Shoukat, Superintendent (BPS-17)	Regional Transport Authority, Kohat	Regional Transport Authority, Mardan
4. ✓	Mr. Javed Khan, Superintendent (BPS-17)	Regional Transport Authority, Bannu	Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa
5.	Mr. Amir Nawab, Superintendent (BPS-17)	Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa	Regional Transport Authority, Kohat
6. ✓	Mr. Hayat Muhammad, Superintendent (BPS-17)	Regional Transport Authority, Mardan	Regional Transport Authority, D.I.Khan

-Sd/-

Secretary to Govt of Khyber Pakhtunkhwa
Transport & Mass Transit Department

Endst: of even no and date:

A copy is forwarded for information to the:-

1. PS to Minister for Transport & Mass Transit, Khyber Pakhtunkhwa.
2. P.S. to Secretary to Govt. of Khyber Pakhtunkhwa, Transport & Mass Transit Department.
3. PS to all Commissioners, Khyber Pakhtunkhwa.
4. PA to Director Transport & Mass Transit, Khyber Pakhtunkhwa.
5. PA to all Deputy Commissioners, Khyber Pakhtunkhwa.
6. Secretary Provincial Transport Authority, Khyber Pakhtunkhwa.
7. All Secretaries, Regional Transport Authorities, Khyber Pakhtunkhwa.
8. Chief Motor Vehicle Examiner, Khyber Pakhtunkhwa.
9. Manager Vehicle Emission Testing Station, Khyber Pakhtunkhwa.
10. Officers concerned.

Deputy Director (Technical)
Transport & Mass Transit
Khyber Pakhtunkhwa

Attested

Diary No: 402/PTA

Date: 28/2/2020

PTA Khyber Pakhtunkhwa Pesh

The Honourable Secretary to Government of Khyber Pakhtunkhwa,
Transport & Mass Transit Department/Chairman PTA,
Khyber Pakhtunkhwa.

Through: Secretary Provincial Transport Authority Khyber Pakhtunkhwa

Subject: APPEAL REGARDING REQUEST FOR CANCELLATION OF TRANSFER/POSTING ORDER NO. DIR/TPT/1-24/P&T/STAFF/2011/1106-56, DATED 27/02/2020.

Dear Sir,

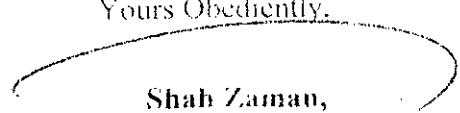
With due reverence, it is to submit in your kind honour that I have 37 years of service. My date of Birth is 15/09/1960 and my qualifying service i.e. the age of superannuation (60 years) is to be completed on 14/09/2020. Accordingly my remaining service is six months & fifteen days only.

Respected sir, now my transfer order is issued under signature of the Deputy Director Transport & Mass Transit Khyber Pakhtunkhwa vide No. Dir/TPT/1-24/P&T/staff/2011/1106/56, dated 27/02/2020 and posted in RTA Bannu in violation of rules/regulation and Government policy. A copy of posting/transfer policy of the Provincial Government. No. SOR-II(E&AD)1-1/85(Vol-II) dated 15/02/2003 is enclosed which provides that:- (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 there till the retirement." Sir I have served under the supervision of my seniors, superiors/high ups very smoothly & honestly having no deficiency in official duty/work.

Dear sir, now at the verge of my retirement from the government service I am transferred from my home station without any reason which will create difficulties in preparation and process of my pension papers. Sir my transfer from home station to out station at this state is against the rules/regulation and policy adopted by the Establishment Department of Provincial Government.

In view of the above it is humbly requested, to kindly issue orders for cancellation of my transfer and posting in my parent office i.e PTA Khyber Pakhtunkhwa and obliged me.

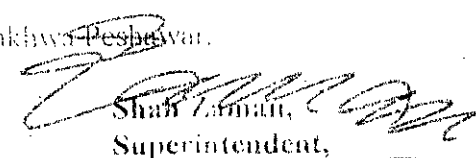
Yours Obediently,


Shah Zaman,
Superintendent,
Provincial Transport Authority,
Khyber Pakhtunkhwa

C. Copy in respect of:-

- 1) PS to Chairman PTA Khyber Pakhtunkhwa.
- 2) PA to Addl: Secretary Transport & Mass Transit Dept Govt. of Khy; Pakhtunkhwa.
- 3) PA to Director Transport & Mass Transit Khyber Pakhtunkhwa.
- ✓ 4) Muhammad Aslam Khan Chairman Coordination council APCA Pakistan Khyber Pakhtunkhwa, Peshawar.
- 5) Mr. Sarir Khan Provincial President APCA Khyber Pakhtunkhwa Peshawar.


Attch


Shah Zaman,
Superintendent,
Provincial Transport Authority,
Khyber Pakhtunkhwa

ALL Pakistan Clerks Association (APCA) Khyber Pakhtunkhwa

Muhammad Sareer Khan
Provincial President
Cell: 0300-5985749



Jibran Aslam
Provincial General Secretary
Cell: 0333-9115292

In accordance with the Article 17 (a) of Constitution of the Islamic Republic of Pakistan and recognized by the Government of Pakistan Cabinet Secretariat (Establishment Division) vide No. 16/1772-1915-12, 1972 and 16/1773-0 FI, Dated 09/04/1974, Islamabad

Ref: 786/APCA/KP/20

Dated: 28/2/20

جناب چیف سیکرٹری صاحب خیبر پختونخوا

جناب سیکرٹری صاحب محکمہ ٹرانسپورٹ اینڈ ماس ٹرانزٹ خیبر پختونخوا

عنوان:- اہل بابت خلاف قانون تہادے حکم نامہ نمبر No. Dir/TPV1-24/P&T/staff/2011/1106-56 مورخہ 27/02/2020

جناب عالی

موربانہ گزارش ہے کہ جیسا کہ آپ صاحبان کے علم میں ہے کہ آل پاکستان کلرکس ایسوسی ایشن اس ملک کی واحد غیر سیاسی نمائندہ تنظیم ہے جو کہ سرکاری ملازمین کے لیے بہتر مراعات اور سروس کے تحفظ کیلئے کوشاں رہتا ہے۔

یہ حکم نامہ نمبر No. Dir/TPV1-24/P&T/staff/2011/1106-56 مورخہ 27-2-2020 جو کہ ڈپٹی ڈائریکٹر ٹیکنیکل ٹرانسپورٹ اینڈ ماس ٹرانزٹ خیبر پختونخواہ کے دستخطوں سے جاری ہوا ہے۔

یہ کہ آپ صاحبان کے علم میں لانا چاہتا ہوں کہ اس حکم نامے میں اکثر تہادے خلاف قانون اور بدعتی پر عمل ہے جیسا کہ سیریل نمبر اسکی شادان خان پرنٹڈ جسکی ریٹائرمنٹ میں صرف 14،6 دن باقی ہیں جس کیلئے اسٹیٹسٹ ڈیپارٹمنٹ کے ہدایات ہیں کہ ریٹائرمنٹ کے قریب اور ریٹائرمنٹ کے آخری سال میں کسی سرکاری ملازم کو ان کے اہالیان سے تہدیل نہیں کیا جاسکتا۔ اگر کوئی سرکاری ملازم اپنے ہوم اسٹیشن سے باہر تعینات ہوتا ہے ریٹائرمنٹ کیلئے ہوم اسٹیشن میں تعینات کیا جائے گا۔

سیریل نمبر 6 میں سکی جیٹ محمد پرنٹڈ ہے جو کہ لہجہ کا منظم ہذا کا منتخب صدر اور لہجہ کا خیبر پختونخواہ کے فنانس سیکرٹری ہے S&GAD کے واضح ہدایات پر یہ سیریل (S&GAD) 8(167)92/Vol-VII پر یہ سیریل نمبر 4،5 سکی امیر نواب اور جاوید خان پرنٹڈ ہے جو کہ سروس رولز

کے مطابق اسکا تہادے یا ایڈجسٹ دوسرے کیڈر میں نہیں کیا جاسکتا کیونکہ ڈائریکٹریٹ اور RTAS-PTA کے سروس رولز اور سنیاریٹی الگ الگ ہے اس وجہ سے ایک کیڈر کے اہلکار دوسرے کیڈر میں تعینات نہیں کیا جاسکتا ہے۔ اور ان کو ڈیپوٹیشن والاؤنس بھی دیا جائے گا یعنی اس نے اپنا Tenure کدو سال پورے نہیں کئے ہیں۔

لہذا استدعا ہے کہ درج بالا تہادوں کو مستوخ کرانے میں آپ صاحبان اپنا کردار ادا کریں۔ تاکہ نا انصافی کا ازالہ ہو سکے قانونی پیچیدگیوں سے بچا جاسکے کیونکہ یہ تہادے غیر قانونی ہیں۔ افسندہ آئن ہے کہ آپ صاحبان اپنا دوست شفقت ملازمین کے سروس پر رکھ کر ملازمین کو اذیت دہریشانی سے بچائیں گے۔

تین نوادش ہوگی

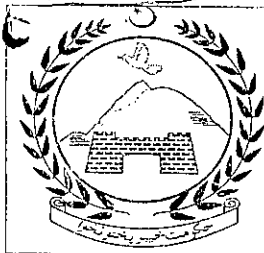
العارض
آپ کے لیے دعاگو
محکم خان مرکزی چیرمین لہجہ

کاپی برائے اطلاع ضروری کارروائی:-

- | | |
|---|---|
| 1- جناب سیکرٹری صاحب اسٹیٹسٹ ڈیپارٹمنٹ خیبر پختونخوا | 2- جناب رجنر اور صاحب پشاور ہائی کورٹ پشاور |
| 3- جناب رجنر اور صاحب سروس ڈیپوٹیشن خیبر پختونخوا پشاور | 3- جناب ڈائریکٹر صاحب ٹرانسپورٹ اینڈ ماس ٹرانزٹ خیبر پختونخوا |
| 5- جناب سیکرٹری صاحب PTA خیبر پختونخوا | 4- جناب آل سیکرٹری صاحبان RTA خیبر پختونخوا |
| 6- PS ڈائریکٹر ٹرانسپورٹ اینڈ ماس ٹرانزٹ خیبر پختونخوا | 8- بلڈنگ کا منظم صدر لہجہ کا خیبر پختونخوا |

محمد سرور خان
سویاٹی صدر لہجہ
خیبر پختونخوا

جبران اسلم



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)**

Legal Al Supdt Mardan
(10)
Amir

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) ¹Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas. *(See Po as retained)*
- v) ²{ } *2 years tenure retained vide P-06 for un-attractive/hard areas*
- (vi) ³"While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, Khyber PakhtunKhwa needs to be obtained. **Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power.** 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, Khyber PakhtunKhwa shall be obtained."

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

- vi (a) ¹ All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

¹ Circular letter No. SOR-VI/E&AD/1-4/2008/Vol-VII dated, the 11th September, 2009
² 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, 20-03-2008. Consequently authorities competent under the Khyber PakhtunKhwa 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.
³ Para-VI added vide circular letter No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 20th March, 2010.
⁴ Sub para-VI (a) added vide circular letter No. SOR-VI/E&AD/1-4/2008 dated 22nd October, 2008.

Amir

- 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.
- 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 Khyber PakhtunKhwa 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	Secretary of the Department concerned.

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

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Approved

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c	b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department 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.

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

- i) ✓ Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule – IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

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

[Signature]
Director

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✓ 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.

SPECIMEN NOTIFICATION.

GOVERNMENT OF KHYBER PAKHTUNKHWA
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshiwar, _____

NOTIFICATION

NO. The Competent Authority is pleased to order the transfer of Mr. _____ Department and to post him as _____ in the interest of public service, with immediate effect.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.

(NAME)
SECTION OFFICER
Administrative Department

{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}.

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-1 (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the Khyber PakhtunKhwah Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest,

Attested

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subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

✓ The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

✓ I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

{Authority: Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008.

According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.

{Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28th Oct, 2005.

The Chief Minister Khyber PakhtunKhwa has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) ✓ Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;
- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{Authority: Urdu circular No: SOR-VII/E&AD/1-4/2003, dated 8-6-2004 & Urdu Letter No: SOR-VII/E&AD/Misc: /2005, dated 3-1-2006.}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) Khyber PakhtunKhwa Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

{Authority: - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005.}

The competent authority has decide that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the Khyber PakhtunKhwa Govt Servants (Conduct) Rules 1987 shall be proceeded against under the Khyber PakhtunKhwa Removal from Service (Special Powers) Ordinance 2000. As required under the Khyber PakhtunKhwa Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect

Attest

shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

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{Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007}.

⁶In continuation of this Department circular letter No.SOR-VI/E&AD/1-4/2008/Vol-VII dated 11th September, 2009, I am directed to refer to the subject and to say that the Provincial Cabinet in its meeting held on 30th March, 2010 inter-alia approved the following for the purpose of Posting/Transfer Policy:-

Unattractive/Hard Areas

1. The distinction between unattractive/hard areas should be done away with and both should be labeled as Unattractive areas. ✓
2. Existing list of FATA areas be retained.
3. The following areas were recommended/approved to constitute unattractive areas in NWFP:-
 - a. Kohistan District.
 - b. Tank District.
 - c. Chitral District.
 - d. Batgram District.
 - e. Shangla District. ✓
 - f. Hungu District.
 - g. PATA areas of Mansehra (Kala Dhaka)

1) Tenure for settled area 03 years
2) unattractive area is 02 years
(P-I)

Tenure of posting.

- i. The erstwhile normal tenure of 2 years be retained. ✓
- ii. Existing tenure for unattractive areas be retained. However, in case of married civil servants, transfer should be made just at the beginning of school session and tenure should be one year instead of 1.5 year, so that academic disruptions are avoided.
- iii. At the time of entry in service, all civil servants be asked to give 4 options from unattractive areas.
- iv. After a stint of service in unattractive area, employees may be offered option to serve in district of choice.

⁷PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy is as follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go the parent organization of the participant from where the individual had applied. This will be in

⁶ No. SOR-V/E&AD/1-4/2010/Vol-VIII Dated Peshawar, the, 10th April, 2010

⁷ Placement Policy has been made part of the posting/transfer policy vide Urdu circular No.SOR-VI(E&AD)1-4/06. dt 9-2-2007

Attested

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consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.

- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and than the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:
 - a) Permanent posting of an officer to the training institutions for 2-3 years;
 - b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
 - c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participants will decline/represent against his/her posting.

Attested

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)
NO. SOR.VI (E&AD) 1-4/2005/Vol-II
Dated Peshawar, 27th February, 2013

To
[Handwritten signature]

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
4. All Commissioners in Khyber Pakhtunkhwa

Subject: CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

- (i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made hereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- (ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

[Handwritten notes: DS, AS, 4/3, mayaw]

[Handwritten signatures and initials: SML/Surye, S. L. C. / S. O. 454, STB]

[Handwritten signature: Attestation]

(iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.

(iv) **OSD: Officers** should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully,

NAJAM
(NAJ-MJS-SAHAR)
SECTION OFFICER (REG-VI)

Encl: as above.

copy is forwarded to:-

- 1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 4. The Accountant General, Khyber Pakhtunkhwa.
- 5. The Registrar, Peshawar High Court, Peshwar.
- 6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
- 7. All Addl. Secretaries Establishment & Administration Department.
- 8. All Deputy Secretaries in Establishment & Administration Department.

NAJAM
SECTION OFFICER (REG-VI)

Attested

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

(5) G
Amex

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 3RD MARCH, 2015

GOVERNMENT OF KHYBER PAKHTUNKHWA TRANSPORT AND MASS TRANSIT DEPARTMENT

NOTIFICATION

Peshawar, dated the December 09th, 2014

W

No. SO(Admn)TD/16-08/2012:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) rules, 1989, the Transport and Mass Transit Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions, specified in column No. 3 to 5 of the Appendixes-I and II to this Notification which will be applicable to posts borne on the Directorate of Transport and Mass Transit Department specified in column No.2 of the said Appendixes.

APPENDIX-I

S/No	Nomenclature of Post	Minimum Qualification for appointment by Initial recruitment or by transfer	Age limit	Method of recruitment
1.	Deputy Director (BS 18)		---	a. By promotion on the basis of seniority cum fitness from amongst the Assistant Directors BPS-17 with at least five year service.

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835 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 3rd MARCH, 2015

S/No	Nomenclature of Post	Minimum Qualification for appointment by Initial recruitment or by transfer	Age limit	Mode of Recruitment
2.	Assistant Director (Legal) (BS-17)	At least 2 nd Division LLB Degree from recognized university with at least two years experience, having license from bar.	21-32 years	By initial recruitment
3.	Superintendent (BS-16)	----	----	By promotion on the basis of seniority cum-fitness, from amongst the holders of the posts of Assistants/stenographers with at least five years service as such. <i>Note:</i> For the purpose of promotion a joint seniority list of Assistants & Stenographers shall be maintained. If two dates are the same then the person elder in age shall rank senior.
4.	Assistant (BS-14)	At least 2 nd class Bachelor Degree from a recognized University.	20-32 years	a. 75 % percent by promotion on the basis of seniority- cum-fitness, from amongst the Senior Clerks with at least five years service as Junior Clerk and Senior Clerk; and b. 25% by initial recruitment.
5.	Stenographer (BS-14)	a. At least 2 nd class Intermediate or equivalent Qualification from the recognized board; and b. Speed of 50 words per minute in short hand in English and 35 words per minutes in typing; and c. Knowledge of computer and using MS Word and MS Excel.	18-30 years	By initial recruitment.

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PROPOSED DRAFT SERVICE RULES FOR THE POSTS OF MOTOR VEHICLE EXAMINER TRANSPORT & MASS TRANSIT
DEPARTMENT GOVERNMENT OF KHYBER PAKHTUNKHWA.

S/No	Nomenclature of Post	Minimum Qualification for appointment by Initial recruitment or by transfer	Age Limit	Method of Recruitment (Previously)	Proposed Method of recruitment
1	2	3	4	5	6
1.	Chief- Motor Vehicle Examiner (BS-17)	----	...	----	By promotion from amongst the senior MVEs (BPS-16) on the basis of seniority cum fitness with at least ten years of experience.
2.	Senior Motor Vehicle Examiner (BS-16)	----	...	----	By promotion on the basis of seniority cum fitness from amongst the Officers holding posts of Motor vehicle Examiner (BS-11) with 05 years experience as such.

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT AND MASS TRANSIT DEPARTMENT

2

S/No	Nomenclature of Post	Minimum Qualification for appointment by Initial recruitment or by transfer	Age limit	Method of recruitment
6.	Computer Operator (BS-12)	a. At least 2nd class Bachelor Degree in computer/Information Technology (BCS/BIT four years) from the recognized University. or b. at least 2 nd class bachelor degree from a recognized university with one year diploma in Information Technology from a recognized Board of Technical Education.	18-30 years	
7.	Senior Clerk (BS-09)		----	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with at least two years service as such.
8.	Junior Clerk (BS-07)	(a) At least Secondary School Certificate or equivalent qualification from recognized board; and (b) A speed of 30 words per minute in typing.	18-30 years	(a) Thirty three percent by promotion from amongst the Naib Qasids and Chowkidars with two years service who have passed Secondary School Certificate Examination and are under 45 years of age; and (b) Sixty seven percent by initial recruitment. Note: for the purpose of promotion. Their shall be maintained a joint seniority list of Naib Qasid & Chowkidars with reference to their regular appointments. Provided that; (a) If two or more officials have acquired the secondary School Certificate in the same session, the inter seniority in the lower post shall be maintained for the purpose of joint seniority in the higher post; (b) Where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official.

S/No	Nomenclature of Post	Minimum Qualification for appointment by Initial recruitment or by transfer	Age limit	Method of recruitment
9.	Naib Qasid (BS-1)	Literate	18-32 years	By initial recruitment
10.	Chowkidar (BS-1)	Literate with sound physique.	18-32	By initial recruitment
11	Sweeper (BS-01)	Literate	18-32 Years	By Initial recruitment

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT AND MASS TRANSIT DEPARTMENT

VAKALAT NAMA

NO. _____/20

24

IN THE COURT OF Court of KP H Service Tribunal

Shah Zaman (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Court of KP H (Respondent)
(Defendant)

I/We, Shah Zaman

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Shah Zaman
(CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.
B.C NO# 10-7327
CNIC # 17301-5106574-3

OFFICE:
Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

Syed Noman Ali Bukhari
Syed Noman Ali Bukhari
Advocate High Court
Attested

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

CM No. _____/2020

In Service Appeal No.5404/2020



Haji Shah Zaman Superintendent,
Provincial Transport Authority Peshawar.

Put up to the court with relevant appeal

(APPELLANT)

VERSUS

1. Zakir Hussain Afridi Secretary, Transport Department KP, Peshawar.
2. Mian Adil Iqbal, Director Transport Khyber Pakhtunkhwa, Peshawar.
3. Asad Sarwar Secretary Provincial Transport Authority Khyber Pakhtunkhwa Peshawar.

Order 6/7/2020

(RESPONDENTS)

Order 6/7/2020: Notice of this application be served upon respondents for date fixed 14/7/20

EXECUTION PETITION FOR DIRECTING THE RESPONDENTS TO IMPLEMENT THE ORDER DATED 10.06.2020 OF THIS HONOURABLE TRIBUNAL IN LETTER AND SPIRIT.

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal along with suspension application against the order dated 27.02.2020 whereby the appellant has been transfer in last legal next date fixed 14/7/20 - 7/20
2. That the instant appeal was fixed in Preliminary hearing on 10.06.2020 and Honorable Tribunal was kind enough to admit the appeal for regular hearing and also suspend the operation of order dated 10.06.2020. Copy of order sheet dated 10.06.2020 is attached as Annexure -A.

3. That the appellant was transferred to Bannu despite the fact that he is in last-leg of service and going to retire just after two months i.e in September.
4. That the appellant didn't relieve his charge and performing his duties at his own station till suspension order and onward. The appellant performing his duty regularly but quite astonishingly just after two days of suspension order dated 10.06.2020 on 12.06.2020 salary of appellant has been stopped without any reason and justification amount to force labour which is violation of Article-13 of constitution of Pakistan as well as section 17 of Civil Servant Act, 1973.
5. That the respondent not implemented the order dated 10.06.2020 which is violation of Tribunal order dated 10.06.2020 and amount to contempt of court.
6. That the appellant file the instant execution petition on following grounds.

Grounds:

1. That respondent not implementing the order dated 10.06.2020, despite of the Honorable Court's direction is the violation of Court's order and amounts to Contempt of Court.
2. That being the Apex Court of the Province, the respondents are legally bound to obey the same in letter and spirit, but the respondents are totally failed to reinstate the petitioner.
3. That the appellant is in last leg of service and going to retired in September 2020. So stoppage of salary despite the suspension order is illegal, unlawful and against the norms of justice.
4. That the attitude and behavior of the respondents amounts to Contempt of this august Court.
5. That the petitioners seek permission to advance the other grounds and proof at the time of hearing.
6. That the petitioner has having no other remedy to file this Implementation appeal.

It is, therefore, most humbly prayed that the respondents may be directed to implement the order dated 10.06.2020 of this august Tribunal in letter and spirit and allowed the

appellant to work at his station Provincial Transport Authority KP Peshawar and issue order to release the salaries of the appellant from 12.06. 2020 to till date and onward. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favor of appellant.

[Handwritten signature]

APPELLANT
Haji Shah Zaman

THROUGH:

[Handwritten signature]

(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT
PESHAWAR.

AFFIDAVIT:

It is affirmed and declared that the content of the execution petition is true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.



[Handwritten signature]
DEPONENT

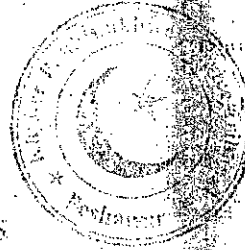
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

u

Appeal No. 5393 /2020

Diary No. 0466/PTA
Dated 11-6-2020
PTA KP Peshawar

Haji Shah Zaman, Superintendent,
Provincial Transport Authority, Peshawar.



APPELLANT

~ VERSUS

1. The Chief Secretary Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Mr. Javed Akhtar, Superintendent, Regional Transport Authority, Peshawar.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1973 AGAINST THE PREMATURE & POLITICALLY MOTIVATED TRANSFER ORDER DATED 27.02.2020, AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

4/10/20
PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 27.02.2020 MAY BE SET ASIDE TO THE EXTENT OF APPELLANT AND THE RESPONDENTS MAY ALSO BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY ON THE BASIS OF POLITICAL PRESSURE UNTIL THE COMPLETION OF RETIREMENT. ANY OTHER REMEDY, WHICH THIS TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Submitted to the
Registrar
11/6/20

Certified to be true copy

Registrar
Peshawar



Office of the
ACCOUNTANT GENERAL
 KHAYBER PAKHTUNKHWA PESHAWAR
 TEL # 011-252525-24 FAX # 011-252525-24

Date: 16/1/2020

NO-PK-10223018-121AR-1999-202

Subject: LAST PAY CERTIFICATE IN RESPECT OF Mr. Shah Zaman
Retired on 15/11/2019

The above named officer has been transferred to your audit jurisdiction. His Personal File and Service Statement are sent herewith. His other particulars are as under

There has been paid up to 31-12-2019

PAYMENT		DEDUCTION	
Rs.	DESCRIPTION	Rs.	DESCRIPTION
21070/-	B.Pay		
	B.Duty		
1100/-	H.R.A	1100/-	H.R.A
2000/-	C. Allowance	2000/-	C.A
1200/-	M. Allowance 1999		
1000/-	Adhoc Allowance 2019		
1000/-	Adhoc Allowance 2018		
3700/-	Adhoc Relief 2019		
2107/-	Adhoc Relief 2018		
2107/-	Adhoc Allowance 2018		
	Ents All		
	Senior Post All		
	HDA		
	HDA		
	Adhoc Relief 2019		
37500/-	TOTAL	37500/-	TOTAL

He is authorized to draw pay and allowances from _____ to _____ of the above nature. Overpayment of pay and allowances from 15/11/2019 to 31/12/2019 is recoverable of the officer.

Handed over the charge of this post on the date of retirement _____ to _____
 Avoided leave on full pay _____ to _____

Accountant General (Punjab)
 Khayber Pakhtunkhwa Peshawar

Signature: _____



**PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY**

GS/PD, Khyber Pakhtunkhwa... 30/10--FS-1000 Pads--14.10.2010--MS 9A 2.0

OFFICE OF THE Provincial Transport Authority Khyber Pakhtunkhwa
FOR THE MONTH OF June 12020

Form: PAY02
Date: _____
Page No: 15568
1/16

DDO Code (Cost Center) PK5194 Description: Stop the salary

Personnel Number 00016197 Employee Name: Mr. Shah Zaman Supdt.

Grade (Pay Scale Group) 17

National Card No: 17

Salary Status Start Stop

Info Type	Field ID	New Contents	CHANGE IN PAYMENTS/DEDUCTIONS						Effective Date	Remarks
			Wage Type	Amount			Adj			
				Rupees	Paise					
		<u>Stop Salary</u>							<u>Plz stop the salary of officer concerned due to transferred from PTA KPK to RTA Buner vide office order No. Dir-TPT/2-24/PAT/staff/2011/1106-56 dated 27-2-2020 office order copy is attached.</u>	

Prepared By _____

Audited/Checked By _____

Provincial Transport Authority

(5)



**PERSONNEL SYSTEM
AMENDMENT FORM
MULTIPLE EMPLOYEE ENTRY**

GS&FD 4PK 403/11 FS-1000 Nos. 14 10 2016-AS 8A, B, C

FORM: PAY03

OFFICE OF THE Provincial Transport Authority Khyber Pakhtunkhwa Peshawar
FOR THE MONTH OF June 2020 Date: _____

8

Employee No.
Model No.

PRIS 1214 Description: Rate of Pay and Allowances

556/1116

EMPLOYEE DETAILS

Employee Name	NIC Number	Info Type	Field ID	GENERAL DATA CHANGE		CHANGE IN PAYMENTS/DEDUCTIONS				Stop Date	Effective Date	Remarks	
				New Contents	Wage Type	Amount							
						Rupees	Paise	AOJ					
Mr. Javed Akhtar Surplus (BPS-17)				Basic Pay	0201	4	64	70					Please start the entry of the surplus concern due to transferred from PTA Peshawar to PTA Peshawar w-e-f 1-6-2020. Transferred order is attached.
				Hs Band	1001	6	65	0					
				Grant	1810	5	00	0					
				Allowance	1300	1	50	0					
				Hs Band 2013	2148	8	57						
				Hs Band 2015	2199	6	07						
				Hs Band 2016	2211	3	12	4					
				Hs Band 2017	2224	4	64	7					
Hs Band 2018	2247	4	64	7									
Hs Band 2019	2255	2	32	3									
				3017		42	70	=					
				6501		10	40	=					

(Handwritten signatures and initials)
Javed
AAO
PTA

(Handwritten signature)
Secretary
Peshawar
Checked/Verified By
Khyber Pakhtunkhwa Peshawar
(Handwritten signature)

VAKALAT NAMA

NO. _____/20

IN THE COURT OF KP Service Tribunal Peshawar

Haji Sheh Zaman (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

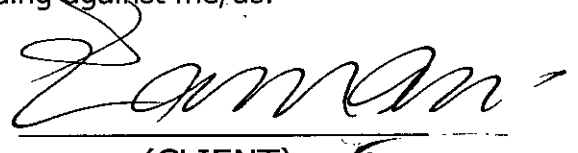
Transport (Respondent)
(Defendant)

I/We, Haji Sheh Zaman



Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20


(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate Supreme Court Peshawar.
&
TAIMUR ALI KHAN
Advocate High Court, Peshawar
& 
SYED NOMAN ALI BUKHARI
Advocate High Court

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

قیمت
50 روپے

52125



ایڈوکیٹ: محمد سعید سعید

بار کونسل ایسوسی ایشن نمبر: BC-15-5574

رابطہ نمبر: 0334-9161450

پشاور بار ایسوسی ایشن، خیبر پختونخوا

بعد ازاں جناب: محمد سعید سعید سروسز سٹریٹ بہاول پور

منجانب: <u>رسپانڈنٹ نٹ لبرز</u>	دعویٰ: <u>اپریل 2020/5395</u>
<u>شاہ زمان</u>	علت نمبر:
<u>بنام</u>	مورخہ:
<u>حیف سید طہس رفیقہ</u>	جرم:
	تھانہ:

باعت تحریر آنگہ

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

آن مقام کنیٹ اور کیلے سید احمد رٹو وکیل کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف 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 کارروائی 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 اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:

العبد _____ واہ شد _____ العبد _____
مقام کنیٹ اور Accepted کے لیے منظور ہے۔

محمد سعید سعید

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

محمد سعید سعید

محمد سعید سعید

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 5395/2020

Haji Shah Zaman

.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Transport & others

..... (Respondents)

INDEX

S.No.	Description of Documents	Annex	Pages
<i>1</i>	<i>Parawise comments</i>	<i>-</i>	<i>01-02</i>
<i>2</i>	<i>Copy of the order dated 06.07.2020</i>	<i>A</i>	<i>03</i>
<i>3</i>	<i>Application of appellant regarding his illness</i>	<i>B</i>	<i>04-05</i>
<i>4</i>	<i>Reply to stay application</i>	<i>-</i>	<i>06</i>

07 07
Dated: / /2020

Handwritten signature
DEPARTMENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 5395/2020

Haji Shah Zaman

.....(Appellant)

VERSUS

The Chief Secretary, Government of Khyber Pakhtunkhwa & others

.....(Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01 & 02.

Respectfully Sheweth,

Preliminary Objections;

1. That the appellant has got no cause of action to file the present service appeal.
2. That the appellant is estopped by his own conduct to file the instant service appeal.
3. That the service appeal is bad in its present shape and is not maintainable in its present form.
4. That with utmost respect this Honorable Court has got no jurisdiction to entertains the service appeal.
5. That the service appeal is bad for mis-joinder and non-joinder of necessary parties.
6. That the appellant has got no locus standi to file the instant service appeal.

ON FACTS:

- 1) Para 1 of the service appeal is correct.
- 2) In reply to para 2 of the service appeal, it is stated that the appellant was transferred from Provincial Transport Authority KPK to Regional Transport Authority Bannu, however, via order No. DIR/TPT/1-82/P &T/1871-76 dated 06.07.2020 transferred back to Regional Transport Authority Peshawar (**Annex A**). It is also worth mention that both Regional Transport Authority and Provincial Transport Authority KPK are located in the same building i.e. Benevolent Fund Building and the office of Regional Transport Authority Peshawar is on ground floor.
- 3) In reply to para 3 of the service appeal, it is stated that his grievances has been redressed as he has been transferred back to Peshawar in the same locality.
- 4) The remedy has already been given to the appellant; hence the appeal of the appellant is groundless.

GROUND:

- A. In reply to ground A of the service appeal, it is stated that the appellant is employees of Regional Transport Authority, Provincial Transport Authority KPK, therefore the competent authority can transfer him anywhere in the Province, and thus the order is not against any prevalent law.



Annex: 'A'
03

**GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT**

Ph: 091-9223546

Fax: 091-9212556

Dated: 06-07-2020

ORDER:

No. DIR/TPT/1-82/P&T/1871-76. The Competent Authority is pleased to transfer/post the following officers of Directorate of Transport & Mass Transit Khyber Pakhtunkhwa and Regional Transport Authorities, made in the best public interest with immediate effect:-

S	NAME	DESIGNATION	FROM	TO
1.	Mr. Amir Nawab	Superintendent (BPS-17)	Regional Transport Authority Kohat	Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa
2.	Mr. Shah-Zaman	-do-	Regional Transport Authority Bannu	Regional Transport Authority Peshawar
3.	Mr. Javed Khan	-do-	Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa	Regional Transport Authority Bannu

-Sd/-

SECRETARY

**Transport & Mass Transit Department
Government of Khyber Pakhtunkhwa**

Endst: No. & Date Even: 1871-76

A copy is forwarded for information to the: -

1. Ps to Secretary, Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.
2. PS to Commissioner Peshawar, Kohat and Bannu.
3. Secretary Regional Transport Authority, Kohat, Bannu and Peshawar.
4. Officers Concerned.

Attested
[Signature]

[Signature]
**Dr. Tariq Usman Saeed
Deputy Director (Technical)
Transport & Mass Transit**

0

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 5395/2020

Haji Shah Zaman

.....(Appellant)

VERSUS

The Chief Secretary, Government of Khyber Pakhtunkhwa & others

.....(Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01 & 02.

Respectfully Sheweth,

Preliminary Objections;

1. That the appellant has got no cause of action to file the present service appeal.
2. That the appellant is estopped by his own conduct to file the instant service appeal.
3. That the service appeal is bad in its present shape and is not maintainable in its present form.
4. That with utmost respect this Honorable Court has got no jurisdiction to entertain the service appeal.
5. That the service appeal is bad for mis-joinder and non-joinder of necessary parties.
6. That the appellant has got no locus standi to file the instant service appeal.

ON FACTS:

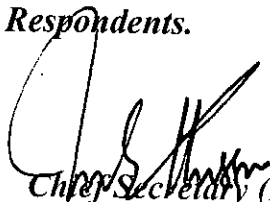
- 1) Para 1 of the service appeal is correct.
- 2) In reply to para 2 of the service appeal, it is stated that the appellant was transferred from Provincial Transport Authority KPK to Regional Transport Authority Bannu, however, via order No. DIR/TPT/1-82/P & T/1871-76 dated 06.07.2020 transferred back to Regional Transport Authority Peshawar (**Annex A**). It is also worth mention that both Regional Transport Authority and Provincial Transport Authority KPK are located in the same building i.e. Benevolent Fund Building and the office of Regional Transport Authority Peshawar is on ground floor.
- 3) In reply to para 3 of the service appeal, it is stated that his grievances has been redressed as he has been transferred back to Peshawar in the same locality.
- 4) The remedy has already been given to the appellant; hence the appeal of the appellant is groundless.

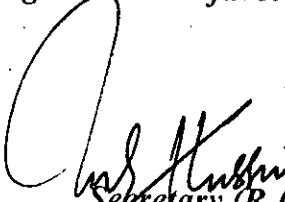
GROUNDS:

- A. In reply to ground A of the service appeal, it is stated that the appellant is employees of Regional Transport Authority, Provincial Transport Authority KPK, therefore the competent authority can transfer him anywhere in the Province, and thus the order is not against any prevalent law.

- B. In reply to ground B of the service appeal, it is stated that the appellant was transferred from Provincial Transport Authority KPK to Regional Transport Authority Bannu, however, via order No. DIR/TPT/1-82/P &T/1871-76 dated 06.07.2020 transferred back to Regional Transport Authority Peshawar as the appellant submitted an application regarding his health-beside appeal- to the answering department (**Annex B**). It is also worth mention that both Regional Transport Authority and Provincial Transport Authority KPK are located in the same building i.e. Benevolent Fund Building (Regional Transport Authority Peshawar on ground floor and Provincial Transport Authority KPK is on 2nd floor of the same building).
- C. Ground C of the service appeal is incorrect, hence denied. In reply it is stated that it is routine transfer/posting order issued keeping in view public interest and no political subject is involved.
- D. In reply to ground (d) of the service appeal, it is stated that the all necessary requirements for the said posting/transfer has been followed as always and no illegality was committed.
- E. Detail reply to ground E of the service appeal has already been given in the above paras.
- F. In reply to ground F of the service appeal, it is stated that the respondent will argue on any additional grounds if raised at the time of arguments with the prior permission of Hon'ble Court.

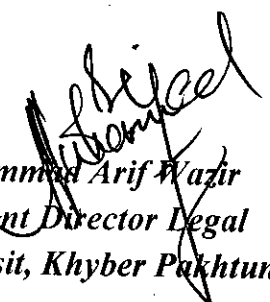
It is, therefore, most humbly prayed that on acceptance of the instant reply, the instant service appeal may kindly be dismissed accordingly as the grievances of the appellant have already been re-addressed and any other remedy which the Hon'ble Court deemed fit may graciously be granted in favor of answering Respondents.


 Chief Secretary (R-01)
 Government of Khyber Pakhtunkhwa


 Secretary (R-02)
 Transport & Mass Transit Department
 Khyber Pakhtunkhwa

Verification:

It is hereby solemnly affirmed and declared on oath that the contents of the instant comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Service Tribunal.


 Muhammad Arif Wazir
 Assistant Director Legal
 Transport & Mass Transit, Khyber Pakhtunkhwa

D

Amir "B"
04

The Secretary,
PTA Khyber Pakhtunkhwa,
Peshawar.

Sub:- Application regarding request for medical leave.

Dear Sir,

Kindly refer to the captioned subject and to submit with
~~diagnosis in your kind letter that I am suffering from~~
~~neuro/psychiatric problem~~ joint pain
foot pain and blood pressure since nearly above a year and
use regularly medicine (Treatment sheet attached) Now
from a few days the said problem is increasing day to day
due to which rushed to Hospital for Treatment. I presented
before the doctor in KTH on 14/3/2020 for medical check-
up. After thoroughly check up, the doctor issued me
Treatment (Treatment sheet is attached) and advised
me for complete bed rest for two weeks.

In view of the above, it is therefore submitted
that I am unable to attend the office and perform
duties from 16/3/2020 to 31/3/2020 with the request
for granting leave on medical ground/basis for the
said period and oblige me please.

yours obediently
Shah Zamran
16/3/2020
Supt PTA KP
Peshawar

Dated:- 16/3/2020

Put up for Dir Transport
16/3/2020

Assistant

Attested
Subandil

2

PARCHE INVOICE OPD KTH

OUTPATIENT DEPARTMENT (OPD)

SURGICAL - OPD Khyber Teaching Hospital

Appointment Time : 11:04:00 Medical Teaching Institution, Peshawar

M.R. No: SHAD0300002851700 Khyber Pakhtunkhwa - Pakistan.

Name : SHAH ZAMAN

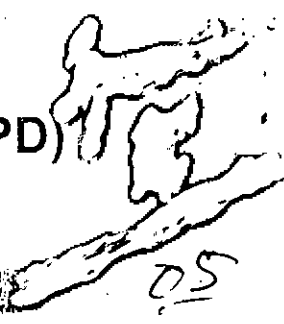
Receipt # : K03200487196

Gender : Male

Amount Paid : 10.00

Age : 60 Year(s)

Date : 14-MAR-20



History

Complaints:

Clinical Examination

Rx lower back pain / 1 month
leg pain
- joint pain

Provisional Diagnosis Findings:

OLE. Tender joint in lower limbs. DM, HIN

Investigations

MRI - lower back shows disc prolapse

Investigations

Tsh Aceclamin 100mg / 1-1
V6 - 1-1
Tsh N-2 cal Tsh Rictrol
Tsh Cal-seffe V6 - 1-1

Diagnosis:

Attested
Signature

Tsh Saffal 50mg
V6 - 1-1
Tsh N-2 cal Tsh Rictrol
Tsh Cal-seffe V6 - 1-1

Signature
14-03-2020

Next Visit:

Consultant Name:

Signature:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

06

Haji Shah Zaman

VERSUS

Chief Secretary, Govt. of Khyber Pakhtunkhwa and Others

WRITTEN REPLY TO THE STAY APPLICATION ON BEHALF OF DEFENDANTS NO. 01 & 02.

Preliminary Objections;

1. That the appellant has got no cause of action to file the instant application.
2. That the appellant has not come to the court with clean hand.
3. That the conduct of the service appeal is estopped to file the instant application.
4. That this Hon'ble Court lack the jurisdiction to entertain the present application.
5. That the application in had is barred by law.

ON FACTS:

- 1) Para No. 1 needs no answer.
- 2) In reply it is stated that it is routine transfer/posting order issued according to government posting and transfer policy keeping in view public interest and no political subject is involved.
- 3) Para No. 3 of the application is totally incorrect no prima facie case in favor of plaintiff neither balance of conveyance lie in favor of the plaintiff, nor irreparable loss to the plaintiff in the case in hand.
- 4) The application is frivolous and appellant has no grounds to file the instant service appeal.

It is therefore humbly prayed that on acceptance of this written reply the application of the plaintiff/applicant may very graciously be dismissed with heavy cost.

Defendants No. 01 & 02

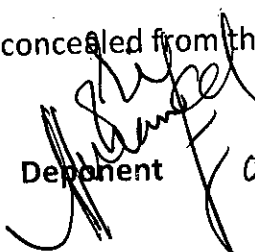
Through

**Additional Advocate General
Service Tribunal**

AFFIDAVIT

That the contents of this written reply to the application are true and correct to the best of my knowledge and record and nothing has been concealed from this Hon'ble Court.

Deponent


07/07/2020