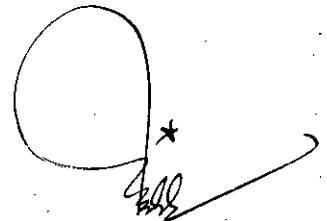


14.07.2020

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

Written reply not submitted. Representative of the respondents seeks time to submit the same 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.



(Mian Muhammad)
Member(E)

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, Bannu W.

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

10.06.2020

Counsel for the appellant present.

Contends that on 25.02.2019 the appellant was transferred from D.I.Khan to Bannu while on 27.02.2020 he was retransferred from Bannu to Peshawar. The latter order was in disregard to the transfer/posting policy of Provincial Government wherein a normal tenure of posting is prescribed to be two years. In addition, the appellant has been transferred from Regional Transport Authority to Directorate of Transport & Mass Transit Khyber Pakhtunkhwa which may result in loss of his service benefits/seniority.

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.

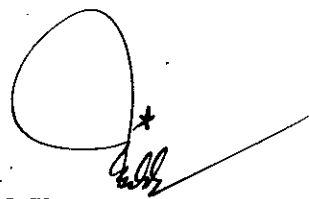
Alongwith the appeal there is an application for suspension of operation of impugned order dated 27.02.2020. Notice of the application be also given to the respondents for the date fixed. In the meanwhile, the operation of impugned order/notification shall remain suspended to the extent of appellant,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

10/6/20
Security & Process Fee


Chairman

25.06.2020

Appellant with counsel present. Addl: AG along with 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.


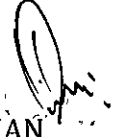

MEMBER

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5393 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/06/2020	<p>The appeal of Mr. Javed Khan 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 style="text-align: right;"> 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 style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Javed Khan Superintendent RTA Bannu 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.

The authority to whom the departmental appeal was made/preferred has not been arrayed/made necessary party.

No. 1206 /S.T,

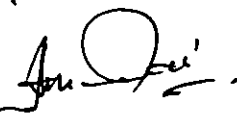
Dt. 05-06 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

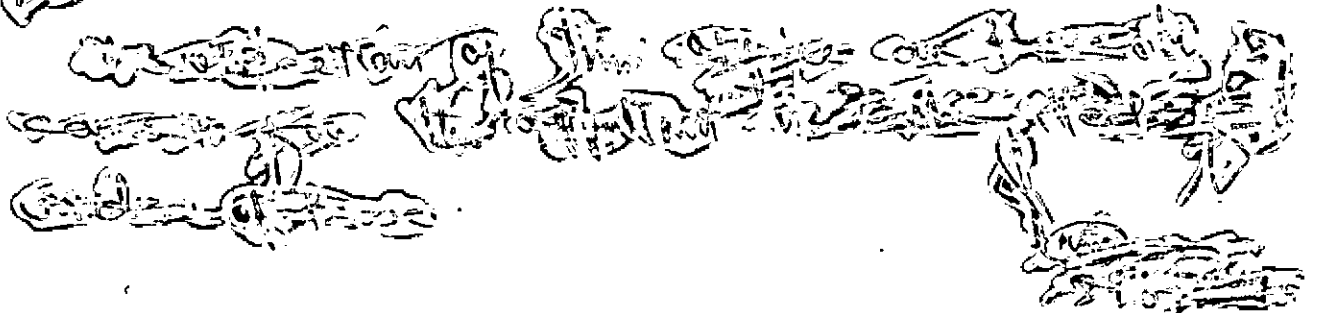
Mr. Muhammad Asif Yousafzai Adv.

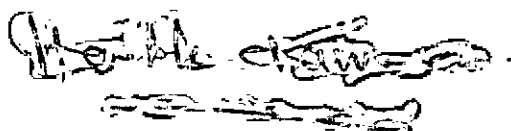
Sir, The order was passed by Secy Transport and departmental appeal was sent through proper channel. Therefore, Director was only forwarding agency and is not necessary party.

Re-submitted for placing before the Hon'ble Bench.

Re- 







BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. **5402** /2020

Javed Khan

V/S

Govt: of KPK & etc.

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	1 - 3
2.	Copy of stay application	---	4
3.	Copy of Order	- A -	5
4.	Copy of R.T.A Rules	- B -	6 - 10
5.	Copy of Order	- C -	11
6.	Copy of Appeal	- D -	12
7.	Copy of complaint	- E -	13
8.	Copy of Policy	--F--	14 - 18
9.	Copy of Rules	--G--	19 - 28
10.	Vakalat Nama	-----	29

APPELLANT
Javed Khan
Javed Khan

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

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

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. **5402** /2020

Javed Khan, Superintendent,
Regional Transport Authority, Bannu.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. **4635**

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. The Regional Director, Regional Transport Authority (R.T.A), Bannu.

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

Registrar

PRAYER:

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

Submitted to-day
Registrar

10/6/2020

RESPECTFULLY SHEWETH:

1. That the appellant was posted as Superintendent in the Regional Transport Authority Bannu vide order dated 28.2.2019 and belongs to Regional Transport Authority Cadre. **Copy of order and R.T.A Rules 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 Peshawar without taking into consideration that appellant belongs to R.T.A/Cadre and cannot be transferred to Directorate cadre. **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 belong to RTA/PTA cadre whereas Directorate cadre is a separate cadre. therefore, the appellant will loss his seniority under the garb of posting/transfer order. Therefore, the impugned order is liable to be set aside on this score alone. **Policy and Rules are attached as Annexure-F & G.**
- C) That the impugned order is politically motivated, especially keeping in view the Covid-19 situation, and without any reasons /exigencies of service, 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.

Javed
APPELLANT

Javed Khan

THROUGH:

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

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

&
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

4

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

Service Appeal No. _____/2020

Javed Khan

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:

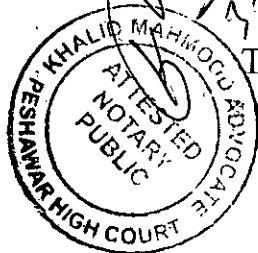
1. That the appellant has filed a Service Appeal against the order dated 27.02.2020 in this august Tribunal, in which no date is fixed so far.
2. That the impugned order is a politically motivated and passed in utter violation of Govt: Posting & Transfer Policy.
3. That the applicant would suffer a lot if the impugned order is acted upon, especially keeping in view the 8 months tenure and separate cadre.
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.

[Signature]
APPLICANT/ APPELLANT

Javed Khan

[Signature]
(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.



THROUGH:

AFFIDAVIT

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

[Signature]
DEPONENT

A

Amir
5

No. Dir. Trn. 5566-63. The Competent Authority is pleased to order the Posting/transfer of the following officials in public interest with immediate effect.

No.	Name	Designation	From	To
1	Mr. Javed Khan	Superintendent (BPS-17)	Regional Transport Authority D.I Khan	Regional Transport Authority Bannu
2	Mr. Hayat Muhammad	Assistant (BPS-16) Superintendent (own pay & scale)	Regional Transport Authority Mardan	As Assistant in Provincial Transport Authority

Sd/-
Director Transport & Mass Transit
Khyber Pakhtunkhwa

Endst: No & Date Even:

A copy is forwarded to

1. PS to Secretary, Transport & Mass Transit Department Government of Khyber Pakhtunkhwa
2. Secretary, Provincial Transport Authority,
3. Secretary, Regional Transport Authority District Bannu
4. Secretary, Regional Transport Authority District D.I Khan
5. Secretary, Regional Transport Authority District Mardan
6. Officials Concerned

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]
Assistant Director (Estt.)

Service Rules of PARIAS

Annex B

189

6

1884
1/11/80

Government of N.W.F.P.
Services, Genl. Admn., Tourism & Sports
Department.

NOTIFICATION.

Dated Pesh; the 16th Oct. 1980.

No. SORI(S&GAD)4-2/77.- In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act XVIII of 1973), and in supersession of all previous rules on the subject in this behalf, the Governor of the North-West Frontier Province is pleased to make the following rules, namely:

THE PROVINCIAL/REGIONAL TRANSPORT
AUTHORITY (RECRUITMENT AND
APPOINTMENT) RULES, 1980.

1. (1). These rules may be called the Provincial/Regional Transport Authority (Recruitment & Appointment) Rules, 1980.
- (2). They shall come into force at once.
2. The method of recruitment, minimum qualifications, age limit and other matters related thereto for the post specified in column 2 of the Schedule annexed shall be such as given in column 3 to 7 of the said schedule.

Secretary to Government of
North-West Frontier Province,
Services, Genl. Administration
Sports & Tourism Department.

Endst.No. SORI(S&GAD)4-2/77, Dt; Peshawar, the 16th October, 1980.

Copy forwarded to the;-

1. All Administrative Secretaries to Government of NWFP.
2. All Divisional Commissioners in N.W.F.P.
3. Secretary to Governor, NWFP.
4. Secretary, NWFP. Public Service Commission, Peshawar.
5. All Heads of Attached Departments in NWFP.
6. All Deputy Commissioners/Political Agents in NWFP.
7. All District & Sessions Judges in NWFP.
8. Registrar, Peshawar High Court, Peshawar.
9. All Section Officers in the S&GAD.
10. Manager, Government Printing Press Peshawar for publication in the Government Gazette. He is requested to supply 30-copies of the printed notification.

Munammad Irshad Swati
(MUNAMMAD IRSHAD SWATI)
Section Officer (R-I)

SGH*

*Part of no 5
is done*
AS
7 Nov 80

Admitted

SCHEDULE

PROVINCIAL/REGIONAL TRANSPORT AUTHORITY

190

7

3

Sl. No.	Nomenclature of posts.	Minimum qualification for appointment		Age for initial recruitment.		Method of recruitment.
		by initial recruitment.	by transfer or by promotion.	Minimum	Maximum	
1.	2.	3.	4.	5.	6.	7.
1.	Secretary Provincial Transport Authority.	A degree from a recognised University.	-	-	-	By transfer from amongst the holder of the posts of Extra-Asstt. Commissioners/Asstt. Commissioners/Section Officers or by an officer of all Pakistan Unified Grades.
2.	Secretary Regional Transport Authority.	A degree from a recognised University.	-	-	-	By transfer from amongst the holders of the posts of Extra-Asstt. Commissioners/Asstt. Commissioners/Section Officers or by an officer of all Pakistan Unified Grades.
3.	Superintendent.	-	-	-	-	By promotion on the basis of seniority-cum-fitness from among the persons holding posts of Assistant, with at least five years experience as such.
4.	Assistant.	Bachelor's Degree from a recognised University.	-	21 years.	25 years.	i. Fifty per cent by promotion on the basis of seniority-cum-fitness from amongst persons holding posts of Sr-clerk and Steno-typist, with at least three years service as such and ii. Fifty per cent by initial recruitment.

Note;- A common seniority list shall be maintained of Senior clerks and Steno-gypists for the purpose of promotion to the posts of Assistants, where the continued service of Senior Clerks and Steno-typists is the same, the Senior Clerks shall be deemed to be senior to the Steno-typists.

next page...

(4)

1.	2.	3.	4.	5.	6.	7.
----	----	----	----	----	----	----

(8)

5. Steno-typist.	i. Matriculation or equivalent qualifications from a recognised Board and; ii. a speed of eighty words per minute in shorthand in English and thirty-five words per minute in typing.	18 years	25 years	By initial recruitment.
6. Senior Clerk.				By promotion on the basis of seniority-fitness from amongst persons holding posts of Junior clerks with at least two years service as such.
7. Junior Clerk.	Matriculation or an equivalent qualification from a recognised Board with a typing speed of twenty-five words per minute.	18 years	25 years	By initial recruitment.

Handwritten signature or initials.

(2)

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.

Attested

[Handwritten signature]

Information

APCA March 1936

Mr. B. B. / Agency President

Copy to -

SECTION OFFICER (SERVICES, I.A.)

[Handwritten signature]

Your obedient servant,

I am directed to refer to this Department letter No. SON.I(3364D)3-4/36, dated 25.3.1936 on the subject noted above and to request once again that the office bearers of the Service Associations should not ordinarily be transferred for the year for which they are office bearers as such.

Sir,

SECRET - MEMBER OF OFFICE BEARERS OF ASSOCIATIONS.

1. All Administrative Secretaries to Govt. of India.
2. All Commissioners in NWP.
3. Secretary to Governor, NWP.
4. All Heads of Attached Department in NWP.
5. All Deputy Commissioners/Political Agents in NWP.
6. Secretary, Board of Revenue, NWP.
7. Secretary, NWP Public Service Commission, Pesh.
8. All Districts and Sessions Judges in NWP.
9. Registrar, Peshwar High Court, Peshawar.

Dated Peshawar the 7th July, 1936.

(Signature)

SECTION OFFICER (SERVICES, I.A.)

10

3030



(4)

Armed

11

Dated Peshawar the 27/02/2020.

DIRECTORATE OF TRANSPORT & MASS TRANSIT
GOVERNMENT OF KHYBER PAKHTUNKHWA

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

ORDER:

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

To

The Director,
Transport & Mass Transit
Khyber Pakhtunkhwa.

Amir D.D.

Diary No. 1097

Date 2/3/2020

Directorate of Transport
And Mass Transit, KPK

12

Subject: APPEAL ON ACCOUNT OF ILLEGAL TRANSFER.

Dear Sir,

It is stated that I have been transferred to Directorate of Transport & Mass Transit Khyber Pakhtunkhwa vide office order No.Dir/TPT/1-24/P&T/staff/2011/1106-56 dated 27/02/2020.

It is to be mentioned here, that the service rules and seniority list of PTA/RTAs and Directorate of Transport Khyber Pakhtunkhwa are separate from each other due which one cadre official/officer cannot be transferred /adjusted in other cadre.

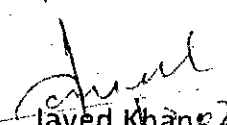
It is therefore requested to kindly approach the worthy Secretary Transport & Mass Transit Department Government of Khyber Pakhtunkhwa for cancellation of the aforementioned order.

I shall be very thankful to you for this great act of kindness.

C.Copy in respect of:-

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

Yours Sincerely,


Javed Khan
Superintendent (BPS-17)
Regional Transport Authority,
Bannu

Attested

All Pakistan Clerks Association (APCA)

Khyber Pakhtunkhwa

Muhammad Sareer Khan
Provincial President
Cell: 0300-5985749



Ibrar 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

موضوع:۔ اپیل بابت خلاف قانون ہجاولے رقم نامہ نمبر No.Dir/TpU1-24/P&T/staff/2011/1106-56 مورخہ 27/02/2020

جناب عالی

موردہ ہجاولے کے 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 کہ رقم نامہ نمبر No. Dir/TpU1-24/P&T/staff/2011/1106-56 مورخہ 27-2-2020 جو کہ پی ڈاڑی کیسٹریٹیکل ٹرانسپورٹ اینڈ ماس ٹرانزٹ خیبر پختونخوا کے دستخطوں سے جاری ہوا ہے یہ کہ آپ صاحبان کے علم میں لانا چاہتا ہوں کہ اس حکم نامے میں اکثر ہجاولے خلاف قانون اور بددیانتی پر مشتمل ہے

جیسا کہ سیریل نمبر آئی شادمان خان پرسنٹیشن جسکی ریٹائرمنٹ میں صرف 14 دن باقی ہیں جس کیلئے اسٹیکسٹنٹ ڈیپارٹمنٹ کے ہدایات ہیں کہ ریٹائرمنٹ کے قریب اور ریٹائرمنٹ کے آخری ماہ میں کسی سرکاری ملازم کو ان کے اپنی ضلع سے تبدیل 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 کسی حیات محمد پرسنٹیشن جو کہ لہیکا گلگتہ ہڈا کا منتخب صدر اور لہیکا خیبر پختونخوا کے نائٹس سیکرٹری ہے S&GAD کے واضح ہدایات پر سیریل نمبر 8(167)92/Vol-VII (S&GAD) SOS/IV مورخہ 07/07/1992 اس کے RTA مردان میں تعیناتی کے صرف آٹھ مہینے ہوئے ہیں۔ جو کہ سیریل نمبر 4,5 کی امیر لوہ اور جاوید خان پرسنٹیشن جو کہ سروس رولز

کے مطابق اسکا تبادلہ یا ایڈجسٹمنٹ دوسرے کیڈر میں نہیں کیا جاسکتا کیونکہ ڈاڑی کیسٹریٹیکل ٹرانسپورٹ اینڈ ماس ٹرانزٹ کے سروس رولز اور سناریائی الگ الگ ہے اس وجہ سے ایک کیڈر کے الٹا دوسرے کیڈر میں تعینات نہیں کیا جاسکتا ہے۔ اور ان کو ڈیپوٹیشن الاؤنس بھی دیا جائے گا یعنی اس نے اپنا Tenure کدو سال پورے نہیں کئے ہیں۔

لہذا استدعا ہے کہ درج بالا تبادلوں کو منسوخ کرانے میں آپ صاحبان اپنا کردار ادا کریں۔ تاکہ نا انصافی کا ازالہ ہو سکے قانونی و سیدگیوں سے بچا جاسکے کیونکہ یہ تبادلے غیر قانونی ہیں۔ امید واثق ہے کہ آپ صاحبان اپنا دست شفقت ملازمین کے سروس پر رکھ کر ملازمین کو اذیت و پریشانی سے بچائیں گے۔

میں نوازش ہوگی

الغرض
آپ کے لیے دعاگو
محمد اسلم خان سرکاری سروس

- | | | | |
|----|---|----|--|
| 1۔ | جناب سیکرٹری صاحب اسٹیکسٹنٹ ڈیپارٹمنٹ خیبر پختونخوا | 2۔ | جناب رجسٹرار صاحب پشاور ہائی کورٹ پشاور |
| 3۔ | جناب رجسٹرار صاحب سروس ٹریبونل خیبر پختونخوا پشاور | 4۔ | جناب ڈاڑی کیسٹریٹیکل ٹرانسپورٹ اینڈ ماس ٹرانزٹ خیبر پختونخوا |
| 5۔ | جناب سیکرٹری صاحب PTA خیبر پختونخوا | 6۔ | جناب آل سیکرٹری صاحبان RTA خیبر پختونخوا |
| 7۔ | PS ٹرانسپورٹ اینڈ ماس ٹرانزٹ خیبر پختونخوا | 8۔ | ہڈا لہیکا ضلعی صدر اور لہیکا خیبر پختونخوا |

محمد سرفاز خان
سویاٹی صدر اور لہیکا
خیبر پختونخوا

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

F
Amra
14

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

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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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

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KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 3rd MARCH, 2015. 836

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 2 nd 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 heigher 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.

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837 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	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

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*Liyaqat Ali
Supdt
Mardan*

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT 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/raised 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 P-06) 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/I-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 3-5-2008. 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/I-4/2010/Vol-VIII dated 20th March, 2010.
⁴ Sub para-VI (a) added vide circular letter No. SOR-VI/E&AD/I-4/2008 dated 22nd October, 2008.

Requested

(20)

- 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

¹DCOs 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 PakhtunKhwā 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.

Attested

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b) To and from an Attached Department	Secretary of the Department in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	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.

Attested

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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 Peshawar, _____

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 SECREARY
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-I (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 Pakhtunkhwa 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-VI/E&AD/1-4/2003, dated 8-6-2004 & Urdu Letter No: SOR-VI/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 employes 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

Attested

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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.

{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 ✓
(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-VI/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



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 II, SR, 4/13, may send]

[Handwritten signature]

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Approved

(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.

1 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)

~~Arrested~~

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Court of K.P. Service Tribunal

Javid Khan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Court of K.P. (Respondent)
(Defendant)

I/We, Javid Khan

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

Javid

(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 Buldhan
Advocate High Court