

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 222/2018

Date of Institution ... 16.02.2018

Date of Decision ... 03.04.2018

Jamal Ahmad, (PMS BS-17).
 Section officer, Home & TA'S Department,
 Khyber Pakhtunkhwa, Peshawar. (Appellant)

VERSUS

1. The Provincial Govt: though Chief Secretary Khyber Pakhtunkhwa,
 Peshawar and 3 others. ... (Respondents)

 SYED NOMAN ALI BUKHARI,
 Advocate --- For appellant.

MR. MUHAMAMD RIAZ PAINDAKHEL,
 Assistant Advocate General --- For respondents.

MR. AHMAD HASSAN, --- MEMBER(Executive)
 MR. MUHAMMAD HAMID MUGHAL --- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was promoted as Section Officer (PMS BPS-17) vide order dated 27.05.2016 and subsequently posted as Section Officer in Home & TA's Department on 07.06.2016. Vide impugned order dated 26.01.2018 he was transferred/posted as Addl. Assistant Commissioner (Rev), Mansehra. He preferred departmental appeal on 01.02.2018, which was rejected on 13.02.2018, hence, the instant service appeal.

ARGUMENTS

3. Learned counsel for the appellant argued he was promoted as Section Officer (PMS BPS-17) vide notification dated 27.05.2016 and subsequently posted as Section Officer in Home & TA's Department on 07.06.2016. He was prematurely transferred as AAC (Rev) Mansehra. The appellant has not completed normal tenure as S.O Home Department. Wife of the appellant is also serving as Associate Professor (BPS-19) in Higher Education Department at Charsadda. They have two daughters and no other male member is available to look after the family. The case of the appellant is also covered under the transfer of Husband/Wife instructions notified by the Provincial Government on 07.08.2012. Action taken by the respondents also goes against their own instructions circulated on 27.02.2013. No speaking order was passed on the departmental appeal of the appellant, hence, Section-24-A of the General Clauses Act was also violated.

4. On the other hand learned Assistant Advocate General argued that all codal formalities were fulfilled before notifying the transfer of the appellant. Under Section-10 of the Civil Servant Act 1973 every civil servant is required to serve anywhere in the province. .

CONCLUSION

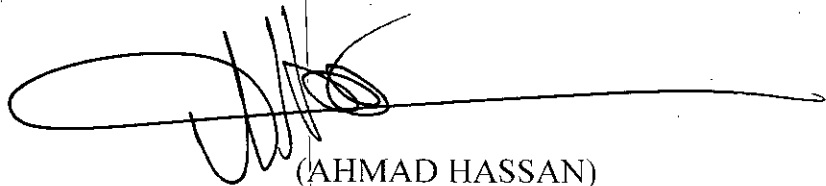
5. It is pertinent to mention here that clause-1 of the Posting/Transfer Policy elucidates that all the postings/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government Servants. Clause-IV of the said policy has laid down specified tenure against various posts. Neither this transfer was

made in public interest nor guidelines for normal tenure were observed. The respondents violated their own instructions circulated vide letter dated 27.02.2013. We are of the view that appellant's case is further fortified by the instructions regarding posting of serving husband/wife circulated by the respondents on 07.08.2012. As his wife is serving as Associate Professor in Higher Education at Charsadda, hence, his case squarely falls in the ambit of aforementioned instructions. They have two grown up daughters and no other male member is available at Peshawar to look after the family. It is otherwise a strong ground for considering his case even ^{on to} humanitarian grounds. On this score alone the appellant should not have been transferred to Mansehra. Respondents failed to pass speaking order on the departmental appeal, as such it is hit by Section-24(A) of General Clauses Act, 1897. As a sequel to above, the impugned transfer order is illegal, unlawful and not sustainable in the eyes of law.

6. As a sequel to above, the appeal is accepted. The impugned transfer order is set aside. Parties are left to bear their own costs. File be consigned to the record room.

Hamid

(MUHAMMAD HAMID MUGHAL)
MEMBER



(AHMAD HASSAN)
MEMBER

ANNOUNCED
03.04.2018

Order

03.04.2018

Counsel for the appellant and Asst. AG for respondents present.
Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the appeal is accepted. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
03.04.2018


awir


(MUHAMAMD HAMID MUGHAL)
Member



(AHMAD HASSAN)
Member

01.03.2018

Appellant with counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Aslam, Section Officer for official respondents present. Written reply by private respondent No. 4 submitted. Learned Additional AG requested for adjournment on behalf of official respondents. Adjourned. To come up for written reply/comments on behalf of official respondents on 14.03.2018 before S.B. In the meanwhile status-quo be maintained till the date fixed.


(Muhammad Amin Khan Kundi)
Member

14.03.2018

Counsel for the appellant present. Mr. Riaz Paidakhel, Assistant AG for the respondents present. Written reply already submitted by private respondent No. 4. Learned Assistant AG requested for adjournment. Adjourned. To come up for written reply and comments on 28.03.2018 before S.B. In the meanwhile status-quo be maintained till the date fixed.


(Muhammad Amin Khan Kundi)
Member

28.03.2018

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional AG alongwith Mr. Muhammad Aslam, So (Lit) for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 03.04.2018. Status-quo be maintained till the date fixed.


Member

Appal No. 222/2018
Jamal Ahmad vs Govt

16.02.2018

Appellant with counsel present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant is serving in Home & TA's Department. It was further contended that the appellant was transferred vide impugned order dated 26.01.2018 from Home & TA's Department Peshawar to the post of Additional Assistant Commissioner Revenue, Mansehra against the vacant post. It was further contended that the appellant filed departmental appeal on 01.02.2018 which was rejected on 13.02.2018 and the appellant filed present service appeal on 16.02.2018. It was further contended that the appellant was transferred before the expiry/completion of his normal tenure by the competent authority on political influence. It was further contended that the wife of the appellant is also serving at Government Degree College No. 1 Charsadda as Associate Professor therefore, the impugned transfer order of the appellant from Peshawar to Mansehra is against the spirit of spouse policy and is also in violation of transfer posting policy. Therefore, the impugned transfer order of the appellant is illegal and liable to be set-aside. It was also contended by learned counsel for the appellant that the appellant has not relinquished the charge so far.



The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 01.03.20189 before S.B. In the meanwhile status-quo be maintained. Notice of stay application be also issued to the respondents for the date fixed.

Appellant Deposited
Security & Process Fee

M. Amin
(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____
Case No. 222/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	16/02/2018	<p>The appeal of Mr. Jamal Ahmad presented today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	16.2.18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16.2.18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 222 /2018

Jamal Ahmad

V/S

Govt of kpk

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APPELLANT

THROUGH:

(SYED NOMAN ALI BUKHARI)

&
(UZMA SYED)

ADVOCATES, PESHAWAR

Date: 16 / 02 / 2018

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 222 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 230

Date 16-2-2018

Jamal Ahmad, (PMS BS-17),
Section officer, Home & TA'S Department.
KPK, Peshawar.

(APPELLANT)

VERSUS

1. The Provincial Govt: though Chief Secretary KPK, Peshawar.
2. The Chief Secretary KPK, Civil Secretariat, Peshawar.
3. The Secretary to Govt: Establishment Deptt., KPK, Peshawar.
4. Ms. Humaira Mehmood (PMS BS-17), Section officer Finance Deptt.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 26.01.2018 WHEREBY THE APPELLANT WAS TRANSFERRED PREMATURELY AND UTTER VIOLATION OF POSTING TRANSFER POLICY, AND AGAINST REJECTION ORDER DATED 13.2.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 26.1.2018 and 13.02.2018, MAY BE SET ASIDE TO THE EXTENT OF THE APPELLANT BEING, PASSED PREMATURELY AND VIOLATION OF POSTING/TRANSFER & SPOUSE POLICY. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER & SPOUSE POLICY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day

Registrar

16/2/18.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is promoted as Section Officer (PMS BS-17) vide order dated 27.5.2016 and posted in the Home & TA's Department at Peshawar station vide order dated 07.06.2016 and the appellant was took charge on 13.06.2016. **Copy of order and charge report is attached as Annexure-A & B.**
2. That the appellant was transferred from Home & TA's department to Addl. Assistant Commissioner (Rev), Mansehra, Against the vacant post despite the fact that the appellant's wife was serving as Associate Professor (BPS-19) at Charsadda Station and also having two Daughters and no other male family member is available to look after the family. **Copy of the transfer order and wife posting order is attached as Annexure-C & D.**
3. That the appellant feeling aggrieved from the impugned order dated 26.1.2018 filed departmental appeal which was also rejected vide order dated 13.2.2018 for no good grounds. **Copy of departmental appeal and rejection order is attached as annexure-E & F.**
4. That the appellant has no other remedy but to come this august Tribunal on the basis of following grounds amongst others.

GROUND:


- A) That the impugned order dated 26-1-2018 and 13.2.2018 is against the law, facts, norms of justice, premature, violation of spouse policy, violation of Govt: circulars, therefore not tenable and liable to be set aside.
- B) That the appellant's tenure at Home & TA's Department, kpk Peshawar ~~was not~~ Completed yet. Therefore, the order dated 26-1-2018 is premature and against the transfer policy.
- C) That the appellant was transferred from Home & TA's department to Addl. Assistant Commissioner (Rev), Mansehra, Against the vacant post despite the fact that the appellant's wife was serving as Associate Professor (BPS-19) at Charsadda Station and also having two Daughters, studying in college and university, and no other male family member is available to look after the family. So the

7/5/18
16-2-18

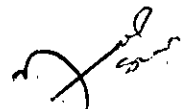

impugned transfer order of the appellant was against the spouse policy as well as posting transfer policy and also premature.

- D) That the appellant have 2 daughters who are studying in Peshawar and in such like situation the transfer of the appellant to far flung area like ~~Mascher~~ will also affect the routine life and education of the children of the appellant. 24-2-18
06-2
- E) That the impugned order has been passed in violation of spouse policy which is not tenable in the eyes of law. **Copy of Policy is attached as Annexure-G.**
- F) That the impugned order is not a rational one and based on personal liking and disliking.
- G) That according to posting transfer policy, normal tenure for posting is 2 years, but the appellant transferred order was passed before completion of normal tenure, which is total violation of Govt: posting transfer policy. Thus the impugned transfer order is liable to be set-aside on this score alone. **Copy of posting transfer Policy is attached as Annexure-H.**
- H) That the transfer of the appellant is also violation of circular based on the Anita Turab case dated 27.2.2013 in which it was clearly mentioned that when the ordinary tenure for a posting has been specified in the law or rules made there under, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable, but in the case of the appellant the tenure was not respected and was posted/ transferred without completing his normal tenure and also in violation of spouse policy. **Copy of Circular is attached as Annexure-I.**
- I) That no reasons have been mentioned in the order dated 13-12-2016 which is the violation of Clause-24-A of the General Clauses Act 1897.
- J) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


APPELLANT
Jamal Ahmad

THROUGH:


(SYED NOMAN ALI BUKHARI)
&

(UZMA SYED)
ADVOCATES, PESHAWAR

Date: 16/02 /2018

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

Appeal No. _____ /2018

Jamal Ahmad

V/S

Govt of KPK

.....


**APPLICATION FOR STAY /SUSPENSION
OF OPERATION OF ORDER DATED
26.1.2018 TILL THE DISPOSAL OF MAIN
APPEAL.**

RESPECTFULLY SHEWETH:

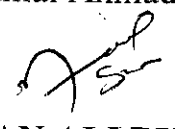
1. That the appellant has filed an Appeal along-with application in which no date has been fixed so far.
2. That the appellant has good prema facie case and all the ingredients of stay is in favour of appellant.
3. That the grounds of main appeal may also be considered as integral part of this application.
4. That the impugned order has passed on favouritism and nepotism and has been passed in-violation of Posting, Transfer Policy.
5. That the appellant has not completed his tenure and the order dated 26.1.2018 is also in violation of spouse policy.

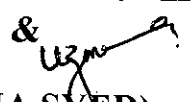
6. That if the order dated 26.1.2018 is not suspended or stay not granted and charge will take from the appellant. It badly effect the right of appellant.

It is, therefore, most humbly prayed that the order dated 26.1.2018 may be suspended or stay may be granted till the disposal of main appeal. Any other remedy, which this august tribunal deems fit that may also be awarded in favour of appellant.


APPELLANT
Jamal Ahmad

THROUGH:


(SYED NOMAN ALI BUKHARI)


(UZMA SYED)
ADVOCATES, PESHAWAR

Date: 16 / 2 / 2018

AFFIDAVIT:

It is affirmed and declared that the contents of this Application are true and correct to the best of my knowledge and belief.


DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the May 27, 2016

NOTIFICATION

NO.SOE-II(ED)8(192)/2014:- Government of Khyber Pakhtunkhwa on the recommendations of the Provincial Selection Board in its meeting held on 10.05.2016 is pleased to appoint the following Tehsildars (BS-16) to the post of Provincial Management Service (PMS BS-17) on acting charge basis with immediate effect:

S.No.	NAME OF OFFICERS
1.	Mr. Jehanzeb
2.	Mr. Jamal Ahmad

2. Posting / transfer of the above officers will be issued separately.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

ENDST: NO & DATE EVEN

A copy is forwarded to:-

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. Additional Chief Secretary, P&D Department.
3. Additional Chief Secretary (FATA), FATA Secretariat.
4. Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
7. Accountant General, Khyber Pakhtunkhwa, Peshawar.
8. Accountant General (PR), Sub-Office, Peshawar.
9. DD (IT)/All Section Officers/EO/Librarian E&AD.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. PS to Secretary Establishment Department.
12. PAs to SS(E), SS(R), AS(E)/AS(HRD)/DS(E) Establishment Department.
13. Office order file.
14. Personal files of the officers.

ARIE://

(NASAR ALI)
SECTION OFFICER (E-II)

ATTESTED

38-5-16

(Signature)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the June 07, 2016

NOTIFICATION

NO.SOE-II(ED)2(192)/2013:- Consequent upon their promotion to the post of PMS BS-17, as notified by Establishment Department vide Notification NO.SOE-II(ED)8(192)/2014 dated 27.5.2016, the Provincial Government is pleased to order posting/transfer of the following officers, in the public interest:

S#	Name of officer	From	To
1.	Mr. Arshad Khan (PMS BS-17)	Tehsildar Peshawar	SO, C.M Secretariat, against the vacant post.
2.	Mr. Arshad Jattil (PMS BS-17)	SO, FATA Sectt	Retained as SO, FATA Sectt
3.	Mr. Asid Mehmood Lodhi (PMS BS-17)	Addl. AC (Rev), Abbottabad	Retained as Addl. AC (Rev), Abbottabad.
4.	Mr. Tariq Hussain (PMS BS-17)	Awaiting posting in E&AD	SO, Governor's Secretariat against the vacant post.
5.	Mr. Noor Muhammad (PMS BS-17)	SO, PHE Deptt	Retained as SO, PHE Deptt
6.	Mr. Azizullah (PMS BS-17)	Addl. AC (Rev), Bannu	Retained as Addl. AC (Rev), Bannu
7.	Mr. Akram Shah (PMS BS-17)	PESCO Peshawar Circle	SO, Housing Department against the vacant post.
8.	Mr. Naz Amin (PMS BS-17)	Tehsildar FATA Sectt	SO, Relief Department against the vacant post.
9.	Mr. Akbar Iftikhar Ahmad (PMS BS-17)	Tehsildar Reconciliation Peshawar	SO, E&A Department against the vacant post.
10.	Mr. Nauman Ali Shah (PMS BS-17)	Tehsildar FATA Sectt	Asstt Director PDMA, against the vacant post.
11.	Mr. Jehanzeb (PMS BS-17) (A/C)	Tehsildar Havelian	SO, Home Department against the vacant post.
12.	Mr. Anwar ul Haq (PMS BS-17)	Tehsildar Alपुरi	SO, LG&RD Department against the vacant post.
13.	Mr. Javed Ahmad (PMS BS-17) (A/C)	Tehsildar Jehangira	SO, Home Department against the vacant post.

2. In addition to above, the following posting / transfers of officers are also ordered with immediate effect, in the public interest:

S#	Name of officer	From	To
1.	Mr. Nasir Ali (PMS BS-17)	Section Officer (E-II) E&AD	Section Officer, Food Department against the vacant post.
2.	Mr. Bostan PMS BS-17	SO, Housing Department	SO, industries Department against the vacant post.
3.	Mr. Muhammad Jehan, PMS BS-17	SO, Home Department	SO, Industries Department against the vacant post.
4.	Mr. Muhammad Tayyab, PMS BS-17	SO, Home Department	SO, Finance Department against the vacant post.
5.	Mr. Mirzali, PMS BS-17	SO, Environment Department	SO, E&SE Department against the vacant post.
6.	Mr. Akhtar Khan, PMS BS-17	SO, Population Welfare Department	SO, P&D Department against the vacant post.

Commissioner Peshawar

9884 Dated 16/6/16

EA
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10/6

CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

Continued at Page-2

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

9

PAGE 2

ENDST. NO & DATE EVEN

A copy is forwarded to:-

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. Additional Chief Secretary, P&D Department.
3. Additional Chief Secretary (FATA) FATA Secretariat.
4. Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
7. Accountant General, Khyber Pakhtunkhwa, Peshawar.
8. All Division Commissioners in Khyber Pakhtunkhwa.
9. Chief Executive, PESCO Peshawar.
10. All Deputy Commissioners in concerned districts.
11. District Accounts Officers in concerned districts.
12. Deputy Director (IT) / Officer Incharge (Resource Centre), E&A Department.
13. All Section Officers in E&A Department.
14. Officers concerned.
15. PS to Chief Secretary, Khyber Pakhtunkhwa.
16. PS to Secretary Establishment.
17. PS to Special Secretary (Estt), Establishment Department.
18. PS to Special Secretary (Regulation), Establishment Department.
19. PAs to AS(E)/AS(P)/AS(HRD)/DS(I) Establishment Department.
20. Office order file.

(NASAR A. I.)
SECTION OFFICER (E-II)

ARIF

ATTESIED

(Signature)




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GOVERNMENT OF
KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

CHARGE ASSUMPTION REPORT

In pursuance of Establishment Department Government of Khyber Pakhtunkhwa Notification No. SO (E-II) ED/2 (192)/2013 dated 7/6/2016, I Jamal Ahmad, PMS BPS-17, hereby assume the charge of Section Officer in Home & Tribal Affairs Department today on 13/6/2016 (F.N).

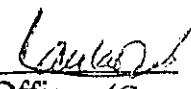

(Jamal Ahmad)
(PMS-BPS-17)
Section Officer

Endst. No. E&A (HD) 1-12/2014

Dated 13/6/2016

Copy forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Section Officer (E-II), Establishment Department Government of Khyber Pakhtunkhwa w/r to his notification No. referred above.
3. Section Officer (Secret), E&A Department, KPK Peshawar.
4. PS to Home Secretary, Khyber Pakhtunkhwa.
5. PA to Deputy Secretary (Admn), Home Department
6. Bill Assistant, Home & T. As Department for necessary action.
7. Personal File of the Officer.


Section Officer (General)

ATTES





(11)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES AND LIBRARIES
DEPARTMENT**

Dated Peshawar the 08/05/2014

NOTIFICATION.

NO.SO(C-1)/HE/1-5/2014. The Competent Authority is pleased to order the posting / adjustment of the following female Associate Professors (BPS-19) of College Cadre of Higher Education Department, with immediate effect :-

S.No	Name of officer with present posting	Posting / Adjustment	Remarks
1.	Ms. Neelum Gul, Associate Professor (BPS-19) at Govt; Girls Degree College Julagram (Malakand)	Associate Professor Govt; Postgraduate Girls College Mardan.	Vice S.No.2
2.	Ms. Tehsin Begum, Associate Professor (BPS-19) Govt. Postgraduate Girls College Mardan.	Associate Professor Govt; Girls Degree College Katlang (Mardan)	Against vacant post
3.	Ms. Rasheeda Rahman, Associate Professor of Political Science (BPS-19) Govt; Girls Degree College Mathra (Peshawar)	Associate Professor Govt; Frontier College for Women Peshawar.	Vice S.No.4
4.	Ms. Musarrat Jabeen, Associate Professor of Political Science (BPS-19) Govt; Frontier College for Women Peshawar.	Associate Professor Govt; Girls Degree College Mathra (Peshawar)	Vice S.No.3
5.	Ms. Rahmania Begum, Associate Professor of Botany (BPS-19) at Govt; Girls Degree College Pabbi (Nowshera)	Associate Professor Govt; Frontier College for Women Peshawar.	Vice S.No.6
6.	Ms. Anila Ghani, Associate Professor of Botany Govt; Frontier College for Women Peshawar.	Associate Professor Govt; Girls Degree College Pabbi (Nowshera)	Vice. S.No.5
7.	Ms. Tahireen Akhtar, Associate Professor (BPS-19) (under transfer as Incharge Principal Govt; Girls Degree College Marghuz, Swabi)	Principal Govt; Girls Degree College Ghazi (Haripur)	Cancelled
8.	Ms. Aysha Saddiqa, Principal (BPS-19) Govt; Girls Degree College Ghazi (Haripur)	Associate Professor Govt; Girls Degree College Ghazi (Haripur)	Against vacant post
9.	Ms. Farzana Hilal, Incharge Principal (BPS-19) Govt; Girls Degree College Khwaza Khela (Swat)	Associate Professor Govt; Girls Degree College Saidu Sharif (Swat)	A.V.P.
10.	Ms. Musarrat Jabeen, Associate Professor (BPS-19) Govt; Girls Degree College Booni (Chitral).	Associate Professor Govt; Girls Degree College Chitral.	A.V.P.
11.	Ms. Sabrina Begum, Associate Professor (BPS-19) at Govt; Girls Degree College Kernal Sher Kalli Swabi	Associate Professor Govt; Girls Degree College Panjpir (Swabi)	AVP
12.	Ms. Nabiha Gul, Associate Professor (BPS-19) at Govt; Girls Degree College Kakki (Bannu)	Associate Professor Govt; Girls Degree College Mandan (Bannu)	AVP

ATTESTED

12

13.	Ms. Saboohi Jehan, Associate Professor (BPS-19) Govt. Postgraduate Girls College Bannu.	Associate Professor Govt; Girls Degree College Kakki (Bannu)	Vice S.No.12
14.	Ms. Zakia Waheed, Associate Professor (BPS-19) at Govt; Girls Degree College Sarai Saleh (Haripur).	Associate Professor Govt; Girls College No.1 Abbottabad.	Against vacant post
15.	Ms. Falak Naz, Associate Professor (BPS-19) Govt; Girls Degree College Tank.	Associate Professor Govt. Postgraduate Girls College Karak.	A.V.P.
16.	Ms. Shahida Parveen, Associate Professor (BPS-19) Govt; Girls Degree College Tank.	Associate Professor Govt; Girls Degree College No.2 D.I.Khan.	A.V.P.
17.	Ms. Seema Gul, Associate Professor (BPS-19) Govt; Girls Degree College Marghuz (Swabi)	Incharge Principal Govt; Girls Degree College Marghuz (Swabi)	Vice S.No.07
18.	Ms. Riffat Naz, Associate Professor (BPS-19) Govt; Girls Degree College No.1 Charsadda.	Associate Professor Govt; Girls Degree College Nowshera.	Vice S.No.19
19.	Ms. Zubina, Associate Professor (BPS-19) at Govt; Girls Degree College Nowshera.	Associate Professor Govt; Girls Degree College No.1 Charsadda.	Vice S.No.18

Note :- No TA/DA is allowed.

SECRETARY
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date as above.

Copy to the :-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Principals, Govt; Girls Colleges concerned.
4. District Accounts Officers, concerned.
5. Officers, concerned.


(KHALID MEHMOOD)
SECTION OFFICER (C-I)

ATTESTED



Government of Khyber Pakhtunkhwa
District Accounts Office Charsadda
Monthly Salary Statement (January-2018)



Personal Information of Mr ZUBINA d/w/s of NIAMAT ULLAH

Personnel Number: 00047140 CNIC: 1730113941258 NTN: 0
 Date of Birth: 11.04.1968 Entry into Govt. Service: 02.05.1995 Length of Service: 22 Years 09 Months 000 Days

Employment Category: Vocational Temporary

Designation: ASSOCIATE PROFESSOR 80000990-GOVERNMENT OF KHYBER PAKH
 DDO Code: CA4037-PRINCIPAL GOVERNMENT GIRLS DEGREE COLLEGE CHARSADDA
 Payroll Section: 001 GPF Section: 001 Cash Center:
 GPF A/C No: EDATD018574 Interest Applied: Yes **GPF Balance:** 1,227,188.00
 Vendor Number: 30003400 - ZUBINA
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 19 Pay Stage: 12

Wage type		Amount	Wage type		Amount
0001	Basic Pay	95,810.00	1000	House Rent Allowance	5,904.00
1210	Convey Allowance 2005	5,000.00	1518	Entertainment Allowance	500.00
1947	Medical Allow 15% (16-22)	4,264.00	2148	15% Adhoc Relief All-2013	2,270.00
2199	Adhoc Relief Allow @10%	1,523.00	2211	Adhoc Relief All 2016 10%	7,753.00
2224	Adhoc Relief All 2017 10%	9,581.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3019	GPF Subscription - Rs7180	-7,180.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-5,303.00	3990	Emp.Edu. Fund KPK	-250.00
4004	R. Benefits & Death Comp:	-3,810.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

Payable: 102,047.41 Recovered till January-2018: 34,714.00 Exempted: 40818.86 Recoverable: 26,514.55

Gross Pay (Rs.): 132,605.00 Deductions: (Rs.): -17,343.00 Net Pay: (Rs.): 115,262.00

Payee Name: ZUBINA
 Account Number: PLS00000002242-6
 Bank Details: MCB BANK LIMITED, 241275 GULBAHAR COLONY GULBAHAR COLONY,

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: PESH

City: Peshawar

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Email: jamal68ahmed@gmail.com

Housing Status: No Official

System generated document in accordance with APPM 4.6.12.9 (SERVICES/01.02.2018/10:46:06/v1.1)

* All amounts are in Pak Rupees

* Errors & omissions excepted

ATTESTED

2013-01005 153



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the January 26, 2018.

NOTIFICATION

NO.SOE-III(ED)2(5)/2017:- The Provincial Government is pleased to order following posting/transfer of officers with immediate effect, in the best public interest:-

S.#	Name of officer	From	To
1.	Mr. Khalil-ur-Rehman, (PMS BS-17)	Section Officer, Information Department	Section Officer, FATA Secretariat, against the vacant post
2.	Mr. Azhar Khan, (Superintendent BS-17)	Assistant Director (M&E), PDMA, on deputation.	Section Officer (OPS), FATA Secretariat, against the vacant post
3.	Ms. Humaira Mehmood (PMS BS-17)	Section Officer, Finance Department	Section Officer, Home & TA's Department vice Sr. No. 7
4.	Mr. Safdar Azam Qureshi (PMS BS-17)	Addl. Assistant Commissioner-I, Battagram	Deputy Secretary-I, Board of Revenue.
5.	Mr. Muhammad Qamar (PMS BS-17)	DDMO, Shangla	Addl. Assistant Commissioner-I Battagram vice Sr. No. 4. AC, Battagram is entrusted with the additional charge of the post of DDMO Shangla, in addition to his own duties.
6.	Mr. Zakir Hussain, (PMS BS-17)	Addl. Assistant Commissioner-I, Mansehra.	Assistant Commissioner, Battagram, against the vacant post.
7.	Mr. Jamal Ahmad, (PMS BS-17)	Section Officer, Home & TA's Department	Addl. Assistant Commissioner (Rev), Mansehra, against the vacant post

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

ENDST: NO & DATE EVEN

A copy is forwarded to:-

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. Additional Chief Secretary (FATA), FATA Secretariat.
3. Secretary to Govt: of Khyber Pakhtunkhwa, Information Department.
4. Secretary to Govt: of Khyber Pakhtunkhwa, Home & TA's Department.
5. Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department.
6. Director General, PDMA, Khyber Pakhtunkhwa.
7. Accountant General, Khyber Pakhtunkhwa, Peshawar.
8. Divisional Commissioners Malakand & Hazara.
9. Deputy Commissioners, Battagram, Mansehra & Shangla.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. District Accounts Officer Battagram, Mansehra & Shangla.
12. Deputy Director (I.T), Administration Department with request to upload the Notification on official website.
13. SO(Secret)/SO(Admn)/SO (E-IV) EO, E&A Department.
14. Officers concerned.
15. PS to Secretary Establishment.
16. PS to Spl. Secretary (Estt) Establishment Department.
17. PAs to AS (R)/ DS(E), Establishment Department.


(ANAM LATIF)
SECTION OFFICER (E-II)

ATTESTED



To

The Secretary,
Establish Department,
Government of Khyber Pakhtunkhwa, Peshawar.

Through: Proper Channel.

Subject: **POSTING OF SERVING HUSBAND AND WIFE IN THE SAME STATION.**

Dear Sir,

Respectfully, it is submitted that vide Establishment Department, Government of Khyber Pakhtunkhwa Notification No. SOE-II(ED) 2(5)/2017 dated: 26.01.2018 (F/A) I have been transferred to the post of Additional Assistant Commissioner Revenue, Mansehra. In this connection following few lines are forwarded for your kind honor please.

02. That, while posted as Tehsildar Jahangira, District Nowshera the undersigned was transferred to Buner District as Tehsildar, Gagra vide Revenue & Estate Department order (F/B). My wife Mst; Zubina was serving as Associate Professor in Government Girls Degree College, Charsadda and due to my transfer to Buner, socio economic problems and hardships for the family emerged.

03. Therefore, I requested Senior Member Board of Revenue, Khyber Pakhtunkhwa through good office of Commissioner, Peshawar Division, Peshawar for posting me in my home district (F/C). The Worthy Senior Member Board of Revenue was pleased to transfer me against the post of Inspector Stamps in the office of Commissioner, Peshawar Division, Peshawar vide order at (F/D). From that post I was promoted to the cadre of PMS and appointed in the Home Department.

04. There is no male member in the family. My eldest daughter is pursuing her studies in the University of Engineering & Technology, Peshawar while the youngest one is studying in Army Public School, Peshawar and shall appear in the forthcoming Board examination. My wife is still serving in the Government Girls Degree College, Charsadda.

05. It is, therefore, requested that my posting order may please be suitably amended and I may be allowed posted in home station so that my family could be protected from undue hardships and socio economic problems. The provincial government has already issued guidelines to facilitate posting of serving husband and wife at the same or to the nearest station vide Establishment & Administration Department No. SOR-VI/E&AD/1-4/2010/Vol-VII dated: 07.08.2012.

06. I shall remain thankful to you for this act of kindness, please.

Yours Obediently,

(Jamal Ahmed)

Section Officer (Security - I)
Home & TA's Department
Khyber Pakhtunkhwa, Peshawar.

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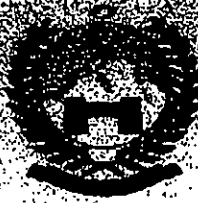
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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

NO. SOE-II(ED)2(685)2016
Dated Peshawar the February 13, 2018

19-2-18

To

Mr. Jamal Ahmad (PMS BS-17),
Section Officer, Home & TA's Department.

Subject:- POSTING OF SERVING HUSBAND AND WIFE IN THE SAME
STATION

I am directed to refer to your application dated 01.02.2018 on the captioned
subject and to inform that the request has been considered and regretted by the competent
authority.

~~You are directed to ensure the change of the post of Assistant
Assistant Commissioner (RCV) immediately without further delay.~~

o/c
ANAM LATIF
13-2-18
(ANAM LATIF)
SECTION OFFICER (E-II)
Ph. 091-9210551

ATTESTED

[Signature]



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

(REGULATION WING)

No. SOR-VI/E&AD/1-4/2010/Vol-VIII
Dated Peshawar, the, 07th August, 2012

To

3. The Additional Chief Secretary, Planning & Development Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. All the Divisional Commissioners in Khyber Pakhtunkhwa.
6. All Heads of the Attached Departments in Khyber Pakhtunkhwa.
7. All the District Coordination Officers in Khyber Pakhtunkhwa and Political Agents in FATA.

Subject: **POSTING OF SERVING HUSBAND/WIFE AT THE SAME STATION OF THE PROVINCIAL GOVERNMENT.**

Dear Sir,

I am directed to refer to the subject noted above and to state that keeping in view the Socio economic Problems and hardships faced by husbands and wives in Government Service due to posting at different station of duty, the competent authority has been pleased to prescribe the following guideline to facilitate posting of husband and wife at the same station:-

i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.

ii) If request involves temporary deputation to another department, it may be processed in consultation with the concerned department and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.

AC (R)

Commissioner Peshawar

D/No 9/102... dated 16/8/12

iii) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an

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organization, the Government servant with greater length of service may be preferred.

iv) Request for posting by a spouse facing serious medical problems may be accorded highest priority.

v) Spouses already posted at one station, including those posted on deputation may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. Kindly acknowledge receipt.

Yours faithfully,

Majumdar
7/8/12

(NAJ-MUS-SAHAR)
SECTION OFFICER (REG:VI)

(M)

Prof. Dr. S. M. Khan

Endst No. & date even.

Copy forwarded to:

1. The Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Registrar, Peshawar High Court, Peshawar.
4. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. The Director General, Provincial Disaster Management Authority.
6. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.
7. Private Secretaries to all Provincial Ministers in Khyber Pakhtunkhwa.
8. PSO to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
9. Private Secretary to Secretary Establishment Department.
10. Private Secretary to Secretary Administration Department.
11. The Incharge Resource Centre, Estt.&Admn: Department.

Majumdar
7/8/12

SECTION OFFICER (REG: VI)

ATTESTED

Abdullah



**GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)**

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor. NWFP needs to be obtained

²While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.

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

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

² Added vide Urdu circular letter No. SOR-VI(E&AD)11-4/2003, dated 21-09-2004

- 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 NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG; PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent:	

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

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a) Within the same Department	Secretary of the Department concerned.
b) To and from an Attached Department	Secretary of the Dept 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.

ATTESTED

[Signature]

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

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

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

.....

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

.....

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP
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 SECRETARY
GOVERNMENT OF NWFP

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
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- 4.

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ATTESTED

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5.

(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 NWFP 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, 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) 1-1/2008/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 NWFP 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;

ATTESTED

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- 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 86-2004. Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.*}

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) NWFP 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 decided 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 NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP 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 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*}

.....

PLACEMENT 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 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 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

¹ 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

Mushkalawati

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Posting - Transfer Policy - updated till 10 Jan, 2009

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 participant will decline/represent against his/her posting.

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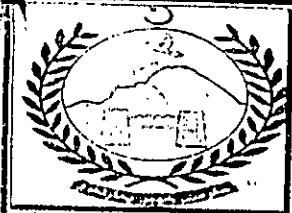
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Environment Department
Govt. of Khyber Pakhtunkhwa
Secretary
Dated 28-2-2013



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 thereunder, 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, So, 4/3, Majid]

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S.M. / Secy

ATTESTED

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So Secy / So Est
5/3

ATTESTED

[Handwritten note: 40]

(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.

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

Yours faithfully,

najam

(NAJ-MUS-SAHAR)
SECTION OFFICER (REG-VI)

Encl: as above.

A 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)

11/12/2011

ATTESTED

[Signature]

VAKALAT NAMA

Appeal NO. 222 /2018

IN THE COURT OF K.P. Service Tribunal, Peshawar

Tameel Ahmad

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Home Court of K.P.T


(Respondent)
(Defendant)

I/We, Tameel Ahmad

Do hereby appoint and constitute **Syed Noman Ali Bukhari Advocate 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


SYED NOMAN ALI BUKHARI
Advocate, Peshawar.

STATEMENT / REPLY IN RESPECT OF HUMAIRA MEHMOOD (PMS BPS-17) SECTION OFFICER, HOME DEPARTMENT (RESPONDENT NO. 4) IN APPEAL NO. 222. JAMAL AHMAD (APPELLANT) VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA. DATED: 26.02.2018

It is submitted that undersigned was transferred to Home & Tribal Affairs Department on 26.01.2018 and adjusted/posted against the vacant post of Section Officer Development Section on 31.01.2018.

Facts and grounds of appeal are responded as under:

1. *Pertain to record.*
2. *Does not pertain to undersigned.*
3. *Does not pertain to undersigned.*

Reply to Grounds

- A. *The undersigned was transferred to Home & Tribal Affairs Department and posted against vacant position of Section Officer Development Section on 31.01.2018.*
- B. *Does not pertain to undersigned.*
- C. *Does not pertain to undersigned.*
- D. *Does not pertain to undersigned.*
- E. *Does not pertain to undersigned.*
- F. *Not true to the extent of undersigned. I wanted to join FATA Development Authority and transfer proposal in respect of undersigned was submitted accordingly but I was posted in Home Department against vacant post of Section Officer Development*
- G. *Does not pertain to undersigned.*
- H. *Does not pertain to undersigned.*
- I. *Does not pertain to undersigned.*

It is, therefore, requested that the instant notice in respect of under signed may be set aside.

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 236
Date 28/09/2018

Put up to the court with relevant appeal.

Reader.

28/2/18

Humira

**Humaira Mehmood (PMS Officer)
Section Officer (Development)
Home & Tribal Affairs Department
Respondent No.4**

**Section Officer (Dev)
Home & Tribal Affairs Department
Khyber Pakhtunkhwa**

2

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 222/2018

Jamal Ahmed (PMS BS-17) Section Officer, Home Department.....(Appellant)

Versus

1. The Provincial Govt. through Chief Secretary KPK, Peshawar
2. Chief Secretary KPK Civil Secretariat, Peshawar
3. The Secretary to Govt Establishment Department: KPK Peshawar.
4. Ms. Humaira Mehmood (PMS BS-17), Section Officer Finance Department
..... (Respondent)

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action/locus standi to file the instant appeal against the Respondents.
2. That the appeal is not maintainable.
3. That the appellant has presented the facts in a manipulated form which disentitles him for any relief whatsoever.
4. That the appeal is bared by law/time.
5. That the appellant has suppressed material facts from the Tribunal.
6. That the appellant has not come to the Court with clean hands.
7. That the appellant is estopped to file the instant appeal due to his own conduct.
8. That the appeal is bad for non-joinder of necessary parties.
9. That the instant appeal is hit by Section 4(1) (b) (ii) of the Khyber Pakhtunkhwa, Services Tribunal Act, 1974.
10. That the appeal is hit by laches.
11. The appellant is not working as Deputy District Officer (Finance) Mardan rather he is an Account Officer of Local Government.
12. That the Civil Services laws does not provide repeated representations.

FACTS:

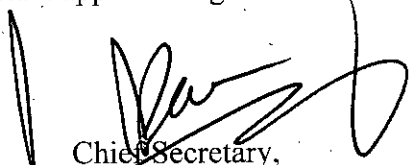
1. **Correct.** Pertains to record.
2. Correct to the extent that the appellant was transferred as Additional Assistant Commissioner (Rev) Mansehra against the vacant post. It is pertinent to mention that Posting/transfer of the executive cadre posts (PMS BS-17) is done in the best public interest irrespective of the service record of their spouses. Moreover, the appellant after joining PMS BS-17 did not request nor submitted the particulars of his wife to his parent department (Establishment department) to be considered under wedlock policy before including his name in transfer/posting.
3. **Correct** to the extent that the departmental appeal was filed by the appellant which was processed and regretted by the competent authority under Section-10 of the Civil Servants Act, 1973 which makes every civil servant including the appellant liable to serve anywhere within or outside the province, in any post under the Federal Government, or any provincial government or local authority; or a corporation or body setup or established by any such government (Annex-I). Furthermore, the appellant opted for Provincial Management Service being well aware that he will be posted/transferred in districts as well as Secretariat against any of the schedule posts in the best public interest being part of the PMS BS-17 cadre.
4. Needs no comments.

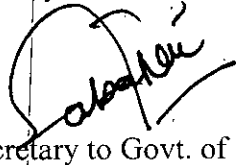
ON GROUNDS:

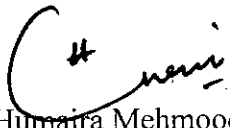
- A. Incorrect.** The appellant has served for more than 01 year and 07 months as Section Officer in Home & TA Department and the transfer/posting orders were issued with the approval of competent authority i.e. Chief Minister, Khyber Pakhtunkhwa. The transfer was done strictly in public interest as specified in the transfer notification as well. Moreover, the appellant remained as a Tehsildar therefore he was preferred to be posted as an Additional AC (Revenue) Mansehra keeping in view his service record and understanding of the revenue matters. The Service record of the appellant clearly indicates that the appellant served as a Superintendent to Tehsildar in the office of the Commissioner Peshawar Division. Later on the appellant was appointed as a Tehsildar Balambat, Dir Lower on 31.12.2013. The appellant on his arrival submitted an application to DC Dir Lower dated 29.01.2014 under Wedlock Policy (Annex-II) for his pre-mature posting which was regretted. As a result of the regretal, the appellant was absent from duty and Secretary to Commissioner Malakand Division filed a complaint to SMBR dated 26.03.2014 against the appellant regarding absence from duty and non attending the court of District and Session Judge Dir Lower which resulted in Non Bail-able warrants against DC Dir Lower (Annex-III). The Secretary to Commissioner Malakand Division also requested to initiate an inquiry against the appellant under Efficiency and Discipline Rules, 2011. Meanwhile, the appellant submitted another application dated 20.3.2014 to SMBR wherein he stated that his wife was transferred from Mohmand Agency to District Nowshera and therefore he may be posted against any of the vacant post in Peshawar under the Wedlock Policy. (Annex-IV). His request was considered and the appellant was prematurely transferred within a short span of three months (03) as Tehsildar Jehangira on 10.04.2014 against the Posting/Transfer policy. (Annex-V). The appellant was transferred on 04.01.2016 as Tehsildar Gagra wherein the appellant again took shelter of spouse policy irrespective of considering his tenure and habitually submitted another application dated 12.01.2016 for his pre-mature posting /transfer to District Peshawar that resulted in his posting as Inspector Stamp Peshawar on 22.02.2016 (Annex-VI). The appellant has been pre-maturely transferred & posted three (03) times in the name of spouse policy and his service record reveal that he has misused this privilege by challenging the transfer orders issued by the concerned departments. The acts of the appellant are contradictory on his part as he never completed his normal tenure on any of his postings done against his sweet will which is in total violation of Government Posting / Transfer policy.
- B. Incorrect.** The posting/transfer order were issued by the approval of the Competent authority i.e. Chief Minister Khyber Pakhtunkhwa in the best public interest and in the light of the Section-10 of the Civil Servants Act, 1973 as described in para-3 of facts where every civil servant including the appellant is liable to serve anywhere within or outside the province, in any post under the Federal Government, or any provincial government or local authority; or a corporation or body setup or established by any such government.
- C. Incorrect.** The service record of the appellant as a Tehsildar was considered while posting him as an Additional AC (Revenue) Mansehra to improve the efficiency of revenue administration in District Mansehra. It is pertinent to mention that the spouse policy is equally applicable on both the spouses. The appellant being part of the executive service cadre is required to serve as per the posting/transfer orders to meet the exigency of the service anywhere in the Province. The wife of the appellant also being a Government servant is serving as an Associate Professor (BS-19) in Govt. Girls Degree College No.1 Charsadda since 08.05.2014 and has completed her normal tenure at the present post hence her application can also be en-routed under the same policy through Higher Education Department.
- D. As explained above.**

- 4
- E. **Incorrect:** The posting /Transfer order are issued while keeping in view the service record of the officers to meet the exigency of the service and the same has been observed in case of the appellant .Appellant being a Civil Servant is liable to serve anywhere within or outside the province with the pleasure of competent authority in the best public interest.
- F. **Incorrect:** Posting/transfer orders of PMS Officers are made on administrative posts for the qualitative service delivery in both secretariat as well as in districts. Moreover ,the appellant were transferred along with 06 other PMS-BS 17 officers and does not involve any personal liking or disliking as posting/transfer is a routine matter and done with the approval of the Chief Minister of Khyber Pakhtunkhwa in the public interest only.
- G. **Incorrect** as Posting/Transfer is always made in the best public interest as the competent authority is well aware of the fact as to where and when the services of an officer can be utilised to meet the exigency of the services. The appellant has repeatedly and habitually misused the spouse policy for premature transfer posting and has challenged the vested right of the competent authority whenever he is posted against his sweet will and away from Peshawar which proves the stance of the appellant as contradictory on his part as explained in the preceding Paras.
- H. **Incorrect.** The appellant has not respected the normal tenure specified in the posting transfer policy during his entire service tenure and has claimed pre-mature transfer whenever he was transferred anywhere apart from Peshawar. The transfer of the appellant against the post of Revenue administration was made keeping in view his service record of being a Tehsildar. Furthermore every posting/transfer is made in public interest and it is essentially incorporated in every transfer /posting notification. Apart from meeting the exigency of the service, officers of the executive service cadre are transferred and posted to various assignments to augment their proficiencies, in-depth conceptual orientation and administrative skills so that it can help in improving service delivery system and to upgrade the administrative profile of the Province.
- I. Needs no comments.

It is, therefore, most humbly prayed that on acceptance of these Parawise Comments, the instant appeal being devoid of merit may very graciously be dismissed with cost.


Chief Secretary,
Khyber Pakhtunkhwa
(Respondent No. 1 & 2)


Secretary to Govt. of
Khyber Pakhtunkhwa,
Establishment Department
(Respondent No. 3)


Ms. Humaira Mehmood,
Section Officer, Home Department
(Respondent No. 4)

(3) Seniority on initial appointment to a service, ⁷[cadre] or post shall be determined as may be prescribed.

⁸(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se-seniority as in the lower post.

⁹(5) The seniority lists prepared under sub-section(1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

9. Promotion:-(1) A civil servant possessing such minimum qualifications as may be prescribed, shall be eligible for promotion to a ¹⁰[higher] post for the time being reserved under the rule for departmental promotion in ¹¹[] the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non selection post to which promotion shall be made as may be prescribed-

- (a) in the case of a selection post, on the basis of selection on merit; and
- (b) in the case of non-selection post, on the basis of seniority-cum-fitness.

10. Posting and Transfer:- Every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local authority, or a corporation or body set up or established by any such Government:

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

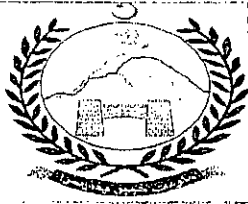
Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

11. Termination of service:- (1) The service of a civil servant may be terminated without notice-

- (i) During the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one [service], cadre or post to another [service], cadre or post, his service shall not be so terminated so long as he

⁷ The word "grade" substituted by NWFP Ordinance No. IV of 1985.
⁸ Sub section (4) of Sec-8 substituted by NWFP Ordinance No. IV of 1985.
⁹ Sub section (5) of Sec-8 added by NWFP Act No. I of 1989
¹⁰ The word "higher" inserted by NWFP Ordinance No. IV of 1985.
¹¹ The words "the higher grade of" omitted by NWFP Ordinance No. IV of 1985.



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

(REGULATION WING)

No. SOR-VI/E&AD/1-4/ 2010/Vol-VIII
Dated Peshawar, the, 07th August, 2012

To

3. The Additional Chief Secretary, Planning & Development Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. All the Divisional Commissioners in Khyber Pakhtunkhwa.
6. All Heads of the Attached Departments in Khyber Pakhtunkhwa.
7. All the District Coordination Officers in Khyber Pakhtunkhwa and Political Agents in FATA.

Subject: **POSTING OF SERVING HUSBAND/WIFE AT THE SAME STATION OF THE PROVINCIAL GOVERNMENT.**

Dear Sir,

I am directed to refer to the subject noted above and to state that keeping in view the Socio economic Problems and hardships faced by husbands and wives in Government Service due to posting at different station of duty, the competent authority has been pleased to prescribe the following guideline to facilitate posting of husband and wife at the same station:-

i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.

ii) If request involves temporary deputation to another department, it may be processed in consultation with the concerned department and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.

iii) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an

AC (R)

Commissioner Peshawar

D/No 7102... Dated 16/8/12

S. 16/8/12
Supls

organization, the Government servant with greater length of service may be preferred.

iv) Request for posting by a spouse facing serious medical problems may be accorded highest priority.

v) Spouses already posted at one station, including those posted on deputation may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. Kindly acknowledge receipt.

Yours faithfully,

Majam
7/8/12

(NAJ-MUS-SAHAR)
SECTION OFFICER (REG:VI)

Endst No. & date even.

Copy forwarded to:

1. The Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Registrar, Peshawar High Court, Peshawar.
4. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. The Director General, Provincial Disaster Management Authority.
6. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.
7. Private Secretaries to all Provincial Ministers in Khyber Pakhtunkhwa.
8. PSO to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
9. Private Secretary to Secretary Establishment Department.
10. Private Secretary to Secretary Administration Department.
11. The Incharge Resource Centre, Estt:&Admn: Department.

Majam

7/8/12
SECTION OFFICER (REG: VI)

ATTESTED

Annex III

9
74



OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

No. 5568 /2/76/Estt:
Dated. 26 /03/2014

To: ✓

The Secretary,
Board of Revenue, Revenue and Estate Deptt:
Khyber Pakhtunkhwa, Peshawar.

General Diary
Dy: No. 1812
Date 31-03-01
Revenue Section
Khyber Pakhtunkhwa

Subject: - ABSENCE OF TEHSILDAR BALAMBAT.

Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of the Deputy Commissioner, Dir Lower letter No. 3619/EA, dated 26/03/2014, the contents of which are self-explanatory.

2. I am further to request that disciplinary proceedings against Mr. Jamal Ahmad, Tehsildar Balambat, District Dir Lower may be initiated for his willful absence from duty and non-attending the Court of District & Session Judge Dir Lower, under the Efficiency and Disciplinary Rules, 2011, please.

Encl: (1).


26/3
SECRETARY TO COMMISSIONER
MALAKAND DIVISION
Ph# 0946-9240458

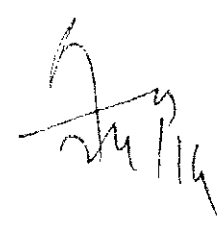
No. 5569 /2/76/Estt:

Copy forwarded to the Deputy Commissioner, Dir Lower for information, please.


26/3
SECRETARY TO COMMISSIONER
MALAKAND DIVISION

45-500

SP
5/4


24/14

Annex iv

10 3

OFFICE OF THE
DEPUTY COMMISSIONER,
DIR LOWER.

No. 528 /EA(P&T)

Dated Timergara the 20 /03/2014.

To,
Secy. I
Examines & P.u.
Iny
S.M.B.R.
24-3-2014
Subject:

The Senior Member,
Board of Revenue,
Revenue & Estate Deptt:
Govt: of Khyber Pakhtunkhwa, Peshawar.

PS/SMBR
No. 1787
Date 24/3/14
Govt of Khyber Pakhtunkhwa

POSTING OF SERVING HUSBAND AND WIFE IN THE SAME STATION


Memo:

Kindly refer to letter No. Estt:/1/PF/Jamal Ahmad/3280, dated 7-02-2014. on the above cited subject.

Mr. Jamal Ahmad, Tehsildar Balambat, District Dir Lower has again submitted an application wherein it is stated that his wife has now been transferred from Tribal Areas (Mohmand Agency) to District Nowshera. The Tehsildar requests transfer/ adjustment against a vacant post / ex-cadre post in Peshawar.

Application alongwith its enclosure are enclosed for appropriate action please.

P-27/c


Deputy Commissioner,
Dir Lower

CFE
25/3
25/3/14

AS-ESD
6
Secy
24/3



Annex V

11

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 10 /04/2014

NOTIFICATION

No. Estt: 1/PF/Jamal Ahmad / _____ The Competent Authority is pleased to order the following posting /transfers amongst the Tehsildars with immediate effect and in public interest:-

S.No	Name of Tehsildar	From	To
1.	Mr. Jamal Ahmad	Tehsildar, Balambat	Tehsildar Jahangira. Against the newly created post.
2.	Mr. Muhammad Israr	Tehsildar/RO PESCO Bannu	Tehsildar Tangi.
3.	Mr. Abdur Rashid	Naib Tehsildar Land Acquisition Swabi.	Tehsildar Lahor (Current Charge Basis)
4.	Mr. Abdullah (Asstt.)	District Revenue Accountant Dir Upper	Tehsildar Lal Qila (Current Charge Basis)

By order of
Secretary

No No. Estt: 1/PF/Jamal Ahmad / 7875-85

Copy forwarded to the:-

1. Commissioners, Peshawar, Bannu, Mardan and Malakand.
2. Deputy Commissioners of the respective districts.
3. District Accounts Officers of the respective districts.
4. Officials concerned.
5. Personal Files.

Assistant Secretary (Estt.)

Annex VI

12

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 22/02/2016

NOTIFICATION

No.Estt:I/PF/Jamal Ahmad/ 5648

The Competent Authority is pleased to order the following posting /transfer amongst Tehsildar with immediate effect and in public interest: -

S.No	Name of Tehsildar	From		To
1.	Mr. Jamal Ahmad	Tehsildar Gagra		Inspector Stamps Peshawar against the vacant post
2.	Mr. Ahmad Ali	Assistant, Commissioner's Malakand	Deputy office	Tehsildar Gagra (Current Charge Basis)

sd/
Senior Member

No.Estt:I/PF/Jamal Ahmad/ 5649-54

Copy forwarded to :-

1. Commissioners, Peshawar and Malaksand Division.
2. Deputy Commissioners of the respective Districts.
3. District Accounts Officers of the respective Districts.
4. Officer concerned.
5. Office Order file.
6. Personal file.

W
(Khazada Wazir)
Assistant Secretary (Estt:)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

Service Appeal NO. 222/2018

Jamal Ahmad (PMS BS-17)Appellant

VERSUS

Govt. of Khyber PakhtunkhwaRespondent


vacation

**APPLICATION FOR RELEASE OF STATUS QUO ORDER DATED
01.03.2018 IN SERVICE APPEAL NO. 222/2018.**

Respectfully Sheweth,

1. That the status quo in the instant case was granted to the appellant vide order dated 01.03.2018.
2. That the subject case is fixed for hearing on 28.03.2018 in the Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
3. That the posting/transfer order of the officer was made in the best public interest according to law and rules.
4. That according to Section 10 of Civil Servant Act 1973 every Civil Servant including the appellant is liable to serve anywhere within or outside the province. **(Annex-A)**.
5. That the plea of the appellant is not based on fact and he has been transferred in the best public interest with the approval of the competent authority.
6. That the appellant is transferred alongwith 17 others PMS Officers in the public interest.
7. That the appellant was previously posted in Home & TAs Department at Peshawar whereas according to his statement his wife is posted in District Charsadda and he has not made any request/application whatsoever to the competent authority to place him in the wedlock policy, therefore the wedlock request of the appellant is not entertain-able.

Therefore it is requested that the status quo order dated 01.03.2018 in Service Appeal No. 222/2018 may please be withdrawn due to which the official work of the Government Department badly suffered.

has

**Section Officer (Litigation),
Establishment Department**

(3) Seniority on initial appointment to a service, ⁷[cadre] or post shall be determined as may be prescribed.

⁸(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se-seniority as in the lower post.

⁹(5) The seniority lists prepared under sub-section(1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

9. **Promotion:-**(1) A civil servant possessing such minimum qualifications as may be prescribed, shall be eligible for promotion to a ¹⁰[higher] post for the time being reserved under the rule for departmental promotion in ¹¹[] the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed-

- (a) in the case of a selection post, on the basis of selection on merit; and
- (b) in the case of non-selection post, on the basis of seniority-cum-fitness.

10. **Posting and Transfer:-** Every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local authority, or a corporation or body set up or established by any such Government:

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

11. **Termination of service:-** (1) The service of a civil servant may be terminated without notice-

- (i) During the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one [service], cadre or post to another [service], cadre or post, his service shall not be so terminated so long as he

The word "grade" substituted by NWFP Ordinance No. IV of 1985.

Sub section (4) of Sec-8 substituted by NWFP Ordinance No. IV of 1985.

Sub section (5) of Sec-8 added by NWFP Act No. I of 1989

The word "higher" inserted by NWFP Ordinance No. IV of 1985.

The words "the higher grade of" omitted by NWFP Ordinance No. IV of 1985.



GOVERNMENT OF
KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the January 31, 2018

ORDER

No. E & A (HD) 1 - 12 / 2015. The competent authority is pleased to order the following internal posting/transfer amongst Section Officers of this Department with immediate effect till further order:

S.#	NAME OF OFFICER	FROM	TO
1.	Ms Humaira Mehmood	Newly posted	Section Officer (Development)
2.	Mr. Hashim Khan	Section Officer (Judicial) relieving Mr. Nauroz Khan Section Officer (Accounts) from the additional charge of the post of SO (Judicial).	

HOME SECRETARY

Endst: No. & date Even.

Copy forwarded to:

1. All Additional Secretaries, Home Department.
2. All Deputy Secretaries, Home Department.
3. All Section Officers, Home Department. *SI*
4. Officers concerned.
5. PS to Home Secretary, Khyber Pakhtunkhwa.
6. PS to Special Secretary Home, Khyber Pakhtunkhwa.
7. PA to Deputy Secretary (Admn) Home Department.

[Signature]
Section Officer (General)