



18.05.2018

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Atta Ullah Assistant Secretary for official respondents present. Private respondent No.3 alongwith his counsel present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 05.06.2018 before D.B.

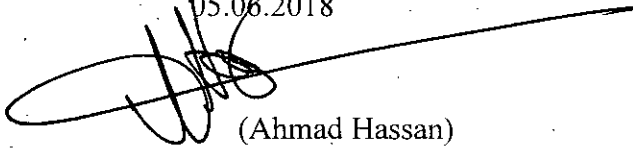

(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

05.06.2018

None for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Attaullah, Assistant Secretary for official respondents and private respondent no.3 with counsel present. Learned counsel for private respondent no.3 submitted order dated 11.05.2018 regarding retirement of the appellant ~~on~~ ^{reaching} upon the age of superannuation and submitted that in view of such order the present appeal is become infructuous. Case called for several times but none appeared on behalf of the appellant. Consequently, the appeal is hereby dismissed in default. File be consigned to the record room.

Announced:
05.06.2018


(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member


21.03.2018

Appellant alongwith counsel present. Mr. Kabir Ullah Khattak, Addl: AG alongwith Mr. Atta Ullah, Assistant Secretary for official respondent No. 1 & 2 present, and private respondent no. 3 in person present. Written reply already submitted on behalf of official respondent No. 1 & 2. Now written reply submitted on behalf of private respondent No. 3 alongwith cost of Rs. 1000/- also paid and receipt thereof obtained from the learned counsel for the appellant. To come up for rejoinder and arguments on 02.04.2018 before D.B.

02.04.2018

Clerk to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 20.04.2018 before D.B



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

20.04.2018

Counsel for the appellant and Addl:AG alongwith for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 18.05.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 11 /05/2018

NOTIFICATION.

No. Estt:1/PI/Mian M.Riaz/ 21954. On the age of superannuation of Mr.Mian Muhammad Riaz Tehsildar/Reader to Senior Member Board of Revenue (BS-16) shall stand retired from Government Service w.e.f 21.05.2018 (A.N),

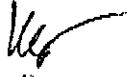
His date of birth is **22.05.1958.**

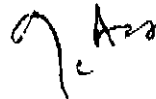
By order of
Secretary-I

No. Estt:1/PI/Mian M.Riaz/ 21955-59

Copy forwarded to:-


1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. PS to Senior Member Board of Revenue.
3. Bill Assistant Board of Revenue.
4. Officer concerned.
5. Personal File.


Assistant Secretary (Listt:)



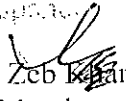
06.02.2018

Counsel for the appellant and Adll: AG alongwith Mr. Yousaf Ali, Supdt for official respondents present. Private respondent no.3 submitted Wakalat Nama by Mr. Asad Jan, Advocate. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 21.02.2018 before S.B.


(Ahmad Hassan)
Member(E)

21.02.2018

Clerk of the counsel for appellant and Assistant AG alongwith Mr. Yousaf Ali, Supdt and counsel for private respondent no.3 present. Written-reply-submitted on behalf of official respondent no. 1 & 2 . Written reply not submitted on behalf of private respondent no. 3. Requested for adjournment. Adjourned. Last opportunity is granted. To come up for written reply/comments on 08.03.2018 before S.B.


(Gul Zeb Khan)
Member

08.03.2018

Junior counsel for the appellant and Assistant AG for the respondent present. Written reply already submitted on behalf of respondent No. 1 & 2. Written reply not submitted on behalf of private respondent No. 3. Last opportunity is further extended subject to payment of cost of Rs. 1000/- which shall be borne by private respondent No. 3 from their own pockets. To come up for written reply/comments on behalf of private respondent no. 3 on ~~29.9.2016~~ ^{21.03.2018} before S.B.


(Gul Zeb Khan)
Member

26.12.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was transferred on 10.10.2017 against which he filed departmental appeal on 12.10.2017 which was rejected on 24.11.2017 and thereafter he filed the present service appeal on 15.12.2017.

The grounds taken by the learned counsel for the appellant are premature transfer without honoring the tenure. The second ground is the superannuation of the appellant in May 2018. The third ground is the request that respondent no3 who has been transferred in place of the appellant is Naib Tehsildar and not Tehsildar. The learned counsel for the appellant brought to the notice of the Tribunal the miscellaneous application for suspension of operation of impugned order.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 15.01.2018 before S.B. Notice of miscellaneous application for suspension of operation of impugned order be also issued to the respondents for the date fixed.

Appellant Deposited
Security Process Fee

11.01.2018

Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Subhan, Superintendent for official respondents No. 1 & 2 and private respondent No. 3 in person also present. Written reply on behalf of respondents not submitted and requested for adjournment for filing of written reply. Adjourned. To come up for written reply/comments on main appeal as well as reply/arguments on miscellaneous application on 23.01.2018 before S.B.

Chairman

(Muhammad Amin Khan Kundi)
Member

23.01.2018

Appellant in person present. Mr. Kabir Ullah Khattak, Learned Additional Advocate General along with Mr. Yousaf Khan, Superintendent for the respondents present. Private respondent No.3 in person present. Written reply not submitted. Representative of the respondents seeks time to file written reply/comments. Granted. To come up for written reply/comments on 06.02.2018 Before S.B




(Muhammad Hamid Mughal)
MEMBER

Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 1392/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	15/12/2017	<p>The appeal of Mr. Muhammad Riaz presented today by Mr. Muhammad Asif Yousafzai 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 15/12/17 </p>
2-	18/12/17.	<p>This case is entrusted to S-Bench for preliminary hearing to be put up there on <u>19/12/17.</u></p> <p style="text-align: right;">  CHAIRMAN </p>
	19.12.2017	<p>Junior to counsel for the appellant present and seeks adjournment. Adjourned. To come up for Preliminary hearing on 26.12.2017 Before S.B</p> <p style="text-align: center;">  (Muhammad Hamid Mughal) MEMBER </p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1392 /2017

Muhammad Riaz.

V/S

Revenue Deptt:

INDEX

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	1-3
2.	Stay application	-----	4
3.	Copy of order dated (11.4.2017)	A	5
4.	Copy of order dated (10.10.2017)	B	6
5.	Copy of departmental appeal	C	7-8
6.	Copy of rejection order	D	9
7.	Copy of posting/transfer policy	E	10-16
8.	Copy of circular dated	F	17
9.	Estta Code Instruction.	G	18 - 19
10	Wakalat nama		20

~~ME~~
APPELLANT

THROUGH:

M.ASIF YOUSAFZAI
(ADVOCATE SUPREME COURT),

TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

&

S. NOMAN ALI BUKHRI
(ADVOCATE PESHAWAR).

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1392 /2017

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1424

Dated 15-12-2017

Mr. Muhammad Raiz,
Tehsildar (PBS-16) Pabbi.

(Appellant)

VERSUS

1. The Chief Secretary KPK, civil secretariat Peshawar.
2. The Senior Member Board of Revenue KPK, Peshawar.
3. Mr. Qaiser Khan, Naib Tehsildar (BPS-14), Khairabad, *Nowshera*

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 24.11.2017 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED AGAINST THE PREMATURE TRANSFER ORDER DATED 10.10.2017 FOR NO GOOD GROUND.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDERS DATED 24.11.2017 AND 10.10.2017 MAY BE SET ASIDE BEING PREMATURE PASSED IN THE VIOLATION OF POSTING/TRANSFER POLICY. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT BEING PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER 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
15/12/17

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is working in Revenue department as Tehsildar and performing his duty with the entire satisfaction of his superiors and no complaint has been filed against the appellant.
2. That the appellant was transferred from Tehsildar Reconciliation Peshawar to Tehsildar Pabbi vide order dated 11.4.2017 and since then performing his duty with great zeal and devotion. **(Copy of order dated 11.4.2017 is attached as Annexure-A)**
3. That just after 6 months the appellant is transferred from Tehsildar Pabbi to Board of revenue vide order dated 10.10.2017. **(Copy of order dated 10.10.2017 is attached as Annexure-B)**
4. That against the impugned transfer order, the appellant filed departmental appeal on 11.10.2017 which was rejected on 24.11.2017 for no ground. **(Copies of departmental appeal and rejection order is are attached as Annexure-C&D)**
5. That the appellant has no other remedy but come this august Tribunal on the basis of following grounds amongst others.

GROUND:

- A) That the impugned order dated 21.11.2017 and 20.20.2017 are against the law, facts, norms of justice, being prematurely, violation of posting/transfer policy and Govt: circular dated 27.12.2013, therefore not tenable and liable to be set aside.
- B) The transfer of the appellant is in total violation of Govt: posting transfer policy and circular based on the Anita Turab case dated 27.2.2013. Thus the impugned order is liable to be set-aside on this score alone. **(Copies of policy and circular is attached as Annexure- E&F)**
- C) That the impugned order is not based on public interest but on political whims as evident from the Annexure-E with the appeal. Thus the order is totally politically motivated.
- D) The impugned transfer order is also premature as the appellant has transferred just after about 6 months which is clear violation of posting transfer policy.

- E) That the appellant has last leg of service and is going to retire in about 5 months in such like situation the posting/transfer clear mention that officer/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the District of their domicile and be allowed to serve there till the retirement and as the appellant has last leg of service and his district of domicile is Nowshera (Pabbi), therefore the impugned order of transfer of the appellant is liable to be set aside on this ground only.
- F) That no summary has been obtained from the competent authority before passing the impugned order of transfer of the appellant which is violation instruction 4 of the posting transfer policy.
- G) That respondent No.3 is Naib Tehsildar (BPS-14) and transferred against the post of Tehsildar (BPS-16) on Current Charge basis which is clear violation of the instructions as given in the Estta Code where in such appointment by transfer has been prohibited and declared as accelerated out of turn promotion. Copy of the instructions are attached as Annexure- G.
- H) 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

Muhammad Riaz

THROUGH:


M.ASIF YOUSAFZAI

(ADVOCATE SUPREME COURT),

&


TAIMUR ALI KHAN

(ADVOCATE HIGH COURT)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2017

Muhammad Riaz

V/S


Revenue Deptt:

**APPLICATION FOR SUSPENDING THE OPERATION OF
ORDER DATED 10.10.2017 TILL THE DISPOSAL OF MAIN
APPEAL.**

RESPECTFULLY SHEWETH.

1. That the appellant has filed an appeal along with this application in which no date is fixed so for.
2. That impugned transfer order has passed being prematurely and in violation of posting transfer policy.
3. That the appellant has last leg of service and is going to retire in about 5 months in such like situation the posting/transfer clear mention that officer/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the District of their domicile and be allowed to serve there till the retirement and as the appellant has last leg of service and his district of domicile is Nowshera (Pabbi), therefore the impugned order of transfer of the appellant is liable to be set aside on this ground only.
4. That the grounds of main appeal may also be considered as integral part of this application.
5. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.

It is therefore most humbly prayed that the operation of the order dated 10.10.2017 may be suspended till the decision of main appeal.

APPELLANT
THROUGH: 
M.ASIF YOUSAFZAI
(ADVOCATE SUPREME COURT)



A (5)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 11 /04/2017

NOTIFICATION

No.Esst:I/PF/M. Riaz/_____ The Competent Authority is pleased to order the following posting /transfers amongst the following Tehsildars/ Naib Tehsildar with immediate effect and in public interest:-

S.No	Name of Tehsildar/ Naib Tehsildar	From	To
1.	Mr. Muhammad Riaz	Tehsildar Reconciliation Peshawar	Tehsildar Pabbi
2.	Mr. Mukhtiar Ali	Tehsildar Pabbi	Tehsildar reconciliation Peshawar
3.	Mr. Faqir Hussain	Naib Tehsildar Peshawar Development Authority Peshawar.	Settlement Tehsildar (CCB) Nowshera against the vacant post.

By order of
Senior Member

No.Esst:I/PF/M. Riaz / 7191-96

Copy forwarded to the:-

1. Commissioner, Peshawar Division, Peshawar.
2. Director General, Peshawar Development Authority, Peshawar.
3. Deputy Commissioner, Peshawar and Nowshera.
4. Settlement Officer Nowshera.
5. District Accounts Officer, Peshawar and Nowshera.
6. Officials concerned.
7. Personal Files.

Assistant Secretary (Estt.)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT.

B 6

Dated Peshawar the 10 October, 2017.

NOTIFICATION:

No. Estt./M.Riaz/_____ The following posting/transfer amongst Tehsildars, Naib Tehsildar and Sub-Registrar is hereby ordered with immediate effect in public interest:-

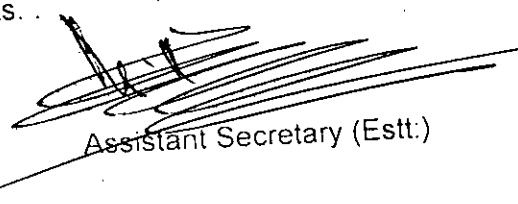
S.No	Name of official.	From	To
1.	Mr. Muhammad Riaz	Tehsildar Pabbi.	Report to Board of Revenue.
2.	Mr. Qaisar Khan	Naib Tehsildar Khairabad.	Tehsildar(CCB) Pabbi. ✓
3.	Mr. Mustamir Shah	Under transfer to Naib Tehsildar (CCB) Land Acquisition, Charsadda.	Naib Tehsildar (CCB) Khairabad.
4.	Mr. Muhammad Humayun	Sub-Registrar Mardan.	Sub-Registrar Nowshera.
5.	Mr. Mukamil Shah	Sub-Registrar (CCB) Nowshera.	Sub-Registrar (CCB), Mardan.

By Order of
Senior Member

No. Estt./M.Riaz/ 20690-95.

Copy forwarded to the:-

1. Commissioners of the respective Divisions.
2. Director Land Records, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioners of the respective districts.
4. District Accounts Officers of the respective districts.
5. Officials concerned.
6. Personal Files.


Assistant Secretary (Estt.)

ATTESTED

(17)

ole

12-10-2017

(Appellant)

**BEFORE THE CHIEF SECRETARY GOVERNMENT OF KHYBER
PUKHTUNKHWA PESHAWAR**

Muhammad Riaz (Tehsildar Pabbi)
S/o Mian Muhammad Sabir
Resident of Distt: Nowshera.....

VERSUS

- 1- Senior Member Board of Revenue Government of Khyber Pukhtunkhwa Peshawar.
- 2- Board of Revenue Government of Khyber Pukhtunkhwa, through Secretary Peshawar.
.....(Respondents)

**APPEAL AGAINST THE ORDER / NOTIFICATION NO. 20690-95 DATED
10-10-2017 IN WHICH THE RESPONDENT ISSUED TRANSFER ORDER OF THE
APPELLANT FROM PABBI TO BOARD OF REVENUE OFFICE PESHAWAR,
WHICH IS THE AGAINST THE LAW, FACTS AND CIRCUMSTANCES AND IS
LIABLE TO BE SET-ASIDE.**

PRAYER:- *On acceptance of this appeal the notification / order dated 10-10-2017 may kindly be set-aside and the appellant be restore back on his previous position i.e. Pabbi.*

Respectfully Sheweth:-

- 1- That the appellant has been serving in the Revenue Department since last 30 years.
- 2- That the appellant has been outstanding, punctual and loyal to his duties throughout his service carrier.
- 3- That most of his official tenure the appellant served outside of my home District, whereas the appellant is the permanent resident of Tehsil Pabbi Distt: Nowshera.
- 4- That there is hardly less than one year is left in his services tenure and the appellant is nearest to the age of 60 years.
- 5- That according to the Statutory Provision of Section 10 of the NWFP Civil Servants Act, 1973 that is regarding posting and transfer of a civil servant clause No IV read with clause XI of the same section it is very much clear that an "officer or 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" from which it is very much clear that the appellant fall within the same definition as a servant who is in the last year of the services tenure and need not necessary to disturbed. (Copy of Notification dt. 10-10-2017 and Rules are attached herewith).
- 6- That the person who has been transferred instead of appellant on the vacant post of Tehsildar Pabbi actually and factually do not qualify in necessary criteria being CCB for the post of Tehsildar of Sub-Division, hence cannot super-ceed the appellant. P--2

ATTESTED

THAT KEEPING IN VIEW FACTS AND CIRCUMSTANCES AND THE REQUISITE STATUTORY PROVISIONS THE NOTIFIED TRANSFER DATED 10-10-2017 MAY VERY KINDLY BE SET-ASIDE AND THE APPELLANT MAY KINDLY BE RESTORED ON HIS PREVIOUS POST.

Appellant-in-person

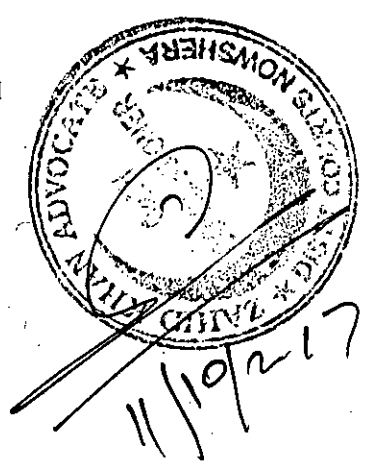
~~MIR~~
Muhammad Riaz (Tehsildar Pabbi)

Dated:- 11-10-2017.

AFFIDAVIT:-

I, do hereby solemnly affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed.

ATTESTED



Deponent:- ~~MIR~~

(Muhammad Riaz)

Tehsildar Pabbi

ATTESTED

Handwritten notes and signatures at the bottom of the page, including the word "Policy" and other illegible text.

D 9

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt: I/PF/M.Riaz/ 27186
Peshawar dated the 24/11/2017

To

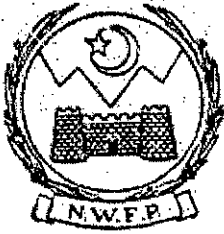
Mr. Mohammad Riaz
Ex – Tehsildar Pabbi
now waiting for posting in Board of Revenue

SUBJECT: APPEAL AGAINST THE ORDER / NOTIFICATION NO. 20690-95 DATED 10.10.2017 IN WHICH THE RESPONDENT ISSUED TRANSFER ORDER OF THE APPELLANT FROM PABBI TO BOARD OF REVENUE OFFICE PESHAWAR WHICH IS AGAINST THE LAW FACTS AND CIRCUMSTANCES AND IS LIABLE TO BE SET ASIDE.

Your departmental appeal on the subject dated 11.10.2017 has been examined and rejected by the Appellate Authority.


Assistant Secretary (Estt)

ATTESTED



25. E E 10

**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) 1{ }
- 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)1-4/2003, dated 21-09-2004

ATTESTED

ATTESTED

- 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 column2 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:	

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

ATTESTED

ATTESTED

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

ATTESTED

13

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 SECREARY
GOVERNMENT OF NWFP

Endst. No. and date even.

Copy forwarded

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

ATTESTED

ATTESTED

14

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) 1-4/2008/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 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

ATTESTED

30 (15)

- 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 to 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

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

ATTESTED

31/16

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.

ATTESTED

ATTESTED
[Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

NO. SOR.VI (E&AD)1-4/2005/Vol-II

Dated Peshawar, 27th February, 2013

F 117

To
Ejazul

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.

DS-II

*SP
4/3*

mayam

SP-II / Secy

SP-II / Secy

SP-II

ATTESTED

Date: 27/2/2013

- (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 Adnl: Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

NAJAM
SECTION OFFICER (REG-VI)

ATTESTED

G (18)

Appointment in Higher Grades/Posts.

Instances have come to the notice where civil servants in lower grades have been appointed to higher posts but the posts have not been downgraded with the result that the concerned civil servants come up with requests for promotion benefits in view of the decision given by the Supreme Court of Pakistan in the case of 'Government of Pakistan Versus Qazi Abdul Karim'. This is in contravention of the above instructions which is not desirable administratively.

2. - It appears that either the aforesaid instructions have been lost sight or these instructions have not been brought to the notice of all concerned. It is, therefore, re-iterated that the Provincial Government can only fill vacancies in a particular grade by officers of the same grade and officers of junior grade will not be appointed against a vacancy in a higher grade. If it is necessary to do so, due to exigencies of service, the post should be downgraded with the approval in the first instance of the S&GAD who will seek approval of the Finance Department.

3. This issues with the concurrence of Finance Department.

(Authority: Letter No.SORI(S&GAD)1-29/75, dated 25.2.1986.)

Appointment in Higher Grades/Posts.

The President directed that appointment of officers of lower grades to posts in higher grades without going through the prescribed selection process must cease and that vacancies in a particular grade shall only be filled by officers of the same grade. It has been reported that these instructions are not being followed by some of the departments and Civil Servants in lower grades continue to be appointed against posts in higher scales without downgrading them.

2. While replying to Supplementary question on 21st October, 1987, the Chief Minister, NWFP was pleased to give an assurance to the Provincial Assembly to the effect that as per instructions already issued by Government to all Departments, no officer in lower grades shall henceforth be posted against vacancies in higher grades and that all such posts shall in future be filled in on regular basis by way of promotion or through initial recruitment, as the case may be, in accordance with the prescribed manner.

3. I am, therefore, to request that the above instructions may kindly be brought to the notice of all concerned once again and that they may be directed to abide by these instructions in letter and spirit.

(Authority: Circular letter No.SORI(S&GAD)1-29/75, dated 19.11.1987)

ATTESTED



Appointment against higher posts in own pay scales.

Appointments in higher grades.

A number of cases have come to notice where Ministries/Divisions and Provincial Governments have made appointments of officers serving under them to posts in higher grades without the prior approval of the competent authority or going through the prescribed selection procedures. This grant of higher appointments to junior officers against senior posts amounts to accelerated promotion in view of the decision given by the Supreme Court of Pakistan in the case of Government of Pakistan versus Qazi Abdul Karim. In future such vacancies will be reported to the Establishment Division so that eligible officers may be considered and recommended for promotion by the Competent Authority in accordance with the Rules.

2. The President has been pleased to direct that appointments of officers of lower grades to posts in higher grades without going through the prescribed selection process, must cease with immediate effect. The Ministries/Divisions and Provincial Governments can only fill vacancies in a particular grade by officers of the same grade and officers in a junior grade will not be appointed against a vacancy in a higher grade. If it is necessary to do so due to exigencies of service, the post should be downgraded with the approval of the Establishment Division. When making such a request it will be clearly stated why the vacancy should not be referred to the Central Selection Board/High Level Selection Board/appropriate Departmental Promotion Committee for the promotion of an eligible officer to fill the vacancy in the appropriate grade in accordance with the rules.

(Authority: O.M No.2/25/69-C.1, dated 31.7.79, circulated by S&GAD NWFP vide letter No.SORI(S&GAD)1-29/75(KW), dated 20.8.79)

Appointment in Higher Grades/Posts.

Instances have come to notice of Federal Government where civil servants have been appointed to higher posts and subsequently these posts have been downgraded retrospectively and without the prior approval of the competent authority. This is not in keeping with the Establishment Division OM No.2/25/69-CI, dated 31st July,1979 circulated vide S&GAD circular letter No.SORI (S&GAD)1-29/75(KW),dated 20th August,1979. It is, therefore, reiterated that whenever a post is required to be downgraded due to exigencies of service, it may please be referred to this Department for approval.

2. Besides, all cases in which action may have been taken in contravention of the instructions issued on the subject may please be referred to the S&GAD for final orders.

(Authority: Letter No.SORI(S&GAD)1-29/75, dated 14.9.1985)

ATTESTED



VAKALAT NAMA

NO. _____/20

IN THE COURT OF Servis Tribunal Peshawar

Mohammad Riaz (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Revenue Department (Respondent)
(Defendant)

I/We, Mohammad Riaz

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

M.R.
(CLIENT)

ACCEPTED



M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.

Taimur Ali Khan
Taimur Ali Khan
Advocate High Court

Syed Nauman Ali Bukhari
Syed Nauman Ali Bukhari
Advocate

OFFICE:

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

50	 	25951
ایڈوکیٹ: اسروہان ASC	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر:		
رابطہ نمبر: 0333-947513		

بعدالت جناب: سروس ٹرانسپونل لیٹیا اور

منجانب: اسپانڈنٹ نمبر 03	دعویٰ:
محمود ریاض بنام گورنمنٹ و عنینہ	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام لیٹیا اور کیلئے اسروہان ریجوکیٹ منیر انور کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 06/02/2018

الع بد گواہ شد الع بد

مقام لیٹیا اور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی نوٹو کا پی نا قابل قبول ہوگی۔

Attested
4

Approved



R

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.1392/2017

Muhammad Riaz Tehsildar.....Appellant

VERSUS

Senior Member Board of Revenue and others.....Respondents

PRELIMINARY OBJECTIONS.

1. That the Appellant has got no cause of action.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the Appellant has been estopped by his own conduct to file the appeal.
4. That the appeal is time barred.
5. That the appeal is not maintainable in its present form.

PARAWISE COMMENTS OF RESPONDENT NO.1 & 2 ARE AS UNDER.

FACTS

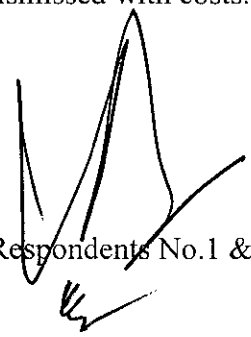
1. Pertains to record.
2. Correct to the extent of posting order dated 11.04.2017
3. Posting / transfer is part of service and can any time be made by the Competent Authority.
4. Departmental Appeal of the appellant has been rejected by the appellate authority.
5. Appeal of the appellant is not maintainable.

GROUNDS.

- A. Incorrect. Posting/Transfer order has been issued in accordance with law/rules.
- B. As in para-A above.
- C. Incorrect. Transfer order was issued in public interest.
- D. As in para C above.

- E. As per above paras.
- F. The Senior Member Board of Revenue being the Secretary to Government Revenue and Estate Department is Competent Authority for Posting/Transfer of Tehsildar/Naib Tehsildar and there is no need to obtain the approval of any other authority.
- G. Incorrect. As in Para-F above, the Senior Member Board of Revenue is Competent Authority in case of Posting/Transfer of Tehsildar and Naib Tehsildar and can any time be made in public interest.
- H. The respondent will also advance additional grounds at the time of arguments.

In view of the appeal of the appellant having no legal grounds may be dismissed with costs.



Respondents No.1 & 2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1392/2017

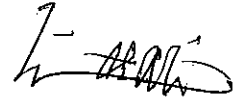
Mr. Muhammad Riaz, TehsildarAppellant

VERSUS

Senior Member Board of Revenue & OthersRespondents

AFFIDAVIT

I Mr. Mukhtiar Ali, Assistant Secretary (Lit-II), Board of Revenue Khyber Pakhtunkhwa do hereby solemnly affirm that the contents of the written reply are true and correct to the best of my knowledge and belief, information has been provided to me and nothing has been deliberately concealed from this Honourable Tribunal.



Assistant Secretary (Lit-II)
Board of Revenue

BEFORE THE KHYBER PAKHUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1392/17

MUHAMMMAD RIAZ TEHSILDAR.....PETITIONER

Versus

SENIOR MEMBER BOARD OF REVENUE AND OTHERS.....RESPONDENTS

REPLY ON BEHALF OF RESPONDENTS NO 03

Preliminary objections

1. That the appellant has got no cause of action.
2. That appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That appeal has been estopped by his own conduct to file the appeal.
4. That appeal is badly time barred.
5. That appeal is not maintainable in its present form.
6. That a civil servant had no vested right to claim posting transfer to any particular post at particular place of his choice, nor did he have any right to continue to hold a particular post at particular place.
7. That the competent authority transfers the appellant in public interest and for administrative reasons. Government servant holding a transferable post had no vested right to remain posted at one place of his choice for unlimited period.

Para wise reply to the facts on behalf of respondent No. 03

On Facts

1. Pertain to record
2. Correct to the extent of posting/transfer order dated 11.04.2017

3. Posting transfer is part of service and can be made at any time by the competent authority moreover appellant remained on the very post from **28-06-2013 to 04-11-2016** meaning thereby appellant spent **three year and six months** on the very post as a Tehsildar. Appellant transferred to the very station on dated 11-04-2017 by the competent authority after six and half months appellant was transferred to Peshawar on dated 10-10-2017 on administrative reasons by the competent authority in public interest.
4. Departmental appeal of the appellant has been rejected by the appellate authority.
5. Appeal of the appellant is not maintainable.

Grounds

- A. Incorrect. Posting/transfer order has been issued in accordance with the rules by the competent authority in public interest and administrative reasons. Civil servant had no vested right to be posted to any particular place to any length of time.
- B. Incorrect and mis leading the mentioned case (**ANITA TURAB**) has no relevancy with the instant a case and detail reply has also been given in above paras.
- C. Incorrect. Transfer order was issued in public interest.
- D. Needs no reply.
- E. Needs no reply.
- F. The senior member board of revenue being the secretary to Government revenue and estate department is competent authority for posting/transfer of Tehsildar/Naib Tehsildar and there is no need to obtain the approval of any other authority.
- G. Incorrect. As in Para F above, the senior member board of revenue is competent authority in case of pasting/transfer of Tehsildar and can be made at time be made in public interest.
- H. The respondent will also advance additional grounds at the time of arguments

In view of, appeal of appellant having no legal ground may kindly be dismissed.

Dated 21-03-2018

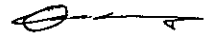

Petitioner/Respondent no. 03

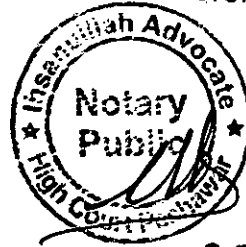
Through


Farman Ullah AHC Peshawar

AFFIDAVIT

I QAISER KHAN solemnly affirm and declare on oath that the content of the above reply is correct and nothing has been concealed from this honorable court.

Solemnly Affirm before  Deponent



21.3.2018