

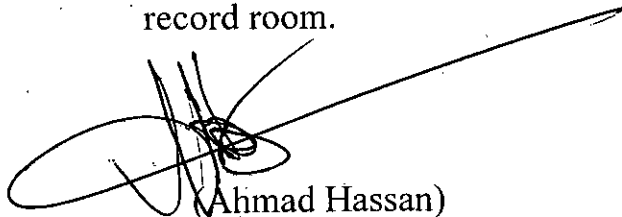
CFR
I withdraw my appeal in the light of order No. 454/CEC dated, Peshawar HC-05-2019
31.05.2019
July 5th 2019
Advocate
Copy received

Learned counsel for the appellant, Mr. Usman Ghani learned District Attorney alongwith Riaz Gul Admin Officer for official respondents and learned counsel for private respondent No.6 present.

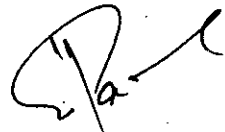
Representative of official respondents furnished office order dated 14.05.2019 whereby major penalty of compulsory retirement has been imposed upon the appellant.

Learned counsel for the appellant, while referring to the office order dated 4.05.2019 mentioned above, seeks withdrawal of the present service appeal.

In view of above, the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED.
31.05.2019

03.05.2019

Appellant in person and Mr. Zia Ullah learned Deputy District Attorney alongwith Riaz Gul Admin Officer for official respondents present. Learned counsel for private respondent No.6 present. Learned counsel for the appellant not present. Adjournment requested. learned counsel for private respondent No.6 submitted application for initiating Contempt of Court proceedings against the appellant. Adjourn. To come up for reply/arguments on the said application and arguments on the main service appeal on 10.05.2019 before D.B.


Member


Member

10.05.2019

Appellant in person, Mr. Ziaullah, DDA alongwith Mr. Riaz Gul, Admin Officer for official respondents and counsel for private respondent no.6 present.

The appellant requests for adjournment as his learned counsel has proceeded to perform Umra and is likely to return on 27/28 of this Month.

Adjourned to 31.05.2019 for further proceedings also upon the application of respondent no.6 regarding initiation of Contempt of Court Proceedings.


Member


Chairman

09.04.2019

Appellant present. Clerk to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Respondent No.6 also present.

Clerk to counsel for the appellant seeks adjournment to which learned Deputy District Attorney raised serious observation on the ground that in the present service appeal transfer posting order has been made impugned and earlier order of status-quo was also issued and on the previous date last chance was given. Learned DDA requested that due to delaying tactics the order of status-quo may be vacated. Contention of learned DDA seems to be genuine. Order of status-quo issued in the present service appeal shall be deemed as vacated. Adjourn. To come up for arguments on 26.04.2019 before D.B


Member


Member

26.04.2019

Due to general strike of the bar, the case is adjourned. To come up for arguments on 03.05.2019 before D.B.


Member



Member

15.03.2019

Mr. Ashraf Ali, Advocate for appellant, Mr. Muhammad Jan, DDA alongwith Zorawar Khan, Superintendent for the official respondents and respondent No. 6 in person present. Respondent No. 6 submitted Wakalatnama in favour of Syed Hikmat Shah, Advocate which is placed on file.

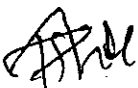

Learned counsel for the appellant states that due to some confusion regarding assignment of brief of this case, he could not prepare the brief, therefore, requests for adjournment. Adjourned to 08.04.2019 for arguments before the D.B.

The private respondent No. 6 may submit reply within 10 days while the appellant is also at liberty to submit rejoinder, if so advised, within a week thereafter.


Member
Chairman

08.04.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Abdur Rasheed Tareen Administrative Officer present. Learned counsel for the appellant requested for adjournment to which learned DDA raised objection on the ground that in the present service appeal transfer posting order has been made impugned and earlier order of status quo was also issued. Adjourned by way of last chance. To come up for arguments on 09.04.2019 before D.B.


Member
Member

08.02.2019

Counsel for the appellant present.

Contends that the appellant is President of APCA since 08.05.2017 for a term of three years who was transferred to Dir Lower on 15.03.2017. The said act of respondent No. 2 is in utter disregard of No. SOS(S&GAD)8(167)92-Vol-VII dated 07.07.1992 by Government of N.W.F.P Services & General Administration Department. It was noted in the said communication that the office bearers of the Service Association should not ordinarily be transferred for the years for which they are office bearers. It was further stated that the transfer of appellant was also against the spouse policy as his wife is rendering service as Qaria at Mardan {DEO(F) Office}. The impugned transfer order of appellant is, therefore, an act of malafide on the part of the respondents.

In view of the averments of learned counsel and record, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 22.02.2019 before S.B.

The appeal is accompanied by an application for suspension of operation of impugned order. Notice of the application be also given to the respondents for the next date. In the meanwhile status quo be maintained.


Appellant Deposited
Security & Process Fee

Chairman 

22.02.2019

Counsel for the appellant and Addl. AG
alongwith Abdur Rashid Tareen, Admn. Officer for the
respondents present.

The comments of respondents No. 1 to 4 have
been submitted which are placed on record. Private
respondent No. 5 is not in attendance despite notice,
hence placed ex-parte. To come up for arguments
before the D.B. on 15.03.2019. The appellant may
furnish rejoinder within 10 days.

alongwith Zorawar Khan,
Chairman

Chairman

Chairman states that there is
some confusion in the assignment of brief of this
case, he requests therefore, requests
for arguments before D.B. on 15.03.2019
before D.B.

Chairman requests that the appellant submit reply
within 10 days and the appellant is also advised to
submit rejoinder, if any, within a week thereafter.

Member

Chairman

06.2.2019

Clerk of counsel for the appellant present.

Due to general strike on the call of Khyber
Pakhtunkhwa Bar Council instant matter is adjourned to
08.02.2019 before S.B.



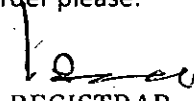


Chairman

A 19

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 85/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/1/2019	<p>The appeal of Mr. Aurang Zeb Kashmiri presented today by Mr. Khushdil Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 21-1-19</p>
2-	30.01.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30-1-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant present. The case was fixed for preliminary arguments, however, learned counsel for the appellant submitted application today for deletion of name of private respondent No. 5 namely Aimal Khan and impleadment of Naveed Ahmad as necessary party in the penal of respondents. The application is placed on file. Reasons mentioned in the application appear to be genuine therefore, the application is accepted and the Muharrar is directed to make entry of name of Naveed Ahmad in the penal of respondents. To come up for preliminary hearing on 06.02.2019 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA

Service Appeal No. ⁸⁵ /2019

Aurangzeb Kashmiri.....Appellant

VERSUS

The Secretary,
Govt, of Khyber Pakhtunkhwa
(C&W) Deptt Peshawar & others.....Respondents

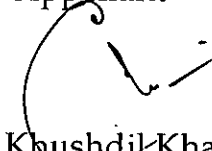
INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			01-05
2.	Application for suspending the operation of impugned orders with affidavit			06-08
3.	Copy of notifications whereby appellant was declared office bearer	29.11.2016 & 08.05.2017	A	09-10
4.	Copy of the office order whereby appellant was transferred from the office of XEN Building Division Mardan to the office of XEN (C&W) Division Dir Lower	15.03.2017	B	0-11
5.	Copy of the application of respondent No. 5 (Aimal Khan)	20.03.2017	C	0-12
6.	Copy of departmental appeal of appellant to respondent No.1	30.03.2017	D	13-14
7.	Copies of the order sheets	17.04.2017 17.10.2017		15-16
8.	Copy of the order whereby Junior to appellant were promoted while in the remarks column his name was shown under transfer	03.10.2018	F	17-18
9.	Copy of departmental appeal of appellant to the respondent No.1	05.10.2018	G	19-20
10.	Copy of the plaint filed in the court of Senior Civil Judge Dir Lower at Timargara		H	21-23

S.No	Description of Documents	Date	Annexure	Pages
11.	Copy of order sheets	16.10.2018 & 17.01.2019	I	24-26
12.	Copy of the office Order thereby instructed not to transfer the office bearer of the Association	07.07.1992	J	0-27
13.	Copy of service certificate of the wife of appellant		K	0-28
14.	Copy of the notification regarding Posting and Transfer Policy	15.02.2003	L	0-29
15.	Copy of the office order thereby the post which appellant was transferred was occupied by one Azhar Khan Junior Clerk	06.02.2018	M	0-30
16.	Wakalatnama			


Appellant

Through


Khushdil Khan
Advocate Supreme Court.
&


Ashraf Ali Khattak
Advocate High Court.

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA

Service Appeal No. 85 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 83

Dated 21-1-2019

1. Aurangzeb Kashmiri,
Junior Clerk
Office of the Executive Engineer,
Building Division Mardan
R/o Sheikh Maltoon, Street No.15
House No. S-326, MardanAppellant

VERSUS

1. The Secretary,
Govt, of Khyber Pakhtunkhwa
Communication & Works Department,
Civil Secretariat Peshawar.
2. The Chief Engineer (Center)
Communication & Works Department,
Khyber Pakhtunkhwa Peshawar.
3. The Executive Engineer
Building Division, Mardan
4. The Executive Engineer,
C & W Division
Dir Lower

5. Aimal Khan
Junior Clerk,
Office of the Superintending Engineer
PBMC (C&W) Deptt Peshawar.

6. Mr. Naveed Ahmed,
Senior Clerk, Respondents.

o/o XEN Building Divi Mardan. → ^{added.} vide order sheet dated 30.1.19

SERVICE APPEAL UNDER SECTION-4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 03.10.2018 BASED

deleted
30-1-2019
EX-PT-2
22-2-19
Filed to Registrar
21/1/19

ON THE ORDER DATED 15.03.2017 AGAINST WHICH HE FILED DEPARTMENTAL APPEAL ON 05.10.2018 BUT THE SAME WAS NOT DISPOSED OFF WITHIN THE STATUTORY PERIOD OF 90 DAYS.

Respectfully Sheweth,

The concise facts giving rise to the present service appeal are as under:-

1. That appellant is the employee of the respondent department holding the post of Junior Clerk. In addition he is also an office bearer of APCA Khyber Pakhtunkhwa holding the position of president in the cabinet vide notifications dt 29.11.2016 & 08.05.2017 (Annex-A). On 15.03.2017 (Annex-B) an office order was issued by the respondent No.2 vide notification No. 220-E/1717/CEC/C7WD by which he was transferred from the office of respondent No.3 to the office of respondent No.4 while respondent No.5 (Aimal Khan) was posted against his post but he submitted an application on 20.03.2017 (Annexure-C) therein mentioned his inability. Appellant also filed departmental appeal against that very order on 30.03.2017 (Annexure-D) but meanwhile he also challenged the impugned order in the Court of Civil Judge Mardan and the status quo was granted in his favour on 17.04.2017 but later on the same was withdrawn by him as he was allowed to work at his previous place of posting i.e. office of respondent No.3 (Copies of the orders annexed-E).
2. That appellant is the senior most Junior Clerk and at the top of the seniority list of his own cadre but he was not considered

for promotion rather juniors to him were promoted to the posts of Senior Clerk through an Office Order dated 03.10.2018 (Annex-F) but by this same order the earlier transfer order dt 15.03.2017 of the appellant was reflected in the remarks column. The appellant filed departmental appeal against this impugned order before the Respondent No.1 on 05.10.2018 (Annex-G).

3. That appellant also filed civil suit against that very impugned order in the Honourable Court of Senior Civil Judge Dir Lower at Timargara and status quo was also granted in his favour vide order dated 16.10.2018 but later on the suit was returned to him on the question of jurisdiction vide order dated 17.01.2019. (Copies of plaint and order sheets attached as annexed-H& I).
4. That during this period the appellate authority has taken no action on the departmental appeal of the appellant and the same remained dormant and could not dispose off within statutory period of 90 days.

Hence this appeal is submitted on the following amongst other grounds.

GROUND:-

- A. That both the impugned orders have been prompted under the political influence and pressure and as such not sustainable being passed in the violation of the law and rules.
- B. That appellant is the office bearer of the APCA Khyber Pakhtunkhwa having the position of president in the cabinet and according to notification dt 07.07.1992 (Annex-J) the

office bearer would not be transferred but inspite of these clear instructions of the administration department then he was transferred purposely which is not warranted by law and rules on subject and liable to be set aside.

- C. That wife of the appellant is also a Government servant and employee of the Education Department holding the post of Qaria under the administration of District Education Officer (F) Mardan as evident from Service Certificate (**Annex-K**). According to Posting/ Transfer Policy circulated on **15.02.2003 (Annex-L)** the spouse should be at one station but in this case the respondent No.2 acted in arbitrary manner and made his transfer in violation of the policy which is illegal, malafide and of no legal effect, liable to be set aside.
- D. That the post to which appellant was transferred has already been occupied by another Junior Clerk namely Azhar Khan vide order dated **06.02.2018 (Annex-M)** and thus in such circumstances the impugned transfer orders of appellant are unjustified and not tenable.
- E. That the post of Junior Clerk is the district cadre which is not transferable from one district to another and on this only ground the impugned orders are not maintainable.
- F. That the appellate authority has not acted in accordance with law and unlawfully retained the departmental appeal of appellant without any decision which is violative of the rules on subject and against the principle of natural justice.

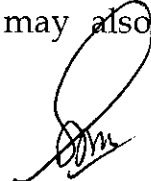
It is therefore, humbly prayed that on acceptance of this service appeal, the impugned orders i.e. dt 15.03.2017 &

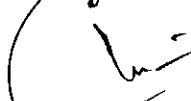
03.10.2018 may graciously be set aside and the appellant be allowed to work in the office of respondent No.3.


Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to appellant.

Dated: 18/01/2019

Through


Appellant


Khush Dil Khan
Advocate,
Supreme Court of Pakistan
&


Ashraf Ali Khattak
Advocate, High Court
Peshawar

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA

Misc Application No._____/2019

IN

Service Appeal No._____/2019

Aurangzeb Kashmiri.....Appellant

VERSUS

The Secretary,
Govt, of Khyber Pakhtunkhwa
(C&W) Deptt Peshawar & others.....Respondents

APPLICATION FOR SUSPENDING THE
OPERATION OF THE IMPUGNED ORDERS
DATED 15.03.2017 & 03.10.2018 TILL THE
DISPOSAL OF THE ATTACHED APPEAL.

Respectfully Shewith,

1. That the above titled service appeal is being filed today which is yet to be fixed for hearing.
2. That the facts alleged and grounds taken in the body of appeal may kindly be taken as an integral part of this application which make out an excellent prima facie case in favour of appellant/ applicant.
3. That the impugned orders have been passed in glaring violation of law and rules on subject and also based on malafide intention just to harass the appellant for ulterior motives which is not tenable and likely be set aside by this

Hon'ble tribunal therefore he requests to suspend the operation of impugned orders of his transfer till the disposal of main appeal. Moreover all the requisite ingredients fall in favour of applicant for the requisite interim relief.

It is therefore, humbly prayed that on acceptance of the instant application, this Honorable Tribunal may graciously be pleased to suspend the operation of impugned orders of the respondent No.3 till the final decision of the accompanying appeal .

Through


Appellant

Khushdil Khan
Advocate Supreme Court.
&


Ashraf Ali Khattak
Advocate High Court.

• Dated: 18 /01/ 2019

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA

Service Appeal No. _____/2019

Aurangzeb Kashmiri.....Appellant

VERSUS

The Secretary,
Govt, of Khyber Pakhtunkhwa
(C&W) Deptt Peshawar & others.....Respondents

AFFIDAVIT

I, Aurangzeb Kashmiri, Junior Clerk, Office of the Executive Engineer, Building Division Mardan, R/o Sheikh Maltoon, Street No.15 House No. S-326, Mardan, do hereby solemnly affirm and declare on Oath that the contents of this application are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

CMic: 16101-4733768-5
Mob 0312 9176434


DEPONENT



OFFICE OF THE ELECTION COMMISSIONER APCA
DISTRICT MARDAN

Sadaat Iqbal
Election Commissioner
APCA Distt Mardan


Cell# 0333-9853035

Annex A p. 9

NOTIFICATION

I Sadaat Iqbal Election Commissioner APCA Khyber please to declare and notify the following office bearers of APCA on proforma specified below unopposed for next three years with immediate effect:-

S.No	Name of Office bearers	Designation	Department
1	Haji Muhammad Ibrahim	President	DEO (M) Mardan
2	Muhammad Saleem	SVP-I	GHS Bughdada
3	Sawal Faqir	SVP-II	PHE Mardan
4	Murad Ali	JVP-I	DEO (F) Mardan
5	Faqir Khan	JVP-II	Zakat Office
6	Aurangzeb Kashmiri	Secretary General	C&W Building
7	Jamshid Khan	Deputy G. Secretary	Agriculture
8	Saleem Khan	Finance Secretary	Irrigation
9	Inam Khan	Press Secretary	MMC Mardan
10	Musadiq Hussain	Office Secretary	DC Office Mardan


(SADAAT IQBAL)
Election Commissioner APCA
District Mardan


No. 99 /Election-2016

Dated the 29-11 /2016

Copy forwarded to:-

1. PS to Chief Minister Khyber Pakhtunkhwa
2. PS to Chief Secretary Khyber Pakhtunkhwa
3. Mr. Banaras Khan Jadoon Central President APCA Pakistan
4. All Secretaries Khyber Pakhtunkhwa
5. All Deputy Secretaries Khyber Pakhtunkhwa
6. All Head of Departments Civil Secretariat Peshawar
7. All Concerned Head of Departments Khyber Pakhtunkhwa
8. All Head of Departments Khyber Pakhtunkhwa
9. Inspector General of Police Khyber Pakhtunkhwa
10. All Commissioners Khyber Pakhtunkhwa
11. All Deputy Commissioners Khyber Pakhtunkhwa
12. All Assistant Commissioners Khyber Pakhtunkhwa
13. All District President/General Secretaries APCA Khyber Pakhtunkhwa
14. All Provincial President APCA Pakistan
15. All Office bearers concerned
16. All Newspapers for publication

ATTENDED


(SADAAT IQBAL)
Election Commissioner APCA
District Mardan

**OFFICE OF THE ELECTION COMMISSIONER APCA
KHYBER PAKHTUNKHWA**

SAEED KHAN
Election Commissioner
APCA Khyber Pakhtunkhwa

Cell # 0333-9159508

P.10

NOTIFICATION

I Saeed Khan Election Commissioner APCA Khyber Pakhtunkhwa pleased to declare and notify the following office bearers of APCA on proforma specified below unopposed for next three years with immediate effect:-

Name of Office Bearers	Designation	District
1. Mr. Aurangzeb Kashmiri	President	Mardan
2. Mr. Ali Amat Khan	S.V. President-I	Karak
3. Mr. Sarwar Khan	S.V. President-II	Nowshera
4. Mr Haji Fazal Rabi	J.V. President-I	Malakand
5. Mr Mohammadi Ismail	J.V. President-II	Shangla
6. Mr Sahib Zada Fazle Akbar	Secretary General	Peshawar
7. Mr Mohib Ullah Mohib	Deputy G. Secretary	Dir Upper
8. Mr Mian Fazal Mula	Finance Secretary	Peshawar
9. Mr Kabber Javed Yousafzai	Press Secretary	Manshra
10. Mr Saleem Khan	Office Secretary	Bannu



(SAEED KHAN)
Election Commissioner APCA
Khyber Pakhtunkhwa

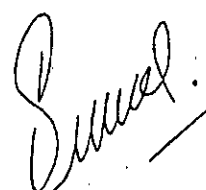
No. 1 / Election-2017


Dated the 8/5/ /2017

Copy forwarded to:-

1. PS to Chief Minister Khyber Pakhtunkhwa
2. PS to Chief Secretary Khyber Pakhtunkhwa
3. Mr. Banaras Khan Jadoon Central President APCA Pakistan
4. All Secretaries Khyber Pakhtunkhwa
5. All Deputy Secretaries Khyber Pakhtunkhwa
6. All Head of Departments Civil Secretariat Peshawar
7. All Concerned Head of Departments Khyber Pakhtunkhwa
8. All Head of Departments Khyber Pakhtunkhwa
9. Inspector General of Police Khyber Pakhtunkhwa
10. All Commissioners Khyber Pakhtunkhwa
11. All Deputy Commissioners Khyber Pakhtunkhwa
12. All Assistant Commissioners Khyber Pakhtunkhwa
13. All District President/General Secretaries APCA Khyber Pakhtunkhwa
14. All Provincial President APCA Pakistan
15. All Office bearers concerned
16. All Newspapers for publication

ATTESTED


Election Commissioner APCA
Khyber Pakhtunkhwa


(SADAAT IQBAL)
Election Commissioner APCA
District Mardan



Office Of The Chief Engineer (Centre)
Communication & Works Department
Khyber Pakhtunkhwa Peshawar

No. 220-E / 1717 / CEC / C&WD

Dated Peshawar the 15/03/2017

Annex-B
P. 11

OFFICE ORDER

The following posting/ transfer of Junior Clerks in the C&W Department, is hereby ordered, in the public interest, with immediate effect :-

Sl. No.	Name	From	To	Remarks
1.	Mr. Saleemur Rehman (Junior Clerk)	O/O SE C&W Circle Mardan	Junior Clerk O/O XEN C&W Division Dir Upper	Existing Vacancy
2.	Mr. Aurangzeb-V (Junior Clerk)	Junior Clerk O/O XEN Building Division Mardan	Junior Clerk O/O XEN C&W Division Dir Lower	Vice # 3
3.	Mr. Aimal Khan ✓ (Junior Clerk)	Junior Clerk O/O XEN C&W Division Dir Lower	Junior Clerk O/O XEN Building Division Mardan	Vice # 2

CHIEF ENGINEER (CENTRE)

Copy forwarded to the :-

- 1) Chief Engineer (North) C&W Department Peshawar.
- 2) Superintending Engineers C&W Circle Mardan / Dir Lower.
- 3) Executive Engineer Building Division Mardan.
- 4) Executive Engineers C&W Division Dir Lower / Dir Upper.
- 5) District Accounts Officers District Mardan / Dir Lower / Dir Upper.
- 6) Officials Concerned.

3-12

CHIEF ENGINEER (CENTRE)

TESTED

Election Commissioner APCA
District Mardan

To:

The Executive Engineer
C&W Division Mardan

Amended C
P. 12

Subject :

POSTING/TRANSFER OF JUNIOR CLERKS

Ref:

Chief Engineer Centre C&W Deptt: Khyber Pakhtunkhwa Peshawar
Office Order No.220-E/1717/CEC/C&WD dated 15-03-2017.

In compliance to the above referred office order, it has to brought in your kind notice that:-

1. As my predecessor Mr. Aurang Zeb Kashamiri Junior Clerk is drawing pay against the post of Senior clerk and there is no vacant post of Junior Clerk to draw my pay against such vacant post.
2. As I am a bonafied resident of District Peshawar, and have no interest of my posting at Mardan.

Therefore in such situation I am unable to report my arrival for duty.

Submitted for your kind information please.

Yours Obediently

DAO C&W/HC
For Mardan
A. E. V.


20/3/2017
(AIMAL KHAN)

Junior Clerk

O/O The Executive Engineer
C&W Building Division Dir (Lower)

ATTESTED


Appeal

Ammed. D
P. 13

The ~~Chief~~ Secretary (EEA)
Khyber Pakhtunkhwa Peshawar

Subject: Representation/Departmental Appeal Against Order No.220-E/1717/CEC/C&WD Peshawar Dated 15-03-2017 Issued by your good Office vide which the petitioner/appellant transferred to office of XEN C & W Division Dir Lower is incorrect against law, facts and policy and in effective upon the rights of appellant and the said order is liable to be set-aside to the extent of appellant and the appellant be allowed to continue his services in his previous place of posting i.e office of XEN Building Division Mardan

Respectfully Sheweth,

The appellant humbly submits as under:-

1. That the appellant is posted in C&W Department as Junior Clerk in the office of XEN C & W Building Division Mardan in own pay scale against the post of Senior Clerk.
2. That the appellant is performing his duties to the entire satisfaction of his superiors and the service record of the appellant is spotless and blameless.
3. That the appellant is not involved in any kind of Departmental proceeding and it was to the utter shock and dismay when the appellant received the impugned order dated 15-03-2017. (Copy is attached as Annex A)
4. That the transfer order of the appellant is liable to set-aside on the following grounds.

GROUND

- A. That the appellant is the President of All Pakistan Clerks Association (APCA) Khyber Pakhtunkhwa hence the appellant is office bearer of an Association and as per notification of the Provincial Govt the office bearer cannot be transferred. (Copy of notification is attached as Annex B)
- B. That the wife of the appellant Mst Insha Bibi is posted in Education Department Mardan as Qaria BPS-16 at Govt Girls Centennial Model School Canal Road Mardan. (Copy of service certificate is attached as Annex C)
- C. That as per spouse policy it is mandatory, that both the official (spouse) will perform their duties at the same station hence the

ATTESTED

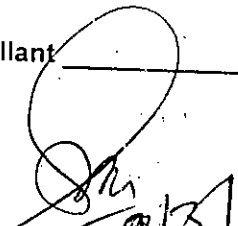
transfer order of the appellant is liable to set-aside. (Copy of spouse policy is attached as Annex D)

- P.14
- D. That the impugned transfer order is based on malafide intention which is evident from the said order.
- E. That as per PIFRA rules and ground realities and record there is no vacant post of Junior Clerk in C & W Building Division Mardan hence the official mentioned at Sr.No.3 Namely Aimal Khan Junior Clerk is wrongly adjusted against the post of appellant just to harras the appellant.
- F. That the impugned order is liable to be set-aside just to disturb the Association Activities of the appellant who has good reputation all over the province.

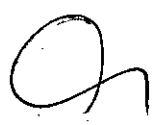
Therefore it is humbly prayed that by acceptance of the instant appeal the impugned order may kindly be set-aside to the extent of appellant and issue order to continue his services in his previous place of posting i.e. office of XEN C & W Building Division Mardan.

Dated 28-03-2017

Appellant


Aurangzeb
(Provincial President)
APCA Khyber
Pakhtunkhwa

30/03/2017



کدالان صاحب احمد علی گنڈا درانی سول جج
 کدالان دیوالی گودا

Amara E
 P. 15



شیخ مسعود احمدی صاحب گنڈا درانی باغ گودا درانی
 XEN آفسیس سہ ماہیہ ڈوٹرن گودا درانی (مدعی)

دعا: دعا کا خلاصہ
 1. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔
 2. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔
 3. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔
 4. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔
 (مدعی)

دعویٰ استحقاق عینی پر ہے جو کہ حکم شمارہ مذکور کے تحت نمبر No 220 E/1717
 CEC/C 450

1. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔
 2. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔
 3. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔
 4. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔
 5. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔
 6. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔
 7. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔
 8. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔
 9. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔
 10. کہہ دیجئے کہ (مدعی) نے (مدعى عليه) کو اپنے گودے میں داخل کیا ہے۔

نمائندہ دعویٰ و تدارق عدالت
 اندر (مدعی) کے ذریعہ
 مدعی علیہ اندر (مدعى عليه) کے ذریعہ
 دیوانی عدالت

حاضر اور پیش کنندہ
 15/ - 2007
 15/ - 2007
 500/-

ATTESTED



شروط

قضاء عالیہ مردان کی اگلا ماہی مورخ ۱۷/۴/۱۷

کا پے ٹورانی جائے = غیر وکوں گا پی

لف ہے۔ در فوائسہ ہم امتنا میں مشورہ عمل ہے۔
ظاہر ہوں گے توں رہے۔

CJ - VII - Mardan

Asghar Ali Salarzai
Cj-VII/JM Mardan

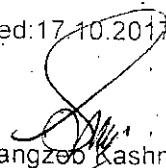
ATTESTED

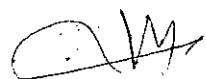
P-16


10
Statement of Aurangzeb Kashmiri son of Sheikh Mir Kashmiri, resident of Guli Bagh, Mardan on oath:

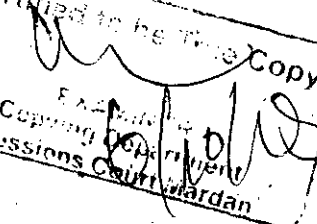
Stated that I have patched up the matter with the defendants and now I do not want to pursue the instant case any further against them. Application for withdrawal is Ex.PA, while copy of my CNIC is Ex.PB. RO&AC.

Dated: 17.10.2017.


Aurangzeb Kashmiri
CNIC No. 16101-4733768-5.


(Asghar Ali Salarzai)
Civil Judge-VII, Mardan.


Asghar Ali Salarzai
Cj-VII/Mardan

Certified to be True Copy
EX-101
Copying Officer
Sessions Court Mardan


ATTESTED


Better Copy

**OFFICE OF CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR**

No 177-E/13/CEC/C&W
Dated Peshawar 03.10.2018

P.17

OFFICE ORDER

On the recommendations of Departmental Promotion Committee in its meeting held on 17/08/2018 at 02.00 PM the following Junior Clerks (BS-11) have been cleared for promotion to the Cadre post of Senior Clerks BS-14 in C&W Department on Regular basis with immediate effect.

- 1) Mr. Gohar Ali = On Regular Basis
- 2) Mr. Mustafa Ahmed = On Regular Basis
- 3) Mr. Muhammad Shafi = On Regular Basis
- 4) Mr. Noor Salam = On Regular Basis
- 5) Mr. Taj Muhammad = On Regular Basis
- 6) Mr. Sher Afzal = On Regular Basis
- 7) Mr. Rahatullah = On Regular Basis
- 8) Miss Rubina Nazli = On Regular Basis
- 9) Mr. Liaqat Ali IV = On Regular Basis
- 10) Mr. Waqar Ahmad Afridi = On Regular Basis
- 11) Mr. Hassan Khan = On Regular Basis
- 12) Mr. Arzali Khan = On Regular Basis
- 13) Mr. Sartaj Khan = On Regular Basis
- 14) Mr. Zahir gul = On Regular Basis
- 15) Mr. Sabir Ali = On Regular Basis
- 16) Mr. Arbab Hussain = On Regular Basis
- 17) Mr. Fazal Wahid = On Regular Basis
- 18) Mr. Alamgir Khan = On Regular Basis
- 19) Mr. Mumtaz Hussain = On Regular Basis
- 20) Mr. Asif Ali = On Regular Basis
- 21) (sic) = On Regular Basis
- 22) Mr Sarjat Anwar = On Regular Basis
- 23) Mr. Shabir Zaman = On Regular Basis
- 24) Mr. Mir Abbas Khan = On Regular Basis
- 25) Mr. Ihsan Akbar = On Regular Basis
- 26) Mr. Noor Alam Khan = On Regular Basis
- 27) Mr. Imtiaz Ali = On Regular Basis
- 28) Mr. Khan Pasand = On Regular Basis
- 29) Mr. Irshad Qadir = On Regular Basis
- 30) Mr. Sabir Shah = On Regular Basis

2. On their Regular Promotion as Senior Clerks BS-14) they will be on probation from a period of one year in terms of Section 6(2) of Civil Servant Act, 1973 read with Rules 15 (1) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon above promotions as Senior Clerks, the posting/ transfer of the following officials of C&W Department is hereby ordered, in the public interest with immediate effect:-

S No	Name with designation	From	To	Remarks
1)	Gohar Ali	Junior Clerk O/O XEN C&W Division Shangla	Senior Clerk (SDA) O/O XEN C&W Divn, Shangla	Vice Amanullah promoted
2	Mr. Mustafa Ahmed	Junior Clerk O/O XEN C&W Building FATA Division NWA at Miranshah	Senior Clerk, Services placed at the disposal of Chief engineer FATA W&S Deptt Peshawar	Existing Vacancy
3	Mr. Muhammad Shafi	Junior Clerk O/O XEN FATA Division SWA Tank	Senior Clekr SDA O/O XEN Building Divn D I Khan	Vice M. Younis Javed transferred
4	Mr. Noor salam	Junior Clerk O/O XEN Highway FATA Division NWA	Senior Clerk SDA O/O XEN Highway Divn DI Khan	Vice No. 31
5	Mr. Taj Muhammad-I	Junior Clerk O/O XEN Highway FTAA Division NWA	Senior CLekr, Services placed t the disposal of Chief Engineer FATA W&S Deptt Peshawar	Exiting Vacancy

ATTESTED

S No	Name with designation	From	To	Remarks
24	Mr. Mir Abbas Khan	Junior Clerk O/O XEn C&W FATA Division FR Peshawr/ Kohat	Senior Clerk SDA O/O XEn Divn Dir Upper	Vice Muhammad Nawab Khan promoted
25	Mr. Ihsan Akbar	Junior Clerk O/O SE C&W Circle Peshawar	Senior Clerk SDA O/O XEn Building Divn Mardan	Vice Akhtar Zeb died
26	Mr. Noor Alam Khan	Junior Clerk O/O SE PB<C C&WD Peshwar	Senior Clerk SDA, O/O XEn C7W Dibn Shangla	Vice fazle Moula Promoted
27	Mr. Imtiaz Ali	Junior Clerk O/O Chief Engineer (North) C&WD Peshwar	Senior Clerk (SDA) O/O XEn C&W Divn. Charsadda	Vice No. 33
28	Mr Khan pasdn	Junior Clerk O/O XEn PBC II C&WD Peshawar	Senior Clerk SDA O/O XEn PBC -II Peshawar	Vice Afzal Shah transferred
29	Mr. Irshad Qadir	Junior Clerk O/O XEn C&W FATA Division Mohmand Agency	Senior Clerk O/O XEn Building Dibn No.2 Peshawar	Against Waqar Ahmed Afriid
30	Mr. Sabir Shah	Junior Clerk O/O XEn PBC-II C&WD Peshawar	Senior Clerk (SDA), O/O XEn PBC-II Peshawar	Vice Saifullah Promoted
31	Mr. Aftao Khan	Senior Clerk SDA O/O XEn Highway Divn D I Khan	Service placed at the disposal of Chief eningeer FATA W&S Department Peshawar	Existing Vacnacy
32	Mr. Naveed Ahmad-II	Senior Clerk O/O SE C&W Circle Swat	Senior Clerk SDA O/O XEn Building Divn. Mardan	Existing vacancy Vice Aurangzeb V J/Clerk already transferred vide this office roder No. 220-E/1717/CEC C&WD dated 15.03.2017
33	Mr. Abdul Karim	Senior Clerk (SDA) O/O C&W Divn. Charsadda	Senior Clerk O/O XEn C&W Divn Swabi	Existing Vacancy
34	Mr. Fazal Ghaffar	Senior Clerk O/O Profect Director PaRRSA/ USAID Project Unit Peshawar	Senior Clerk O/O XEn Building Divn Swat	Existing Vacancy

Chief Engineer (Centre)

Copy forwarded to

1. Chief Engineer(North) C7W Department, Peshawar.
2. Chief Engineer(East) C&W Department, Abbottabad.
3. Chief Engineer (FATA) W&S Department, Peshawar
4. Managing Director PKHA Peshawar.
5. Accountant General KPP Peshawar.
6. Accoutnant General PR Sub Office Peshawar
7. Superintending Engineers C&W Cirlice concerned
8. Project Director PaRRSA/IS Aid Project Unit C&W De Deptt Peshawar
9. Executive engineer (Estb) C&W Department Peshawar.
10. Section Officer (Estb) C&W Department Peshawar.
11. District Accounts Officers (Concerned)
12. Agency Accounts Officers (Concerned)
13. Officials concerned.

ATTESTED

Chief Engineer (Centre)

OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

No. 177-EM/09/CEC/C&W

Dated Peshawar the 03/10/2010

Annex F
P. 17

OFFICE ORDER

On the recommendations of Departmental Promotion Committee in its meeting held on 22/09/2010 at 12:00 PM, the following Junior Clerks (BS-11) have been cleared for promotion to the Grade of Senior Clerks (US-14) in C&W Department on Regular basis with immediate effect:-

- | | | | |
|-----|-----------------------|---|------------------|
| 1) | Mr. Gohar Ali | = | On Regular basis |
| 2) | Mr. Mustafa Ahmad | = | On Regular basis |
| 3) | Mr. Muhammad Shah | = | On Regular basis |
| 4) | Mr. Noor Salam | = | On Regular basis |
| 5) | Mr. Taj Muhammad-I | = | On Regular basis |
| 6) | Mr. Razaullah-II | = | On Regular basis |
| 7) | Miss Rubina Naza | = | On Regular basis |
| 8) | Mr. Liaqat Ali-IV | = | On Regular basis |
| 9) | Mr. Waqar Ahmad Athar | = | On Regular basis |
| 10) | Mr. Hassan Khan | = | On Regular basis |
| 11) | Mr. Arzai Khan | = | On Regular basis |
| 12) | Mr. Sartaj Khan | = | On Regular basis |
| 13) | Mr. Zahar Gul | = | On Regular basis |
| 14) | Mr. Sabir Ali | = | On Regular basis |
| 15) | Mr. Ahsan Hussain | = | On Regular basis |
| 16) | Mr. Iqbal Wajidi | = | On Regular basis |
| 17) | Mr. Alam Khan | = | On Regular basis |
| 18) | Mr. Mumtaz Hussain | = | On Regular basis |
| 19) | Mr. Asif Khan | = | On Regular basis |
| 20) | Mr. Shah Zaman | = | On Regular basis |
| 21) | Mr. Mir Abbas Khan | = | On Regular basis |
| 22) | Mr. Ihsan Akbar | = | On Regular basis |
| 23) | Mr. Noor Alam Khan | = | On Regular basis |
| 24) | Mr. Imtiaz Ali | = | On Regular basis |
| 25) | Mr. Khan Mansoor | = | On Regular basis |
| 26) | Mr. Irshad Qadir | = | On Regular basis |
| 27) | Mr. Saad Shah | = | On Regular basis |



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2- On their Regular Promotion as Senior Clerks (US-14), they will be on probation for a period of one year in terms of Section-6(2) of Civil Servant Act, 1973 read with Rules-15(1) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1909.

3- Consequent upon above promotions as Senior Clerks, the posting/ transfer of the following officials of C&W Department is hereby ordered, in the public interest with immediate effect:-

Sl No.	Name of officials	From	To	Remarks
1)	Mr. Gohar Ali	Junior Clerk O/O XEN C&W Division Shangla	Senior Clerk (SDA) O/O XEN C&W Divn. Shangla	Vice Amanullah promoted
2)	Mr. Mustafa Ahmad	Junior Clerk O/O XEN C&W Building Division NWA Miranshah	Senior Clerk, Services placed at the disposal of Chief Engineer (FATA) W&S Deptt. Peshawar	Existing Vacancy
3)	Mr. Muhammad Shafi	Junior Clerk O/O XEN Highway FATA Division SWA Tank	Senior Clerk (SDA) O/O XEN Building Divn. DIKhan	Vice M. Younis Javed transferred
4)	Mr. Noor Salam	Junior Clerk O/O XEN Highway FATA Division NWA	Senior Clerk (SDA) O/O XEN Highway Divn. DIKhan	Vice No.31
5)	Mr. Taj Muhammad-I	Junior Clerk O/O XEN Highway FATA Division NWA	Senior Clerk, Services placed at the disposal of Chief Engineer (FATA) W&S Deptt. Peshawar	Existing Vacancy

[Handwritten mark]

Election Commissioner APCA
District Mardan

	Name of officials	From	To	Remarks
	Mr. Far Abbas Khan	Junior Clerk O/O XEN C&W FATA Division Peshawar/Kohat.	Senior Clerk (SDA) O/O XEN C&W Divn. Dir Upper	Vice Muhammad Nawab Khan promoted
25)	Mr. Insan Akbar	Junior Clerk O/O SE C&W Circle Peshawar	Senior Clerk (SDA) O/O XEN Building Divn. Mardan	Vice Akhtar Zeb died
25)	Mr. Noor Alam Khan	Junior Clerk O/O SE P&MC C&WD Peshawar	Senior Clerk (SDA) O/O XEN C&W Divn. Shangla	Vice Fazle Mousa promoted
27)	Mr. Imtiaz Ali	Junior Clerk O/O Chief Engineer (North) C&WD Peshawar	Senior Clerk (SDA) O/O XEN C&W Divn. Charsadda	Vice No.33
28)	Mr. Khan Pasand	Junior Clerk O/O XEN PBC-II C&WD Peshawar	Senior Clerk (SDA) O/O XEN PBC-II Peshawar	Vice Afzal Shah transferred.
29)	Mr. Irtad Qadir	Junior Clerk O/O XEN C&W FATA Division Mohmand Agency	Senior Clerk O/O XEN Building Divn. No.2 Peshawar	Against Waqar Ahmad Afridi (appearing at No.10) who after actualization has been posted to PKHA.
29)	Mr. Salim Shah	Junior Clerk O/O XEN PBC-II C&WD Peshawar	Senior Clerk (SDA) O/O XEN PBC-II Peshawar	Vice Saifullah promoted
31)	Mr. Altaf Khan	Senior Clerk (SDA) O/O XEN Highway Divn. Dikhan	Service placed at the disposal of Chief Engineer (FATA) W&S Department, Peshawar	Existing Vacancy
32)	Mr. Naveed Ahmad-II	Senior Clerk O/O SE C&W Circle Swat	Senior Clerk (SDA) O/O XEN Building Divn. Mardan	Existing Vacancy (Vice Aurangzeb-V (J/Clerk) already transferred vide this office order No. 220-E/17/17/CEC/C&WD dated 15-03-2017)
33)	Mr. Abdul Karim	Senior Clerk (SDA) O/O C&W Divn. Charsadda	Senior Clerk O/O XEN C&W Divn. Swabi	Existing Vacancy
34)	Mr. Fazal Ghaffar	Senior Clerk O/O Project Director PaRRSA/IS Aid Project Unit, Peshawar	Senior Clerk O/O XEN Building Divn. Swat	Existing Vacancy

Copy is forwarded to the:-

- 1- Chief Engineer (North) C&W Department, Peshawar.
- 2- Chief Engineer (East) C&W Department, Abbottabad.
- 3- Chief Engineer (FATA) W&S Department, Peshawar.
- 4- Managing Director PKHA Peshawar.
- 5- Accountant General, KPK Peshawar.
- 6- Accountant General (PR) Sub Office Peshawar.
- 7- Superintending Engineers C&W Circle (concerned).
- 8- Project Director PaRRSA/IS Aid Project Unit C&W Deptt. Peshawar.
- 9- Executive Engineer C&W/Building/Highway Division (concerned).
- 10- Section Officer (Estb) C&W Department Peshawar.
- 11- District Accounts Officers (concerned).
- 12- Agency Accounts Officers (concerned).
- 13- Officials concerned.

CHIEF ENGINEER (CENTRE)

CHIEF ENGINEER (CENTRE)

(SADAT IQDAL)
Election Commissioner APCA
District Mardan

To,

The Secretary C & W,
Khyber Pakhtunkhwa Peshawar

Annex = G
P. 19

Subject:

REPRESENTATION / DEPARTMENTAL APPEAL AGAINST ORDER NO. 177-E PESHAWAR DATE 03/10/2018 ISSUED BY CHIEF ENGINEER VIDE WHICH THE PETITIONER / APPELLANT TRANSFERRED TO OFFICE OF XEN C & W DIVISION LOWER DIR IS INCORRECT AGAINST LAW, FACTS AND POLICY AND IN EFFECTIVE UPON THE RIGHTS OF APPELLANT AND THE SAID ORDER IS LIABLE TO BE SET-ASIDE TO THE EXTENT OF APPELLANT AND THE APPELLANT BE ALLOWED TO CONTINUE HIS SERVICES IN HIS PREVIOUS PLACE OF POSTING I.E OFFICE OF XEN BUILDING DIVISION MARDAN

Respectfully Sheweth,

The appellant humbly submits as under:-

1. That the appellant is posted in C & W Department as Junior Clerk in the office of XEN C & W Building Division Mardan in own pay scale against the post of Senior Clerk.
2. That the appellant is performing his duties to the entire satisfaction of his superiors and the service record of the appellant is spotless and blameless.
3. That the transfer order of the appellant is liable to set-aside on the following grounds.

GROUND:

A. That the appellant is the President of All Pakistan Clerks Association (APCA) Khyber Pakhtunkhwa and General Secretary APCA District Mardan. Hence the appellant is office bearer of an Association and as per notification of the provincial Govt the office bearer cannot be transferred. (Copy of notification is attached as Annex A)

That the Wife of the appellant Mst. Insha Bibi is posted in Education Department Mardan as Qaria BPS-16 at Govt Girls Centennial Model School Canal Road Mardan. (Copy of service certificate is attached as Annex B).

C. That the appellant having enmity with Gul Zamin at Batkhela District Lower Dir and the appellant large FIR No. 998 dated 17/09/2018 P.S City Mardan against the said person. (Copy to FIR is attached as Annex C)

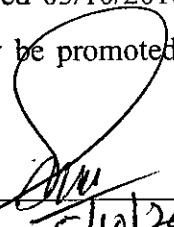
ATTESTED

- D. That as per spouse policy it is mandatory, that both the official (Spouse) will perform their duties at the same station hence the transfer order of the appellant is liable to set-aside. (Copy of spouse policy is attached as Annex D)
- E. That the impugned transfer order is based on malafide intention which is evident from the said order.
- F. That since the appellant is Senior Most Junior Clerk in the whole province and has promotion has been deferred due to pending inquiry, which has took one and half year which shows biased attitude of the concerned officers who failed in conducting the inquiry in which a long time which was directed by the competent authority to complete the same within 15 days. Which has already caused great financial loss & mental agnoy to the appellant.
- G. The now after one & half year when the appellant withdrew his case, the said order has been received, which is unjust and against law.
- H. That the appellant is Senior Most Junior Clerk and his wife is serving in District Mardan as Qaria in Education Department, therefore it will be very difficult for him, if he is posted outside the District in contravention of the spouse policy.
- I. That the order referred to (220-E/1717/CED C & W dated 15-03-2017) at Serial No. 32 in order No. 177-E/13 CED C & W, dated 03-10-2018, which has already been directed by the Provincial Chief Executive (CM) to be cancelled vide letter No. SOV/CMS/KPK/3-01-2017, dated 06-09-2017, but the competent authority did not cancel the same on the pretext that case regarding the same matter was subjudice in Court and asked the appellant verbally to withdraw the court case, therefore the said order would be cancelled, hence the appellant withdraw the case on 17-10-2018. (Copy attached as Annex E).

That since the competent authority neither cancelled the said order nor did asked/ordered the appellant to leave the post and was let to continue work on the said post.

Therefore, it is humbly prayed that the impugned order dated 03/10/2018 Serial No. 32 may kindly cancelled and the appellant may kindly be promoted on the post held at O/O XEN Building Mardan.

ATTESTED

Appellant 
Aurangzeb Khan 5/10/2018
 Junior Clerk C & W
 Building Division Mardan
 Provincial President APCA KPK

Copy forwarded to the:

1. Chief Minister Khyber Pakhtunkhwa.
2. Chief Secretary Khyber Pakhtunkhwa.
3. Minister Communication & Works Khyber Pakhtunkhwa.
4. Chief Engineer Center / North Peshawar.
5. SE C & W Circle Mardan.
6. XEN Building Division Mardan.

بجٹ آفٹ جناب سیکرٹری سول جج صاحب اعلیٰ علاقہ قاضی ضلع دیر پائین بمقام تیمر گڑھ

جوئیٹر کلرک

اورنگزیب کشمیری ولد شیخ میر سکنہ شیخ ملتون سٹریٹ نمبر 13 مکان نمبر S-326 مردان حال آیکسین بلڈنگ ڈویژن
لوئر دیر۔۔۔۔۔ (مدعی)

بنام

(۱) چیف انجینئر (نارتھ) سی اینڈ ڈبلیو ڈی پارٹمنٹ پشاور۔

(۲) XEN بلڈنگ ڈویژن مردان

(۳) ڈسٹرکٹ اکاؤنٹ آفیسر مردان

دعویٰ استقرار حق وغیرہ۔

دعویٰ استقرار حق بدین مراد کہ مدعی آل پاکستان کلرک ایسوسی ایشن کا صوبائی صدر اور ضلع مردان

(الف)

کا سیکرٹری جنرل ہے۔ اور بحوالہ نوٹیفیکیشن نمبر SOS(S&GAD)-B16792 مورخہ

07-07-1992 کے تبادلہ اپنے ضلع سے باہر نہ کی جانی ہے جبکہ مدعی کی زوجہ محکمہ تعلیم میں قاریہ

کی آسامی پر تعینات گورنمنٹ گرلز سینئر مڈل سکول مردان ہے۔ جبکہ گورنمنٹ کے نوٹیفیکیشن کے

مطابق حکم SORE&D1/85V3 مورخہ 15-02-2003 ریگولیشن دنگ حکومت KPK

کے نیز مدعی کی تبدیلی ضلع خود سے باہر ممنوع ہے۔ جبکہ مدعی کی لوئر دیر میں مدعی کی دشمنی ہے جو کہ

Muhammad Fayyib Jan
Senior Civil Judge/ AQ
Dir (L) at Timergara

فکر عدلت نمبر 998 مورخہ 13-09-2018 پولیس سٹیشن تھانہ سٹی مردان برخلاف گل زمین

وغیرہ بلزم سکنہ ٹھیلہ کے رہائشی ہے جس سے مدعی کو سخت جانی خطرہ لاحق ہے اور حکم تبادلہ مدعی

مخائب مدعا علیہ نمبر 1 ٹرانسفر آرڈر نمبر 3-177 و سیریل نمبر 32 مورخہ 03-10-2018

جسکی رو سے مدعی کی لوئر دیر میں تبدیل کیا گیا ہے۔ جو خلاف قانون خلاف واقعات بنی بر بدعتی

و حقوق مدعی غیر موثر اور کالعدم ہے۔

دعویٰ صدور حکم امتناعی تاکید بنام مدعا علیہم و مدعی کو موجودہ آسامی سے بروئے آرڈر نمبر

(ب)

3-177 مورخہ 03-10-2018 تبدیل کرنے مدعی سے چارج حاصل کرنے اور بندشی تنخواہ

اور ہر قسم کی انتظامی کارروائی برخلاف مدعی سے منع و بازر ہے۔

بنائے دعویٰ برخلاف مدعا علیہم عرصہ چند یوم قبل

مالیت بغرض کورٹ فیس و اختیار سماعت

بعد از انکار مدعا علیہم اندر حدودات عدالت پلدا

جز (الف)۔۔۔۔۔ 2001 روپیہ

پیدا شد۔

جز (ب)۔۔۔۔۔ 2001 روپیہ

(جاری صفحہ نمبر 2)

جناب عالی! دعویٰ مدعی حسب ذیل عرض رساں ہے۔

(۱) یہ کہ مدعی اپکا کا صوبائی صدر اور ضلع مردان کا جنرل سیکریٹری ہے۔ جبکہ حکومت نوٹیفیکیشن نمبر SOS(S&GAD)-B16792 مورخہ 07-07-1992 نقل منسلکہ کے مدعی کا تبادلہ کسی بھی صورت میں اپنے ضلع سے باہر نہیں ہو سکتا۔ جبکہ مدعی کی زوجہ بحیثیت قارعہ گورنمنٹ گرلز سینیئر سیکنڈری اسکول مردان تعینات ہے اور حکومت کے نوٹیفیکیشن (Spouse Policy) نمبر SORE.D/185-3 مورخہ 15-02-2003 ریگولیشن ونگ حکومت خیبر پختونخواہ نقل منسلکہ کے نیز مدعی کی تبدیلی غیر آئینی خلاف آرڈر مذکور ہے۔

یہ کہ مدعا علیہ نمبر 1 نے ماقبل ٹرانسفر آرڈر نمبر 220/E/1717/C&W مورخہ 15-03-2017 صادر کیا جسکے متعلق مدعی نے ایک دعویٰ دیوانی 186/1 دائر عدالت دیوانی مردان دائر کیا اور اس دعوے کو متعلق برائے آرڈر چیف ایگزیکٹو (CM Directive) نمبر 1230/31 مورخہ 06-09-2017 کے مدعا علیہ نمبر 1 کو آرڈر تبدیلی مذکور کے منسوخ کی تلقین کی گئی اور اس حکم کی روشنی میں مدعا علیہ نمبر 1 نے اس شرط پر کہ مدعی اپنا دعویٰ زیر تجوید عدالت دیوانی سے واپس کر لے تو آرڈر مذکور کو منسوخ کر دیا جائیگا۔ لہذا مدعا علیہ نمبر 1 کی یاد دہانی و اقرار پر مدعی نے دعویٰ خود عدالت دیوانی سے واپس لے لیا۔ جبکہ مدعی مابعد مدعی کے خلاف ڈیڑھ سال بعد اسی سابقہ آرڈر بحال کر کے مدعی کی لوریڈیر کردی اور تنخواہ مدعی مردان سے بعد کردی۔ جبکہ مدعی کی پروموشن بھی تحت انتظامی بند کی ہے۔ جبکہ صوبہ بھر میں مدعی ٹاپ سینئر ہے مگر دو دفعہ مدعی کی پروموشن مدعی کے بجائے دیگر افراد کو پروموشن کیا ہے۔

(۲)
-1
16-10-078
Senior Civil Judge AIC
Dir. (L) at Timergate

(۳) یہ کہ بحالات واقعات بالا کے مدعی کے خلاف حکم تبدیلی سراسر مبنی بر بد نیتی انتظامی کارروائی کے تحت ہے اور خلاف آئین و خلاف قانون بوجوہات مندرجہ عنوان ہے۔

(۴) دعویٰ صدر حکم انتظامی تاکیدی بنام مدعا علیہ کہ وہ آرڈر نمبر 3-177 مورخہ 03-10-2018 سیریل نمبر 32 کے تحت مدعی کی تبدیلی کو منسوخ کر کے مدعی کو اپنی آسامی پر بحال کریں۔ اور ہر حکم انتظامی کارروائی بندش تنخواہ مدعی اور دیگر جملہ کارروائی برخلاف مدعی سے منع و بازر ہے۔

(۵) یہ کہ ہر چند مدعا علیہ کو خانگی طور پر کہا گیا ہے۔ کہ وہ آرڈر متدعوئیہ کو منسوخ کر کے مدعی کی تنخواہ کو واپس گزار

ATTESTED

(3)

کریں اور ہر قسم کی انتقامی کارروائی برخلاف مدعی کرنے سے باز رہے۔ مگر وہ لیت و لعل کر کے اب صاف انکاری ہے۔ جسکی وجہ سے ضرورت نالاش ہذا لاحق ہے۔

(۶) یہ کہ مالیت بغرض کورٹ فیس و اختیار سماعت و بنائے دعویٰ درست طور پر درج عنوان ہے۔

استدعاء ہے کہ ڈگری متدعیہ صدر عنوان حسب فریقینی مع خرچہ مقدمہ بحق مدعی برخلاف مدعا علیہم صادر فرمائی جاوے نیز دیگر دادرسی بھی جو قرین انصاف عدالت حضور مرحمت فرمائی جاوے۔

مورخہ: 16-10-2018

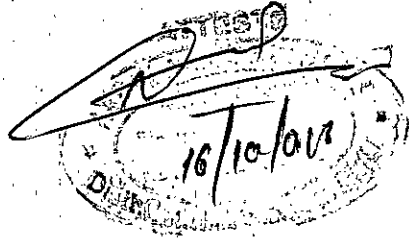
بیان حلفی

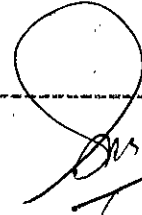
حلفاً بیان کرتا ہوں کہ جملہ مراتب بالاتحاد میرے علم و یقین سے درست صحیح ہے۔





مدعی: اورنگزیب کشمیری بذریعہ وکیل خود

العبد




اورنگزیب کشمیری
16-10-18




Muhammad Tayyib Jan
Senior Civil Judge A/c
Dist (L) at Timergara

FORM "A"
FORM OF ORDER SHEET

Annex-1
P-29

Court of Senior Civil Judge/AIQ Dir Lower at Timergara

Case No _____ of _____

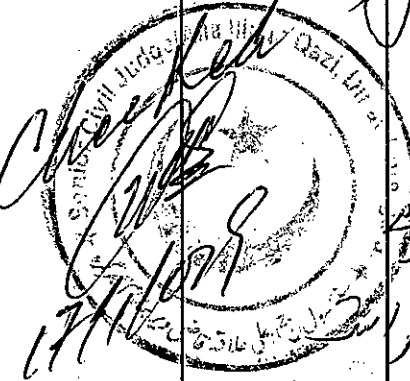
Title محمد اجنیر سے اجنیر کے لئے vs ادرنیزہ شیری

Serial No. Of Order Or Proceedings	Date of Order Or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3

0-1

16/10/08

دعویٰ نذرا اجنیر کا دائرہ کار میں شریک
شیر علی بیگم



صہ عالی
دعویٰ نذرا اجنیر کے لئے صفا شریک
دستاویزات۔ سرورس ٹیٹولیکٹ، ڈائریکٹر آڈرنگ
نقل FIR صفا شریک اور کل نو صفحات
نقل حکم سول جج-11 برائے ایف دعویٰ نذرا
سرورس ڈکارت نامہ کئی قریب اجنیر ڈائریکٹ اور
بابت حکم امتناعی تاکہ ایف سے ایف دعویٰ
نذرا ہے۔

ادراش عرض ہے۔
TESTED

0-2

16/10/08

دعویٰ نذرا اجنیر کے لئے شریک
نقل حکم شریک۔ سرورس ڈکارت نامہ تاکہ ایف سے ایف دعویٰ

No. Of Order Or Proceedings	Date of Order Or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3

درست تسلیم کرنا ہے۔ لہذا درج رسید
 متعلقہ سے نوٹس بنا کر (فیس آنہر)
 مورخہ 11/11/18 کو کھلے جاری ہے۔ عدالت کے
 AD کارڈز جمع ہوں۔ سب دعوئی لہذا کے
 ساتھ درخواست حکم امتناعی تاکہ وہی دائر
 کر رہے ہے۔ لہذا Status Quo آنہر
 (19) کیوں ہے وہی جا کر عدالت کو اس بابت
 نوٹس جاری ہوں کہ عدالت پر قسم
 امتناعی کارڈ ای اور بندش تو اس کا مدعی سے
 باز مع رہے۔ صل برت حاضر و تالیخ
 مورخہ کویتسی میر۔

کارڈ



(Signature)

Senior Civil Judge of AIQ
 Dir (L) at Timergara

0-3 2 11/18

وکیل مدعی جسٹس نمائندہ عدالت کے پاس
 جسٹس نمائندہ عدالت کے پاس
 کارڈ اور 7 رول 11 داخل شدہ۔ صل
 مقدمہ برائے پورا درخواست ویکٹ آنہر
 مورخہ 23/11/18 کویتسی میر۔

(Signature)
 Senior Civil Judge of AIQ

FORM "A"
FORM OF ORDER SHEET

P.25

Court of Senior Civil Judge/AIQ Dir Lower at Timergara

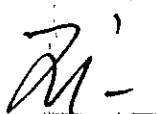
Case No. 322/1 of 12/2018

Title محمد امجد علی خان صاحب vs محمد امجد علی خان صاحب

Serial No. Of Order Or Proceedings	Date of Order Or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3

0-4-	23/11/18	<p>مدعی میرزا علی صاحب - غائب ہے۔</p> <p>میرزا علی صاحب - جو در فریاد</p> <p>راجل شہد - جو در فریاد</p> <p>کلا علی صاحب - جسٹس</p> <p>پرنسپل جو در فریاد</p> <p>مورث 12/10 کو</p> <p>جو در فریاد</p> <p>جو در فریاد</p>
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Muhammad Tayyib Jan
 Senior Civil Judge/AIQ
 Dir (L) at Timergara

نوٹ رقم

10/12/18

صاحب صاحب صاحب، افسر صاحب صاحب

التماسیہ پریس - جسٹس صاحب صاحب

12/19 کو جسٹس صاحب صاحب

ATTESTED

Serial No. Of Order Or Proceedings	Date of Order Or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3

0-5

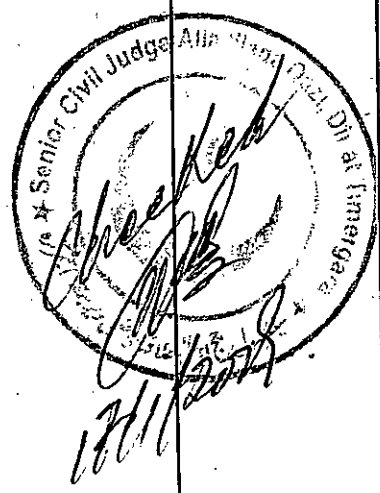
19 12 / 1978

فریقین کے درمیان - جو درخواست داخل شدہ ہے۔ جس سے عدالت نے فیصلہ دیا ہے۔ اس کے بعد اس کے خلاف درخواستیں داخل ہوئی ہیں۔ جس سے عدالت نے فیصلہ دیا ہے۔ اس کے بعد اس کے خلاف درخواستیں داخل ہوئی ہیں۔ جس سے عدالت نے فیصلہ دیا ہے۔

(Signature)
 Muhammad Tayyib Jan
 Senior Civil Judge/AIQ
 Dir (L) at Timergara

Order No. 06

09.01.2019



Presence as before. Replication not submitted. Plaintiff submitted an application for adjournment. Wherein he stated that his counsel has gone to Peshawar High Court Peshawar in connection with other case, and requested for adjournment. Adjourned subject to notice under order 17 Rule 3.

File be put for the replication and further proceedings on 17.01.2019.

(Signature)
 (Muhammad Tayyib Jan)
 Senior Civil Judge/AIQ,
 Dir Lower at Timergara.

P.26

FORM "A"
FORM OF ORDER SHEET

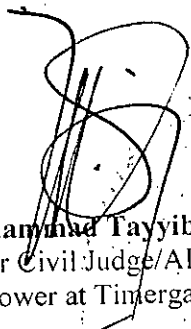
Court of Senior Civil Judge/AIQ Dir Lower at Timergara

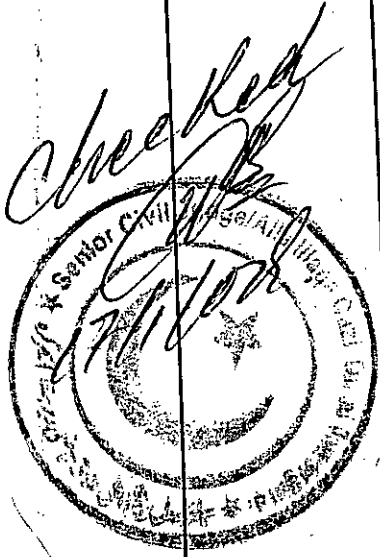
Case No _____ of _____

Title _____ VS _____

Serial No. Of Order Or Proceedings	Date of Order Or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
<p>Order No. 07</p>	<p>17.01.2019</p>	<p>Presence as before.</p> <p>This order of the court is aimed to dispose of the instant application of the petitioners/defendants for the return of the plaint under order 7 rule 10 of the code of civil procedure.</p> <p>Arguments on the application heard and record perused.</p> <p>Perusal of the record reveals that the respondent/plaintiff has filed the instant suit whereby, he has challenged his transfer order bearing No. 177-3 dated <u>03.10.2018</u>. The defendants were summoned who appeared and instead of submitting written statement, have moved the instant application for the return of the plaint.</p> <p>Admittedly the respondent/plaintiff is a civil servant, serving in the Communication and works department and has challenged his transfer order on the grounds;</p> <ol style="list-style-type: none"> i. Of his being the provincial president of the All Clerk Association and as per the notification bearing No. SOS(S&GAD)-B16792, he cannot be transferred; ii. On the strength of the spouse policy vide notification number SORE&D1/85V3 dated 15.02.2003 regulation wing Government of K.P.K

ATTESTED

Serial No. Of Order Or Proceedings	Date of Order Or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 07	17.01.2019	<p>as his wife is also a school teacher serving in district Mardan, he cannot be transferred out; and</p> <p>iii. On the ground of having bad blood/enmity in the district Dir (Lower), his transfer is illegal and unjustified.</p> <p>Irrespective of the nature of the order whether Malafide or bona fide, the suit in hand is clearly barred, as per the article 212 of the constitution of Pakistan 1973 as the jurisdiction in such like cases has exclusively been conferred upon the service Tribunals and the Jurisdiction of the civil courts has been barred. Here, reliance is also placed on the case laws reported as 215 SCMR 456 and 215 CLC 699-B Peshawar.</p> <p>Hence, in light of the above this court has got no jurisdiction in the matter. The suit in hand is hereby returned to the respondent/plaintiff with direction to file it before the competent Forum if need be.</p> <p>Moharrir is directed to do the needful. File be consigned to the record room after necessary completion and compilation.</p> <p>Announced: 17.01.2019</p> <p style="text-align: right;">  (Muhammad Tayyib Jan) Senior Civil Judge/AIQ, Dir Lower at Timergara. </p>



Better Copy

**GOVERNMENT OF NWFP
SERVICES & (SIC) DEPARTMENT
SERVICES WING**

No. SOS(S&GAD) 8 (167)92- Vil. VIII

Dated Peshawar the 7th July, 1992

Annex J

P-97

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

SUBJECT: TRANSFER OF OFFICE BEARS OF ASSOCIATIONS.

Sir

I am directed to refer to this department letter No. SOR.I(S&GAD) 3-4/86 dated 25.3.1986 on the subject noted above and to request once again that the office bears of the service Association should not ordinarily be transferred for the year for which they are office bears as Such.

Yours obedient Servant

Section Officer (Services-IV)

ATTESTED
Q

GOVERNMENT OF PESHAWAR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(SERVICES WING)

Amir J

NO. SOR. I (S&GAD) 86 (167) / 92 - Vol. XII.
Dated Peshawar the 7th July, 1992.

P-27

1242
To: 8-7-1992

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

SUBJECT: - TRANSFER OF OFFICE BEARERS OF ASSOCIATIONS.

Sir,

I am directed to refer to this Department letter No. SOR. I (S&GAD) 344/86, dated 25.3.1986, on the subject noted above and to request once again that the office bearers of the Service Associations should not ordinarily be transferred for the year for which they are office bearers as such.

Your obedient servant;

Mian J. Khan

SECTION OFFICER (SERVICES - IV)


ATTESTED

(Office bearer Policy)

*Attention Mr. Pushing Ahmad
A.S. APCA*


Election Commissioner APCA
District Mardan

SERVICE CERTIFICATE

Amir 
P. 28

Certified that Mst. Ansha Begum has been serving in Education Department as Qaria. His services are appreciable as he rendered his duty with honestly, punctuality and zeal.




District Education Officer
~~District Education Officer~~
(Female), Mardan.

Better Copy

**GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
REGULATION WING**

NO.SOR-II (E&AD) 1-1/85(VOL-II)
Dated Peshawar the 15th February 2003.

Annex 2
P.29

1. All administrative Secretaries in Government of NWFP
2. The Secretary to Governor, NWFP
3. The Secretary Chief Minister NWFP
4. All heads of Attached Departments in NWFP
5. All Heads of Autonomous/ Semi Autonomous Bodies in NWFP.
6. All District Coordination Officers/Political Agents in NWFP.
7. The Registrar Peshawar High Court Peshawar
8. All District and Sessions Judge in NWFP
9. The Secretary NWFP Public Servicer Commission, Peshawar
10. The Director Anti Corruption Establishment.
11. The Secretary Board of Revenue, NWFP Peshawar
12. The Registrar NWFP Service Tribunal Peshawar.

Subject: POSTING /TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

I am directed to refer to the subject noted above and to say that in supersession of all policy instructions issued in this behalf, the competent authority has approved the following posting Transfer Policy.

- i. All the postings /transfers shall be strictly in public interest and shall not be abused misused to victimize the Government servants.
- ii. All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting /transfer authorities for seeking posting /transfers of their choice and against the public interest.
- iii. All contract Government employees, appointed against specific posts, cannot 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 hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v. Months of March and July are fixed for posting /transfer of the officers /officials excluding the officers in B-19 and above in the Province. Posting /transfer in Education and Health Departments shall be made in March while the remaining Departments shall make posting /transfers in July. There shall be a ban on posting/transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where posting /transfer of Government employees become inevitable in other months due to promotion /retirement /creation of new posts/return from long leave/involvement in disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.
- vi. While making postings transfers from settled areas to FATA and vice versa specific approval of the Governor, NWFP needs to be obtained.
- vii. Officers may be posted on executive /administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area /resident is situated.

ATTACHED

- viii. No postings /transfers of the officers/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 and this will be subject to the public interest.
- x. All the posting /transferring authorities may facilitate the postings /transfers of the unmarried female Government Servants at the station of the residence of their parents.
- xi. Officers /officials except DCOs and SPs who are due to retire within one year may be posted on their option, on posts in the Districts of their domicile and be allowed to serve their till the retirement.
- xii. In terms of Rules-17 (1) and (2) read Schedule-III of the Government of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against.

1	2
Outside the Secretariat	
i. 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 the Establishment Department and the Department concerned with the approval of the Chief Minister
ii. Other officers in BPS-17 and above to be posted against schedule posts, or posts normally held be the APUG, PCS (EG) and PCS (SG).	-do-
iii. Head of Attached Departments and other Officers in B-19 & above in all Departments. In the Secretariat:	-do-
iv. Secretaries .	
v. Other Officers of and above the rank of Section Officers	Chief Secretary with the approval of Chief Minister.
a. Within the Same Department.	
b. Within the Secretariat from one Department to another.	Secretary of the Department concerned.
vi. Officials upto the rank of Superintendent:-	Chief Secretary /Secretary Establishment.
a. Within the same Department.	Secretary of the Department concerned.
b. To and from an Attached Department	Secretary of the Department in consultation c. Within the Secretariat from on Department to another. with Head of Attached Department concerned. Secretary (Establishment)

ATTACHED

Transfer Policy 2003

Annex: L

P. 89

GOVERNMENT OF N.W.F.P.
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(REGULATION WING)

No. SOR-HE&AD/1-185 (VOL-11)
Dated Peshawar the 15th February 2003.

78
PT 23/2/03

1. All Administrative Secretaries to Govt of NWFP.
2. The Secretary to Governor, N.W.F.P.
3. The Secretary to Chief Minister, N.W.F.P.
4. All Heads of Attached Departments in NWFP.
5. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
6. All District Coordination Officers/Political Agents in NWFP.
7. The Registrar Peshawar High Court Peshawar.
8. All District and Session Judges in NWFP.
9. The Secretary, NWFP Public Service Commission, Peshawar.
10. The Director Anti-Corruption Establishment, Peshawar.
11. The Secretary, Board of Revenue, NWFP, Peshawar.
12. The Registrar, NWFP Service Tribunal, Peshawar.

POSTING/TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

Subject:
Dear Sir,

I am directed to refer to the subject noted above and to say that in supersession of all policy instructions issued in this behalf, the competent authority has approved the following Posting/Transfer Policy:-

- i) All the postings/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants.
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting transfer authorities for seeking posting/transfers of their choice and against the public interest.
- iii) All contract Government employees, appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas, the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) Months of March and July are fixed for posting/transfer of the officers/officials excluding the officers in B-19 and above in the Province. Posting/transfer in Education and Health Departments shall be made in March while the remaining Departments shall make posting/transfers in July. There shall be a ban on posting/transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where postings/transfers of Government employees become inevitable in other months due to promotion/retirement/creation of new posts/return from long leave/involvement in disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.
- vi) While making postings/transfers from settled areas to FATA and vice-versa specific approval of the Governor, NWFP needs to be obtained.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area residence is situated.

Approved
19/2/03
13/09/03
19/2/03

SECRETARY
LITERARY DEPT.
PESHAWAR

Addl. Secretary (S & L)
Diary No. 128/03
19/2/03

ATTACHED

Election Commissioner APCA
District Mardan

viii) No postings/transfers of the officers/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 and this will be subject to the public interest.

x) All the posting/transferring authorities may facilitate the postings/transfers of the unmarried female Government Servants at the station of the residence of their parents.

xi) Officers/officials except DCOs and SPs who are due to retire within one year may be posted on their option, on posts in the Districts of their domicile and be allowed to serve till the retirement.

xii) In terms of Rule-17(1) and (2) read with Schedule-III of the Government of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officers in column 2 thereof :-

1	2
1. 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 the Establishment Department and the Department concerned with the approval of the Chief Minister.

2. Other officers in BPS-17 and above to be posted against filled posts, or posts held by the APUG, (EG) and PCS(SG).

- do -

3. Head of Attached Departments and other Officers in B-19 & above in all the Depts. In the Secretariat :-

- do -

4. Secretaries.

Chief Secretary with the approval of the Chief Minister.

5. Other Officers of and above the rank of Section Officers:-

Secretary of the Department concerned.

(a) Within the Same Department.

Chief Secretary/Secretary Establishment.

(b) Within the Secretariat from one Department to another.

6. Officials upto the rank of Superintendent:-

Secretary of the Department concerned.

(a) Within the same Department.

Secretary of the Department in consultation with Head of Attached Department concerned.

(b) To and from an Attached Department.

Secretary (Establishment)

(c) Within the Secretariat from one Department to another.

Better Copy

OFFICE OF CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

Ameed M
P-30

No 220-E/2197/CEC/C&W
Dated Peshawar 06.02.2018

Office Order

The following Posting/ transfer of Junior Clerks. In the C&W Department hereby ordered with immediate effect in the public interest.

S No	Name with designation	From	To	Remarks
1.	Mr. Asghar Khan (Junior Clerk)	O/O SE C7w Circle Dir Lower at Timergara	O/O XEN C7W Division Dir Lower	Vice # 2
2.	Mr. Aijmal Khan (Junior Clerk)	O/O XEN C&W Division Dir Lower	O/O SE PBMC C&Wd Peshawar	Vice # 3
3.	Mr. Farhan Ullah (Junior Clerk)	O/O SE PBMC C&WD Peshawar	O/O XEn Highway Division Peshawar	Existing Vacancy

CHIEF ENGINEER (CENTRE)

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Chief Engineer (North) Department Peshawar
3. Superintending Engineer C&W Circle Dir lower at Timergarah
4. Superintending Engineer PBMC C&WD Peshawar
5. Executive Engineer C&W Division Dir Lower.
6. Executive Engineer Highway Division Peshawar.
7. PSO to Advisor to CM for C&W Department Peshawar
8. District Accounts Officer, District Dir Lower.
9. Officials Concerned.

CHIEF ENGINEER (CENTRE)

ATTESTED



Office Of The Chief Engineer (Central
Communication & Works Department
Khyber Pakhtunkhwa Peshawar

No 720-E/2127 PESHAWAR

Dated Peshawar the 06.10.2018

Amex M³
P. 30

OFFICE ORDER

The following posting/transfer of Junior Clerks, in the C&W Department is hereby ordered, with immediate effect, in the public interest:-

Sl #	Name with designation	From	To	Remarks
1	Mr. Asghar Khan (Junior Clerk)	O/O SE C&W Circle Dir Lower at Timergan	O/O XEN C&W Division Dir Lower	Vice # 2
2	Mr. Amal Khan (Junior Clerk)	O/O XEN C&W Division Dir Lower	O/O SE PBMC C&W Peshawar	Vice # 1
3	Mr. Faizan Ullah (Junior Clerk)	O/O SE PBMC C&W Peshawar	O/O XEN Highway Division Peshawar	Existing Vacancy

CHIEF ENGINEER (CENTRE)

Copy forwarded to the:-

- 1) Accountant General Khyber Pakhtunkhwa Peshawar
- 2) Chief Engineer (North) C&W Department Peshawar
- 3) Superintending Engineer C&W Circle Dir Lower at Timergan
- 4) Superintending Engineer PBMC C&W Peshawar
- 5) Executive Engineer C&W Division Dir Lower.
- 6) Executive Engineer Highway Division Peshawar.
- 7) PSO to Advisor to CM for C&W Department Peshawar
- 8) District Accounts Officer, District Dir Lower.
- 9) Officials Concerned.

DAO (L)/HC
for mail

ATTACHED

[Signature]
CHIEF ENGINEER (CENTRE)

R. Khan

WAKALAT NAMA

IN THE COURT OF

Justice Tribunal Peshawar

Aurangzeb Karimani

ji mri clerk

Appellant(s)/Petitioner(s)

VERSUS

The Secretary C.P.

Cow Dept Peshawar

Respondent(s)

I/We Aurangzeb Karimani do hereby appoint **Mr. Khush Dil Khan, Advocate** Supreme Court of Pakistan in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

17/07/2019
Khush Dil Khan,
Advocate,
Supreme Court of Pakistan
9-B, Haroon Mansion
Off: Tel: 091-2213445

[Signature]
Signature of Executants

[Signature]
Ashraf Ali Khattak
Advocate

Before the Service Tribunal G.P

Service Appeal no 85 2019

Aurengzeb Kashmiri

vs

The Secretary C.W & other

Def
MHA
30.1.2019

Application for deletion of reports nos
and Mr. Naveed Ahmed II to be
added as subsequently posted against
the post of Applicant vide order 3.10.2018

Respectfully sheweth.

① That case titled Service Appeal has
been filed in this Hon.ble Service Tribunal
& fixed for preliminary hearing
on 30.01.2019.

② That by earlier impugned order dt
15-03-2017 one Aimal Khan posted
against his post but later one
Naveed Ahmed II was posted
so he is the necessary part.

I request this Hon.ble Service

Tribunal to kindly delete any
Name of Aimal Khan & in his
place Mr. Naveed Ahmed if
he conveyed as Report no 5.

His full address

Mr. Naveed Ahmed

Senior Clerk SOA O/o

XEN Building Dir. Mordar

dt 20.01.2019

Appellate

through

Must get the
advice

original copy
for Honble Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.85/ 2019

Mr. Aurangzeb Kashmiri, Junior Clerk

Office of the Executive Engineer

Building Division Mardan

R/O Sheikh Maltoon, Street No.15

House No.S-326, Mardan.....

Appellant

Versus

1. Secretary to Govt of Khyber Pakhtunkhwa C&W
Department Peshawar.
2. Chief Engineer (Centre)
C&W Department Khyber Pakhtunkhwa Peshawar.
3. Executive Engineer Building Division Mardan.
4. Executive Engineer C&W Division Dir Lower.
5. Mr. Aimal Khan, Junior Clerk
Office of Superintending Engineer
PBMC (C&W) Deptt Peshawar (Private Respondent).....**Respondents**

INDEX

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3	Application of Appellant and Civil Court Order dated 17/10/2017	I/II	8 - 9
4	Minutes of DPC dated 16/05/2018	III	10 - 17
5	Order of Senior Civil Judge Dir Lower dated 17/01/2019	IV	18 - 19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO.85/ 2019

1. **Mr. Aurangzeb Kashmiri, Junior Clerk**
Office of the Executive Engineer
Building Division Mardan
R/O Sheikh Maltoon, Street No.15
House No.S-326, Mardan.....**Appellant**
Versus

- 1. Secretary to Govt of Khyber Pakhtunkhwa C&W
Department Peshawar.
- 2. Chief Engineer (Centre)
C&W Department Khyber Pakhtunkhwa Peshawar.
- 3. Executive Engineer Building Division Mardan.
- 4. Executive Engineer C&W Division Dir Lower.
- 5. Mr. Aimal Khan, Junior Clerk
Office of Superintending Engineer
PBMC (C&W) Deptt Peshawar (Private Respondent).....**Respondents**

COMMENTS OF OFFICIAL RESPONDENTS NO.1 TO 4

RESPECTFULLY SHEWETH

PRELIMINARY OBJECTION

- 1. The instant appeal is not maintainable in its present form neither any Final nor Adverse orders are annexed with the Appeal.
- 2. The Appellant is estopped by his own conduct to file the instant appeal.
- 3. The Appellants has deliberately concealed the important facts from this Honorable Tribunal.
- 4. The Appellant has got no locus standi and cause of action.
- 5. The Appellant has not come to the Tribunal with clean hands.
- 6. The appeal is bad for misjoinder and non-joinder of necessary parties.

ON FACTS

- 1. Correct to the extent that appellant is Civil Servant and holds appointment as Junior Clerk in BS-11. So far his other stance that he is Office Bearer of APCA (All Pakistan Clerks Association) is irrelevant because for recognition of Association of particular class/ cadre, the Govt has vested powers to accord approval and to Conduct Election through Nominated Officer and not by any other Body or Person at his own. It is also

correct that on 15/03/2017, appellant being Junior Clerk was posted out from Mardan & another Mr. Aimal Khan Junior Clerk was posted, later noticed, there was no regular post of Junior Clerk, hence Respondent-5 (Private Respondent) informed the office and on confirmation, it was denoted that appellant (Aurangzeb) though is Junior Clerk, manured in connivance with office hands, was claiming his Salary against the post of Senior Clerk (BS-14) on the one and on the other appellant went in a suit before the Court of Civil Judge Mardan, where he got Status-Quo on 17/04/2017, which the appellant himself withdrawn, written application & orders dated 17/10/2017 are **Annexed-I/II** but it is incorrect to say that the appellant was allowed to work there on previous place of posting, if the position was so, he should have to supplied documentary proof with this Writ.

2. Correct, due to his involvement in disciplinary case, he was deferred in the Departmental Promotion Committee (DPC) meeting held on 16/05/2018 (**Minutes Annexed-III**). And in the subsequent DPC meeting, other Junior Clerks who were becoming in Promotion Zone were approved and posted on the parent cadre posts of Senior Clerk, so one Mr. Naveed Ahmad-II falling at S.No.32 of the orders dated 03/10/2018 was posted on the very post on which appellant mannured his Salaries. The departmental appeal filed by the Appellant was not admitted by the Appellate Authority (Respondent-1) instead to wait for response., appellant went in another Suit at Timergara (District Dir Lower).
3. Correct, the Appellant filed a Suit in the Court of Senior Civil Judge at Timergara (District Lower Dir) on 16/10/2018 (already Annexed at -H with instant Appeal (P-21/23), which was pre-mature on the one and on the other Civil Courts have not jurisdiction to entertain the matters of Civil Servants relating to terms & condition of Service, even then, that Civil Court granted "Status-Quo" vide orders dated 16/10/2018, when it was also clear, that Civil Courts other than District Mardan was not competent to issue such an orders for the Offices & District Accounts Officer at District Mardan. At last the aforesaid Suit being hit by Article-212 of the Constitution of Pakistan, 1973 and reported in 215-SCMR-456 & 215-CLC, 699-B Peshawar, the Suit was therefore not admitted by the Civil Court as per Orders dated 17/01/2019 (**Annexed-IV**). The noting point, at all the times, Appellant was playing with delaying tactics, otherwise, he was at liberty to wait for reply of his Departmental Appeal and then if aggrieved, final or Appellate orders, should come to the Service Tribunal and not, Civil Suits in Civil Courts.
4. To clarify the matter appellant though filed departmental Appeal on 05/10/2018 before the Appellate Authority (Respondent-1) and the appellant should have to wait for statuary period of 90-days which had to be passed-on by 04/01/2019, taking account for (from 05/10/2018) and thereafter have went in Service Appeal before this

Tribunal, but he engaged the Officials Respondent(s) in litigation in other Civil Courts, irrelevant forum. Appellant after exhausting any remedies from Civil Court Timergara District Dir (Lower) then filed the instant Service Appeal. Appellant is declining to implement the orders of his posting by any means & any way taking the shelter under the garb, Office Bearer, while his working and behavior with staff and to his superiors is not Exemplary. Posting/ Transfers are relating to terms & conditions of Service. Nobody reserves any vested right to stay at one District/ Station for so long Span of Service. Appellants stay at Mardan is for more than 20-years.

ON GROUNDS

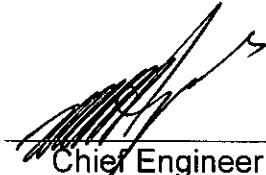
- A. Incorrect and false, self-speculation, that is the Appellant who exerted pressure on the high-ups, let him to remain at Mardan at any cost.
- B. The replying Respondent(s) have no concerning, he is Office Bearer or hold any portfolio, he may have to prove, Election was conducted under the Authority of Govt or he himself managed Election to gain his personal whim & wishes.
- C. The certificate as annexed with the instant Service Appeal cannot be termed it a legal one, because, simply "working as Qaria with Education (F) Mardan" is not a valid document, if the Appellant is correct, then, he should supply the official support e.g Pay Roll/ Place of her posting in the Govt Institutions. Appellants stance, to be treated his posting, "Spouse Policy" is nothing more, until not provided documents, as expressed above, the case does not come under such Policy. The noting point "will be subject to the public interest" as defined at (ix) of the Govt instruction dated 15/02/2003 already annexed at -L with the instant Service Appeal is clear. The stance is not entertainable at any cost. In order to keep the decorum/ peaceful atmosphere and safeguard Govt interest, appellant cannot be allowed to continue there furthermore, on mere this pretext.
- D. Incorrect, because of facts that the orders dated 06/02/2018 is not related to that post on which Appellant has been posted. The Junior Clerk, Mr. Asghar Khan, is substitute of another Junior Clerk (Aimal Khan) who is posted at Peshawar and not to District Mardan, whereas appellants posting orders was issued somewhere on 15/03/2017 when he was drawing Salaries against the post of Senior Clerk at Mardan and not as Junior Clerk.
- E. Incorrect, all posts of Ministerial Establishment (i/c Junior Clerk, Senior Clerks, Accounts Clerks, Assistants, (Technical Posts) i.e Drawing Establishment (Tracer, Draftsman etc) and Sub-Engineers, are Provincial Cadre post in all department(s) including the Communication & Works Department, so this para of Appeal is misconceiving/ in tenable.

F. Incorrect and Mis-conceiving, the Appellate Authority, if find reasonable, have to accept the departmental appeal or otherwise.

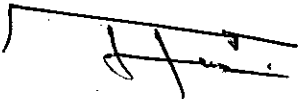
In the circumstances as explained above, the instant Service Appeal alongwith Misc. Appeal filed by the Appellant being devoid of merit, may please be dismissed with cost.



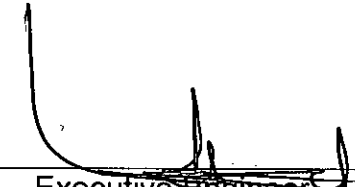
Secretary to Govt of KP
C&W Department
Peshawar
(Respondent-1)



Chief Engineer (Centre)
C&W Department Peshawar
(Respondent-2)



Executive Engineer
Building Division Mardan
(Respondent-3)



Executive Engineer
C&W Division Dir Lower
(Respondent-4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

**MISC APPLICATION NO. NIL OF 2019
IN SERVICE APPEAL NO.85/ 2019**

1. **Mr. Aurangzeb Kashmiri**
.....**Appellant**

Versus

1. Secretary to Govt of Khyber Pakhtunkhwa C&W
Department Peshawar. & Others.....**Respondents**

**COMMENTS OF OFFICIAL RESPONDENTS AGAINST APPLICATION FOR
SUSPENDING THE OPERATION OF THE IMPUGNED ORDERS DATED 15/03/2017 &
03/10/2018 TILL THE DISPOSAL OF THE ATTACHED APPEAL**

RESPECTFULLY SHEWETH

PRELIMINARY OBJECTION

1. The instant appeal is not maintainable in its present form neither any Final nor Adverse orders are annexed with the Appeal.
2. The Appellant is estopped by his own conduct to file the instant appeal.
3. The Appellants has deliberately concealed the important facts from this Honorable Tribunal.
4. The Appellant has got no locus standi and cause of action.
5. The Appellant has not come to the Tribunal with clean hands.
6. The appeal is bad for misjoinder and non-joinder of necessary parties.

PARA-WSIE REPLY

1. Correct to the extent, appellant has filed the instant Service Appeal alongwith Misc Application on 18/01/2019. The posting orders of Appellant had been issued on 15/03/2017 and as such this Service Appeal is badly time barred even, if any departmental appeal was then filed, also became fractious and found too belated at this junction.
2. The written reply comments filed in the Main Service Appeal No.85/2019 by the official Respondent(s) may also be considered as an integral part of the said case and same in the Misc Application in hand be accounted for.

3. Incorrect, the posting orders passed in 03/2017 are still in filed/ operative, while the orders dated 03/10/2018 relates to another person, namely Mr. Naveed Ahmad-II who stands posted against the vacancy of Senior Clerk/ SDA Building Division Mardan, having parent cadre of Senior Clerk which appellant was occupying unjustly being Junior Clerk in the Cadre and not Senior Clerk.

In this state, keeping in view the whole back ground of the case, narrated in the enclosed reply to the Main Service Appeal, may be taken into account and the orders, "Status Quo" passed in the meanwhile, on 08/02/2019 by this Tribunal, may graciously be withdrawn, leaving it open, to carry further business as usual till final decision in the Main Service Appeal by this Honorable Tribunal.



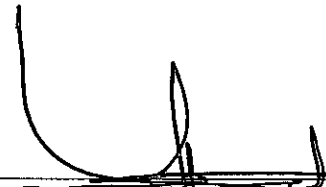
Secretary to Govt of KP
C&W Department
Peshawar
(Respondent-1)



Executive Engineer
Building Division Mardan
(Respondent-3)



Chief Engineer (Centre)
C&W Department Peshawar
(Respondent-2)



Executive Engineer
C&W Division Dir Lower
(Respondent-4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.85/ 2019

Mr. Aurangzeb Kashmiri, Junior Clerk

Office of the Executive Engineer

Building Division Mardan

R/O Sheikh Maltoon, Street No.15

House No.S-326, Mardan.....**Appellant**

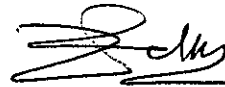
Versus

1. Secretary to Govt of Khyber Pakhtunkhwa C&W Department Peshawar.
2. Chief Engineer (Centre) C&W Department Khyber Pakhtunkhwa Peshawar.
3. Executive Engineer Building Division Mardan.
4. Executive Engineer C&W Division Dir Lower.
5. Mr. Aimal Khan, Junior Clerk
Office of Superintending Engineer
PBMC (C&W) Deptt Peshawar (Private Respondent).....**Respondents**

AFFIDAVIT

I, Zaiwer Rehman, Superintendent, Office of the Chief Engineer (Centre) C&W Department, do hereby solemnly affirm and state on Oath that the whole contents of this comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Khyber Pakhtunkhwa Service Tribunal Peshawar.

Deponent



(Zaiwer Rehman)

Superintendent

O/O Chief Engineer (Centre)

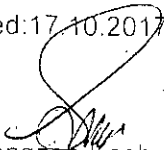
C&W Department Peshawar

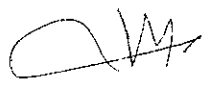
Statement of Aurangzeb Kashmiri son of Sheikh Mir Kashmiri, resident of Guli Bagh, Mardan on oath:

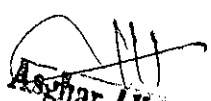
Stated that I have patched up the matter with the defendants and now I do not want to pursue the instant case any further against them. Application for withdrawal is Ex.PA, while copy of my CNIC is Ex.PB.

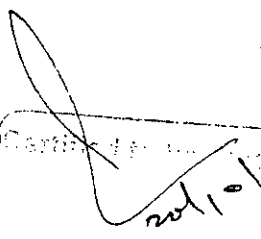
RO&AC

Dated: 17.10.2017.


Aurangzeb Kashmiri
CNIC No. 16101-4733768-5.


(Asghar Ali Salarzai)
Civil Judge-VII, Mardan.


Asghar Ali Salarzai
Cj-VII/13/18 Mardan


2017-10-16
Secretary, Court Mardan

IN THE COURT OF ASGHAR ALI SALARZAI, CIVIL JUDGE-VII, MARDAN.

Case No. _____

Serial No of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary
-----------------------------------	------------------------------	---

1	2
Order—10.	17.10.2017.

Plaintiff in person present and submitted an application for withdrawal of suit. In this respect his statement recorded. Wherein he stated that now, he do not want to pursue the case any further and requested that the suit may kindly be dismissed as withdrawn. Application for withdrawal Ex.PA while copy of his CNIC is Ex PB.

In the light of above, the suit of the plaintiff stand dismissed as withdrawn. No order as to cost.

File be consigned to the record room after its necessary completion and compilation.

Announced 17.10.2017.

(Signature)
(Asghar Ali Salarzai)
Civil Judge-VII, Mardan.

Asghar Ali Salarzai
Cj-VII/JM Mardan

Certified to be True Copy
(Signature)
Copying Department
Sessions Court Mardan

اونو ١٥ ٢٠/١٠/١٧

Name of Applicant	
Application No.	No-12609
Date	20-10-18
By	20-10-18
For	20-10-18
By	
For	
Judge	
Signature	<i>(Signature)</i>
Date	20/10/18

MINUTES OF THE DEPARTMENTAL PROMOTION/ SELECTION COMMITTEE MEETING HELD ON 16/05/2018 AT 9.00 AM UNDER THE CHAIRMANSHIP OF CHIEF ENGINEER (CENTRE C&W DEPARTMENT KHYBER PAKHTUNKHW PESHAWAR.

A Meeting of the Departmental Promotion/ Selection Committee was held on 16/05/2018 at 9.00 AM under the Chairmanship of Chief Engineer (Centre) C&W Department, Peshawar in his office. The following attended: -

- | | |
|--|-----------|
| 1- Engr. Muhammad Ayub,
Chief Engineer (Centre) C&WD | Chairman |
| 2- Mr. Abdur Rashid Khan,
Section Officer (Establishment),
C&W Department, Peshawar. | Member |
| 3- Mr. Kifayatullah
Administrative Officer
O/O Chief Engineer (FATA)
W&S Department, Peshawar | Member |
| 4- Mr. Abdur Rashid Tareen,
Administrative Officer,
O/O Chief Engineer (Centre) C&WD | Secretary |

The meeting was started with the recitation of Holy Quran.

The following items were discussed in detail.

- (I) Promotion of Accounts Clerk(s) (BS-14) to the Cadre Posts of Assistant(s) (BS-16)
- (II) Promotion of Senior Clerk(s) (BS-14) to the Cadre Posts of Accounts Clerk(s) (BS-14)
- (III) Promotion of Junior Clerk(s) (BS-11) to the Cadre Posts of Senior Clerk(s) (BS-14)
- (IV) Promotion of Tracer(s) (BS-07) to the Cadre Post(s) of Draftsmen (BS-11)
- (V) Additional Agenda:- Promotion of Work Superintendents/ Work Supervisors/ Road Inspectors having 03-Years Diploma in Electrical/ Mechanical Technology, to the Cadre Post of Sub-Engineer

The DPC/ DSC after detailed discussion and keeping in view all pros & cons and Services Rules etc, in each case/ item, considered and cleared the following items as noted against each below:-

- I. Promotion of Accounts Clerk(s) (BS-14) to the Cadre Posts of Assistant(s) (BS-16)

Sl No.	Name official	Remarks
1	Mr. Saeed Khan	Deferred due to non-availability of ACR, Non-involvement and Performance Certificate. His case was also deferred during the last 04-DPC

(10)

SI No.	Name official	Remarks
		meetings held on 22/12/2016, 21/04/2017, 17/10/2017 & 16/01/2018.
2	Mr. Muhammad Farooq	Deferred due to involvement in an Inquiry Case.
3	Mr. Imam Ali	Cleared for regular promotion with immediate effect.
4	Mr. Khalil Ullah	Cleared for regular promotion with immediate effect.
5	Mr. Salsalat Khan	Cleared for regular promotion with immediate effect.
6	Mr. Anjum Naveed	Cleared for regular promotion with immediate effect.
7	Mr. Mujahiddin	Cleared for regular promotion with immediate effect.
8	Mr. Zar Taj	Cleared for regular promotion with immediate effect.
9	Mr. Wazir Muhammad	Cleared for regular promotion with immediate effect.
10	Mr. Muhammad Ajmal	Cleared for regular promotion with immediate effect.

II. Promotion of Senior Clerk(s) (BS-14) to the Cadre Posts of Accounts Clerk(s) (BS-14)

SI No.	Name official	Remarks
1.	Anwar Shad.	Superseded permanently.
2.	Muhammad Amin	Cleared for regular promotion with immediate effect.
3.	Abdullah Jan-I	Deferred
4.	Kalim Javed	Deferred
5.	Awal Sher	Cleared for regular promotion with immediate effect.
6.	Pervez Akhtar	Cleared for regular promotion with immediate effect.
7.	Ihsan Gul	Cleared for regular promotion with immediate effect.
8.	Waris Khan	Cleared for regular promotion with immediate effect.
9.	S. Shamsuddin Shah	Cleared for regular promotion with immediate effect.
10.	Muhammad Ayub Shah	Cleared for regular promotion with immediate effect.
11.	Mohammad Younis Javed	Deferred (Forgone)
12.	Azizur Rehman-1	Cleared for regular promotion with immediate effect.
13.	Mohsin Shah	Cleared for regular promotion with immediate effect.
14.	Dilawar Khan-I	Cleared for regular promotion with immediate effect.
15.	Mohammad Tariq	Cleared for regular promotion with immediate effect.
16.	Gul Hassan	Cleared for regular promotion with immediate effect.
17.	Mohammad Mushtaq-I	Cleared for regular promotion with immediate effect.

25-11

Sl No.	Name official	Remarks
18.	Muhammad Ayaz-I	Cleared for regular promotion with immediate effect.
19.	Shaukat Ali-I	Deferred.
20.	Tanveer Ahmad Siddiqui	Deferred.
21.	Jehangir Akhtar	Cleared for regular promotion with immediate effect.
22.	Ali Janan	Cleared for regular promotion with immediate effect.
23.	Shamsuddin-II	Cleared for regular promotion with immediate effect.
24.	Muhammad Ayub-I	Cleared for regular promotion with immediate effect.
25.	Muhammad Nawab Khan	Deferred
26.	Fazle Ahmad	Deferred. Emergency Cadre as DAO.
27.	Abid Anwar	Cleared for regular promotion with immediate effect.
28.	Wahidullah	Cleared for regular promotion with immediate effect.
29.	Nooruddin	Deferred
30.	Israr	Deferred
31.	Fazal Maula-I	Deferred
32.	Hazrat Yousaf	Cleared for regular promotion with immediate effect.
33.	Zulfiqar Ali	Cleared for regular promotion with immediate effect.
34.	Liaqat Ali-I	Cleared for regular promotion with immediate effect.
35.	Muhammad Aslam-II	Cleared for regular promotion with immediate effect.
36.	S. Shafqat Ali Shah	Cleared for regular promotion with immediate effect.
37.	Ubedullah	Deferred
38.	Muhammad Khurshid	Deferred
39.	Rastab Ali Khan	Cleared for regular promotion with immediate effect.
40.	Pervez Khan	Cleared for regular promotion with immediate effect.
41.	Mir Aslam	Cleared for regular promotion with immediate effect.
42.	Waqeef Khan	Cleared for regular promotion with immediate effect.
43.	Muhammad Saeed	Deferred
44.	Faizullah Khan	Cleared for regular promotion with immediate effect.
45.	Mir Sharaf Khan	Deferred
46.	Inayatullah-IV	Cleared for regular promotion with immediate effect.
47.	Aurangzeb-III	Cleared for regular promotion with immediate effect.
48.	Pervez Khan-I	Cleared for regular promotion with immediate effect.

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(13)

Sl No.	Name official	Remarks
49.	Mushtaq Ahmad-I	Deferred
50.	S. Azhar Ali Shah	Cleared for regular promotion with immediate effect.
51.	Javed Hamza	Deferred
52.	Sikandar Khan	Cleared for regular promotion with immediate effect.
53.	Miruddin	Deferred
54.	Inamullah	Cleared for regular promotion with immediate effect.
55.	Mohammad Fayaz	Cleared for regular promotion with immediate effect.
56.	Amanullah	Deferred
57.	Mujeebur Rahman-I	Cleared for regular promotion with immediate effect.
58.	Ghulam Rasool	Cleared for regular promotion with immediate effect.
59.	Awal Khan	Cleared for regular promotion with immediate effect.
60.	Qadam Ali	Cleared for regular promotion with immediate effect.
61.	Asad Jan	Deferred
62.	Ajab Khan-I	Cleared for regular promotion with immediate effect.
63.	Gul Nawaz	Deferred
64.	Shaukatullah	Cleared for regular promotion with immediate effect.
65.	Asmatullah-III	Cleared for regular promotion with immediate effect.
66.	Raj Wali Khan	Cleared for regular promotion with immediate effect.
67.	Raz Ullah	Cleared for regular promotion with immediate effect.
68.	S. Maqsood Ali Shah	Cleared for regular promotion with immediate effect.
69.	Muhammad Aslam-III	Deferred
70.	Mohammad Hafeez	Deferred
71.	Muhammad Asif-I	Cleared for regular promotion with immediate effect.
72.	Shakeel Ahmad	Cleared for regular promotion with immediate effect.
73.	Shaukat Ali-II	Deferred
74.	Nawaz Khan	Cleared for regular promotion with immediate effect.
75.	Javed Khan-II	Cleared for regular promotion with immediate effect.
76.	Fazal Hadi	Deferred. Involved in NAB Enquiry.
77.	Ijaz Ahmad	Cleared for regular promotion with immediate effect.
78.	Zahid Iqbal	Deferred
79.	Zahoorul Haq	Deferred
80.	Khalid Mehmood	Cleared for regular promotion with immediate effect.

RS-11

SI No.	Name official	Remarks
81.	Muhammad Amjad Khan	Deferred
82.	Malik Mohammad Fayaz	Deferred
83.	Muhammad Ikram	Deferred
84.	Samiur Rehman	Cleared for regular promotion with immediate effect.
85.	Irshad Hussain	Deferred
86.	Inamullah	Cleared for regular promotion with immediate effect.
87.	Shahid Mehmood	Cleared for regular promotion with immediate effect.
88.	Khurshid Ali-I	Deferred
89.	Saifullah-I	Cleared for regular promotion with immediate effect.
90.	Khalid Khan-II	Cleared for regular promotion with immediate effect.
91.	Fazal Maula-II	Cleared for regular promotion with immediate effect.
92.	Jan Nisar Khan	Cleared for regular promotion with immediate effect.
93.	Wisal Muhammad	Deferred
94.	Gran Muhammad	Deferred
95.	Bismallah Khan	Deferred
96.	Habibullah	Deferred
97.	Shoaibullah	Cleared for regular promotion with immediate effect.

III. Promotion of Junior Clerk(s) (BS-11) to the Cadre Posts of Senior Clerk(s) (BS-14)

SI No.	Name official	Remarks
1.	Attaullah	Deferred. Emergency Cadre as DAO.
2.	Muhammad Asif-III	Deferred, whereabouts not known.
3.	Imtiaz Khan	Cleared for regular promotion with immediate effect.
4.	Zakir Hussain	Cleared for regular promotion with immediate effect.
5.	Danish Gul	Cleared for regular promotion with immediate effect.
6.	Mohammad Rahman	Cleared for regular promotion with immediate effect.
7.	S. Rashid Ali Shah	Cleared for regular promotion with immediate effect.
8.	Ansar Hussain Shah	Cleared for regular promotion with immediate effect.
9.	Ayaz Hussain	Cleared for regular promotion with immediate effect.
10.	Sohrab Khan-II	Deferred, whereabouts not known
11.	Behloul Khan	Cleared for regular promotion with immediate effect.
12.	Mohammad Ikram	Cleared for regular promotion with immediate effect.
13.	Saifullah-II	Cleared for regular promotion with immediate effect.

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Sl No.	Name official	Remarks
14.	Aminul Haq	Cleared for regular promotion with immediate effect.
15.	Shafiq Ahmad Jan	Deferred. Emergency Cadre as DAO.
16.	Murad Jalal	Cleared for regular promotion with immediate effect.
17.	Abdullah Jan-II	Cleared for regular promotion with immediate effect.
18.	Naveed Ahmad-I	Cleared for regular promotion with immediate effect.
19.	Khurshid Ali-III	Cleared for regular promotion with immediate effect.
20.	Muhammad Toqir	Cleared for regular promotion with immediate effect
21.	S. Munawar Shah	Cleared for regular promotion with immediate effect.
22.	Muhammad Yunis	Cleared for regular promotion with immediate effect.
23.	Khan Muhammad Khan	Cleared for regular promotion with immediate effect.
24.	Imran Gul	Cleared for regular promotion with immediate effect.
25.	Muhammad Yousaf-II	Cleared for regular promotion with immediate effect.
26.	Said Jamal	Cleared for regular promotion with immediate effect.
27.	Malik Ilyas Khan	Cleared for regular promotion with immediate effect.
28.	Zahiruddin	Cleared for regular promotion with immediate effect.
29.	Amal Khan	Cleared for regular promotion with immediate effect.
30.	Abdul Malik-II	Cleared for regular promotion with immediate effect.
31.	Shakirullah	Cleared for regular promotion with immediate effect.
32.	Muhammad Feroz Khan	Cleared for regular promotion with immediate effect.
33.	Zarif Khan	Cleared for regular promotion with immediate effect.
34.	Aurangzeb-V	Deferred. Involved in Inquiry, Charge Sheet & Statement of allegations issued.
35.	Nasib Khan	Cleared for regular promotion with immediate effect.
36.	Muhammad Javed-III	Deferred. Emergency Cadre as DAO.
37.	Farhad Mohammad	Cleared for regular promotion with immediate effect.
38.	Saeedur Rehman	Cleared for regular promotion with immediate effect.
39.	Naveed Ahmad-II	Cleared for regular promotion with immediate effect
40.	Saidul Amin	Deferred. Emergency Cadre as DAO.
41.	Gul Afsar	Cleared for regular promotion with immediate effect.
42.	Rahmanullah Khan	Cleared for regular promotion with immediate effect.

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SI No.	Name official	Remarks
43.	Mohammad Nasir Khan	Cleared for regular promotion with immediate effect
44.	Nasrat Gul	Cleared for regular promotion with immediate effect.
45.	Riaz Shahid	Cleared for regular promotion with immediate effect.
46.	Gul Shad	Cleared for regular promotion with immediate effect.
47.	Furqanullah	Cleared for regular promotion with immediate effect.
48.	Riaz Khan	Cleared for regular promotion with immediate effect.
49.	Sher Ahmad	Deferred. Emergency Cadre as DAO.
50.	Gohar Ali	Deferred
51.	Aurangzeb-VI	Cleared for regular promotion with immediate effect.
52.	Mohammad Zada	Cleared for regular promotion with immediate effect.
53.	John Masih	Cleared for regular promotion with immediate effect
54.	Shah Jehan-II	Cleared for regular promotion with immediate effect.
55.	Hameedullah	Cleared for regular promotion with immediate effect.
56.	Fazal Ghaffar	Cleared for regular promotion with immediate effect.
57.	Arshad Khan	Cleared for regular promotion with immediate effect.
58.	Mohammad Sohail	Cleared for regular promotion with immediate effect.
59.	Mushtaq Ahmad-III	Deferred.
60.	Nisar Ali Khan	Cleared for regular promotion with immediate effect.
61.	Shamsuddin-II	Cleared for regular promotion with immediate effect.
62.	Aftab Khan	Cleared for regular promotion with immediate effect.
63.	Ashiq Ali	Cleared for regular promotion with immediate effect.
64.	Jawad Hussain	Cleared for regular promotion with immediate effect.
65.	Afzal Shah	Cleared for regular promotion with immediate effect.
66.	Inamullah Khan	Cleared for regular promotion with immediate effect.
67.	Ali Gohar	Cleared for regular promotion with immediate effect.

IV. Promotion of Tracer(s) (BS-07) to the Cadre Posts of Draftsmen(s) (BS-12)

SI No.	Name official	Remarks
1	Mr. Faridullah Khan	Cleared for regular promotion with immediate effect.
2	Mr. Fahim Pervaiz	Cleared for regular promotion with immediate effect.

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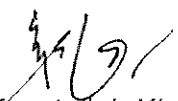
SI No.	Name official	Remarks
3.	Mr. Taj Muhammad	Cleared for regular promotion with immediate effect.
4.	Mr. Said Mehmood	Cleared for regular promotion with immediate effect.

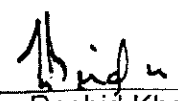
ADDITIONAL AGENDA

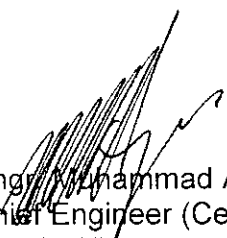
Promotion of Work Superintendents/ Work Supervisors/ Road Inspectors having 03-years Diploma in Electrical/ Mechanical Technology, to the Cadre Post of Sub-Engineer

SI No.	Name official	Remarks
1.	Mr. Mukhtar Hussain (Road Insepector)	Deferred. Involved in Disciplinary Case.
2.	Mr. Bilal Khan (Superintendent E&M) (BS-10)	Cleared for appointment as Sub-Engineer (BS-12) on Acting Charge.

The meeting was ended with vote of thanks from and to the Chair.


 (Mr. Kifayatullah Khan)
 Administrative Officer
 O/O Chief Engineer (FATA)
 W&S Deptt Peshawar
(Member)


 (Mr. Abdur Rashid Khan)
 Section Officer (Estab)
 C&W Department Peshawar
(Member)


 (Engr. Muhammad Ayub)
 Chief Engineer (Centre)
 C&W Department
 Peshawar
(Chairman)


FORM "A"
FORM OF ORDER SHEET

Court of Senior Civil Judge/AIQ Dir Lower at Timergara

Case No _____ of _____

Title _____ VS _____

Serial No. Of Order Or Proceedings	Date of Order Or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 07	17.01.2019	<p>Presence as before.</p> <p>This order of the court is aimed to dispose of the instant application of the petitioners/defendants for the return of the plaint under order 7 rule 10 of the code of civil procedure.</p> <p>Arguments on the application heard and record perused.</p> <p>Perusal of the record reveals that the respondent/plaintiff has filed the instant suit whereby, he has challenged his transfer order bearing No. 177-3 dated 03.10.2018. The <u>defendants</u> were summoned who appeared and instead <u>of submitting written statement</u>, have moved the instant application for the <u>return of the plaint</u>.</p> <p>Admittedly the <u>respondent/plaintiff</u> is a civil servant, serving in the Communication and works department and has challenged his transfer order on the grounds:</p> <ol style="list-style-type: none"> i. Of his being the provincial president of the All Clerk Association and as per the notification bearing No. SOS(S&GAD)-B16792, he cannot be transferred; ii. On the strength of the spouse policy vide notification number SORE&D1/85V3 dated 15.02.2003 regulation wing Government of K.P.K

Serial No. Of Order Or Proceedings	Date of Order Or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 07	17.01.2019	<p>as his wife is also a school teacher serving in district Mardan, he cannot be transferred out; and</p> <p>iii. On the ground of having had blood/enmity in the district Dir (Lower), his transfer is illegal and unjustified.</p> <p>Irrespective of the nature of the order whether Malafide or bona fide, the suit in hand is clearly barred as per the article 212 of the constitution of Pakistan 1973 as the jurisdiction in such like cases has exclusively been conferred upon the service Tribunals and the Jurisdiction of the civil courts has been barred. Here, reliance is also placed on the case laws reported as 215 SCMR 456 and 215 CLC 699-B Peshawar.</p> <p>Hence, in light of the above this court has got no jurisdiction in the matter. The suit in hand is hereby returned to the respondent/plaintiff with direction to file it before the competent Forum if need be.</p> <p>Moharrir is directed to do the needful. File be consigned to the record room after necessary completion and compilation.</p> <p>Announced: 17.01.2019</p> <p style="text-align: right;">  (Muhammad Fayyib Jan) Senior Civil Judge/AIQ, Dir Lower at Timergara. </p>

Checked



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**Service Appeal No. 85/2019**

Aurangzeb Kashmiri.....Appellant

VERSUS

The Secretary to Govt of Khyber Pakhtunkhwa,
Communication & Works Department,
Peshawar & others.....Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO
THE PARA WISE COMMENTS FILED BY RESPONDENT
NO.1 TO 4.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondent are erroneous and frivolous, and denied in toto. The order dated 03-10-2017, based on the order dated 15-10-2018 is the impugned order and against which appellant filed departmental appeal on 05-10-2018 before the respondent No.1, which is still pending without disposal, therefore, the very first preliminary objection is not legal. The answering respondents have failed to show as to why the principle of estoppel lies against the appellant ? What material facts have been concealed by the appellant ? Why the appellant has got no locus standi and cause of action ? In absence of factual and legal support; proper rejoinder to the preliminary objection could not be made and filed and more so the same could be termed as a evasive and flimsy. Appellant has come to the court with clean hands and has placed all material facts before this

Hon'ble Tribunal. All necessary parties have been properly arrayed as parties. Appellant is a civil servant within the meaning of section 2(b) of the Civil Servant Act, 1973. Respondent No.2 by order dated 03-10-2018 not only made the continuous of his earlier illegal order dated 15-03-2018, but also deprived the appellant from his due promotion to the post of senior clerk. (Appellant reserve his right and will assail the same before competent forum of law) appellant has not been treated in accordance with law and the respondents have acted in violation of Article 4 of the Constitution of Pakistan, 1973, therefore the Hon'ble Tribunal has got jurisdiction to entertain and disposed of the instant appeal as per law and merit.

Rejoinder to Reply of Facts:

1. That para No.1 of the appeal has been partly admitted by the answering respondents. Appellant has placed all material evidence in support of his stance in his memo of appeal. As per law laid down by the Hon'ble Supreme Court of Pakistan, every government servant, who has served against post of higher basic pay scale is entitled for the pay of such higher post. Appellant served against post of higher basic pay scale, therefore, was entitled for enhanced salary but the same was denied to him in violation of the law laid down by the Hon'ble Supreme Court of Pakistan. The question is to whether the demand of enhanced pay amounts to misconduct ?. Appellant demanded his legal right for his accrued enhanced pay which cannot be termed as misconduct. It is pertinent to mention here that appellant aforesaid demand got the respondents annoyed and they bent upon to kick the appellant from his post and transferred one Mr. Aimal Khan, who was also a junior clerk, in his place. The malafide of the respondents can best be judged from the fact that they transferred another junior clerk in his place. If they were

justified in their official act; they were under legal obligation to transfer a senior clerk in place of appellant as the post was / is of senior clerk.

In view of compelling circumstances appellant approached civil court for the enforcement of his civil right. The approach of appellant to invoke the jurisdiction of civil court was altogether with bonafide intention and that is why he voluntarily withdrawn his suit as evident from the record. More so, appellant was allowed to work on his previous place of posting that is in the office of respondent No.3. Appellant remained posted in the office of respondent No.3 till the impugned order dated 03-10-2018.

2. That para No.2 of the appeal has been admitted by the answering respondents. The right of appellant's promotion to the post of senior clerk has been denied by the answering respondents not due to the reason submitted by them but as the result of the discussion already been explained by the appellant in preceding para. Appellant has been subjected time and again for his legal stance. The legal demand of enhanced salary, the transfer of appellant from his post, the denial of promotion and the subsequent transfer of Mr. Naveed Ahmad-II on his post are the facts, which prima facie establishes the malafide of the respondents that they were bent upon to vacate appellant from his post. In case of appellant's promotion to the post of senior clerk, he would be eligible to continue his service on the subject post. The respondents are competent to transfer appellant from his post but they instead of adhering to the legal procedure adopted an illegal way to hinder the appellant.
3. That para No.3 of the appeal has been admitted by the answering respondent. The answering respondents while replying to para No.3 of the appeal have taken different stance. The answering

respondents were required to file application under Order 7, Rule 11 of the Civil Procedure Code for rejection of the suit of the appellant but they did not file such an application. Appellant himself voluntarily withdrew his suit, which is evident from the record (already attached with memo of appeal).

4. That reply to para No.4 of the appeal is incorrect hence denied. Appellant has invoked the jurisdiction of this Hon'ble Tribunal after availing the departmental remedy in shape of departmental appeal which is still pending without disposal.

Rejoinder to Reply of Grounds:

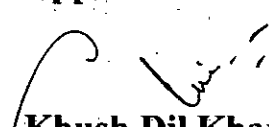
- A. That the reply to Ground-A is incorrect so denied.
- B. That alleged allegations are unproved so the reply to Ground-B is incorrect and denied.
- C. Incorrect so denied. The service certificate already attached by the appellant with his memo of appeal as Annexure-K clearly explains that the wife of appellant has been serving as Qaria under the administrative jurisdiction of District Education Officer (Female) Mardan, therefore, wed-lock policy is applicable in the case of appellant.
- D. That the reply is incorrect so denied. The stance of the answering respondent is based on misconception of real facts. The order dated 06-02-2018 clearly explains that the post on which appellant has been transferred through the impugned order has already been occupied by one Mr. Asghar Khan junior clerk.

- E. The reply is incorrect so denied. The post of junior clerk is the District Cadre post which is not transferrable from one district to another.
- F. The reply is incorrect so denied. The answering respondents have violated the mandate of his legal obligation by remaining dormant over the departmental appeal of the appellant.

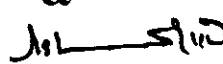
It is, therefore, humbly prayed that the reply of answering respondents may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Appellant

Through


Khush Dil Khan
 Advocate,
 Supreme Court of
 Pakistan

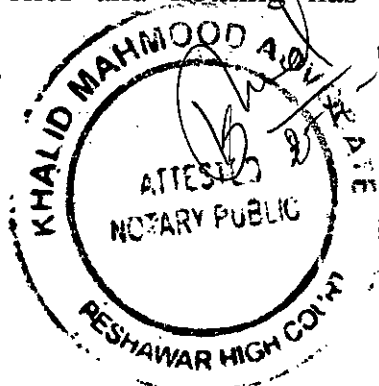
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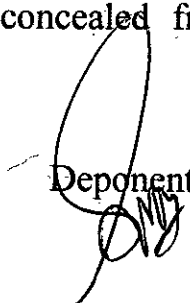

Ashraf Ali Khattak
 Advocate,
 High Court



Dated: 6/1/2019

AFFIDAVIT

I, Mr. Aurangzeb Kashmiri, Junior Clerk, Office of the Executive Engineer, Building Division Mardan R/o Sheikh Maltoon, Street No.15 House No. S-326, Mardan, do hereby affirm and declare on oath that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




 Deponent

قیمت 50 روپے	6944	PBA PESHAWAR BAR ASSOCIATION		
ایڈریس:	دھس	پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ ایسوسی ایشن نمبر:	BC/45044			
رابطہ نمبر:	03429008136			

بعد االت جناب: سرروس ٹریبیونل خیبر پختونخواہ پشاور

دعویٰ:	سرروس اپیل
علت نمبر:	
مورخہ:	
جرم:	
تھانہ:	
مناجب:	Respondant
	اورنگزیب کشمیری
	بنام
	سیکری، حکومت خیبر پختونخواہ
باعث تحریر آنکہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ ^{ڈیو کیوں} آن مقام پشاور کیلئے ^{سیر حکمت شاہ} سیر حکمت شاہ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جو اب 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 کاروائی 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 باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 15-3-19

العبد گواہ شد العبد
مقام پشاور کے لیے منظور ہے۔



OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PUKHTUNKHWA PESHAWAR

No. 75-E / 454 / CEC / C&WD

Dated Peshawar the 14 / 05 / 2019

OFFICE ORDER

1. WHEREAS, Mr. Aurangzeb Kashmiri Junior Clerk (BS-11) O/O Executive Engineer C&W Building Division Mardan was proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 for the Non-Compliance of posting orders dated 15/03/2017 from Building Division Mardan to C&W Division Dir Lower and as such guilty of Mis-Conduct.
2. AND WHEREAS, for the said act of misconduct he was served charge sheet/ statement of allegations and Show Cause Notice as well.
3. AND WHEREAS, Mr. Muhammad Israr, the then Executive Engineer Building Division-II Peshawar was appointed as Inquiry Officer who conducted the enquiry and submitted his report.
4. NOW THEREFORE, the undersigned being Competent Authority after having considered the charges, material on record, inquiry report of the Inquiry Officer, explanation of the official concerned, in exercise of the powers under Rule-14(5)(ii) of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, imposed major penalty of "Compulsory Retirement" upon Mr. Aurangzeb Kashmiri Junior Clerk (BS-11) C&W Department with immediate effect.


CHIEF ENGINEER (CENTRE)

Copy forwarded to the:-

1. Chief Engineer (North) C&W Department Peshawar.
2. Superintending Engineers C&W Circle Mardan/ Dir Lower.
3. Executive Engineer C&W Building Division Mardan.
4. Executive Engineer C&W Division Dir Lower.
5. District Accounts Officers, District Mardan/ Dir Lower.
6. Mr. Aurangzeb Kashmiri C/O XEN C&W Building Division Mardan.


CHIEF ENGINEER (CENTRE)