

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p style="text-align: right;">D. M. C.</p>	<p>20.09.2017</p>	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;">Service Appeal No. 29/2015</p> <p style="text-align: center;">Date of Institution ... 07.01.2015 Date of Decision ... 20.09.2017</p> <p>Fazli Haq S/o Karim Khan, R/o Bhai Khan presently at Guli Bagh Mardan.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. The government of Khyber Pakhtunkhwa Secretary Education, Elementary & Secondary Education Civil Secretariat Peshawar. 2. The Director General Education, Elementary & Secondary Education Civil Secretariat Peshawar. 3. The District Education Officer (Female) Mardan. <p style="text-align: right;">Respondents</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Learned counsel for the appellant and Learned Deputy District Attorney on behalf of the official respondent present.</p> <p>2. The appellant Fazli Haq who was appointed as Naib Qasid at GGMS Takht Bhai District Mardan vide appointment order dated 24.04.2013 filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the respondents and made impugned order dated 29.11.2013 of respondents No. 3 whereby his adjustment was made against the vacant Chowkidar post at GHSS Swal Dher.</p>

3. Arguments of learned counsel and learned Deputy District Attorney heard. Filed perused.

4. At the very outset learned Deputy District Attorney contented that the instant appeal is badly time barred, having been filed after a period of more than one year from the date of order made impugned in the present appeal. Conversely learned counsel for the appellant when confronted with the situation and legal positions argued that the appellant earlier approached the Civil Court against the impugned order however plaint was returned to the appellant due to lack of jurisdiction of civil court as such the delay in lodging the present appeal may be condoned.

5. The impugned order was issued on 29.11.2013 while the appellant filed the present appeal on 07.01.2015 after a lapse of more than one year.

6. The appellant filed the departmental appeal against the impugned order on 20.05.2014, hence the departmental appeal of the appellant is also time barred.

7. It is settled principle that if the departmental appeal of the appellant is time barred then service appeal before the Service Tribunal is also not competent. Moreover the appellant has filed the present appeal far beyond the period of 120 days of filing the departmental appeal.

8. It is also settled principle of law that Article-14 of The Limitation Act 1908 is not applicable to the appeals and in this regard the recent judgment of the august Supreme Court of Pakistan

①
D.M.A.

titled Khushi Muhammad through L.Rs. and others---Appellants Versus Mst. Fazal Bibi and others---Respondents (PLD 2016 Supreme Court 872) may be quoted as a reference, hence time spent in litigation before wrong forum i.e civil court cannot be condoned.

9. In the light of above the present appeal is hopelessly time barred and is dismissed as such. Parties are left to bear their own costs. File be consigned to the record room after its completion.



(GUL ZEB KHAN)
MEMBER



(MUHAMMAD HAMID MUGHAL)
MEMBER

ANNOUNCED
20.09.2017

10.01.2017


Appellant with counsel and Assistant AG for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 29.05.2017.



(AHMAD/HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

29.05.2017

Counsel for the appellant and Mr. Muhammad Jan Deputy District Attorney for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 20.09.2017 before D.B.


(Gul Zeb Khan)
Member



(Muhammad Amin Khan Kundi)
Member

20.09.2017

Learned counsel for the appellant present, Learned Deputy District Attorney on behalf of official respondents present. Vide separate judgment of today of this Tribunal placed on file, the present appeal is hopelessly time barred and is dismissed as such. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.09.2017


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

27.1.2016

None present for appellant. M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Assistant AG for respondents present. Para-wise comments on behalf of respondent No. 3 submitted. The learned Assistant AG relies on the same on behalf of respondents No. 1 and 2. The appeal is assigned to D.B for rejoinder and final hearing for 12.5.2016.


Chairman

12.5.2016

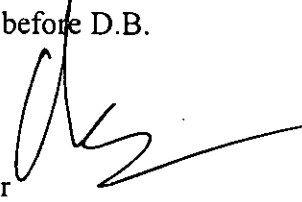
Counsel for the appellant and M/S Khursheed Khan, SO and Hameedur Rahman, AD alongwith Ziaullah, GP for the respondents present. Rejoinder submitted. Counsel for the appellant seeks adjournment. Adjourned for final hearing to 05.09.2016 before D.B.


Member


Chairman

05.09.2016

Appellant in person and Mr. Muhammad Jan, GP for respondents present. Due to strike of the Bar learned counsel for the appellant is not available today before the Court, therefore, case is adjourned for arguments to 10-1-17 before D.B.


Member


Member

None present for appellant. M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Assistant AG for respondents present. Para-wise comments on behalf of respondent No. 3 submitted. The learned Assistant AG relies on the same on behalf of respondents No. 1 and 2. The appeal is assigned to D.B for rejoinder and final hearing for 12.5.2016.

28.05.2015

Appellant Deposited
Security & Process Fee

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was serving as Naib Qasid when vide impugned order dated 29.11.2013 he was appointed as Chowkidar. That he preferred departmental appeal against the said order on 25.5.2014 which was not responded where-after the appellant approach the Civil Court, however, the appellant was directed to approach the appropriate forum vide order dated 15.12.2014 where-after the appellant preferred service appeal on 7.1.2015.

That the cadre of the appellant from that of Naib Qasid to Chowkidar could not be changed without the consent of the appellant.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 25.8.2015 before S.B.


Chairman

25.08.2015

Counsel for the appellant, M/S Khurshid Khan, SO and Javed Ahmed, Supdt. alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 11.11.2015 before S.B.


Chairman

11.11.2015

None present for appellant. M/S Khurshid Khan, SO and Hameed-ur-Rchman, AD (lit.) alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 27.01.2016.


Member

25.02.2015

Counsel for the appellant present. Preliminary arguments partly heard. Appellant was initially appointed as Naib Qasid vide order dated 24.04.2013. On 29.11.2013 the appellant has been adjusted as Chowkidar against a wrong post. He filed departmental appeal to Secretary Education Khyber Pakhtunkhwa, Peshawar, which was not responded within the statutory period of 90 days, hence the instant appeal on 07.01.2015. Counsel for the appellant also requested for interim relief. Copy of application be issued with a pre-admission notice to the learned AAG/GP for reply/arguments and to assist the Tribunal on the point of maintainability. To come up for preliminary hearing on 20/4.2015.


Member


4. 20.04.2015

Appellant in person and Asstt: AG for the respondents present. Appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 29.04.2015 before S.B.


Member

5. 29.04.2015



Appellant in person and Asstt: AG for the respondents present. Appellant requested for adjournment due to non-availability of his counsel. To come up for preliminary hearing on 28.05.2015 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 29/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07.01.2015	<p>The appeal of Mr. Fazli Haq presented today by Mr. Muslim Shah Aryani Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	23.1.2015	<p>File received from the Hon-ble Bench-Let the eliminatory hearing to be put up on the 25.01.2015.</p> <p>None is available on behalf of the appellant.</p> <p>Notice be issued to appellant and his counsel. To come up for preliminary hearing on 25.2.2015.</p> <p style="text-align: right;">CHAIRMAN  MEMBER</p>

Before the KPK Service Tribunal PeshawarAppeal No. 29 /2015

Fazli HaqAppellant

VERSUS

Gov't of KPK & othersRespondents

Service Appeal**INDEX**

S.No	Descriptions	Annex	Pages	
			From	to
1	Service Appeal		1	3
2	Affidavit		4	-
3	Interim Relief		5	-
4	Copy of the appointment letter	"A"	6	-
5	Copy of Cadre change order	"B"	7	-
6	Copy of Posting transfer provincial Govt policy	"C"	8	15
7	Copy of departmental appeal	"D"	16	-
8	Copy of receipt leopard courier	"E"	17	-
9	Copy of the plaint & order of civil court	"F"	18	20
10	Wakalat Nama	"G"	21	-

Dated 03/01/2015

Appellant

Fazali Haq

Through

MUSLIM SHAH ARYANI

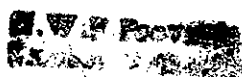
ADDVOCATE HIGH

COURT AT DISTT:

COURTS MARDAN

Musl - m
MUSLIM SHAH ARYANI
ADVOCATE
 High Court Peshawar

Before the KPK Service Tribunal PeshawarAppeal No. 29 /2015


 No. 13
 Dated 07-1-2015

Fazli Haq S/o Karim Khan R/o Bhai Khan presently at Guli Bagh
 MardanAppellant

VERSUS

1. Gov't of KPK through Secretary Education, Elementary & Secondary Education Civil Secretariat Peshawar
2. Director General Education, Elementary & Secondary Education Civil Secretariat Peshawar.
3. District Education Officer (Female) Mardan.....**Respondents**

Appeal U/S- 4 of NWFP Service Tribunal Act 1974, after lapse of the acquired period by law against the impugned order of cadre change of appellant letter No. 1674/G dated 29/11/2013 which passed against the law and without lawful authority as well as against the natural law.

PRAYER,

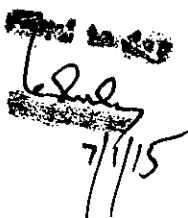
On the acceptance of the instant appeal, the impugned order of cadre change of appellant letter No. 1674/G dated 29/11/2013 may kindly be set aside on the basis of malafide order and without lawful authority and the appellant be restored in the earlier post of Naib Qasid for the sake of justice.

Respectfully Sheweth;

1. That the appellant was appointed as Naib Qasid in Gov't girls Middle School Takht Bhai Distt: Mardan dated on 24/04/2013 through letter No. 1665-7.

(Copy of the appointment letter is attached as Annex: "A").

2. That now the appellant was in probation period in the official time for the transfer has not been completed and during the initial probation period the respondent No.3 without law full authority and against the existant rules and regulations transfer the appellant from Gov't girls Middle School Takht Bhai to


 7/1/15

Gov't Higher Secondary School Sawal Dher against the vacant post of Chowkidar while the said order is pre meture and the cadre change of appellant is against the law and rules and self style policy of respondent No.3.

(Cadre change order copy is hereby attached as Annex: "B")

3. That the appellant officially has not been completed thier stay at one place as per policy of provincial Gov't.

(Posting transfer provincial Govt policy is attached as Annex: "C").

4. The appellant for the said illegal order filed departmental appeal to the secretary education/respondent No.1 but still which neither accepted nor rejected therefore, the time for the said appeal is not barred.

(Departmental appeal & receipt leopard courier are attached as Annex: "D & E").

5. That the appellant also approached to the civil court against the said illegal order which has been returned to the appellant on the point of jurisdiction and the civil court directed the appellant to approach the appropriate forum against the said order of cadre change.

(Copy of the plaint & order of civil court are attached as Anenx: "F").

6. That the respondents in the light of said illegal order of cadre change ~~the appellant~~ stopped the salary of appellant and till now the appellant has been deprived from their lawful right salary while the appellant ^{is} having their family rotein needs ~~of~~ ^{and} some expenses of house, and the appellant is a poor man and all based on their salary.

GROUND:

- A. That the respondent No.3 has not treated the appellant in accordance with law and rule and acted against the fundamental rights of the appellant as well as change the basic cadre of appellant through letter No. 1671/G dated 29/11/2013 is against the law and without lawful authority which un-justice, un-fair and hence not sustainable by the law.
- B. That the respondent No.3 used his power and authority against the law, rules and regulations and deprived appellant from his lawful rights, while the attitude of respondent No.3 is against the law & rules and not sustainable in the eye of law and respondent No.3.
- C. That the cadre change order of appellant will also effect the promotion, pension and all future rights of the appellant and the

respondent No.3 deliberately and intentionally without lawful authority issued the said order.

PRAYER:-

Therefore it is humbly requested in your Honour, that the appeal of the appellant on the above grounds with interim request may kindly be accepted and the appellant be restored in the earlier post of Naib Qasid and any other relief which is not prayed but this Hon'ble court deemed fit may also be granted in favour of the appellant.

Appellant

Fazali Haq

Fazli haq

Through

Musl

MUSLIM SHAH ARYANI

MUSLIM SHAH ARYANI
ADVOCATE
High Court Peshawar

ADDVOCATE HIGH
COURT AT DISTT:
COURTS MARDAN

Dated 03/01/2015

Identified by

Musl - m

MUSLIM SHAH ARYANI

MUSLIM SHAH ARYANI
ADVOCATE
High Court Peshawar
ADVOCATE MARDAN.

Appellant cell No -

0308 - 5712 380

0301 - 8186 199

Before the KPK Service Tribunal Peshawar

Appeal No. _____/2015

Fazli Haq S/o Karim Khan R/o Bhai Khan presently at Guli Bagh-
MardanAppellant

VERSUS

1. Gov't of KPK through Secretary Education, Elementary & Secondary Education Civil Secretariat Peshawar
2. Director General Education, Elementary & Secondary Education Civil Secretariat Peshawar.
3. District Education Officer (Female) Mardan....Respondents

SERVICE APPEAL

Respectfully Sheweth;

PRAYER FOR INTERIM RELIEF:-

1. That the appellant is a poor and helpless man has been illegally deprived and cadre changed through letter No.1671/G dated 29/11/2013 is against the law and rules and not sustainable by natural law.
2. That if the appellant not restored to the post of Naib Qasid then appellant will suffer irreparable loss while respondents will have no loss legally.
3. That the balance of convenience is also lies in favour of appellant.
4. That appellant having good prima facie case in his favour and there is every like hood in his favour.

Appellant

Fazali Haq Fazli haq

Through



MUSLIM SHAH ARYANI
ADVOCATE HIGH
COURT AT DISTT:
COURTS MARDAN

Musl

MUSLIM SHAH ARYANI
ADVOCATE
High Court Peshawal

Before the KPK Service Tribunal Peshawar

Appeal No. _____/2015

Fazli HaqAppellant

VERSUS

Gov't of KPK & othersRespondents

Service Appeal

AFFIDAVIT

I, do hereby solemnly affirm and declare that contents of the above mentioned service appeal are true and correct to the best of my knowledge and nothing has been concealed from this Hon'able court.

Deponent Fazli Haq

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN.OFFICE ORDER.

Appointments order of the following Class-IV servant are hereby ordered against the vacant posts in BPS-1 Rs.4800-150-9300 in the interest of public on the terms and conditions as detail given below:

S.No	Name	F/Name	Address.	Detail Of Post
1	Fazli Haq	Karim Khan	Bhai Khan	GGMS Takht Bhai , Naib Qasid
2	Mohammad Irfan	Mohammad Fayaz	Madey baba	GGMS Takht Bhai , Sweeper

TERMS AND CONDITIONS

1. He/She shall for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In Lieu of pension and gratuity, he shall be entitled to receive such amount contributed by him towards Contributory Provident Fund (C.P.F) along with the contributions made by Govt. to his accounts in the said fund, in the prescribed manner.
 2. He Shall be governed by the Civil Servants Act 1973, all the laws applicable to the Civil Servant and Rules made there under.
 3. He Shall initially, be on probation for a period of one year extendable for a further period up to another year.
 4. His service shall be liable to termination at any time without assigning any reason thereof before the expiry of period of probation, if his work during this period is not found satisfactory. In such an event, he shall be given a months notice of termination from service or one months pay in lieu thereof. In case he wishes to resign at any time, a months notice shall be necessary or in lieu thereof a months pay shall be forfeited.
 5. He shall produce medical fitness certificate from the Medical Superintendent, DHQ Hospital Mardan, as required under the Rules.
 6. Their age shall not be less than 18 and above 30 years..
 7. The Post at which the pay is not drawn, the appointment order should be automatically Cancelled.
 8. All the Drawing and Disbursing Officers are directed not to hand over charge to those candidates whose donated land not yet transferred in the name of Education Deptt. And attested mutation may be kept on their record
- If the above terms and conditions of appointment are acceptable to him/her , He/she should report for duty in the office of District Education Officer(Female) Mardan with in 15 days against the Existing vacancy.

(Attia Sultan)

District Education Officer
(Female) Mardan.

Endst No: 1665-70 Dated 24/4 2013

Copy of the above as forwarded for information and necessary action.

1. Director Elementary and Secondary Education Khyber pakhtunkhwa Peshawar.
2. District Comptroller Office Mardan.
3. Head Mistress Concerned
4. ADEO (F) Estab: Local Offices
5. Budget and Accountant Officer local office
6. The officials Concerned.

Attia Sultan
24-04-13
District Education Officer
(Female) Mardan.

Attested
Fazli haq

Attested to be

True Copy

6

Annexure - "B"

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE), MARDAN.

ADJUSTMENT.

The following adjustment of Class-IV are hereby Ordered on their own Pay & BPS to the Schools noted against each with effect from the date of their taking over Charge in the interest of Public Service.

S.No.	Name & Designation.	School.	Adjusted at.	Remarks.
1.	Fazli Haq, N/Qasid.	GGMS Takht Bhai.	GGHSS Sawal Dher.	Against Vacant Chowkidar Post.
2.	Muhammad Irfan, Sweeper.	GGMS Takht Bhai.	GGHS Sher Garh.	Against Sweeper Post.
3.	Khurshid Ahmad, Chowkidar.	GGPS Mandoori.	GGMS Takht Bhai.	Against N/Qasid Post vice S.No.1
4.	Muhammad Ijaz, Chowkidar.	GGPS Gul Maira.	GGHS Gujar Garhi.	Against Bahishti Post.
5.	Wajid Khan, Chowkidar.	GGPS Israr Abad.	GGMS Takht Bhai.	Against Sweeper Post vice S.No.2

- Note :-
1. No TA/DA etc., is allowed.
 2. Charge reports should be submitted to all concerned.

Attested to be true copy

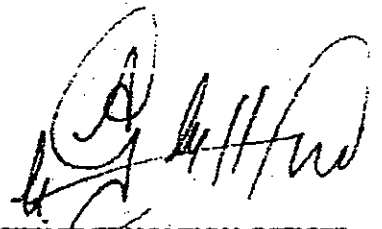
(ZUHRA BEGUM),
DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN.

Endst:No. 1671/4 /PST File/DEO(F). Dated Mardan the 20/11 /2013

Copy forwarded for information and necessary action to the :-

1. Sub Divisional Education Officer (Female), Mardan.
2. Sub Divisional Education Officer (Female), Takht Bhai.
3. Head Mistress/Teachers GGMS/GGPS Concerned Schools.
4. Officials Concerned.

Attested
Fazli Haq


DISTRICT EDUCATION OFFICER



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL
GOVERNMENT.

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

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

time
2 Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the being in force, allowed to make posting/transfer subject to observance of the policy and rules.
Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

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Attested
Fazli Haq

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement
¹DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column2 thereof:

Outside the Secretariat	
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.
	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.

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

Attested
Fazli haq

2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
 - b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.
- xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days

Attested
Fazli haq

of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

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

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

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

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

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

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

.....

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

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

.....

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Attested

Fazli haq

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

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

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshawar, _____

NOTIFICATION

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

CHIEF SECREARY
GOVERNMENT OF NWFP

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.
- 5.

(NAME)
SECTION OFFICER
Administrative

Department

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

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I

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Attested
Fazli haq

(E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

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

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

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

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

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

.....
The Chief Minister NWFP has directed that:-

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

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attested

Fazli-haq

shall be proceeded against under the prevalent rules and regulations.

{*Authority: Urdu circular No: SOR-VI/E&AD/1-4/2003, dated 86-2004. Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.*}

- It has been decided with the approval of the competent authority that:-
- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
 - ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

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

.....

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

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

.....

PLACEMENT POLICY.

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

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.

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

Attested

Fazli haq

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

TO,

THE SECRETORY EDUCATION KPK PESHAWAR

SUBJECT: DEPARTMENTAL APPEAL AGAIST THE ORDER OF DISTRICT EDUCATION OFFICER (EDUCATION) MARDAN ENDST NO 1671/G DATED ON 29/11/2013 IN WHICH THE D.E.O ILLEGALLY WITHOUT LAWFUL AUTHORITY CHANGED THE CADRE OF APPEALANT FROM N/QASID TO CHOWKIDAR.

RESPECTFULLY SHEWETH:

That the appellatant is working at GGMS as N/Qasid but D.E.O Mardan changed the cadre of appellatant to chowkidar and transfer him through endst no 1671/G dated on 29/11/2013 to GGHSS as chowkidar against the vacant post without lawful authority while against the policy and law.

1. That the appellatant has been appointed through letter no 1665/70 dated on 24/4/2013 as N/Qasid at GGMS Takht bhai.
(Appointment letter is attached as A)
2. That now the appellatant is under the probation period as per provincial policy for transfer and posting three years is probation period and within the probation period the D.E.O Mardan transferred and also changed the cadre of appellatant therefore the order above is wrong and against the law and rules and pre mature order as per policy.
3. That when the person has been appointed then no body having authority to change his cadre on this point allot of authorities are available of august and apex courts.
(Reff PLC 2010 1377 SCMR 1999 606)
4. That the appellatant also not fulfill the stay as initial appointee as per policy therefore order also against the provincial policy for transfer and posting.
5. That appellatant also approached to D.E.O education Mardan after issuance of cadre change order but in vain.
6. That the above order of D.E.O Mardan for cadre change of appellatant based on malafide and against the and cadre change order not only violate the fundamental rights of appellatant but also affecting the G.P fund pension etc of appellatant which your authority know better.
7. That the appellatant is poor and helpless man cannot effort the future complication so, it's also a mercy appeal before you for correction and cancellation of above order. *while application about the matter has been given to DEO but in vain.*
(copy attached)

Therefore it is humbly requested in your honor that the impugned order of D.E.O Mardan may kindly be cancelled and to restored the existing of appellatant in earlier cadre at GGMS Takht bhai or as your authority think fit for the betterment of appellatant and his children future.

Attested

APPELLANT: *Fazli haq*
FAZLI HAQ S/O ~~██████~~ KAREEM KHAN
R/O BHI KHAN
PRESENTLY GULI BAGH DISTRICT
MARDAN

THROUGH
MUSLIM SHAH ARYANI ADVOCATE
NEW BLOCK ,B, SEAT NO ,2, DISTT
COURTS MARDAN.
CELL NO:0300 5723977
Muslim Shah Aryani
Advocate
High Court Peshawar

"E"

LEOPARDS COURIER SERVICE (PVT.) LTD.
G.S.T. NO.: 12-00-9803-001-91

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P-Z

From:

To:

To: <i>Secretary Education</i>		SERVICE	CHARGES
<i>Par</i>		Pieces	
From: <i>Muslim Shah Aywan</i>		Weight	
		Price Inclusive of G.S.T.	
CASH	<i>100/-</i>	NO DECLARED VALUE	DATE <i>20/3/14</i>
			SIG.

"Leopards" Accepted Above Mentioned Items on Shipper's Risk & Shipper Agreed to All the Conditions Printed on Reverse

موبائل فون / غلو / پاسپورٹ / کیش / بریز زریو ٹریچک / زیورات اور قیمتی اشیاء
"لیپرڈز کوریئر" قبول نہیں کرتا اگر آپ نے غلطیائی کرتے ہوئے ایسی کوئی شے "لیپرڈز کوریئر" کے
حوالے کی تو ایسی اشیاء کی گمشدگی پر "لیپرڈز کوریئر" کی کوئی ذمہ داری نہ ہوگی۔

نوٹیفکیشن / دائری عدلیہ / مندرجہ ذیل مندرجہ کورس / لکڑا

منجھ 15/12/14 کو لکڑا

O--13
15.12.14

Parties present.

My this order shall dispose off an application filed by the defendant/petitioner for rejection/return of plaint U/O-7 Rule-10/11 of CPC. The said application was contested by the opposite party after submitting written reply. Arguments heard and record gone through.

.During the course of arguments counsel for defendants/petitioners argued that the plfff is a civil servant and according services rules, this court lacks jurisdiction to entertain the matter. At the end prayed for acceptance of application and rejection of the plaint with cost.

Contrary learned counsel for Plfff/respondent vehemently opposed the arguments advanced by his adversary by submitting written reply and arguments. At the end urged for rejection of the application in hand with special compensatory costs.

Perusal of case file shows that the plfff brought the instant suit for declaration coupled with; permanent mandatory injunction to the effect; that the plaintiff was appointed as Naib Qasid in Government Girls Middle School Takht Bhai on 24/04/2013 and the official probation is for three years but the defendant No. 3 has transfer him to Government Girls Higher Secondary School Sawaldher against vacant post as watchman, without expiry of the said probation periods, vide transfer order bearing No. 1671/G dated 29/11/2013, which has violate the fundamental rights of the plaintiff and is against the law, facts and contrary to the services rules, hence ineffective upon the plaintiff's rights, hence, liable to be cancelled. Through the ~~insur~~ application plaintiff asked that defendants be restrained from any kind of interference. That the defendants were asked time and again to accept his right, but they refused, hence the present suit.

Record indicates that respondent/plaintiff by way of declaratory suit etc had impugned order No. 1671/G dated 29/11/2013, being wrong, illegal; It is to be pointed out^{uot} herein; factum of terms and conditions of service matters, which exclusively falls within the ambit of Services Tribunal and jurisdiction of Civil Courts is barred. Consequently, application of petitioners/defendants stands accepted and plaint stands returned U/O-7 (10) of CPC, with the directions to plfff to approach appropriate forum, if so advises. No order as to cost. File be consigned to Record Room Mardan after its completion.

Announced
15.12.2014

Maryam Wajahat
15th Dec 14
(Maryam Wajahat)
Civil Judge-III, Mardan

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Copy Department
Civil Court Mardan
05/12/14

Continued
30 July 14

for arguments on application n u (07(11)10)
of CPC.

MARIA WAJAHAT
Civil Judge-III
Mardan

0-14
18.6.14

مدعی بعد وکیل حاضر. فریب مدعا علیہم
توئی حاضر ہے۔ بحث بر درخواست فریب
مدعی سماعت ہوئی۔ نوٹس سروے
تاکہ مدعا علیہم وکیل بااوردائے یوحانہ مبلغ 300 روپے
جاری ہو کر برائے بحث بر درخواست اخراج شدہ

فریب مدعا علیہم نوٹس 7/14 کو پیش

MARIA WAJAHAT
Civil Judge-III
Mardan

0-12 P 40 is person while def dies through
10 July 14 Counsel present. Remaining arguments
to be heard to come upon 11/11/14 for
orders on application for dis-
missal of suit.

MARIA WAJAHAT
Civil Judge-III
Mardan

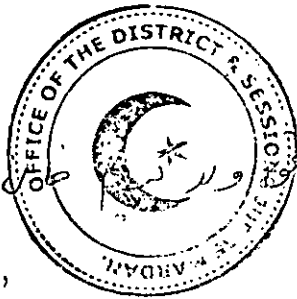
نوٹس 11/11/14
کے لئے فریب مدعا علیہم وکیل بااوردائے یوحانہ مبلغ 300 روپے
جاری ہو کر برائے بحث بر درخواست اخراج شدہ

فریب مدعا علیہم نوٹس 11/11/14 کو پیش

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EXAMINER
Sessions Court
Mardan

5/11/15

لجراحت جناب سنیٹر مولیٰ بیگم صاحبہ مردان



7/8

12/13/14

Date: 12/11/13

Senior Civil Judge Mardan.

میں نے ڈاکٹر کی درخواست پر ایڈووکیٹ جنرل سکول ایجوکیشن فیڈریشن کو مطلع کیا ہے کہ وہ اس کے لئے ایک نوکری کی اجازت دے۔
ڈاکٹر کی درخواست (Female) مردان

7/8

میں نے دعویٰ استوار کیا ہے کہ میری بیٹی مراد بیگم مرعاشم کو مدعیہ نے 24/04/2013 کو ہیجسٹریٹ نائٹ قاضی گورنمنٹ ٹرننگ ڈیپارٹمنٹ سکول تحت کھائی بھرتی عوامی تھا۔ وہ Probation پر ڈیڑھ سال ہے۔ یہ مدعیہ نے اس سے Probation پر ڈیڑھ سال سے بھی گورنمنٹ ٹرننگ ڈیپارٹمنٹ سکول ساؤتھ سے vacant پوسٹ پر ہیجسٹریٹ کو لکھا ہے کہ اس کو لیا گیا ہے۔ جو کہ مدعیہ کی جانب سے اتنی ہی بنا ہے کہ وہ pre-matر ٹرانسفر ہے۔ یہ مدعیہ نے بنا ہی حقوق کو railat کیا ہے۔ مدعیہ نے مدعیہ کا ٹرانسفر بذریعہ حکم نمبر 1671/13 سے 29/11/13 سے ناردرسٹ خلاف قانون و خلاف اصول ہے۔ اور مدعیہ کے حقوق پر کالعدم لادین ہوئے ہیں۔ اور یہ کہ قابل منسوخی و قابل درستی ہے۔

میں نے مدعیہ کی درخواست پر ایڈووکیٹ جنرل سکول ایجوکیشن فیڈریشن کو مطلع کیا ہے کہ وہ اس کے لئے ایک نوکری کی اجازت دے۔
29/11/13 کو تقویت پر مدعیہ کو اس کے لئے اجازت دے دی گئی ہے۔
مدعیہ کو ٹرانسفر کر کے اس کے لئے اجازت دے دی گئی ہے۔
مدعیہ کے لئے اجازت دے دی گئی ہے۔

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Seal of the Court Mardan

5/11/13

مہلت معر فی کورٹ نہیں	اعتبار رکھتے	مہلت دہوں دہانے مہلت
200/2	مہلت فیڈر سٹیٹ	مہلت انکار در عالم بعد و انتہا
مہلت انسانی و دل کا سہرا	مہلت ہر سال	مہلت ہر سال

جواب عالی! مہلت سے قبل عرفی ہے۔

(1) مہلت ہر سال ہر سال (تعمیراتی لٹیر) 1665-70 سے 29/2/13 کو (مہلت)

در عالم مہلت نائٹ ہاؤس لٹیر سے ہوا تھا۔ مہلت ہر سال (تعمیراتی لٹیر) ہے

(2) مہلت ہر سال سے مہلت ہر سال (تعمیراتی لٹیر) ہے۔ مہلت ہر سال (تعمیراتی لٹیر) ہے۔

SSMS تحت مہلت سے مہلت ہر سال (تعمیراتی لٹیر) ہے۔ مہلت ہر سال (تعمیراتی لٹیر) ہے۔

(3) مہلت سے مہلت ہر سال (تعمیراتی لٹیر) ہے۔ مہلت ہر سال (تعمیراتی لٹیر) ہے۔

مہلت ہر سال (تعمیراتی لٹیر) ہے۔ مہلت ہر سال (تعمیراتی لٹیر) ہے۔

مہلت ہر سال (تعمیراتی لٹیر) ہے۔ مہلت ہر سال (تعمیراتی لٹیر) ہے۔

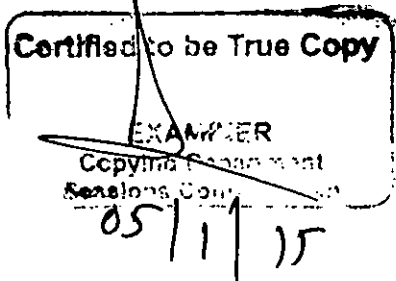
مہلت ہر سال (تعمیراتی لٹیر) ہے۔ مہلت ہر سال (تعمیراتی لٹیر) ہے۔

مہلت ہر سال (تعمیراتی لٹیر) ہے۔ مہلت ہر سال (تعمیراتی لٹیر) ہے۔

مہلت ہر سال (تعمیراتی لٹیر) ہے۔ مہلت ہر سال (تعمیراتی لٹیر) ہے۔

مہلت ہر سال (تعمیراتی لٹیر) ہے۔ مہلت ہر سال (تعمیراتی لٹیر) ہے۔

مہلت ہر سال (تعمیراتی لٹیر) ہے۔ مہلت ہر سال (تعمیراتی لٹیر) ہے۔



(5) ڈیٹا ریگولیشن سے متعلق دفعہ کیا گیا ہے کہ دعویٰ مدعی درستی تسلیم کرتے ہوئے ہے کہ
لیڈ داخل کرنے سے پہلے اس کا اہلکار ہے۔

(6) دعویت معزنی کو درستی نہیں ہے، افسانہ و گمان ہے، یہاں کہ دعویٰ دہلائی ہے
درجہ عنوان بااثر ہے۔ اور عدالت صفحہ کو درست طور پر افسانہ طلب ہے

(7)

لہذا استدعا ہے کہ دعویٰ مدعی بر خلاف ریگولیشن
تحتوی مدعی ڈگری حاصل کر لیا جائے۔ اور دیگر دائری
تقریباً انصاف ہوگی۔ حق مدعی فرمت دیا جائے۔

مسلم شاہ اریانی ایڈووکیٹ

مدعی بنیام کھن

Muslim

Muslim Shah Aryani
Advocate
High Court Peshawar

نوٹ - درستی تمام حالت فریقین درجہ
عنوان بااثر ہے۔

12/12/2013

مدعی بنیام کھن

کلی

مدعی بنیام کھن
نہیں کیا ہے کہ ہم
برائے بااثر مدعی بنیام کھن
کے درستی ہے کہ مدعی
اور عدالت صفحہ سے پوچھیں
نہیں ہے۔

مدعی بنیام کھن
12/12/2013

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Department
Sessions Court Peshawar

05/11/15

بہادت پتہ - سٹیڈ سول؟ صوبہ سرحد

سٹیل جی ایم ڈائریکٹریٹ ایجوکیشن و ٹیکنالوجی

سٹریٹنٹواریٹ

9

درخواست برآوردہ سرگرم امتحانی دوائی سٹریٹنٹواریٹ
سٹول ایگم/دریٹیم آ وہ ڈرائنگ جیٹنر 1671/9
مہرہ 13/29/11/29 پر کونجی عجلدہ ہرگز نہ لہم
درشتی کرنا اور دریٹو سٹریٹنٹواریٹ
کلیڈ جیور ہرگز نا رطوب ہے۔

ہنا عا! دریا سٹریٹنٹواریٹ ہے۔

1. کہ دریا سٹریٹنٹواریٹ کا نام ہے مقرر عنوان بالا ہے جو کہ فعال کا کونجی سٹریٹنٹواریٹ
2. کہ سٹریٹنٹواریٹ کا دوائی ٹیسٹس وجوہات پر مبنی ہے اور جیٹنر سٹریٹنٹواریٹ
کے قوی امکان ہے۔

3. کہ آٹو دریٹو سٹریٹنٹواریٹ کو ہڈیم جیٹنر 1671/9 مہرہ 13/29/11/29 ڈرائنگ سٹریٹنٹواریٹ
نورہی کو نا قابل نشانہ ہے۔ اور سٹول ایگم کو کونجی
نشانہ ہے۔

4. کہ موازنہ سہولت ہو جیٹنر سٹریٹنٹواریٹ ہے۔

لہذا سٹریٹنٹواریٹ سٹریٹنٹواریٹ کا درجہ سٹریٹنٹواریٹ
ڈرائنگ سٹریٹنٹواریٹ کو ہڈیم جیٹنر سٹریٹنٹواریٹ
بالا حکم سے منتظر رہا رکھا جائے کہ احکامات
مہرہ 12/2013

بیان صفحہ
مقررین کھاتا ہے کہ ہم سٹریٹنٹواریٹ
درخواست درجہ و جیٹنر
اور درجہ سٹریٹنٹواریٹ
سٹریٹنٹواریٹ

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05/11/15

بدرت فا - ستر سوال 3 جلد - سردار

مفضل حسن - نام - کارڈ ستر برکوسٹ ستر

دکتر ستر اللہ

9

جانب علی! - ستر دستاویزات بجانب مدی جنب ظل
کسب صب

- 1 دعوی استرداد - ستر حکم
- 2 صدور حکم استناد - #
- 3 ستر استر آرڈر - ~
- 4 ستر ستر حکم - ~
- 5 درنوایت DE ستر ستر
- 6 ستر ستر نام
- 7 ستر ستر نام

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12 Dec 13

لٹر ستر ستر ستر ستر ستر ستر ستر ستر

12/12/2013

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Sessions Court, Mardan

05/11/13

بعدات جنا۔ سول کورٹ مردان

فضل حق

نیم

ڈائریکٹر ایجوکیشن و سٹیو

دعویٰ استنادی

115

5
20/1/14

درخواست براد صدر حکم امتناعی دعویٰ ناکدی
نیم مشول العیم بدین مردان، وہ سٹن کو چھٹی نمبر 1671/9
عدتہ 29/13 سے ذرا بچے سٹن کا کٹہہ ڈانٹہ فائدے سے
کو تیار کرنے کیلئے درجہ میں صحت منہ کرنا بدنامی کے لئے
صافی ناکہ کی مطلوب ہے۔

جنا۔ ماہی! سائن صبت ذیل عمر میں صحت۔

1. کہ سٹن کا مقدم عنوان بالا ہے جو کہ امرتہ کیلئے مقدر بعدات حضور ہے۔
2. کہ سٹن کا کٹہہ ٹھوسا وجوہات پر مبنی ہے اور بادی النظر میں کامیاب
ہونے کے قوی امکانات ہے۔

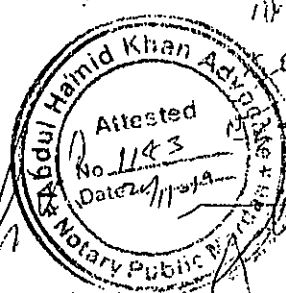
3. کہ اگر مشول العیم نے سائن کو بدنامی چھٹی نمبر 1671/9 عدتہ 29/13 سے تبدیل کیا
تو اس سے سٹن کے Tenure، نشن اور اور عبورہ سرد سے ناکہ ناکہ بنانا
مفید کا اندیشہ ہے۔ جبکہ اگر چھٹی نمبر بالا پر عملدرآمد ہو جائے تو مشول العیم کو کوئی نقصان
4. کہ توازن سکولت میں بجا نہیں رہی ہے۔ جبکہ Malafide اور discriminatory لاکر رٹورن
پر صحت نہ ہو سکتا ہے۔ جس کیلئے بالا عدالتوں کے فیصلے موجود ہے۔

پان صلی

لینا استدعا ہے کہ سٹن کے درخواست کو منظور
فرما کر سٹن کو حکم امتناعی دعویٰ ناکہ کا جارج
کرنے کا حکم صادر فرمائی جاوے۔

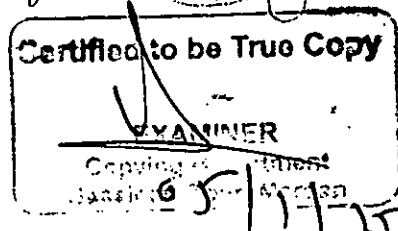
20/1/14

مکملہ ایچ بی ایم لاکھو



دردن پانچویں کے جیم مردان 11/14
مستقیم و بیعت کے درجہ و بیعت
امیر کوڑا اور مردان حضور

سٹن کے لئے بدنامی کے لئے



بعد از جنب سول کورٹ مدران

ڈائریکٹر ڈیپارٹمنٹ ڈیپو

نہام

دکنہ انتظامی



جناب عالی! خواہد فرمائے 11-7R-5 پنجاب سائبر ایڈمی سب ذیل طرفین میں

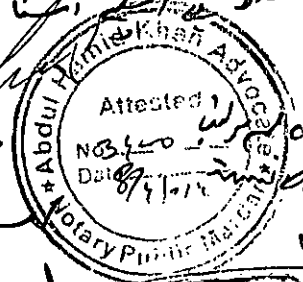
مذرات تحریر :-

1. مدعا علیہ / سائبر ایڈمی کو درخواست دائر کرنے کی قانونی کوئی حق حاصل نہیں ہے۔
2. کوئی نیا درخواست حاصل نہیں ہے۔
3. درخواست عدا Pre-mature ہے کیونکہ قانون آف ایکٹ Maxim (e Maxim) کا درخواست عدا ibi non ibi نظر آتا ہے جہاں حق وہاں Remedy ہوتی ہے۔
4. مدعا علیہ / سائبر ایڈمی کا درخواست قابل اخراج ہے۔ کیونکہ اگر درخواست منظور ہوگی تو وہی کو Cadere کا شہ رہ جائیگا جس پر بلا کوڈس کے فیصلے سے آگے کی بھی صورت مدعا علیہ کا Cadere چلنے لیسے مقرر ہوتا ہے۔

مذرات واقعاتی :-

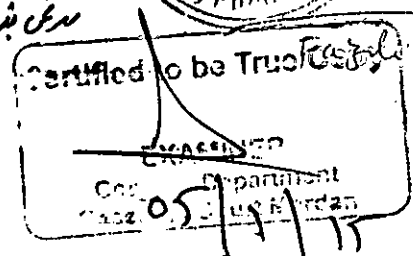
1. مقدمہ نمبر قانونی امور سے ہے۔ جو ان کے لیے ہے۔
2. مقدمہ نمبر مقدمہ ہے اس کے اسکا ری ہے۔ جیم عذوبہ والا قابل پذیرائی ہے۔
3. مقدمہ نمبر مقدمہ ہے۔ کیونکہ وہی کو کہیں بھی Remedies ہیں جس پر اس کا مستحق ہے۔
4. اگر وہی کا Cadere حال نہ ہوا تو وہی نہ ہو جو وہ بہ مستقبل سے بہت مارے مشغول ہیں، تنخواہ، دیگر فینڈ وغیرہ میں دلچسپی ہوتی ہے جو کہ وہی کے ساتھ زیادتی ہوتی ہے۔

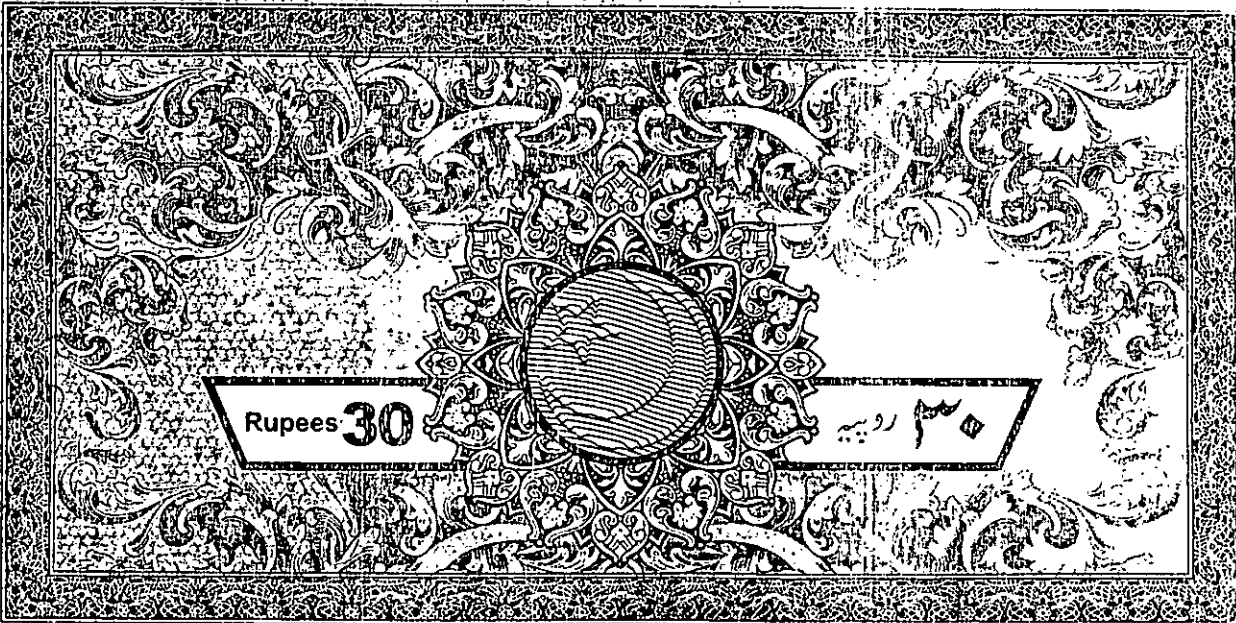
لینڈ اسٹریٹری سے درخواست مدعا علیہ / سائبر ایڈمی کو خارج زمانے کے احکامات جاری کرانا چاہئے



سائنس
تصدیق کیا گیا ہے
موجودہ تاریخ سے
رہنما ہے

14/05/2014
Shah (Irfan)
Advocate
High Court Bench





بصورت نقد ...

مقرر حق ...

دعاویٰ اشکراقتی

۱۰-۱۲
۱۲ Dec 13
شماره ...

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Asad Khan
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Agmal Khan
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JAFFAR IQBAL
Advocate
Attested
No. 299 Date 12/12/13
Notary Public Dist: Courts Murdan

فقیر رضا مدنی
Fazal Naq

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Copy
Serial

۵۵/۱/۱۲

	کورٹ نمبر
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11/12/2013

201 منجانب صہی

مورخہ

مقرر صہی

بنام

ڈاٹر سٹریٹ مندر

مقدمہ

صہی لاسو (صہی)

دعویٰ

C. No.

11/12/13

Date

جرم

Senior Civil Judge,
Mardan.

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیروی وجواب دی وکل کاروائی متعاقدان منام صدران کے لئے مسلم شاہ اریانی ایڈووکیٹ کو مقرر کر کے اترار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر طرف دینے جواب دی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تسدیق زراں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم بیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی دائر کرنے کی اپیل نگرانی و نظر ثانی و بیروی کرے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرری کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداشت منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخی پیشی مقام دورہ پر ہو یا تاکہ حد سے باہر ہو تو وکیل صاحب پابند ہونگے کی بیروی مقدمہ مذکور لہذا نکالت نامہ لکھ دیا کہ سند ہے۔

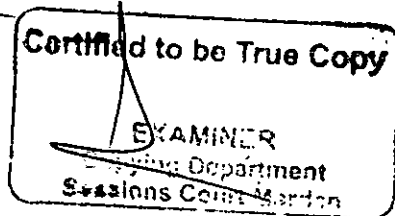
المقوم 11 ماہ 11/12/2013

العبد گواہ شدہ العبد

صدران کے لئے منظور ہے۔

Attested & Accepted

Musl
Muslim Shah (Aryani)
Advocate
High Court Peshawar



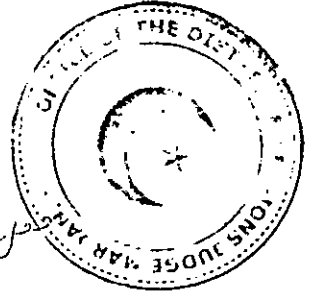
11/12/13

لوائن درخواست حکم (معدنی)

9/11/13

لوائن درخواست معزز صاحب راجہ سونہا سنگھ

4338



محل حق و لاکھیم خان ساکن بجائی خان حال علی باغ / مہاراجہ

Date: 9/11/13

Senior Civil Judge Mardan.

1 ڈاکٹر گریجویٹ اسکول اینڈ کالج ایف ڈی ایف
2 سکول ایف ڈی ایف ایف ڈی ایف ایف ڈی ایف ایف ڈی ایف
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ڈاکٹر گریجویٹ اسکول ایف ڈی ایف ایف ڈی ایف ایف ڈی ایف ایف ڈی ایف (Female) مردان

۱) دعوی استوار ہو رہی ہے کہ مراد بنیم مرزا نے 24/11/13 کو پوسٹ
ٹکٹ کا ممبر ٹورنٹ گورنمنٹ سکول کے پرائمری شعبے میں داخلہ لیا۔
۲) پرائمری سکول میں داخلہ کے لیے - ۳۰ سال کی عمر سے زیادہ ہونی
کو پرائمری سکول میں داخلہ کے لیے ہے۔ وہی گورنمنٹ گورننگ سکول سے
گورنمنٹ گورننگ سکول میں داخلہ کے لیے - vacant پوسٹ پر پوسٹ
ہو گیا (تعمیراتی) ہے۔ - جو کہ مدعی کی جانب سے پیش کیا گیا ہے اور
پرائمری سکول ہے۔ - یہ مدعی کے پاس ہی حقوق کو رکھتا ہے اور یہ
مدعی کا ٹرانسفر ہوا ہے۔ 16/11/13 سے 16/11/13 تک اس دوران میں خلاف
قانون و خلاف اصول ہے۔ اور مدعی کے حقوق پر کالعدم اور غیر
مؤثر ہے۔ اور حکم قابل منسوخی و قابل درستی ہے۔

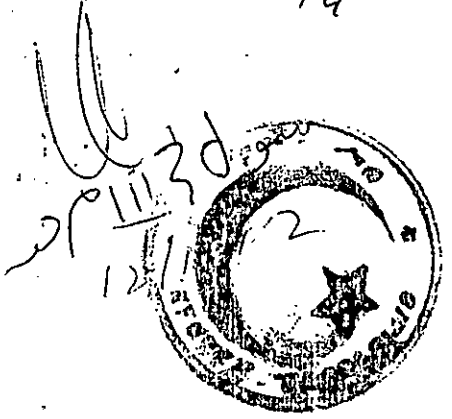
۲) مراد بنیم مرزا نے 24/11/13 کو پوسٹ ٹکٹ کا ممبر ٹورنٹ گورنمنٹ سکول کے پرائمری شعبے میں داخلہ لیا۔
۳) پرائمری سکول میں داخلہ کے لیے - ۳۰ سال کی عمر سے زیادہ ہونی
کو پرائمری سکول میں داخلہ کے لیے ہے۔ وہی گورنمنٹ گورننگ سکول سے
گورنمنٹ گورننگ سکول میں داخلہ کے لیے - vacant پوسٹ پر پوسٹ
ہو گیا (تعمیراتی) ہے۔ - جو کہ مدعی کی جانب سے پیش کیا گیا ہے اور
پرائمری سکول ہے۔ - یہ مدعی کے پاس ہی حقوق کو رکھتا ہے اور یہ
مدعی کا ٹرانسفر ہوا ہے۔ 16/11/13 سے 16/11/13 تک اس دوران میں خلاف
قانون و خلاف اصول ہے۔ اور مدعی کے حقوق پر کالعدم اور غیر
مؤثر ہے۔ اور حکم قابل منسوخی و قابل درستی ہے۔

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Sessions Court Mardan

۵۵/۱۱/۱۳

سید ذناظ مراد کھنجر و بلبل مریدی نے اس وقت درج ذیل حکم اور دست نامی ضرورت منظور میں
 گذاری ہے کہ درج ذیل کو وہ ٹرانسفر بھیجی نمبر 1671/13 مورخ 29/11/13 کوئی
 عمل دراز صورت کریں اور دست نامی اور دست نامی کو *Andam / Despatch* لے کر
 بحفاظت کمرتا سلاویں لیں

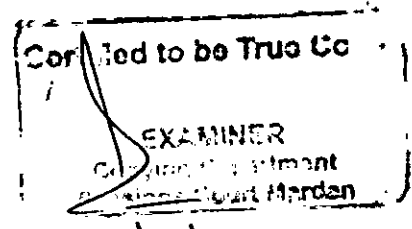
لیکن اگر نسبت ضرورت کو کوئی عذر بیان تو صورت $\frac{1}{14}$ کا لے کر ضرورت
 میں کافر سلاویں لے کر لیں



District Education Officer
 (Female), Mardan

علی محمد دین
 19/12/13

صبا بیگم
 صاحبہ
 اچولین افسر
 19/12/13
 لوتیس



05/11/13

فانیل
 21/12

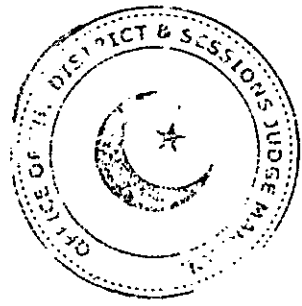
سٹی

گورنمنٹ ہائیڈرو گریڈنگ ڈپارٹمنٹ

فٹنگ فٹنگ ڈپارٹمنٹ

پرائیویٹ

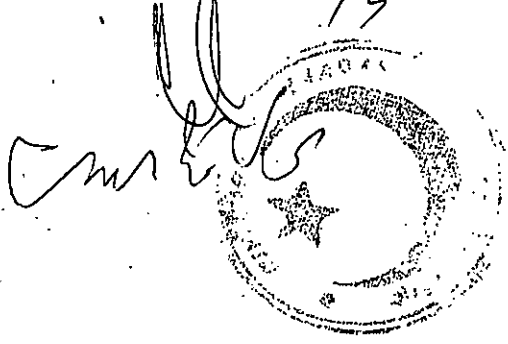
پرائیویٹ ڈپارٹمنٹ



گورنمنٹ

(19)

پرائیویٹ ڈپارٹمنٹ



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Sessions Judge Malakand

05/11/15

Handwritten signature and date: 4-1-14

Handwritten text in Urdu:
صفا علی
مستقیم الیہ
تیسری بڑھتی ہوئی تجارتی ادارہ
انڈیا
04 05 2014
جان محمد PS

Handwritten notes:
خانیہ
لکھنؤ
4

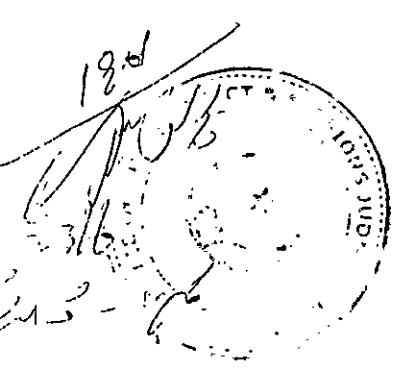
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C-7
1/1/15

Handwritten signature at the top of the page.

Handwritten text: "Handwritten text in Urdu script" with date "11/9/14".

Handwritten text: "Handwritten text in Urdu script".

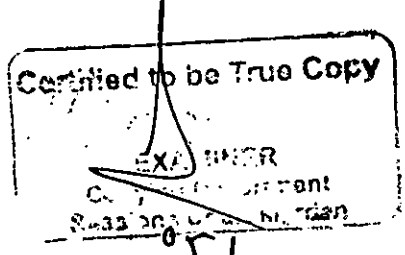
Handwritten text: "Handwritten text in Urdu script" with a circled number "119".



Handwritten text: "Handwritten text in Urdu script" with a signature.

Handwritten text: "11/9/14" and "Handwritten signature" next to a circular stamp.

Handwritten text: "Handwritten signature" and "Handwritten text" with a circled date "10/7/14".



Handwritten date: "11/15".

DESPATCHER
D.E.O (F) Mardan

26/6/14

مسلم شاہ اریانی ہزارکے سٹی ایڈووکیٹ

MUSLIM SHAH ARYANI
ADVOCATE
High Court Peshawar

جائے

ڈسٹرکٹ ایجوکیشن آفیسر فی مل کی کونسل ہزارکے ایڈووکیٹ مسٹر
ایک طرف سے ہزارکے ایڈووکیٹ مسٹر شاہ اریانی کا بار بار
رہا ہے۔ اس بارے میں ہزارکے ایڈووکیٹ مسٹر شاہ اریانی نے
ذمہ داری اٹھائی ہے۔ اس بارے میں ہزارکے ایڈووکیٹ مسٹر شاہ اریانی نے
ذمہ داری اٹھائی ہے۔ اس بارے میں ہزارکے ایڈووکیٹ مسٹر شاہ اریانی نے

2776

جائے

26/6/14
P.S.
پولیس

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Government
Court Mardan
5/11/15

مصدقہ نقل عدالت سولہ مارچ ۱۹۱۳ء
 بعدالمت سینٹر سولہ جج، مردان

نمبر مقدمہ: 718/1
 رجسٹرڈ: 12/12/13
 عدالت: 13/12/13

فضل حق



بنام

الحکومت

9

	<p>دعویٰ بذریعہ وکیل پیش ہو کر سپرد عدالت جناب سولہ جج محترم ماہ سرو پلانٹ کلمہ کیا جاتا ہے۔ مدعی ادیل کو ہدایت کی جاتی ہے، کہ وہ آج ہی عدالت موصوفہ میں پیش ہو۔</p>	<p>حکم نمبر - 12/12/13</p>
	<p>سینٹر سولہ جج، مردان</p> <p>لدا اڈیشنل جج</p> <p>جناب عالی،</p> <p>شہنشاہ کئی لکڑیوں کی درخواست حکم امتناعی حکم امتناعی</p> <p>آرڈر فیماں نامہ و وکالت نامہ شامل نقل ہے۔ رپورٹ لکھی ہے</p> <p>12/12/13</p>	<p>0-2 12.12.13</p>
<p>0-3 12 Dec 13</p>	<p>Case file received from the Court of learned SCJ Mardan. Be registered.</p> <p>Plaintiff with Counsel present - Admits and verifies contents of plaint as true and correct. Also moved application for grant of injunctive relief. Preliminary</p>	<p>Certified to be True Copy</p> <p>EXAMINER Copying Department Sessions Court Mardan</p> <p>05/1/15</p>

Continued
12 Dec-13

arguments heard. (in notice of application for grant of injunctive relief be issued to defects along with summons. To come upon 6/1/2014 for attendance of defects-Plff is directed to submit registered postal envelope along with A/D card within 20 days.

MARIA WAJAHAT
Civil Judge-III
Mardan

حیدر مدعی و AGP برائہ مدعا علیہم حاضر ملتوی
ایرا جا کر مثل برائہ جواب دعوای جواب درخواست

0-4
6.1.14

MARIA WAJAHAT
Civil Judge-III
Mardan

فریقین صب سابق حاضر۔ درخواست برائہ ہم

0-5
20.1.14

انسانی دوائی تکیہ فریب مدعی گزارے
دفتر مثل کٹر ملتوی ایرا جا کر مثل برائہ جواب دعوای

جواب درخواست یا تے خورد 2/14 کو پیش

MARIA WAJAHAT
Civil Judge-III
Mardan

فریقین صب سابق حاضر۔ وکیل مدعا علیہم نے

0-6
1.2.14

برائہ جواب دعوای بیعت طلب کی صب اسدنا

دعا جا کر مثل برائہ جواب دعوای جواب درخواست

MARIA WAJAHAT
Civil Judge-III
Mardan

وئے 2/14 کو پیش

Certified to be True Copy
EXAMINER
Comptroller Department
Mardan Court Mardan

05/1/13

0-7
19.2.14

فوقین صب سابقہ طاعت وکیل مدعا علم نے
برائے جواب دعویٰ مزید حلیت طلب کی صب
استدعا سے جاوے گی بوقت جواب دعویٰ
جواب درخواست نوے $\frac{3}{14}$ ویشیں ہیں

MARIA WAJAHAT
Civil Judge III
Mardan

0-8
10/3/14

فوقین صب سابقہ حاضر درخواست بجراد سترد
زیر ادا رہی ہے غائب مدعا علم نے ذرا سے نفی
قتل شہر ملتان پر جا کر قتل برائے جواب درخواست
نوے $\frac{3}{14}$ ویشیں ہیں

MARIA WAJAHAT
Civil Judge III
Mardan

0-9
22.3.14

حاضری صب سابقہ بوقت جواب درخواست
وکیل مدعا نے حلیت طلب کی صب استدعا
دا جا کر قتل برائے جواب درخواست نوے $\frac{4}{14}$
کویشیں ہیں

MARIA WAJAHAT
Civil Judge III
Mardan

Certified to be True Copy
AMIN
Copying Equipment
Sessions Court Mardan

قتل معقولہ 64/16/14

Name of Applicant	
Date of Presentation	14.6.56 Dt 15-12-14
Date on which copy Prepared	05-1-15
Date on which copy Examined	05-1-15
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urgent fee	
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Date of Delivery	05/1/15

فریقین صب سابق حاضر مدعی نے جو جمعہ کو قاتل
وگلا برائے جواب درخواست حیدت طلب کی
صب استدعا کے جا کو قاتل برائے جواب درخواست

0-10
8/4/14

حکم 26/4/14

MARIA WAJAHAT
Civil Judge-III
Mardan

منشی وکیل مدعی و فائزہ مدعا علیہم حاضر برائے

0-11
26.4.14

جواب درخواست بعد اسلین وگلا حیدت
طلب کی۔ صب استدعا منشی وکیل مدعی
دعا جا کر برائے جواب درخواست وکیل کے 12/4

2014/05/14

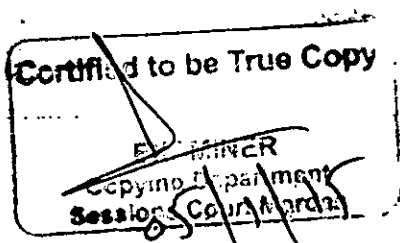
MARIA WAJAHAT
Civil Judge-III
Mardan

فریقین حاضر جواب درخواست وکیل نے جس برائے طلب بر درخواست
12/5/14

02-7
30/5/14
MARIA WAJAHAT
Civil Judge-III
Mardan

0-13
30 May 14

Presence as before. Counsel for respondent sought
time for arguments on the ground to prepare
brief. Time granted, with the directions to
respondent's Counsel to ensure availability on 18/6/14



بعدالت صاحب مہو بائی سروس ٹریڈنگ کمپنی

کورٹ فیس

مورخہ 06-01-2019

2019ء منجانب اسلام آباد

مقدمہ عقل حق بنام حکومت و فیملی

دعویٰ

اسل

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام چیمبر کے لئے مسلم شاہ اریانی ایڈووکیٹ کو 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 و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرا اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اجیل کی برآمدگی اور منسوخی دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرے گا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرری کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداشتہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخی پیش مقام دورہ پر ہو یا تاکہ حد سے باہر ہو تو وکیل صاحب پابند ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 06 ماہ جنوری 2019ء

عقل حق اریانی
Fuzlihaa

گواہ شہادہ

کے لئے منظور ہے۔

Attested & Accepted

Musl
MUSLIM SHAH ARYANI
ADVOCATE
High Court Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No 29/2015

Fazli Haq

Appellant

VS

Govt of KPK through Secretary Education & Others

Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully sheweth,

Preliminary Objections

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the instant appeal is bad in its present form, hence incompetent and liable to be dismissed.
3. That the instant appeal is badly time barred.
4. That the instant appeal is based on malafide intentions and the appellant has kept this Honourable Tribunal in dark.
5. That the instant appeal is not maintainable in the eye of law.
6. That the instant appeal is liable to be dismissed on account of non-joinder and mis-joinder of unnecessary parties.
7. That the instant appeal is based on malafide intentions and the appellant has not come to this Honourable court with clean hands.
8. That under section 10 of Civil Servant Act 1973, 'Every civil servant shall be liable to serve any where in Pakistan' and transfer is one of the incident and exigency of service and no one can remain posted at the same station.
9. That the answering respondents adjusted the appellant in public interest and in good faith and specially for security purposes.
10. That both of the designation, whether it is C-IV or Naib Qasid, having same basic pay and scales.
11. That there is no such term or condition of probationary period in service of C-IV.

ON FACTS

1. Para 1 Pertains to record, hence no comments.
2. Para 2 is incorrect and thoroughly explained in preliminary objections No 9,10,11 hence denied.
3. Para 3 pertains to record, hence no comments.
4. Para 4 pertains to record, hence no comments.
5. Para 5 pertains to record, hence no comments.
6. Para 6 pertains to record, however the appellant did not take change of his post at the impugned school as well as not performing duties at the previous school from where he has been transferred on need basis hence, denied.

ON GROUNDS

- A. Para is incorrect, baseless, against law and facts and thoroughly explained in preliminary objections, hence denied.
- B. Para B is incorrect, baseless, against law and facts hence denied.

C. Para C is incorrect and cadre of the post has not been changed just transfer have been made in good faith and public interest and on necessity basis, by the competent authority, as by only transfer, cadre cannot be changed , hence denied.

Therefore it is humbly prayed that keeping in view the above mentioned facts the instant appeal may kindly be dismissed with cost.

Secretary
E&SE Khyber Pakhtunkhwa Peshawar

Director
E&SE Khyber Pakhtunkhwa
Peshawar

S
District Education Officer (F)
Mardan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Fazli Haq -----Appellant

VERSUS

Secretary Education & Others ----- Respondents

Reply to Application for Interim Relief

Respectfully Sheweth,

1. Para 1 is incorrect, baseless, against law & facts, and the transfer of the appellant has been made on need basis, hence denied.
2. Para 2 is incorrect and transfer is part & parcel of service and there is no irreparable loss to the appellant in transfer, hence denied.
3. Para 3 is incorrect, the appeal in hand is meritless and balance of convenience lies in favour of respondents, hence denied.
4. Para 4 is incorrect, baseless, against law & facts and the instant appeal is devoid of merit and there is no chance of its success, hence denied.

Therefore it is humbly prayed that keeping in view the above mentioned facts, the application of Interim relief may kindly be dismissed with cost.

Dated _____

Respondents

Through


District Education Officer (F)
Mardan

Before the KPK service tribunal Peshawar

Appeal No. 29/2015

Fazli Haq S/o Karim Khan R/o Bhai Khan Presently at Guli Bagh
Mardan **Appellant**

VERSUS

1. Govt of KPK through secretary Education, Elementary & Secondary Education Civil Secretariat Peshawar.
2. Director General Education Elementary & Secondary Education Civil Secretariat Peshawar.
3. District Education Office (Female) Mardan ...
Respondent

Re – Joint on behalf of appellant Fazli Haq

Respected Sheweth:-

Preliminary Objection

- 1) Incorrect
- 2) Incorrect
- 3) Incorrect
- 4) Incorrect
- 5) Incorrect
- 6) Incorrect
- 7) Incorrect
- 8) Incorrect while authority could neither change cadre of Civil servant not absorb or induct him in another department by changing his cadre, further more the appellant was also not completed his probation period which three years as per provincial Govt transfer and posting policy therefore the transfer of appellant is pre- mature and cadre change is without lawful authority beyond the cadre change appellant is bound to the legal order of officers. (Appointment of appellant is 24-04-2013 and cadre order, and transfer dated 19-11-2013
- 9) Incorrect that authority deliberately and intentionally change the cadre of appellant which clearly mentioned in annexure "B" of appeal.
- 10) Incorrect
- 11) Incorrect that the posting and transfer policy provincial Govt is applicable to the employee. (Para No. IV of policy, policy is attached for perusal)


ON FACT:-

1. Incorrect as per available record attached with appeal appellant appointed dated on 24-04-2013 attached "A" and transferred 29-11-2013 attached "B".
2. Incorrect detail given in Para No.1 of facts.
3. Incorrect while posting transfer policy is already attached for perusal.
4. Detail give in Para 4 of appeal.
5. Detail give in Para 5 of appeal.
6. Incorrect no explanation has been attached with the comments for not performance of appellant duty.

ON GROUNDS.

- A. Incorrect Detail given in Para No. 1 of facts.
- B. Incorrect Detail given in Para No.8 of preliminary objections.
- C. Incorrect Detail given in Para No.9 of preliminary objections.

Therefore it is humbly requested in your honored the appeal and Re-Joinder of appellant may kindly be accepted and appellant restored in his original Post of Naib Qasid with resprospective effect and any other relief not claim also be granted in favour of appellant.


MUSLIM SHAH ARYANI
ADVOCATE
High Court Peshawar

Through counsel

Muslim Shah Aryani
Advocate of High Court
At Mardan
Cell No: 0300-5723977



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL
GOVERNMENT.

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

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

¹ Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.
² Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement. DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.

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

2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days

of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

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

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

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

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

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

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

.....

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.
{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

.....

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

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

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshawar, _____

NOTIFICATION

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

CHIEF SECRETARY
GOVERNMENT OF NWFP

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.
- 5.

(NAME)
SECTION OFFICER
Administrative

Department

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

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I

(E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

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

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

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

.....

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

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

.....

The Chief Minister NWFP has directed that:-

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

shall be proceeded against under the prevalent rules and regulations.

{Authority: Urdu circular No; SOR-VI/E&AD/1-4/2003, dated 86-2004. Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.}

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

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

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

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

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

1 PLACEMENT POLICY.

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

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.

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

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

To

The DEO District
Education officer
Female Mardan.

D.A concerned
gmsan
Put up on file

3/4/17

Sub: **REQUEST FOR HANDED OVR CHARGE IN GGHS SAWAL DHER
WHICH HAS BEEN ORDERED DATED ON 29-11-2013**

R/ Madam **PETITIONER SUBMITTED AS UNDER.**

1. That the petitioner has been appointed under your domain in 24-04-2013 as Naib Qasid in GGMS Takht Bhai.
2. That the Department transferred the petitioner from GGMS Takht Bhai to GGHS Sawal Dher as a chowkidar on the basis of cadre change order.
3. That the GGHS Sawal Dher from Since transfer directing petitioner be brought order of cadre level for which the petitioner failed and on the basis above not giving charge to petitioner.

Therefore my humbly request to you honored the staff of GGHS Sawal Dher be directed for handover charge to petitioner.

Dated: 01-04-2017

D.E.O. (Female) Mardan

Dairy NO 2578

Date: 5/4

You're obediently
Fazli Haq Naib Qasid
s/o

Karim Khan
Tehsil & District Mardan

Fazli haq
01/4/2017

(6)

"B"

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE), MARDAN.

ADJUSTMENT.

The following adjustment of Class-IV are hereby Ordered on their own Pay & BPS to the Schools noted against each with effect from the date of their taking over Charge in the interest of Public Service.

S.No.	Name & Designation.	School.	Adjusted at.	Remarks.
1.	Fazli Haq, N/Qasid.	GGMS Takht Bhai.	GGHSS Sawal Dher.	Against Vacant Chowkidar Post.
2.	Muhammad Irfan, Sweeper.	GGMS Takht Bhai.	GGHS Sher Garh.	Against Sweeper Post.
3.	Khurshid Ahmad, Chowkidar.	GGPS Mandoori.	GGMS Takht Bhai.	Against N/Qasid Post vice S.No.1
4.	Muhammad Ijaz, Chowkidar.	GGPS Gul Maira.	GGHS Gujar Garhi.	Against Bahisht Post.
5.	Wajid Khan, Chowkidar.	GGPS Israr Abad.	GGMS Takht Bhai.	Against Sweeper Post vice S.No.2

Note :-

1. No TA/DA etc. is allowed.
2. Charge reports should be submitted to all concerned.

Attested to be
True copy

(ZUHRA BEGUM),

DISTRICT EDUCATION OFFICER

(FEMALE) MARDAN.

Endst:No. 1671/4 /PST File/DEO(F).

Dated Mardan the 29/11 /2013

Copy forwarded for information and necessary action to the :-

1. Sub Divisional Education Officer (Female), Mardan.
2. Sub Divisional Education Officer (Female), Takht Bhai.
3. Head Mistress/Teachers GGMS/GGPS Concerned Schools.
4. Officials Concerned.


DISTRICT EDUCATION OFFICER