

2nd Mar, 2023

1. Counsel for the appellant present. Mr. Umair Azam, Addl: AG for respondents present.

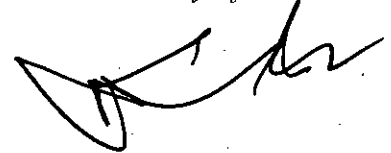
2. Learned counsel for the appellant submitted an application for withdrawal of the instant service appeal as he has instructed by the appellant to withdraw the instant appeal, with permission to file fresh if need be. Application is placed on file. Dismissed as withdrawn. Consign

SCANNED
KPST
Peshawar

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 2nd day of March, 2023.*



(Rozina Rehman)
Member(J)





(Kalim Arshad Khan)
Chairman

01.02.2023

Clerk of learned counsel for the appellant present. Mr. Umair Azam Khan, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant submitted an application for adjournment on the ground that learned counsel for the appellant is indisposed today. Adjourned. To come up for arguments on 08.02.2023 before the D.B. Being a transfer matter, the appeal in hand is required timely disposal, therefore, learned counsel for the parties shall make sure their presence on the date fixed.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

08.02.2023

Appellant present in person. Mr. Naseerud Din Shah, Assistant Advocate General alongwith Imran Akbar, Assistant for the respondents present.

Mrs. Rozina Rehman, Learned Member (J) is on leave today, therefore, case is adjourned to 02.03.2023 for arguments before the D.B.



(FAREEHA PAUL)
Member (E)


SCANNED
KPST
Peshawar

04.07.2022

Learned counsel for the appellant present. Mr. Qasim Khan, Superintendent alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that as copy of comments/reply was provided to him by the appellant today, therefore, an adjournment may be granted. Adjourned. To come up for rejoinder as well as arguments on 18.07.2022 before the D.B.


(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

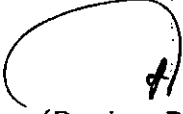
18.07.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Former requested for adjournment in order to prepare the brief of the case. Adjourned. To come up for arguments on 13.09.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

13.09.2022

Junior to counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Imran Akbar Assistant for respondents present.

Former requested for adjournment as senior counsel is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 24 / 11 / 2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member(J)

Due to deletion of the call to counsel up for the same on 11/2/23

24/11/22

[Handwritten signature]

18.04.2022

Counsel for the appellant present. Mr. Qasim Khan, Superintendent alongwith Mr. Naseer-ud-Din Shah Assistant AG for the respondents present.

Written reply/comments on behalf of respondents not submitted. Learned Assistant AG seeks time for submission of written reply/comments. Last opportunity is granted for submission of written reply/comments. To come up for written reply/comments on 29.04.2022 before S.B.



CHAIRMAN

29.04.2022

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Qasim Khan Superintendent for respondents present.

Respondents submitted reply/comments, placed on file. To come up for rejoinder, if any, and arguments on 30.05.2022 before D.B.



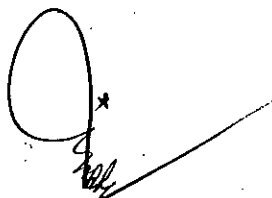
(Rozina Rehman)

Member (J)

30th May, 2022

Counsel for the appellant present. Mr. Kabeer ullah Khattak, AAG alongwith Qasim Superintendent for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the Court. Last opportunity is granted. To come up for arguments on 04.07.2022 before the D.B.



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman

24.03.2022

Appellant alongwith counsel present. Mr. Kabirullah Khattak, Addl. AG for respondents present.

Written reply/comments have not been submitted. Learned AAG seeks further time to furnish reply/comments. Adjourned. To come up for written reply/comments on 31.03.2022 before S.B.

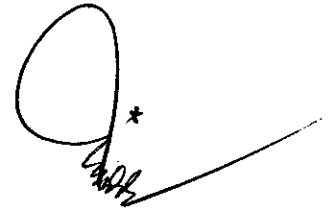


Chairman

31.03.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents and present.

Written reply/comments on behalf of respondents not submitted. Notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 18.04.2022 before S.B. The operation of the impugned order shall remain suspended till disposal of the appeal, if the order ^{dated 18.01.2022} is not withdrawn earlier.

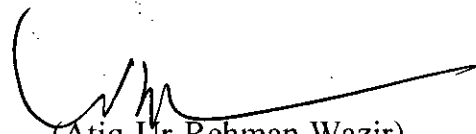


(MIAN MUHAMMAD)
MEMBER(E)

31.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Mukaram Khan S.O for respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of respondents sought time for submission of reply/comments. Granted. To come up for reply/comments before the S.B on 21.02.2022. The operation of the impugned order shall remain suspended till disposal of the appeal, if this order is not withdrawn earlier.


(Atiq-Ur-Rehman Wazir)
Member (E)

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 22.03.2022 for the same as before.


Reader.

22.03.2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Written reply/comments not submitted. Learned AAG requested for further time to submit the same. Request is accepted. To come up for written reply/comments on 24.03.2022 before S.B.



Chairman

18.01.2022

Counsel for the appellant present. Preliminary arguments have been heard.

Through this Service Appeal, the appellant has invoked the jurisdiction of this Tribunal challenging the order dated 13.12.2021, whereby the appellant has been transferred from the post of Superintendent Office of the Deputy Commissioner, Khyber to a similar post in Office of the Deputy Commissioner Mohmand. The impugned order on its face is meant to have been issued in the best public interest. However, the appellant in his departmental appeal has raised certain objections about the transfer order which if not settled after regular hearing of the appeal, the ground of public interest pressed into service in the impugned order remains arguable. Learned counsel during his arguments has also referred to the letter dated 30.12.2021 of the office of Commissioner Peshawar Division addressed to the respondent No. 3 on the subject of request for cancellation of transfer order of office Superintendent named in the body of the letter i.e. the present appellant. According to the said letter, the services of the appellant in the office of Deputy Commissioner Khyber have been appreciated. It is also a matter for rebuttal of the respondents. Points raised need consideration. The appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 31.01.2022 before S.B.

The appeal is accompanied by an application seeking interim relief for suspension of the operation of impugned notification to the extent of appellant till final disposal of the appeal. Notice of the said application be also given to the respondents. The operation of the impugned order shall remain suspended till disposal of the appeal, if this order is not withdrawn earlier.



Appellant's deposited
Security & Process Fee


Chairman

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 63/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/01/2022	<p>The appeal of Mr. Shahid Ali presented today by Mr. Asad Nabi Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>18.01.2022</u></p> <p style="text-align: right;"> CHAIRMAN</p>

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Shahid Ali

Versus

Surf Ali

..... Appellant

..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: _____ <i>Advocate</i> _____ <i>Court</i>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- _____

Signature:- _____

Dated:- _____

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL,
PESHAWAR

Service Appeal
with Int.Relief No. 63 /2022

SHAHID ALI S/O NIMAT KHAN SUPERINTENDENT DEPUTY
COMMISSINER OFFICE KHYBER

.....Appellant

V E R S U S

Govt. of Khyber Pakhtunkhwa,
Chief Secretary & others.....Respondents

I N D E X

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Service Appeal with affidavit		1-6
2.	Application for interim relief with affidavit		7-8
3.	Addresses of the parties		9
4.	Copy of the service card	A	10
5.	Copy of the policy/ agenda 12 is	B	11-15
6.	Copy of Impugned notification	C	16
7.	Copies of appeal and order	D&E	17-18-A
8.	Copy of the latter	F	19
9.	Copy of the letter	G	20
10.	Copies of all letters	H&I	21-33-33A
11.	Wakalatnama		34


Appellant

Through


ASAD NABI

Advocate, Peshawar
Cell: 0345-9122-165-

Dated: 18-01-2022

①

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal
with Int.Relief No. 63 /2022

Diary No. 57

dated 18-01-2022

SHAHID ALI S/O NIMAT KHAN SUPERINTENDENT DEPUTY
COMMISSINER OFFICE KHYBER DISTRICT KHYBER.

.....Appellant

V E R S U S

1. Govt. of Khyber Pakhtunkhwa, Chief Secretary,
Civil Secretariat, Peshawar
2. Govt. of Khyber Pakhtunkhwa, through Secretary
Establishment Department, Civil Secretariat,
Peshawar
3. Senior Member Board of Revenue, Civil Secretariat,
Peshawar

.....Respondents

Filed to-day
18/01/2022
at
Registrar

**SERVICE APPEAL U/S 4 OF THE KPK
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED NOTIFICATION
NO.ESTT:II POSTING/TRANSFER/2021
DATED 13-12-2021-WHEREBY THE
APPELLANT HAS BEEN TRANSFER FROM
SUPERINTENDENT OFFICE DEPUTY
COMMISSIONER KHYBER TO
SUPERINTENDENT OFFICE DEPUTY
COMMISSIONER MOHMAND WITHOUT
APPLYING ANY RULE AND
REGULATION/ POLICIES.**

Respectfully Sheweth:

Precisely, stating the facts of the case out of which the present appeal arises are as under:

1. That the appellant has posted as Superintendent in the office of deputy commissioner Khyber office vide office order dated 29-11-2020, prior to transfer the petitioner was posted in same post in district Nowshera and since then no complainant has been recorded against the petitioner. Copy of the service card is attached as annexure A.
2. That prior to transfer the petitioner in district Khyber the petitioner was posted as superintendent at district Nowshera where he spent almost 7 year but after the government Policy in agenda no 12 / cabinet decision reshuffling of ministerial staff in NMDs the petitioner has been transfer from Nowshera to district Khyber on 29-11-2020. More over in the ibid policy agenda/ cabinet decision the criteria for transfer of employee has been categorically mention that employee who spent more than 2 year in one station will be transfer. Copy of the policy/ agenda 12 is attached is annexure B.
3. That in district Khyber the petitioner is working to entire satisfaction to his high ups with quite zeal and sprite being a well experienced and remain cooperate and no complaint whatsoever has been recorded against the petitioner but

petitioner was astonished to see the impugned notification for his transfer despite the facts that the petitioner has served about one year in same station therefore posting order is against the cabinet decision. Copy of Impugned notification is attached as annexure C.

4. That being aggrieved from the transfer order the petitioner has filed departmental appeal before the respondent no 3 but he straight away issued direction to the deputy commissioner Khyber to implementation status of transferee and refused to accept the departmental appeal. Copies of appeal and order is attached as annexure D & E Respectively.
5. That being from the impugned order of respondent no 3 the petitioner has approach to this honorable tribunal through instant appeal on following grounds inter alia.

GROUND S:

- A. That notification for transfer of petitioner is illegal ab-initio and ineffective upon the rights of the appellant, therefore warrant interference.
- B. That the employee replacing the petitioner is already notified as returning officer for the district Peshawar by the election commission of Pakistan and in this respect the deputy director LGE has also

requested to respondent no 3 vide letter dated 23-12-2021 for the cancellation of transfer order. Copy of the letter is attached as annexure F.

C. That another letter is already been issued/ sent to worthy commissioner vide no 4096/Estt: dated 28-12-2021 for cancellation of transfer notification by the worthy deputy commissioner Khyber but till then no fruitful result has been occurred. Copy of the letter is attached as annexure G.

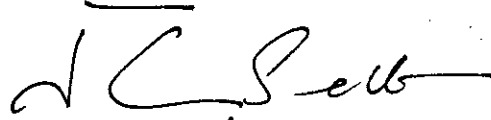

D. That as per government cabinet decision for having more than 2 years at one station is mandatory for any government official until any complaint what so ever has been recorded but in the instant case respondent has not adopted the uniform policy/ decision which is illegal ineffective upon the rights of the petitioner and liable to be set aside.

E. That worthy commissioner of Peshawar division Peshawar has issued letters to all deputy commissioners of Peshawar, charsadda, nowshera, Khyber and mohmand regarding the official/ officer whom are appointed periodical revision of electoral roll 2021-2022 about transfer of bans all the materials have been pin pointed but overlooked by the respondent no 3 and issued the

impugned notification. Copies of all letters are attached as annexure H&I Respectively.

- F. That the appellant seeks leave of this Hon'ble Tribunal to raise /argue any additional point.

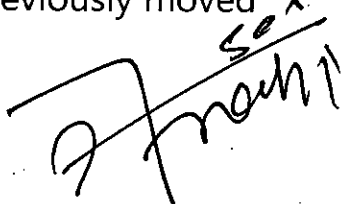
It is, therefore, most humbly prayed that on acceptance of this appeal, the notification dated 13-12-2021 may very kindly be declared illegal ab-initio void corm non judice ineffective upon the rights of the petitioner and liable to be set aside to the extent of petitioner or as whole any other relief which has not been specifically asked may very kindly be granted in favour of petitioner and against the respondents.


 Appellant ^{sd/}
 Through 
ASAD NABI
 Advocate, Peshawar

Dated: 18/01/2022

CERTIFICATE:

It is certified that that appellant has not previously moved any service appeal regarding the instant matter.


ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL,
PESHAWAR

Service Appeal
with Int.Relief No. _____/2022

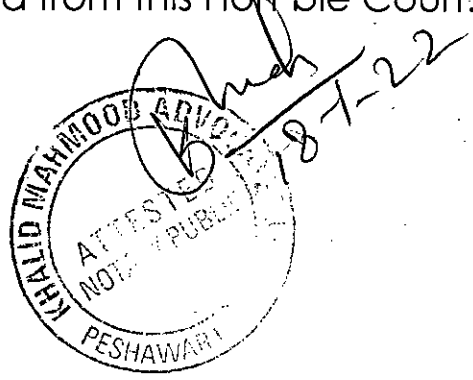
SHAHID ALI S/O NIMAT KHAN SUPERINTENDENT DEPUTY
COMMISSINER OFFICE KHYBER
.....**Appellant**

V E R S U S

Govt. of Khyber Pakhtunkhwa,
Chief Secretary & others.....**Respondents**

AFFIDAVIT

I, SHAHID ALI S/O NIMAT KHAN SUPERINTENDENT DEPUTY
COMMISSINER OFFICE KHYBER do hereby solemnly affirm
and declare on oath that the contents of the
accompanying **Application** are true and correct to the
best of my knowledge and belief and nothing has been
kept concealed from this Hon'ble Court.



[Handwritten Signature]
DEPONENT

7

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL,
PESHAWAR

Service Appeal
with Int.Relief No. _____/2022

SHAHID ALI S/O NIMAT KHAN SUPERINTENDENT DEPUTY
COMMISSINER OFFICE KHYBER

.....Appellant

V E R S U S

Govt. of Khyber Pakhtunkhwa,
Chief Secretary & others.....Respondents

**APPLICATION FOR INTERIM RELIEF /
TEMPORARY INJUNCTION ISSUE
DIRECTION TO THE RESPONDENT NOT
TO DISTURB / TRANSFER THE
PETITIONER FROM HIS POST OR
SUSPEND THE OPERATION OF THE
IMPUGNED NOTIFICATION TO THE
EXTENT OF THE PETITIONER TILL THE
FINAL DISPOSAL OF THE CASE.**

Respectfully Sheweth:

1. That the above titled case has been filed today.
2. That petitioner has a good prima facie case and is hopeful for its success.

- 3. That balance of convenience also lies in favour of the applicant / petitioner.
- 4. That the relief is not granted in favour of the applicant / petitioner, the petitioner will suffer irreparable loss.
- 5. That valuable rights of the applicant / petitioner has also involved in the case.

It is, therefore, most humbly prayed that on acceptance of this application, the respondent may very kindly be directed not to disturb / transfer the petitioner or to suspend the operation of the impugned notification to the extent of petitioner till the final decision of the case.

[Handwritten signature]

Petitioner

Through

[Handwritten signature]

ASAD NABI

Advocate, Peshawar

Dated: 18-1-2022

AFFIDAVIT

I, SHAHID ALI S/O NIMAT KHAN SUPERINTENDENT DEPUTY COMMISSINER OFFICE KHYBER, DISTRICT KHYBER, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

[Handwritten signature]
18-1-22

[Handwritten signature]

DEPONENT

0 (9)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL,
PESHAWAR

Service Appeal
with Int.Relief No. _____/2022

SHAHID ALI S/O NIMAT KHAN SUPERINTENDENT DEPUTY
COMMISSINER OFFICE KHYBER
.....Appellant

V E R S U S

Govt. of Khyber Pakhtunkhwa,
Chief Secretary & others.....Respondents

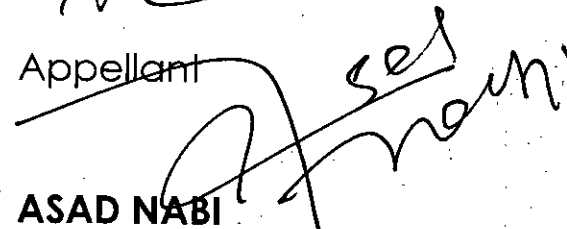
ADDRESSES OF THE PARTIES

A P P E L L A N T:

SHAHID ALI S/O NIMAT KHAN SUPERINTENDENT DEPUTY
COMMISSINER OFFICE KHYBER.

R E S P O N D E N T S:

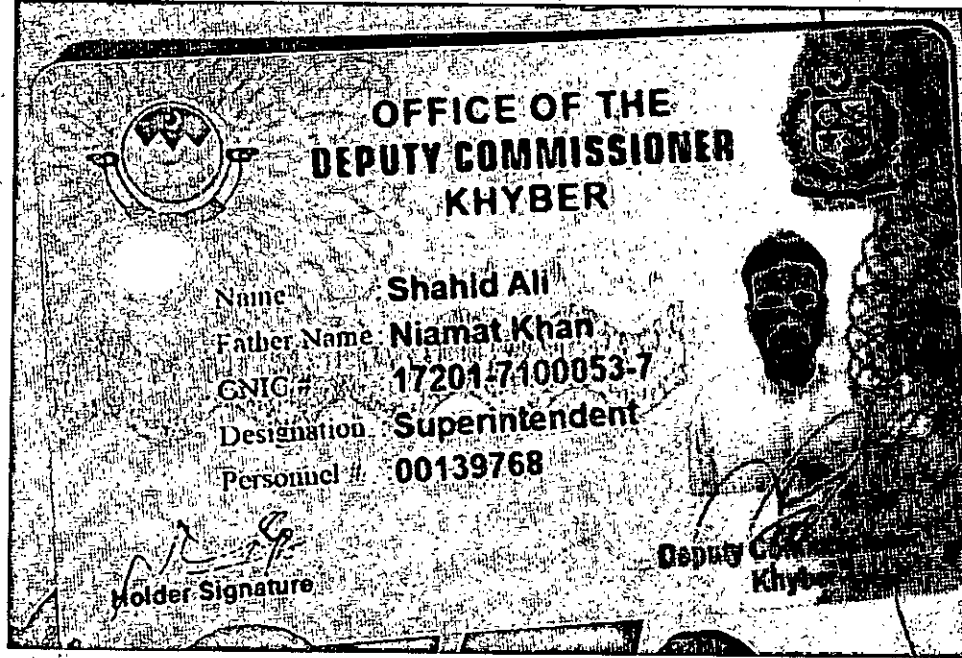
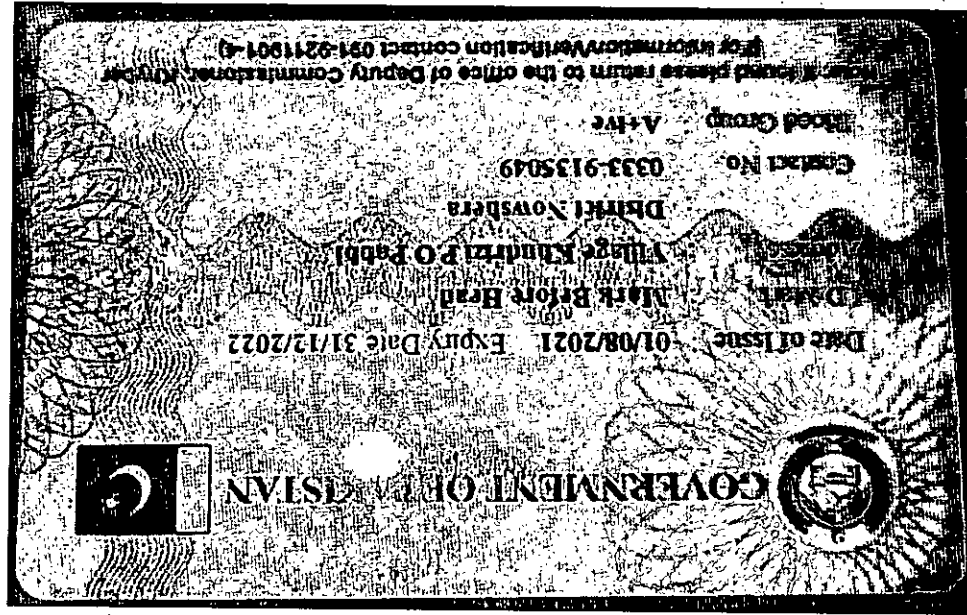
1. Govt. of Khyber Pakhtunkhwa, Chief Secretary,
Civil Secretariat, Peshawar
2. Govt. of Khyber Pakhtunkhwa, through Secretary
Establishment Department, Civil Secretariat,
Peshawar
3. Senior Member Board of Revenue, Civil Secretariat,
Peshawar

NC 2024
Appellant
Through 
ASAD NABI
Advocate, Peshawar

Dated: 18-1-2022

Annexure A

10



Attested
ATTESTED



District Administration Khyber , Govt. of KP

Agenda No. 12 : Reshuffling of Ministerial staff in NMDs

Dated: 27-Dec-2021

Annex B

11

Ref.NO: T7258C

Task: Agenda No. 12 : Reshuffling of Ministerial staff in NMDs

Assign Date: 03-Sep-2020

Due Date: 10-Sep-2020

This task is assigned by Chief Secretary KP

Description: Dear Sir,

The Chief Secretary expressed dissatisfaction over reshuffling of Ministerial staff in NMDs and desired that the task may be completed in true spirit and ministerial staff who are working on same assignment for a long period of time or enjoys ill reputation may be reshuffled and report may submitted, please.

Assigned To

DC Khyber Completed on 9th of September 2020 12:18 PM
DC Mohmand Completed on 8th of September 2020 04:09 PM
DC South Waziristan Completed on 9th of September 2020 08:03 PM
DC North Waziristan Completed on 9th of September 2020 10:19 PM
DC Kurram Completed on 7th of September 2020 05:12 PM
DC Orakzai Completed on 7th of September 2020 05:18 PM
DC Bajaur Completed on 3rd of September 2020 03:50 PM

All Responses

DN **DC North Waziristan** 9th of September 2020 10:38 PM

The requisite report is hereby attached as desired please.

DS **DC South Waziristan** 9th of September 2020 08:03 PM

Posting/Transfer order is attached please

DK **DC Khyber** 9th of September 2020 12:18 PM

(As per previous direction of the Provincial Government all the Ministerial Staff of District Administration Khyber have already been transferred vide this Office Order No. 4310-13, dated 13.11.2019. They have served for less than one year on their present postings. Moreover, several official after that have also transferred from administrative point of view please).

DM **DC Mohmand** 8th of September 2020 04:09 PM

The requisite report is hereby attached as desired please.

DO **DC Orakzai** 7th of September 2020 05:18 PM

The requisite report is submitted as desired please.

DK **DC Kurram** 7th of September 2020 05:12 PM

Posting/Transfer order of Ministerial Staff is attached herewith, please.

DB **DC Bajaur** 3rd of September 2020 03:50 PM

The requisite report is attached herewith is submitted for information please.

ATTESTED



PSO TO CHIEF SECRETARY
KHYBER PAKHTUNKHWA

12

MINUTES OF THE DISTRICT PERFORMANCE REVIEW MEETING

Meeting of District Performance Review was held on **10-08-2020** under the Chairmanship of Chief Secretary, Pakhtunkhwa Khyber Pakhtunkhwa. The following agenda items were presented, discussed and decisions taken for implementation.

Agenda item	Discussion/Decisions	Action By/ Timelines
1	<p><u>Chief Secretary</u></p> <p>The Chief secretary Khyber Pakhtunkhwa appreciated the efforts of District administrations in Covid-19. The Prime Minister of Pakistan assigns top priority to Price Control and a progress review meeting is done by the PM Office on a weekly basis. That in turn is because of the fact that this subject affects the common man. This is obviously top priority area and the administration need to assign the same level of priority to this particular agenda item.</p> <p>In conjunction with Price Control of Essential commodities, issues of Anti-Adulteration and Anti-hoarding are of paramount importance.</p> <p>DCs need to convene a meeting of the administration and food department at the district level, ensure availability of the subsidized Atta at the Sale Points so that the benefit of subsidy is accrued to the common man.</p> <p>Of all the essential commodities, Wheat, Atta and Sugar are of paramount importance. Similarly, adulteration in Milk, Oil, Water and Meat are critical to the public health. These aspects of the Price Control and Anti-adulteration requires personal attention of the Deputy Commissioner.</p>	All DCs (01 month)
2	<p><u>Food Security</u></p> <p>Secretary Food made a presentation on the overall performance of district administration in supply food management. He added that subsidized atta is being provided on daily basis to all districts.</p> <p>The chair directed to curtail undue margin accrued by shopkeepers from the flour/wheat brought from Punjab.</p>	All DCs (01 month)
3	<p><u>Anti-Adulteration & Price Control</u></p> <p>The administrative structure of Halal Food Authority is operational at the Divisional HQ level but that in no conceivable way mean that other districts are not invested with the legal and administrative authority to take Price Control and Anti-adulteration actions against violations.</p> <p>Under the new strategy of Persuasive Enforcement for Price Control and Ant-adulteration the administrations need to discuss the new</p>	All DCs & DG HFSA (01 Month)


ATTESTED

	<p>strategy with the officers of Halal Food Authority and deploy various components of Persuasive Enforcement on priority basis. DCs and ACs need to proactively undertake various initiatives for Persuasive Enforcement for Price Control and Anti-adulteration.</p> <p>North Waziristan and Lower Kohistan have done exceptionally well on Price Control and Anti-adulteration actions and it is evident that if these two districts can produce such progress then there is no reason for any other district to do otherwise.</p>	13
4	<p>Dengue Control Campaign</p> <p>Secretary Health highlighted presence of Dengue Larva in districts Haripur, Khyber, Swat, Peshawar and Nowshera. The Chair directed that hard work already done on Dengue must not be spoiled. No laxity on the issue to be tolerated.</p> <p>All DCs were directed to carry out Larvicidal activities through DHOs.</p>	All DCs (01 month)
5	<p>Anti-Encroachment Drive</p> <p>Anti-encroachment operations need to be very focused and surgical. Especially, these operations need to target those encroachments that are the most glaring, difficult and challenging. Meaningful actions need to be taken and it must be seen. Anti-encroachment operation should be comprehensive, periodic, resolute and across the board. It must not be a one-time activity. Reports should be compiled pictorially depicting Pre, During and Post Operation activities.</p>	All DCs (01 Month)
6	<p>Housing Sector</p> <p>Prime Minister of Pakistan is personally spearheading the initiative of Housing and Construction Industry and an unprecedented incentive package has been granted by the Government to this sector of the economy. Weekly progress review meetings on this subject are taken by the Prime Minister. The same level of urgency needs to translate right up to the District and Tehsil level. Identification of available & suitable State Land for such Housing Projects and other related Land Acquisition cases need to be expedited and meaningful progress consolidated on top priority basis.</p>	All DCs (01 Month)
7	<p>Land Acquisition in NMDs</p> <p>The Provincial Government has provided all the Legal and Regulatory authority to the District Administrations in the NMDs for land acquisition under the Land Acquisition Act. Right now, there is no reason for the DCs of NMDs to show any slackness on the matter of Land Acquisition. Needless to say, majority of the projects are experiencing slow progress because of the lack of progress on land acquisition.</p>	DCs of NMDs (01 Month)
8	<p>Deforestation & Ban on plastic bags</p> <p>Secretary Forest briefed that Cabinet has imposed complete ban on Plastic Bags. In a month's time the CS Office will start taking progress review on this subject.</p> <ol style="list-style-type: none"> DCs to carry out consultations on implication mechanism of the ban on plastic bags, formulate strategies and also strategize for alternatives. DCs to provide support in establishment of Joint Check posts of Forest & Police in forest areas. 	All DCs (01 Month)

ATTESTED

9	<p><u>Enforcement of Tourism SOPs</u></p> <p>Secretary Tourism briefed that Tourism Sector has been opened subject to observance of SOPs. All the restaurants and hotels will place sanitizers and masks in their premises. DCs to carry out regular inspection of hotels & restaurants for implementation of SOPs and ensure the following.</p> <ol style="list-style-type: none"> i. Availability of hand sanitizers in each room of hotel. ii. No eatery to operate without SOPs. iii. Health Deptt to ensure availability of ambulances at tourist spots iv. 100% testing of hotels & restaurants staff to be ensured. v. Spot testing of local & tourists to be carried out. 	<p>All DCs Immediate</p>
10	<p><u>Anti-Encroachment</u></p> <p>Anti-encroachment operations need to be very focused and surgical. Especially, these operations need to target those encroachments that are the most glaring, difficult and challenging. Meaningful actions need to be taken and it must be seen. Anti-encroachment operation should be comprehensive, periodic, resolute and across the board. It must not be a one-time activity. Reports should be compiled pictorially depicting Pre, During and Post Operation activities.</p>	<p>All DCs (01 Month)</p>
11	<p><u>Districts Performance Review</u></p> <ul style="list-style-type: none"> ● Task Management System The chair appreciated the response of the Deputy Commissioners on the tasks assigned to them from time to time and following decisions were taken: <ol style="list-style-type: none"> 1. All DCs to continue their efforts with regard to cleanliness of rivers, waterways and canals. 2. DC to implement Ban imposed on use of CNG kits in school vans in light of orders of Supreme Court once the schools are re-opened. ● Holding of Khuli Kachehris DCs were directed to resume holding of Khuli Kachehris within SOPs and also engage public representatives. ● Pakistan Citizens' Portal An overall declining trend was observed in percentage resolution and satisfaction level based on citizens feedback. Complaints escalation was also high in case of some districts. The chair directed Deputy Commissioners to improve percentage Resolution of complaints & citizens satisfaction. ● Price Control Mechanism & Good Governance Framework Indicators <ol style="list-style-type: none"> 1. Chief Secretary expressed displeasure over non-punching of data regarding GGF and Price control System by DC Offices. 2. DCs to ensure regular updation of prices of edible items in the Price Control System. 3. All DCs were directed to regularly punch data on indicators in Good Governance Framework. 	<p>All DCs (01 Month)</p>

ATTESTED

	<ul style="list-style-type: none"> ● Land Revenue Case Management System <p>It was observed that disposal of revenue cases has considerably declined in February to July due to partial closure of revenue courts. The chair directed that Revenue courts have been resumed and all the DCs to focus on timely disposal of revenue cases. Special focus must be given to cases which are pending for more than one year. SMBR to conduct reviews of revenue cases.</p>	
12	<p>Miscellaneous</p> <ul style="list-style-type: none"> i) The Chief Secretary expressed dissatisfaction over reshuffling of Ministerial staff in NMDs and desired that the task may be completed in true spirit and ministerial staff who are working on same assignment for a long period of time or enjoys ill reputation may be reshuffled. ii) Secretary Information to highlight in Print & electronic media the initiative of making the entire secretariat and govt offices in districts friendly for differently-abled persons. iii) Secy Home to carry out survey of all restaurants in KP through DCs. 	<p>DCs NMDs</p> <p>Secy Info</p> <p>Secy Home All DCs & PMRU</p>

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

-----*****-----

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 3/12/2021

NOTIFICATION

No. Estt:II/Posting/Transfer/2021/_____

The Competent Authority is pleased

to order the following posting / transfers with immediate effect in the best public interest:-

S. NO.	NAME OF OFFICIAL	FROM	TO
1.	Mr. Fayaz Ali Superintendent	Superintendent office of the DC Mohmand	Superintendent office of the DC Peshawar.
2.	Mr. Shahid Ali, Superintendent	Superintendent office of the DC Khyber	Superintendent office of the DC Mohmand.
3.	Mr. Obaidullah Superintendent	Superintendent office of the DC Peshawar	Superintendent office of the DC Khyber.

By Order of
Competent Authority

No. Estt:II/Posting/Transfer/2021/32480-84

Copy forwarded to the:-

1. Commissioner, Peshawar Division Peshawar.
2. Deputy Commissioners, Peshawar, Khyber and Mohmand.
3. District Accountant Officers, Peshawar, Khyber and Mohmand.
4. PS to Senior Member, Board of Revenue.
5. Officials concerned.

Secretary - I
Board of Revenue, Khyber Pakhtunkhwa

ATTESTED

(17)

Anca D

To,

The Senior Member Board of Revenue,
Khyber Pakhtunkhwa, Peshawar.

Through: PROPER CHANNEL.

Subject: APPEAL FOR CANCELLATION OF TRANSFER ORDER.

Respect Sir,

With due respect it is stated that I was posted as Superintendent in the Deputy Commissioner Khyber office on 29th November, 2020 (copy of posting order is attached at anx-A) and since then performing duties to the best of my abilities and satisfactions of the superiors. But through Notification (anx-B) I was shocked to see my posting to the Mohmand District having following lacunae:

- That soon after my posting in Khyber, transfer in the newly merged Districts was hanned till further order in February, 2021, thereby means that the present order is against that notification.
- I was posted in Khyber from Nowshehra in light of the Provincial Government cabinet decision for having more than 02 years at one station while at present I have served in District Khyber only for about one year therefore my posting from Khyber is against the cabinet decision.
- The person replacing me is already notified as Returning Officer for the District Peshawar by the Election Commission of Pakistan and in this context the Deputy Director (LGE) has also requested your goof office vide letter dated 23rd December, 2021 (anx-C).
- In our posting order, Mr. Fayaz Ali has been promoted as Superintendent in Mohmand District who is most junior and under his probation period for the post of Superintendent therefore his transfer in the probation period is also hit by the latches of general Administration Law.
- From my native home at Nowshehra, I will cross 04 Districts i.e. Nowshehra, Peshawar, Charssada and then Mohmand while reaching to my new office which will definitely take at least 02 hours from one side.
- Without providing the basic facilities like Government Vehicle, POL, Driver and accommodation, it will be very hard for me to perform duties at Mohmand District with zeal and spirit.

Keeping in view all the above narrated lacunae, it is therefore very humbly requested that the said posting order may kindly be withdraw in order to secure the ends of justice please.

ATTESTED


With profound regards
Sincerely your's

28/12/21
Shahid Ali Khan

(18)

Amro

E

 <p>GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.</p>	
<p>21-71-1101</p>	<p>Postwar Dated the 13/01/2020</p>

To

The Deputy Commissioner,
Peshawar

SUBJECT: POSTING/TRANSFER

Dear Sir,

In continuation to this department Notification No. Estt/Posting/Transfer/2021/32480-84 dated: 13.12.2021 and to request you to provide implementation status of Mr. Obaidullah Superintendent of your office under transfer to the office of Deputy Commissioner Khyber.

I am further directed to request you to direct Mr. Obaidullah Superintendent to relinquish the charge of the post of Superintendent at your office (if not already relinquished) and assume the charge in the office of Deputy Commissioner Khyber by Today without fail. In case of non-compliance, necessary legal action will be initiated against him under the rules.

[Signature]
Assistant Secretary (Estt)

No. & Date Given.

Copy forwarded to the Commissioner Peshawar Division Peshawar for information please.

[Signature]
Assistant Secretary (Estt)

ATTESTED

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(18-A)

E

THE Deputy Commissioner

BETTER COPY

Resmane.

Dear SIR,

IN Continuation to this department NOTIFICATION
NO - ESTT - Posting / Transfer 2021/2022 Dated
13-12-2021 - and to Request you to provide
Implementation status of MR. Oberdullah
Superintendent of Post Office under -
Transfer to the OFFICE of Deputy
Commissioner Khyber.

I am further direct to Request you
to direct MR. Oberdullah Superintendent
Relinquish the Charge of Post of
Superintendent at your OFFICE and assume
The Charge in the OFFICE of
Deputy Commissioner Khyber to today
without fail. In Case non-compliance
necessary Action will be initiate
against him under the Rule.

ATTESTED



No.F. 6 (4)/2020-LGE (PEC)
OFFICE OF THE
PROVINCIAL ELECTION COMMISSIONER
KHYBER PAKHTUNKHWA

19
EMAIL/UMS
Phone# 091-9222540
091-9222549
lgewingkpk@gmail.com

ANU F
SHAMI ROAD, PESHAWAR CANTT
December 23, 2021

The Senior Member Board of Revenue,
Govt. of Khyber Pakhtunkhwa,
PESHAWAR.

Subject: - BAN ON POSTING TRANSFERS.

Dear Sir,

I am directed to enclose herewith a copy of the District Election Commissioner, Peshawar office letter No. F. 1 (1)/2021-LGE (DEC-P), dated 21st December, 2021 on the subject noted above alongwith a copy of the Notification bearing No. Estt:II/Posting/Transfer/2021/32480-84, dated 13.12.2021.

2. In this regard, it is stated that your good office vide the above notification has transferred Mr. Obaidullah, Superintendent, office of the Deputy Commissioner, Peshawar to DC office Khyber. It is pertinent to mention here that Mr. Obaidullah is notified as Returning Officer vide the Election Commission of Pakistan, Islamabad Notification No. F. 7 (2)/2021-LGE-KP (Vol-I), dated 25th October, 2021, wherein the Hon'ble Election Commission of Pakistan has directed that:-

"To ensure that elections to the local governments are conducted honestly, justly, fairly in accordance with law and to ensure that the corrupt practices are guarded against, the Election Commission of Pakistan directs that no transfers/postings of the Government officers and Officials including Autonomous Bodies/Authorities, appointed as DROs, ROs and AROs shall be made without prior approval of the Commission till further orders".

3. It is, therefore, requested that transfer order No. Estt:II/Posting/Transfer/2021/32480-84, dated 13.12.2021 to the extent of Mr. Obaidullah, RO/Superintendent, DC office Peshawar, may kindly be held in abeyance till culmination of the re-poll process of Local Govt. Elections-2021 (Phase-I) in Khyber Pakhtunkhwa, please

Encl: As above

MASIR
23-12-2021
(MUHAMMAD NASIR KHAN)
Deputy Director (LGE)

Copy forwarded for information to:-

1. The District Election Commissioner, Peshawar.
2. District Returning Officer/DC, Peshawar.
3. The Staff Officer to Secretary Election Commission of Pakistan, Islamabad.
4. Returning Officer/Superintendent, DC office Peshawar.

MASIR
23-12-2021
(MUHAMMAD NASIR KHAN)
Deputy Director (LGE)

SMBR LETTER 23-12-2021

ATTESTED

Annex G

(20)



OFFICE OF THE DEPUTY COMMISSIONER, KHYBER.

No. 4096 /Estt.

Dated 28/12 /2021.

To: The Commissioner,
Peshawar Division Peshawar.

Subject: **REQUEST FOR CANCELLATION OF TRANSFER ORDER OF
OFFICE SUPERINTENDENT.**

Kindly refer to the above captioned subject.

Mr. Shahid Ali Khan, was posted as Superintendent in this office in November, 2020 who is working to the entire satisfaction with quite zeal and spirit being a very well experienced and remains so cooperative but is transferred to Mohmand District vide Board of Revenue Notification dated 13.12.2021.

His transfer on one side is before the completion of his 02 years tenure at one station and on the other side will create a space for better administration.

It is therefore requested that in light of his enclosed appeal, the Board of Revenue, Khyber Pakhtunkhwa may kindly be approached for cancellation of his transfer order please.

Deputy Commissioner,
Khyber.

Diry No
12031
28.12.21

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SOE-II(ED)1-1/2020

Dated Peshawar the October 28, 2021

To

1. Additional Chief Secretary, Planning & Development Department.
2. Senior Member Board of Revenue, Revenue & Estate Department.
3. Principal Secretary to Governor Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
5. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.


Subject: **PROPOSAL FOR APPOINTMENT OF DISTRICT RETURNING OFFICERS, RETURNING OFFICER AND ASSISTANT RETURNING OFFICERS IN CONNECTION WITH CONDUCT OF LOCAL GOVERNMENT ELECTIONS KHYBER PAKHTUNKHWA.**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith Provincial Election Commissioner Khyber Pakhtunkhwa's letter No. F.6(4)/2020-LGE (PEC) dated 15.10.2021 (which is self-explanatory) for perusal/ circulation amongst all attached Directorates/ Semi-Autonomous/ Autonomous Bodies/ Corporations working under your administrative control for compliance, please.

Yours faithfully,

Encl: As above.


(MUHAMMAD IRFAN USMAN)
SECTION OFFICER (E-II)
Ph. 091-9210551

ENDST: NO. & DATE EVEN.

Copy forwarded to the:-

1. Deputy Director (LGE), Office of the Provincial Election Commissioner Khyber Pakhtunkhwa w.r to letter No.F.6(4)/2020-LGE(PEC) dated 15.10.2021.
2. PSO to Chief Secretary Khyber Pakhtunkhwa.
3. PS to Secretary Establishment Department.
4. PS to Special Secretary (Estt), Establishment Department.
5. PA to Addl. Secretary (Estt), Establishment Department.


SECTION OFFICER (E-II)

ATTESTED

OFFICE OF THE
PROVINCIAL ELECTION COMMISSIONER

KHYBER PAKHTUNKHWA

Diary No. 7840ve

PTS No. _____

SHAMI ROAD, PESHAWAR CANTT

Date 26-10-21

15th October, 2021

PSO TO C.S K.P.K.P.

Diary No. 382

Dated 25-10-21

The Secretary Establishment,
Government of Khyber Pakhtunkhwa,
PESHAWAR.

PS/ED/...
Diary No. 1377
Date 27/10

Subject: -

PROPOSAL FOR APPOINTMENT OF DISTRICT RETURNING OFFICERS, RETURNING OFFICERS AND ASSISTANT RETURNING OFFICERS IN CONNECTION WITH CONDUCT OF LOCAL GOVERNMENT ELECTIONS KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to the meeting held on 14th October, 2021 at the Election Commission of Pakistan Secretariat, Islamabad. The Chief Secretary, Khyber Pakhtunkhwa and Secretary (LG & RDD), Govt. of Khyber Pakhtunkhwa attended the said meeting and to state that the Local Government Elections in Seventeen Districts of the Province is going to be announced shortly by Election Commission of Pakistan. To this effect fresh/updated proposal of the District Returning Officers, Returning Officers and Assistant Returning Officers has been furnished to the Election Commission of Pakistan, Islamabad for their appointment as DROs, ROs and AROs for the Local Government Elections-2021. (Copy enclosed).

2. I am further directed to request you that officers proposed as DROs, ROs and AROs may not be transferred/posted from their present post/station till the culmination of the Local Government Elections in the Province. Likewise, directions may kindly be issued to all line departments to ensure that the officers proposed as Returning Officers and Assistant Returning Officers shall not transferred without prior approval of the Election Commission of Pakistan, please.

Encl: - As above

(MUHAMMAD NASIR KHAN)
Deputy Director (LGE)

Copy forwarded for information and necessary action to:-

Secretary Establishment

PSO TO CHIEF SECRETARY
K.P.K.

- I. The Secretary (LGE & RDD), Govt. of Khyber Pakhtunkhwa, with the request to kindly share the list of Districts where Local Govt. Elections is going to be held with the Secretary Establishment, Govt of Khyber Pakhtunkhwa.
- II. The PSO to the Secretary Election Commission of Pakistan, Islamabad.
- III. The PSO to the Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.
- IV. Section Officer (E.II) Establishment Department, with reference to his letter No. SOE-II (ED) 1-1/2020, dated 12th October, 2021.

*AS (LGE)
Chd. Asst. Secy
26/10
27/10*

(MUHAMMAD NASIR KHAN)
Deputy Director (LGE)

ATTESTED



23

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar November 15, 2018

NOTIFICATION

NO. SO(E-I)/E&AD/9-126/2018. The Competent Authority is pleased to impose ban on postings/transfers of officers and officials from Merged Areas to Settle Areas and vice versa, in the public interest, with immediate effect, till further orders

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department. .
2. Additional Chief Secretary Merged Areas, Warsak Road, Peshawar
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa
4. Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
7. Secretary (Admn: Coord: & Infra) Merged Area, Warsak Road, Peshawar.
8. Secretary (Law & Order) Merged Area, Warsak Road, Peshawar.
9. All Divisional Commissioners in Khyber Pakhtunkhwa.
10. Accountant General, Khyber Pakhtunkhwa
11. All Deputy Commissioners in Khyber Pakhtunkhwa.
12. Director General Information, Khyber Pakhtunkhwa.
13. PS to Chief Secretary, Khyber Pakhtunkhwa.
14. PS to Secretary Establishment/PS to Secretary Administration Departments.
15. PS to Special Secretary (E)/ PS to Special Secretary (E)/D.S.(Admn), D.S. (Estt.)/SO(Secret)/SO(HRD-I)/SO(E-II)/DD(T) and ACSO Cypher E&AD.
16. Manager, Govt. Printing Press Peshawar.

(ISHTIAQ AHMAD)
SECTION OFFICER (E-I)
PH 091-9210529

ZIA.UL.HAQ

ATTESTED

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**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

MOST URGENT

No. 7/5(AG-II)/1/11
Dated: 25.11.2021

To:

**The Deputy Commissioners,
Peshawar, Charsadda, Nowshera, Khyber & Mohmand.**

Subject:

**BAN ON TRANSFER/POSTING OF ASSISTANT REGISTRAR
OFFICERS, SUPERVISORS AND VERIFYING OFFICIALS APPOINTED
PERIODICAL REVISION OF ELECTORAL ROLLS 2021-22.**

I am directed to enclose herewith a copy of Section Officer (E-I), Govt
Khyber Pakhtunkhwa, Establishment Department letter No. SO(E-I)E&AD,
25/2021 dated 19.11.2021 alongwith its enclosures on the subject cited above
necessary action please.

No. 7/5(AG-II)/1/11

14179-82

**ASSISTANT TO COMMISSIONER (P/D)
PESHAWAR DIVISION PESHAWAR**

Copy forwarded for information to:

1. PSO to Chief Minister, Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. Section Officer (E-II), Establishment Department, Khyber Pakhtunkhwa w/r above.
4. PS to Commissioner, Peshawar Division.

**ASSISTANT TO COMMISSIONER (P/D)
PESHAWAR DIVISION PESHAWAR**

EA

Handwritten signature

ATTESTED

ADC (4)

29/11/2021



(25) / 1
**GOVERNMENT OF
 KHYBER PAKHTUNKHWA
 ESTABLISHMENT DEPARTMENT
 (ESTABLISHMENT WING)**

NO. SO (E-I)E&AD/11-25/2021
 Dated Peshawar, the November 19, 2021

To

- 1) The Additional Chief Secretary, P&D Department.
- 2) The Senior Member Board of Revenue.
- 3) The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 4) The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 5) All Administrative Secretaries to Government of Khyber Pakhtunkhwa
- 6) The Provincial Police Officer, Khyber Pakhtunkhwa.
- 7) All Divisional Commissioners in Khyber Pakhtunkhwa / Peshawar
- 8) All Deputy Commissioners in Khyber Pakhtunkhwa.

Subject: - BAN ON TRANSFER/POSTING OF ASSISTANT REGISTRATION OFFICERS, SUPERVISORS AND VERIFYING OFFICIALS APPOINTED FOR PERIODICAL REVISION OF ELECTORAL ROLLS 2021-22.

Dear Sir,

I am directed to refer to the subject cited above and to enclose a copy of letter No. F.16(1)/2021-EIs (PEC) dated 07.11.2021 received from Provincial Elections Commissioner, Khyber Pakhtunkhwa (alongwith the enclosures) with the request to not make transfer/posting of Assistant Registration Officers, Supervisors and Verifying Officials appointed for periodical revision of Electoral Rolls 2021-22 till culmination of this respective assignments.

2. In view of the above, it is requested to kindly issue necessary instructions to all concerned for compliance of the aforesaid letter and spirit under intimation to Election Commission of Pakistan.

Yours faithfully

Encl: as above.

Secy:	✓
AC P&D:	
AC I:	J
SUP:	
Serial No.	10636
Date	19/11/21

SECTION OFFICER (E&I)

19-11-2021

ATTESTED

Ad
 4/11/21
 25/11/21



ASE
Date 1442ue
09-11-2021

No.F.16 (1)/2021-Eis (PEC)

OFFICE OF THE

PROVINCIAL ELECTION COMMISSIONER

PSISS (E) KHYBER PAKHTUNKHWA

Diary No. 22 Style

Date 9/11/21

To,

The PSO to Chief Secretary,
Govt. of Khyber Pakhtunkhwa,
PESHAWAR.

Copy E&AD

Diary No. 8/11/21

TS No.

Date 8/11/21

Shami Road Peshawar Cantt.
November 7, 2021

PSO TO CS KP KP
Diary No. 4/4
Dated 8/11/21

Subject: - **BAN ON TRANSFER/POSTING OF ASSISTANT REGISTRATION OFFICERS, SUPERVISORS AND VERIFYING OFFICIALS APPOINTED FOR PERIODICAL REVISION OF ELECTORAL ROLLS 2021-22.**

Dear Sir,

I am directed to enclose herewith, a copy of the Election Commission's Secretariat Islamabad, letter No.F.12(1)/2021-ER, dated the 5th November 2021, on the subject noted above, addressed to the Chief Secretary, Khyber Pakhtunkhwa, and a copy thereof interalia endorsed to this office which is self-explanatory for your kind information and further necessary action at your end.

It is, therefore, requested that necessary instructions/directions contained in the ECP's letter, referred to above, may kindly be issued to all concerned for strict compliance of the order of the Election Commission in letter in ECP's

Encl:- As above.

Yours faithfully,

(KHUSHAL ZADA) 7.11.21
Director (Elections)

Copy forwarded for information to the Secretary, Election Commission of Pakistan, Islamabad with reference to above.

Sec Estab

Please issue instructions to all concerned

(KHUSHAL ZADA)
Director (Elections)

PSO
PSO TO CHIEF SECRETARY
K.P.K.

PSO to CS KP Ban 16(1)

ATTESTED

No.F.12(1)/2021-ER
ELECTION COMMISSION OF PAKISTAN

27

273



Constitution Avenue, G-5/2,
ISLAMABAD
the 05th November, 2021

To

- a. The Chief Secretary, Government of the Punjab, Lahore
- b. The Chief Secretary, Government of Sindh, Karachi
- c. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar
- d. The Chief Secretary, Government of Balochistan, Quetta
- e. The Chief Commissioner, Islamabad Capital Territory, Islamabad.

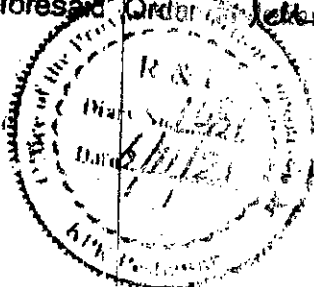
Subject:

BAN ON TRANSFER / POSTING OF ASSISTANT REGISTRATION OFFICERS, SUPERVISORS AND VERIFYING OFFICIALS APPOINTED FOR PERIODICAL REVISION OF ELECTORAL ROLLS 2021-2022.

Dear Sir

I am directed to send herewith an Order dated 05th November, 2021 issued by the Election Commission of Pakistan whereby in exercise of the powers conferred upon it under Article 219 of the Constitution read with section 4 of the Elections Act, 2017, the Election Commission has directed the ~~Federal Government~~ *as well as the Provincial Governments* to not make transfer / ~~posting of Assistant Registration Officers, Supervisors and Verifying Officials appointed in connection with the Periodical Revision of Electoral Rolls 2021-2022 till culmination of their respective duties.~~ *posting of Assistant Registration Officers, Supervisors and Verifying Officials appointed in connection with the Periodical Revision of Electoral Rolls 2021-2022 till culmination of their respective duties.*

2. It is, therefore, requested to kindly ~~ensure necessary instructions are issued~~ *ensure necessary instructions are issued* for compliance of the aforesaid Order ~~in letter and spirit~~ *in letter and spirit* to the Commission.



05/11
Director (General Administration)

Copy for warded for information to the:

- a. Provincial Election Commissioner, Punjab, Lahore.
- b. Provincial Election Commissioner, Sindh, Karachi.
- c. Provincial Election Commissioner, Khyber Pakhtunkhwa, Peshawar.
- d. Provincial Election Commissioner, Balochistan, Quetta.

for intaction
05/11/21
Dir (Gen)

ISSUED
In
Date & Time

Sanjay
mayat to
CS KP for Punjab
with a/c

05/11
Director (General Administration)

ATTESTED



OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR

No. 6/2/EA/2021/II/14914-18
Dated: 14.12.2021

To

All Deputy Commissioners, - *Khyber*
in Peshawar Division.

Subject: BAN ON TRANSFER / POSTING OF ASSISTANT REGISTRATION OFFICERS, SUPERVISORS AND VERIFYING OFFICIALS APPOINTED FOR PERIODICAL REVISION OF ELECTORAL ROLLS 2021-22.

I am directed to enclose herewith a copy of Assistant Secretary (Estt), Board of Revenue, Revenue & Estate Department, Govt. of Khyber Pakhtunkhwa letter No.Estt:Branch/General/31815-60 dated 06.12.2021 along with its enclosures on the subject cited above for further necessary action please.

[Signature]
ASSISTANT TO COMMISSIONER (Rev/GA)
PESHAWAR DIVISION PESHAWAR

No. 6/2/EA/2021/II/14919

Copy forwarded to Assistant Secretary (Estt), Board of Revenue, Revenue & Estate Department, Govt. of Khyber Pakhtunkhwa w/r to above.

[Signature]
ASSISTANT TO COMMISSIONER (Rev/GA)
PESHAWAR DIVISION PESHAWAR

EA

Office of D.C Khyber


Dairy No. 4490

Date 15/12/2021

Section EA

[Signature]
ADC Khyber (CS)
15/12/2021

ATTESTED

		GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.	
091-9213989		091-9214208	
No. Estt: Branch/General/ 31813 - 60		Peshawar Dated the 06/12/2021	

To

1. All the Divisional Commissioners,
in Khyber Pakhtunkhwa.
2. All the Deputy Commissioners,
in Khyber Pakhtunkhwa.
3. The Director Land Records,
Khyber Pakhtunkhwa.

Peshawar

(29)

SUBJECT: BAN ON TRANSFER/POSTING OF ASSISTANT REGISTRATION OFFICERS, SUPERVISORS AND VERIFYING OFFICIALS APPOINTED FOR PERIODICAL REVISION OF ELECTORAL ROLLS 2021-22.


Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. SO(E-I)E&AD/11-25/2021 dated 19.11.2021 along with its enclosures received from Section Officer (E-I), Establishment Department with the request that officers proposed as Assistant Registration Officers, Supervisors and Verifying Officials appointed for periodical revision of Electoral Rolls 2021-22 may not be transferred / posted till culmination of the respective assignments please.


Assistant Secretary (Estt)

No. & Date Even.

Copy forwarded to the Section Officer (E-I), Establishment Department with reference to his letter referred to above.


11/12/21
13/12/21

ATTESTED

Assistant Secretary (Estt:)



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

NO. SO (E-I)ESAD/11-25/2021
Dated Peshawar, the November 19, 2021

30

To

- 1) The Additional Chief Secretary, P&D Department.
- 2) The Senior Member Board of Revenue.
- 3) The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 4) The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 5) All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- 6) The Provincial Police Officer, Khyber Pakhtunkhwa.
- 7) All Divisional Commissioners in Khyber Pakhtunkhwa.
- 8) All Deputy Commissioners in Khyber Pakhtunkhwa.

PS SME
Date: 19/11/21
Time: 11:30 AM

As (Est. Admin)
Seyf
22/11/21

Subject: - BAN ON TRANSFER/POSTING OF ASSISTANT REGISTRATION OFFICERS, SUPERVISORS AND VERIFYING OFFICIALS APPOINTED FOR PERIODICAL REVISION OF ELECTORAL ROLLS 2021-22

Dear Sir,

I am directed to refer to the subject cited above and to enclose a copy of letter No. F 16(1)/2021-EIs (PEC) dated 07.11.2021 received from Provincial Elections Commissioner, Khyber Pakhtunkhwa (alongwith its enclosures) with the request to not make transfer/posting of Assistant Registration Officers, Supervisors and Verifying Officials appointed for periodical revision of Electoral Rolls 2021-22 till culmination of this respective assignments.

2. In view of the above, it is requested to kindly issue necessary instructions to all concerned for compliance of the aforesaid order in letter and spirit under intimation to Election Commission of Pakistan.

Seyf

Encl: as above.

Yours faithfully,

SECTION OFFICER (Est. I)

19-11-2021

MBA-117
22/11

25/11/21

S/E

ATTESTED

ASE 1442 ue
Date 09-11-2021

Through
Special Messenger
Revision of E-Rolls 2021-22

No.F.16 (1)/2021-EIs (PEC)

OFFICE OF THE

PROVINCIAL ELECTION COMMISSIONER

PSISS (E) KHYBER PAKHTUNKHWA

31

2



Diary No. 28374

Shami Road Peshawar Cantt:

November 7, 2021

Date 9/11/21

Diary No. 8/11/21

November 7, 2021

To,

The PSO to Chief Secretary,
Govt. of Khyber Pakhtunkhwa,
PESHAWAR.

Date 9/11/21

PSO TO C.S K.P.K.

Diary No. 404

Dated 8.11.21

Subject: -

BAN ON TRANSFER/POSTING OF ASSISTANT REGISTRATION OFFICERS, SUPERVISOR/C AND VERIFYING OFFICIALS APPOINTEE FOR PERIODICAL REVISION OF ELECTORAL ROLLS 2021-22.

Dear Sir,

I am directed to enclose herewith, a copy of the Election Commission's Secretariat Islamabad, letter No.F.12(1)/2021-ER, dated the 5th November 2021, on the subject noted above, addressed to the Chief Secretary, Khyber Pakhtunkhwa, and a copy thereof interalia endorsed to this office, which is self-explanatory for your kind information and further necessary action at your end.

2. It is, therefore, requested that necessary instructions/directions contained in the ECP's letter, referred to above, may kindly be issued to all concerned for strict compliance of the order of the Election Commission in letter and spirit.

Yours faithfully

Encl:- As above.

(KHUSHAL ZADA)
Director (Elections)

Copy forwarded for information to the Secretary, Election Commission of Pakistan, Islamabad with reference to above.

These are instructions to all concerned to put order

(KHUSHAL ZADA)
Director (Elections)

Sec Estab

PSO
PSO TO CHIEF SECRETARY
K.P.K.

ASE / S.O.E-I
SPS 4/11
10/11

PSO to CS KP Ban 16(1)

ATTESTED

ELECTION COMMISSION OF PAKISTAN

Islamabad, the 05th November, 2021

ORDER

No.F.12(1)/2021-E/Rolls.— WHEREAS under clause (a) of Article 219 of the Constitution of Islamic Republic of Pakistan, the Election Commission is charged with the duty of preparing electoral rolls for election to the National Assembly, Provincial Assemblies and local governments and revising such rolls periodically to keep them up-to-date. Further, for the purpose of preparation of electoral rolls and its periodical revision, the detailed procedure has been provided in the Elections Act 2017 and the Election Rules, 2017.

AND WHEREAS, in order to prepare accurate and error-free electoral rolls for the forthcoming elections, the Election Commission has issued a schedule, under section 36 of the Elections Act 2017, for Periodical Revision of Electoral Rolls 2021-2022 in respect of the Federal Capital and all the Provinces and accordingly, the process commenced w.e.f 08th October, 2021 and will culminate on 13th April, 2022 with the publication of the final electoral rolls whereas door-to-door verification process will commence across the country w.e.f 7th November, 2021.

AND WHEREAS, for the purpose of said Periodical Revision of Electoral Rolls, the Election Commission, in exercise of its powers under section 24(1) of the Elections Act 2017, has appointed Assistant Registration Officers from amongst officers / officials of the Federal Government / Provincial Governments whereas under section 24(2) of the Elections Act 2017, the Registration Officers have appointed Supervisors & Verifying Officials from amongst the officers / officials of the Federal Government / Provincial Governments to assist the respective Assistant Registration Officers in their areas of jurisdiction.

AND WHEREAS, the availability of aforesaid Assistant Registration Officers, Supervisors and Verifying Officials at their places of duty is quite necessary for smooth conduct of Periodical Revision of Electoral Rolls.

AND WHEREAS, section 4 of the Elections Act 2017 empowers the Election Commission to issue such directions or orders as may be necessary for the performance of its functions and duties.

NOW THEREFORE, in exercise of the powers conferred upon it under Article 219 of the Constitution read with section 4 of the Elections Act, 2017 and all other powers enabling it in that behalf, the Election Commission of Pakistan is pleased to direct that Federal Government, or, as the case may be, the Provincial Governments shall not make transfers / postings of Assistant Registration Officers, Supervisors and Verifying Officials appointed in connection with Periodical Revision of Electoral Rolls 2021-2022 till culmination of their respective assignments.

By order of the Election Commission of Pakistan

(Asif Ali Yasin)
Director (Electoral Rolls)

ATTESTED



No.F.O (4)/2020-LGE (PBC)

(33)

OFFICE OF THE
PROVINCIAL ELECTION COMMISSIONER
KHYBER PAKHTUNKHWA

PROVINCIAL ELECTION COMMISSIONER
Phone# 091-9211030
Email: lpewingpkpk@gmail.com

SHAHJHOD, PESHAWAR
JANUARY 13, 2022

Subject. - **BAN ON POSTING TRANSFERS.**

My Dear,

I have the honour to refer to this office letter of even number, dated the 23rd December, 2021 on the subject noted above, addressed to the Senior Member Board of Revenue, Peshawar (copy enclosed) whereby the Officer concerned was requested for rescinding of transfer order to the extent of Mr. Obaidullah, Returning Officer/Superintendent, Deputy Commissioner office, Peshawar who has been appointed as Returning Officer for the conduct of elections in Tehsil Council, Pishtakhara, district Peshawar. It is pertinent to mention here that election process in Tehsil Pishtakhara has not yet been finalized due to law & order situation in NC Khyber and the re-poll in the said Neighbourhood Council will be held soon as and when decided by the Hon'ble Commission.

2. It is further stated that the Election Commission of Pakistan vide Notification No. F. 16(1)/2021-LGE-KP, dated the 25th October, 2021 has directed that "Districts in respect of which election schedule of local government elections has been issued, no transfers/ postings of the Government Officers and Officials including Autonomous Bodies/ Authorities shall be made without prior approval of the Commission till the publication of election results".

3. It is, therefore, requested that the transfer order to the extent of Mr. Obaidullah, Returning Officer/Superintendent, Deputy Commissioner Office, Peshawar may kindly be rescinded or held in abeyance under intimation to this office in the larger national interest till the culmination of election process/publication of official result of the election, please.

Yours Sincerely,

(MUHAMMAD RAZIQ)
Provincial Election Commissioner

Mr. Shahzad Bangash,
Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

ATTESTED



(33-A)

**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

No. 6/2/EA/2021/1/15631
Dated: 30.12.2021

To

The Senior Member,
Board of Revenue,
Khyber Pakhtunkhwa.

Subject: **REQUEST FOR CANCELLATION OF TRANSFER ORDER OF OFFICE SUPERINTENDENT.**

Dear Sir,

I am directed to enclose herewith a copy of Deputy Commissioner Khyber letter No.4096/Estt dated 28.12.2021 and to state that Mr. Shahid Ali (Superintendent) of Deputy Commissioner Office Khyber was transferred to the office of Deputy Commissioner Mohmand vide Board of Revenue Khyber Pakhtunkhwa Notification No.Estt:II/Posting/Transfer/2021/32480-84 dated 13.12.2021. However, it is pertinent to mention that Mr. Shahid Ali was posted as Superintendent in the office of Deputy Commissioner Khyber in November, 2020 and since then he is performing his duties with great zeal and upto the entire satisfaction of his superiors. His transfer will badly affect the official business of Deputy Commissioner Khyber office.

In view of above, it is requested that the above mentioned Notification of Board of Revenue Khyber Pakhtunkhwa may kindly be amended partially to the extent of Mr. Shahid Ali (Superintendent) of Deputy Commissioner Office Khyber and his transfer order may kindly be cancelled in the best public interest please.


ASSISTANT TO COMMISSIONER (REV/GA)
PESHAWAR DIVISION PESHAWAR

No. 6/2/EA/2021/1/15632

Copy forwarded to Deputy Commissioner Khyber.

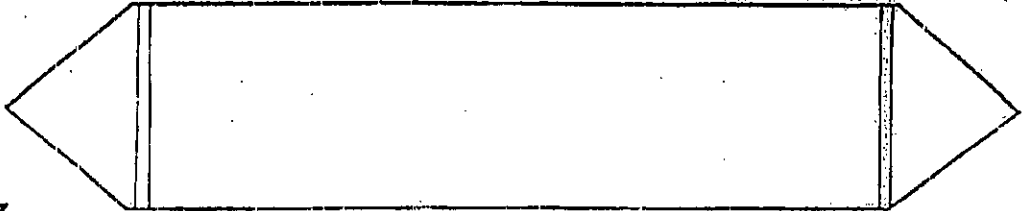

ASSISTANT TO COMMISSIONER (REV/GA)
PESHAWAR DIVISION PESHAWAR

Office _____
Dairy No. 9914
Date 31/12/2021
Section EA

ATTESTED

EA
N

بعدالت Service Tribunal



Applicants
Shahid Ali Binam Sweet

17301-6419166-1

BC-134232

03459122165

Appel

موزخه
مقدمہ
دعویٰ
پریم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروانی متعلقہ
 آج کے مقام اسٹیٹ لیکچرر کیلئے اسٹیٹ لیکچرر کے لئے
 مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروانی کا کابل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کر... نے و تقرر ثالثیت فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بلا ضرورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائرہ کرنے اپیل گمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروانی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لانا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا سہائت
 پر اخذہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جات التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا اوقات نامہ لکھدیا کہ سند ہے۔

Shahid Ali Binam Sweet

المرتوم 18 _____ ماہ 2022

المقام
Accepted by
Asad Naeem

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

S.A NO. 63/2022

Shahid Ali Superintendent DC Office Khyber Appellant

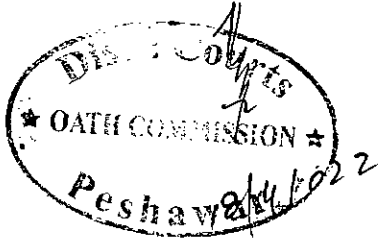
Versus

Senior Member Board of Revenue and others. respondent

AFFIDIVAT

I, Qasim Khan, Superintendent SMBR Office Khyber Pakhtunkhwa Peshawar do hereby solemnly affirm and declare that contents of the accompanying para wise comments in the subject Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Service Tribunal

ATTESTED



Qasim Khan

Deponent

17301-1633333-7

03038449351

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 63/2022

Shahid Ali Superintendent Deputy Commissioner office khyber.....Appellant

VERSUS

Senior Member Board of RevenueRespondents

INDEX

S.No	Description of Documents	Annexure	Page No.
01	Parawise Comments	--	01-02
02	Notification dated 13/12/2021	A	03


Assistant Secretary Lit-II
Board of Revenue

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 63/2022

Shahid Ali Superintendent Deputy Commissioner office Khyber..... Appellant.

VERSUS

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1, 2 & 3 ARE AS UNDER:-

RESPECTFULL SHEWETH.

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the Appellant has been estopped by his own conduct to file the appeal.
4. That the appeal is time barred.

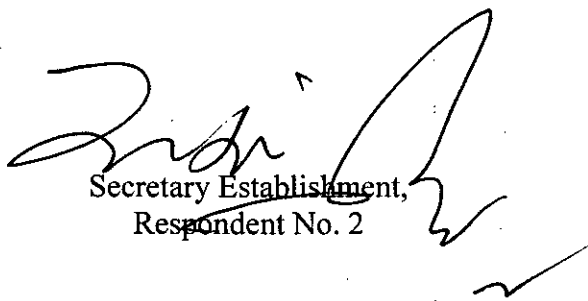
ON FACTS.

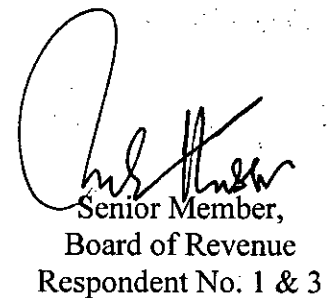
1. Correct to the extent that on receipt of Chief Minister directives regarding reshuffling of those officials who remained posted on one station for more than 02 years, the appellant was transferred from District Khyber and posted in Mohmand District (Annexure-A).
2. The appellant was transferred from Superintendent District Khyber and posted as Superintendent in Mohmand District in compliance of Government Policy in agenda Item No. 12 / cabinet decision regarding reshuffling of ministerial staff in NMDs.
3. Incorrect. Every officer/official is duty bound to work with zeal and spirit, and it does not mean that an officer/official who worked to entire satisfaction of his high ups would not be transferred. Beside, posting/transfer is part of service and can at any time be made by the Competent Authority in the best public interest.
4. Incorrect. Departmental appeal of the appellant has been examined and after thorough examination dismissed by the Competent Authority.
5. Incorrect. The appeal of the appellant is not maintainable as posting/transfer is part of service, and the appellant was required to give respect to the orders of the Competent Authority rather to agitate the same.

GROUNDS

- A. Incorrect. The Notification of transfer of the appellant is legal and in accordance with Chief Minister's directive. Posting/transfer is part of service and an officer/official could be transferred in the best public interest.
- B. Local Government Election has been held on 19.12.2021, therefore the appellant is now required to assume his new assignment in Deputy Commissioner office Mohmand. Besides the appellant had not assigned any responsibility in Local Government Elections.
- C. The appellant was transferred by the Competent Authority therefore he was required to obey the order, rather to approach for its cancellation and disobey the orders of the Competent Authority.
- D. Incorrect. As per Government decision the officers/officials having stay of more than 2 years at one station has to be transferred which is mandatory for every government official. The appellant was treated in accordance with the said policy/decision which is legal and has not disturbed the rights of the appellant.
- E. Incorrect. Transfer of appellant from Khyber to Mohmand is in accordance with law/rules and Government Policy. The appellant has already worked as Superintendent District Khyber. Cabinet decision was for those Government officials who have spent more than two years on one station, but the appellant misinterpreted the Cabinet decision as it does not mean that an official could not be transferred prior to completion of two years service at one station.
- F. No prima facie case in favour of the appellant, however, the Department will also submit additional grounds at the time of arguments.

Keeping in view the above, the appeal of the appellant having no legal grounds may be dismissed with costs.


Secretary Establishment,
Respondent No. 2


Senior Member,
Board of Revenue
Respondent No. 1 & 3



GOVERNMENT OF KHYBER PAKHTUN
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

16

MMA C

Dated Peshawar the 13/12/2021

NOTIFICATION

No. Estt./I/Posting/Transfer/2021/_____

The Competent Authority is to order the following posting/transfers with immediate effect in the best public interest:-

S. NO.	NAME OF OFFICIAL	FROM	TO
1.	Mr. Fayaz Ali Superintendent	Superintendent office of the DC Mohmand	Superintendent office of the DC Peshawar.
2.	Mr. Shahid Ali Superintendent	Superintendent office of the DC Khyber	Superintendent office of the DC Mohmand.
3.	Mr. Obaidullah Superintendent	Superintendent office of the DC Peshawar	Superintendent office of the DC Khyber.

By Order of
Competent Authority

No. Estt./I/Posting/Transfer/2021/ 32480-84

Copy forwarded to the:-

1. Commissioner, Peshawar Division Peshawar.
2. Deputy Commissioners, Peshawar, Khyber and Mohmand.
3. District Accountant Officers, Peshawar, Khyber and Mohmand.
4. PS to Senior Member, Board of Revenue.
5. Officials concerned.

Secretary - I
Board of Revenue, Khyber Pakhtunkhwa

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

SHAHID ALI

Versus

GOVT OF KP AND OTHERS

Application for Adjournment
on behalf of Appellant.

Respectfully Sheweth!

1. That the above titled Writ Petition is fixed today before this Hon'ble Court.
2. That due to some urgent work/ preoccupation the counsel of the appellant is unable to attain this honorable court.
3. That the appellant is seeking adjournment in above title appeal with further prayer to fix the same for some other convenient date.

It is, therefore, humbly prayed that on the acceptance of this Application, the above titled appeal may very kindly be adjourned accordingly

Applicant

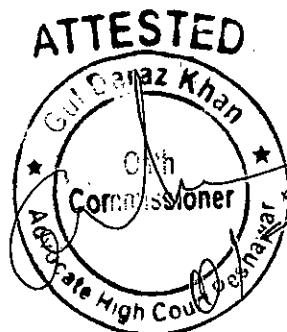
Date:- 01-02-2023

Through:

Asad Nabi Advocate
High court Peshawar

AFFAD, VIT

That all the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Deponent

30/1/2023

DB

Next date
24.11.22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 63/2022

Shahid Ali Superintendent Deputy Commissioner office Khyber..... Appellant.

VERSUS

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

SUBJECT: VACATION OF STATUS QUO.


1. That in the subject mentioned case this Service Tribunal has issued status quo order on 18.01.2022 (**Annexure-A**) till the disposal of the appeal.
2. That due to the said status quo the official business are suffering badly.
3. That now the said case has been fixed for 24.11.2022.

Keeping in view the above and to continue the official business smoothly, it is requested to vacate the status quo and dispose off the case on merit please.

Put up to the court with
relevant appeal.

Reader.

22/11/2022


Secretary-I
Board of Revenue



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKFPD](https://www.facebook.com/GoKFPD)

twitter.com/GoKFPD

No: SO (LIT-II) FD/2-22/2022

Dated Pesh: the 17-11-2022

To,

The Registrar,
Service Tribunal,
Khyber Pakhtunkhwa, Peshawar.



Subject:

**EXECUTION PETITION NO. 249/2021 TITLED SHAH FAZIL
VS GOVERNMENT OF KHYBER PAKHTUNKHWA IN
SERVICE APPEAL NO. 3521/2021**

R/Sir,

Kindly refer to the subject cited above and to state that the honorable Khyber Pakhtunkhwa Service Tribunal Peshawar vide order sheet dated 31/10/2022 (copy enclosed) has inter alia directed the accountant General, Khyber Pakhtunkhwa to attach the salaries of the respondents including Secretary Finance (Respondent No. 04) in the subject case.

I am therefore, directed to request that the salary of Secretary Finance Department may kindly not be attached on the simple ground that Finance Department has no role whatsoever to play in the issuance of Final seniority list of Provincial Planning Service (PPS BS-18) Planning and Development Department. Moreover, Secretary Finance as Respondent No.04 may kindly be deleted from the instant case being irrelevant, please.

put up to the court with relevant execution petition

Yours faithfully,

SECTION OFFICER (LIT-II)

Rander

Endst: of No. & date even.

Copy is forwarded to:-

1. Additional Advocate General, Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. P.S Secretary Finance Department.
3. P.S Special Secretary Finance Department.

SECTION OFFICER (LIT-II)

091-9211679

E.P. No. 249/2021
Shah Fazil vs Govt



31st Oct. 2022

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Addl. AG for respondents present.

On 13.06.2022 one Mr. Asadullah, SO (Litigation) alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents had assured the Tribunal that final seniority list of PPS Officer (BS-18) including the petitioner will be issued within a period of one month and compliance report will be submitted on the next date but failed; therefore, salaries of the respondents are attached and show cause notice be issued to them as to why they should not be proceeded under the relevant law for violating the court orders. The Accountant General, Khyber Pakhtunkhwa is directed to attach salaries of the respondents No. 2,3 and 4. To come up for implementation report on 30.11.2022 before S.B.

9

(Kalim Arshad Khan)
Chairman

Certified to be true copy

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar

Number of copies of the order

Number of copies

Date

Time

Place

Signature

Date

Date of receipt of the order

28/11/22

15/11/22

15/11/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 63/2022

Shahid Ali Superintendent Deputy Commissioner office Khyber..... Appellant.

VERSUS

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

SUBJECT: VACATION OF STATUS QUO.

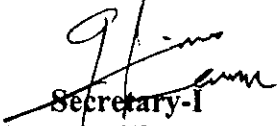
1. That in the subject mentioned case this Service Tribunal has issued status quo order on 18.01.2022 (**Annexure-A**) till the disposal of the appeal.
2. That due to the said status quo the official business are suffering badly.
3. That now the said case has been fixed for 24.11.2022.

Keeping in view the above and to continue the official business smoothly, it is requested to vacate the status quo and dispose off the case on merit please.

Put up to the Court with relevant appeal.

Reader

22/11/2022


Secretary-I
Board of Revenue

(1)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL,
PESHAWAR

Service Appeal
with Int. Relief No. 63 /2022

Khyber Pakhtunkhwa
Services Tribunal

Case No. 57
18-01-2022

SHAHID ALI S/O NIMAT KHAN SUPERINTENDENT DEPUTY
COMMISSINER OFFICE KHYBER DISTRICT KHYBER.

.....Appellant

V E R S U S

1. Govt. of Khyber Pakhtunkhwa, Chief Secretary,
Civil Secretariat, Peshawar
2. Govt. of Khyber Pakhtunkhwa, through Secretary
Establishment Department, Civil Secretariat,
Peshawar
3. Senior Member Board of Revenue, Civil Secretariat,
Peshawar

.....Respondents

**SERVICE APPEAL U/S 4 OF THE KPK
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED NOTIFICATION
NO.ESTT:II POSTING/TRANSFER/2021
DATED 13-12-2021-WHEREBY THE
APPELLANT HAS BEEN TRANSFER FROM
SUPERINTENDENT OFFICE DEPUTY
COMMISSIONER KHYBER TO
SUPERINTENDENT OFFICE DEPUTY
COMMISSIONER MOHMAND WITHOUT
APPLYING ANY RULE AND
REGULATION/ POLICIES.**

18.01.2022

Counsel for the appellant present. Preliminary arguments have been heard.

Through this Service Appeal, the appellant has invoked the jurisdiction of this Tribunal challenging the order dated 13.12.2021, whereby the appellant has been transferred from the post of Superintendent Office of the Deputy Commissioner, Khyber to a similar post in Office of the Deputy Commissioner Mohmand. The impugned order on its face is meant to have been issued in the best public interest. However, the appellant in his departmental appeal has raised certain objections about the transfer order which if not settled after regular hearing of the appeal, the ground of public interest pressed into service in the impugned order remains arguable. Learned counsel during his arguments has also referred to the letter dated 30.12.2021 of the office of Commissioner Peshawar Division addressed to the respondent No. 3 on the subject of request for cancellation of transfer order of office Superintendent named in the body of the letter i.e. the present appellant. According to the said letter, the services of the appellant in the office of Deputy Commissioner Khyber have been appreciated. It is also a matter for rebuttal of the respondents. Points raised need consideration. The appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 31.01.2022 before S.B.

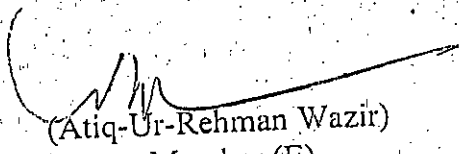
The appeal is accompanied by an application seeking interim relief for suspension of the operation of impugned notification to the extent of appellant till final disposal of the appeal. Notice of the said application be also given to the respondents. The operation of the impugned order shall remain suspended till disposal of the appeal, if this order is not withdrawn earlier.


Chairman

31.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Mukaram Khan S.O for respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of respondents sought time for submission of reply/comments. Granted. To come up for reply/comments before the S.B on 21.02.2022. The operation of the impugned order shall remain suspended till disposal of the appeal, if this order is not withdrawn earlier.


(Atiq-Ur-Rehman Wazir)
Member (E)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 63/2022

Shahid Ali Superintendent Deputy Commissioner office Khyber..... Appellant.

VERSUS

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


SUBJECT: VACATION OF STATUS QUO.


1. That in the subject mentioned case this Service Tribunal has issued status quo order on 18.01.2022 (**Annexure-A**) till the disposal of the appeal.
2. That due to the said status quo the official business are suffering badly.
3. That now the said case has been fixed for 24.11.2022.

Keeping in view the above and to continue the official business smoothly, it is requested to vacate the status quo and dispose off the case on merit please.

Put up to the Court with relevant apper.

Reader


22/11/22


Secretary-I
Board of Revenue

(1)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL,
PESHAWAR

Service Appeal
with Int. Relief No. 63 /2022

Ministry of Labour & Welfare
Services Tribunal

Case No. 57
18-01-2022

SHAHID ALI S/O NIMAT KHAN SUPERINTENDENT DEPUTY
COMMISSINER OFFICE KHYBER DISTRICT KHYBER.

.....Appellant

V E R S U S

1. Govt. of Khyber Pakhtunkhwa, Chief Secretary,
Civil Secretariat, Peshawar.
2. Govt. of Khyber Pakhtunkhwa, through Secretary
Establishment, Department, Civil Secretariat,
Peshawar
3. Senior Member Board of Revenue, Civil Secretariat,
Peshawar

.....Respondents

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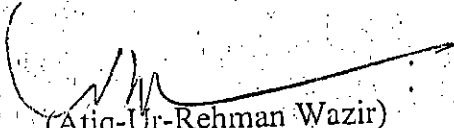
The appeal is accompanied by an application seeking interim relief for suspension of the operation of impugned notification to the extent of appellant till final disposal of the appeal. Notice of the said application be also given to the respondents. The operation of the impugned order shall remain suspended till disposal of the appeal, if this order is not withdrawn earlier.


Chairman

51.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Mukaram Khan S.O for respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of respondents sought time for submission of reply/comments. Granted. To come up for reply/comments before the S.B on 21.02.2022. The operation of the impugned order shall remain suspended till disposal of the appeal, if this order is not withdrawn earlier.


(Atiq-Ur-Rehman Wazir)
Member (E)