

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - \_\_\_\_\_ 1046 /2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1     | 05/05/2023                | The appeal of Mr. Nadeem Khan presented today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ |
|       |                           | By the order of Chairman  |
|       |                           | REGISTRAR   |

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

**SERVICE APPEAL NO. 1046 /2023**

Nadeem Khan

V/S

Education Deptt:

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| 2   | Affidavit   | -----    | 05       |
| 3   | Suspension application  | -----    | 06-07    |
| 4   | Copy of the order dated 18.09.2021                                      | A        | 08       |
| 5   | Copy of notification dated 31.03.2023                                   | B        | 09       |
| 6   | Copies of departmental appeal and rejection order/memo dated 26.04.2023 | C&D      | 10-12    |
| 7   | Copies of posting transfer policy and circular dated 27.02.2013         | E&F      | 13-21    |
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**APPELLANT**

THROUGH:

  
**(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT**

**SECRETARY**

**SECRETARY**

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

SERVICE APPEAL NO. 1046 /2023

Mr. Nadeem Khan, Driver,  
District Education Office (Female), District Mohmand.

(APPELLANT)

VERSUS

1. The Secretary (Elementary & Secondary Education) Department,  
Civil secretariat, Khyber Pakhtunkhwa, Peshawar.
2. The Director (Elementary & Secondary Education) Department  
Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (Female) District Mohmand.
4. Mr. Aftab Khan, Diver, Office of District education Officer (Male),  
District Mohmand.

(RESPONDENTS)

-----  
**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974  
AGAINST THE NOTIFICATION DATED 31.03.2023  
WHEREBY THE APPELLANT WAS PREMATURELY  
TRANSFERRED APPELANT FROM THE OFFICE OF  
DISTRICT EDUCATION OFFICER (FEMALE)  
DISTRICT MOHMAND TO THE OFFICE  
OFDISTRICT EDUCATION OFFICER (MALE)  
DISTRICT MOHMAND AND AGAINST REJECTION  
ORDER /MEMO DATED 26.04.2023, WHEREBY THE  
DEPARTMENTAL APPEAL OF THE APPELLANT  
WAS REJECTED FOR NO GROUND.**

**PRAYER:**

**THAT THE ACCEPTANCE OF THIS APPEAL, THE  
IMPUGNED TRANSFER NOTIFICATION DATED  
31.03.2023TO THE EXTENT OF THE APPELLANT**

**AND REJECTION ORDER/MEMO DATED 26.04.2023 MAY KINDLY BE SET ASIDE AND THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN UTTER VIOLATION OF POSTING/TRANSFER POLICY AND CIRCULAR DATED 27.12.2013. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant is working as Driver in the respondent department and is performing his duty with the entire satisfaction of his superiors, whatsoever, assigned to him and no complaint has been filed against him by his superiors regarding his performance of his duty.
2. That the appellant while serving in the said capacity was transferred from the Office of District Education Officer (Male) District Mohmand to the office of District Education Officer (Female) Mohmand vide order dated 18.09.2021 and since his transfer to the office of District Education Officer, (Female) District Mohmand, no complaint has been filed regarding his performance. (Copy of the order dated 18.09.2021 is attached as Annexure-A)
3. That without completing his normal tenure at the office of DEO (F) Mohamd District, respondent No.2 passed a notification dated 31.03.2023, whereby the appellant was transferred from the office of District Education Officer (Male) District Mohmand to the office of District Education Officer (Female) District Mohmand, despite the fact the respondent No.2 is competent authority in respect of the appellant to transfer him. (Copy of notification dated 31.03.2023 is attached as Annexure-B)
4. That the appellant being aggrieved from the impugned transfer notification dated 31.03.2023 filed departmental appeal against the impugned notification dated 31.03.2023 on 04.04.2023, but it was rejected vide order/memo dated 26.04.2023 for no good grounds. (Copies of departmental appeal and rejection order/memo dated 26.04.2023 are attached as Annexure-C&D)
5. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on following grounds amongst others.

**GROUND:**

- A) That the impugned notification dated 31.03.2023 and rejection order/memo 26.04.2023 are against the law, facts, norms of justice, premature, violation posting transfer policy and circulars dated 27.02.2013, therefore impugned transfer notification dated 31.03.2023 is not tenable and liable to be set aside to the extent of the appellant.
- B) That the impugned notification dated 31.03.2023 was passed in violation of posting transfer policy and circular based Anita Turab case dated 27.02.2013, therefore the impugned notification is liable to be set aside to the extent of the appellant on this ground alone. **(copies of posting transfer policy and circular dated 27.02.2013 are attached as Annexure E&F)**
- C) That the Election Commission of Pakistan has imposed ban on posting/transfer through circular dated on 22.01.2023 and in this respect letters dated 23.01.2023 was issued to respondent No.1 for compliance which was further forwarded to respondent No.2 through letter dated 26.01.2023 for further necessary action and strict compliance, but despite that the appellant was transferred in the ban period, which is clear violation of the ECP Circular dated 22.01.2023 and as such the impugned order is illegal and against the circular dated 22.01.2023 and liable to be set-aside to the extent of the appellant. **(Copies of circular dated 22.01.2023 and letters are attached as Annexure-G&H)**
- D) The impugned transfer order is premature, as the appellant has not completed his tenure on the post of Driver in the office of District Education Officer (Female) Mohmand Tribal District. Therefore, the impugned transfer order liable to be set aside to the extent of the appellant.
- E) That the respondent No.2 passed the impugned notification dated 31.03.2023, which is not the competent authority for the appellant to transfer and as such the impugned transfer is illegal and void to the extent of the appellant and respondent No.4 which is liable to be set aside to the extent of the appellant on this ground alone.
- F) That the appellant seeks permission to advance others grounds and proofs-at the time of hearing.

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

  
APPELLANT

Nadeem Khan

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

&

(SHAKIR ULLAH TORANI)

ADVOCATE FEDERAL COURT

ADVOCATE

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

SERVICE APPEAL NO. \_\_\_\_\_/2023

Nadeem Khan

VS

Education Department

**AFFIDAVIT**

I, Nadeem Khan, Driver, District Education Office (Female) District Mohmand, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.

  
**DEPONENT**

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

**SERVICE APPEAL NO. \_\_\_\_\_/2023**

Nadeem Shah

V/S

Education Deptt:

.....

**APPLICATION FOR SUSPENSION OF OPERATION OF  
NOTIFICATION DATED 31.03.2023 TO THE EXTENT  
OF APPELLANT TILL THE DISPOSAL OF MAIN  
APPEAL.**

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed an Appeal along-with application in which no date has been fixed so far.
2. That the Election Commission of Pakistan has imposed ban on posting/transfer through circular dated on 22.01.2023 and in this respect letters dated 23.01.2023 was issued to respondent No.1 for compliance which was further forwarded to respondent No.2 through letter dated 26.01.2023 for further necessary action and strict compliance, but despite that the appellant was transferred in the ban period, which is clear violation of the ECP Circular dated 22.01.2023 and as such the impugned order is illegal and against the circular dated 22.01.2023 and liable to be suspended to the extent of the appellant.
3. The impugned transfer order is premature, as the appellant has not completed his normal tenure on the post of Driver in the office of District Education Officer (Female) Mohmand District, which is violation of posting transfer policy and circular dated 27.02.2013. Therefore, the impugned transfer order liable to be suspended to the extent of the appellant.
4. That the respondent No.2 passed the impugned notification dated 31.03.2023, which is not the competent authority for the appellant to transfer and as such the impugned transfer is illegal and void to the



- extent of the appellant and respondent No.4 which is liable to be suspended to the extent of the appellant on this ground alone.
5. That the appellant has good prime facie case and all the ingredients of stay is in favour of appellant.
  6. That the grounds of main appeal may also be considered as integral part of this application.

It is, therefore, most humbly prayed that the notification dated 31.03.2023 may kindly be suspended to the extent of the appellant till the disposal of main appeal to the extent of the appellant

  
APPELLANT

Nadeem Khan

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

**AFFIDAVIT:**

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

  
DEPONENT



OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT  
Ph. No. ☎: 0924-290180  
FAX ☎: 0924290180  
Email ✉: - deomohmand@gmail.com



**OFFICE ORDER**

Consequent upon the request of DEO (F) the competent authority is pleased to adjust the following officials / office to DEO office Female with immediate effect in the best interest of public.

| S.No | Name           | Deslg        |
|------|----------------|--------------|
| 1    | Ihsan Ullah    | ASDEO P&D    |
| 2    | Kusar Parveen  | ADEO Female  |
| 3    | Muhammad Naeem | Senior Clerk |
| 4    | Wahid Ullah    | J/C          |
| 5    | Shah Hussain   | J/C          |
| 6    | Nadeem         | Driver       |
| 7    | Mumtaz Khan    | Class Iv     |
| 8    | Abid Ullah     | Class Iv     |
| 9    | Azra           | Sweeper      |

District Education Officer  
Mohmand Tribal District

Endst.No. 2025-271

dated. 18/09/2021

Copy to the:-

1. Director of Education Elementary & Secondary Khyber Pakhtunkhwa Peshawar.
2. Director of Education NMD Secretariat Peshawar
3. Deputy Commissioner Mohmand Tribal District.

District Education Officer  
Mohmand Tribal District



B (9)

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA PESHAWAR**

Dated Peshawar 31<sup>st</sup> March, 2023

**NOTIFICATION**

The following postings/Transfers are hereby ordered in their own pay & BPS in the best public service with immediate effect :

| Sl# | Name & Designation             | Place of Present Posting   | Transfer to   | Remarks     |
|-----|--------------------------------|--|---|-------------|
| 1   | Nadeem Khan(Driver)            | Office of the District Education officer (Female) Mohmand.       | Office of the District Education Officer (Male) Mohmand   | Vice S.NO.2 |
| 2   | Aftab Khan (Driver)            | Office of the District Education officer (Male) District Mohmand | office of the District Education officer (Female) District Mohmand  | Vice S.NO.1 |
| 3   | Arshad All (Computer Operator) | Office of the District Education officer (Female) Mohmand        | The competent authority is pleased to place his Services at the disposal of District Education officer Male District Charsadda. |             |

1. Charge report should be send to all concerned.
2. No TA/DA are allowed.

Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Ends: No. 18456-63

Dated: 31/03/23

Copy forwarded for information to:

1. District Education Officers (Male and Female) District Mohmand.
2. District Education Officer (Male) District Charsadda.
3. District Accounts Officer District Mohmand.
4. District Accounts Officer District Charsadda
5. PA to Director E & SE KP
6. PA to Additional Director Establishment Local Directorate.
7. Official Concerned

*Kal i*  
Assistant Director (Estab.)

31/3/23

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خدمت جناب سیکرٹری ایجوکیشن ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختون خواہ

اپیل/ درخواست برائے ٹرانسفر آرڈر کنسلیشن

(ارڈر نمبر 63-18456 تاریخ 31/03/2023 منسلک ہے)

جناب عالی

مودبانہ گزارش ہے کہ میں ندیم ضلع مہمند کا مستقل باشندہ ہوں بطور ڈرائیور پوسٹ پر (بی ایس 06) ڈسٹرکٹ ایجوکیشن آفس فیمل میں ڈیوٹی سرانجام دے رہا ہوں اس سے پہلے میں بطور ڈرائیور پوسٹ (بی ایس 06) ڈسٹرکٹ ایجوکیشن آفس میل میں ڈیوٹی سرانجام دے رہا تھا۔ ڈسٹرکٹ ایجوکیشن آفس فیمل ضلع مہمند نیا اسٹبلش ہوا ہے ڈسٹرکٹ ایجوکیشن آفس نے میرا آرڈر ڈسٹرکٹ ایجوکیشن آفس فیمل میں 18/09/2022 تاریخ پر (ارڈر نمبر 27-2025) کر دیا تھا۔ حال ہی میں دوبارہ ڈائریکٹر ایجوکیشن صاحب نے میرا آرڈر 31/03/2023 ڈسٹرکٹ ایجوکیشن آفس میل کر دیا ہے (ارڈر نمبر 63-18456 تاریخ 31/03/2023)۔ میرے اس آفس میں ڈیوٹی بھی پورے نہیں ہوئے میرا ٹرانسفر کر دیا گیا ہے رولز کے مطابق میرا ڈیوٹی بھی پورا نہیں ہوا ہے اور میرا ٹرانسفر کر دیا گیا ہے اور اس طرح میرا ایک بھائی ارشد علی جو کمپوٹرز آپریٹر پوسٹ پر کام کرتا ہے جو اس سٹیشن ڈسٹرکٹ ایجوکیشن آفس فیمل میں 21/11/2022 سے ڈیوٹی سرانجام دے رہا ہے اس کا بھی میرے ساتھ ایک آرڈر میں ٹرانسفر کر دیا گیا ہے جس کا ڈیوٹی بھی پورا نہیں ہوا ہے۔ اور اس کا تبادلہ بھی کر دیا گیا ہے یہ ہمارے ساتھ سراسر زیادتی ہے اور الیکشن کمیشن کے نوٹیفیکیشن کے مطابق ٹرانسفر پر مکمل پابندی ہے (نوٹیفیکیشن منسلک ہے) اور اس کے باوجود بھی ہمارا تبادلہ کر دیا گیا ہے ہمارے ساتھ بہت زیادہ زیادتی ہوئی ہے اور یہ آرڈر سیاسی اسر و سوج بغص اور علاقائی تنازعات اور انانیمس کمپلینٹ کے ذریعے ہوا ہے انانیمس کمپلینٹ پر ایلمنٹری اینڈ سیکنڈری ایجوکیشن کا ایک نوٹیفیکیشن بھی موجود ہے جس میں صاف لکھا گیا ہے انانیمس کمپلینٹ پر بالکل عمل نہیں ہوگا جو منسلک ہے۔

اس لئے آپ صاحبان سے بذریعہ درخواست التماس کی جاتی ہے کہ ہم ضلع مہمند کے مستقل باشندے ہیں ہمارے ساتھ بہت زیادہ زیادتی ہوئی ہے جو صاف دیکھ رہا ہے الیکشن کمیشن کے نوٹیفیکیشن کے رو سے اور ڈیوٹی پالیسی کے رو سے ڈائریکٹر ایجوکیشن صاحب نے جو آرڈر 31/03/2023 نمبر 63-18456 جاری کیا ہے اس کے منسوخی کے احکامات صادر فرمادیں شکریہ

غین نواز شہوگی

العارض

تاریخ 04/04/2023

اپکے تابعدار ندیم ڈرائیور ڈسٹرکٹ ایجوکیشن آفس فیمل ضلع مہمند

Copy to:-

1. Director Education Elementary & Secondary Education KPK Peshawar.
2. Additional Director (NMDs) Education Elementary & Secondary Education KPK Peshawar.
3. District Education Officer Mohmand (Male/Female)

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بخدمت جناب سیکرٹری ایجوکیشن ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختون خواہ  
اپیل/ درخواست برائے ٹرانسفر آرڈر کینسلیشن  
(ارڈر نمبر 63-18456 تاریخ 31/03/2023 منسلک ہے)

جناب عالی

مودبانہ گزارش ہے کہ میں ارشد علی ضلع مہمند کا مستقل باشندہ ہوں بطور کمپیوٹر  
اپریٹر (بی ایس 16) ڈسٹرکٹ ایجوکیشن آفس فیمل میں ڈیوٹی سرانجام دے رہا ہوں اس  
سے پہلے میں بطور کمپیوٹر اپریٹر (بی ایس 16) ڈسٹرکٹ ایجوکیشن آفس میل میں ڈیوٹی  
سرانجام دے رہا تھا ڈسٹرکٹ ایجوکیشن آفس فیمل ضلع مہمند نیا اسٹبلش ہوا ہے ڈائریکٹر  
ایجوکیشن صاحب نے میرا آرڈر ڈسٹرکٹ ایجوکیشن آفس فیمل میں 21/11/2022 تاریخ  
پر (ارڈر نمبر 26-12901) کر دیا تھا۔ حال ہی میں دوبارہ ڈائریکٹر ایجوکیشن صاحب نے  
میرا آرڈر 31/03/2023 دوسرے ڈسٹرکٹ ضلع چارسدہ کر دیا ہے (ارڈر نمبر 63-18456  
تاریخ 31/03/2023)۔ میرے اس آفس میں پانچ مہینے بھی پورے نہیں ہوئے میرا  
ٹرانسفر کر دیا گیا ہے رولز کے مطابق میرا ٹینیور بھی پورا نہیں ہوا ہے اور میرا  
ٹرانسفر ضلع مہمند سے دوسرے ضلع چارسدہ پر کر دیا گیا ہے۔ اور میں سپوس پالیسی  
کا ختدار بھی ہوں چونکہ میری بیوی بھی یہاں پر سروس کرتی ہے سپوس پالیسی کے رولز  
میں صاف واضح ہیں کہ ایک سٹیشن سے دوسرے سٹیشن تبادلہ نہیں ہو سکتا دونوں میں  
بیوی ایک سٹیشن میں رہینگے اور پھر بھی میرا تبادلہ ضلع چارسدہ کر دیا گیا ہے  
اور اس طرح میرا ایک بیانی ندیم جو ڈرائیور پوسٹ پر کام کرتا ہے جو اس سٹیشن  
ڈسٹرکٹ ایجوکیشن آفس فیمل میں 24/09/2021 سے ڈیوٹی سرانجام دے رہا ہے اس  
کا بھی میرے ساتھ ایک آرڈر میں ٹرانسفر کر دیا گیا ہے جس کا ٹینیور بھی پورا نہیں ہوا  
ہے۔ اور اس کا تبادلہ بھی کر دیا گیا ہے یہ ہمارے ساتھ سراسر زیادتی ہیں اور الیکشن  
کمیٹن کے نوٹیفیکیشن کے مطابق ٹرانسفر پر مکمل پابندی ہے (نوٹیفیکیشن منسلک ہے)  
اور اس کے باوجود بھی ہمارا تبادلہ کر دیا گیا ہے ہمارے ساتھ بہت زیادہ زیادتی ہونی ہیں  
اور یہ آرڈر سیاسی اسر و سوج بخص اور علاقائی تنازعات اور انانیمس کمپلینٹ کے  
زریعے ہوا ہے انانیمس کمپلینٹ پر ایلمنٹری اینڈ سیکنڈری ایجوکیشن کا ایک نوٹیفیکیشن  
بھی موجود ہے جس میں صاف لکھا گیا ہے انانیمس کمپلینٹ پر بلکل عمل نہیں ہوگا جو  
منسلک ہے۔

اسلئے آپ صاحبان سے بذریعہ درخواست التماس کی جاتی ہیں کہ ہم ضلع مہمند کے  
مستقل باشندے ہیں ہمارے ساتھ بہت زیادہ زیادتی ہونی ہیں جو صاف دیکھ رہا ہے الیکشن  
کمیٹن کے نوٹیفیکیشن کے رو سے اور سپوس پالیسی کے رو سے ڈائریکٹر ایجوکیشن  
صاحب نے جو آرڈر 31/03/2023 نمبر 63-18456 جاری کیا ہے اس کے منسوخی  
کے احکامات صادر فرماویں شکریہ

SECRETARY DIAR  
No. 4699  
Cated 21/4/2023  
غین نوازش بوگی

العارض

تاریخ 04/04/2023

اپکے تابعدار ارشد علی کمپیوٹر اپریٹر (بی ایس 16) ڈسٹرکٹ ایجوکیشن آفس فیمل اور  
ندیم ڈرائیور ڈسٹرکٹ ایجوکیشن آفس فیمل ضلع مہمند

Copy to:-

1. Director Education Elementary & Secondary Education KPK Peshawar.
2. Additional Director (NMDs) Education Elementary & Secondary Education KPK Peshawar.
3. District Education Officer Mohmand (Male)
4. District Education Officer Mohmand (Female)



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-9223587)

No. SO(Primary-M)E&SED/5-1/G.Misc/2023/Mohmand  
Dated Peshawar the April 26<sup>th</sup>, 2023

To

1. Arshad Ali Computer Operator
2. Nadeem Driver,  
District Education Officer (Female),  
Mohmand.

Subject: APPEAL FOR CANCELLATION OF TRANSFER ORDER.

I am directed to refer to your appeal dated 4<sup>th</sup> April, 2023 on the subject noted above and to state that your appeal was examined and opportunity of personal hearing was also accorded to you on 13 April, 2023 before Additional Secretary (Estab) Elementary & Secondary Education Department vide letter No SO (Primary-M)E&SED/5-1/G.Misc/2023/Mohmand dated 10 April, 2023.

2. During personal hearing you could not convince the forum regarding the subject posting/transfer as the current station is also approachable from your district of residence. Moreover, posting/transfer is part of service and effected in public interest. Hence, your appeal stand rejected.

(ABDUL HAQ)  
SECTION OFFICER (PRIMARY MALE)

Endst: No & Date Even: -  
Copy forwarded to the:

1. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer (Female) Mohmand.
3. PS to Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa.

SECTION OFFICER (PRIMARY MALE)



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 posting/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) While making postings/transfers from settled areas in FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained
- vi) While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-III/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 I/Os/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area/residence is situated.

Pars-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) 1-3/2008/Vol-VI, dated 1-6-2008. 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. Added vide Urdu circular letter (No: SOR-VI(E&AD)1-4/2003, dated 21-09-2004

ATTESTED

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Posting - Transfer Policy - updated (11/10 Jan, 2005)

- 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 District of their domicile and be allowed to serve there till the retirement. DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales.
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

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

Added vide Urdu circular letter No: SCR-VI (E&AD)/1-42005, dated 9-9-2005.

ATTESTED



15

Posting - Transfer Policy - updated till 10 Jan, 2009

|   |   |
|---|---|
| a) Within the same Department.                            | Secretary of the Department concerned.  |
| b) To and from an Attached Department                     | Secretary of the Dept in consultation with Head of Attached Department concerned. |
| c) Within the Secretariat from one Department to another. | Secretary (Establishment)   |

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

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

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/transfer orders could be exercised only in the following cases.

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

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

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

ATTESTED

*[Handwritten signature]*

16

Posting - Transfer Policy - updated (11/10/2009)

3. As per Rule 23(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: SOH-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

Enclt. No. and date even.  
Copy forwarded

- 1.
- 2.
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ATTESTED

nwfp.gov.pk

mushkanawati

ATTESTED

17

(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(e) of the Posting/Transfer Policy contained in this Department letter No:SOR-1 (E&AD) 1-1/86 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

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

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.  
(Authority: Letter No: SOR-VI (E&AD) 1-1/2003/Vol-VI, dated 3-6-2003)

.....  
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)/85 dated 25th Oct, 2005.)  
.....

The Chief Minister NWFP has directed that:-

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

ATTESTED

*[Handwritten signature]*

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- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

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

- i) It has been decided with the approval of the competent authority that: 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 Govt 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 officers/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 Secretariat. Administrative Secretaries shall ensure submission of such reports.

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

**PLACEMENT POLICY.**

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

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity" building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and 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

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

APPROVED

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Posting - Transfer Policy - updated (U) 10 Jan, 2009

officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

- a) Permanent posting of an officer to the training institutions for 2-3 years;
- b) Temporary attachment with the training institutions 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/hor posting.

\*\*\*\*\*

ATTESTED

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)  
NO. SOR.VI (E&AD) I-4/2005/Vol-II  
Dated Peshawar, 27<sup>th</sup> February, 2013

Government of Khyber Pakhtunkhwa  
Establishment Department  
No. SOR.VI (E&AD) I-4/2005/Vol-II  
Dated Peshawar, 27.2.2013

To  
2/2/13

1. The Additional Chief Secretary (P&D), Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA), Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

Subject: CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUP  
MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB  
FOR PROTECTION OF CIVIL SERVANTS REGISTERED  
UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

(i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

ST  
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4/3

(ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

regard

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(iii) Illegal Orders: Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule-based norms. Instead, in such situations, they must record their opinion and, if necessary, dissent.

(iv) OSD Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed in the meantime. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

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

Yours faithfully,

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

Encl. as above.

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl. Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

*Majam*  
SECTION OFFICER (REG-VI)

G (22)

**ELECTION COMMISSION OF PAKISTAN**  
**NOTIFICATION**

Islamabad the 22<sup>nd</sup> January, 2023.

F.No.2(1)/2023-Cord.- WHEREAS, the Provincial Assemblies of Punjab and Khyber Pakhtunhwa under Article 112 of the Constitution of the Islamic Republic of Pakistan stand dissolved on 14<sup>th</sup> and 18<sup>th</sup> January, 2023 respectively.

AND WHEREAS, the Election Commission of Pakistan is mandated with the constitutional duty to organize and conduct elections in terms of Article 218(3) of the Constitution and to make such arrangements as are necessary to ensure that the elections are conducted honestly, justly, fairly and in accordance with the law and that corrupt practices are guarded against;

AND WHEREAS, it has become imperative that the Election Commission shall take all necessary steps under the Constitution and prevalent law for smooth conduct of General Elections to the Provincial Assemblies of Punjab and Khyber Pakhtunhwa.

NOW THEREFORE, in exercise of the powers conferred upon it under Articles 218(3), 220 of the Constitution of the Islamic Republic of Pakistan, Sections 4, 5, 8(c) read with Section 230 of the Elections Act, 2017 and as supported by the Workers' Party case through Akhtar Hussain Advocate, General Secretary and 6 others Versus Federal of Pakistan and 2 others reported in PLD 2012 SC 681, and all the other powers enabling it in that behalf, the Election Commission of Pakistan, to ensure transparent election and to provide a level playing field for all contesting candidates and political parties, hereby directs the Caretaker Governments of Punjab and Khyber Pakhtunhwa:-

- (a) To assist the Election Commission to hold elections in accordance with law as provided under section 230(1)(b) of the Elections Act, 2017.
- (b) To ensure the compliance of all the notifications, directives and the provisions as laid down in Section 230 of the Act *ibid*.
- (c) Not to post or transfer any public official after the issuance of this notification within and to / from Punjab & Khyber Pakhtunhwa without prior approval in writing of the Election Commission as laid down in Clause 2(f) of Section 230 of the Elections Act, 2017.
- (d) Ensure that all kinds of recruitments in any Ministry, Division, Department or Institution under the Provincial Governments and Local Governments of Punjab and Khyber Pakhtunhwa are banned with immediate effect, except recruitments by the Provincial Public Service Commissions and those government organizations where test / interviews have already been conducted before this day.
- (e) Not to announce / execute any kind of Development Schemes in Punjab and Khyber Pakhtunhwa Provinces except those which are ongoing and approved before the issuance of this notification. Moreover, the Provincial Governments and Local Governments of Punjab and Khyber Pakhtunhwa shall not issue tenders of such schemes till culmination of General Elections of both Assemblies.

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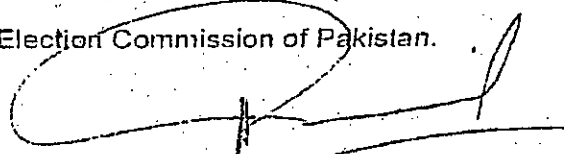


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-2-

- (f) All development funds relating to Local Government institutions of Punjab and Khyber Pakhtunkhwa and Cantonment Boards falling in the jurisdiction of Punjab and Khyber Pakhtunkhwa shall stand frozen with immediate effect till announcement of results of the said General Elections.
- (g) To ensure immediate termination of services of all heads of the institutions appointed on political basis and to send their lists to the Commission forthwith.
- (h) To ensure vacation of the government residential facilities from Ex-Chief Ministers and their advisors, Ex-Provincial Ministers and Ex-Members of the Provincial Assemblies of Punjab and Khyber Pakhtunkhwa, besides ensuring withdrawal of official vehicles from them. Furthermore, the dignitaries shall be provided security / protocol as per their entitlement and any extra deployment of security / protocol be withdrawn from them forthwith.
- (i) The Caretaker Governments shall perform their functions and attend to day-to-day matters which are necessary to run the affairs of the Provinces in accordance with law.
- (j) The Chief Minister or a Minister or any other member of Caretaker Governments shall, within three days from the date of assumption of office, submit to the Commission, a statement of assets and liabilities including assets and liabilities of his spouse and dependent children as on the preceding 30<sup>th</sup> day of June on Form B.

This issues with the approval of Election Commission of Pakistan.



(Omar Hamid Khan)

Secretary

Election Commission of Pakistan



No.F.3 (2)/2023-EIs (PEC) Vol-5  
OFFICE OF THE  
PROVINCIAL ELECTION COMMISSIONER  
KHYBER PAKHTUNKHWA

THROUGH SPECIAL MESSENGER  
PROVINCIAL ASSEMBLY ELECTIONS-  
2023

Shami Road, Peshawar Cantt,  
Monday, January 23, 2023

1. The PSO to Chief Secretary,  
Govt. of Khyber Pakhtunkhwa.
2. The PSO to Provincial Police Officer,  
Khyber Pakhtunkhwa
3. The Principal, Secretary, to Governor  
Khyber Pakhtunkhwa.,
4. The Principal Secretary to Chief Minister,  
Khyber Pakhtunkhwa
5. The Secretary,  
Home and Tribal Affairs,  
Govt. of Khyber Pakhtunkhwa
6. The Secretary,  
Establishment,  
Govt. of Khyber Pakhtunkhwa
7. The Secretary,  
Local Govt. & Rural Dev. Department,  
Govt. of Khyber Pakhtunkhwa
8. The Secretary,  
Elementary Education  
Govt. of Khyber Pakhtunkhwa
9. The Secretary,  
Higher Education  
Govt. of Khyber Pakhtunkhwa.
10. The Secretary,  
Provincial Assembly,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - ECP INSTRUCTIONS REGARDING BAN ON POSTING/  
TRANSFERS AND ANNOUNCEMENT OF DEVELOPMENT  
SCHEMES FOR CONDUCT OF PROVINCIAL ASSEMBLY  
ELECTIONS IN KHYBER PAKHTUNKHWA.

Dear Sir,  
I am directed to enclose herewith. the Election Commission of  
Pakistan, Islamabad's Notification No.F.2(1)/2023-Cord, dated the  
22<sup>nd</sup> January 2023, for kind information and with the request that the  
instructions of the Hon'ble Election Commission, contained therein, may kindly  
be conveyed to all concerned for compliance in letter and spirit.

SECRETARY DIAP

No. 1113

Dated 24/1/23

Encl:- As above

Yours faithfully,

(KASHIF ABBAS MALIK)  
Deputy Director (Elections)

DS (Adms)  
S6261

Instruction Ban on Transfers

26-1-23  
ASG  
26/1/23



(25)

**Government of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department**

No. SOG/E&SED/2-5/2023  
Dated Peshawar the 26/01/2023

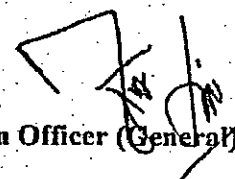
To

1. All Directors, E&SE Khyber Pakhtunkhwa.
2. Director General, Education Monitoring Authority, Peshawar.
3. Managing Director, KP-PSRA, Peshawar.
4. Managing Director ESEF, Khyber Pakhtunkhwa.
5. All Chairmen, BISEs in Khyber Pakhtunkhwa.
6. Chairman, Khyber Pakhtunkhwa, Textbook Board, Peshawar.

Subject: **ECP INSTRUCTIONS REGARDING BAN ON POSTING/TRANSFERS  
AND ANNOUNCEMENT OF DEVELOPMENT SCHEMES FOR  
CONDUCT OF PROVINCIAL ASSEMBLY ELECTIONS IN KHYBER  
PAKHTUNKHWA.**

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. F:3(2)/2023-Els (PEC) Vol-5 dated 23-01-2023 alongwith its enclosure received from Deputy Director (Elections), Office of the Provincial Election Commissioner Khyber Pakhtunkhwa, Peshawar for further necessary action and strict compliance, please.

Encl: As Above

  
Section Officer (General)

Endst: No. & date even.

Copy forwarded to the:

1. Deputy Director (Elections), Office of the Provincial Election Commissioner Khyber Pakhtunkhwa Peshawar.
2. P.S to Secretary, E&SE Department.
3. P.S to Special Secretary-I, E&SE Department.
4. P.A to Additional Secretary (G), E&SE Department.
5. P.A to Deputy Secretary (Admn), E&SE Department.

  
Section Officer (General)

