


# FORM OF ORDER SHEET

Court of

**Appeal No. 1312/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/06/2023	<p>The appeal of Mst. Riffat Bano presented today by Syed Noman Ali Bukhari Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <b>15-06-2023</b>.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

APPEAL NO. 1312 /2023

Rifat Bano

V/S

Education Deptt

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APPELLANT

Rifat Bano

THROUGH:

(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT

(UZMA SYED)

ADVOCATE HIGH COURT

①

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 13/2 2023

Mst Riffat Bano, SDEO (Female),  
Town-III Peshawar.

..... Appellant

VERSUS

- 1- The chief Secretary to Govt: of, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
- 2- The Secretary to Govt: of KP, E&SE Deptt: Civil Secretariat, Peshawar.
- 3- Mst. Shehnaz Begum, (MC) BPS-17 SDEO (F) Takht-E-Nasrati, Karak.

..... RESPONDENTS

.....

**APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE IMPUGNED TRANSFER ORDER DATED 26-05-2023 WHEREBY APPELLANT WAS TRANSFERRED PRE-MATURELY IN UTTER VIOLATION TO THE POSTING & TRANSFER POLICY AND AGAINST REJECTION ORDER DATED 12/06/2023 WHEREBY THE APPEAL OF THE APPELLANT WAS REJECTED WITHOUT SHOWING ANY COGENT REASON.**

**PRAYER:**

**THAT ON THE ACCEPTANCE OF THIS SERVICE APPEAL, THE IMPUGNED TRANSFER ORDER DATED 26/05/2023 AND 12/06/2023 TO THE EXTENT OF APPELLANT MAY PLEASE BE SET ASIDE BEING, PASSED PREMATURELY AND VIOLATION OF POSTING/TRANSFER POLICY. AND DIRECTED THE RESPONDENTS NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

RESPECTFULLY SHEWETH,

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FACTS:

1. That the appellant serving as SDEO and performing his duties with ALL Zeal and Zest at different station as per orders of authority.
2. That the appellant was transferred from SDEO (Female) Samarbagh Dir Lower to SDEO (Female) Town-III Peshawar station vide order dated 01/07/2022. **(Copy of order is attached as annexure- A).**
3. That on 22/01/2023 the Election Commission of Pakistan Issued notification wherein all kind of posting transfer was banned.
4. That appellant was prematurely transfer in violation of posting transfer policy just after 10 months vide order dated 26/05/2023 whereby the appellant was transferred from Town-III Peshawar to Jehangira Nowshera and private respondent was transfer in place of appellant. **Copy of impugned transfer order is attached as annexure-B.**
5. That the Appellant feeling aggrieved filed departmental appeal against the impugned orders. The departmental appeal of the appellant was rejected vide order dated 12/06/2023 in violation of Section 24-A of General clauses ACT without showing any reason. Hence the present appeal on the following grounds amongst others. **Copy of departmental appeal and rejection order are attached as annexure-C & D.**

GROUND:

- A- That the impugned office orders dated 26/05/2023 and 12/06/2023 is wrong, illegal, unlawful, against the policy and is liable to be struck down and set at naught.
- B- That the appellant's tenure at town-III Peshawar was only 10 months, Therefore, the order dated 26/05/2023 is premature and against the transfer policy.
- C- That appellant was widow and have 4 children studying in schools and colleges. Appellant hs recently transferred from Dir Lower to Peshawar on 1 July 2022 (Transfer order is attached) Being a single parent appellant has to face a lot of difficulties in out District while studies of her children badly suffered because they got leaves from their schools colleges to have with appellant. Moreover appellant

house subsidy was stopped due to which appellant was in financial crises. In this regard impugned transfer notification was not sustainable also on humanitarian grounds.

**D-** That the private respondent also filed departmental appeal against the impugned order dated 26/05/2023 and challenge the same being prematurely and also on humanitarian grounds, so there is no hurdle if the impugned order was set-aside. **Copy of appeal of the private respondent is attached as annexure-E.**

**E-** That according to posting transfer policy, normal tenure for posting is 2 years, but the appellant transferred order was issued just after 10 months, which is total violation of Govt: posting transfer policy. Thus the impugned order is liable to be set-aside on this score alone. **Copy of posting transfer Policy is attached as Annexure-F.**

**F-** That the transfer of the appellant is also violation of circular based on the Anita Turab case dated 27.2.2013 in which it was clearly mentioned that 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, but in the case of the appellant the tenure was not respected and was posted/transferred just after 5 months without completing his normal tenure. **Copy of circular is attached as annexure-G.**

**G-** That the transfer was made in the period in which already completely ban was imposed on all kind of posting and transfers by Election Commission of Pakistan. So, the impugned order is illegal and against the law and liable to be set-aside on this score alone.

That the transfer order dated 26-05-2023 is also in violation of notification of Election commission of Pakistan and judgment dated 09/12/2021 of Peshawar High court Peshawar delivered in w.p no 5071-p/2021. Thus, the transfer order is not sustainable in the eye of law. **Copy of Election Commission notification and PHC order is attached as annexure-H & I.**

**H-** That the impugned order is not based on public interest nor any exigencies but rather to adjusted blue eyed person.

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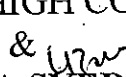
- I- That it is a cherished principle of law, that where a law requires a thing to be done in a particular manner, then the same is to be done in that manner and not otherwise.
- J- That In the case of the petitioner, all the prevailing laws have been abused / misused and the department has tried to victimize the petitioner. Such treatment of the department is not covered under Para -1 of the posting transfer policy.
- K- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- L- That the treatment meted out to the appellant is a clear violation of the Fundamental Rights of the appellants.
- M- That the respondent Department acted in arbitrary and malafide manner by transferring the appellant and as such the same is against the transfer/posting policy of the Provincial Government.
- N- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

  
APPELLANT  
Rifat Bano

THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT

  
&  
(UZMA SYED)  
ADVOCATE HIGH COURT

**CERTIFICATE:**

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

  
DEPONENT

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**LIT OF BOOKS:**

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE
3. Any other case law as per need.



**(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT**

(1)

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

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

Rifat Bano

V/S

Education Deptt:

**AFFIDAVIT**

I, Rifat Bano (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this Honorable Tribunal.

  
DEPONENT



7

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

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

Rifat Bano

V/S

Education Deptt

.....

**APPLICATION FOR SUSPENSION OF  
OPERATION OF ORDER DATED 26/05/2023,  
AND 12/06/2023 (TO THE EXTENT OF OF  
APPEALANT) 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 appellant has good prime facie case and all the ingredients of stay is in favour of appellant.
3. That the grounds of main appeal may also be considered as integral part of this application.
4. That the impugned order has passed on favouritism and nepotism and has been passed in-violation of Posting, Transfer Policy.
5. That the appellant has not completed his tenure and the order dated 26/05/2023 & 12/06/2023 is without any reasons.
6. That the impugned order has passed on favoritism and nepotism and has been passed in-violation of Posting, Transfer Policy.
7. That if the order dated 26/05/2023 & 12/06/2023 is not suspended. Its not only badly effect the right of appellant but also creates hurdles for the appellant to performed her duties efficiently.

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It is, therefore, most humbly prayed that the order dated 26/05/2023 & 12/06/2023 (TO THE EXTENT OF APPELLANT) may be suspended till the disposal of main appeal. Any other remedy, which this august tribunal deems fit that may also be awarded in favour of appellant.

  
APPELLANT  
Rifat Bano

THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
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

Amended - 9

A



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Dated Peshawar the July 01<sup>st</sup>, 2022

**NOTIFICATION**

NO. SOIMCIE&SED/4-16/2021/POSTING/TRANSFER/TC: The following posting / transfers of Female Management Cadre Officers are hereby ordered with immediate effect, in the best public interest; -

Sr. No	Name of officer	From	To
1	Mst. Rana Gul (MC BS-17)	SDEO (Female) Town-III Peshawar	SDEO (Female) Balkhela (AVP)
2	Mst. Riffat Bano (MC BS-17)	SDEO (Female) Samarbagh, Dir Lower	SDEO (Female) Town-III Peshawar (Vice Sr. No-1)

SECRETARY TO THE GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

List of even No. & date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) Peshawar and Malakand.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officer Malakand.
6. PS to Minister E&SE Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officer concerned.
9. Master file.

Handwritten signature and date: 01-7-22

(NASEER ABBAS KHALIL)  
SECTION OFFICER (Management Cadre)

Handwritten signature

SDEO (F)  
Town III Peshawar



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Block "A" Opposite MPA's Hostel, Civil Secretariat, Peshawar  
Phone No.091-9210626

Amended - 3 16

B

Dated Peshawar the 26<sup>th</sup> May, 2023

**NOTIFICATION**

**No.SO(MC)E&SED/4-16/PT/2023**

The following posting / transfers are hereby

ordered with immediate effect, in the best public interest:-

S.No	Name of Officer	From	To	Remarks
01.	Mst. Farhat Yasmeen (MC BPS-17)	SDEO (F) Serai Naurang, Lakki Marwat	SDEO (F), Takht-e-Nasrat, Karak	Vice Sr.No.02
02.	Mst. Shehnaz Begum (MC BPS-17)	SDEO (F), Takht-e-Nasrat, Karak	SDEO (F), Town-III, Peshawar	Vice Sr.No.03
03.	Mst. Rifat Banu (MC BPS-17)	SDEO (F), Town-III, Peshawar	SDEO (F), Jehangira, Nowshera	AVP

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

**Endst number & date even**

Copy forwarded for information to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director, E&SE, Peshawar
3. Director, EMIS, Peshawar
4. District Education Officer (F) concerned
5. District Accounts Officer concerned
6. PS to Advisor to Chief Minister for E&SE Department.
7. PS to Secretary, E&SE Department

11/1/2023  
26-5-2023

Amman - C

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To

The honorable secretary  
Elementary & Secondary Education  
Government of Khyber Pakhtunkhwa Peshawar

**Subject: APPEAL FOR CANCELLATION OF TRANSFER ORDER NO.SO (MC) E&SED/4-16/PT/2023**

Respected sir,

With great respect, it is stated that I have been transfer under your good office notification NO.SO (MC) E&SED/4-16/PT/2023 Dated 26 MAY 2023. (Transfer Order as attached)

1. My tenure is hardly 10 month at the present station SDEO (Female) Town III Peshawar. (Transfer order attached)
2. I am a widow and have 4 children studying in schools and colleges. I have recently transferred from Dir Lower to Peshawar on 1<sup>st</sup> July 2022. (Transfer order is attached) Being a single parent I have to face a lot of difficulties in out District while studies of my children badly suffered because they got leaves from their schools, colleges to have with me. More over my house subsidy was stopped due to which I was in financial crises.

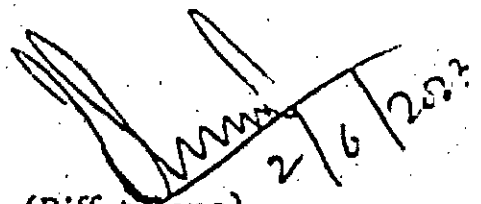
In this regard it is a very humbly requested in your honour to cancel subject transfer notification on humanitarian grounds.

Regards,

SECRETARY (JARA)

24/5/23

02-06-23

  
2/6/2023

(Riffat Bano)

Sub Divisional Education Officer  
(Female) Town III Peshawar

Annexure - D 12

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No. SO(MC) E&SED/4-17/2023/Deptt. Appeal  
Dated: 12<sup>th</sup> June 2023.



To

Mst. Riffat Bano  
SDEO (Female) Town-III Peshawar  
Under transfer to SDEO (Female) Jehangira Nowshera

SUBJECT: APPEAL FOR CANCELLATION OF POSTING TRANSFER  
NOTIFICATION DATED 26.05.2023

I am directed to refer to your appeal regarding cancellation of posting/ transfer Notification dated 26.05.2023 on the subject cited above and to state that the Competent Authority has examined your appeal and regretted, with the direction to assume the charge of the post of SDEO (Female) Jehangira Nowshera without further delay.

11/4/23  
12.6.2023  
(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

Copy forwarded to the

5. Director, Directorate of E&SE Peshawar.
6. DEO (Female) Peshawar/Jehangira Nowshera.
7. PS to Secretary E&SED Khyber Pakhtunkhwa, Peshawar.
8. Office file.

11/4/23  
12.6.2023  
SECTION OFFICER (Management Cadre)

Annexure - E

(13) E

To

The Honorable Secretary,  
Elementary & Secondary Education,  
Government of Khyber Pakhtoonkhwa Peshawar.

Subject:- APEAL FOR CANCELLATION OF TRANSFER ORDER  
NO.SO(MC)E&SED/4-16/PT/2023

Respected Sir,

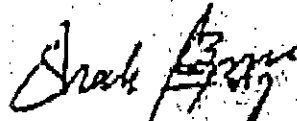
With great respect, it is stated that I have been transfer under your good office notification no. NO.SO(MC)E&SED/4-16/PT/2023 dated 26 May 2023. On S.No.2 (transfer order attach)

1. My tenure is hardly 06 month at the present station Takhat-e-Nasrati Karak. (transfer order attach)
2. My son about 19 years old, is mentally disable, due to his mental disability, I am facing great problem to perform my duties in another district. (Disability certificate attach).

In this regard it is very humbly requested in your honor to cancel subject transfer notification on humanitarian ground.

Regards

Date 01/06/2023



(Shahnaz Begum)

Sub Divisional Education Officer,  
Female Takhat-e-Nasrati Karak

SECRETARY DIARY  
No. 236/  
Dated 1.6/23

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vi) While making posting/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. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. 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.

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

vi (a) All Officers/officials selected against Zone-1/FATA quota in the Provincial Services should compulsorily serve in FATA for at least eighteen months in each grade. This should start from senior most scale/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 Constabulary Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area/residence is situated.

viii) No posting/transfers of the officers/officials on detailment basis shall be made.

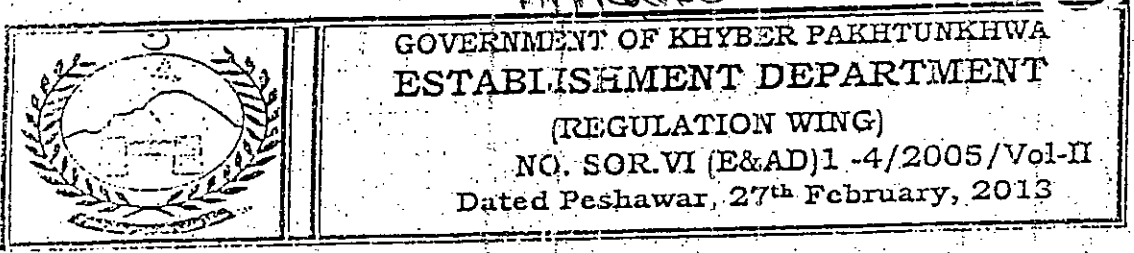
ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.

x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government servants at the station of the residence of their parents.

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



Amcourse - G 16, 11



To  
*S. Javed*

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

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

Sir,

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

- (i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made hereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- (ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

*AS*  
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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 at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

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

Yours faithfully,

*Majum*  
(NAJ-MIS-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 Advt. Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

*Majum*  
SECTION OFFICER (REG-VI)

Annexure - H (18)

(18)

(18)

**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.

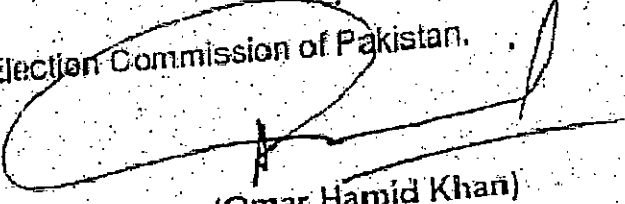
NOW THEREFORE, in exercise of the powers conferred upon it under Articles 218(3), 220 of the Constitution of the Islamic Republic of Pakistan, Sections 4, 5, 8(c) read with Section 230 of the Elections Act, 2017 and as supported by the Workers' Party of Pakistan and 2 others reported in PLD 2012 SC 681, 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.

Contd... Page-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

PESHAWAR HIGH COURT, PESHAWARORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s)
1	2
09.12.2021	<p data-bbox="619 491 917 541"><u>W.P. No.5071-P/2021</u></p> <p data-bbox="619 554 1411 945">Present: Syed Shahid Shah, Advocate, for the petitioner. Mr. Mubashir Manzoor, Advocate, for the provincial respondents. Mr. Mohsin Kamran, Advocate, for the Election Commission of Pakistan. Ms. Gul Bano, Assistant Deputy Election Commissioner.</p> <p data-bbox="932 970 1089 995">*****</p> <p data-bbox="627 1020 1458 1877">Contents inter-alia that the schedule for conduct of Local Government Elections has been issued on 14.11.2021 with a directive note that <u>"the Districts in respect of which Election schedule of Local Government Election 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."</u> however, the worthy Deputy Commissioner, Peshawar vide order dated 29.11.2021 has made approval of 28 Patwaris which is against the provisions of Section 5(4) of the Elections Act, 2017 and as well directives and instructions of the Election Commission of Pakistan.</p> <p data-bbox="650 1877 1458 1953">2. Mr. Mubashir Manzoor, AAG, alongwith Ms. Gul Bano,</p>

Assistant Deputy Election Commissioner, Peshawar stated that the Patwari Halqas have no concern with the conduct of Elections, whereas, the impugned order has been issued in the larger interest of public under Section 10 of the Khyber Pakhtunkhwa Civil Servants Act.

3. Mr. Mohsin Kamran Siddique, Advocate, on behalf of the Provincial Election Commission, stated that Patwaris are the direct subordinates of the Deputy Commissioners and Assistant Commissioners who have been deputed as DROs and ROs in the Elections. He further stated that Patwaris have not yet deputed in the Elections, however, their services would be required to the Provincial Election Commission.

4. Be that as it may, we deem it appropriate to direct the respondents to submit their view point in black and white well before the next date of hearing. Adjourned to 22.12.2021.

**INTERIM RELIEF**

Notice for the date fixed. In the meanwhile, the impugned order dated 29.11.2021 of the Deputy Commissioner, Peshawar with regard to posting and transfer of Patwaris shall remain suspended.

  
Senior Puisne Judge

  
Judge

VAKALAT NAMA

NO. \_\_\_\_\_ /20

IN THE COURT OF K.P. Service Tribunal Peshawar

Riffat Bano

Appellant  
Petitioner  
Plaintiff

VERSUS

Education Deptt.

Respondent (s)  
Defendants (s)

I Riffat Banno do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE \_\_\_\_\_ /20

(CLIENT)

ACCEPTED

[Signature]  
**SYED NOMAN ALI BUKHARI**  
ADVOCATE HIGH COURT  
BC-15-5643

[Signature]  
**UZMA SYED**  
Advocate High Court