


# FORM OF ORDER SHEET

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

**Appeal No. 1261/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/06/2023	<p>The appeal of Mr. Mafeez Ullah received today by registered post through Mr. Muhammad Mohsin Ali Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

Appeal No. 1267 /2023

Hafeez Ullah

.....APPELLANT

**VERSUS**

Govt. of KPK and others

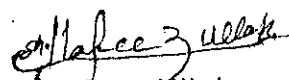
.....RESPONDENTS

**INDEX**


S #	Description of Documents	Annexure	Page #
1	Grounds of appeal alongwith C.M and Memo of Addresses of the parties	-----	1-8
2	Copy of office order dated 14.03.2023	A	9
3	Copy of Arrival Report alongwith handing taking certificate	B	10-12
4	Copy of Impugned office order dated 20.03.2023 alongwith relevant documents	C	13-16
5	Copy of Posting / Transfer Policy	D	17
6	Copies of grounds of writ petition (Treated as representation / appeal by Honourable Peshawar High Court), order dated 26.04.2023 and order on appeal dated 10.05.2023	E to G	18-25
7	Vakalatnama	-----	26

Dated: 29/05/2023

Humble Appellant

  
Hafeez Ullah

Through Counsel

  
Muhammad Mohsin Ali  
Advocate Supreme Court,  
District Courts, D.I.Khan.

①

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

Appeal No. 1261 /2023

Hafeez Ullah son of Muhammad Ismail resident of Mohallah Maqbool Abad,  
Paharpur, Tehsil Paharpur, District Dera Ismail Khan.

.....**APPELLANT**

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary C & W Department, Govt. of K.P.K, Peshawar.
2. Chief Engineer (Centre), C & W Department, Khyber Pakhtunkhwa, Peshawar.
3. Chief Engineer (South-II) C & W Department at D.I.Khan.
4. Superintending Engineer, C & W Circle, Waziristan at Bannu.
5. Superintending Engineer, Mega Projects Circle, Kohat.
6. Xen Highway Division, South Waziristan at Tank.
7. Xen, Mega Projects Division, South-II at D.I.Khan.
8. Samiullah Khan son of Muhammad Yaqoob, Senior Clerk O/O Xen Mega Projects Division South-II at D.I.Khan.

.....**RESPONDENTS**

-----

**APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNALS ACT, 1974 AGAINST IMPUGNED OFFICE ORDER NO. CEC/C&WD/2-3/E&A, 208 DATED 20/03/2023 AND ORDER DATED 10.05.2023 ISSUED BY RESPONDENT NO. 2.**

-----

**PRAYER;** It is therefore, humbly prayed that may please be accepted the appeal and may kindly be declared the impugned

2

office order No. CEC/C&WD/2-3/E&A, 208 dated 20/03/2023 and order dated 10.05.2023 issued by respondent No. 2 as illegal, against the policy, based on political victimization, against the natural justice, ulterior motives, based on malafide & discrimination and ineffective upon the rights of the appellant and liable to be cancelled on the grounds appearing hereinafter;

**OR**

**GRANT** any other relief considered just and appropriate under the given circumstances of the case.

**Respectfully sheweth;**

- i. That the brief facts of the case are, the appellant was serving as Senior Clerk / SDA in the office of Xen Mega Projects South-II at D.I.Khan, while the respondent No. 8 was serving as Senior Clerk / SDA in the office of Xen Highway Division, South Waziristan at Tank, and vide office order dated 14.03.2023, the respondent No. 2 issued the postings / transfers of present appellant and respondent No. 8 as follows;

S. No.	Name	From	To
1	Hafeez Ullah (present appellant)	Senior Clerk / SDA O/O Xen Mega Projects South-II at D.I.Khan	Senior Clerk / SDA O/O Xen Highway Division, South Waziristan at Tank
2	Sami Ullah (Respondent No. 8)	Senior Clerk / SDA O/O Xen Highway Division, South Waziristan at Tank	Senior Clerk / SDA O/O Xen Mega Projects South-II at D.I.Khan

Copy of office order dated 14.03.2023 is enclosed as **Mark-A.**

- ii. That after issuance of office order dated 14.03.2023; the appellant made his arrival report to his place of posting on 17.03.2023 and the handing-taking certificate was also executed between the appellant and respondent No. 8. Copy of Arrival Report alongwith handing taking certificate is enclosed as **Mark-B**.
- iii. That on 20.03.2023, the respondent No. 2 issued the impugned office order No. CEC/C&WD/2-3/E&A, 208 vide which he cancelled / withdraw the postings / transfers order of the appellant and respondent No. 8 which was issued on 14.03.2023. The impugned office order dated 20.03.2023 is illegal, against the policy, based on political victimization, against the natural justice, ulterior motives, based on malafide & discrimination. Moreover, the postings / transfers order dated 17.03.2023 was implemented and acted upon; hence the same could not be cancelled. Copies of Impugned office order dated 20.03.2023 alongwith relevant documents and Policy are enclosed as **Mark-C & D** respectively.
- iv. That being aggrieved, the appellant filed W.P No. 196-D/2023 before Honourable Peshawar High Court, D.I.Khan Bench on and the same was disposed of on 26.04.2023 vide which the Honourable Peshawar High Court, D.I.Khan Bench treated the writ petition of the appellant as Representation / Appeal and sent the same to respondent No. 2 for decision in accordance with law. The respondent No. 2 decided the appeal of the appellant on 10.05.2023 and filed the same, hence the appellant is filling the instant appeal on the following grounds; (Copies of grounds of writ petition (Treated as representation / appeal by Honourable

280  
DSC

4

Peshawar High Court), order dated 26.04.2023 and order on appeal dated 10.05.2023 are enclosed as Mark-E to G respectively.)

**GROUND:**

1. That the order dated 20.03.2023 and order dated 10.05.2023 are illegal, against the natural justice, ulterior motives, based on malafide and ineffective upon the rights of the appellant.
2. That the impugned office order No. CEC/C&WD/2-3/E&A, 208 dated 20/03/2023 is illegal, against the policy, against the natural justice, ulterior motives, based on discrimination and ineffective upon the rights of the appellant.
3. That the impugned office order is based on discrimination and political victimization as the impugned order is totally based on malafide, arbitrary, against the canon of justice, equity and fair-play. Thus the impugned office order is liable to be cancelled.
4. That the Government of Khyber Pakhtunkhwa issued the posting / transfer policy in the year 2009 which is still in field throughout the province and as per the policy the tenure of posting / transfer is two years for settled areas, 1 ½ years for unattractive areas and one year for hard areas. It is the responsibility of the Competent Authority to implement and adhere to such policy; if the Competent Authority is not implementing the said policy in its true spirit then the Government employees would be definitely causing mental distress with the consequences which are not only injurious to them and public exchequer but may also impair their efficiency in discharge of official functions.
5. That the respondent was serving in the office of Xen, Highway Division, South Waziristan at Tank from 01.01.2018 to 08.10.2018 as Junior Clerk and from 08.10.2019 to 14.03.2023 as Senior Clerk. Hence, he completed the normal tenure in the year 2021 but he remained in the said office till issuing of transfer order dated 14.03.2023. Thereafter, the appellant took the charge as Senior Clerk in the o/o Xen, Highway Division, South Waziristan at Tank on 17.03.2023 and the handing-taking was also effected. Thus, it is clear that the office order dated 14.03.2023 was acted upon but the respondent No. 2 issued

2-SD  
02

the impugned office order on 20.03.2023 and withdraw the office order dated 14.03.2023 just after 6 days which is apparently based on malafide and based on political basis.

6. That the impugned office order dated 20.03.2023 has been issued on political basis which is apparent from the impugned office order, as the copy of the same is forwarded to PS to Minister for C&W Department. Hence, on this score alone the impugned office order is liable to be reversed.
7. That the Constitution of Islamic Republic of Pakistan, 1973 protected the rights of every citizen and provided the equality amongst the citizen of Pakistan, thus the respondents clearly violated the fundamental rights of the appellant and violated the Principles of Policy protected under Article 25 of the Constitution of Islamic Republic of Pakistan.
8. That the appellant is the victim of unlawful and illegal act of the respondents and such a malafide act on the part of respondents is against the law and rules, without jurisdiction and lawful authority, against the natural justice, misuse of official powers and is the outcome of victimization known by the respondents and it has caused an immense mental torture and agony to the appellant.
9. That the counsel for the appellant may kindly be allowed to raise the additional grounds at the time of arguments.
10. That the appeal is being filed within the statutory period prescribed in section 4 of The KPK Service Tribunals Act, 1974.

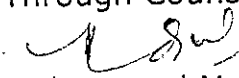
It is, therefore, prayed that on acceptance of this appeal this court may be pleased to pass orders as prayed for in the heading of this appeal.

Dated: 29/05/2023

Humble Appellant

  
Hafeez Ullah

Through Counsel

  
Muhammad Mohsin Ali  
Advocate Supreme Court,

6

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

Appeal No. \_\_\_\_\_/2023

Hafeez Ullah

.....APPELLANT

**VERSUS**

Govt. of KPK and others

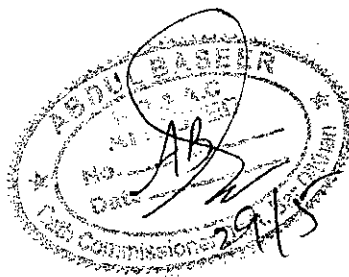
.....RESPONDENTS

**AFFIDAVIT**

I, the appellant, do hereby solemnly affirm and declare on oath that all the para-wise contents of the appeal are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honourable Court.



**Identified by Counsel**

  
**Deponent**



(7) (8)

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

CM in Appeal No. \_\_\_\_\_/2023

Hafeez Ullah .....APPELLANT

**VERSUS**

Govt. of KPK and others .....RESPONDENTS

**APPLICATION FOR GRANT OF INTERIM RELIEF TO  
SUSPEND THE IMPUGNED ORDERS DATED 20.03.2023  
AND 10.05.2023 TILL THE DISPOSAL OF APPEAL.**

**Respectfully Sheweth:**

1. That the above titled appeal is filling today before this Honourable Tribunal.
2. That the appellant has got a very good prima facie case on merits, on factual controversy as well as on law and balance of convenience is also in favour of appellant.
3. That the impugned orders are against the law & facts and if the interim relief is not granted then the appellant will suffer irreparable loss.

It is, therefore, humbly prayed that on the acceptance of instant application by granting the interim relief may kindly be suspended the impugned orders till the disposal of Appeal.

**Your Humble Appellant**

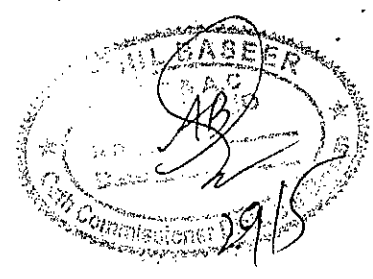
*Hafeez Ullah*  
**Hafeez ullah**  
**Through Counsel**  
*Mohsin Ali*

Dated: 29/05/2023

**Muhammad Mohsin Ali**  
**Advocate Supreme Court**

**AFFIDAVIT**

I, the appellant, do hereby solemnly affirm and declare on Oath that all the para-wise contents of the application are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honourable Court.



*Hafeez Ullah*  
**Deponent**

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

Appeal No. \_\_\_\_\_/2023

Hafeez Ullah

.....APPELLANT

**VERSUS**

Govt. of KPK and others

.....RESPONDENTS

-----  
**ADDRESSES OF THE PARTIES**  
-----

Hafeez Ullah son of Muhammad Ismail resident of Mohallah Maqbool Abad,  
Paharpur, Tehsil Paharpur, District Dera Ismail Khan.

.....APPELLANT

- 
1. Government of Khyber Pakhtunkhwa through Secretary C & W Department, Govt. of K.P.K, Peshawar.
  2. Chief Engineer (Centre), C & W Department, Khyber Pakhtunkhwa, Peshawar.
  3. Chief Engineer (South-II) C & W Department at D.I.Khan.
  4. Superintending Engineer, C & W Circle, Waziristan at Bannu.
  5. Superintending Engineer, Mega Projects Circle, Kohat.
  6. Xen Highway Division, South Waziristan at Tank.
  7. Xen, Mega Projects Division, South-II at D.I.Khan.
  8. Samiullah Khan son of Muhammad Yaqoob, Senior Clerk O/O Xen Mega Projects Division South-II at D.I.Khan.

.....RESPONDENTS

Dated: \_\_\_/12/2022

Humble Appellant

*Hafeez Ullah*

*Hafeez Ullah*

Through Counsel

*Muhammad Mohsin Ali*

Muhammad Mohsin Ali  
Advocate Supreme Court,



ANNEX: A  
Page = 9

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

No. CEC/C&WD/2-3/E&A, 176  
Dated Peshawar the 14/03/2023

OFFICE ORDER

The following postings/transfers amongst the Senior Clerks/SDAs (BPS 14) in C&W Department are hereby ordered, with immediate effect, in the best public interest.

S.No.	Name	From	To	Remarks
1	Mafeez Ullah	Senior Clerk/SDA O/C XEN Mega Projects South-II at D.I. Khan.	Senior Clerk/SDA O/C XEN Highway Division, South Waziristan at Tank	Vice # 2
2	Sami Ullah	Senior Clerk/SDA O/C XEN Highway Division, South Waziristan at Tank	Senior Clerk/SDA O/C XEN Mega Projects Division South-II at D.I. Khan.	Vice # 1

CHIEF ENGINEER (CENTRE)

COPY FORWARDED TO THE:

1. Accountant General Khyber Pakhtunkhwa, Peshawar for information, please.
2. Chief Engineer (South-II) C&W Department at D.I. Khan for information, please.
3. Chief Engineer (Mega Projects) C&W Department, Peshawar for information, please.
4. Superintending Engineer C&W Circle, Waziristan at Bannu for information, please.
5. Superintending Engineer Mega Projects Circle, Kohat for information, please.
6. Executive Engineer Highway Division, North Waziristan at Miranshah for information, please.
7. Executive Engineer Mega Projects Division, South-II at D.I. Khan for information, please.
8. District Accounts Officers, Tank/D.I. Khan for information, please.
9. Officials concerned.

AS

Zahid Habib  
Administrative Officer

ANNEXI-B  
Page = 10

THE EXECUTIVE ENGINEER,  
Highway Division SWTD Tank

Subject ARRIVAL REPORT FOR DUTY.

Respected Sir,

In compliance with Chief Engineer (Center), Communication & Works Department, Khyber Pakhtunkhwa Peshawar Office Order No. CEC/C&WD/2-3/E&A, 196 dated 14-03-2023, I Mr. Hafeez Ullah, Senior Clerk/SDA submit my Arrival Report for duty as SDA highway Sub Division Jandola today on 17-03-2023 (F.N) please.

Your's obediently

*Hafeez Ullah*  
HAFEEZ ULLAH  
Senior Clerk/SDA  
Highway Sub Division Jandola.

926/33-E  
20/03/2023  
EC  
for n. a.  
Attested  
in Sa  
AdSC  
Hafeez Ullah



11

OFFICE OF THE  
EXECUTIVE ENGINEER  
HIGHWAY DIVISION SWTD TANK  
PHONE#: 0963-511999, FAX#: 0963-510999  
EMAIL: [highwaydivstonswa@gmail.com](mailto:highwaydivstonswa@gmail.com)  
ADDRESS: OPP: FC FORT, WANA ROAD, TANK

No. 1369/33-E  
Dated: 2/10/2023

To.

THE CHIEF ENGINEER (SOUTH-II),  
Communication & Works Department D.I.Khan.

Subject: - ARRIVAL REPORT.

In compliance with Chief Engineer (Centre), Communication & Works Department, Khyber Pakhtunkhwa Peshawar Office order No.CEC/C&WD/2-3/E&A, 196 dated 14-03-2023. Mr Hafeez Ullah, Senior Clerk / SDA has reported Arrival for duty on 17-03-2023(FN), please.

Report is submitted for information please.

EXECUTIVE ENGINEER,  
Highway Division  
South Waziristan Tribal Distt: Tank.

Copy to the: -

1. Chief Engineer (Centre) C&W Deptt: KPK Peshawar w/r to above for information please.
2. Superintending Engineer C&W Circle Waziristan at Bannu for information please.
3. Executive Engineer, Mega Projects, South-II at D.I.Khan for information please.
4. District Account Officer, D.I.Khan for information please.
5. District Account Officer, South Waziristan Tribal District Tank for information please.

Attes Coel  
2-10-23  
AS

EXECUTIVE ENGINEER,  
Highway Division  
South Waziristan Tribal Distt: Tank.

12

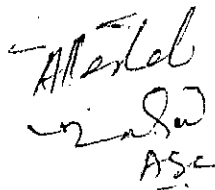
HANDING TAKING CARTIFICATE.

Service Book  
Cheque Book  
Cash Book

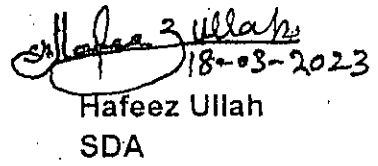
104 Nos  
A119055/A09012  
02/2023

HANDED OVER

  
Sami Ullah  
SDA

  
Asad  
ASC

TAKEN OVER

  
18-03-2023  
Hafeez Ullah  
SDA



ANNEX: C  
Page = 13

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

No. CEC/C&WD/2-3/E&A, 208  
Dated Peshawar the, 20/03/2023

## OFFICE ORDER

This office order issued vide No. CEC/C&WD/2-3/E&A,196, dated 14-03-2023 in respect of Mr. Hafeez Ullah and Mr. Sami Ullah (Senior Clerks/SDAs) is hereby cancelled/withdrawn, in the best public interest.

CHIEF ENGINEER (CENTRE)

### COPY FORWARDED TO THE:

1. Accountant General Khyber Pakhtunkhwa, Peshawar for information, please.
2. Chief Engineer (South-II) C&W Department at D.I. Khan for information, please.
3. Chief Engineer (Mega Projects) C&W Department, Peshawar for information, please.
4. Superintending Engineer C&W Circle, Waziristan at Bannu for information, please.
5. Superintending Engineer Mega Projects Circle, Kohat for information, please.
6. Executive Engineer Highway Division, South Waziristan at Tank for information, please.
7. Executive Engineer Mega Projects Division, South-II at D.I. Khan for information, please.
8. PS to Minister for C&W Department, Khyber for information, please.
9. PS to Secretary, C&W Department, Peshawar for information, please.
10. District Accounts Officers, Tank/D.I. Khan for information, please.
11. Officials concerned.

Attest  
[Signature]  
AOCC

[Signature]  
20.03.2023  
Zahid Habib  
Administrative officer

14



OFFICE OF THE CHIEF ENGINEER (FATA)  
WORKS & SERVICES DEPARTMENT PESHAWAR

Phone: 091-9211726, 091-9211836 Fax: 091-9211482, E-Mail: c.engineer.fata@gmail.com

No. 5689/2/11/E

Dated Peshawar the 07 /12/2017

**OFFICE ORDER**

The following posting/transfer amongst the Junior Clerks is hereby order with immediate effect in the public interest:

S.#	Name & Designation	from	To	Remarks
1.	Mr. Samiullah	Building Division Tank	FATA SWA Highway Division Tank	Vice No.2
2.	Mr. Muhammad Yousaf	Highway Division Tank	FATA SWA Building Division Tank	Vice No.1

128 | 33-E

(Engr. Muhammad Shahab Khattak  
Chief Engineer

9/11/2018

Copy to the:-

- Chief Engineer (C) C&W Department Khyber Pakhtunkhwa Peshawar
- Superintending Engineer, Southern C&W FATA Circle Bannu
- Executive Engineer, Highway FATA Division SWA Tank
- Executive Engineer, Building FATA Division SWA Tank
- Agency Accounts Officer, SWA
- Official concerned

*[Signature]*  
Chief Engineer

H.C  
For *[Signature]*

Attested  
*[Signature]*  
ADBC

4c  
*[Signature]*  
9/11/2018



15

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

No. 177-E/ 686 /CEC/C&WD

Dated Peshawar the 08/10/2019

OFFICE ORDER

On the recommendations of Departmental Promotion Committee in its meeting held on 18/09/2019, the following Junior Clerks (BS-11) have been cleared for promotion to the Cadre post of Senior Clerks (BS-14) in C&W Department on regular basis with immediate effect:-

- |                            |   |                  |
|----------------------------|---|------------------|
| 1) Mr. Hayat-Ur-Rehman     | = | On Regular Basis |
| 2) Mr. Imtiaz Ahmad        | = | On Regular Basis |
| 3) Mr. Saadat Ali Haidri   | = | On Regular Basis |
| 4) Mr. Ibadullah           | = | On Regular Basis |
| 5) Mr. Muhammad Jehanzeb   | = | On Regular Basis |
| 6) Mr. Shah Qias Khan      | = | On Regular Basis |
| 7) Mr. Amjad Zaman         | = | On Regular Basis |
| 8) Mr. Shaukat Hayat       | = | On Regular Basis |
| 9) Mr. Ajab Khan-II        | = | On Regular Basis |
| 10) Mr. Saleem-Ur-Rehman   | = | On Regular Basis |
| 11) Mr. Muhammad Saeed     | = | On Regular Basis |
| 12) Mr. Tariq Mehmood      | = | On Regular Basis |
| 13) Mr. Mehr Ali Shah      | = | On Regular Basis |
| 14) Mr. Samiullah Khan     | = | On Regular Basis |
| 15) Mr. Zahid Ismaili Shah | = | On Regular Basis |
| 16) Mr. Atif Iqbal         | = | On Regular Basis |
| 17) Mr. Sanaulah           | = | On Regular Basis |

2- The aforesaid officials will be on probation for a period of one year, in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1983.

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

Sl No.	Name of officials	Existing posting	Proposed for actualization/ Adjustment	Remarks
1.	Mr. Hayat-Ur-Rehman Senior Clerk (BS-14)	Junior Clerk O/O XEN C&W Division Dir Lower	Senior Clerk O/O XEN C&W Division Dir Lower	Against Mr. Wazir Khan promoted as A/Clerk.
2.	Mr. Imtiaz Ahmad Senior Clerk (BS-14)	Junior Clerk O/O XEN Highway Division Mardan	Senior Clerk O/O XEN C&W Division Abbottabad	Against Mr. Naeem Khan promoted as A/Clerk.
3.	Mr. Saadat Ali Haidri Senior Clerk (BS-14)	Junior Clerk O/O XEN C&W Division Tribal Sub-Division Darazinda/ Jandola at DIKhan	Senior Clerk O/O XEN Highway Division Tribal District South Waziristan at Tank	Existing Vacancy
4.	Mr. Ibadullah Senior Clerk (BS-14)	Junior Clerk O/O XEN PBC-I Peshawar	Senior Clerk O/O CE (Merged Area) C&WD Peshawar	Existing Vacancy
5.	Mr. Muhammad Jehanzeb Senior Clerk (BS-14)	Junior Clerk O/O CE (Merged Area) C&WD Peshawar	Senior Clerk O/O XEN C&W Division Hangu	Existing Vacancy
6.	Mr. Shah Qias Khan Senior Clerk (BS-14)	Junior Clerk O/O XEN C&W Division Bannu	Senior Clerk O/O XEN C&W Division Karak	Existing Vacancy
7.	Mr. Amjad Zaman Senior Clerk (BS-14)	Junior Clerk O/O XEN Highway Division Mardan	Senior Clerk O/O XEN C&W Division Malakand	Existing Vacancy
8.	Mr. Shaukat Hayat Senior Clerk (BS-14)	Junior Clerk O/O SE C&W Circle Battagram at Manshra	Senior Clerk O/O XEN C&W Division Manshra	Against Mr. Qaidur Rohman promoted as A/Clerk
9.	Mr. Ajab Khan-II Senior Clerk (BS-14)	Junior Clerk O/O XEN C&W Division Tribal District Wazir/ Bhottani (Bannu/Lakki) at Bannu	Senior Clerk O/O XEN C&W Sub-Division Tribal District Darazinda/ Jandola at DIKhan	Existing Vacancy
10.	Mr. Saleem-Ur-Rehman Senior Clerk (BS-14)	Junior Clerk O/O SE C&W Circle Mardan	Senior Clerk O/O XEN Highway Division Mardan	Against Mr. M. Azam Khan promoted as A/Clerk.
11.	Mr. Muhammad Saeed Senior Clerk (BS-14)	Junior Clerk O/O XEN Highway Division DIKhan	Senior Clerk O/O XEN Building Division Tribal District South Waziristan at Tank	Existing Vacancy

Atte 2nd  
2nd  
ASCC

Sl No.	Name of officials	Existing posting	Proposed for actualization/ Adjustment	Remarks
12.	Mr. Tariq Mehmood Senior Clerk (BS-14)	Junior Clerk O/O XEN C&W Division Lakki Marwat	Senior Clerk O/O XEN Highway Division DIKhan	Existing Vacancy
13.	Mr. Mehr Ali Shah Senior Clerk (BS-14)	Junior Clerk O/O XEN C&W Division Tank	Senior Clerk O/O XEN C&W Division Tank	Existing Vacancy
14.	Mr. Samiullah Khan Senior Clerk (BS-14)	Junior Clerk O/O XEN Highway Division Tribal District South Waziristan at Tank	Senior Clerk O/O XEN Highway Division Tribal District South Waziristan at Tank	Against Mr. Ghulam Farid promoted as A/Clerk
15.	Mr. Zahid Ismail Shah Senior Clerk (BS-14)	Junior Clerk O/O XEN C&W Division Bannu	Senior Clerk O/O XEN Highway Division Tribal District North Waziristan at Miranshah	Existing Vacancy
16.	Mr. Aftabqbal Senior Clerk (BS-14)	Junior Clerk O/O XEN Highway Division Peshawar	Senior Clerk O/O XEN Building Division Swat	Existing Vacancy
17.	Mr. Sanaullah Senior Clerk (BS-14)	Junior Clerk O/O XEN PBMC Peshawar	Senior Clerk O/O SE PBMC C&WD Peshawar	Against Mr. Hameed Jacob promoted as A/Clerk

CHIEF ENGINEER (CENTRE)

Copy is forwarded to the:-

- 1- Accountant General Khyber Pakhtunkhwa Peshawar.
- 2- Chief Engineer (North) C&W Department, Peshawar.
- 3- Chief Engineer (East) C&W Department, Abbottabad.
- 4- Chief Engineer (Merged Area) C&W Department, Peshawar.
- 5- Superintending Engineers C&W Circle, Abbottabad/ Dir Lower/ Mardan/ Bannu/ Mansehra/ DIKhan/ Peshawar.
- 6- Superintending Engineers (Southern/ Northern) C&W Circle Tribal District Bannu/ Peshawar.
- 7- Executive Engineers C&W Division Bannu/ Tank/ Lakki Marwat/ Bannu/ Dir Lower/ Abbottabad/ Hangu/ Karak/ Malakand/ Mansehra.
- 8- Executive Engineers, Highway Division Mardan/ DIKhan.
- 9- Executive Engineer, C&W Divisions Tribal Sub-Division Darazinda/ Jandola at DIKhan.
- 10- Executive Engineer, C&W Division Tribal District Wazir/ Bhotiani at Bannu.
- 11- Executive Engineer, C&W Division Tribal District NW at Tank.
- 12- Executive Engineers, Building/ Highway Division Tribal District SW at Tank.
- 13- District Accounts Officers, District Abbottabad/ Dir Lower/ Mardan/ DIKhan/ Bannu/ Mansehra/ Lakki Marwat/ Tank/ Miranshah.
- 14- Officials concerned.

*Attested  
Saw  
Adv*

CHIEF ENGINEER (CENTRE)



GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT

(Regulation Wing)

No. SOR-VI(E&AD)/1-4/2008/Vol-VII  
Dated Peshawar, the 11<sup>th</sup> September, 2009.

1. The Additional Chief Secretary, Govt of NWFP, PSC Department.
2. The Additional Chief Secretary (FATA), Peshawar.
3. The Additional Chief Secretary Home Department.
4. The Senior Member, Board of Revenue, NWFP.
5. All Administrative Secretaries to Government of NWFP.
6. The Secretary to Governor, NWFP.
7. The Principal Secretary to Chief Minister, NWFP.
8. All Divisional Commissioners in NWFP.
9. All DCOs in NWFP/Political Agent in FATA.

Subject: POSTING/TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

Dear Sir,

I am directed to refer to the subject and to convey that the competent authority has been pleased to amend Para-IV of the existing, posting/ transfer policy of the Provincial Government circulated vide letter No. SOR-VI(E&AD)/Misc/Update/09 dated 17 January, 2009 as under.

1/675  
30/9-2009

Para IV: Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive /hard areas shall be reduced to two (02) years for settled areas, 01 1/2 years for unattractive areas and one year for hard areas.

*[Handwritten signature]*  
S/Asst

2. The above amendment is hereby circulated for information/compliance.

3. Nonetheless the status quo of posting/transfer in FATA will be maintained.

*[Handwritten notes and signatures]*  
12845  
15-9-09

Yours faithfully,

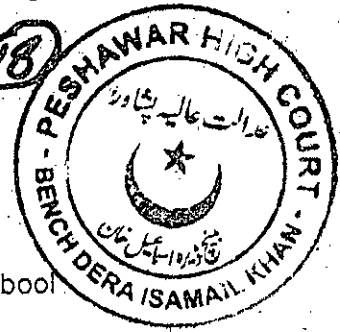
*[Signature]*  
(KALEED ULLAH)  
SECTION OFFICER (REG. VI)

*[Handwritten signature]*  
Att: Sd/Asst

ANNEX! - E  
Page: 18

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,  
DERA ISMAIL KHAN BENCH.**

Writ Petition No. \_\_\_\_\_ of 2023



HafeezUllah son of Muhammad Ismail resident of MohallahMaqbool  
Abad, Paharpur, Tehsil Paharpur, District Dera Ismail Khan.

*Petitioner*

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary C & W Department, Govt. of K.P.K, Peshawar.
2. Chief Engineer (Centre), C & W Department, Khyber Pakhtunkhwa, Peshawar.
3. Chief Engineer (South-II) C & W Department at D.I.Khan.
4. Superintending Engineer, C & W Circle, Waziristan at Bannu.
5. Superintending Engineer, Mega Projects Circle, Kohat.
6. Xen Highway Division, South Waziristan at Tank.
7. Xen, Mega Projects Division, South-II at D.I.Khan.
8. Samiullah Khan son of Muhammad Yaqoob, Senior Clerk O/O Xen Mega Projects Division South-II at D.I.Khan.

*Filed today 16/03/23  
Addl. Registrar*

*Respondents*

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN, 1973.**

**PRAYER:**

It is therefore, humbly prayed that may please be directed the respondents to act in accordance with law and to implement the Khyber Pakhtunkhwa posting / transfer policy in its true spirit and may kindly be declared the impugned office order No. CEC/C&WD/2-3/E&A, 208 dated 20/03/2023 issued by respondent No. 2 as illegal, against the policy, based on political victimization, against the natural justice, ulterior motives, based on malafide & discrimination and ineffective upon the rights of the petitioner and liable to be cancelled.

*29/03/23*  
**EXAMINOR**  
Peshawar High Court Bench,  
Dera Ismail Khan

WP NO.196-D 2023 (Grounds)

(2)

(19)

Respectfully Sheweth:

- i. That the addresses of the parties as given above are correct and sufficient for the purpose of service.
- ii. That the brief facts of the case are, the petitioner was serving as Senior Clerk / SDA in the office of Xen Mega Projects South-II at D.I.Khan, while the respondent No. 8 was serving as Senior Clerk / SDA in the office of Xen Highway Division, South Waziristan at Tank, and vide office order dated 14.03.2023, the respondent No. 2 issued the postings / transfers of present petitioner and respondent No. 8 as follows;

S. No.	Name	From	To
1	HafeezUllah (present petitioner)	Senior Clerk / SDA O/O Xen Mega Projects South-II at D.I.Khan	Senior Clerk / SDA O/O Xen Highway Division, South Waziristan at Tank
2	Sami Ullah (Respondent No. 8)	Senior Clerk / SDA O/O Xen Highway Division, South Waziristan at Tank	Senior Clerk / SDA O/O Xen Mega Projects South-II at D.I.Khan

Copy of office order dated 14.03.2023 is enclosed as **Mark-A**.

- iii. That after issuance of office order dated 14.03.2023; the petitioner made his arrival report to his place of posting on 17.03.2023 and the handing-taking certificate was also executed between the petitioner and respondent No. 8. Copy of Arrival Report alongwith handing taking certificate is enclosed as **Mark-B**.
- iv. That on 20.03.2023, the respondent No. 2 issued the impugned office order No. CEC/C&WD/2-3/E&A, 208 vide which he cancelled / withdraw the postings / transfers order of the petitioner and respondent No. 8 which was issued on 14.03.2023. The impugned office order dated 20.03.2023 is illegal, against the policy, based on political victimization, against the natural justice, ulterior motives, based on malafide & discrimination. Moreover, the postings / transfers order dated 1.03.2023 was implemented and acted upon; hence the same could not be cancelled. Copies of Impugned office

29-05-23  
EXAMINOR  
Faisalabad High Court Bench,  
Chiragh Khan

WP NO.196-D 2023 (Grounds)

5

20

order dated 20.03.2023 alongwith relevant documents and Policy are enclosed as Mark-C& D respectively.

That being aggrieved, the petitioner approaches this Honourable Court to declare the impugned office order No. CEC/C&WD/2-3/E&A, 208 dated 20/03/2023 as illegal, against the policy, based on political victimization, against the natural justice, ulterior motives, based on malafide & discrimination and ineffective upon the rights of the petitioner, having no other alternative remedy but to invoke the constitutional jurisdiction of this Honourable court, inter alia, on the following grounds:

GROUND:

Filed today 1600  
Add: Registrar  
29/03/23

- 29/3/23  
OK
- I. That the impugned office order No. CEC/C&WD/2-3/E&A, 208 dated 20/03/2023 is illegal, against the policy, against the natural justice, ulterior motives, based on discrimination and ineffective upon the rights of the petitioner.
  - II. That the impugned office order is based on discrimination and political victimization as the impugned order is totally based on malafide, arbitrary, against the canon of justice, equity and fair-play. Thus the impugned office order is liable to be cancelled.
  - III. That the Government of Khyber Pakhtunkhwa issued the posting / transfer policy in the year 2009 which is still in field throughout the province and as per the policy the tenure of posting / transfer is two years for settled areas, 1 ½ years for unattractive areas and one year for hard areas. It is the responsibility of the Competent Authority to implement and adhere to such policy; if the Competent Authority is not implementing the said policy in its true spirit then the Government employees would be definitely causing mental distress with the consequences which are not only injurious to them and public exchequer but may also impair their efficiency in discharge of official functions.

29/03/23  
EXAMINOR  
Dera Ismail Khan

WP NO.196-D 2023 (Grounds)

IV. That the respondent was serving in the office of Xen, Highway Division, South Waziristan at Tank from 01.01.2018 to 08.10.2018 as Junior Clerk and from 08.10.2019 to 14.03.2023 as Senior Clerk. Hence, he completed the normal tenure in the year 2021 but he remained in the said office till issuing of transfer order dated 14.03.2023. Thereafter, the petitioner took the charge as Senior Clerk in the o/o Xen, Highway Division, South Waziristan at Tank on 17.03.2023 and the handing-taking was also effected. Thus, it is clear that the office order dated 14.03.2023 was acted upon but the respondent No. 2 issued the impugned office order on 20.03.2023 and withdraw the office order dated 14.03.2023 just after 6 days which is apparently based on malafide and based on political basis.

Filed today 16/03/23  
Addl. Registrar  
29/03/23

V. That the impugned office order dated 20.03.2023 has been issued on political basis which is apparent from the impugned office order, as the copy of the same is forwarded to PS to Minister for C&W Department. Hence, on this score alone the impugned office order is liable to be reversed.

Handwritten initials/signature

VI. That the Constitution of Islamic Republic of Pakistan, 1973 protected the rights of every citizen and provided the equality amongst the citizen of Pakistan, thus the respondents clearly violated the fundamental rights of the petitioner and violated the Principles of Policy protected under Article 25 of the Constitution of Islamic Republic of Pakistan.

VII. That the petitioner is the victim of unlawful and illegal act of the respondents and such a malafide act on the part of respondents is against the law and rules, without jurisdiction and lawful authority, against the natural justice, misuse of official powers and is the outcome of victimization known by the respondents and it has caused an immense mental torture and agony to the petitioner.

VIII. That the counsel for the petitioner may kindly be allowed to raise the additional grounds at the time of arguments.

ATTEST  
29.05.23

EXAMINOR  
Faisalabad High Court Bench,  
Dera Ismail Khan

It is therefore, humbly prayed that may please be directed the respondents to act in accordance with law and to implement the Khyber Pakhtunkhwa posting / transfer policy in its true spirit and may kindly be declared the impugned office order No. CEC/C&WD/2-3/E&A, 208 dated 20/03/2023 issued by respondent No. 2 as illegal, against the policy, based on political victimization, against the natural justice, ulterior motives, based on malafide & discrimination and ineffective upon the rights of the petitioner and liable to be cancelled or any other relief may be deemed fit by this Honourable court in the interest of the petitioner.

Filed today 29/03/23  
Addl. Registrar

**INTERIM RELIEF:**

It is therefore, humbly prayed that by granting interim relief may kindly be suspended the impugned office order No. CEC/C&WD/2-3/E&A, 208 dated 20/03/2023 till the disposal of writ petition.

Your Humble Petitioner

*Hafeez Ullah*

Hafeez Ullah

Through Counsel

*Muhammad Mohsin Ali*

Muhammad Mohsin Ali  
Advocate Supreme Court.

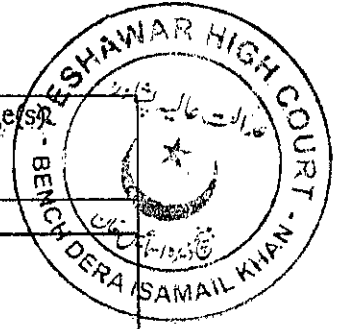
Dated: 29/03/2023

EXAMINOR  
resnowat High Court Bench,  
Dera Ismail Khan



PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET



Date of Order or Proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
26.4.2023	<p><u>W.P.No.196-D/2023 (M) withg Interim Relief (N).</u></p> <p><u>Present:</u> Muhammad Mohsin Ali, Advocate for the petitioner.</p> <p>Mr. Aamir Farid Saddozai, Asstt: A.G for respondents No.1 to 7.</p> <p>M/S Ahmad Ali Khan and Khalid Mehmood, Advocates for respondent No.8.</p> <p>***</p> <p><u>MUHAMMAD FAHEEM WALLI, J.-</u> At the very outset, the learned counsel for the petitioner stated at the bar that the petitioner would be satisfied if this petition is converted into departmental appeal/representation and transmitted to respondent No.2 for decision in accordance with law as this Court lacks jurisdiction to entertain the same under Article 199 in view of the bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, whereby the Service Tribunal is vested with the jurisdiction. The request of learned counsel for the petitioner seems genuine, to which the learned counsels for respondent No.8 have no objection.</p> <p>2. In view of above, the instant petition is converted into departmental appeal/representation and</p>

Handwritten signature or mark on the left side of the table.

Handwritten signature and date: 29/05/23  
EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan

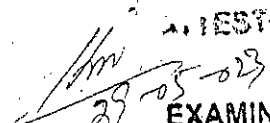
sent to respondent No.2 for decision in accordance with law. The petition stands disposed of in the above terms.

Announced  
Dr. 26.4.2023.

  
JUDGE

  
JUDGE

*Office  
27/4*

  
27-05-23  
EXAMINOR  
Dera Ismail Khan High Court Bench,  
Dera Ismail Khan

Habib/

(DB)  
Hon'ble Mr. Justice Muhammad Fahuem Wali  
Hon'ble Mr. Justice Dr. Khurshid Iqbal



25  
Office Of The Chief Engineer (Centre)  
Communication & Works Department  
Khyber Pakhtunkhwa, Peshawar

No. 219-E / 273 / CE / C&WD

Dated Peshawar the 10 / 05 / 2023

To

Mr. Hafeez Ullah S/O Muhammad Ismail,  
R/O Maqboolabad, Tehsil Paharpur,  
District Dera Ismail Khan.

Subject: REPRESENTATION / APPEAL.

I am directed to refer to the subject noted above and to state that your appeal/representation dated: 04-05-2023 was thoroughly examined by the department but didn't find convincing. Moreover, the Civil Servant Act, of 1973 provides that every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local Authority, or a corporation or body set up or established by any such Government.

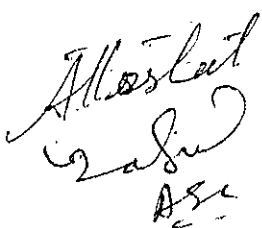
Hence, the Competent Authority has filed your appeal/representation dated: 04-05-2023.

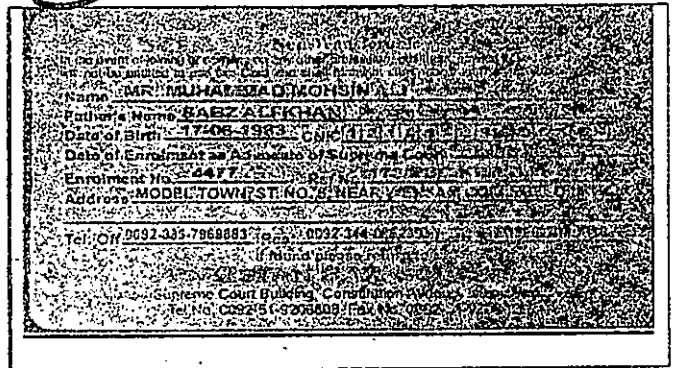
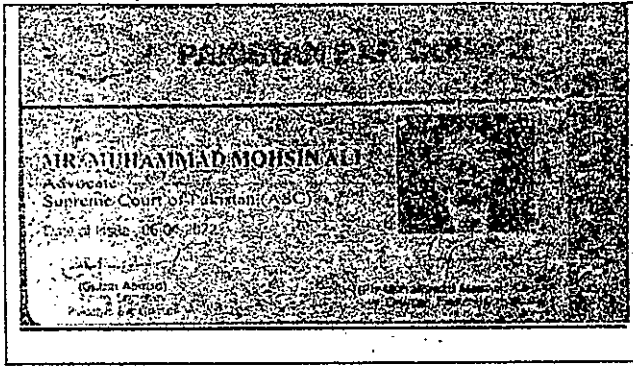
In view of the above, you are hereby informed accordingly.

  
Mehboob Ali  
Administrative Officer

Copy to the:

1. Chief Engineer (South-II), C&W Department D.I.Khan.
2. Superintending Engineer, C&W Circle Waziristan at Bannu.
3. Superintending Engineer, Mega Projects Circle Kohat.
4. Additional Registrar, Peshawar High Court, D.I.Khan Bench with reference to his letter No. 1699/JUDL/WB, dated 05-05-2023 for information. This is with reference to Order dated: 26-04-2023 in Writ Petition No.196-D/2023 (M) with interim relief (N).
5. Executive Engineer Highway Division South Waziristan at Tank.
6. Executive Engineer Division South-II D.I.Khan.
7. P.A. to Chief Engineer (Local) for information, please.

  
Administrative Officer



**VAKALATNAMA**

**BEFORE THE COURT OF** *KPK Service Tribunal Peshawar*

*Hafeez Ullah* Plaintiff / Appellant / Petitioner / Complainant / Accused

*Court of KPK Sot* Vs Defendant / Respondent / Complainant / Accused

KNOW ALL to whom these present shall come that I/We *Petitioner*

do hereby appoint **Muhammad Mohsin Ali Advocate Supreme Court** (herein after called the advocate/s) to be my/our Advocate in the above noted case, authorize him:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.
9. And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this...*27*...day of *May*...*20 23*...

Accepted  
*[Signature]*  
**Muhammad Mohsin Ali**  
Advocate Supreme Court

*[Signature]*  
*Hafeez Ullah*