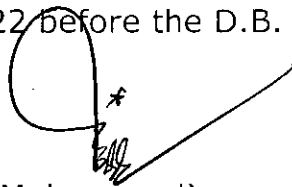


15.09.2022

Appellant alongwith his counsel present. Mr. Iftikhar Mehmood, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 30.11.2022 before the D.B.



(Mian Muhammad)
Member (Executive)



(Salah-Ud-Din)
Member (Judicial)

30/11/22

Deleted from list to come
up on 23-2-23



23.02.2023

Bench is incomplete, therefore, the case is adjourned to 21.03.2023 for the same as before.

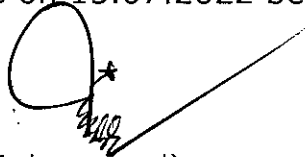


Reader

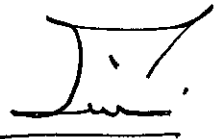
09.05.2022

Mr. Muhammad Kamran, Advocate, as proxy for learned counsel for the appellant present. Mr. Riaz Ahmed Painsakhel, Assistant Advocate General for the respondents present.

Muhammad Kamran, ^{Advocate} proxy stated at the bar that learned counsel for the appellant has telephonically contacted him that as he is busy in some domestic engagement, therefore, adjournment may be granted. Adjourned. To come up for arguments on 15.07.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

15.07.2022

Appellant alongwith his counsel present. Mr. Shehzad, Assistant alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested that he wants to submit certain documents, however copies of the same have not been provided to him by the appellant, therefore, an adjournment may be granted. Adjourned. To come up for arguments on 15.09.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

29.11.2021

Counsel for appellant present.

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

Both the parties made joint request for adjournment as case as case file was missing and the parties were not in the knowledge of the date of hearing, therefore, request is acceded to and case is adjourned to 16.12.2021 for arguments before D.B.



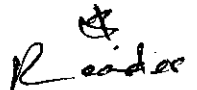
(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

16.12.21

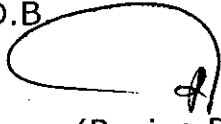
DB is on Tour case to come up?
For the same on Dated. 31-3-22


Reader

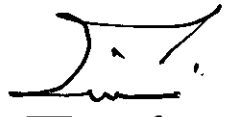
31.03.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 09.05.2022 before the D.B.



(Rozina Rehman)
Member (J)



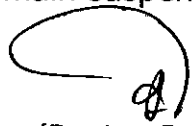
(Salah-ud-Din)
Member (J)

08.09.2021

Counsel for appellant present.

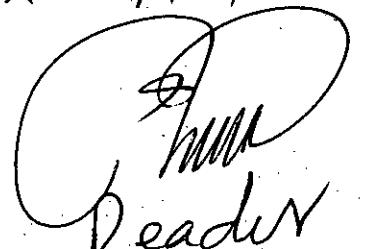
Muhammad Adeel Butt learned Additional A.G for respondents present.

Former made a request for adjournment; granted. To come up for arguments on 18.10.2021 before D.B. The operation of impugned order to the extent of appellant shall remain suspended till the next date.


(Rozina Rehman)
Member (J)


Chairman

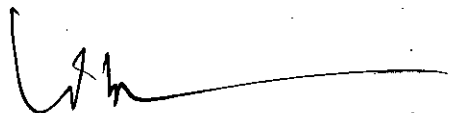
This case was missing/
misplace since 18/10/2021. The office
searched for it and finally found
out the same. This case be
put up before Hon'ble members for
further proceeding on 29/11/21

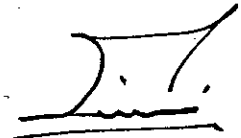

Reader

28.07.2021

Appellant in person present. Mr. Iftikhar Assistant and Farman Shah Senior Auditor alongwith Mr. Javed Ullah Assistant Advocate General for the respondents present.

Appellant sought adjournment on the ground that his counsel is not available today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 23.08.2021.

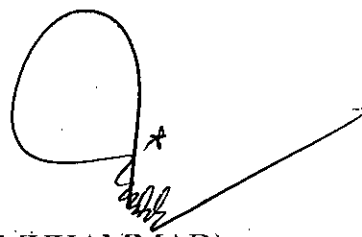

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

23.08.2021

Appellant in person present. Mr. Muhammad Rashid, DDA alongwith Mr. Iftikhar Mehmood, Assistant and Mr. Farman Shah, Senior Auditor for respondents present.

Reply on behalf of respondent No.4 submitted which is placed on file. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments before the D.B on 08.09.2021. The operation of the impugned order to the extent of appellant shall remain suspended till the date fixed.


(MIAN MUHAMMAD)
Member(E)


(SALAH-UD-DIN)
Member(J)

06.07.2021

Counsel for the appellant present. Preliminary arguments heard.

Through this appeal, the appellant has impugned order dated 04.05.2021 of his transfer from PZA (HQ) Peshawar to District Zakat Committee Battagram against the vacant post. Learned counsel for the appellant contends that the appellant has been subjected to frequent transfers in a short span of time without adhering to the tenure policy of the Government. In this regard, he referred to the orders issued previous to the impugned order. Subject to all just and legal objections including limitation, this appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 28.07.2021 before the D.B.

Appellant Deposited
Security & Process Fee

6/7/21

An application has been submitted alongwith the memorandum of appeal seeking ad interim relief for suspension of the impugned order to the extent of appellant. Notice of the application be given to the respondents for the same date as already fixed. The operation of impugned order to the extent of appellant shall remain suspended till next date.


Chairman

Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 6683 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01/07/2021	<p>As per direction of the Worthy Chairman this case may be entered in the Institution Register and put to the S.Bench for preliminary hearing on <u>06/07/21</u>.</p> <p style="text-align: right;"> REGISTRAR</p>

[Faint handwritten notes and stamps at the bottom right of the page]

Order:

27-07-2021

Keeping the objection of office intact for settlement at the time of preliminary hearing, this appeal be instituted.


Chairman

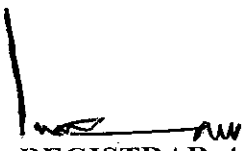
This is an appeal filed by Syed Sheeraz Ali Shah today on 30/06/2021 against the order dated 04.05.2021 against which he preferred/made departmental appeal/ representation on 07.05.2021 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiency.

Annexure-H of the appeal is illegible which may be replaced by legible one.

No. 1131 /ST,

Dt. 01/07/2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Ali Bukhari Adv. Pesh.


Respected Sir,

The instant appeal may be filed in office objection before the court in light of clause of Posting transfer policy and order sheet dated 30.06.21.

file Resubmitted.
M. Ali

Sir,

The objections of this office and reply of counsel for the appellant is submitted for appropriate orders please.


01/07/2021

Worthy Chair-man.

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2021

Syed Sheraz Ali Shah

V/S

Zakat & Ushr Deptt etc.

INDEX

S.NO.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-08
2.	Copy of suspension application	-----	09-10
3.	Copy of Relevant Documents	---A---	11
4.	Copy of office order 06.10.20	---B---	12
5.	Copy of Office Order 5.3.21 & 31.03.21	---C---	13-14
6.	Copy of Impugned Order dt. 04.05.2021	---D---	15
7.	Copy of Departmental Appeal dt. 07.05.2021	---E---	16
8.	Copy of Relieving Order dt. 19.05.2021	---F---	17
9.	Copy of COVID-19 Test	---G---	18-23
10.	Copy of Relevant Documents of the appellant's wife	---H---	24-31
11.	Copy of civil court order	---I---	32-33
12.	Copy of gov notification	---J---	34-35
13.	Copy of judgment	---K---	36-39
14.	Copy of posting transfer policy	---L---	40-45
15.	Copy of anita turab circular	---M---	46-47
16.	Copy of order	---N---	48-50
17.	Vakalat Nama	-----	51

APPELLANT

Syed Sheraz Ali Shah

THROUGH:

(SYED NOMAN ALI BUKHARI)

ADVOCATE HIGH COURT

& S. Khan

(SHAHKAR KHAN YOUSAFZAI)

ADVOCATE PESHAWAR.

Dated
29.06.2021

6

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 6683/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6715

Dated 30-6-2021

Syed Sheraz Ali Shah, Senior Clerk (BPS-14), now Personal assistant
Ushr Section, Provincial Zakat Administration (HQ), Peshawar.

(APPELLANT)

VERSUS

1. The Government of KhyberPakhtunkhwa through Secretary Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department, Khyber Pakhtunkhwa.
2. Deputy Secretary (Admn) Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department, Khyber Pakhtunkhwa.
3. The Section Officer (Ushr), Zakat & Ushr, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

Filed to-day
Registrar
30/6/2021

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974 READ WITH CLAUSE XIV OF POSTING TRANSFER POLICY, AGAINST THE IMPUGNED PREMATURE TRANSFER ORDER DATED 04.05.2021 AND AGAINST THE RELIEVING ORDER DATED 19.05.2021 ISSUED BY THE DEPARTMENT AND ALSO AGAINST NOT DECIDING THE APPEAL OF THE APPELLANT WITHIN 15 DAYS AS PROVIDED UNDER CLAUSE XIV OF THE POSTING TRANSFER POLICY.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL THE ORDER DATED 04.05.2021 and 19.05.2021 MAY BE SET ASIDE AND THE APPELLANT MAY BE ALLOWED TO

(2)

CONTINUE AS SENIOR CLERK (BPS-14) NOW ~~Personal~~
ASSISTANT AT USHR SECTION, PROVINCIAL ZAKAT
ADMINISTRATION (HQ), PESHAWAR AS PRIOR TO
THE ISSUANCE OF THE IMPUGNED PREMATURE
TRANSFER ORDER. ANY OTHER REMEDY WHICH
THIS AUGUST TRIBUNAL DEEMS FIT AND
APPROPRIATE THAT MAY ALSO BE AWARDED IN
FAVOUR OF THE APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is a respectable citizen of Pakistan and is serving in the Government of Khyber Pakhtunkhwa Zakat, Ushr, Social Welfare, Special Education and Women Department (hereinafter "department") since 2008. **Copy of Relevant Documents are attached as Annexure - A.**
2. That appellant has been giving his sweat and blood for the department for 12 long years; therefore, enjoys noteworthy reputation owing to his humble nature and behaviour.
3. That appellant was transferred from Office of the additional Secretary Zakat Ushar KP vide order dated 06.10.2020 and thereafter transferred back to parent deptt vide order dated 05.03.2021 and posted to Ushr Section as Senior Clerk (BPS-14) PZA (HQ) in Peshawar vide office order dated 5.03.2021. **Copy of Office Order dated 06.10.2020, 05.03.2021 and 31.03.2021 is attached as Annexure - B & C.**
4. That through impugned order dated 04.05.2021 the appellant was once again prematurely transferred also in violation of spouse policy, this time from PZA(HQ) Peshawar to District Zakat Committee Battagram. **Copy of the Impugned Order dated 04.05.2021 is attached as Annexure - D.**
5. That the appellant then submitted departmental appeal on 7.05.2021 against the transfer order to the department, however, it was paid no heed and just after relieving order was issued on 19.05.2021 wherein he was relieved from duty and was ordered to report for duty to



District Zakat Committee Batagram. **Copy of the Departmental Appeal dated 7.05.2021 & Relieving Order dated 19.05.2021 are attached as Annexure - E & F.**

6. That the impugned transfer order was issued when the appellant was diagnosed with Covid-19 and was not able to attend the office so the transfer order in such time is inappropriate and against the public interest. **Copy of Covid-19 Test is attached as Annexure - G.**
7. That it is pertinent to mention here that appellant's wife namely: Nabeela is serving in the Health Department Khyber Pakhtunkhwa as a nurse and is presently stationed in Peshawar. **Copy of Relevant Documents of the appellant's wife is attached as Annexure - H.**
8. That the appellant for seeking an interim relief even approached the Civil Court, Peshawar through a civil suit as he was under the impression that the honourable KP Service Tribunal was not functional and the matter being urgent as the respondent department was forcing him to relinquish the charge. The honourable Civil Court was gracious enough to suspend the impugned transfer order of the appellant for 15 days.
9. That when the appellant got knowledge about the tribunal that the tribunal was again functional the appellant request to withdrawl of the the civil suit for approach to proper forum which was allowed. **Copy of Order is attached as Annexure - I.**
10. That now the appellant comes to this august Tribunal for the redressal of his grievances on the following grounds amongst others.

GROUND:

- A) That the order dated 04.05.2021, 19.05.2021 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.

C) That the impugned transfer order of the appellant to Battagram is also against the wedlock policy as announced in the rules "ix" of the posting/transfer policy of the provincial Government which is reproduced as:

"(ix) Regarding the posting of husband/wife, both in provincial services, efforts where possible would be made to post such persons at one station and this will be subject to the public interest." And also against the notification KP government. **copy annexed as annexure-J.**

D) That it is important to mention here that the aforementioned posting/transfer rules has been made in accordance to and in pursuance of the Article 35 (Protection of Family, etc.) of the Constitution of the Islamic Republic of Pakistan. That beside that the department has also stopped the salary of the appellant which is discriminatory in nature and against the fundamental rights of the appellant. That instead of giving the appellant medical leave, the department transferred him to another district which is illegal, and irrational and referred to as Wednesday Unreasonableness. That the opportunity of personal hearing and personal defense was not provided to the appellant which is against the spirit of Article 10-A of the Constitution.

E) That the impugned transfer of the appellant has immensely affected the family life of the appellant. Being away from the wife and children not only affected the mental health of the appellant but also troubled the life of children who needs the immediate presence and help of their father in daily chores.

F) That it is a known fact that father has vital role in nurturing, grooming and wellbeing of the children, but the impugned transfer has made it hard for the appellant to play this important role and to perform his family responsibility.

G) That the impugned transfer order will affect the monthly expenditure of his family as their will be double expense on travel, food and other daily life needs.

H) That the department is named on social welfare but sending its employee far from his family and children is neither social nor welfare.

- I) That serving in another district will bring gap between the life of the married couple and that also in the government service but posted at far away districts from each other postings.
- J) That not only the national laws and rules but also the international conventions like Universal Declaration of Human Right and International Covenant on Civil and Political Rights urge the promotion and protection of family life in order to guarantee a happy life to family. And the impugned transfer is contravening to these conventions to which Pakistan is a signatory.
- K) That the appellant also filed this appeal on grave humanitarian ground the appellant is only male person to look after family. In the same situation the tribunal already accepted the appeal titled Jamal Ahmad vs Govt Of KP. So the appellant also entitled to same relief. **Copy of judgment is attached as annexure-K.**
- L) That according to posting transfer policy, normal tenure for posting is 2 years, but the appellant transferred order was passed before completion of normal tenure, which is total violation of Govt: posting transfer policy. Thus the impugned transfer order is liable to be set-aside on this score alone. **Copy of posting transfer Policy is attached as Annexure-L.**
- M) 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 there under, 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 without completing his normal tenure and also in violation of spouse policy. **Copy of Circular is attached as Annexure-M.**
- N) That in the special circumstances of the case and due to urgency in the instant appeal being transfer matter the appeal of the appellant may be heard in the light of posting policy and order dated 03.06.2021 of this tribunal in appeal no.5338/2021. **Copy of order is attached as annexure-N**
- O) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT

Syed Sheraz Ali Shah

THROUGH:



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

& S. Khanz
**(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR.**

①

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2021

Syed Sheraz Ali Shah

V/S

Govt. of KP etc.

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



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

& S. Khans
(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR.

2

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2021

Syed Sheraz Ali Shah


VS

Govt. of KP etc.

AFFIDAVIT

I, Syed Sheraz Ali Shah, Senior Clerk, BPS-14 (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



Syed Sheraz Ali Shah





BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2021

Syed Sheraz Ali Shah

V/S

Zakat & Ushr Deptt etc.

.....

**APPLICATION FOR SUSPENSION OF
OPERATION OF ORDER DATED
04.05.2021 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 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 04.05.2021 is also in violation of spouse policy. Further it is pertinent to mentioned here that the post of the appellant is still vacant so no hurdle for Govt: if the order may be suspended.

(10)

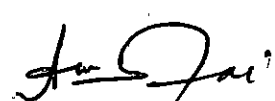
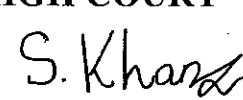
6. That if the order dated 04.05.2021 is not suspended. It badly effect the right of appellent.

It is, therefore, most humbly prayed that the order dated 04.05.2021 may be suspended till the disposal of main appeal, the post of the appellent was still vacant. Any other remedy, which this august tribunal deems fit that may also be awarded in favour of appellent.

APPELLANT


Syed Sheraz Ali Shah

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT
& 
(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR.

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

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (May-2021)



Personal Information of Mr SYED SHERAZ ALI SHAH d/w/s of

Personnel Number: 00422134 CNIC: 1730173570773

NTN:

Date of Birth: 03.01.1978 Entry into Govt. Service: 24.09.2008

Length of Service: 12 Years 08 Months 009 Days

Employment Category: Active Temporary

Designation: Personal Assistant

80003910-GOVERNMENT OF KHYBER PAKH

DDO Code: PR4367-SECTION OFFICER ZAKAT & USHER DEPARTMENT GOVERNMENT OF KP.

Payroll Section: 010

GPF Section: 001

Cash Center:

GPF A/C No: 422134

Interest Applied: Yes

GPF Balance:

198,777.00

Vendor Number: 30347527 - SYED SHIRAZ ALI SHAH JR CLERK

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil

BPS: 14

Pay Stage: 7

Wage type		Amount	Wage type		Amount
0001	Basic Pay	23,370.00	1210	Convey Allowance 2005	2,856.00
1300	Medical Allowance	1,500.00	1897	Housing Subsidy Allowance	13,958.00
2148	15% Adhoc Relief All-2013	445.00	2199	Adhoc Relief Allow @10%	303.00
2211	Adhoc Relief All 2016 10%	1,495.00	2224	Adhoc Relief All 2017 10%	2,337.00
2247	Adhoc Relief All 2018 10%	2,337.00	2264	Adhoc Relief All 2019 10%	2,337.00
2283	Secretariat Perform Allow	11,685.00			0.00

Deductions - General

11

A

ATT/ESTER

Handwritten signature and initials



GOVERNMENT OF KHYBER PAKHTUNKHWA
SOCIAL WELFARE SPECIAL EDUCATION & WOMEN
EMPOWERMENT DEPARTMENT

Dated Peshawar the 6.10. 2020

B

12

OFFICE ORDER

13860-63

SOG (SWD) Staff 1-60/2020/856-68 The Competent Authority is pleased to order the following posting/ transfer with immediate effect, in the public interest:-

S.#	Name	From	TO
1.	Syed Sheeraz Ali Shah Bukhari PA (BS-16)	Office of Additional Secretary Zakat & Ushr KP	PA to DS (Admn) Social Welfare Department
2.	Mr. Imran Farooq Junior Scale Stenographer (BS-14)	PA to DS (Admn) Social Welfare Department	Office of Additional Secretary Zakat & Ushr KP


SD/-
Deputy Secretary (Admn)
Social Welfare Special Education and Women
Empowerment Department Khyber Pakhtunkhwa

Encl: No.SOG (SWD) Staff 1-60/2020/

Dated: - 06-10-2020 /

Copy forwarded to:-

1. PS to Secretary ZU, SW, SE & WE Department, Khyber Pakhtunkhwa
2. PA to DS (Admn) SW, SE & WE Department, Khyber Pakhtunkhwa.
3. Official Concerned
4. Staff File


(NISAR AHMAD)
Section Officer (General) 6/10/20

Secy Establishment
Attd
S (A/20
20/10/20
T/C


A. Ahmad

**SOCIAL WELFARE, SPECIAL EDUCATION & WOMEN
EMPOWERMENT DEPARTMENT**

C (13)
[Signature]

Dated Peshawar the 05th March, 2021

OFFICE ORDER

SUG (SWD)1-60/STAFF/2021

2885-90

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

S#	Name	From	TO
	Mr. Syed Sheeraz Ali Shah Bukhari, Senior Clerk (BPS-14)	Office of Deputy Secretary (Admn) Social Welfare Department	Report to Parent Department Ld. Provincial Zakat Headquarter, Khyber Pakhtunkhwa
	Mr. Syed Inzamam Shah, Junior Scale Stenographer (BPS-14)	Section Officer (General)	Office of Deputy Secretary (Social Welfare) and will work as Personal Assistant (PA).
	Mr. Junaid Asif, Junior Clerk (BPS-11)	Office of Deputy Secretary (Social Welfare)	Office of Deputy Secretary (Admn) and will work as Personal Assistant (PA)

SD/-
Deputy Secretary (Admn)
Social Welfare, Special Education
& Women Empowerment Department

LIST OF EVEN NO. & DATE
Copy forwarded to:-

- 1. PA to Additional Secretary, SW, SE, WE Department.
- 2. PA to Deputy Secretary (Admn), SW, SE, WE Department.
- 3. PA to Deputy Secretary (SW), SW, SE, WE Department.
- 4. Officials Concerned
- 5. Personal Files
- 6. Staff File

SD (Admn) Zakat & Ushk (Wing)

Section Officer (General)
Ph 091-9213654

[Handwritten signatures and notes]

AKESLI

OFFICE ORDER

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION AND
WOMEN EMPOWERMENT DEPARTMENT.**

Dated: 31.03.2021

No. SO(Estt)Z/69-S/PP/4306-07. Syed shehaz Ali Shah, Senior Clerk (B-14) PZA (HO) is hereby posted in Ushr Section as an internal arrangement with immediate effect.

Sd/-
Secretary to
Government of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare & Women Empowerment
Department Khyber Pakhtunkhwa

End of Even No & Date:-

Copy forwarded to the:-

- 1) PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa.
- 2) Section Officer (Ushr) Zakat & Ushr Department.


Section Officer (Estt)
(Zakat)

ATTACHED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION AND
WOMEN EMPOWERMENT DEPARTMENT.

Dated: 04.05.2021

OFFICE ORDER

No. SO(Estt)Z/Staff/ 5578-83. The following posting / transfers are hereby ordered amongst the officials of Zakat & Ushr Department in the interest of public service with immediate effect:-

S.N	Name of the Official	From	To	Remarks
1	Mr. Zaman Khan, Assistant (B-16)	District Zakat Committee Dir Upper	District Zakat Committee Swabi	Vice No.2
2	Mr. Aman Khan, Assistant (B-16)	District Zakat Committee Swabi	District Zakat Committee Battagram	Against the vacant post
3	Syed Sheraz Ali Shah Senior Clerk (B-14)	PZA (HQ) Peshawar	District Zakat Committee Battagram	Against the vacant post
4	Mr. Muhammad Javed, Junior Scale Stenographer (B-14)	District Zakat Committee Mansehra	District Zakat Committee Battagram	Against the vacant post of Computer Operator in his own pay & scale
5	Mr. Waheed Ullah, Junior Scale Stenographer (B-14)	District Zakat Committee Dir Lower	District Zakat Committee Chitral	Against the vacant post of Computer Operator in his own pay & scale

2. Consequent upon the above Mr. Zaman Khan, Assistant (B-16) is authorized to hold additional charge of DZO Swabi (OPS).

3. He is also declared Drawing & Disbursing Officers of PLA & Revenue Budget of District Zakat Committee Swabi.

Sd/-
Secretary to
Government of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare & Women Empowerment
Department Khyber Pakhtunkhwa

End of Even No & Date:-

Copy forwarded to the:-

- 1) Accountant General Khyber Pakhtunkhwa.
- 2) District Accounts Officers Battagram, Swabi, Chitral, Dir Lower & Dir Upper.
- 3) District Zakat Officer Battagram, Swabi, Chitral, Dir Lower & Dir Upper.
- 4) PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa
- 5) Officials concerned / Personal Files.

(HAFIZ SAAD AHMAD)
Section Officer (Estt)
(Zakat)

E

حضرت علیؑ سے روایات میں ہے کہ نبی کریم ﷺ نے فرمایا
 کہ میں نے تم کو بھیجا ہے تاکہ تم لوگوں کو اللہ کی راہ میں
 جان قربان کرو اور تم لوگوں کو اللہ کی راہ میں جان قربان نہ کرو
 جب تک کہ تم لوگوں کو اللہ کی راہ میں جان قربان نہ کرو
 اللہ کی راہ میں جان قربان نہ کرو جب تک کہ تم لوگوں کو اللہ کی راہ میں
 جان قربان نہ کرو اللہ کی راہ میں جان قربان نہ کرو
 اللہ کی راہ میں جان قربان نہ کرو

1) رسول اللہ ﷺ نے فرمایا کہ میں نے تم کو بھیجا ہے تاکہ تم لوگوں کو اللہ کی راہ میں
 جان قربان کرو اور تم لوگوں کو اللہ کی راہ میں جان قربان نہ کرو
 جب تک کہ تم لوگوں کو اللہ کی راہ میں جان قربان نہ کرو
 اللہ کی راہ میں جان قربان نہ کرو جب تک کہ تم لوگوں کو اللہ کی راہ میں
 جان قربان نہ کرو اللہ کی راہ میں جان قربان نہ کرو
 اللہ کی راہ میں جان قربان نہ کرو

2) رسول اللہ ﷺ نے فرمایا کہ میں نے تم کو بھیجا ہے تاکہ تم لوگوں کو اللہ کی راہ میں
 جان قربان کرو اور تم لوگوں کو اللہ کی راہ میں جان قربان نہ کرو
 جب تک کہ تم لوگوں کو اللہ کی راہ میں جان قربان نہ کرو
 اللہ کی راہ میں جان قربان نہ کرو جب تک کہ تم لوگوں کو اللہ کی راہ میں
 جان قربان نہ کرو اللہ کی راہ میں جان قربان نہ کرو
 اللہ کی راہ میں جان قربان نہ کرو

اللہ کی راہ میں جان قربان نہ کرو
 اللہ کی راہ میں جان قربان نہ کرو
 اللہ کی راہ میں جان قربان نہ کرو

Handwritten signature or name

F
17

GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

RELIEVING ORDER

Consequent upon his transfer from Provincial Zakat Administration (HQ) Peshawar to District Zakat Committee Battagram vide Govt. of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department office order No.SO (Estt)Zakat/Staff/5579-83 dated 04.05.2021, Syed Sheraz Ali Shah Senior Clerk (B-14) is hereby relieved of his duty today on 18.08.2021 (A.N). He is directed to report for duties to District Zakat Committee Battagram.


Section Officer (Ushr)
Zakat & Ushr

No: SO (Estt) Zakat/ 5857-64
Copy forwarded to the:-

Dated 19.05.2021

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer Battagram.
3. District Zakat Officer Battagram.
4. PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.
5. Cashier PZA (HQ) Peshawar.
6. Official concerned.
7. Personal file.


Section Officer (Ushr)
Zakat & Ushr

ATTESTED

ORDER

Dated: 18/04/2021


No. SO(Adm)/Zakarat Corona Virus/1-163/2020: 5335-78 in pursuance of circular bearing No. SAW/HD/COVID-19/2020/18 dated 17.03.2021 issued by Home & Tribal Affairs Department, the competent authority has accorded approval to the schedule of 50% attendance of the section, devised by them.

The remaining 50% staff shall work from home and they are strictly directed to make sure their availability on phone as they may be called for duty at any time. The staff attending the office shall be following SOPs by wearing facemask, use hand sanitizer and keep social distancing.

Sd/-
Additional Secretary
Zakat & Ushr

End of Order No & Date:-
Copy forwarded to the:-

1. All the Section Officers in PZA (HQ) Peshawar.
2. PA to Additional Secretary Zakat & Ushr.
3. PA to Deputy Secretary (Admn) Zakat & Ushr.
4. PA to Deputy Secretary (Audit) Zakat & Ushr.
5. PA to Deputy Administrator (Ushr) Zakat & Ushr.
6. Computer Programmer ZMIS Cell Zakat & Ushr.


Section Officer (Adm)
(Zakat)

At the end

To

The Section Officer (Ushr)
Zakat & Ushr Department.

Subject: - EARNED LEAVE

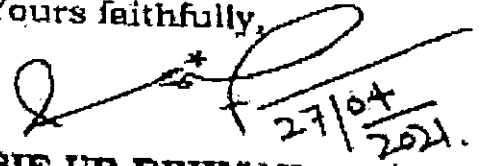
Dear Sir,

With due respect it is stated that Mr. Sheraz Ali Shah, Senior Clerk telephonically inform me that his COVID-19 test is positive (copy attached).

He has therefore, requested to kindly grant him 15-days earned leave w.e.f. 27.04.2021 and obliged.

Date 27.04.2021

Yours faithfully,



ASIF-UR-REHMAN
Computer Operator (R&B)

ATTESTE:

~~ANNEX 4~~

(9)
(20)

CA	DEPT	6
CA	MEMBER	12
CA	SECRET	8
CA	PROPERTY	10
CA

SHOT ON OPPO

with
stick



EMERGENCY DEPARTMENT

LADY READING HOSPITAL
MEDICAL TEACHING INSTITUTION : 20
PESHAWAR, KHYBER PAKHTUNKHWA K02210708972

Invoice Date: 26-APR-21 09:37:02

21

MRNo: K02ACF21247280 Name: Naboola

Gender: Female Age: 37 Year(s)

Father/Husband Name: S SHIRAZ ALI SHAH

District: Peshawar

07/04

Serial No. _____

Visit Type: Acute Emergent Department: EMERGENCY

Complaints: MRAD ALI

A/L Lumbosacral
Region pain L/R

Known case of
Renal stones

Rx

Counter: EMERGENCY

Left distal ureteric
calculi
resistant HDN + HDU

Findings:

Plan: Medical expulsive therapy for
3 wks followed by left ureter
+ DL+GJS if stone remains

Investigations:

X-ray KUB - Radiopaque shadows
in the left hemipelvis

CBC - Urine R/E - Numerous RBCs

S. EOC -

RFTs -

U/S KUB: Left Hydronephrosis + hydroureter

9mm calculi in
the distal ureter

ble renal colic

Cap Max flow
Vol 3 = 1, as for
Total Ventrals SR 100
U 10 - 1.51

Diagnosis:

To whom it may concern!

Patient may be allowed but not
for atleast One week.

Next Visit:

Consultant Name: _____

Signature: _____

Phone: 9211430

website: www.lrh.edu.pk

dr. Attest

21
22

Serial: 116

OUTDOOR PATIENT TICKET

Facility Name: Covid-19 Hospital

Location: Peshawar - KPK



GOVERNMENT OF KHYBER PAKHTUNKHWA
Ministry of Health

Age: 42y Sex: M

Patron's/Husband's Name: Asghar Khan

Monthly OPD Serial No.: 17492 / 2463

Provisional Diagnosis: Arterial Hypertension



Date: Clinical Findings/Investigation/Treatment/Referral/Test Findings

27/4/21

17301-7357077-3
0336 9400641

Sard Chah Gate
Peshawar City

46 → 800
Fever
Chest pain

Top Panel Sigmoid
Top Panel 1st

Top Panel 2nd
250-275

Order
Covid PCR
Chest X-ray
Top Panel Sigmoid
Top Panel 1st
Top Panel 2nd
Top Panel 3rd
Top Panel 4th
Top Panel 5th
Top Panel 6th
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Top Panel 50th

SHO/SON/OP/PO

MEDICAL OFFICE
COVID-19
PESHAWAR
PH: 031-3024755



CORONA ALERT - COVID19
District Health, Peshawar
Profile of Shiraz Ali



Dated: 26-Apr-2021

Patient Information

Section - 1: Demographic Data

EPIID #
 Patient's ID COVID19/PAIGKP/11353947
 Name Shiraz Ali
 Father/Guardian/ Husband Name Asadullah
 Date of Birth (dd-mm-yy) / Age 42
 Gender (M/F) Male
 CNIC (13 digits with dashes) 17301-7357077-3
 Recent Home Address (House # / Village / Tehsil / District) Sard Shih Gate Peshawar, Peshawar, F.W.P.
 Is he/she a health care worker (Y/N) No
 If yes, name of health care facility of the worker
 Date of registration of suspect (DD/MM/YYYY)
 Reporting type (Hospital, Lab, RRT, POE) Hospital
 Name of reporting institution/RRT COVID-19 Hospital Nishtarabad Peshawar
 Name of person reporting the case
 Signature of the person reporting the case

Section - 2: Epidemiological Link

Is patient symptomatic? (Y/N) No
 Date of onset of illness (DD/MM/YYYY) 24/04/2021
 Does the patient have the following symptoms (Y/N)
 Fever No
 Rigors/myalgia No
 Cough No
 Shortness of breath No

Does the patient have the following underlying conditions and comorbidities (Y/N)

- 1. Cardiovascular disease including hypertension No
- 2. Chronic lung disease No
- 3. Chronic neurological disease No
- 4. Others (specify)

Exposure Risk

- A. Asymptomatic (in last 14 days) OR
- B. Symptomatic (14 days prior to onset of symptoms)

Has this person come into contact with a positive case (Y/N)

Details of positive case contact

Name of contact

Relationship with contact

Has this person traveled abroad in the last 14 days (Y/N) No

Name of country

Is this person a Zairreen from Iran or Iraq (Y/N)

Date of return to Pakistan (DD/MM/YYYY)

Has this person traveled domestically in the last 14 days (Y/N) No

Name of city

Date of return to home city (DD/MM/YYYY)

Has this person come into contact with someone from abroad in the last 2 weeks (Y/N)

Has this suspected case been approved for testing (Y/N)

If yes, name of laboratory to which sample has been sent to

Where has this person been referred for quarantine (home, hospital, quarantine center)

Name of quarantine institution

Section - 3: Lab Testing Data

No of lab test

First Lab Test Details

Date of collection of sample (DD/MM/YYYY)

Date of sample sent (DD/MM/YYYY)

Type of sample collected (nasal, oral, other)

Is the sample post-mortem (Y/N)

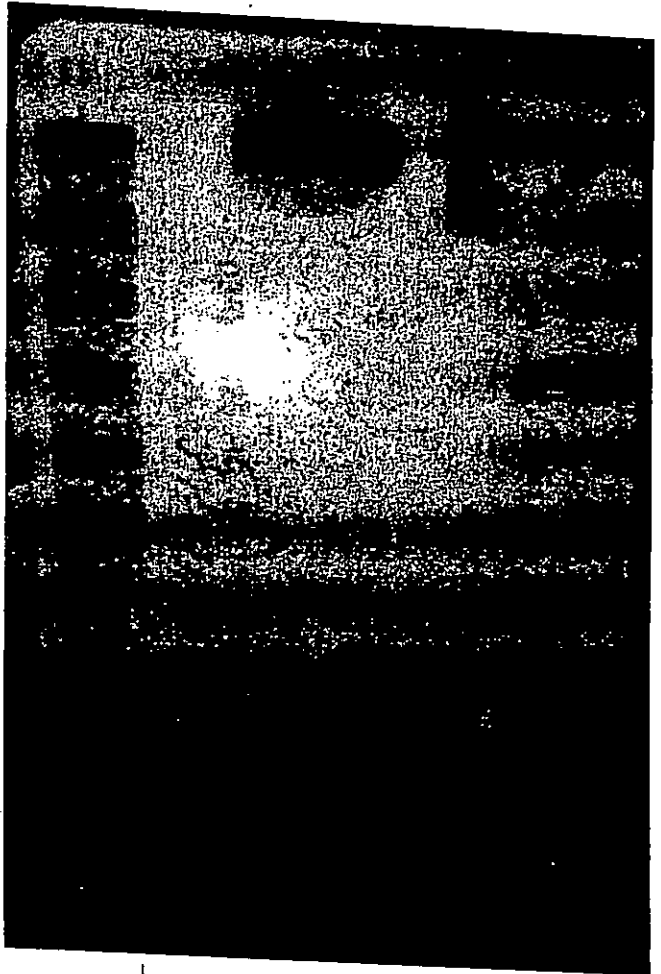
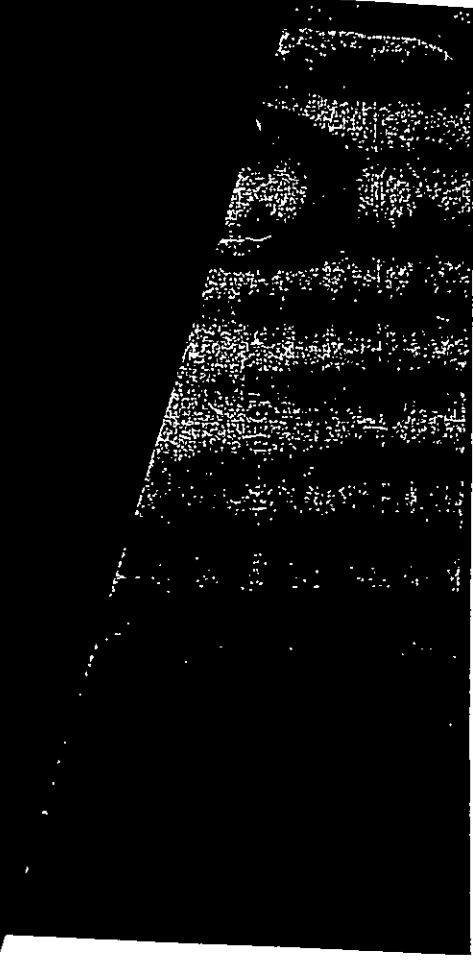
Lab Result (Positive, Negative, Inconclusive)

23

ATTESTED

215/1/11

23



Attesto
D

(E)

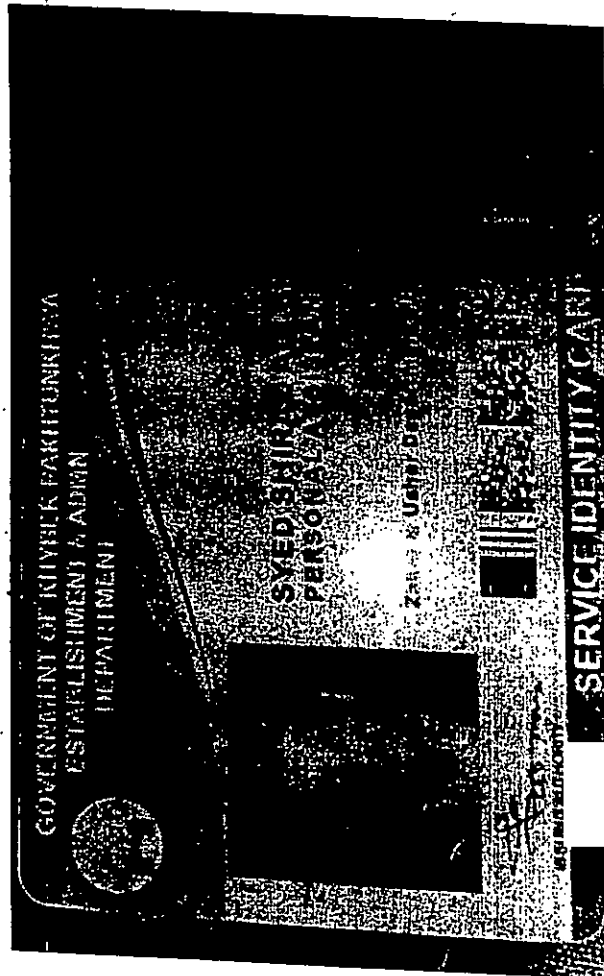
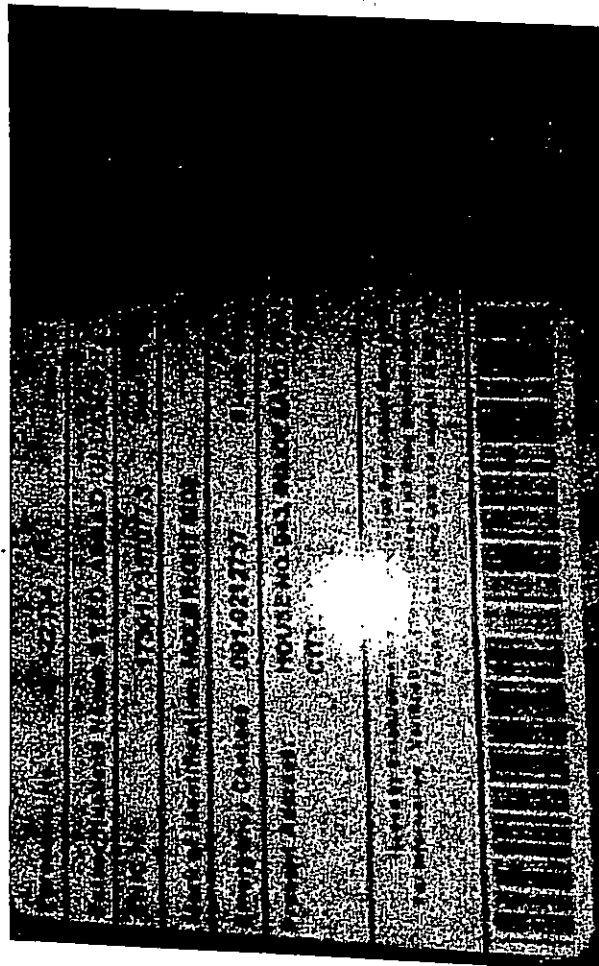
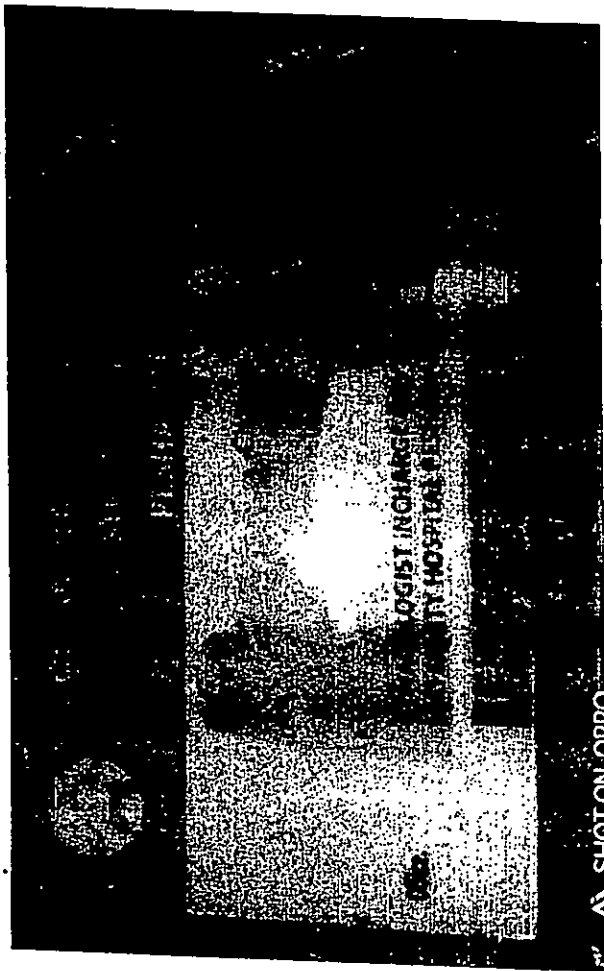
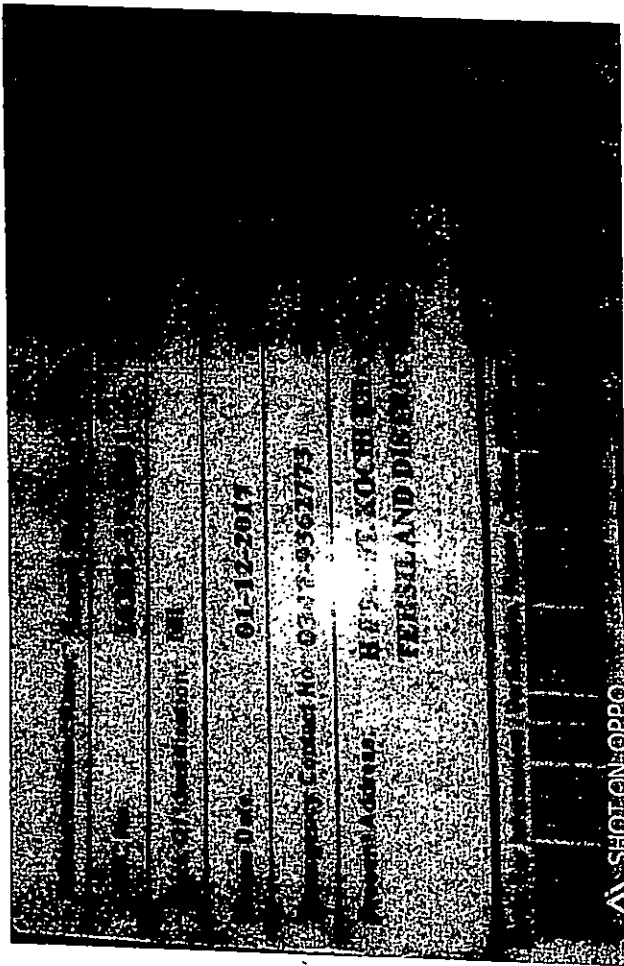
~~Attesto~~

28

H

25

(Handwritten signature)



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8:08 AM

← Salary slip (00360550 May , 2021).PDF



Dist. Govt. KP-Provincial
District Accounts Office Peshawar Dist.
Monthly Salary Statement (May-2021)



Personal Information of Miss NABEELA USMAN d/w/s of ALI USMAN

Personnel Number: 00360550 CNIC: 1620239336014

Date of Birth: 02.02.1984 Entry into Govt. Service: 12.05.2007

NTN: 44458592

Length of Service: 14 Years 00 Months 021 Days

Employment Category: Active Temporary

Designation: CHARGE NURSE

80004109-DISTRICT GOVERNMENT KHYBE

DDO Code: PW6159-Medical Superintendant Govt: Maternity Hospital Peshawar.

Payroll Section: 004

GPF Section: 005

Cash Center:

GPF A/C No: 360550

Interest Applied: Yes

GPF Balance:

493,211.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil

BPS: 16

Pay Stage: 14

EMERGENCY DEPARTMENT

MEDICAL TEACHING INSTITUTION: 20
PESHAWAR MEMBER PAKISTAN MEDICAL ASSOCIATION: 20210708977
INVESTIGATED: 20 APR 21 09:37:02

(27)
36

Gender: Female Age: 37 years

District: Peshawar

074.11

Emergency Department

Serial No.

Emergency Department

Counter: EMERGENCY

All symptoms
Right side

Unilateral
Right side

Left distal ureteric
Calculus
resultant HDA + HDU

Findings:

Medical expulsive therapy for
3 wks followed by left ureter
+ DLTS if stone remains

Investigations:

X-ray KUB - normal
CBC - normal
S. EUC - normal
RFTs - normal
UPE - normal

Left ureteric calculus
in the left hemipelvis
hydronephrosis
hydronephrosis + hydronephrosis
hydronephrosis + hydronephrosis
hydronephrosis + hydronephrosis
hydronephrosis + hydronephrosis

Cap Maxflow
Wt 75 kg, on J...
Total Vstrat 800 ml
U 10

Diagnosis:

Left ureteric calculus
hydronephrosis + hydronephrosis
hydronephrosis + hydronephrosis
hydronephrosis + hydronephrosis
hydronephrosis + hydronephrosis

Next Visit:

Consultant Name:

Signature: _____

Phone: 921430

Website: www.mahatma.gov.pk

SHOT ON OPPO

+



CORONA ALERT - COVID19

District Health, Peshawar

Profile of NABEELA



Dated: 08-Apr-2021

Patient information

Section - 1: Demographic Data

EPID #	
Patient's ID	COVID19/PAK/KP/1/1236844
Name	NABEELA
Father/Guardian/ Husband Name	SHERAZ ALI SHAH
Date of Birth (dd/mm/yyyy) / Age	30
Gender (M/F)	Female
CNIC 13 digits with dashes	16102-8029557-6
Recent Home Address (House #, Village, UC, Tehsil, District)	GMH PESHAWAR, GMH PESHAWAR , Peshawar / City
Is he/she a health care worker (Y/N)	No
If yes, name of health care facility of the worker	
Date of registration of suspect (DD/MM/YYYY)	
Reporting type (Hospital, Lab, RRT, POE)	Tier-2 Team
Name of reporting institution/RRT	RRT Team II, Peshawar
Name of person reporting the case	
Designation of the person reporting the case	

Section - 2: Epidemiological Link

Is the patient symptomatic? (Y/N)	No
Date of onset of illness (DD/MM/YYYY)	06/04/2021
Does the patient have the following symptom (Y/N)	
1. Fever	No
2. Fatigue/myalgia	
3. Cough	No
4. Shortness of breath	No
Does the patient have the following underlying conditions and comorbidities (Y/N)	
1. Cardiovascular disease including hypertension	No
2. Chronic lung disease	No
3. Chronic neurological disease	No
4. Others (specify)	
Exposure Risk:	
A. Asymptomatic (in last 14 days) OR	
B. Symptomatic (14 days prior to onset of symptoms)	
Has this person come into contact with a positive case (Y/N)	
Details of positive case contact	
Name of contact	

ATTESTED

4/8/2021

Profile of NABEELA - KP Dashboard

29

Relationship with contact	
Has this person traveled abroad in the last 14 days (Y/N)	No
Name of country	
Is this person a Zaireen from Iran or Iraq (Y/N)	
Date of return to Pakistan (DD/MM/YYYY)	
Has this person traveled domestically in the last 14 days (Y/N)	No
Name of city	
Date of return to home city (DD/MM/YYYY)	
Has this person come into contact with someone from abroad in the last 2 weeks (Y/N)	
Has this suspected case been approved for testing (Y/N)	
If yes, name of laboratory to which sample has been sent to	
Where has this person been referred for quarantine (home, hospital, quarantine center)	
Name of quarantine institution	

Section - 3: Lab Testing Data

No of lab test	1
First Lab Test Details	
Date of collection of sample (DD/MM/YYYY)	06/04/2021
Date of sample sent (DD/MM/YYYY)	06/04/2021
Type of sample collected (nasal, oral, other)	Nasopharyngeal Swab For PCR
Is the sample post-mortem (Y/N)	
Lab Result (Positive, Negative, Inconclusive)	Positive
Date of receiving of result (DD/MM/YYYY)	07/04/2021
Recent Lab Test Details (if any)	
Repeat lab test (Y/N)	
Date of repeat result received (DD/MM/YYYY)	
Type of sample collected (nasal, oral, other)	
Repeat Lab Result (Positive, Negative, Inconclusive)	
Current Status (Active, Cleared, Recovered, Expired)	Active

Section - 4: Isolation information (only for positive patients)

Has the test sample been sent (Y/N)	
Date of sample sent (DD/MM/YYYY)	
Name of lab sample sent to (Y/N)	
For confirmed cases: Is this person admitted in a isolation unit (Y/N)	
Location of isolation (Hospital, Separate Isolation Center, Home, Other)	
Name of hospital where isolated	
Is this person admitted in ICU (Y/N)	

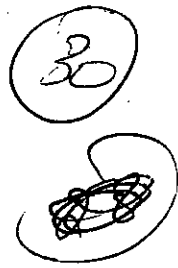
ATTESTED

Section - 5: Quarantine Information (only for suspected case)

Has the test sample been sent (Y/N)	
-------------------------------------	--

4/8/2021

Profile of NABEELA - KP Dashboard



Date of sample sent (DD/MM/YYYY)	
Name of lab sample sent to (Y/N)	
Is this person quarantined (Y/N)	
Location of quarantine (Home, Quarantine Center)	
Name of quarantine institution	
Start date of quarantine (DD/MM/YYYY)	
Duration of quarantine (# of days)	

Section - 6: Daily Clinical Condition (only for cases admitted in quarantine or isolation)

Has this person been shifted from isolation unit to an ICU (Y/N)	
If yes, why?	

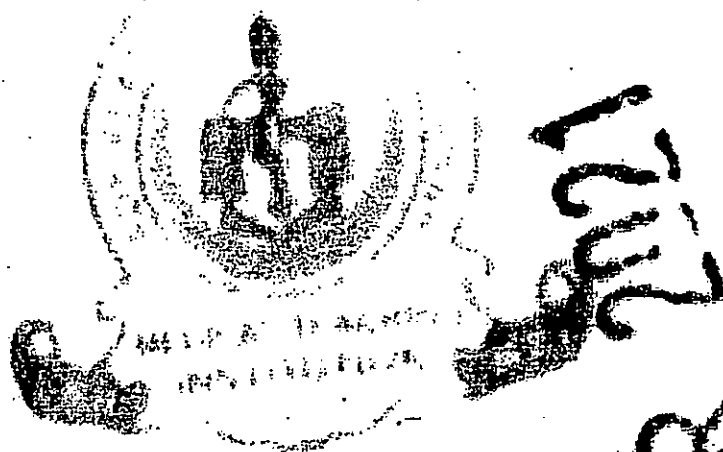
Condition	# days of admission in isolation unit or quarantine center																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Stable																					
Improving																					
Worsening																					
Critical																					

Responsibilities for form completion:

Form	Form#	Responsibility	Frequency
Demographic	1	All	One-time
Epidemeological Link	2	Public hospital, Private hospital, Point of entry	One-time
Tests results	3	Private lab, Public lab	Continuous
Isolation information	4	Private hospital, public hospital	Weekly
Quarantine information	5	RRT-2, DHO	Weekly
Daily clinical information	6	Private hospital, public hospital	Daily

ATTESTED

31



2021

APR

S.No: 45911

Emergency
Reg. Token

115/11 - 115
32

IN THE COURT OF SENIOR CIVIL JUDGE, PESHAWAR

Civil Suit No. _____/2021

Institution Branch (Civil),
New Judicial Complex,
Peshawar

Syed Sheraz Ali Shah Bukhari S/o Syed Asadullah Shah Bukhari R/o
House No. 943, Mohallah Kochi Khan, inside Sard Shah Gate,
Peshawar.

.....**Plaintiff**

Vs

1. Government of Khyber Pakhtunkhwa through Secretary, Zakat, Usher, Social Welfare, Special Education and Women Empowerment Department, Khyber Pakhtunkhwa.
2. Deputy Secretary (Admn) Social Welfare, Special Education and Women Empowerment Department, Khyber Pakhtunkhwa.
3. Director General Health, Khyber Pakhtunkhwa.
4. Secretary Health, Khyber Pakhtunkhwa.
5. Secretary Establishment, Civil Secretariat, Peshawar.

.....**Defendants**

- I. **DECLARATION AND PERMANENT INJUNCTION TO THE EFFECT THAT TRANSFER ORDER DATED 04.05.2021, TRANSFERRING PLAINTIFF, IS ILLEGAL, WITHOUT JURISDICTION AND WITHOUT LAWFUL AUTHORITY BESIDES BEING DISCRIMINATORY, FOR ULTERIOR MOTIVES, PREMATURE AND AGAINST WEDLOCK POLICY OF THE GOVERNMENT HENCE WITH NO LEGAL EFFECT.**
- II. **MANDATORY INJUNCTION TO THE EFFECT THAT DEFENDANT BE DIRECTED TO RESPECT THE WEDLOCK POLICY OF GOVERNMENT SERVANTS BY ABSTAINING FROM TRANSFERRING PLAINTIFF TO OTHER STATIONS THAN THAT OF HIS WIFE.**

20 JUN 2021

(Examiner)
District Court Peshawar

IN THE COURT OF HINA GHAFOOR CIVIL JUDGE V,
PESHAWAR



Case No. 115/1 Syed Sheraz Ali Vs KPK Government Instituted on: 05.06.2021

O-----07
29.06.2021

Plaintiff along with counsel appeared before the court and moved an application for withdrawal of the instant case on the ground that at the time of filing the instant suit, Service Tribunal was not functional. However, Service Tribunal is functional now and the matter is related to that forum therefore, plaintiff wants to withdraw the instant suit.

Case file requisitioned which is fixed for 06.07.2021.

Application placed on file.

Plaintiff stated that he wants to withdraw instant suit in order to file it before the competent forum. In this respect, his statement recorded, placed on file.

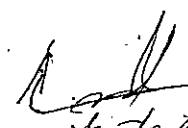
In the light of statement of plaintiff, the instant suit is dismissed as withdrawn.

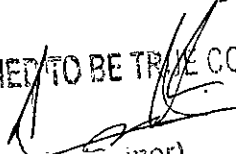
No order as to cost.

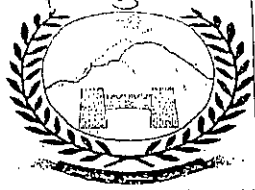
File be consigned to record room after necessary completion and compilation.

Announced:
29-06-2021


(HINA GHAFOOR)
Civil Judge V, Peshawar

No.....	27770
Dated of.....	29-6-21
Name of.....	Razwan
Word.....	
Fee.....	
Sign.....	
Dated of receipt.....	29-6-21
Dated of Delivery.....	29-6-21

CERTIFIED TO BE TRUE COPY

(Name)
Copying Agency District Court
Peshawar
29-6-21



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

(REGULATION WING)

No. SOR-VI/E&AD/1-4/2010/Vol-VIII
Dated Peshawar, the 07th August, 2012

34

To

3. The Additional Chief Secretary, Planning & Development Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. All the Divisional Commissioners in Khyber Pakhtunkhwa.
6. All Heads of the Attached Departments in Khyber Pakhtunkhwa.
7. All the District Coordination Officers in Khyber Pakhtunkhwa and Political Agents in FATA.

Subject: POSTING OF SERVING HUSBAND/WIFE AT THE SAME STATION OF THE PROVINCIAL GOVERNMENT.

Dear Sir,

I am directed to refer to the subject noted above and to state that keeping in view the Socio economic Problems and hardships faced by husbands and wives in Government Service due to posting at different station of duty, the competent authority has been pleased to prescribe the following guideline to facilitate posting of husband and wife at the same station:-

- i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- ii) If request involves temporary deputation to another department, it may be processed in consultation with the concerned department and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.

AC (R)

Commissioner Peshawar

No. 9102 Dated 15/8/12

iii) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an

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[Signature]

organization, the Government servant with greater length of service may be preferred.

iv) Request for posting by a spouse facing serious medical problems may be accorded highest priority.

v) Spouses already posted at one station, including those posted on deputation may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period, beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. Kindly acknowledge receipt.

Yours faithfully,

Majam
7/8/12
(NAJ-MUS-SAHAR)
SECTION OFFICER (REG:VI)

Endst No. & date even.

Copy forwarded to:

1. The Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Registrar, Peshawar High Court, Peshawar.
4. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. The Director General, Provincial Disaster Management Authority.
6. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.
7. Private Secretaries to all Provincial Ministers in Khyber Pakhtunkhwa.
8. PSO to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
9. Private Secretary to Secretary Establishment Department.
10. Private Secretary to Secretary Administration Department.
11. The Incharge Resource Centre, Estt.&Admn. Department.

Majam
7/8/12
SECTION OFFICER (REG: VI)

ATTESTED

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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 222 /2018

Jamal Ahmad, (PMS BS-17),
Section officer, Home & TA'S Department.
KPK, Peshawar.



Khyber Pakhtunkhwa
Service Tribunal

Case No. 230

Date: 16-2-2018

(APPELLANT)

VERSUS

1. The Provincial Govt: though Chief Secretary KPK, Peshawar.
2. The Chief Secretary KPK, Civil Secretariat, Peshawar.
3. The Secretary to Govt: Establishment Deptt., KPK, Peshawar.
4. Ms. Humaira Mehmood (PMS BS-17), Section officer Finance Deptt.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 26.01.2018 WHEREBY THE APPELLANT WAS TRANSFERRED PREMATURELY AND UTTER VIOLATION OF POSTING TRANSFER POLICY, AND AGAINST REJECTION ORDER DATED 13.2.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 26.1.2018 and 13.02.2018, MAY BE SET ASIDE TO THE EXTENT OF THE APPELLANT BEING, PASSED PREMATURELY AND VIOLATION OF POSTING/TRANSFER & SPOUSE POLICY. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER & SPOUSE POLICY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Attest

16/2/18

Khyber Pakhtunkhwa
Service Tribunal

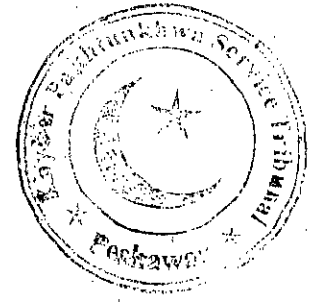
37

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 222/2018

Date of Institution ... 16.02.2018

Date of Decision ... 03.04.2018



Jamal Ahmad. (PMS BS-17).
Section officer, Home & TA'S Department,
Khyber Pakhtunkhwa, Peshawar. ... (Appellant)

VERSUS

The Provincial Govt: though Chief Secretary Khyber Pakhtunkhwa,
Peshawar and 3 others. ... (Respondents)

SYED NOMAN ALI BUKHARI. --- For appellant.
Advocate.

MR. MUHAMAMD RIAZ PAINDAKHEL. --- For respondents.
Assistant Advocate General

MR. AHMAD HASSAN; --- MEMBER(Executive)
MR. MUHAMMAD HAMID MUGHAL --- MEMBER(Judicial)

JUDGMENT

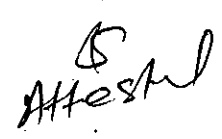
AHMAD HASSAN, MEMBER. Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was promoted as Section Officer (PMS BPS-17) vide order dated 27.05.2016 and subsequently posted as Section Officer in Home & TA's Department on 07.06.2016. Vide impugned order dated 26.01.2018 he was transferred/posted as Addl. Assistant Commissioner (Rev), Mansehra. He preferred departmental appeal on 01.02.2018, which was rejected on 13.02.2018, hence, the instant service appeal.

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EXAMINER
Khyber Pakhtunkhwa


Attest

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ARGUMENTS

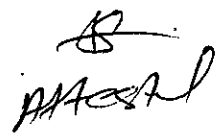
Learned counsel for the appellant argued he was promoted as Section Officer (PMS BPS-17) vide notification dated 27.05.2016 and subsequently posted as Section Officer in Home & TA's Department on 07.06.2016. He was prematurely transferred as AAC (Rev) Mansehra. The appellant has not completed normal tenure as S.O Home Department. Wife of the appellant is also serving as Associate Professor (BPS-19) in Higher Education Department at Charsadda. They have two daughters and no other male member is available to look after the family. The case of the appellant is also covered under the transfer of Husband/Wife instructions notified by the Provincial Government on 07.08.2012. Action taken by the respondents also goes against their own instructions circulated on 27.02.2013. No speaking order was passed on the departmental appeal of the appellant. hence, Section-24-A of the General Clauses Act was also violated.

4. On the other hand learned Assistant Advocate General argued that all codal formalities were fulfilled before notifying the transfer of the appellant. Under Section-10 of the Civil Servant Act 1973 every civil servant is required to serve anywhere in the province.

CONCLUSION

5. It is pertinent to mention here that clause-I of the Posting/Transfer Policy elucidates that all the postings/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government Servants. Clause-IV of the said policy has laid down specified tenure against various posts. Neither this transfer was

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made in public interest nor guidelines for normal tenure were observed. The respondents violated their own instructions circulated vide letter dated 27.02.2013. We are of the view that appellant's case is further fortified by the instructions regarding posting of serving husband/wife circulated by the respondents on 07.08.2012. As his wife is serving as Associate Professor in Higher Education at Charsadda, hence, his case squarely falls in the ambit of aforementioned instructions. They have two grown up daughters and no other male member is available at Peshawar to look after the family. It is otherwise a strong ground for considering his case even ^{on} humanitarian grounds. On this score alone the appellant should not have been transferred to Manshara. Respondents failed to pass speaking order on the departmental appeal, as such it is hit by Section-24(A) of General Clauses Act, 1897. As a sequel to above, the impugned transfer order is illegal, unlawful and not sustainable in the eyes of law.

6. As a sequel to above, the appeal is accepted. The impugned transfer order is set aside. Parties are left to bear their own costs. File be consigned to the record room.

Self - M. Hamid Naig
Self - M. Hamid Naig

certified to be true copy

Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Date of Presentation of Application 17-4-18
 Number of Words 1600
 Copying Fee 10.00
 Urgent 2.00
 Total 12.00
 Name of Copyist [Signature]
 Date of Completion of Copy 17-4-18
 Date of Delivery of Copy 17-4-18

[Signature]
 Attestd

NO.SOR-II (E&AD) 1-1/85(VOL-II)
Dated Peshawar the 15th February 2003.



40

Subject: POSTING /TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

I am directed to refer to the subject noted above and to say that in supersession of all policy instructions issued in this behalf, the competent authority has approved the following posting Transfer Policy.

i. All the postings /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, cannot 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 hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.

v. Months of March and July are fixed for posting /transfer of the officers /officials excluding the officers in B-19 and above in the Province. Posting /transfer in Education and Health Departments shall be made in March while the remaining Departments shall make posting /transfers in July. There shall be a ban on posting/transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where posting /transfer of Government employees become inevitable in other months due to promotion /retirement /creation of new posts/return from long leave/involvement in

ATTACHED



(4) (20)

disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.

vi. While making postings transfers from settled areas to FATA and vice versa specific approval of the Governor, NWFP needs to be obtained.

vii. Officers may be posted on executive /administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and 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 /resident is situated.

viii. No postings /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 and this will be subject to the public interest.

x. All the posting /transferring authorities may facilitate the postings /transfers of the unmarried female Government Servants at the station of the residence of their parents.

xi. Officers /officials except DCOs and 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 their till the retirement.

xii. In terms of Rules-17 (1) and (2) read Schedule-III of the Government of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against.

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~~SP~~

Outside the Secretariat

i. 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 the Establishment Department and the Department concerned with the approval of the Chief Minister.

ii. Other officers in BPS-17 and above to be posted against schedule posts, or posts normally held by the APUG, PCS (EG) and PCS (SG).

--do--

iii. Head of Attached Departments and other Officers in B-19 & above in all Departments.

--do--

In the Secretariat:

iv. Secretaries.

Chief Secretary with the approval of Chief Minister.

v. Other Officers of and above the rank of Section Officers:-

- a. Within the Same Department.
- b. Within the Secretariat from one Department to another.

Secretary of the Department concerned.
Chief Secretary / Secretary Establishment.

vi. Officials upto the rank of Superintendent:-

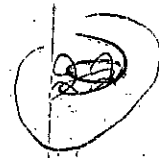
- a. Within the same Department.
- b. To and from an Attached Department.

Secretary of the Department concerned.
Secretary of the Department in consultation

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43



Within the Secretariat from one
Department to another.

with Head of Attached Department
concerned. Secretary (Establishment)

of
attached

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xiii. While considering postings /transfers proposals all the concerned authorities shall keep in mind the following:

a. To ensure the posting of proper persons on proper posts, the 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.

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

i) pre-mature posting/transfer or posting/transfer in violation of the provisions of this policy.

ii) Serious and grave personal (humanitarian) grounds.

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 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 Officer in BPS-17 and above posted in the District.	Provincial Government .

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4.	Official in BPS-16 and below.	Executive District Officer in consultation with District Coordination Officer.
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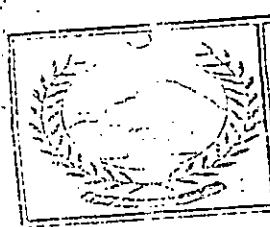
As per Rule 25(2) of the Rules above the District Coordination Department shall consult the Government if it is proposed to :

- a. transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure; and
- b. require an officer to hold charge of more than one post for a period exceeding two months.

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

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

NO. SOR.VI (E&AD) 1-4/2005/Vol-II

Dated Peshawar, 27th February, 2013

Vertical stamp: Government of Khyber Pakhtunkhwa, Peshawar, dated 27/02/2013

To
Handwritten signature

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (PATA) 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.

Handwritten notes:
Asst
As
4/3

(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.

(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.

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may amw

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Legal 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,

NAJAM
(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.

NAJAM
SECTION OFFICER (REG-VI)

AR
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[Signature]
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(1) N (48)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5757

Dated 26/5/2021

5338
APPEAL No. _____/2021



Shahida Begum,
Librarian (Bps-17),
Government Girls Higher Secondary School, Chamkani, Peshawar.

..... Appellant

Versus

1. **The Government of Khyber Pakhtunkhwa,**
Through Chief Secretary Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.
2. **The Elementary and Secondary Education,**
Through Secretary Elementary and Secondary Education, Government of
Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
3. **Principal,**
GGHSS, Chamkani
4. **Principal,**
GCET, Jamrud, Khyber District.
5. **Mst. Rubab Tabassum**
Librarian (BPS-17).
GCET, Jamrud, Khyber District.

..... Respondents

Filed today

Registrar

26/5/2021

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 AGAINST THE TRANSFER ORDERS OF THE APPELLANT WHEREBY SHE HAS
BEEN TRANSFERRED/POSTED ILLEGALLY AND WITHOUT LAWFUL AUTHORITY AND**


ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Form-A
FORM OF ORDERSHEET

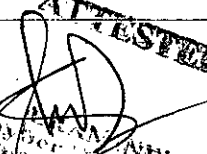
(22) 49

Court of _____
Case No. 5338 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	28/05/2021	<p style="text-align: center;">As per direction of the Worthy Chairman this case may be entered in the Institution Register and put to the S.Bench for preliminary hearing on <u>3-06-2021</u></p> <div style="text-align: right;">  REGISTRAR </div>
1	03.06.2021	<p style="text-align: center;">Appellant with counsel present. Preliminary arguments heard.</p> <p>Alongwith the appeal, the appellant has annexed two copies of posting/transfer policies. One is at page 12 (Annexure-B) which is the Transfer Policy of Teaching Cadre in E&SE Department Khyber Pakhtunkhwa and the other is available at Page 19 (Annexure-E) which is a copy of the Posting and Transfer of the Government from Estab Code. According to Para xiv of the latter policy, right of appeal has been given to the government servants and accordingly, if one is aggrieved due to the orders of posting/transfer of authorities, he may seek remedy from</p>



Appellant Deposited Security & Process Fee
16/6/21

ATTESTED

Khyber Pakhtunkhwa
Peshawar

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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. It is further provided in the said Para that such appeal shall be disposed of within fifteen days. As far as the office objection based on general waiting of 90 days is concerned, it is not workable in presence of a special condition of 15 days under the policy is in field for disposal of appeal. Therefore, office objection is overruled. Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 24.06.2021 before the D.B.

stipulated time
passed reply
not submitted & filed

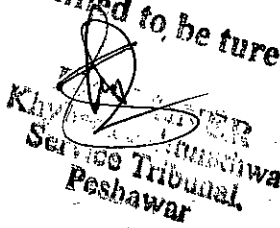
29-6-21

In the prayer part of the appeal, the appellant has also requested for interim relief. Notice of the same be also given to the respondents.

Date of Presentation of Application 29-6-21
Number of Words 1200
Copying Fee 14.00
Urgent 4.00
Total 18.00
Name of Copyiest _____
Date of Completion of Copy 29-6-21
Date of Delivery of Copy 29-6-21

Certified to be true copy


Chairman



VAKALATNAMA

NO. _____ /20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

-----Syed Sheraz Ali Shah-----

Appellant
Petitioner
Plaintiff

VERSUS

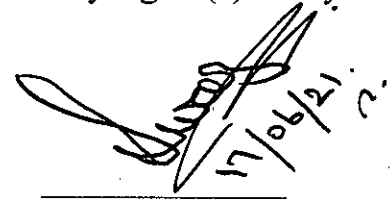
Zakat & Ushr Deptt etc

Respondent (s)
Defendants (s)

I/WE Syed Sheraz Ali Shah

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

Syed
SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT,

S. Khanz
SHAHKAR KHAN YOUSAFZAI
ADVOCATE PESHAWAR.

CELL NO: 0306-5109438

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.6683/2021

Syed Shiraz Ali Shah

V/S

Zakat & Ushr Department etc.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL No. 6683/2021



Syed Sheraz Ali Shah Appellant

VS

Secretary to Government Zakat, Ushr, Social Welfare, Special Education and Women Empowerment department and others.

PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 01, 02 & 03

Respectfully Sheweth

Preliminary Objections

1. That the appellant has no cause of action and locus standi to file the instant appeal.
2. That the instant matter has been considered by the competent authority on merit.
3. That the appellant has not come to the court with clean hands.
4. That the present appeal is not maintainable being against the prescribed law.
5. That the appellant has concealed the real facts from the Hon'ble court.
6. That the appeal is barred by law and badly time barred.

REPLY ON FACTS

- Para No.1 That Para No. 1 pertains to record.
- Para No.2 That Para No. 2 pertains to record, however, few of the entries in the form of adverse remarks from the personal file of the appellant are attached (**Annex-A**).
- Para No.3 In reply, it is submitted that the said order was an internal arrangement within the department i.e. Provincial Zakat Administration (HQ) Peshawar, hence it may not be treated as transferred.
- Para No.4 The transfer of the appellant has been made in accordance with the uniform Government policy of two years tenure by the competent authority across the province (**Annex-B**).
- Para No.5 As the transfer cancellation could not be entertained being against the cabinet decision / Government policy, hence the departmental appeal was filed.
- Para No. 6 The appellant applied for leave on 26.04.2021 whereas he was relieved from Provincial Zakat Administration (HQ) Peshawar on 19.05.2021 for joining his new assignment in District Zakat Committee Battagram (**copy of arrival report at Annex-C**).
- Para No.7 Subject to proof.
- Para No.8 Pertains to record. However, civil court has no jurisdiction to adjudicate upon the matter.
- Para No.9 That the appellant has no cause of action and locus standi to file the subject appeal.

Reply on Grounds:-

- A. Incorrect. The orders were made in accordance with rules / law.
- B. Incorrect. As stated in paras ibid.

- C. In reply, it is submitted that the appellant was transferred in accordance with the Government policy of two year tenure (**Annex-B**).
- D. Incorrect. The appellant is entitled to receive his salary from District Battagram (**Annex-C**).
- E. Incorrect, against the facts hence denied.
- F. Incorrect, therefore vehemently denied. The transfer has been made in accordance with the section 10 of Civil Servants Act 1973.
- G. Transfer is part and parcel of the service. One must be prepared to serve in any part of the province in the larger public interest.
- H. Incorrect, hence denied.
- I. Incorrect, hence denied. Already explained above.
- J. Incorrect, against the law and facts, hence denied. Detail reply already given in paras ibid.
- K. Subject to proof. Detail reply already given in above paras.
- L. The appellant has completed two years of tenure / service at Provincial Zakat Administration (HQ) on 26.12.2020 (**Annex-D**). Hence he was transferred under two years policy.
- M. In reply, it is submitted that the transfer was carried out according to the cabinet decision regarding two years policy. More than 71 officers / officials were transferred in the light of this policy. Hence, no discrimination was done with the appellant.
- N. Subject to proof. Detail reply already given above.
- O. The respondents seek permission to advance further grounds during the arguments.

PRAYERS:-

It is therefore most humbly prayed that on acceptance of this para wise comments, the appeal of the appellant may kindly be dismissed with cost.

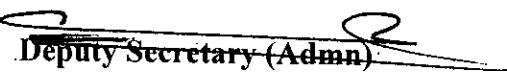
Respondent No. 1



Secretary


**Zakat, Ushr, Social Welfare, Special Education
And Women Empowerment Department**

Respondent No. 2



Deputy Secretary (Admin)
Zakat & Ushr Department

Respondent No.3



Section Officer (Ushr)
Zakat & Ushr Department

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.6683/2021.

Syed Sheraz Ali Shah

V/S

Zakat & Ushr Department etc

AFFIDAVIT

I, Haider Zaman, Section Officer (Estt) Zakat & Ushr Department, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of parawise comments on behalf of Respondent No 01, 02 & 03 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

identified by

M. Hanif
Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar

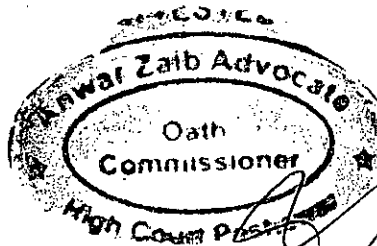
19/07/2021

[Signature]
DEPONENT

CNIC No. 17301-1316862-5

Office No. 091-9212737

Cell No. 0333-9102689.



[Signature]
19-07-2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL No. 6683/2021

Syed Sheraz Ali Shah

V/S

Zakat & Ushr Department etc.

Reply on behalf of Respondent No. 01, 02 & 03.

Respectfully Sheweth.

1. Pertains to record.
2. Incorrect, appellant has no prima facie case and there is no likelihood of its success.
3. That the grounds of reply and annexed record may be considered part & parcel of this reply.
4. Incorrect, the impugned order has been passed in accordance with law, rule & policy.
5. Incorrect, the appellant has completed the normal tenure of service as per posting / transfer policy.
6. Incorrect, the impugned order is in accordance with law & rules. The appellant have already submit joining report.

It is therefore, prayed that the subject application may please be dismissed with cost.


Respondent No. 1



Secretary

**Zakat, Ushr, Social Welfare, Special Education
And Women Empowerment Department**

Respondent No. 2



**Deputy Secretary (Admin)
Zakat & Ushr Department**

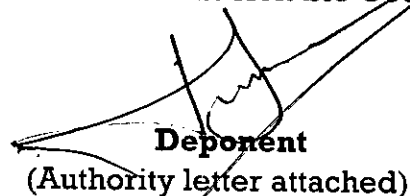
Respondent No.3



**Section Officer (Ushr)
Zakat & Ushr Department**

AFFIDAVIT:

I Haider Zaman, Section Officer (Estt) Zakat & Ushr Department do hereby solemnly affirm and declare, that the contents of the **application** are true and correct to the best of my knowledge and information and nothing has been concealed from this Hon'ble Court.



**Deponent
(Authority letter attached)**

GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION AND
WOMEN EMPOWERMENT DEPARTMENT

AUTHORITY LETTER

Certified that Mr. Haider Zaman, Section Officer (Estt), Zakat & Ushr Department is hereby authorized to attend the Hon'ble Service Tribunal Peshawar on 28.07.2021 on behalf of the Department in the appeal No. 6683/2021 filed by Syed Sheraz Ali Shah Bukhari Vs Govt. of Khyber Pakhtunkhwa through Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department & others.



(Zulfiqar Ali Shah)

Secretary

Zakat, Ushr, Social Welfare, Special Education
And Women Empowerment Department

"Junior clerk bigger than his shoes" 5 Annex A
ES

I am getting constant complaints of indiscipline, intimidations, blackmail, misusing rather abusing the name of Minister Zakat & Ushv for right or wrong reasons against Mr. Sheraz Jc of Zakat wing. He was chage sheeted in the post but excused with warning to be careful for the future. It seems he is not a Junior clerk of the Dept.

This indiscipline and irresponsible behaviour, unbecoming of a govt servant, cannot be tolerated any more. He may be issued a formal ^{and final} warning to mend his ways, perform his duties as a clerk, not to approach the offices of the Ministers for blackmailing other govt servants. I will keep a watch on him for a week and if no change was notice than transfer him to a remote District. He should be brought back to a Section in Zakat wing immediately.

DS(2)

Secretary
8/6/2011

3/5/2011
This may be placed in
Personal file for
in his personal
file for
3/5/2011

SK 67A

GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE
AND WOMEN DEVELOPMENT DEPARTMENT

No. 38-6/PF/SO-I (Z) / 42027

Dated: 09/06/2011

To

Syed Sheraz Ali Shah,
Junior Clerek
PZA (HQ) Peshawar.

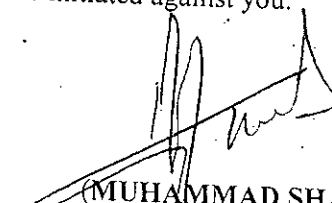
Subject: -

FORMAL / FINAL WARNING

I am directed to refer to the subject noted above and to state that a series of complaints of indiscipline, intimidation and blackmailing are being received from different quarters against you. Also it has been noticed that you are misusing, rather abusing the name of Minister for Zakat & Ushr as a coercive tactic to get your work done.

2. It is to inform you that this indiscipline and irresponsible behavior is totally unbecoming of a Government Servant and amounts to misconduct under the conduct rules. It is further stated that in the past too, you were charge sheeted for your alleged acts of misconduct but were excused with warnings to mend your ways and be careful in future.

3. In view of the foregoing, I am directed to serve you with this final notice warning you to mend your ways, perform your duties dutifully as a clerk and abstain from approaching the office of the Minister for blackmailing other Government Servants, failing which strict disciplinary action shall be initiated against you.


(MUHAMMAD SHAHID)
Section Officer-I (Z)

D/ General Doc: Folder/-



OFFICE OF THE SPECIAL ASSISTANT TO
CHIEF MINISTER FOR LAW, PARLIAMENTARY
AFFAIRS AND HUMAN RIGHTS, KHYBER
PAKHTUNKHWA

No.PS/Spl.Asstt. to CM for Law/2014/205
Dated Pesh: the March 09, 2015

897 A

SUBJECT: COMPLAINT

Secy: Zakat, Ushr & Social Welfare Deptt
Diary No. 390
Dated 10/13/2015

Hope you would be fine.

It is brought to your kind notice that Mr. Shiraz Ali Shah, P.A. to Chairman District Zakat Committee is interfering in the formation of Local Zakat Committees (LZC) of my constituency PK-04. He is constituting the committees on his personal like and dislike and also involved in delaying practices. Furthermore, no action on applications for Jahaiz funds pertains to my constituency have been taken so far.

I shall be grateful, if you could kindly direct the concerned quarters to transfer him from the present post immediately and take necessary action against him as per rules under intimation to this office.

Arif Yousaf

(Arif Yousaf Advocate)

Syed Hidayat Jan,
Secretary,
Zakat, Ushr & Social Welfare Deptt,
Peshawar.

for appropriate but in white acta
AS (2)
12/11/15 *11/3/15* *So. E. 90%* *12/3/15*

Address: Law Department Building, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
Ph: Office): 091-9216353 Fax: 091-9211130

Handwritten signature/initials

(HAFIZ SAEED AHMAD)
SECTION OFFICER (E&A)

25/3 A

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT**

OFFICE ORDER

Dated 20.03.2015

NO: SO-I(Z)/PF/38-6/ 1842-44 The competent authority has been pleased to constitute a committee comprising the following to conduct fact finding inquiry into the allegations leveled by Mr. Arif Yousaf, ^{P-84} Special Assistant to Chief Minister for Law & Parliamentary Affairs against Syed Sheraz Ali Shah, Junior Clerk, District Zakat Committee Peshawar:-

- 1). Mr. Nadir Khan, Section Officer (ZCC) PZA (HQ)
- 2). Mr. Haider Zaman, District Zakat Officer, Peshawar

(HAFIZ SAEED AHMAD)
SECTION OFFICER (E&A)

Endst of Even No & Date:-

Copy forwarded to the:-

- 1) Mr. Nadir Khan, Section Officer (ZCC) PZA (HQ) Peshawar.

They are requested to submit inquiry report within ten (10) days on above mentioned complaint (Copy enclosed).

- 2). Mr. Haider Zaman, District Zakat Officer, Peshawar.

- 3). PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa


(HAFIZ SAEED AHMAD)
SECTION OFFICER (E&A)

خدمت جناب عارف یوسف معاون خصوصی وزیر اعلیٰ بہرہ
 9 A
 (406)

نہیں کرواؤ
 Secy
 Forwarded for
 necessary action

ARIF YOUSAF (ADVOCATE)
 Special Assistant to Chief Minister for
 Law, P. Affairs & Human Rights

عنوان :- درخواست برائے کیلیٹھ

جناب عالی

خودمانہ گزارش کی جاتی ہے ڈسٹرکٹ زکوٰۃ

1113
 Date 24-6-16

آفس لیسٹا در حین شیہ از علی شاہ جو پسر ملک ہے ایسے ہی
 کریٹھ ہے، زکوٰۃ کے پلسوں میں سے غریب گلوں سے پلس
 لیتے ہیں لیکن پلسوں کے کسی قاقام نہیں کرتا جس کی وجہ سے
 سارے زکوٰۃ ڈیپارٹمنٹ پر نام پورا ہے۔ زکوٰۃ کمیٹیوں کے ہیں مینوں
 کو اتنا تنگ کرتے ہیں جس سے اکثر جیس میں استغفار دینے پر مجبور
 ہو جاتے ہیں

لہذا آپ صاحبان سے عاجزانہ الحاح ہے کہ شیہ از علی
 شاہ کے خلاف انکوائری کی جائے۔ اور اس کے خلاف سخت سے سخت
 کارروائی کی جائے۔

صاحبان درج ذیل
 0332-9365027
 0301-8966757
 15/6/2016
 0321-9088689

عین گزارش ہوگی
 PE Punjab

الزام (A.S Z)
 23-06-16
 DS (Arden)
 24/6/20
 اہلیان علاقہ ملی نے فوراً 19

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT**

Dated 12.07.2016

Notification

NO: SO-I/(Z)/PF/38-6/2251-54 The competent authority has been pleased to appoint Deputy Secretary (Audit) Zakat and Ushr Department to conduct fact finding inquiry into allegations against Syed Shiraz Ali Shah Junior Clerk District Zakat Committee Peshawar by inhabitants of PK-4 and Mr. Arif Yousaf Special Assistant to Chief Minister for Law, Parliamentary Affairs & Human Rights Khyber Pakhtunkhwa, within fortnight positively.

Terms of Reference:-


1. To conduct fact findings inquiry in to the allegations of getting money from poor peoples.
2. To evaluate performance of aforementioned Junior Clerk.
3. To make recommendations in the subject case.
4. To submit his report.

Sd/-
Secretary
Zakat, Ushr, Social Welfare, Special
Education and Women Empowerment Department
Khyber Pakhtunkhwa

Ends: of even No and dated.

Copy forwarded to the:-

1. PS to Minister for Zakat & Ushr Department Khyber Pakhtunkhwa.
2. PS to Secretary, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.
3. District Zakat Officer, Peshawar with the direction to assist the inquiry officer during the course of inquiry.


(HAFIZ SAEED AHMAD)
Section Officer (E&A)

115

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115

Office of the Nazim
Civil Quarters N/C-89
Nothia Qadeem UC-31
PK-4, Peshawar.
KHYBER PAKHTUNKHWA



Ref No 509/CQ/NC-89

Date 14-06-2017

جناب سیکرٹری زکوٰۃ و عشر خمیر نختو خوا

جناب عالی!

جب سیم 2013 کے الیکشن کے بعد حکومت

میں آئے تو جناب MPA عارف بوسف کے پاس جو کہ MPA منتخب ہونے والے زکوٰۃ
آفس سے ایک شخص آیا جس نے اپنا نام شہراز بتایا اور کیا کہ میں ڈسٹرکٹ
زکوٰۃ چیئر مین کا PA ہوں اور آپ کے حلقہ PK-4 میں جتنی کمپنیز ہیں
تیار کرو گا مجھے ان کے ممبران کے نام بھیجے جب سیم نے تمام کمپنیز کے ممبران کے لیڈر
دئے اور جب وہ کمپنیاں تیار ہوئیں تو جس میں مجھ کو کمپنیز کے ممبران کو شہراز
نے تنگ کرنا شروع کر دیا کہ جب آپکا زکوٰۃ کا پیدل چیک آئے تو مجھے 5000 روپے
کمیشن دئے جیسا کہ وہ میں خود یوں چونکہ میرے پاس زکوٰۃ کمیشن
خود دھو جو دئے اس وقت ہمیں پیدل چیک دینا ہوا تھا تو میری سہارا سے
فون ممبرات ہوئی کہ آپ کمیشن کیوں مانگ رہے ہیں تو کیا کہ اسراپ کا
چیک آئے تو آپ سے نہیں لے گئیں۔ اور جو لوگ منظور نظر تھے ان کے گھر چیک
دئے۔ جن لوگوں نے کمیشن نہیں دیا انہوں نے کمپنیوں سے استفادہ کیا اور انہوں

NAZISH ALI AWAN
NAZIM
Neighborhood Council No.89
Civil Quarters, Peshawar

Address: Civil Quarters Kohat Road Near Bacha Khan Girls Collage,
Dost Muhammad Khan Arcade Peshawar. Ph: 091-2564109
(2323569)

خدمتِ خدا - ان لوگوں سے آئیں صواب رہے اور ان کو آزاد

۱۱۷

ضبط ملک

مذاہب ہیں۔ ان کی پہلے ہی سالہ مدرسے میں علاقہ مذہبی رہنے کا کامیوں
 سے سب سے چیرمین ہیں ہیں تھے۔ وہ مزید لوگوں کا نکاح ہے جسے برسر اقتدار
 لوگ کہتے تھے۔ اب جبکہ PFI کا حکم دیا گیا۔ تو لوگوں کا PFI کا
 منتہی لوگوں سے توقعات وابستہ تھے۔ اور ہمارے مختلف لوگوں نے نئے مدرسے سے
 کھیلنا بنائے۔ اور ہم سے لکھنؤ، بے نام مانگے۔ اور پھر مدرسہ کھولنے کی کوشش
 کا بے نام دئے۔ اس میں طرف دوم (۲) کوششوں کا چیرمینوں کا نام منتہی لکھا گیا ہے
 باقی اس میں خود بخود بنائے۔ اس کے لئے یہی راہیں روٹیں رکھا گیا کہ
 چیک، صاف جہد صبروں میں تقسیم ہو جائے گا۔ تو لوگوں کا نکاح کوششوں کا
 چیرمینوں کو اس میں بنایا۔ کہ اس میں MPA اور PFI والوں کا کیا کام
 ہے اب خود بخود چیک تقسیم اس میں۔ اس لئے کہ میرا امتداد ہے۔

اور لکھنؤ کوششوں کا چیرمینوں کو چیرمین بنائے گا۔ فارم میں دئے تھے
 باقی اس میں خود بخود سمجھتے ہیں۔ کہ لکھنؤ کوششوں میں چیک دینے میں دستوں
 بنائے تھے اور لکھنؤ کوششوں کا چیک تقسیم اتنا میں خود بخود سونا تھے
 (نوٹ اس کوشش کا چیرمین ہرما ہے) میرا تڑپ ہے۔ کہ شہزاد
 کلیرک کو جلد از جلد یہاں سے کراچی لے لیا جائے اور اس سے برحالت کیا جائے

ڈاکٹر محمد الحسن PK4

14/5/2017



113 A
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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT**

Dated Peshawar, the 21.08.2017

NOTIFICATION

No. SO-(Estt)Z/PF/38-6/ 2252-54 Mr. Jehan Zeb Khan, Deputy Secretary / Deputy Administrator (Admn) Zakat & Ushr Department is hereby appointed to conduct a de novo inquiry into the allegations levelled against Mr. Syed Shiraz Ali Shah, Junior Clerk District Zakat Committee Peshawar (under transfer to District Zakat Committee Chitral) and furnish its findings within a fortnight.

TERMS OF REFERENCE

1. To inquire into the contents of allegations levelled by Mr. Arif Yousaf MPA and other residents of PK-04 and ascertain their genuineness.
2. To evaluate the conduct of the accused officials vis-a-vis allegations levelled against him.
3. To make recommendations as per findings of the inquiry.

Sd/-
Secretary to
Government of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare & Women Empowerment
Department Khyber Pakhtunkhwa

Endst of Even No & Date:-

Copy forwarded to the:-

1. PS to Secretary / Chief Administrator Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.
2. District Zakat Officer Peshawar.

Assistant Administrator (Estt)
(Zakat) 21/8/17

Posting and Transfer

Statutory Provision.

Section 10 of the Khyber Pakhtunkhwa Civil Servants Act,1973.

Posting and Transfer. 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:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

Posting/transfer policy of the Provincial Government.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) 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, 01½ years for unattractive areas and one year for hard areas.
- v) ²²⁵ []
- vi) ²²⁶ While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, Khyber Pakhtunkhwa 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, Khyber Pakhtunkhwa 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.

²²⁵ Para-I(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No:SOR-VI (E&AD) 1-4/2008/Vol-VI. dated 3-6-2008. Consequently authorities competent under the Khyber Pakhtunkhwa 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

²²⁶ Para-vi added vide circular letter No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 20th March, 2010



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMN: DEPARTMENT
(CABINET WING)

No. SOC(E&AD)9-41/2020

Dated Peshawar the 24th August, 2020.

15 Annex-B
Secy: ZU, STA, SO, AWD Dept
Date: 26.08.20

To,

All Administrative Secretaries,
Government of Khyber Pakhtunkhwa

SUBJECT: MINUTES OF 41ST MEETING OF THE PROVINCIAL CABINET HELD ON
AUGUST 18TH, 2020.

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith the following decision of 41st meeting of Provincial Cabinet held on 18.08.2020 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

MISCELLANEOUS

All Cabinet members as well as Administrative Secretaries were directed to carry out an exercise for preparation of lists of officers / officials working against their posts/positions for more than two years. The exercise shall be completed within 15 days and lists shall be submitted for perusal of the Chief Minister, Khyber Pakhtunkhwa for appropriate action as per posting / transfer policy of the Provincial Government.

Implementing Department: All Administrative Secretaries

2. I am to request that an implementation report of the Cabinet decision as required under Rule 25 (2) of the Khyber Pakhtunkhwa Government Rules of Business, 1985 may kindly be furnished on top priority basis to the Cabinet Section, Administration Department.

Yours faithfully

(TAJ MUHAMMAD)
SECTION OFFICER (CABINET)

ENDST.NO. & DATE EVEN.

Copy to:-

1. P.S to Secretary Administration Department.
2. PA to Additional Secretary (Cabinet) Administration Department.
3. PA to Deputy Secretary (Cabinet) Administration Department.

SECTION OFFICER (CABINET)


PS /
A. 8 / 2 20 / 2
me Jeta Immediately for 29-8.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

Subject: - ARRIVAL REPORT FOR DUTY

In compliance with the Secretary to Government of Khyber Pakhtunkhwa Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department office order No. SO(Estt)Z/Staff/5579-83 dated 04.05.2021 I, Syed Shiraz Ali Shah Bukhari, Senior Clerk (BPS-14) submit my arrival report for duty in District Zakat Committee, Battagram today on 21.05.2021 (F.N).


(SYED SHIRAZ ALI SHAH BUKHARI)
Senior Clerk (BPS-14)

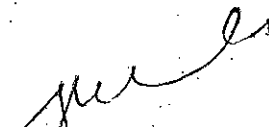
No. 48-52/DZC/Battagram

Dated: 21/05/2021.

Copy forwarded to the:-

1. Accountant General Office Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer, Battagram.
3. Chairman, District Zakat Committee, Battagram.
4. PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.
5. All the Section Officers, Zakat and Ushr Department.

EEA


(WISAL SHAH)
District Zakat Officer
Battagram

25/5


ASH

17
Annex 'C'
Part of 201

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT**

RELIEVING ORDER

Consequent upon his transfer from Provincial Zakat Administration (HQ) Peshawar to District Zakat Committee Battagram vide Govt: of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department office order No.SO (Estt)Zakat/Staff/5579-83 dated 04.05.2021, Syed Sheraz Ali Shah Senior Clerk (B-14) is hereby relieved of his duty today on 19.05.2021 (A.N). He is directed to report for duties to District Zakat Committee Battagram.


**Section Officer (Ushr)
Zakat & Ushr**

No: SO (Estt) Zakat/ 5857-64
Copy forwarded to the:-

Dated 19.05.2021

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer Battagram.
3. District Zakat Officer Battagram.
4. PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.
5. Cashier PZA (HQ) Peshawar.
6. Official concerned.
7. Personal file.


**Section Officer (Ushr)
Zakat & Ushr**



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

Dated 26.12.2018

OFFICE ORDER.

NO: SO-I (Z)/ 38-6/PF/ 101-108 Syed Shiraz Ali Shah, Junior Clerk District Zakat Committee Kohat is hereby transferred and posted against the vacant position of Junior Clerk (B-11) in Provincial Zakat Administration (Hqr) Peshawar in the interest of public service with immediate effect.

Sd/-
Secretary
Zakat, Ushr, Social Welfare,
Special Education & Women Empowerment
Department

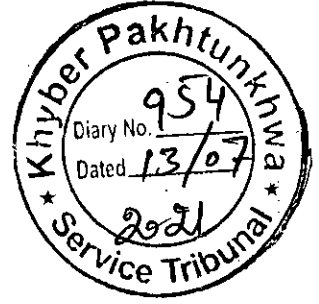
Encls: of Even No and date

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Accounts officer Kohat.
3. District Zakat Officer Kohat.
4. PS to Secretary Zakat, Ushr, Khyber Pakhtunkhwa, Peshawar.
5. Officer Concerned.
6. Accountant PZA.
7. Personal File.

(Arbab Himayat Ur Rehman)
Section Officer (Estt)
(Zakat)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.



Put up to the working chair with reluctant appeal

CM NO: _____/2021
Appeal no: 6683/2021

13/7/2021

Respondent Sheraz Ali Shah

V/S

PZA Deptt:

.....

**APPLICATION FOR RELEASING OF SALARY WHICH WAS STOPPED
ILLEGALLY BY THE ACCOUNT OFFICER AG ON 09.07.2021.**

.....

RESPECTFULLY SHEWETH:

1. That the appellant has filed the above mentioned appeal against the transfer order dated 04.05.2021.
2. That the appeal was heard by this Honorable KPK Service Tribunal and Hon'ble Service Tribunal is kind enough to Suspend the transfer order dated 04.05.2021 vide order dated 06.07.2021.
3. That the respondent with malafide intention stopped the salary of the appellant from 09.07.2021 and the appellant belong to a poor family and the financial position of the appellant is very hard and has effect the whole family.
4. That when the appellant query about salary the deptt told him bring order from registrar KP Service Tribunal Peshawar regard the suspension that on suspension of order the salary cannot stop.
5. That the respondent cannot stop salary of the appellant after suspension of the impugned order, so it is requested to release the salary of the appellant which will provide great financial assistance to the appellant and will ease him because the occasion of Eid-il-Azha was on head.

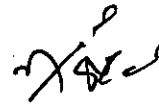
6. That it will be in the interest of justice to fix the case at an early date.

It is, therefore, most humbly prayed that on acceptance of this application, the order may issue to release the salary of the appellant which was illegally stopped and it is further requested may initiate contempt of court proceeding against the respondents. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.



Appellant
Sheraz Ali Shah

THROUGH:



(Syed Noman Ali Bukhari).
ADVOCATE, PESHAWAR.

AFFIDAVIT:

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



Deponent

Attested



13/7/02

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR



SERVICE APPEAL NO. 6683/2021

Khyber Pakhtunkhwa
Service Tribunal

Case No. 6715

Dated 30-6-2021

Syed Sheraz Ali Shah, Senior Clerk (BPS-14), now Personal assistant
Ushr Section, Provincial Zakat Administration (HQ), Peshawar.

(APPELLANT)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department, Khyber Pakhtunkhwa.
2. Deputy Secretary (Admn) Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department, Khyber Pakhtunkhwa.
3. The Section Officer (Ushr), Zakat & Ushr, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

Filed to-day
30/6/2021
Registrar

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974 READ WITH CLAUSE XIV OF POSTING TRANSFER POLICY, AGAINST THE IMPUGNED PREMATURE TRANSFER ORDER DATED 04.05.2021 AND AGAINST THE RELIEVING ORDER DATED 19.05.2021 ISSUED BY THE DEPARTMENT AND ALSO AGAINST NOT DECIDING THE APPEAL OF THE APPELLANT WITHIN 15 DAYS AS PROVIDED UNDER CLAUSE XIV OF THE POSTING TRANSFER POLICY.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL THE ORDER DATED 04.05.2021 and 19.05.2021 MAY BE SET ASIDE AND THE APPELLANT MAY BE ALLOWED TO

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

06.07.2021

Counsel for the appellant present.

Preliminary



arguments heard.

Through this appeal, the appellant has impugned order dated 04.05.2021 of his transfer from PZA (HQ) Peshawar to District Zakat Committee Battagram against the vacant post. Learned counsel for the appellant contends that the appellant has been subjected to frequent transfers in a short span of time without adhering to the tenure policy of the Government. In this regard, he referred to the orders issued previous to the impugned order. Subject to all just and legal objections including limitation, this appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 28.07.2021 before the D.B.

An application has been submitted alongwith the memorandum of appeal seeking ad interim relief for suspension of the impugned order to the extent of appellant. Notice of the application be given to the respondents for the same date as already fixed. The operation of impugned order to the extent of appellant shall remain suspended till next date.

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Chairman

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO .6683 /2021

Syed Sheraz AliAppellant.

V/S

Government of Khyber Pakhtunkhwa, through Secretary Zakat,
Usher, Social Welfare Peshawar & others.....Respondents.

(Reply on behalf of respondent No. 4)

Respectfully Sheweth:-

Para :- 1 to 10:-

Being an administrative matter, the issue relates to other Respondents. And they are in a better position to redress the grievances of the Appellant. Besides the Appellant has raised no grievances against Respondent No.04:

Keeping in view the above mentioned facts it is, humbly prayed that the name of the Respondent No.4 may be deleted from the list of Respondents.


**ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO .6683 /2021

Syed Sheraz AliAppellant.

V/S

Government of Khyber Pakhtunkhwa, through Secretary Zakat,
Usher, Social Welfare Peshawar & others:.....Respondents.

(Reply on behalf of respondent No. 4)

Respectfully Sheweth:-

Para :- 1 to 10:-

Being an administrative matter, the issue relates to other Respondents. And they are in a better position to redress the grievances of the Appellant. Besides the Appellant has raised no grievances against Respondent No.04.

Keeping in view the above mentioned facts it is, humbly prayed that the name of the Respondent No.4 may be deleted from the list of Respondents.


**ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA**

2003 P.T.C. (C.S.) 1322

[Lahore High Court]

Present: Justice (Ret.) Riaz Kayani, Chairman

MUHAMMAD ZIA-UL HAQ

- versus -

SECRETARY TO GOVERNMENT OF THE PUNJAB,
LIVESTOCK AND DAIRY DEVELOPMENT
DEPARTMENT, LAHORE and 4 others

Appeal No. 352 of 2003, decided on 15th April, 2003.

Civil service --

---Wedlock Policy---Transfer---Civil servant was adjusted against post of Assistant at place 'L' under Wedlock Policy as his wife was also working as a teacher at place 'L'---Civil servant was transferred at place 'K'---Government Policy was that spouse had to be allowed to work at the same station to avoid hardship---Wedlock Policy had been introduced and acted upon with a philosophy---If husband in Government Department was posted at one city and his wife posted in another Government Department was working in a different city, it was definitely going to cause mental distress to both of them with the consequences which were not only injurious to them, but to the public and Government exchequer---Authority while rejecting departmental appeal of civil servant, did not consider said circumstances and had failed to give any reason that transfer of civil servant to place 'K' was essential in the administrative interest of Government overriding the Wedlock Policy---Transfer of co-civil servant to place 'L' was not indicated as to how mutual exchange would promote interest of the State---Order transferring civil servant to place 'K' was set aside and he was allowed to work at place 'L' and case was remanded to be decided afresh after applying mind to representation made by civil servant after hearing civil servant and co-civil servant. [p 1324] A

Pervaiz Inayat Malik for Appellant.

Dr. Saeed Ahmad, Law Officer on behalf of Respondents Nos. 1 and 2.

Khadim Hussain Sindhu, District Attorney and F.D. Chaudhary for Respondent No. 4

Dr. Khalid Saleem, V.O. (H) for Respondent No. 3

Date of hearing: 14th April 2003

Muhammad Zia-ul-Haq, Assistant, working with District Livestock Officer, District Government, Lahore, has assailed the order dated 18-1-2003 passed by the Secretary, Government of the Punjab, Livestock and Dairy Development Department, Lahore, whereby the appellant was transferred to Kasur with immediate effect and his representation was also rejected by respondent No. 1 on 1-2-2003 declining to interfere with the impugned order dated 18-1-2003.

2. Appellant was serving as Assistant with respondent No. 3 and was adjusted against the said post on 1-7-2002 under the wedlock policy as his wife was working as a teacher in the Government Tahir Model Girls Middle School, Gulshan-e-Shalimar Scheme, Lahore, under the control of the Education Department. He was transferred to Kasur, on 18-1-2003 by respondent No. 1 allegedly on the pressure of an MPA who wanted to accommodate respondent No. 4, transferred in the place of the appellant. Appellant filed departmental representation before respondent No. 1, who declined it on 1-2-2003, hence the present appeal.

3. Learned counsel for the appellant contended that the transfer of the appellant to Kasur and that of respondent No. 4 to Lahore in the place of the appellant was at the behest of an MPA who wanted his man (respondent No. 4) to be posted at Lahore and the said exchange being as a result of inferior consideration could not be allowed to prosper. It was next submitted by the learned counsel for the appellant that he was posted at the present post on 1-7-2002 under the wedlock policy, which fact was not even adverted to, rather respondent No. 1 rejected his representation without giving any reasons on the ground that he was junior to many others, a consideration totally alien to the transfer policy. In this manner it was stated that the transfer policy was grossly violated. Learned District Attorney, after being assisted by the departmental representative present with office file replied that the appellant had put in more than six years of service at Lahore and his transfer to the present post on 1-7-2002 was a result of devolution policy transferring powers to the Local Government, however, the stark fact remained that the appellant continuously served at Lahore for more than six years and a time would come whereby others had to be accommodated and he was to be shifted from Lahore. Learned counsel for respondent No. 4 supported the impugned order and submitted that under section 9 of the Punjab Civil Servants Act, every civil servant was liable to serve anywhere in the province on any post established by the Government. Therefore, appellant could have no grievance, if he was transferred due to the exigency of service for administrative reasons.

4. I have heard the respective counsels at length and perused the

After the transfer of the appellant to Kasur vide impugned order dated 18-1-2003 District Livestock Officer, City District Government Lahore in the paras 1 comments submitted to the Appellate Authority on the representation of the appellant, made the following observations:

The appeal of the official, in original, is forwarded as the contents of the appeal are based on facts. His transfer is premature as he was adjusted in this office w.e.f. 1-7-2002 under (Wedlock Policy) by the Director General (Ext), Livestock and Dairy Development Department, Punjab Lahore, vide Order No.12910-16 dated 17-8-2003.

With reference to the discussion made with the honourable Secretary, Government of the Punjab, Livestock and Dairy Development Department, Punjab, Lahore, dated 18-1-2003, it is submitted that Mr. Muhammad Zia-ul-Haq is the sole official who is dealing with Audit, Accounts and Budget matters and his transfer will affect the working of this office adversely.

It is, therefore, requested that his appeal may please be considered favourably in the light of contents of appeal as well hardship of this office and his transfer orders may be cancelled. However, some other junior most Assistant of this office be substituted for transfer at District Kasur, if it is unavoidable, please."

6. These observations indicate that not only the transfer of the appellant to the post which he was holding before his transfer to Kasur was under wedlock policy but the work of the appellant was also appreciated and request was made that the appeal be considered favourably not only on the ground of hardship but also in public interest. Respondent No.1 dismissed the representation of the appellant on 1-2-2003 on the ground that the appellant was junior most without giving any further reasons.

7. It is true section 9 ibid has an overriding effect on all circulars, notifications and policies. However, if any policy of the Government enunciated in its circular has to be deviated from good reasons have to be given. Undoubtedly, the policy of the Government is that spouses have to be allowed to work at the same station to avoid hardship. On the other hand, section 9 ordains that a Government servant can be transferred and posted anywhere in the Province on any post. There is no denying the prerogative of the Government as mandated in the provision of law quoted, however, the policy and the practice through various circulars and notifications have been made to mollify and temper with the mandate. The authority at the helm of the affairs in order to implement the mandate as provided in section 9

has to give good reasons why the beneficial construction provided in the circular has to be done away with. Regrettably respondent No.1 has not at all given any reasons rather was swayed by factors totally divorced from the fact in issue. Wedlock policy has been introduced and acted upon with a philosophy. If the husband in Government department is posted at one city and his wife posted, in another Government department, is working in a different city, it is definitely going to cause mental distress to both of them with the consequences which are not only injurious to them but to the public and Government exchequer. Respondent No.1 while rejecting departmental representation of the appellant did not consider these circumstances and failed to give any reasons that transfer to Kasur was essential in the administrative interest of the Government overriding the wedlock policy. Similarly the transfer of respondent No.4 to Lahore was not indicated as to how the mutual exchange promotes the interest of the State. A policy made is to be implemented and any departure of the same has to be explained. Without giving good reasons the policy of the Government with respect to transfer would become redundant which is not wisdom in enacting it.

8. As a result of the discussion, appeal is accepted, orders dated 18-1-2003 and 1-2-2003 passed by respondent No.1 transferring the appellant to Kasur are set aside. Appellant shall be allowed to work as Assistant with respondent No.3. The case is remitted to respondent No.1 who shall apply his mind to the representation made by the appellant after hearing both the appellant and respondent No.4 whereafter through a speaking order dispose of the same within 60 days from the date he receives a copy of the judgment of this Tribunal

H.B.T./115/PST

Appeal accepted.

2003 P.L.C. (C.S.) 1325

[Federal Service Tribunal]

Before: Akbar M. Memon and
Nazar Muhammad Shaikh, Members

MUHAMMAD ASLAM

versus

MANAGING DIRECTOR, UTILITY STORES CORPORATION OF
PAKISTAN (PVT) LTD. ISLAMABAD and another

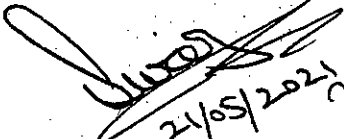
Appeal No.1747(K) of 1998, decided on 11th June, 2003.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

Subject: - ARRIVAL REPORT FOR DUTY

In compliance with the Secretary to Government of Khyber Pakhtunkhwa Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department office order No. SO(Estt)Z/Staff/5579-83 dated 04.05.2021 I. Syed Shiraz Ali Shah Bukhari, Senior Clerk (BPS-14) submit my arrival report for duty in District Zakat Committee, Battagram today on 21.05.2021 (F.N).


21/05/2021

(SYED SHIRAZ ALI SHAH BUKHARI)
Senior Clerk (BPS-14)

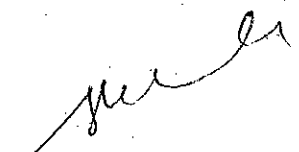
No. 48-52 /DZC/Battagram

Dated: 21/05/2021.


Copy forwarded to the: -

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2. District Accounts Officer, Battagram.
3. Chairman. District Zakat Committee, Battagram.
4. PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.
5. All the Section Officers, Zakat and Ushr Department.

E&A


(WISAL SHAH)
District Zakat Officer
Battagram

ASM


25/5