


FORM OF ORDER SHEET

Court of _____

Appeal No. 1669 /2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/08/2023	<p>The appeal of Mr. Haji Muhammad is presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 21/08/2023</p> <p style="text-align: right;">By the order of Chairman</p> <div style="text-align: right;">  REGISTRAR </div>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 1669/2023

HAJI MUHAMMAD

V/S

EDUCATION DEPTT:

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APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK,
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 1669/2023

Mr. Haji Muhammad, ADEO (BPS-16),
Posted as ADEO North Waziristan under transfer to GHS Land, North
Waziristan.

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- Mr. Ihsan Ullah, SST GHS Land, North Waziristan under transfer as ADEO at District North Waziristan.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED TRANSFER NOTIFICATION DATED 19.04.2023 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM THE POST OF ADEO NORTH WAZIRISTAN TO GHS LAND IN UTTER VIOLATION OF TRANSFER/ POSTING POLICY AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned transfer notification dated 19.04.2023 may very kindly be set aside and the appellant be retained as ADEO at District North Waziristan. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That the appellant is a law abiding citizen of Islamic Republic of Pakistan.

- 2- That the appellant is an employee of the respondent department and performing his duty as ADEO at District North Waziristan.
- 3- That it is worth mentioning that the Election Commission of Pakistan vide notification dated 22.01.2023 banned all kinds of transfers/postings in the provinces of Khyber Pakhtunkhwa and Punjab. Copy of the Notification dated 22.01.2023 is attached as annexure**A.**
- 4- That in utter disregard of the notification dated 22.01.2023 the appellant was transferred vide notification dated 19.04.2023. Copy of the Notification dated 19.04.2023 is attached as annexure **B.**
- 5- That feeling aggrieved from impugned notification the appellant preferred departmental representation on 19.04.2023 but the same has not been decided till date. Copy of the departmental representation is attached as annexure..... **C .**
- 6- That it is worth mentioning that the appellant preferred W.P No. 1677.P/2023 before the Peshawar High Court, Peshawar for direction to the appellate authority for deciding the departmental appeal one way or the other, and the same was decided vide order dated 09.05.2023 by directing the appellate authority to decide the departmental appeal of the appellant. Copy of the order dated 09.05.2023 are attached as annexure**D.**
- 7- That even then the departmental appeal of the appellant was not decided within the stipulated period, hence having no other efficacious remedy but to file the instant appeal on the following grounds amongst the others.

GROUND:

- A- That impugned transfer notification dated 19.04.2023 issued by the respondents are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated in accordance with law and rules by the respondent department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned transfer notification dated 19.04.2023 is violative of Clause-I and IV of transfer/posting policy of Provincial Government as the same is not in the best interest of public service as well as premature. Copy of Transfer posting policy is attached as Annexure...**E**

- D- That the impugned transfer notification dated 19.04.2023 has been issued by the respondents in arbitrary and mala fide manner, therefore, the same is not tenable in the eye of law and liable to be struck down.
- E- That the impugned transfer notification dated 19.04.2023 is not passed in the public interest which is clear violation of judgments passed by this Honourable tribunal and Peshawar High Court, Peshawar.
- F- That it is worth mentioning that the Election Commission of Pakistan vide notification dated 22.01.2023 banned all kinds of transfers/postings in the provinces of Khyber Pakhtunkhwa and Punjab.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 16.08.2023


APPELLANT

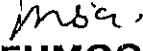
Through:


**NOOR MOHAMMAD KHATTAK,
ADVOCATE SUPREME COURT**


KAMRAN KHAN


UMAR FAROOQ MOHMAND

&


**MEHMOOD JAN
ADVOCATES**

AFFIDAVIT

I, Haji Muhammad, ADEO (BPS-16), Posted as ADEO North Waziristan under transfer to GHS Land, North Waziristan. do hereby solemnly affirm that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL No. _____ / 2023

HAJI MUHAMMAD VS EDUCATION DEPTT:

APPLICATION FOR SUSPENSION OF THE OPERATION OF THE
IMPUGNED NOTIFICATION DATED 19.04.2023 TILL THE
DISPOSAL OF THE SERVICE APPEAL.

R/SHEWETH:

- 1- That the above-mentioned appeal along with this application has been filed before this august service Tribunal in which no date has been fixed so far.
- 2- That appellat filed the above-mentioned service appeal against the transfer notification dated 19.04.2023.
- 3- That all the three ingredients necessary for the stay is in favor of the appellat.
- 4- That the transfer notification dated 19.04.2023 had been issued by the respondents in utter disregard of judgment and, law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of the notification dated 19.04.2023 may very kindly be suspended till the disposal of the instant service appeal.

**APPLICANT
THROUGH:**

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

"A" - 5 - 1 - 1

ELECTION COMMISSION OF PAKISTAN
NOTIFICATION

B200

Islamabad the 22nd January, 2023

F.No.2(1)/2023-Cord:- WHEREAS, the Provincial Assemblies of Punjab and Khyber Pakhtunkhwa under Article 112 of the Constitution of the Islamic Republic of Pakistan stand dissolved on 14th and 10th January, 2023 respectively;

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


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

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

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

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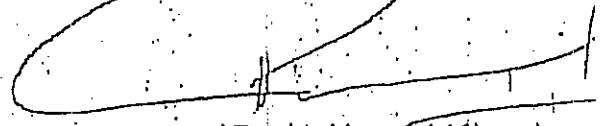
 CS Cms


ATTESTED

ATTESTED
to be true
14/1/2023

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

This Issues with the approval of Election Commission of Pakistan.



(Omar Hamid Khan)
Secretary

Election Commission of Pakistan

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to be used copy

CamScanner
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to be used copy



7- "B" B-8
DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR

NOTIFICATION

Consequent upon approval of the Competent Authority, the following postings/transfers are hereby ordered in their own pay & BPS in the best interest of public service with immediate effect with the following terms and conditions:-

S#	Name & Designation	Place of present posting	Where posted as	Remarks
1	Mr. Hajj Muhammad ADEO/SST	ADFO at District North Waziristan	GHS Land District North Waziristan	Vice S No 2
2	Mr. Ihsan Ullah SST	GHS Land District North Waziristan	ADFO at District North Waziristan	Vice S No 1

TERMS AND CONDITIONS

- Charge reports should be sent to all concerned.
- No AYDA etc. are allowed.
- The order of the above named SSTs against the posts of ADEO/ASDEOs will be effective subject to the condition that they will give an undertaking on judicial stamp paper to the District Education Officers concerned to the effect that they will neither claim the seniority of ADEO/ASDEO Post nor absorption in Management Cadre.
- The terms and conditions mentioned in his appointment/promotion order as SST (Teaching Cadre) will remain intact.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endsl No. 19072-76 JA-12/AEO (M) Dated Pesh: the 19/04/2023

- Copy forwarded to the:-
1. District Education Officer North Waziristan at Tank
 2. District Accounts Officer North Waziristan at Tank
 3. Principal/Headmaster concerned.
 4. Officials concerned
 5. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

Assistant Director (Establ)
Elementary and Secondary Education
Khyber Pakhtunkhwa

ATTEST
to be true

Legible Copy

DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATIONS KHYBER
PAKHTUNKHWA, PESHAWAR

NOTIFICATION

Consequent upon approval of the competent authority the following postings/ transfers are hereby ordered in their own pay and BPS in the best interest of public service with immediate effect with the following terms and conditions.

S#	Name & designation	Place of present posting	Where as	Remarks
1	Mr. Haji Muhammad ADEO /SST	ADEO at District North Waziristan	GHS Land District North Waziristan	Vide S.No.2
2	Mr. Ihsan Ullah SST	GHS Land District North Waziristan	ADEO at District North Waziristan	Vide S.No.1

Terms and conditions

1. Charge reports should be sent to all concerned
2. NO TA/DA etc are allowed
3. The order of the above named SSTs against the posts of ADEO/ASDEOs will be effective subject to the condition that they will give an under taking on judicial stamp paper to the District Education Officers concerned to the effect that they will either clam the seniority of ADEO/ASDEO post nor absorption in Management cadre.
4. That terms and conditions mentioned in his appointment/promotion order as SST (Teaching Cadre) will remain intact.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst. 19072-76/A-12/ADEO (M) Dated Pesh: the 19/04/2023

Copy forwarded to the:

1. District Education Officer North Waziristan at Tank.
2. District Accounts Officer North Waziristan at Tank.
3. Principal/Headmaster concerned.
4. Officials concerned.
5. PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar

Sd/-
Assistant Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

خدمت جناب سیکرٹری صاحب ایڈیٹری ایڈ سیکلڈری ایجوکیشن
خبرہ پنجتو فو

عنوان: غیر 76-19672. مورخہ 4/19/2023 اور ڈائریکٹر ایڈیٹری ایڈ سیکلڈری ایجوکیشن خبرہ پنجتو فو کی جانب سے جاری کردہ
حتمی حاتی محمد ADEO، قلم لتولیم ستھالی وزیرستان
بہرہ ملی آمد درنی منلوئی کی استدعا

جناب والا

سائل 2021 سے مذکورہ دسترخویں ADEO کی پوسٹ پر کام
سہر دیا ہے۔ سائل اپنے خرائض بطریق احسن سرانجام دے رہے
اور انگریزوں بالذکر بھی شکایت کا حوصلہ نہیں دیا ہے
سائل کا دسترخویں ٹینیسور بھی پورا نہیں۔ مذکورہ دسترخویں
سائل سے زیادہ ٹینیسور والے ADEO بھی موجود ہیں۔
اس وقت ایجنٹ کمیشن کی جانب سے مذکورہ تبادلوں پر پابندی لگی ہے
لینڈ مذکورہ تبادلہ منسوخ کرنے سائل کو بحیثیت ADEO
دسترخویں لتولیم ستھالی وزیرستان میں کام کرنے کا حوصلہ دیا جائے

لفافہ پیش ہوئی مورخہ: 4-4-2023 - 19

العارض
حاجی محمد ADEO/SST، CHS، قلم لتولیم ستھالی وزیرستان
Lamd

10

-9-

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

WRIT PETITION No. 1677-P/2023

Mr. Haj Muhammad, ADEO (BPS-16),
Posted as ADEO North Waziristan under transfer to GHS Land, North
Waziristan.

..... **PETITIONER**

V E R S U S

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. Mr. Ihsan Ullah, SST GHS Land, North Waziristan under transfer as ADEO at District North Waziristan.

..... **RESPONDENTS**

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 AS AMENDED UP TO DATE

Respectfully Sheweth:

Facts arising for the institution of instant writ petition are as under.

- 1- That the petitioner is a law abiding citizen of Islamic Republic of Pakistan.
- 2- That the appellant is an employee of the respondent department and performing his duty as ADEO at District North Waziristan.
- 3- That it is worth mentioning that the Election Commission of Pakistan vide notification dated 22.01.2023 banned all kinds of transfers/postings in the provinces of Khyber Pakhtunkhwa and Punjab. Copy of the Notification dated 22.01.2023 is attached as annexure **A.**
- 4- That in utter disregard of the notification dated 22.01.2023 the petitioner was transferred vide notification dated 19.04.2023. Copy of the Notification dated 19.04.2023 is attached as annexure **B.**

PESHAWAR HIGH COURT, PESHAWAR

Form "A"

FORM OF ORDER SHEET

10-



4

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
09.05.2023	<u>W.P No.1677-PI/2023</u>
	<p>Present: Mr. Noor Muhammad Khattak, Advocate, for the petitioner.</p>
	<p>M/s Amir Javed, Advocate General, KP and Muhammad Farooq Afridi, AAG, for the respondents.</p>
	<p>*****</p>
	<p>SHAKEEL AHMAD, J.- Through instant petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, challenge is laid to the notification dated 19.04.2023, whereby the petitioner was transferred from the post of ADEO District North Waziristan to GHS Land District North Waziristan.</p>
	<p>2. There is no denial of the fact that through instant petition, petitioner has challenged the impugned notification dated 19.04.2023, whereby respondent No.3, namely Ihsan Ullah, SST GHS Land District North Waziristan was transferred and posted as ADEO District North Waziristan, in his place.</p>
	<p>3. It is an admitted fact that petitioner is a civil servant and the dispute relates to posting & transfer of respondent No.3 and the petitioner, which falls within the terms and conditions of a civil servant. When the learned counsel for the petitioner was confronted with the question as to whether</p>

(Shahid Nawaz, Stone)

(DS) Hon'ble Justice Ms. Musarat Hilal, CJ & Hon'ble Mr. Justice Shakeel Ahmad

ATTESTED
EXAMINER
Peshawar High Court,

posting/transfer, being a matter related to the terms and conditions of service, would not exclusively fall within the jurisdiction of the Service Tribunal, in terms of Article 212 of the Constitution. On this, he stated that he will not press the instant petition on merit, and went on to say that let this petition be converted into departmental appeal and sent to respondent No.1 for decision within shortest possible time.

4. In view of the above, this petition is converted into departmental appeal and sent to the worthy Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar (respondent No.1) for decision in accordance with law, after providing right of audience to the petitioner, within a period of fortnight from the date of receipt of this order.

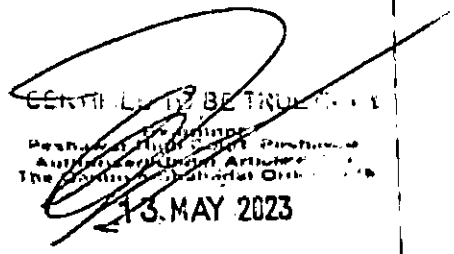
5. The writ petition is disposed of in the above terms.

Announced:
Dt. 09.05.2023


CHIEF JUSTICE


JUDGE

83/64
Date of Presentation of Application 10/5/2023
No of Pages 68
Copying fee 24
Fogal 50
Date of Preparation of Copy 13/5/2023
Date of Delivery of Copy 13/5/2023
Presented By gk 13/5


CERTIFICATE OF SERVICE
Peshawar Bench of the Service Tribunal
The Service Tribunal
13 MAY 2023

'E'

-12-



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking 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) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

1
Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.
2
Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

ATTACHED

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

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

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

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

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

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

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

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

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

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

(Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003).

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

ATTESTED
to be true

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No /2023

Haji Muhammad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt

(RESPONDENT)
(DEFENDANT)

I/We Appellant

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. / /2023

Haji
CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

WALEED ADNAN

KAMRAN KHAN

UMAR FAROOQ MOHMAND

MUHAMMAD AYUB

&

MAHMOOD JAN
ADVOCATES

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