


FORM OF ORDER SHEET

Court of _____

Appeal No. 1766/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/08/2023	<p>The appeal is re-submitted today by Mr. Syed Husnain Kazmi in Person. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: _____

S#	CONTENTS	Yes	No
1.	This Appeal has been presented by <u>Appellant (S.H. Kazmi)</u>	✓	
2.	Whether counsel / appellant / respondent / deponent have signed the requisite document?	✓	
3.	Whether appeal is within time?	✓	
4.	Whether appeal enactment under which the appeal is filed is mentioned?	✓	
5.	Whether enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal / annexure are properly pagged?	✓	
9.	Whether certificate regarding filling any earlier appeal in the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/ clear?	✓	
13.	Whether copies of appeal is delivered to AG/ DAG?	✓	
14.	Whether Power of Attorney of the counsel engaged is attested and signed by Petitioner/ Appellant/ Respondents?	✓	
15.	Whether number of referred cases given are correct?	✓	
16.	Whether appeal contains cutting / overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies are attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are completed?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether security and process fee deposited? On _____	✓	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rule 1974 rule 11, Notice along with copy of appeal and annexure has been sent to respondents? On _____	✓	
26.	Whether copies of comments / replay/ rejoinder submitted? On _____		
27.	Whether copies of comments / replay/ rejoinder provided to opposite party? On _____	✓	

It is certified that formalities /documentations as required in the above table, have been fulfilled.

Name:- Syed Hasham Kazmi

Signature:- _____

Dated:- 22/08/2021

The appeal submitted by Mr. Syed Husnain Kazmi in person is on 22.08.2023 is incomplete on the following score which is returned to him for completion and resubmission within 15 days.

1. The appellant address stands as incorrect as per the impugned transfer order.
2. Pages No. 13, 14 & 15 are illegible which may be replaced with legible/better one.

No. 3136 /S.T,

Dt. 31-8 /2023



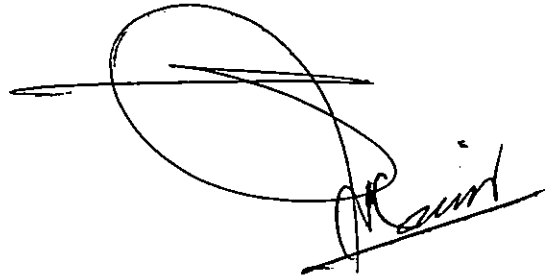
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR

Mr. Syed Husnain Kazmi

In Person

objection removed

311



**BEFORE THE HON'BLE CHAIRMAN KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR KPK**

Syed Hasnain Kazmi

.....Petitioner

VERSUS

1. The Chief Secretary KPK Peshawar.
2. Secretary Local Govt. & RDD KPK Peshawar.
3. Others

.....Respondents

**APPLICATION FOR FIXING OF SERVICE APPEAL TITLE SYED HASNAIN
KAZMI V/S GOVT.OF KPK THROUGH CHIEF SECRETAY KPK AND OTIERS**


Respectfully Sheweth:

1. That, the above titled Service Appeal has recently been instituted vide **No.7124 dated 22/08/ 2023** pending for adjudication before this Hon'ble Court.
2. That, the Service Appeal may fixed ^{be} before the Principal Seat Peshawar as I have already been reported for duty at DG Local Govt office Hayatabad Peshawar, I am living in Peshawar and my lawyer would be from Peshawar.

3. *My Departure Report dated 16/05/23 and Arrival Report dated 18/05/2023 are attached as reference.*

Therefore, it is most humbly prayed that the subject mentioned Service Appeal nay kindly be fixed before the Principal Seat Peshawar.

Dated: 28/08/2023


SYED HASNAIN KAZMI
(Petitioner)

**BEFORE THE HON'BLE CHAIRMAN KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL KPK**

Syed Hasnian Kazmi

.....Petitioner

VERSUS

1. The Chief Secretary KPK Peshawar.
2. Secretary Local Govt. & RDD KPK Peshawar.
3. Others

.....Respondents

AFFIDAVIT

I, Syed Hasnian Kazmi, Assistant Director Senior/Deputy Director Local Govt.&RDD Hayatabad Peshawar, do hereby declare on oath that the contents of my application are correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

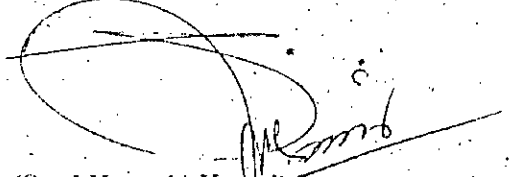


Syed
28/08/23.

DEPONENT

CHARGE RELINQUISH REPORT

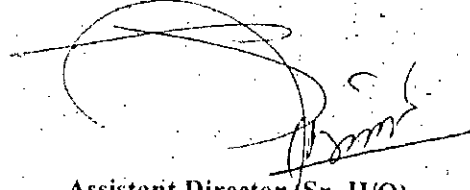
In compliance with Notification No. SO(G)LG/7-3/Posting-Transfer/2023/3171 dated 05/05/2023. I, **Syed Hasnain Kazmi** do hereby relinquish the charge of the post of Assistant Director (Senior) Headquarter Local Govt. & RDD Haripur & additional charge of Tehsil Khanpur today on 16/05/2023 (AN).


(Syed Hasnain Kazmi)
Assistant Director (Sr.-H/Q)
Local Govt. & RDD Haripur

No. AD(LG-H)/Notification/2022/1336-42 dated: 16/05/2023

Copy of above is forwarded to the:-

1. Director General, LG&RDD Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner, Haripur.
3. District Accounts Officer, Haripur.
4. PS to Secretary Local Govt. & RDD, Khyber Pakhtunkhwa, Peshawar.
5. PS to Minister Local Govt. & RDD Khyber Pakhtunkhwa, Peshawar.
6. Office Copy.


Assistant Director (Sr.-H/Q)
Local Govt. & RDD Haripur

Dated Peshawar, the 18th May, 2023

Director General,
LG & RD Department,
Peshawar.

Subject: ARRIVAL REPORT

Respected Sir,

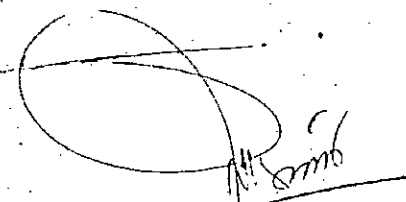
In compliance with the Government of Khyber Pakhtunkhwa Local Government, Elections and Rural Development Department Notification No. SO(G)/LG/7-3/Posting-Transfer/2023/3171 dated 05/05/2023 I, Syed Hassnain Kazmi, Assistant Director (BPS-18) do hereby submit my arrival report in Directorate General LG&RDD Khyber Pakhtunkhwa today on dated 18/05/2023 (F.N).



SYED HASSNAIN KAZMI
Assistant Director (Senior)/Deputy Director (BPS-18)
LG&RDD, Khyber Pakhtunkhwa Peshawar

Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. All Directors, LG & RDD, Khyber Pakhtunkhwa.
3. District Accounts Officer, District Haripur.
4. PS to Secretary, LG, E & RDD, Khyber Pakhtunkhwa.
5. PA to Director General, LG & RDD, Khyber Pakhtunkhwa.
6. Accountant, Directorate General LG & RDD Office Khyber Pakhtunkhwa
7. Personnel file.
8. Office File.



Directorate General LG & RDD
Diary No 9197 Dated 18/5/2023
Assistant Director (Senior)/Deputy Director (BPS-18)
LG&RDD, Khyber Pakhtunkhwa Peshawar
DG _____
Director _____
DD _____
AD _____
Section _____

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

PESHAWAR

S.A. No. 1766/2023

Syed Hasnain Kazmi.....Appellant

Versus

Government of Khyber Pakhtunkhwa
through Chief Secretary, Khyber
Pakhtunkhwa Peshawar and others

...Respondents

SERVICE APPEAL

INDEX

S#	Description of documents	Annexure	Page#
1.	Memo of appeal	-	01-09
2.	Affidavit	-	10
3.	Copy of the Departmental Appeal	"A"	11-12
4.	Copy of the initial appointment order dated 01.09.1993	"B"	13-15
5.	Copies of the memo of appeal and transfer order dated 16.02.2022	"C" & "D"	16-17
6.	Copy of the charge assumption report dated 16.02.2022	"E"	18
7.	Copy of the tenure policy dated 09.11.2009	"F"	21
8.	Copy of the impugned order dated 05.05.2023	"G"	22
9.	Copy of the High Court judgment dated 16.05.2023	"H"	23-26
10.	Copy of the High Court judgment dated 27.04.2023	"I"	27-30

Dated 22/08/2023

Syed Hasnain Kazmi
(Appellant)

(1)

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

Service Appeal No. 1766 of 2023

Syed Hasnain Kazmi, Deputy Director,
Directorate General Local Government and
RDD Hayatabad Peshawar.....**Appellant**

Versus

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar.
 - 2) Secretary, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
 - 3) Director General, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar
 - 4) Section Officer (E-II), Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar
-**Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF
THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT. 1974 FOR A
DECLARATION TO THE EFFECT THAT
APPELLANT IS ENTITLED TO COMPLETE
HIS TENURE AS SENIOR ASSISTANT
DIRECTOR (BPS-18) AT DISTRICT
HARIPUR AND THE RESPONDENTS HAVE
NO AUTHORITY WHAT-SO-EVER TO
TRANSFER THE APPELLANT FROM THE
ABOVE MENTIONED SEAT. NON-
CONSIDERING THE TENURE OF THE
APPELLANT BY THE RESPONDENTS AND
CONSEQUENTLY IMPUGNED ORDER
BEARING NO. SO(G)/LG/7-3/POSTING-**

2

②

TRANSFER/2023/3171 DATED 5TH MAY,
2023 ISSUED BY THE RESPONDENTS
WHEREBY THE APPELLANT WAS
TRANSFERRED FROM SENIOR
ASSISTANT DIRECTOR (BPS-18)
DISTRICT HARIPUR AND DIRECTED TO
REPORT TO DIRECTORATE GENERAL
LOCAL GOVERNMENT AND RURAL
DEVELOPMENT, KPK PESHAWAR (OSD) IS
WRONG, ILLEGAL, AGAINST THE LAWE
AND FACTS, ARBITRARY, FANCIFUL,
PERVERSE, AGAINST THE
FUNDAMENTAL RIGHTS OF THE
APPELLANT. HENCE BEING UN-
CONSTITUTIONAL, LIABLE TO BE
STRUCK DOWN.

PRAYER: -

On acceptance of the instant Service Appeal, non-considering the tenure of the appellant by the respondents and consequently impugned order bearing No. SO(G)/LG/7-3/Posting-Transfer/ 2023/ 3171 dated 05.05.2023 issued by the respondents whereby the appellant was transferred from Senior Assistant Director (BPS-18) District Haripur and directed to report to Directorate General Local Government and Rural Development Department KPK Peshawar (OSD) may please be declared as wrong, illegal, against the law and facts; arbitrary, fanciful, perverse, against the fundamental rights of the appellant, hence being unconstitutional, be struck down and the appellant may please be restored/retained at his previous position i.e. Assistant Director (Senior) District Haripur or any other order or relief as this Honourable Tribunal deem fit and appropriate in the circumstances of the case, may please be issued.

Respectfully Sheweth:

- 1) That, the appellant submitted a departmental appeal on 08.05.2023. After expiry of ninety (90) days there was no response from the department, hence this Service Appeal.

(Copy of the Departmental Appeal is annexed as Annexure "A").

- 2) That, the appellant was initially inducted in the respondents department vide order dated 01.09.1993 as Assistant Director, Local Government & Rural Development Department (BPS-17) Civil Secretariat.

(Copy of the initial appointment order is annexed as Annexure "B").

- 3) That, appellant performed his assigned duties in the respondents department with great zeal and zest and later-on, in pursuance of judgment dated 04.06.2021 passed in Service Appeal No. 457/2018, the appellant was transferred as Assistant Director (Senior) District Haripur against the vacant post by way of notification dated 16.02.2022.

(Copies of the memo of appeal and transfer order dated 16.02.2022 are annexed as Annexure "C" & "D").

- 4) That, after the above said transfer order/notification, the appellant took the charge as Assistant Director (Senior), Local Government & Rural Development Department, Haripur vide

charge assumption report dated
16.02.2022.

4

(Copy of the charge assumption report is annexed as Annexure "E").

- 5) That, as per the policy issued vide letter dated 11.09.2009 on the subject, the tenure was fixed as 02 years for settled districts like Haripur.

(Copy of the policy is annexed as Annexure "F").

- 6) That, the appellant was performing his duties on the basis of the order dated 16.02.2022 as Assistant Director (Senior), Local Government and Rural Development Department Haripur but the respondents after passage of mere 01 year and 04 months have transferred the appellant by way of impugned order dated 05.05.2023 and this was pre-mature transfer order and politically motivated.

(Copy of the impugned order dated 05.05.2023 is annexed as Annexure "G").

- 7) That, the appellant filed a writ petition No. 606-A/2023 before Honourable Peshawar High Court Bench Abbottabad on 16.05.2023 and the Honourable Court directed the appellant may approach the Service Tribunal being a civil servant.

(Copy of the High Court judgment is annexed as Annexure "H").

That, on the directions of the Honourable Peshawar High Court, Bench Abbottabad the appellant preferred the instant appeal *inter-alia*, on the following amongst other grounds

GROUND

- A) That, non-considering the tenure of the appellant by the respondents and consequently impugned order bearing No. SO(G)/LG/7-3/Posting-Transfer/2023/3171 dated 05.05.2023 issued by the respondents whereby the appellant was transferred from Senior Assistant Director (BPS-18) District Haripur and directed to report to Directorate General Local Government and Rural Development Department, Peshawar (OSD) is wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, against the fundamental rights of the appellant hence being un-constitutional, liable to be struck down.
- B) That, admittedly policy has been issued by the Government regarding the tenure policy and as per the said policy, 02 years tenure has been specified for the purpose of the transfer at any post whereas the provisions of the said policy is undisputed.
- C) That, it was the bounden duty of the respondents to observe the policy as well as also to observe the tenure of the appellant but the respondents without any legal, legitimate and lawful justification has transferred the appellant mere after 01 year and 04

months of his transfer against the impugned post hence the respondents have blatantly violated the relevant law, rules, regulations as well as policy on the subject and this committed grave error.

- D) That, infact it is a premature transfer order which has got no support from the relevant law, rules, regulations as well as policy on the subject. The respondents have no authority whatsoever to transfer the appellant nor any lawful or legal justification has been recorded by the respondents in support of the impuged order.
- E) That, neither there is any public or official complaint against the appellant nor any justification rests with the respondents for transferring the appellant against the impugned post rather keeping in view the policy on the subject, it was the cry of the day that the appellant be permitted to complete his tenure against the impugned post.
- F) That, the impugned order passed by the respondents offend all norms of justice, fair play, equity and good conscious and also encroaches upon the fundamental rights of the appellant as guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.

- G) That, the appellant has unblemished service record as the appellant has served the respondents with great zeal and zest and never remained negligent in performance of his assigned duties and this fact also negates the version of the respondents regarding the transfer of the appellant.

- H) That, the law as well as policy are meant to be followed by the Government functionaries in its true letter and spirit whereas the respondents have totally overlooked the relevant law, rules and regulations on the subject while dealing with the matter in hand hence the impugned acts of the respondents as well as the impugned transfer of the appellant has no legal sanctity in the eyes of law rather nullity in the eyes of law.

- I) That, another important aspect of the case is that the appellant also filed departmental appeal before the competent authority but the fate of the said appeal has not been decided till now and non-deciding the fate of the department appeal also shows that the respondents are bent upon to implement their illegal order for facilitating their blue eyed chaps.

- J) That, the powers or jurisdiction are vested in an authority to exercise it

justly, fairly, honestly, judiciously and in accordance with the mandate of law, rules, regulations as well as policy on the subject but the respondents have transferred upon their powers while dealing with the matter in hand.

- K) That, it is an inalienable right of the appellant to enjoy the protection of law and to be treated in accordance with law, rules and regulations but such undeniable rights of the appellant are being infringed by the respondents in a sheer malafide manner.

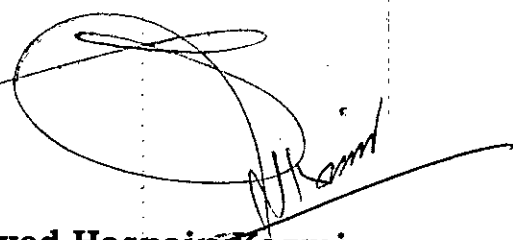
It is, therefore, most humbly prayed that on acceptance of the instant service appeal, non-considering the tenure of the appellant by the respondents and consequently impugned order bearing No. SO(G)/LG/7-3/Posting-Transfer/ 2023/ 3171 dated 05.05.2023 issued by the respondents whereby the appellant was transferred from Senior Assistant Director (BPS-18) District Haripur and directed to report to Directorate General Local Government and Rural Development Department KPK Peshawar (OSD) may please be declared as wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, against the fundamental rights of the appellant, hence being unconstitutional, be struck down and the appellant may please be restored/retained at his previous position i.e. Assistant Director

(Senior) District Haripur or any other order or relief as this Honourable Tribunal deem fit and appropriate in the circumstances of the case, may please be issued.

INTERIM RELIEF

It is, further prayed that the operation of the impugned order dated 05.05.2023 may please be suspended till the final decision of the instant appeal.

Dated 22/08/2023



Syed Hasnain Kazmi
(Appellant)

VERIFICATION

I, SYED HASNAIN KAZMI, DEPUTY DIRECTOR, DIRECTORATE GENERAL LOCAL GOVERNMENT AND RDD HAYATABAD PESHAWAR DO HEREBY VERIFY THAT THE CONTENTS OF FORE-GOING APPEAL ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.



SYED HASNAIN KAZMI
(DEPONENT)

(10)

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

Syed Hasnain Kazmi.....Appellant

Versus

Government of Khyber Pakhtunkhwa
through Chief Secretary, Khyber
Pakhtunkhwa Peshawar and others

...Respondents

SERVICE APPEAL

AFFIDAVIT

I, SYED HASNAIN KAZMI, DEPUTY DIRECTOR, DIRECTORATE GENERAL LOCAL GOVERNMENT AND RDD HAYATABAD PESHAWAR DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT NO SUCH SUBJECT SERVICE APPEAL HAS EVER BEEN FILED BEFORE THIS TRIBUNAL NOR PENDING NOR DECIDED. THAT THE CONTENTS OF FORE-GOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.



[Signature]
22/08/23

[Signature]
SYED HASNAIN KAZMI
(DEPONENT)

Annexure-A

11



COURT MATTER

OFFICE OF THE ASSISTANT DIRECTOR (H/Q)

Local Government. & Rural Development Department
Block-A, 1st Floor, District Secretariat, Haripur KPK
Phone: 0995-920198-99, E-mail: adharipur@gmail.com

No. AD(LG-H)/General/2023/1262-66
Dated Haripur the 08th May, 2023

The Director General
Local Govt. & RDD KPK
Peshawar.

Subject: **POSTING TRANSFER.**

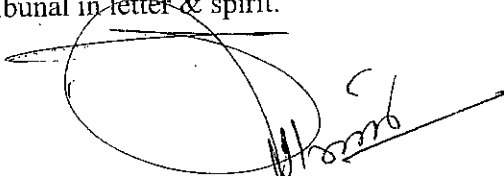
It is submitted that in compliance with the judgement dated 04/06/2021 of Hon'ble Service Tribunal KPK passed in Service Appeal No. 457/2018, I was posted as Senior Assistant Director (BS-18) Local Govt. & RDD vide notification No. SOG/LG/3-398/ST/2021 dated 16/02/2022, copy attached.

It is added that the normal tenure for settled areas like District Haripur is two (02) years as mentioned in the Establishment Department Notification No. SOR-VI & AD/1-4/2008/VOL-VII dated 11/09/2009, copy attached.

It is further added that in this regard an Execution Petition (Contempt of Court) is also pending before the Hon'ble Service Tribunal Camp Court Abbottabad and the next date of hearing is 25/05/2023.

It is pointed out that the Assistant Director Local Govt. Tehsil Ghazi has been retired from his services on 10/03/2023. After his retirement the Administrative Department has not posted any officer since that resultantly the official work of Tehsil Ghazi is suffering badly.

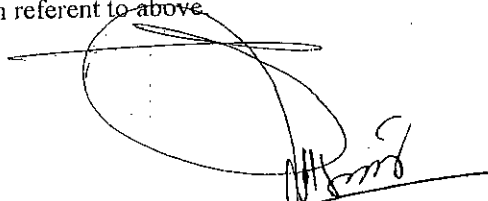
Foregoing in view it is requested that posting/transfer notification No. SO(G)/LG/7-3/Posting-Transfer/2023/3171 dated 05/05/2023 may please be cancelled in the best public interest to implement the aforesaid judgment of the Hon'ble Service Tribunal in letter & spirit.


(Syed Hasnain Kazmi)
Assistant Director (Sr.-H/Q)
Local Govt. & RDD, Haripur.

Endst of even No. & Date:

Copy of the above is forwarded to the:

1. Registrar Hon'ble Service Tribunal KPK with reference to above.
2. PS to Minister Local Govt. & RDD KPK Peshawar.
3. PS to Secretary Local Govt. & RDD Peshawar.
4. Section Office (General) Local Govt. & RDD Peshawar with referent to above


Assistant Director (Sr.-H/Q)
Local Govt. & RDD, Haripur.

12

No. 97

For Insurance Notices see reverse.
Stamps affixed except in case of
letters of not more than
RGL 106180051 in the
Post Office Guide or no
acknowledgement is due.

Rs. Ps.
50

Received a registered*
addressed to

Date-Stamp

Initials of Receiving Officer *Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.

Insured for Rs. (in figures) (in words)

If insured.

Insurance fee Rs. (in figures) (in words)

Name and address of sender

No.

Registered.
JHC
16/5/12

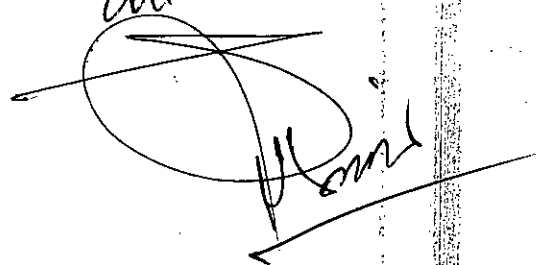
GOVERNMENT OF N.W.F.P.,
LOCAL GOVERNMENT, ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

DATED PESHAWAR THE 1st SEPT, 1993

NOTIFICATION

NO.50(LG-I)2-204/90.--Consequent upon the recommendations of the NWFP Public Service Commission, the Governor, NWFP is pleased to appoint the following candidates as Assistant Directors in basic Pay Scale No.17 (2870-315-3450) on temporary basis with effect from the date of their taking over charge:-

1. Mr.Sardar-Ul-Mulk S/O
Jehani Rome, Malakand Agency.
2. Syed Hasnain Kazmi S/O
Mastana Shah, Distt:Hansehrs.
3. Mr.Said Rehman S/O
Abdul Ghafoor, Distt:Nardan.
4. Mr.Akhtar Munir S/O
Paqir Mohammad, Distt:
Charsadda.
5. Mr.Riaz Ahmad S/O
Mukhtar Ahmad, Distt:Swabi.
6. Mr.Sajid Gul S/O
Hameed Khan Distt:Dir.
7. Mr.S.Khalid Israr Shah S/O
Pir Said Badshah, Distt:Bannu.

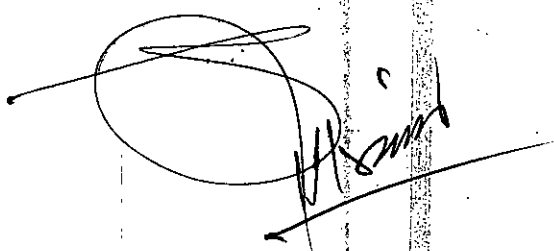
attested.


2. Their appointments will be subject to the following terms and conditions:-

- i) They will be governed by the provisions of NWFP Civil Servant Act, 1973 (NWFP Act No.XVII of 1973) and, in matters not specifically mentioned in this Notification, shall be governed by such rules and regulations relating to leave, T.A., Medical Attendance, Seniority etc., as have been or may be prescribed from time to time by Government for the category/status of Government Servants to which they belong.
- ii) They will be governed by the Government Servants Conduct Rules, 1987, the NWFP Government Servants (Efficiency & Discipline) Rules, 1973 and any other instructions on the subject as may be issued by the Government of NWFP from time to time.
- iii) They will initially be on probation for a period of two years. Their services will be liable to termination at any time without assigning any reasons before expiry of the period of probation/extended period of probation if their work and conduct during this period is not found satisfactory. In such an event, they will be given a month's notice of termination of service or one month's

... ..
pay in lieu thereof. In case they wish to resign at any time without a month's notice, their pay will be forfeited.

attested



- iv) They have not been previously dismissed or debarred from service of Government, Board, Local Body or Autonomous or Semi Autonomous Organization etc.,
- v) Their employment will not in any case confer upon them any claim or right to permanent employment in the department. They will, however, be eligible for continuance and eventual confirmation on satisfactory completion of probation (including the extended period of probation) if and when a regular substantive vacancy in the post is available for them.
- vi) They will not be entitled to any Travelling Allowance/Daily Allowance on their first appointment except in case of permanent Government Servant.
- vii) They will be liable to serve anywhere within or outside NWFP 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;
- viii) Their pay will be fixed in the Basic Pay Scales of Rs. 2870-215-5450 from the date of their taking over the charge of the post.
- ix) Their inter-se-seniority will be fixed according to the order of merit assigned by the NWFP Public Service Commission.

If the above terms and conditions of appointment are accepted to them, they should immediately communicate their acceptance in writing to this Department and report for duty to the undersigned on or before 15th September, 1993 at the latest, failing which this appointment order may be treated as cancelled in respect of the candidates.

SECRETARY TO GOVERNMENT OF NWFP,
LOCAL GOVT. ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

Endst. NO. SO(LG-I)2-204/90 Dated the 1ST SEPTEMBER, 1993

Copy forwarded to :-
The Accountant General, N.W.F.P., Peshawar.

(15)

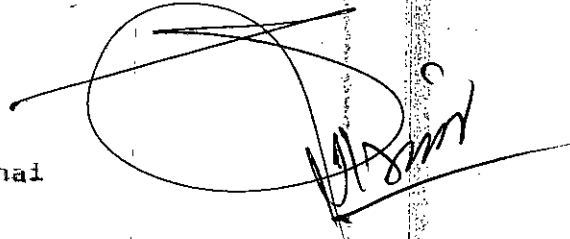
... 3 ...

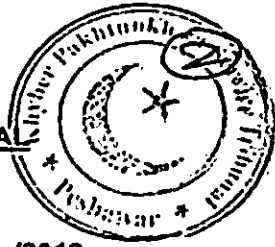
2. The Director General, LG&ROD, NWFP, Peshawar.
3. The Secretary NWFP Public Service Commission, Peshawar with reference to his letter No. PSC-LG-AD/9996, dated 11-7-1993.
4. Mr. Sardar-Ul-Mulk S/O Jehani Rome, Vill: & P/O Totakan Malakand Agency.
5. Syed Hasnain Kazmi S/O Mastana Shah Moh: Channanai Tehsil and Distt: Mansehra.
6. Mr. Said Rehman S/O Abdul Ghafoor Vill: Fazal Kali P/O Manga P/S Sadar Teh: & Distt: Mardan.
7. Mr. Akhtar Munir S/O Faqir Mohammad Mhi Uryazai P/O Umarzai Teh: & Distt: Charsadda.
8. Mr. Rizak Ahmad S/O Mukhtar Ahmad, Vill: Manori Payan Kunda Khel, Teh: & Distt: Swabi.
9. Mr. Sajid Gul S/O Hameed Khan, Research Economist PATA Project, FSR(Unit) Saidu Sharif Swat.
10. Mr. S. Khalid Israr Shah S/O Pir Said Badshah P/O Seria Naurang Vill: Nar Pir Mir Abbas Shah Distt: Bannu.
11. The Manager Printing Press, Peshawar.
12. Office Order file.

H.M.

(FAZAL-UR-REHMAN)
SECTION OFFICER-I

alter steel





**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 457 /2018

Syed Hasnain Kazmi Assistant Director (Jr.) Local Government and Rural Development Haripur.

.....Appellant

VERSUS

Khyber Pakhtunkhwa Service Tribunal

Story No. 471

Dated 03-4-2018

- 1. The Chief Minister KPK Peshawar (The Appellate Authority)
- 2. The Chief Secretary KPK Peshawar.
- 3. The Secretary Establishment KPK Peshawar.
- 4. The Secretary Local Government, Election and Rural Development Department KPK Peshawar.
- 5. The Director General Local Government and Rural Development Department KPK Peshawar.
- 6. The Deputy Commissioner Haripur.
- 7. The Secretary Local Council Board, KPK, Hayatabad, Peshawar.
- 8. The District Officer (Finance and Planning) Haripur.
- 9. Section Officer, (Establishment) Local Government & Rural Development Department, KPK, Peshawar.
- 10. Assistant Director (Sr.), Local Government & RDD, Haripur.
- 11. Tehsil Municipal Officer, TMA, Allai, District Battagram.
- 12. The Resident Audit Officer, TMA Allai, District Battagram.
- 13. The Tesil Officer (Finance) TMA, Allai, District Battagram.

....Respondents

attested
[Signature]

SERVICE APPEAL UDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE FINAL ORDER NO.SO (LG-I)10-430/P.F/93 DATED 05/03/2018 (REFUSAL OF DEPARTMENTAL APPEAL BY THE APPELLATE AUTHORITY---THE CHIEF MINISTER KPK) CONVEYED BY THE SECRETARY TO GOVERNMENT OF KPK IN LOCAL GOVERNMENT, ELECTION AND RURAL DEVELOPMENT DEPARTMENT WHEREBY THE RESPONDENT NO.1 AS AN APPELLATE AUTHORITY DISMISSED THE APPEAL OF APPELLANT AGAINST THE ORDER OF RESPONDENT NO.2 DATED 12/12/2017 IS ILLEGAL AND UNLAWFUL.

PRAYER: ON ACCEPTANCE OF THIS APPEAL, THE APPELLANT MAY VERY GRACIOUSLY BE REINSTATED IN SERVICE WITH ALL BACK BENEFITS; FOUR (4) ILLEGAL NOTIFICATIONS DATED 07/08/2017, 30/08/2017, 08/09/2017 AND 12/10/2017 BE SET ASIDE AND THE RESPONDENTS BE DIRECTED TO SANCTION MEDICAL LEAVE OF THE APPELLANT AS RECOMMENDED BY THE STANDING MEDICAL BOARD.

Efficiency
Registrar
3/4/18

Respectfully Sheweth:

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

- 1. That the appellant on the recommendation of KPK Public Service Commission joined the Local Government and Rural Development

Re-submitted and filed.

[Signature]
Registrar
9/4/18

ATTESTED

[Signature]
Khyber Pakhtunkhwa Service Tribunal Peshawar

Annexure-D

17



GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

1687

Dated Peshawar the 16th Feb, 2022.

NOTIFICATION.

NO. SO(E)/LG/3-398/ST/2021. Consequent upon the re-instatement of Syed Hasnain Kazmi, Assistant Director (BPS-18 Personal) of Directorate General, Local Government & Rural Development, Khyber Pakhtunkhwa into service vide this department Notification of even number dated 07-12-2021, the competent authority is pleased to post the officer as Assistant Director (Sr) Haripur against the vacant post with immediate effect in relaxation of ban.

2. The competent authority is further pleased to withdraw this Department notification of even number dated 10.02.2022 regarding authorization of the officer for drawl of salary for the period with effect from 7.12.2021 against the vacant post of Assistant Director, Swabi and allow/authorize the officer to draw his salary for the said period i.e. with effect from 07.12.2021 against the vacant post of Assistant Director (Sr) LG&RD Haripur.

SECRETARY TO GOVT. OF KHYBER
PAKHTUNKHWA
LOCAL GOVT. ELECTIONS & RURAL DEV:
DEPARTMENT

attested

Endst: No & Date even.

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Director General, Local Government & Rural Dev: Department.
3. The District Accounts Officer, Swabi.
4. The District Accounts Officer, Haripur.
5. PS to Minister for Local Government, Khyber Pakhtunkhwa.
6. PS to Secretary, LG&RD Department.
7. Officer concerned.
8. Office Order File.

10/2/22
SECTION OFFICER (ESTAB)



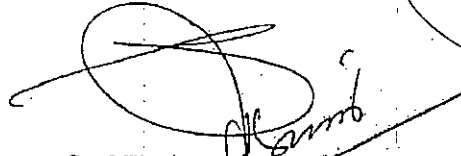
OFFICE OF THE
ASSISTANT DIRECTOR

Local Govt. & Rural Development Department, Haripur
District Secretariat, A Block, Room No. 206 (Ph No: 0995-920198-99)

No. AD (LG-H)/1-53/Notification/2022
Date: 16/02/2022

CHARGE ASSUMPTION REPORT

In compliance with Notification No. SO(E)/LG/3-398/ST/2021 dated 16/02/2022 issued by Secretary to Government of Khyber Pakhtunkhwa in Local Government Election & Rural Development Department, I Syed Hasnain Kazmi assumed the charge of Assistant Director (Senior) Local Government & Rural Development Department Haripur today on 16th February 2022 (AN).



Syed Hasnain Kazmi
Assistant Director (Senior)
Local Govt. & RDD, Haripur

Endst of even No. & Date:

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Honorable Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar with respect to Contempt of Court Petition/Execution Petition No. 164/2021.
3. Director General, Local Govt. & RDD Khyber Pakhtunkhwa, Peshawar.
4. Deputy Commissioner, Haripur.
5. District Accounts Officer, Haripur.
6. PS to Minister, Local Govt. Election & RDD, Khyber Pakhtunkhwa, Peshawar.
7. PS to Secretary Local Govt. & RDD, Khyber Pakhtunkhwa, Peshawar.



Assistant Director (Senior)
Local Govt. & RDD, Haripur



Government Of Khyber Pakhtunkhwa
Local Government, Elections & Rural
Development Department

19

NOTIFICATION

Dated Peshawar, the 7th August, 2017

No. SO(LG-I)4-116/2017/KC.- The Provincial Government in Local Government. Elections & Rural Development Department Khyber Pakhtunkhwa has been pleased to post Syed Hasnain Kazmi, Assistant Director (BPS-18 personally up-graded) Local Government & Rural Development Department (awaiting posting) against the vacant post of Assistant Director (Junior). LG&RDD Haripur with immediate effect in public interest.

SECRETARY TO GOVERNMENT OF KP
LOCAL GOVT. ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT

Endst. No. & Date Even

Copy forwarded to:-

1. The Director General, LG&RDD [Khyber Pakhtunkhwa, Peshawar.
2. The District Nazim, District Government Haripur.
3. The Deputy Commissioner, Haripur.
4. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
5. The District Accounts Officer, Haripur.
6. The Officer concerned.
7. The PS to Secretary LG,E&RDD Peshawar.
8. The Office order file.

attested.

SECTION OFFICER (ESTAB)
Phone # 091-9213224



Government Of Khyber Pakhtunkhwa
Local Government, Elections & Rural
Development Department

20

NOTIFICATION

Dated Peshawar, the 12th October, 2017

No. SO(LG-I)4-116/2017/KC.- The Provincial Government in Local Government, Elections & Rural Development Department Khyber Pakhtunkhwa has been pleased to transfer Syed Hasnain Kazmi, Assistant Director (Jr.) LG&RDD/ Secretary, District Council, Haripur and to post him in the office of Directorate General, LG&RDD Khyber Pakhtunkhwa Peshawar with immediate effect in public interest.

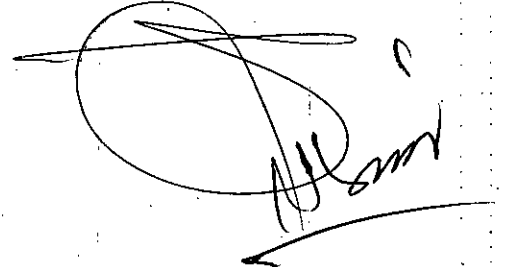
2. Consequent upon the above, the Assistant Director (Sr.), LG&RDD Haripur shall look after the official business of the Secretary, District Council, Haripur in additional to his own duties.

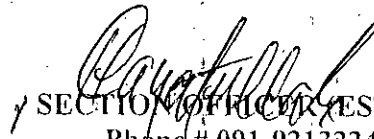
SECRETARY TO GOVERNMENT OF KP
LOCAL GOVT. ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT

Endst. No. & Date Even

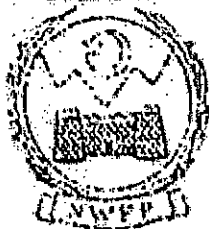
Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. The Director General, LG&RDD Khyber Pakhtunkhwa, Peshawar.
3. The District Nazim, District Government Haripur.
4. The Deputy Commissioner, Haripur.
5. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
6. The District Accounts-Officer, Haripur.
7. The Officer concerned.
8. The PS to Secretary LG,E&RDD Peshawar.
9. The Office order file.

attested



SECTION OFFICER (ESTAB)
Phone # 091-9213224

IMMEDIATE



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

(Regulation Wing)

No SOR-VI(E&AD)-47/2008/Vol-VII
Dated Peshawar, the 11th September, 2009

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

Attended
[Signature]

Subject: POSTING/TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

Ref No.

I am directed to refer to the subject and to convey that the competent authority has been pleased to amend Para-IV of the existing posting/transfer policy of the Provincial Government circulated vide letter No.SOR-VI(E&AD)/Misc/Updation/09 dated 13 January, 2009 as under:

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

The above amendment is hereby circulated for information/compliance.

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

Yours faithfully,
[Signature]
(KALEEN DILLANI)



GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT

Dated Peshawar the 05th May, 2023

NOTIFICATION

No. SO(G)/L.G/7-M/Posting-Transfer/2023/317/Consequent upon approval of the Election Commission of Pakistan vide their letter No. E.10(1)/2023-Elec-II, dated 27/04/2023, the competent authority has been pleased to order the following posting / transfer with immediate effect, in the best public interest:

S.No	Name of Officer with Designation	From	To
01.	Syed Husnain Kazmi (BPS-18)	Assistant Director (Senior) LG&RD headquarter Tehsil Haripur with Additional charge of Assistant Director LG&RD Tehsil Khanpur District Haripur.	Report to Directorate General, Local Govt: & Rural Development
02.	Mr. Gohar Ali, (BPS-17)	Assistant Director (Senior), LG&RD Headquarter Tehsil Upper Mohmand in his own pay & Scale with additional charge of Assistant Director, LG&RD Lower Mohmand and Baizi District Mohmand	Assistant Director (Senior) LG&RD headquarter Tehsil Haripur in his own pay & scale with Additional charge of Assistant Director LG&RD Tehsil Khanpur, District Haripur vice S.No. 01

SECRETARY, LGE&RD DEPARTMENT
GOVT: OF KHYBER PAKHTUNKHWA

Endst: even number & date
Copy forwarded to:

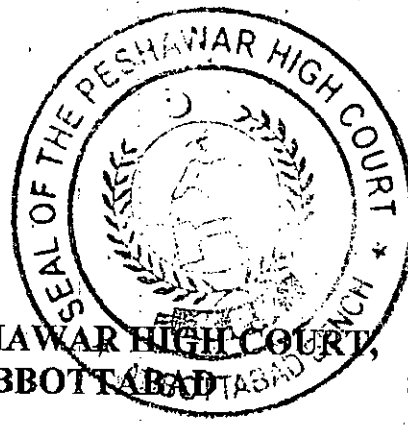
1. Director General, Local Govt: & Rural Development, Khyber Pakhtunkhwa.
2. Deputy Commissioner, Mohmand.
3. Deputy Commissioner, Haripur.
4. District Account Officer, Mohmand.
5. District Account Officer, Haripur.
6. PS to Minister for LGE&RD.
7. PS to Secretary, LGE&RD Department.
8. Officer concerned.

SECTION OFFICER (GENERAL)
GOVT: OF KHYBER PAKHTUNKHWA
LGE&RD DEPARTMENT

05/05/2023

23

Annexure-H



BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD

W.P No. 606-A of 2023

Syed Hasnain Kazmi son of Mastana Shah
resident of District council Rest House
Tarbela, District Haripur, Assistant
Director (SR/HQ), Local Government and
Rural Development Department, Haripur
.....PETITIONER

MAE SHAH
[Signature]

VERSUS

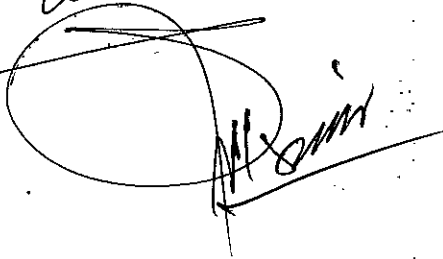
1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
3. Director General, Local Government and Rural Development Department, Peshawar.
4. Section Officer (General), Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
5. P.S. to Minister, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.

.....RESPONDENTS.

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

Certified to be True Copy
EXAMINER
05 JULY 2023
Peshawar High Court Atd Bench
Authorized Under Se 75 Evid Ordns.

FILED TODAY
[Signature]
ADD: REGISTRAR
P.H.C. ABBOTTABAD BENCH

attested


1973 FOR A DECLARATION TO THE
EFFECT THAT THE PETITIONER IS
ENTITLED TO COMPLETE HIS
TENURE AS SENIOR ASSISTANT
DIRECTOR (BPS-18) AT DISTRICT
HARIPUR AND THE RESPONDENTS
HAVE NO AUTHORITY WHATSOEVER
TO TRANSFER THE PETITIONER
FROM THE ABOVE MENTIONED
SEAT. NON-CONSIDERING THE
TENURE OF THE PETITIONER BY
THE RESPONDENTS AND CONSEQUENTLY
IMPUGNED ORDER BEARING
NO.SO(G)/LG/7-3/POSTING-TRANSFER/
2023/3171 DATED 05.05.2023 ISSUED
BY THE RESPONDENTS WHEREBY
THE PETITIONER WAS
TRANSFERRED FROM SENIOR
ASSISTANT DIRECTOR (BPS-18)
DISTRICT HARIPUR TO DIRECTOR
GENERAL LOCAL GOVERNMENT
AND RURAL DEVELOPMENT
DEPARTMENT, KPK Peshawar.
ARE WRONG, ILLEGAL, AGAINST
THE LAW AND FACTS, ARBITRARY,
FANCIFUL, PERVERSE, AGAINST
THE FUNDAMENTAL RIGHTS OF
THE PETITIONER HENCE BEING
UNCONSTITUTIONAL, LIABLE TO
BE STRUCK DOWN.

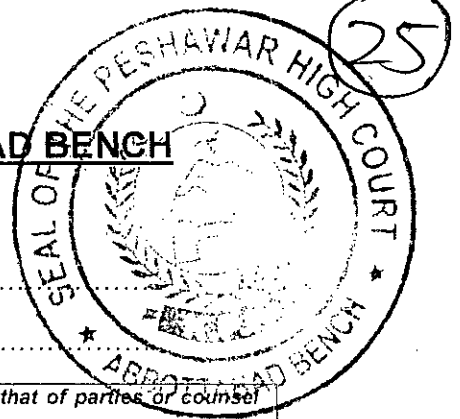
Certified to be True Copy
EXAMINER
05 JUN 2023
Peshawar High Court At Branch
Authorized Under: Sec. 243

FILED TODAY
10:00 AM
JUN 05 2023
PILK YBBOY CABAN BRANCH

PESHAWAR HIGH COURT, ABBOTTABAD BENCH**FORM OF ORDER SHEET**

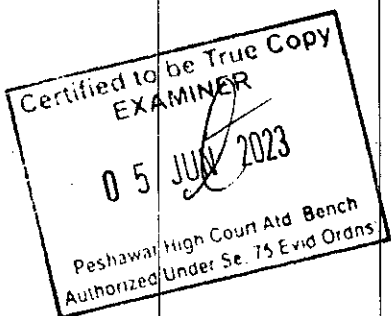
Court of

Case No..... of.....



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
1	2
16.05.2023	<p><u>W.P No. 606-A/2023.</u></p> <p>Present: Mr. Junaid Anwar Khan, Advocate for petitioner.</p> <p style="text-align: center;">*****</p> <p><u>KAMRAN HAYAT MIANKHEL, J.-</u> This order is directed to decide the petition filed by petitioner Bilal Raza, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 (hereinafter referred to as 'the Constitution') with the following prayer;</p> <p>"It is, therefore, most humbly prayed that on acceptance of the instant writ petition, non-considering the tenure of the petitioner by the respondents and consequently impugned order bearing No.SO (G)/LG/7-3/Posting-Transfer/2023/3171 dated 05.05.2023 issued by the respondents whereby the petitioner was transferred from Senior Assistant Director (BPS-18) District Haripur to Director General Local Government and Rural Development Department, KPK Peshawar may please be declared as wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, against the fundamental rights of the petitioner hence being unconstitutional, be struck down and the petitioner may please restored/retained at his previous position i.e. Senior Assistant Director (BPS-18) District Haripur or any other writ, order or relief as this Honourable Court deems fit and appropriate in the</p>

Kamran



attested.

[Signature]

circumstances of the case, may please be issued/passed."

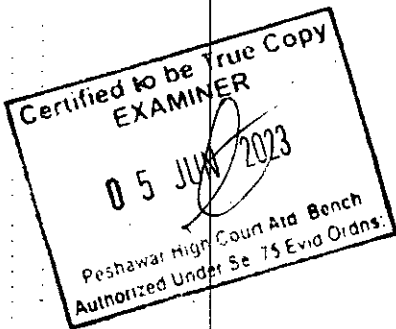
2. Brief facts of the case are that petitioner is serving as Assistant Director (Senior) LG&RD Headquarter Tehsil Haripur (BPS-18) with Additional charge of Assistant Director LG&RD Tehsil Khanpur District Haripur. The petitioner was transferred / directed report to Directorate General, Local Government and Rural Department through Notification dated 05.05.2023 without completing his tenure as per policy, hence, the instant writ petition.

3. Arguments heard and record gone through.

4. Admittedly, the petitioner is civil servant and transfer is one of the terms and conditions of service of a civil servant and if a civil servant is aggrieved of any breach of the terms and conditions of his service, then he should approach to the Service Tribunal, established for that purpose, and not rush to this court, keeping in view the clear bar contained under Article 212 (2) of the Constitution of Islamic Republic of Pakistan, 1973.

5. For what has been discussed above, this petition, being not maintainable, is hereby dismissed in limine.

Announced
16.05.2023



[Handwritten signature]
JUDGE

[Handwritten signature]
JUDGE

**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.
(Judicial Department)**

W.P 1435-A/2021

Gohar Ishaq

(Petitioner)

Versus

Government of Khyber Pakhtunkhwa etc.

(Respondents)

Present:

M/S Junaid Anwar Khan & Muhammad Arshad
Khan Tanoli, Advocates for petitioner.

Mr. Sajid ur Rehman A.A.G for the official
respondents & Mr. Fida Bahadur, Advocate, for
TMA.

attested
[Signature]

Date of hearing: 27.04.2023

JUDGMENT

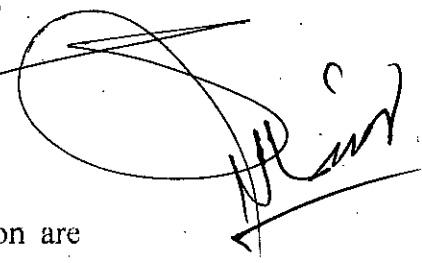
MUHAMMAD IJAZ KHAN, J.- Through this constitutional petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner Gohar Ishaq seeks the following relief;

[Handwritten signature]
-03

“It is therefore, most humbly prayed that on acceptance of the instant writ petition, the refusal of the respondents to post the petitioner in any of the seat of the TO (I) in the TMAs of Hazara Division and non-giving the charge to the petitioner without any reason since transfer of the petitioner from TO (I), TMA Balakot to LCB as Officer on Special Duty (OSD) vide order dated 19.01.2020 may please be declared as wrong, illegal, against the law and facts, unlawful, without lawful authority, arbitrary, fanciful, perverse, hence being unconstitutional, liable to be struck down and the respondents may please be directed to post the petitioner in any of the TMA of Hazara Division as TO (I)

and handed over charge to the petitioner and also to release the salary of the petitioner and all other benefits for which the petitioner is entitled or any other writ, order or relief as this Honourable Court deems fit and appropriate in the circumstances of the case may also be passed.

Attest



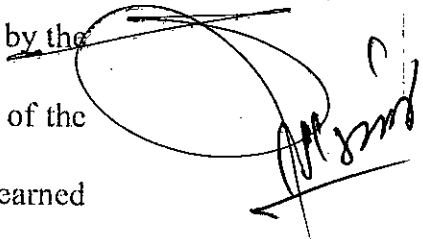
2. Brief facts giving rise to this petition are that petitioner was initially appointed as Sub-Engineer in the respondent department and lastly he was performing his duty as TO(I) in TMA Balakot when he was transferred and posted as OSD LCB vide order dated 19.01.2020. It is further averred that while posting the petitioner as OSD, he was informed that sine an inquiry has been conducted by the Provincial Inspection Team and as per its recommendation petitioner is not to be posted in field for 3 years. It is also pleaded that inquiry was also conducted by the Anti-Corruption Establishment but in that inquiry has also been closed vide order dated 18.09.2020. After the aforesaid development the petitioner has also submitted an appeal to the respondent No.1 on 26.10.2021 but till date the same has not been decided.

2-03

3. When this case was taken up for hearing the respondents were directed to submit their para-wise comments which they have accordingly submitted.

4. Arguments heard and available record perused.

5. During the course of arguments, the learned counsel for the petitioner argued his case at considerable length qua the legal worth of the inquiry conducted by the Provincial Inspection Team as well as long tenure of the petitioner of posting him as OSD and when the learned AAG was confronted he was unable to justify the order dated 19.01.2020, whereby, the petitioner has been posted as OSD for more than 3-1/2 years **and** could not reasonably explain that though the petitioner is receiving the salaries for more than three and half years and no order about his fate or posting him for the performance of his duty has been made.

alleged.


6. We have noted with great pain that the apex Court in the case titled as Syed Mehmood Naqvi and others Versus Federation of Pakistan and others reported as PLD 2013 page 195 has held that a government official should not be posted as OSD for an indefinite period as such official on one hand used to receive his salary and on the other hand such official is not performing his duty therefore a long tenure of such OSD official turned a burden over the public exchequer for no fault of the public but only due to the inaction of the high ups of such OSD employee. In case of petitioner too he was posted as OSD on 19.01.2020 and thus for the

2.13

last three and half years he is OSD till date ^{which} goes a long way to violate the aforesaid judgment of the apex Court.

attached.

7. In view of the above discussion and the law on the subject we in the circumstances deemed it appropriate that instead of passing any order, it would be just and fair to direct respondent No.1 to decide the appeal of the petitioner pending before it since 26.10.2020, keeping in mind the ratio as set by the apex Court in the ibid judgment but such exercise must be carried out at the earliest but not later than 45 days of the receipt of this judgment.

[Handwritten signature]

8. This writ petition is disposed of in the above terms.

Announced
27.04.2023

[Handwritten signature]
JUDGE

[Handwritten signature]
JUDGE