

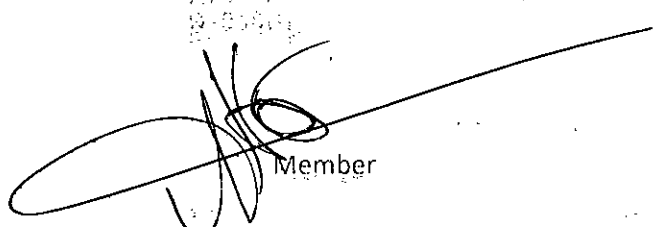
07.04.2017

Counsel for the appellant and Mr. Ziaullah, Government Pleader alongwith Mukhtiar Ali, Supdt. for the respondents present.

Learned counsel for the appellant informed the Tribunal that he is not in a position to controvert the proposition of further transfer/posting of the appellant to some other station convenient to the appellant.

In view of the above he requested for withdrawal of the appeal.

Dismissed as withdrawn. File be consigned to the record room.



Member




Chairman

ANNOUNCED
07.04.2017

07.04.17

05.04.2016

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on 22.07.2016.




Member

22.07.2016

Counsel for the appellant and Assistant AG for respondents present. The learned Government Pleader objected that the present appellants have already been transferred and not interested in the instant appeals and the cases are anfractuious. Learned counsel for the appellant requested for further time to contact the appellant. Request accepted. To come up for arguments/further proceedings on 29.11.2016.



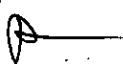
Member




Member

29.11.2016

Counsel for the appellant, Mr. Muhammad Ibrar, Assistant Secretary and Mukhtiar Ali, Superintendent alongwith Additional AG for official respondents No. 1 to 3 present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 7.4.17 before D.B.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

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24.3.2015

Clerk to counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for the official respondents and Clerk to counsel for private respondent No. 4 present. The Tribunal is incomplete. To come up for the same on 24.3.2015.


MEMBER

24.3.2015

Junior to counsel for the appellant, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the official respondents and Junior to counsel for the private respondent No. 4 present. Both the learned counsel for the appellant as well as private respondent No. 4 are not available, therefore, case is adjourned to 09.10.2015 for arguments.


MEMBER


MEMBER

09.10.2015

Clerk to counsel for the appellant and Mr. Mukhtiar Ali, Supt. along with Mr. Muhammad Jan, GP for official respondents and counsel for private respondent No. 4 present. Clerk of counsel for the appellant requested for adjournment. To come up for arguments on 5-4-16


Member


Member

15.07.2014

Counsel for the appellant, and AAG with Mukhtiar, Supdt. for the official respondents present. Clerk to counsel for private respondent No. 4 present and his was stated to be busy in the hon'ble High Court. To come up for arguments on 20.8.2014.


MEMBER


MEMBER

19.08.2014

Clerk to counsel for the appellant and Mr. Kabeerullah Khattak, AAG with Mukhtiar Khan, Supdt. for the official respondents and clerk to counsel for private respondent No. 4 present. The learned Member is on official tour to Abbottabad. To come up for the same on 24.09.2014.


READER

24.09.2014

Counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Mir Qasam, Assistant Secretary for the official respondents and counsel for private respondent No. 4 present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court, affecting his status as District & Sessions Judge. To come up for arguments on 20.11.2014.


MEMBER

20.11.2014

Junior to counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. For the official respondents and counsel for private respondent No. 4 present. *The Tribunal is incomplete To come up for the same on 5-1-2015.*


READER

30.04.2014

Counsel for the appellant, and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. and Bahadar Khan, Assistant for the official respondents. Clerk to counsel for private respondent No.4 also present and stated that his senior is busy in the hon'ble High Court. To come up for arguments on 12.5.2014.


MEMBER

12.5.2014.

Counsel for the appellant and Mir Qasam, Assistant Secretary for respondent No.1 with AAG for the official respondents and Clerk to counsel for private respondent present. Counsel for private respondent is not available. To come up for arguments on 23.5.2014.


MEMBER

23.5.2014.

Counsel for the appellant, Sr.GP with Mukhtiar Ali, Supdt. for respondent No.1, Syed Iqbal Shah, Assistant for respondents No. 2 & 3 and counsel for private respondent No. 4 present. Counsel for private respondent No.4 requested for adjournment. To come up for arguments on 06.06.2014.


MEMBER


MEMBER

6.6.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for respondent No.1, Syed Iqbal Shah, Assistant for respondents No. 2 & 3 present. Counsel for private respondent No. 4 also present and requested for time. To come arguments on 15.7.2014.


MEMBER


MEMBER

1528/13

28.1.2014

Counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Bahadar Khan, and Syed Iqbal, Shah, Assistants for the respondents No. 2 and 3 present and reply filed. Copy handed over to counsel for the appellant. Mr. Mukhtiar Ali, Supdt. for respondent No.1 and counsel for private respondent No. 4 present, who already filed written replies. To come up for arguments on 20.2.2014. Rejoinder if any, in the meantime.

MEMBER

20.2.2014

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mir Qasam Assistant Secretary and Bahadar Khan, Assistant for the official respondents and counsel for private respondents present. Counsel for the appellant was stated to be busy in the august High Court. To come up for arguments on 21.3.2014. Rejoinder, if any, in the meantime.

MEMBER

21.3.2014

Counsel for the appellant and AAG with Mukhtiar Ali, Supdt. for official respondents and counsel for private respondent present. Counsel for the appellant needs time to file rejoinder. To come up for arguments on 30.4.2014. Rejoinder in the meantime.

MEMBER

MEMBER

19.12.2013.

Appellant with counsel, Mr. Muhammad Adeel Butt, AAG with Mir Qasam Assistant Secretary and Syed Iqbal Shah, Assistant for the official respondents and counsel for private respondent No. 4 present. Respondents No. 1 to 3 needs further time. To come up for written reply of respondents No. 1 to 3 on main appeal as well as reply/arguments on stay application on 31.12.2013.

MEMBER

MEMBER

31.12.2013.

Counsel for the appellant and Mr. Usman Ghani, Sr.GP with Mir Qasam Assistant Secretary for respondent No. 1 present and reply filed. Copy handed over to counsel for the appellant. Syed Iqbal Shah Assistant for respondents No. 2 and 3 present and assured submission of written reply on behalf of respondent No. 2 and 3 on the next date. Clerk to counsel for private respondent No. 4 present. Last chance is given to respondents No. 2 and 3. To come up for written reply of respondents No. 2 and 3 on main appeal as well as reply/arguments on stay application on 15.1.2014.

MEMBER

MEMBER

15.1.2014

Counsel for the appellant Mr. Muhammad Jan, GP with Mir Qasam Assistant Secretary for respondent No. 1 present who already filed written reply. Syed Iqbal Shah, Assistant for respondents No. 2 and 3 present and stated that written reply prepared and placed before the respondents for signature. Private respondent No. 4 with counsel present. To come up for written reply of respondent No.2 on main appeal as well as reply/arguments on stay application by way of last chance on 28.1.2014.

MEMBER

MEMBER

1528/13

2.12.2013

Counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Assistant for respondent No. 1 present and requested for further time. The learned AAG also requested to contact official respondents No. 2 and 3. Counsel for private respondent No. 4 present and submitted written reply on main appeal as well as stay application. Written reply of official respondents on main appeal as well as stay application in the meantime and case to come up for arguments on stay application on 6.12.2013.


MEMBER

6.12.2013

Counsel for the appellant, Mr. Mukhtiar Ali, Assistant for respondent No. 1 with Mr. Ziaullah, GP for the official respondents and private respondent No. 4 with counsel present. Official respondents need further time. To come up for written reply of official respondents No. 1 to 3 on main appeal as well as reply/arguments on stay application on 13.12.2013.


MEMBER


MEMBER

13.12.2013.

Counsel for the appellant and Mr. Mir Qasam Assistant Secretary for respondent No. 1 with Mr. Muhammad Adeel Butt, AAG for the official respondents present and requested for further time. Private respondent No. 4 with counsel present. To come up for written reply of official respondents No. 1 to 3 on main appeal as well as reply/arguments on stay application on 19.12.2013.


MEMBER

3.

25.11.2013

Appeal No. 1528/2013
Mr. Rauf Nawaz Khan

Counsel for the appellant present and heard. Counsel for

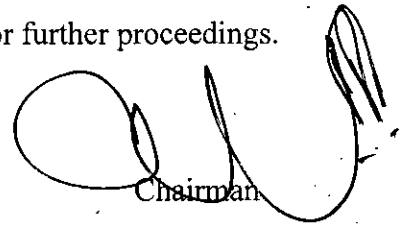
the appellant contended that the appellant has not been treated in accordance with law/rules. He further contended that the original order is pre-mature and the ^{impugned} order has been passed in violation of appeal rule-5 of the Civil Servants (appeal) rules 1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Appellant also filed an application for suspension of impugned order dated 01.11.2013 and 18.11.2013. Notice be issued to the respondents for submission of written reply on main appeal on 13.12.2013 as well reply/arguments on stay application on 29.11.2013.


Member.

4.


25.11.2013

This case be put before the Final Bench 1 for further proceedings.


Chairman

29.11.2013

Counsel for the appellant and Mr. Usman Ghani, Sr.GP with Mir Qasam Assistant Secretary and Bahadar Khan, Assistant for the official respondents present and requested for further time. Mr. Khalid Rahman, Advocate/counsel for private respondent No. 4 present and Wakalatnama placed on file. He also requested for short adjournment. To come up for written reply on main appeal as well as reply/arguments on stay application on 2.12.2013.


MEMBER


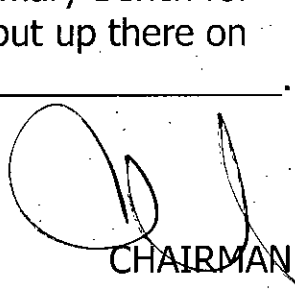

MEMBER

Form-A

FORM OF ORDER SHEET

Court of Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Case No. 1528/2013

S.No.	Date of Order Proceedings	Order or Other Proceedings with Signature of Judge or Magistrate
1.		<p>The Appeal of Mr. <u>Rah Nawaz</u> submitted today by M. Asif Yousafzai, Advocate may be entered in the Institution Register and put up to the Worthy chairman for Preliminary Hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2.	<u>22-11-2013</u>	<p>The case is entrusted to Primary Bench for Preliminary Hearing, to be put up there on <u>25-11-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. _____/2013.

Rab Nawaz Khan . Vs Revenue Deptt:

APPLICATION FOR EARLY HEARING OF THE APPEAL.

R.SHEWETH.

- 1- That the appellant has filed an appeal and stay application in this august tribunal in which no date has been fixed so far.
- 2- That as the matter is urgent in nature because if the appellant relinquishes the charge the basic appeal would be become infructuous.
- 3- That the interest of justice demands that such like matter should be heard as early as possible to meet the ends of justice and also to meet the principles of access to justice.

It is therefore most humbly prayed that the appeal is hand may be heard on an early date to meet the ends of justice.

APPLICANT.


Rab Nawaz Khan

THROUGH;


M.ASIF YOUSAFZAI
ADVOCATE.

AFFIDAVIT

It is affirmed that the contents of this application are true and correct.


DEPONENT.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1528/2013.

Rab Nawaz Khan .

Vs


Revenue Deptt:

INDEX.

S.NO	DOCUMENTS	ANNEXURE	PAGE
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2-	Saty application.	---	4-5
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4.	Copy of Order (1.11.2013)	B	7
5.	Copy of Appeal	C	8
6.	Copy of Rejection Oder	D	9
7.	Copy of Posting, Transfer Policy	E	10-16
8.	Copy of Circular (27.2.2013)	F	17
9.	Vakalat Nama	----	18

APPELLANT

THROUGH:


M.ASIF YOUSAFZAI
ADVOCATE.

①

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1528/2013.

H.W.F. Peshawar
1573
210/11/13

Rab Nawaz Khan,
Patwa Halqa Makhnail, Haripur.....Appellant.

VERSUS

- 1- The SMBR, KPK Peshawar.
- 2- The Commissioner Hazara Division Abbottabad.
- 3- The Deputy Commissioner Haripur.
- 4- Asad Iqbal, Patwa Halqa Tarbela, Haripur.

.....Respondents.

**APPEAL UNDER SECTION 4 OF THE KPK
SERVICE TRIBUNALS ACT 1974 AGAINST THE
ORDER DATED. 18.11.2013 WHEREBY THE
APPEAL AGAINST PREMATURE POLITICALLY
MOTIVATED TRANSFER ORDER DATED.
1.11.2013 HAS BEEN REJECTED.**

PRAYER:

That on acceptance of this appeal the order dated. 18.11.2013 and 1.11.2013 may be set-aside and the respondents may further please be directed not to transfer the appellant prematurely on political interference and in violation of Govt: policy before the completion of his tenure. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

R.SHEWETH.

- 1- That while performing his duties as patwari, the appellant was transferred to Patwar Halqa Dalri, Chaintri after completing his normal tenure at previous station vide order dated. 30.04.2013 and the appellant remained there till 1.11.2013(for six months) Copy of the order is attached as Annexure – A.
- 2- That after the lapse of about 6 months, the appellant was transferred in place of respondent No.4 vide order dated. 1.11.2013 due to political interference and violation of Govt:

20/11/13

instructions dated. 27.2.2013. Copy of the order is attached as Annexure – B.

2

- 3- That the appellant filed an appeal against the politically motivated premature transfer order on 5.11.2013 and the same was rejected on 18.11.2013 for no good grounds. Copies of appeal and rejection orders are attached as Annexure – C&D.
- 4- That now the appellant comes to this august tribunal on the following grounds amongst the others.

GROUND:

- A. That the order 18.11.2013 And 1.11.2013 are against law, facts, norms of justice and material on record therefore liable to be set aside.
- B. That the impugned transfer order dated 1.11.2013 is politically motivated order and such political interference has strongly been condemned by Supreme Court of Pakistan in its various judgments.
- C. That the appellant's tenure at was just 6 months. Thus the impugned order dated 1.11.2013 was premature.
- D. That the impugned order dated 1.11.2013 is against and in total violation of the government posting and transfer policy dated. 15.2.2003. copy of the posting band transfer policy is attached as Annexure- E
- E. That the even the rejection order dated 18.11.2013 is based on no good grounds and is the violation of Govt; circular dated. 27.2.2013 and as such the same is not sustainable. Copy of Circular is attached as Annexure – F.
- F. That the order dated 1.11.2013 and 18.11.2013 are against the principles laid down by Hon'ble Supreme Court of Pakistan in case of Anita Turab.
- G. That the appellant has not been treated according to law and rules and Govt; posting/transfer policy.

H. That transfer order dated. 1.11.2013 is not in public interest rather based on political whims. More over the there were no exigencies of service nor any complaints against the appellant.

I. That the appellant seeks permission to advance other proofs and grounds at the time of hearing .

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

APPELLANT


Rab Nawaz Khan

THROUGH:


M.ASIF YOUSAFZAI

ADVOCATE.

&

TAIMUR ALI

ADVOCATE.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

4

APPEAL NO. _____/2013.

Rab Nawaz Khan.

Vs

Revenue Deptt:

**APPLICATION FOR SUSPENSION OF
IMPUGNED ORDER DATED 1.11.2013
AND 18.11.2013 TILL PENDING FINAL
DECISION OF MAIN APPEAL.**


Respectfully Sheweth,

1. That the petitioner/ appellant has filed Appeal before this Hon,ble Tribunal in which no date hearing has been fixed so for.
2. That the impugned order dated 1.11.2013 is politically motivated, premature and passed in violation of Govt: instructions regarding posting/transfer.
3. That the appellant has got a good prima facie arguable case, the impugned order is without lawful authority and unsustainable in law, balance of convenience lies in his favour and in case operation of impugned order is not suspended, the very purpose of appeal would be defeated and it would infructuous as well and the appellant would suffer irreparable loss.
4. That the grounds of main appeal may also be considered as integral part of this application.

It is, therefore, prayed that the operation of impugned order dated 1.11.2013 AND 18.10.2013 may graciously be suspended till final decision of appeal.

APPELLANT
Rab Nawaz Khan 

THROUGH:


M.ASIF YOUSAFZAI
ADVOCATE.

&

TAIMUR ALI
ADVOCATE.

AFFIDAVIT:

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


Deponent.

(6)

A

OFFICE ORDER.

With the approval of competent authority, the following postings / transfers amongst the Patwaris of this district are hereby ordered with immediate effect, in the public interest:-

S. No.	Name of Patwari.	From.	To.
1.	Mr. Rab Nawaz Khan.	Patwar halqa Kharian.	Patwar halqa Dalri Chaitri.
2.	Mr. Asghar Khan.	Patwar halqa Dalri Chaitri.	Patwar halqa Kharian.

Additional Deputy Commissioner
Haripur.

No. 980-85 /HC/ADC(H). Dated Haripur the 30/04 2013. ✓

Copy to:-

1. Assistant Commissioner, Haripur.
2. Tehsildar, Haripur with the direction to ensure handing / taking over of the charge between the above mentioned immediately.
3. Private Secretary to Deputy Commissioner, Haripur.
4. Assistant Finance, (local).
5. Patwaris concerned for strict compliance.

30/04
Haripur
21/5/2013

S. Gyanesh
Additional Deputy Commissioner /
Haripur.

TESTED

[Signature]

112

OFFICE OF THE DEPUTY COMMISSIONER HARIPUR.

B

OFFICE ORDER.

With the approval of competent authority, the following postings/transfers amongst the Patwaris of this District are hereby ordered with immediate effect, in the public interest: -

7

S.No.	Name of Patwari	From	To	Remarks
01	Mr. Zahid Rashid	Patwar halqa Swabi Maira	Patwar halqa Noordi	Vice No. 2
02	Syed Ghulam Qadir Shah	Patwar halqa Noordi	Patwar halqa Swabi Maira	Vice No. 1
03	Mr. Faisal Aftab	Patwar halqa Kharkot	Patwar halqa Mirpur.	Vice No. 4
04	Mr. Jahanzeb Khan	Patwar halqa Mirpur	Patwar halqa Kharkot	Vice No. 3
05	Mr. Dil Nawaz	Patwar halqa Pharihari	Patwar halqa Pandak	Vice No. 6
06	Mr. Ghayoor Khan	Patwar halqa Pandak	Patwar halqa Pharihari	Vice No. 5
07	Mr. Dil Faraz	Patwar halqa Kailag	Patwar halqa Jattipind	Vice No. 8
08	Mr. Arsalan Afzal	Patwar halqa Jattipind	Patwar halqa Kailag	Vice No. 7
09	Mr. Wajid Mehmood	Patwar halqa Ladar Mang	Patwar halqa Bhera	Vice No. 10
10	Mr. Majid Nawaz	Patwar halqa Bhera	Patwar halqa Ladar Mang	Vice No. 9
11	Mr. Waqar Ahmed	Patwar halqa Sarai Gadai	Patwar halqa Kotehra	Vice No. 12
12	Mr. Zahid Rashid II	Patwar halqa Kotehra	Patwar halqa Sarai Gadai	Vice No. 11
13	Mr. Shahid Iqbal	Patwar halqa Ghazi	Patwar halqa Nara Amazai	Vice No. 14
14	Mr. Zamcer Afzal	Patwar halqa Nara Amazai	Patwar halqa Ghazi	Vice No. 13
15	Syed Waqar Haider Shah	Patwar halqa Sathana	Patwar halqa Garamthoon	Vice No. 16
16	Mr. Rizwan Shah	Patwar halqa Garamthoon	Patwar halqa Sathana	Vice No. 15
17	Mr. Asad Iqbal	Patwar halqa Tarbela	Patwar halqa Makhniai	Vice No. 18
18	Mr. Rab Nawaz Khan	Patwar halqa Makhniai	Patwar halqa Tarbela	Vice No. 17

All concerned Patwaris are directed to hand over/take over the charge of their respective Patwar halqas within 03 days, otherwise strict disciplinary action will be taken against them under the prevailing S.D. Rules.

Shurain
Addl: Deputy Commissioner
Haripur. *o/c*

No. 9489-9513 /HVC/DC (H)

Dated Haripur the 01/ 11 /2013

Copy to the:-

1. Deputy Commissioner, Haripur.
2. Assistant Commissioner, Haripur.
3. Assistant Commissioner, Ghazi.
4. Additional Assistant Commissioner (Rev), Haripur.
5. Tehsildar, Haripur.
6. Tehsildar, Ghazi.
7. Assistant Finance (Local).
8. Patwaris concerned for strict compliance.

Shurain
Addl: Deputy Commissioner
Haripur. *o/c*

TESTED
★

FROM : PAH AND NIGEL HOLT

PHONE NO. : 0892995627120

Nov. 19 2013 10:14PM P04

To,

The Honorable Commission

8

TESTED
A



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No.Estab:/ACR/CHD/Appeal 9761-63

Dated Abbottabad the 18/11/2013

To

Rab Nawaz,
Patwari Halqa Makhnial,
(Under transfer to Patwar Halqa Tarbela)

9

Subject:

**DEPARTMENTAL APPEALS AGAINST THE OFFICE ORDER
BEARING ENDST NO. 9489-9513/HVC/D C (H) DATED 01.11.2013
PASSED BY ADDITIONAL DEPUTY COMMISSIONER HARIPUR**

I am directed to refer to your Appeal/ Representation dated 05.11.2013 and to convey that Competent Authority does not find your appeal fit to be accepted on the following grounds:

1. The transfer was ordered in public interest.
2. The transfer of Civil Servant can be made anywhere in the Province as per Section 10 of KPK Civil Servant Act 1973.
3. The provision of Civil Servant Act, 1973 prevails upon Posting /Transfer Policy.
4. You did not object and raised tenure as an issue when you were prematurely posted to patwar Halqa Tarbela.

Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad

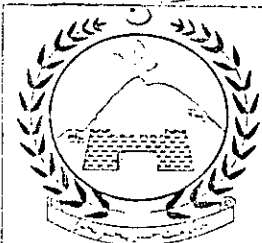
Endst of even No.& date.

Copy forwarded to the:

- 1 Deputy Commissioner Haripur for information w/r to his letter No.9735/HVC/ADC (H) dated 8.11.2013.
2. PS to Commissioner Hazara Division for information.

Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad

*Liaqat Ali
Supalli
Mardan*



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)**

"E"
(10)

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) ¹Existing 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. *(See P.06) as retained*

v) ² {

2 years tenure retained vide P-06 for un-attractive/hard area

(vi) ³ 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.

vi (a) ¹ 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.

ARRESTED

1 Circular letter No. SOR-VI/E&AD/1-4/2008/Vol-VII dated, the 11th September, 2009
 2 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 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.
 3 Para-VI added vide circular letter No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 20th March, 2010.
 4 Sub para-VI (a) added vide circular letter No. SOR-VI/E&AD/1-4/2008 dated 22nd October, 2008.

- 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.
- 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

¹DCOs 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 Khyber PakhtunKhwa 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 column2 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	Secretary of the Department concerned.

¹ Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

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b) To and from an Attached Department	Secretary of the Department in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	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.

(14)

(13)

{Authority: Letter No: SOR-VTE&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.

SPECIMEN NOTIFICATION.

GOVERNMENT OF KHYBER PAKHTUNKHWA
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshawar, _____

NOTIFICATION

NO. The Competent Authority is pleased to order the transfer of Mr. _____ Department and to post him as _____ in the interest of public service, with immediate effect.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.

(NAME)
SECTION OFFICER
Administrative Department

{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}.

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the Khyber PakhtunKhwā Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest,

subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

✓ The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

✓ I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

{Authority: Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008.

According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.

{Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28th Oct, 2005.

The Chief Minister Khyber PakhtunKhwa has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) ✓ Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;
- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{Authority: Urdu circular No: SOR-VI/E&AD/1-4/2003, dated 8-6-2004 & Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2006.}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) Khyber PakhtunKhwa Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

{Authority: - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005}.

The competent authority has decide that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the Khyber PakhtunKhwa Govt Servants (Conduct) Rules 1987 shall be proceeded against under the Khyber PakhtunKhwa Removal from Service (Special Powers) Ordinance 2000. As required under the Khyber PakhtunKhwa Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect

shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

{Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007}.

 "In continuation of this Department circular letter No.SOR-VI/E&AD/1-4/2008/Vol-VII dated 11th September, 2009, I am directed to refer to the subject and to say that the Provincial Cabinet in its meeting held on 30th March, 2010 inter-alia approved the following for the purpose of Posting/Transfer Policy:-

Unattractive/Hard Areas

1. ✓ The distinction between unattractive/hard areas should be done away with and both should be labeled as Unattractive areas. ✓
2. Existing list of FATA areas be retained.
3. The following areas were recommended/approved to constitute unattractive areas in NWFP:-

- a. Kohistan District.
- b. Tank District.
- c. Chitral District.
- d. Batgram District.
- e. Shangla District. ✓
- f. Hangu District.
- g. PATA areas of Mansehra (Kala Dhaka)

1) Tenure for settled area 03 years
 2) unattractive area is 02 years
 (P-I)

Tenure of posting.

- i. ✓ The erstwhile normal tenure of 2 years be retained. ✓
- ii. Existing tenure for unattractive areas be retained. However, in case of married civil servants, transfer should be made just at the beginning of school session and tenure should be one year instead of 1.5 year, so that academic disruptions are avoided.
- iii. At the time of entry in service, all civil servants be asked to give 4 options from unattractive areas.
- iv. After a stint of service in unattractive area, employees may be offered option to serve in district of choice.

7 PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy is as follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in

⁶ No. SOR-VI/E&AD/1-4/2010/Vol-VIII Dated Peshawar, the. 10th April, 2010

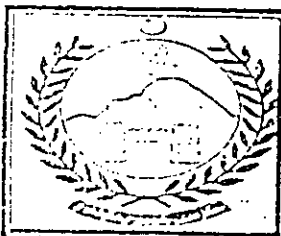
⁷ Placement Policy has been made part of the posting/transfer policy vide Urdu circular No.SOR-VI(E&AD)1-4/06, dt 9-2-2007

consonance with the concept of establishing the "Need" for the department and fulfilling the need through capacity building for the organization.

- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and than the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:
 - a) Permanent posting of an officer to the training institutions for 2-3 years;
 - b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
 - c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) ✓ The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participants will decline/represent against his/her posting.

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17 CF 18 R-5



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

NO. SOR.VI (E&AD)1 -4/2005/Vol-II
Dated Peshawar, 27th February, 2013

Environment Department
Govt. of Khyber Pakhtunkhwa
Secy, P&D
Dated 28 Feb 2013

To
[Handwritten signature]

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

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

Sir,

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

- (i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made 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.

[Handwritten notes: IS II, 4/3]

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ATTESTED
[Handwritten signature]

- (iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.
- (iv) **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

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

Yours faithfully,

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)

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Rab Nawaz (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Revenue Deptt (Respondent)
(Defendant)

I/We Rab Nawaz (Appellant)

Ey Taimur Ali Khan Adv

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

(CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

Ey
Taimur Ali Khan
TAIMUR ALI KHAN
Advocate

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

بعدالت کسروس لٹریچر

J.A1528/2013

افعال
2013ء پنجاب رسالہ نمبر 4
ریجنل بنام

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بلا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آنکے
آن مقام کیلئے حال کاروائی کے لئے مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 11 ماہ 23 20

الع
مقام
الع
کے لئے منظور ہے۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1528/2013

Rab Nawaz khan.....Appellant.

Versus

The Revenue Deptt; and others.....Respondents.

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9.	Charge Relinquishment Reports		R/7	14-15
10.	Order Sheet of the Civil Court		R/8	16-18

Through

Respondent No. 4

Khaleq Rahman
Advocate, Peshawar

9-B, Haroon Mansion,
Khyber Bazar, Peshawar.
Cell # 0345-9337312

Dated: _____ / 11/ 2013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**Service Appeal No.1528/2013**

Rab Nawaz Khan.....Appellant,

Versus

The Revenue Department and others.....Respondents.

REPLY ON BEHALF OF RESPONDENT NO. 04**(ASAD IQBAL)**

Respectfully Sheweth,

Preliminary objections.

- I. That the appellant has got no cause of action to file the instant appeal.
- II. That the instant appeal is not maintainable in its present form and shape.
- III. That the appellant has concealed material facts from the Hon'ble Tribunal and has not approached the Hon'ble Tribunal with clean hands, therefore, the instant appeal merits outright rejection.
- IV. That the appeal is time barred.
- V. That the appellant is estopped by his own conduct to file the instant appeal.

- VI. That the appeal is bad for mis-joinder and non-joinder of the parties.

Facts:

1. Incorrect. As a matter of fact the appellant was earlier posted at PH Kharian/Makniyal vide Order dated 18/12/2008 as would be evident from the details (**Annex:-R/1**) of the tenures of Patwaris and remained there till 30/4/2013 for a period of more than 5½ months. Vide Order dated 30/4/2013 (**Annex:-R/2**) Appellant was transferred to PH Dalri Chainri vice Mr. Azghar Khan Patwari but he did not forgo the charge and subsequently another order dated 13.05.2012 (**Annex:-R/3**) was passed whereby Azghar Khan Patwari was transferred to PH Kachi and one Abdul Haleem was brought to PH Kharian and then the order dated 02.07.2013 (**Annex:-R/4**) was procured whereby one again Appellant was transferred to PH Kharian/Makniyal. It is admitted fact that the Appellant has remained at PH Khariyan/Makniyal for long duration, however the locals were not satisfied with his performance and moreover a complaint was lodged with Tehsildar which was forwarded to the Competent Authority vide letter dated 30.09.2013 (**Annex:-R/5**) and accordingly the impugned order dated 01.11.2013 (**Annex:-R/6**) was issued. The impugned order is a general order passed on merit transferring many Patwaris in the Public interest and not specific one as other Patwaris have skipped their charges (**Annex:-R/7**).

2. Incorrect, hence, denied. As already submitted that the Appellant has remained on the disputed Halqa for more than 5½ years and his reposting to the same is neither in the public interest nor in the exigency of service. No political interference is involved in the case nor the instructions of the Provincial Government have been violated.
3. Correct to the extent of departmental appeal but it is also a fact that the Appellant filed the instant appeal before the Honourable Tribunal on 20/11/2013 and on the same day, filed a civil suit in the court of Civil Judge, Haripur wherein Stay Order was obtained which was later on withdrawn vide Order dated 28/11/2013 (**Annex:-R/8**).
4. Needs no reply.

Grounds:

- A. Incorrect. The impugned appellate Order is well reasoned and in accordance with law.
- B. Incorrect. The impugned Order is not politically motivated but the same has been passed on merits and complaint against the Appellant.
- C. Misconceived. The Appellant has served on the disputed Halqa for more than 5 ½ years and his further retention is not in the public interest.
- D. Incorrect.

- E. Misconceived. Proper reasons have been given in the impugned Appellate Order.
- F. Incorrect. The case of the Appellant is on distinguishable parameters.
- G & H. Incorrect, hence, denied.
- I. Needs no reply.

It is, therefore, humbly prayed that on acceptance of this reply, the appeal of appellant may graciously be dismissed with costs.

Through

Respondent No. 4

Khaled Rahman,
Advocate, Peshawar.

Dated: _____ / 11/ 2013

Counter Affidavit

I, Rab Nawaz Khan, Patwari PH Karian, District Haripur, do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

ATTESTED



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1528/2013

Rab Nawaz khan.....Appellant.
 Versus
 The Revenue Deptt; and others.....Respondents.

Reply to application for Interim Relief

Respectfully Sheweth,

1. Para-1 needs no reply.
2. Incorrect. The impugned order has been passed purely on merits and on the complaint without any political interference.
3. Incorrect. Neither the case of the Appellant is prima facie nor balance of convenience is in his favour nor he will suffer any loss muchless irreparable.
4. The grounds/replies taken in the reply may be considered as a part of this application.

It is, therefore, humbly prayed that on acceptance of this reply, the application for Interim Relief may graciously be rejected.

Respondent No. 4

Through

**Khalid Rahman,
 Advocate, Peshawar.**

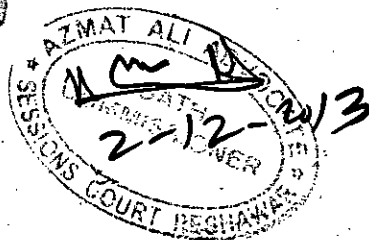
Dated: _____ / 11/ 2013

Affidavit

I, Rab Nawaz Khan, Patwari Halqa Kharian, District Haripur, do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

ATTESTED



TENURE IN RESPECT OF PATWARIS OF DISTRICT HARIPUR.

25/11 (6)

S. No.	Name of Patwari.	Previous posting (Name of Patwar halqa).	Date of Posting.	Present posting (Name of Patwar halqa).	Date of posting.	Remarks
1.	Mr. Waseem Ahmed.	Bait gali.	02.02.2009	Derwesh.	3.04.2010	
2.	Mr. Mohammad Javed.	Noorpur Paswal	04.12.2007	Pandak.	4.03.2009	
3.	Mr. Hafeez ur Rehman Khan.	Kharkot.	18.03.2004	Shah Maqsood.	12.12.2006	
4.	Mr. Nadar Khan.	Kholian.	03.08.2008	Sarai Saleh.	03.03.2009	
5.	Mr. Mohammad Firdos.	Noorpur Paswal.	04.03.3009	Ali Khan.	31.08.2010	
6.	Mr. Javed Iqbal.	Kharkot.	06.09.2010	Mirpur.	27.11.2010	
7.	Syed Kamran Hussain Shah.	Dal Mohat.	27.08.2010	Changi Bandi.	06.09.2010	
8.	Mr. Nisar Ahmed.	Kharkot.	06.08.2008	Meelam.	01.09.2010	
9.	Mr. Ihsanullah Khan.	Parba.	28.07.2010	Dheri Malkiar.	01.09.2010	
10.	Mr. Malik Sajjad Akhtar.	Jattipind.	21.06.2008	Kotnajibullah.	27.05.2010	
11.	Mr. Zahid ur Rehman.	Bhera.	07.09.2007	Mang.	16.06.2008	
12.	Mr. Zulfiqar Ahmed.	Dari.	30.11.2006	Bandi Seeran.	16.06.2008	
13.	Mr. Farman Khan.	Jab.	06.07.2008	Bagra.	18.08.2010	
14.	Mr. Tasleem Ahmed.	Jabri.	24.03.2007	Kholian.	06.05.2009	
15.	Mr Awal Khan	Bhera.	21.11.2007	Durshkhel.	18.09.2008	
16.	Mr. Ilyas Khan.	Qazipur.	18.10.2008	Haripur.	01.09.2010	
17.	Mr Zahid Rashid.	Tarbel a Dheri.	01.04.2009	Noordi.	28.05.2010	
18.	Mr. Nasir Iqbal.	Moha fizkhana (newly appointed).	21.10.2009	Serai Gadai.	30.08.2010	
19.	Mr. Wajid Shahzad.	Khalabat.	25.08.2008	Khalabat (still there).	25.08.2008	
20.	Malik Anwar ul Haq.	Panian.	18.05.2009	Dehdan.	26.04.2010	
21.	Mr.Mohammad Navvaz.	Ashra.	17.03.2009	Chamba Pind.	30.08.2010	

گھر اور عدا دفتر ADC
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 HVC

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S. No.	Name of Patwari.	Previous posting (Name of Patwar halqa)	Date of Posting.	Present posting (Name of Patwar halqa).	Date of posting.	Remarks.
22.	Malik Mohammad Farasat.	Dehdan.	11.12.2009	Bakka.	26.04.2010	
23.	Malik Sher Afzal.	Dehdan.	15.08.2009	Panjan.	21.11.2009	
24.	Mr. Abid Nayyar.	Kachi.	01.06.2010	Kangra.	16.11.2010	
25.	Mr. Abid Sultan.	Pind Kharakhel.	17.08.2006	Jagal.	11.01.2011	
26.	Malik Amir Mehmood.	Gojra.	09.07.2007	Choar.	21.06.2008	
27.	Mr. Wajid Mehmood.	Chajian.	17.08.2006	Bhera.	30.08.2008	
28.	Mr. Mohammad Pervez.	Jagal.	09.06.2009	Dhenda.	16.11.2010	
29.	Mr. Mohammad Ali.	Gojra.	01.08.2009	Dari.	12.01.2011	
30.	Malik Mohammad Ibrar.	Ladar Mang.	08.08.2006	Makhan.	11.06.2008	
31.	Mian Abdul Qayyum.	Najafpur.	02.02.2006	Mankarai.	10.07.2008	
32.	Mr. Dilfaraz Khan.	Jagal.	23.11.2010	Jattipind.	11.01.2011	
33.	Mr. Mohib ur Rehman.	Kali Lar.	18.03.2004	Pind Hashim Khan.	19.07.2008	
34.	Syed Rizwan Shah.	Dari.	18.11.2008	Pharhari.	27.11.2010	
35.	Mr. Khalid Mehmood.	Jattipind.	02.06.2002	Serai Niamat Khan.	06.09.2006	
36.	Mr. Mohammad Sajid Khan.	Kakotri.	18.11.2008	Noorpur Paswal.	31.08.2010	
37.	Mr. Khanzada Khan.	Tofkian.	31.01.2006	Khanpur.	08.01.2011	
38.	Mr. Zahid Rashid-II.	Khapur.	27.07.2010	Tofkian.	08.01.2011	
39.	Mr. Majid Khan.	NOK Haripur.	22.11.2007	Choi.	22.12.2010	
40.	Mr. Aslam Khan.	Additional Wasil Baqi Navees (Patwari)	03.08.2008	Garamthoon.	04.12.2010	
41.	Syed Waqar Haider Shah.	Garamthoon.	16.12.2005	Najafpur.	03.01.2009	
42.	Mr. Rab Nawaz Khan.	Mian Dheri.	03.02.2006	Kharian.	18.12.2008	
43.	Mr. Mohammad Taj.	Swabi Maira.	28.03.2007	Chajian.	28.12.2010	
44.	Mr. Mohammad Pervez.	Ladar Mang.	01.08.2009	Hattar.	12.01.2011	
45.	Syed Zamir Haider Shah.	Jattipind.	02.02.2006.	Jabri.	20.12.2008	
46.	Mohammad Assad Iqbal.	Khalabat.	18.03.2004	Barray.	16.12.2005	

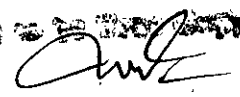
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S. No.	Name of Patwari.	Previous posting (Name of Patwar halqa)	Date of Posting.	Present posting (Name of Patwar halqa).	Date of posting.	Remarks.
72.	Mr. Asghar Khan (newly appointed).	-	-	Dal Mohat (first posting)	22.11.2010	
73.	Mr. Jamil Ahmed.	Kupri.	20.11.2006	Serikot.	28.08.2008	
74.	Mr. Faisal Aftab.	NOK, Ghazi.	16.09.2010	Gojra.	12.01.2011	
75.	Sardar Sohrab Khan.	Kali Lar.	31.07.2004.	Nara Amazai.	17.03.2009	
76.	Mr. Shahid Iqbal.	Parba.	24.11.2007	Kupri.	18.12.2010	
77.	Mr. Qaisar Shahzad (newly appointed).	-	-	Parba (first posting).	21.10.2010	
78.	Mr. Gayoor Khan.	Meha fizkhana.	31.12.2009	Kali Lar.	30.09.2010	
79.	Mr. Anjid Shahzad.	Kot najibullah.	24.11.2006	Sathana.	10.01.2009	
80.	Mr. Mohammad Daud.	Kot najibullah.	25.08.2008.	Baitgali.	27.07.2010	
81.	Mr. Fakhar Nawaz.	Tehsil Office Haripur.	27.05.2010	Ashra.	22.12.2010	
82.	Mr. Sajjad Khan.	-	-	Kiya (first posting)	23.11.2007	
83.	Mr. Shazada Khan.	Ehattar.	01.07.2010	Khabal	19.01.2011	

District Officer
Revenue & Estate/Collector
Haripur.


27/11/13

Rj/2 (9)

OFFICE OF THE ADDITIONAL DEPUTY COMMISSIONER, HARIPUR.

OFFICE ORDER.

With the approval of competent authority, the following postings / transfers amongst the Patwaris of this district are hereby ordered with immediate effect, in the public interest:-

S. No.	Name of Patwari.	From.	To.
1.	Mr. Rab Nawaz Khan.	Patwar halqa Kharian.	Patwar halqa Dalri Chaintri.
	Mr. Asghar Khan.	Patwar halqa Dalri Chaintri.	Patwar halqa Kharian.

Additional Deputy Commissioner
Haripur.

No. 980-81/HC/ADC(H): Dated Haripur the 30/05 /2013.

Copy to:-

1. Assistant Commissioner, Haripur.
2. Tehsildar, Haripur with the direction to ensure handing / taking over of the charge between the above mentioned immediately.
3. Private Secretary to Deputy Commissioner, Haripur.
4. Assistant Finance (local).
5. Patwaris concerned for strict compliance.

Additional Deputy Commissioner
Haripur.

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 Urgent 2 /
 Recd 10 /
 Name of the officer
 Date of Preparation of Copy 27-11-13
 Date of delivery of copy 27-11-13

27/11/13

Rj/2 (2)

OFFICE OF THE ADDITIONAL DEPUTY COMMISSIONER, HARIPUR.

28

OFFICE ORDER.

R/3 (10)

With the approval of competent authority, the following postings / transfers amongst the Patwaris of this district are hereby ordered with immediate effect, in the public interest:-

S. No.	Name of Patwari.	From.	To.
1.	Mr. Jehanzeb Khan.	Patwar halqa Khanpur.	Patwar halqa Mirpur.
2.	Mr. Asghar Khan.	Patwar halqa Kharian.	Patwar halqa Kachi.
3.	Mr. Khalid Mehmood Khan.	Patwar halqa Bakka.	Patwar halqa Dhenda.
4.	Mr. Nisar Ahmed.	Patwar halqa Parba.	Patwar halqa Bareela.
5.	Mr. Fazal ur Rehman.	Patwar halqa Bareela.	Patwar halqa Parba.
6.	Mr. Mohammad Pervez.	Patwar halqa Dhenda.	Patwar halqa Khanpur.
7.	Mr. Abdul Haleem.	Patwar halqa Kachi.	Patwar halqa Kharian.
8.	Mr. Mohammad Javed Iqbal.	Patwar halqa Mirpur.	Patwar halqa Bakka.

Additional Deputy Commissioner
Haripur.

No. 2730-40/HVC/ADC(H).

Dated Haripur the 13/05 2013.

Copy to the:-

1. Assistant Commissioner, Haripur.
2. Assistant Commissioner, Ghazi.
3. Tehsildar, Haripur with the direction to ensure handing / taking over the charge between the above mentioned Patwaris immediately.
4. Tehsildar, Ghazi.
5. Assistant Finance (local).
6. Patwaris concerned for strict compliance.

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HVC کے پاس
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Additional Deputy Commissioner
Haripur.

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Total 10/-
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Date of issue of copy 27-11-13

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(3)

OFFICE OF THE ADDITIONAL DEPUTY COMMISSIONER, HARIPUR.

(53)

ICE ORDER.

As directed by the worthy Commissioner; Hazara Division, Abbottabad, the following postings / transfers amongst the Patwaris of this District are hereby ordered with immediate effect, in the public interest:-

R/S/4

11

S. No.	Name of Patwari.	From.	To.	Remarks.
1.	Mr. Rab Nawaz Khan.	Patwar halqa Dalri Chaintri.	Patwar halqa Kharian (Makhnial).	Upon receipt of a complaint during pre-election period, Mr. Rab Nawaz Khan was transferred from Patwar halqa Makhnial. An enquiry was conducted and allegations levelled in the complaint were found baseless, as such, as directed by the worthy Commissioner, Hazara Division, he is posted back to his previous halqa Kharian (Makhnial).
2.	Mr. Abdul Haleem.	Patwar halqa Kharian (Makhnial)	Patwar haqa Dalri Chaintri.	

Additional Deputy Commissioner.
Haripur.

No. 4622-25 /HVC/ADC(H).
Copy to:-

Dated Haripur the 02/07 /2013.

1. Assistant Commissioner, Haripur.
2. Tehsildar, Haripur to ensure handing / taking over the charge amongst the above mentioned Patwaris immediately.
3. Assistant Finance (Local).
4. Patwaris concerned for strict compliance.

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Additional Deputy Commissioner
Haripur.

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OFFICE OF THE DEPUTY COMMISSIONER HARIPUR.

125/6 (13)

OFFICE ORDER.

With the approval of competent authority, the following postings/transfers amongst the Patwaris of this District are hereby ordered with immediate effect, in the public interest:-

S.No.	Name of Patwari	From	To	Remarks
01	Mr. Zahid Rashid	Patwar halqa Swabi Maira	Patwar halqa Noordi	Vice No. 2
02	Syed Ghulam Gadir Shah	Patwar halqa Noordi	Patwar halqa Swabi Maira	Vice No. 1
03	Mr. Faisal Allah	Patwar halqa Kharkot	Patwar halqa Mirpur	Vice No. 4
04	Mr. Ishaq Khan	Patwar halqa Mirpur	Patwar halqa Kharkot	Vice No. 3
05	Mr. Dil Nawaz	Patwar halqa Phahari	Patwar halqa Pandak	Vice No. 6
06	Mr. Ghayoor Khan	Patwar halqa Pandak	Patwar halqa Phahari	Vice No. 5
07	Mr. Dil Faraz	Patwar halqa Kailag	Patwar halqa Jettipind	Vice No. 8
08	Mr. Arsalan Afzal	Patwar halqa Jettipind	Patwar halqa Kailag	Vice No. 7
09	Mr. Wajid Mehmood	Patwar halqa Ladar Mang	Patwar halqa Ladera	Vice No. 10
10	Mr. Majid Nawaz	Patwar halqa Bhera	Patwar halqa Ladar Mang	Vice No. 9
11	Mr. Waqar Ahmed	Patwar halqa Sarai Gadai	Patwar halqa Kotehra	Vice No. 12
12	Mr. Zahid Rashid II	Patwar halqa Kotehra	Patwar halqa Sarai Gadai	Vice No. 11
13	Mr. Shahid Iqbal	Patwar halqa Ghazi	Patwar halqa Nara Amazai	Vice No. 14
14	Mr. Zameer Afzal	Patwar halqa Nara Amazai	Patwar halqa Ghazi	Vice No. 13
15	Syed Waqar Haider Shah	Patwar halqa Sathana	Patwar halqa Garamthoon	Vice No. 16
16	Mr. Rizwan Shah	Patwar halqa Garamthoon	Patwar halqa Sathana	Vice No. 15
17	Mr. Asad Iqbal	Patwar halqa Tarbela	Patwar halqa Makhniai	Vice No. 18
18	Mr. Rab Nawaz Khan	Patwar halqa Makhniai	Patwar halqa Tarbela	Vice No. 17

All concerned Patwaris are directed to hand over/take over the charge of their respective Patwar halqas within 03 days, otherwise strict disciplinary action will be taken against them under the prevailing E&D Rules.

S. M. Khan
Addl: Deputy Commissioner
Haripur.

No. 9489-9513 /HVC/DC (H)

Dated Haripur the 01/11/2013

(Urdu signature)
AD C. M. H. V. C. S. Y.

Copy to the:-

1. Deputy Commissioner, Haripur.
2. Assistant Commissioner, Haripur.
3. Assistant Commissioner, Ghazi.
4. Additional Assistant Commissioner (Rev), Haripur.
5. Tehsil dar, Haripur.
6. Tehsil dar, Ghazi.
7. Assistant Finance (Local).
8. Patwaris concerned for strict compliance.

(Signature)

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26-11-13
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S. M. Khan
Addl: Deputy Commissioner
Haripur.

27-11-13
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(5)

IN THE COURT OF SENIOR CIVIL JUDGE,

HARIPUR

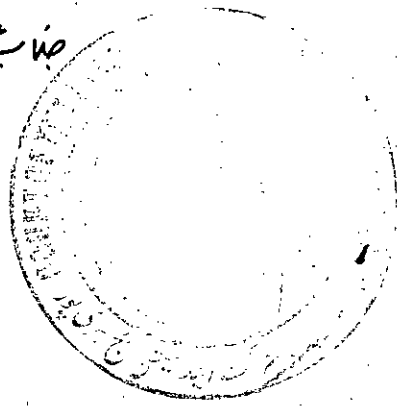
Serial No. of Order or Proceedings 1
Date of Order or Proceedings 20-11-13
Order for other proceedings with signatures of Judge or Magistrate at parties or counsel where necessary

Suit presented through counsel Syed Sijad Adw.
The same is entrusted to the Court of CJ J Ho.
for disposal. Learned counsel is directed to appear before the said Court on Today
Riz/8
SENIOR CIVIL JUDGE,
HARIPUR.

0-2 20-11-13.
دعویٰ عدالت سیز سول لرنج صا صا سول سٹا
کھداز چھال کیش ہو
Civil Judge
Haripur
ضد عالی د
دعویٰ عدالت
طرحہ عویٰ نثر ونا وراف
دالنا لکھ
رور طرحہ
Date 28-11-2013
Or-----03
20/11/2013

Plaintiffs through counsel present and admits the contents of the plaint to be correct. It be entered in the relevant register. Alongwith the plaint an application for grant of temporary injunction is also annexed. Preliminary arguments heard. Learned counsel for the plaintiffs was directed to inculcate this court whether the suit can be entertained by this court under Section 9 of the Civil Procedure Code as the matter in question pertains to transfer and posting of the revenue officials for which the Services Tribunal has got the jurisdiction. In compliance thereof learned counsel for the plaintiffs

20/11/13



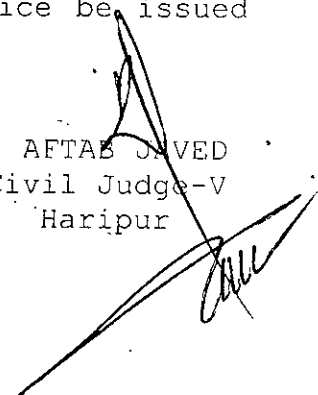
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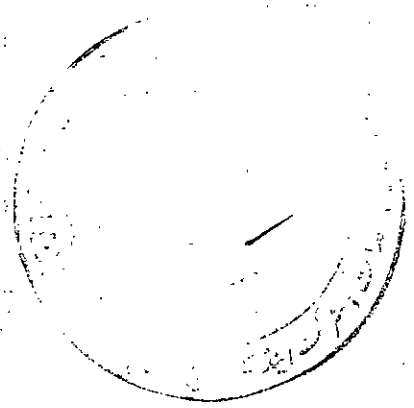
Continued or---03
20/11/2013

cited the law laid in **SAWAN AND OTHERS VERSUS ABDULLAH AND OTHERS** PLD 1998 (Karachi) 111 (a) and submitted that when the malafides are alleged the jurisdiction of civil courts can not be ousted. Perusal of the record reveals that malafides have been alleged in the instant suit. Accordingly the impugned notification/order bearing No.9489-9513/HVC/DC(H) dated 01/11/2013 is hereby suspended till date fixed. Notice be issued against the defendants for 27/11/2013.

AFTAB JAVED
Civil Judge-V
Haripur

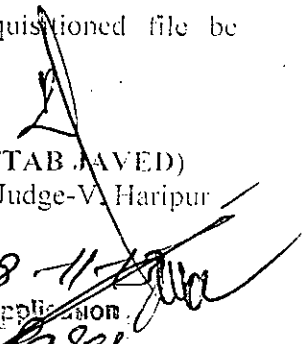


Or-----04
22/11/2013



Case file requisitioned on application of defendants No.05 to 10. Written statement along with an application under Order VII Rule 11 CPC is submitted with Vakalatnama. Placed on file. Notice of the application along with copy of written statement and application be issued against the plaintiff's counsel for written reply on date already fixed. Requisitioned file be returned.

(AFTAB JAVED)
Civil Judge-V, Haripur



Attested to be true copy
Date 28-11-13

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05 pages
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28/11/13

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Syed Ghulam Qadir Shah vs Dy Commissioner etc..253/1

Or-----05
27/11/2013

Parties through clerk of counsel present.
Naib Tehsildar Hafiz Bilal Ahmed appeared on behalf of the defendant No.1 to 4. Local bar is on strike. Reply to the application under Order 7 Rule 11 CPC not submitted. File to come up for reply and arguments on both the applications i.e. rejection of plaint and application for grant of temporary injunction on 28/11/2013. Till date status-quo be maintained subject to any contrary orders of the superior courts.

AFTAB JAVED
Civil Judge-V
Haripur

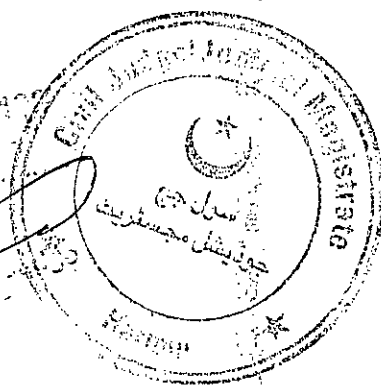
Or-----06
28/11/2013

Parties through counsel present. Counsel for the plaintiffs submitted application for withdrawal of the instant suit. To this effect statement of the counsel for the plaintiffs recorded over leaf the application Ex.PA. Wakalat Nama on behalf of the plaintiffs is Ex.PB

In the light of statement of the counsel for the plaintiffs, the suit in hand is hereby dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room after its necessary completion and compilation.

Announced;
28/11/2013

28-11-13



(Aftab Javed)
Civil Judge-V,
Haripur

28/11/13

EXPA
 دیشی کنستریوٹرز
 28/11/13
 سید غلام قادر شاہ - نام -
 دعوی استغاثہ

د درخواست گزار د کتبر داری مقدمه عنوان بار

منجانب عالی بیان درخواست ذیل ہے -

1- یہ کہ مقدمه عنوان بار زیر حق نیز عدالت حقوق میں جس میں اس طرح تاریخ
سیتی قوت ہے -

2- یہ کہ مقدمه عنوان بار در دست فورم (Forum) پر دائر کرنا
مستفسود ہے۔ یہ نہ مقدمه عنوان بار ای زیر پیری کسی خدمت نہ ہے۔

یہ اس سہ ماہیہ دعوی عنوان بار
مگر زیر کاروانی داخل دستر فرمایا جاوے۔

الموافق 28/11/13

سید غلام قادر شاہ مدعی ان بذریعہ دلیل خود

Attested to
Authorized
28-11-13

Deputy
Section Judge
Muzaffargarh

۲۵۳

بیان و عمل در بیان تحصیل حیدرآباد و حیدرآباد اور

بیان و عمل دعوی عنوان سید غلام قادر شاہ
بنا بر ذیل مکتوب جس سے یہ ایک سو قلم در بیان دست
برداری کا خوان ہوا اور مقدمہ عنوان کی اجمالی
لصیحہ دست برداری خارج و داخل و غیرہ فرما جائے
کا حکم صادر فرمایا جائے۔ درخواست دست برداری EXPA
اور وکالت نامہ خانہ در بیان EXPB ہے۔

سید کریم شاہ
28/11/2013

28/11/13
سید کریم شاہ

سید حسین حیدر ایڈووکیٹ دیپلومیٹ

Handwritten signature

Attested to be true copy
Authorized
Gancon-02
Date 28-11-13

Dist. Judge

