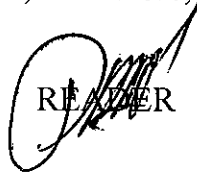


1587/13

16.10.2015

Since 15.10.2015 has been declared as public holiday on account of Ist Muharramul Haram, therefore, case is adjourned to 20.4.2016 for the same.


READER

20.04.2016

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt alongwith Addl:AG for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 07.09.2016.

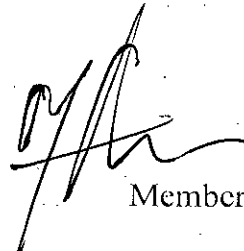

Member

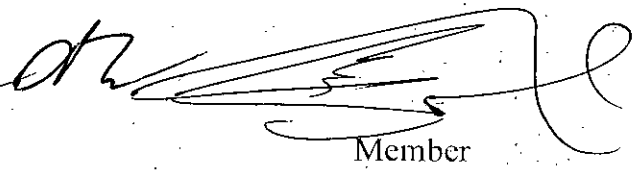

Member

07.09.2016

None for the appellant present. Addl. AG for respondents present. Called for several times but no one appeared on behalf of the appellant, therefore, the appeal in hand is hereby dismissed in default. File be consigned to the record room.

ANNOUNCED:
07.09.2016


Member


Member

10.09.2014

Counsel for the appellant, Mukhtiar Ali, Supdt. for respondent No.1 with Mr. Muhammad Adeel Butt, AAG for the official respondents present. The learned Member is on leave. To come up for the same on 10.12.2014.


READER

10.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the respondents present. The Tribunal is incomplete. To come up for the same on 25.2.2015.


READER

25.02.2015

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. for official respondents alongwith Addl: A.G present. Requested for adjournment for rejoinder. Last opportunity granted. To come up for rejoinder and further proceedings before S.B on 26.03.2015.


Chairman

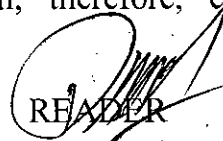
26.03.2015

None present for appellant. Mr. Mukhtiar Ali, Supdt. alongwith Addl: A.G for official respondents No. 1 to 3 present. Rejoinder not submitted. The appeal is assigned to D.B for rejoinder final hearing for 15.10.2015.


Chairman

16.10.2015

Since 15.10.2015 has been declared as public holiday on account of Ist Muharramul Haram, therefore, case is adjourned to 25.2.2016 for the same.


READER

1586/13

25.2.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for respondent No.1, Muhammad Ayub, Revenue Assistant for respondent No.2 and Muhammad Jamil, ADK for respondent No. 3 present and requested for time. None is available on behalf of private respondent No.4. Notice be issued to him. To come up for written reply on main appeal as well as reply/arguments on stay application on 1.4.2014.


MEMBER

1.4.2014.

Junior to counsel for the appellant and AAG with Mir Qasam, Assistant Secretary for respondent No.1 present and reply filed. Mr. Muhammad Ayub, Assistant for respondent No.2 and Imran Junior Clerk for respondent No.3 present and requested for time. None is available on behalf of private respondent No. 4. Fresh notice be issued to him through registered post. To come up for written reply of respondent No. 2 to 4 on main appeal as well as reply/arguments on stay application on 2.6.2014.


MEMBER


MEMBER

02.6.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. and Mr. Muhammad Jamil, ADK for official respondents present who already filed written reply. None is available on behalf of private respondent No.4, nor his written reply received, hence placed ex-parte. To come up for rejoinder on 10.9.2014.


MEMBER


MEMBER

3.

30.12.2013

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the order dated 26.07.2013, the appellant filed departmental appeal on 01.08.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 29.11.2013. 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. Thereafter, Notice be issued to the respondents. Appellant has also filed an application for suspension of operation of order dated 26.07.2013. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply on main appeal on 25.02.2014 as well as reply/arguments on stay application on 14.01.2014.

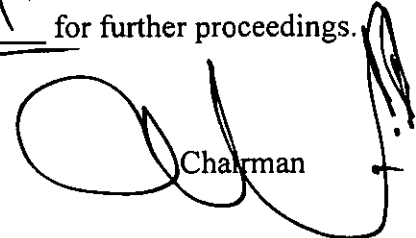
*Appellant deposited
of Process fee & Security
Rs. 200/- Bank Receipt
attached with file.*


Member

4.

30.12.2013

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


Chairman


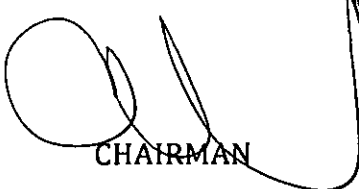
15.1.2014

Since 14th January, 2014 has been declared as public holiday, therefore, case to come up for the same on 25.2.2014.


READER

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 1586/2013

S.No.	Date of Order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06/12/2013	<p>The appeal of Mr. Amjid Sohail resubmitted today by Mr. Sajid Amin 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	10-12-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>30-12-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>


The appeal of Mr. Amjid Sohail Patwari Patwar Halqa Ghari Chandan received today i.e. on 29.11.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Copy of order dated 26.3.2013 mentioned in para-4 of the appeal (Annexure-C) is not attached with the appeal which may be placed on it.

No. 1704 /S.T.


Dt. 02/12 /2013

Mr. Ijaz Anwar Adv. Pesh.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

The appellant has not retained any copy of the order dt. 26.3.2013, however the department / Respondents may be asked / directed & produce the same.

nc - Submitted


SAJID AMIN
Advocate, Pesh.

0

**BEFORE THE KHYBER PAKHTUNKWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 1586/2013

Amjid Sohail Patwari, Patwar Halqa Ghari Chandan, Tehsil &
District Peshawar.

Appellant

VERSUS

Senior Member Board of Revenue Khyber Pakhtunkhwa
Peshawar and others.

Respondents

INDEX


No.	Description of Documents	Attachments	Page No.
1	Memo of Appeal		1-3
2	Application and Affidavit		4-5
3	Transfer Order dated 22.10.2012 and Charge Report	A B	6-7
4	Orders dated 26.03.2013 and 15.04.2013	C	8-10
5	Impugned transfer Order dated 26.07.2013	D	11-14
6	Departmental Appeal	E	15-16
7	Transfer and Posting Policy	F	17-20
6	Vakalatnama		


Appellant

Through



IJAZ ANWAR
Advocate Peshawar
&


SAJID AMIN
Advocate, Peshawar

1

**BEFORE THE KHYBER PAKHTUNKWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 1586/2013

1607
29/11/13

Amjid Sohail Patwari, Patwar Halqa Ghari Chandan, Tehsil & District Peshawar.

Appellant

VERSUS

1. Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
2. Commissioner Peshawar Division, Peshawar.
3. Deputy Commissioner, Peshawar.
- ④ Tajamul Shah Patwari, P.H Dheri Baghbanan, Peshawar.

Respondents

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the Office Order dated 26.07.2013, whereby the appellant has been transferred from patwar halqa Dheri Baghbanan to Patwar Halqa Ghari Chandan while the Respondent No. 4 has been transferred vice the appellant, against which his Departmental Appeal dated 01.08.2013 has not been responded despite the lapse of 90 days statutory period.

Prayer in Appeal:

On acceptance of this appeal the impugned Transfer Order dated 26.07.2013, may please be set-aside to the extent of the appellant and the appellant be allowed to continue his duties at Patwar Halqa Dheri Baghbanan or any other remedy deem proper may also be awarded.

Respectfully Submitted:

1. That the appellant is serving in the respondent department as Patwari.
2. That it is pertinent to point out here that the appellant remained at different stations as and when directed / posted.
3. That while serving in the said capacity the appellant while posted at Dhari Baghbanan was transferred to PH Landi

Ex-partee
02-06-14

Co-submitted to the
and filed.

Registered

Yarghajwai vide order dated 22.10.2012. he took over the charge fo his post and started performing his duties. (Copy of the transfer Order dated 22.10.2012, and charge report are attached as Annexure A & B)

4. That subsequently the appellant was transferred to PH Ghari Sherdil vide order dated 26,03.2013. Again the appellant was transferred to P.H Dehri Baghbanan vide order dated 15.04.2013, the appellant took over the charge of his post and has started performing his duties. It is pertinent to mention that both the orders were issued during the Caretaker Government. (Copies of the transfer Orders dated 26.03.2013 and 15.04.2013 are attached as C).
5. That having hardly served for 03 months, the appellant was again transferred from Dhari Baghbanan to Ghari Chandan while Respondent No 4 was posted vise the appellant vide Office Order dated 26.07.2013 allegedly on the ground that the earlier transfer order of the appellant was effected during the Caretaker Government. (Copy of the Order dated 26.07.2013 is attached as Annexure D).
6. That the appellant submitted his Departmental Appeal on 01.08.2013, however it has not been responded despite the lapse of 90 days statutory period. (Copy of the Departmental Appeal is attached as Annexure E).
7. That the impugned order is illegal, unlawful, against the Rules, politically motivated and malafide inter alia on the following grounds:

Grounds of Appeal:

- A. That the appellant has not been treated as accordance with law, hence his rights secured and guaranteed under the Law are badly violated.
- B. That the impugned transfer order is issued in violation of the transfer and Posting Policy and therefore, not sustainable under the Law.
- C. That the appellant has been prematurely transferred, he has not completed his tenure, thus the order impugned is illegal and against the law laid down by the apex court, in its case reported in PLD 1995 Supreme Court Page No. 530.
- D. That the earlier transfer order of the appellant the 26.03.2013, also issued during the Caretaker

Government therefore, if all the orders during that period were to be set aside then the order dated 26.03.2013, should also have been cancelled but the same has not been done, therefore, the impugned transfer order is not in accordance with the Orders dated 22.05.2013 and 06.06.2013 of the Honorable Supreme Court, rather the same was issued to accommodate the blue eyed politically favorites.

- E. That the transfer order is illegal and unlawful, moreover the same is in violation of posting and transfer policy of the Provincial Govt.
- F. That there were no complaint whatsoever against the appellant during his posting at PH Dehri Baghbanan, quite wrongly the transfer order was given the colour of public interest.
- G. That the respondents in a quick succession have issued frequent transferred orders against the public interest and transfer and posting policy.
- H. That the impugned transfer order is illegal, unlawful, without lawful authority and passed without jurisdiction, not in the prescribed period, in violation of transfer and posting policy. (Copy of the policy is attached as Annexure F).
- I. That the appellant seeks the permission to rely on additional ground at the hearing of this appeal.

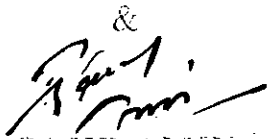
It is, therefore, very humbly prayed that on acceptance of this appeal the impugned Transfer Order dated 26.07.2013, may please be set-aside and the appellant be allowed to continue his duties at Patwar Halqa Dehri Baghbanan or any other remedy deem proper may also be awarded.


Appellant

Through



IJAZ ANWAR
Advocate, Peshawar

&

SAJID AMIN
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. _____/2013

Amjid Sohail Patwari, Patwar Halqa Ghari Chandan, Tehsil &
District Peshawar.

Appellant

VERSUS

Senior Member Board of Revenue Khyber Pakhtunkhwa
Peshawar and others.

Respondents

**Application for the suspension of the operation of
office order Dated 26.07.2013, to the extent of the
appellant fill the decision of the above noted Appeal**


Respectfully Submitted:

1. That the appellant has filed today the above noted appeal in this Honourable court in which no date of hearing has been fixed so far.
2. That the facts and ground mentioned in the accompanied appeal may be read as integral part of this application.
3. That the applicant has got a good prima facie case and there is likelihood of it success.
4. That the applicant would be exposed to great hard ship and inconvenience in case the order is not suspended.
5. That the order passed is in violation of law and under misconception.
6. That it will also serve the interest of justice.

It is there fore prayed that on acceptance of this application the operation of the impugned transfer order dated 26.07.2013, may please be suspended to the extent of the appellant of the appellant till the decision of the appeal.


Applicant

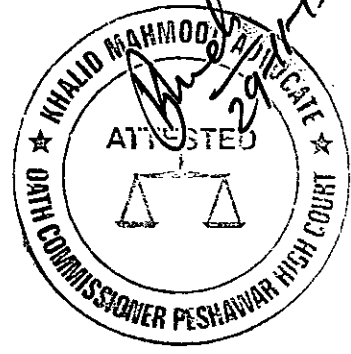
Through


SAJID AMIN
Advocate, Peshawar

Affidavit

I, *Amjid Sohail Patwari, Patwar Halqa Ghari Chandan, Tehsil & District Peshawar*, do hereby solemnly affirm and declare on oath that the contents of the *above appeal* as well as application are true and correct and that nothing has been kept back or concealed from this Honourable Court.


Deponent



(6)

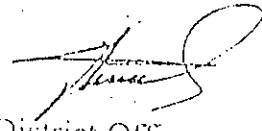
Annexure:

A

OFFICE ORDER

The following mutual Transfers/Postings amongst the Patwaris of District Peshawar are hereby ordered with immediate effect in the interest of public.

S.No	Name of Patwari	From	To
1	Mr. Amjad Sohail	PH Dheri Baghbanan	PH Landi Yarghajwai
2	Mr. Saleem Shahzad	PH Landi Yarghajwai	PH Dheri Baghbanan

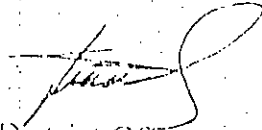


District Officer
Revenue & Estate Peshawar

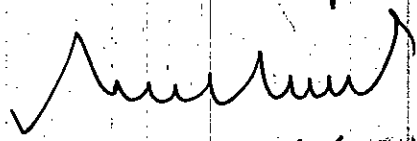
No. 3605-7 /DOR & E/DK, Dated Peshawar: 22 /10/2012.

Copy forwarded to the:

1. Tehsildar Peshawar.
2. Revenue Bill Clerk DOR Office.
3. Official Concerned.
- 4.



District Officer
Revenue & Estate Peshawar



Asstt: to Commissioner (Rev/GA)
Peshawar Division, Peshawar

A

آئیڈیل روز حسب اہتمام D.O.R صاحب پشاور شمالی ڈویژن صفحہ 12-10-22

Annexure B

حلقہ لنڈی پر مخوٹی چارج لین دین لیا گیا۔ مندرست چارج زریں لے۔

مثل عنینت لنڈولہتی ایک جلد۔ خیلہ ایک بندولہتی دو جلد۔ شجرہ نسب بندولہتی

ایک جلد۔ کھوٹی خانم ایک جلد۔ لاک کتاب تین جلد۔ شجرہ لشوار لکھو ایک ٹکڑا۔ راجپوت

گرداوری جلد۔ راجپوت اشتعالت بلغہ زریں کار جلد 1 تا 91 آخری اشتعال 8461

جے۔ راجپوت حقداران زمین بلغہ زریں کار (21 جلد) فرد بدر پیرت پلازار اے اے اے

13 تا 15، 17 تا 19، 25، 26

پیرچہ راجپوت کا پانے بارہ عدد زریں جو پیر اشتعالت 5425، 5427، 5428

5447، 5448، 5449، 5450، 5451، 5452، 5453، 5454، 5455، 5456، 5457، 5458، 5459، 5460

کل آٹھ عدد۔ روزنامی پورچھانی بلغہ زریں کار (29 عدد)۔ روزنامی

کاغذ سازی بلغہ زریں کار (28 عدد)۔ راجپوت حفاظت کاغذات حال ایک جلد۔

راجپوت راجپوت عنین

الحاجزہ گریڈ

الحاجزہ گریڈ

احمد حسین بلواری

سید شہزاد بلواری

30/10/2012

Asstt. to Commissioner (Rev/GA) Peshawar Division, Peshawar



(8) Annexure C

**OFFICE OF THE
DEPUTY COMMISSIONER PESHAWAR.**

Dated Peshawar the 5 /04/2013

OFFICE ORDER
IMPLEMENTATION OF DIRECTIONS OF ELECTION COMMISSION OF
PAKISTAN - NEUTRALITY ASSESSMENT.

In pursuance of Establishment Department, Government of Khyber Pakhtunkhwa Peshawar letter No.SO(E-1)E&AD/9-49/2012, dated 13.4.2013 coupled with the directives of Election Commission of Pakistan, a meeting was convened in the office of the undersigned to assess the necessary neutrality assessment of the Revenue Field Staff and consequently the following postings/transfers amongst the Patwaris of Peshawar District are hereby ordered in the public interest with immediate effect:-

S#	Name of Patwari	From	To
1.	Mr. M. Yaseen	P.H Fala Abdur Rahima	P.H Ram Kishin vice No.12
2.	Mr. Mohammad Iqbal	Waiting for posting	P.H Tornab vice No.4
3.	Mr. Abdul Wahab	P.H Khulizai	P.H Urmur Bala vice No.21
4.	Mr. Fazle Muhtaq	P.H Tornab	P.H Daman Hindki vice No.41
5.	Mr. Payo Gul	P.H Garhi Sherdad	P.H Achini Bala Vice No.43
6.	Mr. Nisar Mohammad	P.H Shah Dhand	P.H Pharipura vice No.17
7.	Mr. Riaz Ahmed	IAC Branch	P.H Pishlakhara Payan vice No.48
8.	Mr. Sadiq Akber	P.H Khazana	P.H Takhlabad Awal vice No.11
9.	Mr. Saeed Ahmed Khan	P.H Tukra No.1	P.H Pajaggi vice No.32
10.	Mr. Mohammad Qayas	P.H Achini Payan	P.H Pishlakhara Bala vice No.42
11.	Mr. Shaukat Ali	P.H Takhlabad Awal	P.H Tukra No.1 vice No.2
12.	Mr. Mohammad Aslam	P.H Ram Kishin	P.H Chilji Kander Khel vice No.40
13.	Mr. Zikriya Khan	P.H Suleman Khel	P.H Dab Bunyadi vice No.56
14.	Mr. Tilawatul Rehman	P.H Jala Bala	P.H Khazana vice No.8
15.	Mr. Mohammad Ali Jan	P.H Passani	P.H Mahal Gabri vice No.62
16.	Mr. Didar Khan	P.H Nauthia	P.H Suleman Khel vice No.13
17.	Mr. Tariq Javed Gul	P.H Pherpura	P.H Shah Dhand vice No.6
18.	Mr. Mukammal Shah	P.H Hazar Khawani	P.H Nauthia vice No.16
19.	Mr. Fazal Rabi.	Waiting for posting.	P.H Hazar Khawani vice No. 18
20.	Mr. Mir Zaman	P.H Jauda	P.H Passani vice No.15
21.	Mr. Gulzar Ahmed	P.H Urmur Bala	P.H Jala Bala vice No.14
22.	Mr. Qaiserud Din	Waiting for posting	P.H Pakha Chulam vice No. 66
23.	Mr. Riaz Khan	Waiting for posting	P.H Shagi Hinkgayar vice No.24.

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24.	Mr. Mohammad Abid	P.H Shagi Hindkiyan	Acqn: Branch
25.	Mr. Ikramullah	P.H Jankal Bala No.1	P.H Sarband vice
26.	Mr. Falak Naz	P.H Ahmed Khel	No.46
27.	Mr. Siraj Mohammad	P.H Rashida	P.H Khulozai vice No.3
28.	Mr. Anwar Zeb	P.H Mullaazai	P.H Kagawala Ali zai vice No.64
29.	Mr. Alamzeb	P.H Urman Miana	P.H Urman Miana vice No.29
30.	Malik Zainul Abideen.	P.H Lala Ahmed	P.H Haji Pando vice No. 58
31.	Mr. Sikander	P.H Kaniza	P.H Choha Gujor vice No. 47
32.	Mr. Mohammad Younas	P.H Pajaggi	P.H Daag vice No. 72
33.	Mr. Sher Wali	P.H Surizai Bala	P.H Garhi Sherdad vice No.5
34.	Mr. Iflikhar Alam	P.H Badaber Maryamzai	Report to Office
35.	Mr. Naeem Jan	P.H Sufaid Sung	P.H Tauda vice No.20
36.	Mr. Amjed Khan Khalil	P.H Chagharmalli	P.H Mullaazai vice No.28
37.	Mian Inamullah	P.H Lala	P.H Lala vice No.26
38.	Mr. Ifrahim Shah	P.H Shahi Bala	P.H Shahi Bala vice No.38
39.	Mr. Shindi Gul	P.H Daman Alghani	P.H Daman Alghani vice No.28
40.	Mr. Mohammad Ejaz	P.H Ghalji Kander Khel.	P.H Chaghar Malli vice No.25
41.	Waqar Ahmed	P.H Daman Hindki.	Report to office.
42.	Mr. Ghafoor Khan	P.H Sardar Garhi	Report to Office
43.	Mr. Azimullah Khan	P.H Achini Bala	P.H Hargoni vice No. 61
44.	Mr. Nasrullah	P.H Essa Khel Topchian.	P.H Badaber Maryamzai vice No.34
45.	Mr. Sajjad Khan	P.H Palosi Talarzai	P.H Nodeh Payan vice No.67
46.	Mr. Alamzeb Shuhid	P.H Sarband	Report to Office
47.	Mr. Mashooq Jan	P.H Choha Gujor	P.H Masho Gagar vice No.40
48.	Mr. Ibrar Khan	P.H Pishlakhara Payan	P.H Ghalji Kander Khel vice No.40
49.	Mr. Sanullah	P.H Pishlakhara Bala.	P.H Pawaka/Abdara vice No. 52
50.	Mr. Saleem Shahzad	P.H Dheri Baghbanan	Report to DK office
51.	Mr. M. Nadeem	P.H Mashogagar	P.H Landi Yarghjo vice No. 74
52.	Mr. Mohamamd Kamran	P.H Pawaka	P.H Garhi Baghbanan vice No.76
53.	Mr. Tahirullah	P.H Mathra	P.H Surizai Bala vice No.33
54.	Mr. Waheed Khan	Waiting for posting	P.H Nahaqi vice No.68
55.	Malik Abdul Chaffar.	P.H Achar	P.H Sufaid Sang vice No. 35
56.	Mr. Mohammad Yousaf	P.H Dab Bunyadi.	P.H Achini Payan vice No. 10
57.	Mr. Zarshad Khan	P.H Palosi Maqdarzai.	P.H Achar vice No.44
58.	Mr. Imtiaz Khan	P.H Haji Pando.	P.H Garhi Sherdil vice No. 74
59.	Mr. Haroon Khan	P.H Nasirpur	P.H Palosi Maqdarzai vice No.57
			P.H Musazai vice

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60.	Mr. Saifullah	P.H Musa'zai	No.49.
61.	Malik Zahidullah	P.H Hargoni.	P.H Aadipura vice No.73.
62.	Mr. Hassanat Sh Jh	P.H Muhal Gabri	P.H Sardar Garhi vice No. 42
63.	Mr. Noor Hussain	Waiting for posting.	P.H Talu Abdul Rahim vice No.1
64.	Mr. Fayaz Khan	P.H Kagowala Alizai	P.H Rashida vice No.
65.	Mr. M. Ishfaq	Waiting for posting.	P.H Nasirpur vice No.59
66.	Mr. Mohammad Saeed	P.H Pakha Ghulam	P.H Maira Kachori vice No.71
67.	Mr. Shah Jehan	P.H. Nodch Payan	P.H Lala Ahmed vice No.30
68.	Mr. Asadullah Khan	P.H Nahaqi	P.H Essa Khel Topchian vice No. 44
69.	Mian Saddiq Ali Shah	P.H Nodch Bala	P.H Mathra vice No.53
70.	Mr. Aflab Ahmed	P.H Landi Akhun Ahmed	P.H Landi Akhun Ahmed vice No.70
71.	Mr. Javed Ahmed	P.H Maira Kachori	P.H Nodch Bala vice No.69
72.	Mr. Sher Alam	P.H Daag	P.H Ahmed Khel vice No.26
73.	Mr. Arshed Khan	Aadi pura	P.H Kaniza vice No. 31
74.	Mr. Amjed Suhail	Under transfer to Garhi Sargol	P.H Ichkal Bala No.1 vice No.25
75.	Anwar Ali	Under transfer to Landi Yarghajo	P.H Dhari Baghbanan vice No.50
76.	Mohammad Bashir	P.H Garhi Baghbanan	Palosi Talarzai vice No.45 Report to office.

[Signature]
Deputy Commissioner,
Peshawar.

No. 56:12-19/DC(P)/DK.

Dated Peshawar the 15/04/2013

Copy forwarded to the:-

1. Commissioner Peshawar Division Peshawar.
2. Additional Deputy Commissioner, Peshawar.
3. Assistant Commissioner, Peshawar.
4. Additional Assistant Commissioner (Rev) Peshawar.
5. PS to SMBR Khyber Pakhtunkhwa Peshawar.
6. Tehsildar Peshawar.
7. Revenue Bill Clerk.
8. Official concerned for compliance.

[Signature]
Deputy Commissioner,
Peshawar.

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(11) E

**OFFICE OF THE
DEPUTY COMMISSIONER PESHAWAR**
Dated Peshawar the 26/07/2013

OFFICE ORDER

Amended D

Upon review of transfers made during the caretaker government's tenure pursuant to Supreme Court of Pakistan order and decision rendered in Khawar Asif versus Federation of Pakistan on 22.5.2013 and 6.6.2013, and collation of the estates ordered by the Board of Revenue, Government of Khyber Pakhtunkhwa, followings transfers of Patwaris are ordered with immediate effect in the public interest:-

S#	Name of Patwari	From	To
1.	Inamullah	P.H Budhal	P.H Ahmed Khet vice No.41
2.	Mohammad Shakir	P.H. Jhalarian	P.H Jala Bela vice No.42
3.	Mohammad Israr	P.H Kalokhel	P.H Mian Gujar vice No.43
4.	Zahid Khan	P.H Sardar Garhi	P.H Daman Afgnari vice No.44
5.	Nisar Khan	P.H. Pharipura	P.H. Gul Bela vice No.45
6.	Mohammad Asif	P.H Chughalpara	P.H Essa Khet Hamud vice No 46
7.	Tariq Javed.	P.H Mahai Terai.	P.H. Dab Bunwal vice No.47
8.	Haji Mohammad	P.H Tukra No.3	P.H Qila Shan (Bait) vice No.48
9.	Malik Abdul Ghaffar	P.H Achini Payan	P.H Sankhane vice No.49
10.	Mansoor Khan	P.H Surzai Payan	P.H Jogani vice No.50
11.	Ghafoor	P.H Hargoni	P.H Niami vice No.51
12.	Qaiserud Din	P.H Pakha Chulam	P.H Mamo Khalka vice No.52
13.	Pir Hassanat Shah	P.H Fata Abdu Rahima	P.H Garhi Sherad vice No.53
14.	Mohammad Ali Jan	P.H Mahal Gabri	P.H Garhi Sherdad vice No.54
15.	Nasrullah	P.H Nodeh Payan	P.H Sufaid Sang vice No.55
16.	Mr. M. Nadeem	P.H Malakandher	P.H Azakhel No.1 vice No.56
17.	Shah Jehan	P.H Essa Khet Topchian	P.H. Abadi Peshawar against the vacant post.
18.	Asadullah	P.H Mathra	P.H Charpariza vice No.57
19.	Mr. Salahud din	P.H Sheiki Mohammadi	P.H Kaniza vice No.58
20.	Mr. Fayyaz	P.H Nasirpur	P.H Hassanabad vice No.59
21.	Mr. Shaukat	P.H Tukra No.1	P.H Chaghar Mala vice No.60
22.	Shahid Aslam	P.H Ram Kishin	P.H Burber vice No.61
23.		P.H Nachapa Payan	P.H Babuzai vice No.62
24.	Mr. Yunis	P.H Pajaggi	P.H Shah Alam vice No.63
25.	Mr. Amjed-Suhail	P.H Baghbanan Dheri	P.H Garhi Chandan vice No.64
26.	Mr. Salim Shahzad	P.H Yarghajo Landi	P.H Panam Dheri vice No.65
27.	Mr. Mukammil Shah	P.H Achar	P.H Gara Tajik vice No.66

(Signature)
Asstt. to Commissioner (Rev/GA)
Peshawar Division Peshawar
(Signature)

(Signature)

29.	Mr. Inayatullah.	P.H Nauthia.	P.H. Kafoor Dheri vice No.88
30.	Deedar	P.H Swati/Charkhana	P.H Kankola vice No.69
31.	Mr. Tilawat Shah	P.H Tehkal Payan	P.H Passani vice No.70
32.	Mr. Sadaqatullah	P.H Mahal Salu	P.H Masho Khel vice No.71
33.	Noor Hussain	Waiting for posting.	P.H Mushtarzai vice No.73
34.	Mr. M. Nadeem	P.H Mashogager.	P.H Masho Peki vice No.72
35.	Mr. Ikramullah	P.H Tehkal Bala No.1	P.H Behlol zai vice No.74
36.	Mr. M. Saeed	P.H. Lala Ahmed	P.H Malakander vice No.16
37.	Mr. Abdul Jabbar	P.H Wadpaga	P.H Tera Payan (Darmangi) vice No.75
38.	Mr. M. Zarif.	P.H Gulozai.	P.H Umar Maira vice No.78
39.	Mian Inamullah	P.H Shahi Bala	P.H Maryamzai vice No.78
40.	Mr. Riaz Khan	P.H Shagi Hindkiyan	P.H Budhni vice No.39
41.	Mr. Javed	P.H Ahmed Khel	P.H Budhai vice No.1
42.	Mr. Gulzar	P.H. Jala Bela.	P.H Gulozai vice No.38
43.	Mr. M. Ilyas	P.H Mian Gujar.	P.H Achini Payan vice No.9
44.	Mr. Ibrahīm Shah	P.H Daman Afghani	P.H Hargoni vice No.11
45.	Mr. Sher Wali	P.H Gul Bela	P.H Jhalarian vice No.2
46.	Mir Rehman Shah	P.H Essa Khel Hameed.	P.H Sardar Garhi vice No.4
47.	Mr. Zikriya Khan	P.H Dab Bunyadi	P.H Pharipura vice No.5
48.	Haji Namdar	P.H Qilla Shah Balg	P.H Chughuipura vice No.6
49.	Mr. Ali Akber	P.H Sarkhana	P.H Fatu Abdur Rahma vice No.13
50.	Mr. Ihsanul Haq	P.H Jogani.	P.H Mahal Terai vice No.7
51.	Malik Zainul Abideen	P.H Niemi	P.H Tukra No.3 vice No.8
52.	Mr. Farmanullah.	P.H Mamo Khatki	P.H Surizai Payan vice No.10.
53.	Mr. Zarshad	P.H Garhi Sherdil.	P.H Kakshal.
53.	Mr. Fazle Muhtaj	P.H Garhi Sherdad	P.H Kalo Khel vice No.8
55.	Mr. Waheed Khan	P.H Sufaid Sung	P.H Nodeh Payan vice No.15
56.	Mr. Mohammad Tufail	P.H Aza Khel - 1	P.H Mahal Gabri vice No.14
57.	Mr. Zarshad	P.H Charpariza	P.H Essa Khel Topchian vice No.17
58.	Mr. Sher Alam	P.H Kaniza	P.H Mathra vice No.18
59.	Mr. Iftikhar Khan	P.H Hassan abad	P.H Shoikh Mohammad vice No.19.
60.	Mr. Shindi Gul	P.H Chaghar Matti	P.H Pakha Ghulam vice No.12
61.	Mr. Inamullah	P.H Barber	P.H Nasirpur vice No.20.
62.	Mr. Riaz	P.H Babuzai	P.H Nachapa Payan vice No.23
63.	Mian Noorul Haq	P.H Shahalam	P.H Achar vice No.27
64.	Mr. Anjum Shah	P.H Garhi Chandan	P.H Ram Kishin vice No.22
65.	Mr. M. Jamil	P.H Panam Dheri	P.H Pajaggi vice No.24
66.	S. Tajamul Shah	P.H. Gara Tajak	P.H Dheri, Baghbanan vice No.25
67.	Mr. Sadaqat	P.H Shahi Payan	P.H Landi Yarghajo vice No.26.
68.	Mr. Amjed Khan	P.H Kafoor Dheri	P.H Nauthia vice No.29

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69.	Mr. Noorul Qamar	P.H.	Swain/Chorkhanda
70.	Mr. Rehman Tilawat	Kankora/Katara P.H Fissara	vice No.30
71.	Mr. Wisal Khan	P.H Masho Khel	P.H Tukra No.1 vice No
72.	Mr. Mumtaz Ali Shah	P.H Masho Poki	P.H Mahal Sulu vice
73.	Mr. Bostan	P.H Mushiarzai.	No.32
74.	Mr. Mansoor Khan	P.H Behlolzar.	P.H Mashogagar vice
75.	Mohammad Aamer	P.H Terai Payan (Darmangi)	No.34 P.H Shahi Bala vice
76.	Mr. Faqir Hussain	Patwari PDA	No.39 P.H Lala Ahmad vice
77.	Mr. Yasin Khan	Patwari DK's off:	No.36 P.H Wadpaga vice No.37
78.	Mr. Salahud Din	P.H Maryamzar.	P.H Tehkal Payan vice
79.	Mr. Roshul Amin	P.H Umar Maira	No.33 P.H Shagi Hindkiyan vice
			No.40 P.H Tehkal Bala No. vice No.35

12

SO
Deputy Commissioner
Peshawar.

Dated Peshawar the 26/10/2013

No. 1119-25 /DC(P)/DK.

- Copy forwarded to the:-
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 2. Additional Deputy Commissioner, Peshawar.
 3. Assistant Commissioner, Peshawar.
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 5. Tehsildar Peshawar.
 6. Revenue Bill Clerk.
 7. Official concerned for compliance.

Muhammad
Asstt. to Commissioner (Rev/GA)
Peshawar Division Peshawar
6/8

SO
Deputy Commissioner,
Peshawar.

آپ کے روز حسب احکم ڈیٹیشن کثرت صاحب لکھنؤ بک آرڈرنگ ڈپارٹمنٹ (25/50-1119)

جارج حلقہ ڈھیریا باغبانان تحصیل و ضلع لکھنؤ چارج حوالہ جملہ شاہ پوری لکھنؤ
ذیل ہے

مختصر حقیقت نندو لکھنؤ سال 1928ء تک جلد شجرہ نسب مالکان کتب جلد، نندو لکھنؤ

جلد تعداد زینت سال 1933ء لغایت سال 2008ء تک جمع زیر کار کل اینٹیکل جلد 34

جلد اشتعال جلد 1 لغایت جلد 100 آخری اشغال نمبر 115، جلد خیر گرو ڈاؤری

جمع زیر کار 9 جلد - لال کتاب یا جلد شجرہ کثرت لکھنؤ (یک ٹکڑہ) فرزند راجندر

فرزید راجندر کل (11) عدد - جلد راجندر مال فینا کتب جلد -

مختصر حقیقت نندو لکھنؤ شجرہ نسب مالکان شجرہ کثرت لکھنؤ (یک ٹکڑہ) نندو لکھنؤ

کھیوٹ خام کتب جلد (جلد) جلد تعداد زینت کل (17) جلد جمع زیر کار سال 2008ء تک 09

اشغال جلد 1 لغایت جلد 12 کل (12) عدد آخری اشغال نمبر

خیر گرو ڈاؤری جمع زیر کار کل (5) جلد

مختصر حقیقت نندو لکھنؤ سال 1929ء تک جلد شجرہ کثرت لکھنؤ (یک ٹکڑہ) نندو لکھنؤ

جلد تعداد زینت کل (13) جلد جمع زیر کار سال 2007ء تک کھیوٹ خام کتب جلد - لال

(3) جلد - جلد خیر گرو ڈاؤری جمع زیر کار چارج جلد، جلد اشتعال جلد 1 لغایت 48

عدد آخری اشغال نمبر 47 فرزند راجندر 20، 21، 22، 23، 24، 25، 26، 27، 28، 29، 30، 31، 32، 33، 34، 35، 36، 37، 38، 39، 40، 41، 42، 43، 44، 45، 46، 47، 48، 49، 50، 51، 52، 53، 54، 55، 56، 57، 58، 59، 60، 61، 62، 63، 64، 65، 66، 67، 68، 69، 70، 71، 72، 73، 74، 75، 76، 77، 78، 79، 80، 81، 82، 83، 84، 85، 86، 87، 88، 89، 90، 91، 92، 93، 94، 95، 96، 97، 98، 99، 100

فرزید راجندر سال 2011ء تک جلد خیر گرو ڈاؤری

اشغال جلد 1 لغایت جلد 3968، 3949، 3947، 3878، 3876، 3874، 3836، 3835

3968، 3969، 3973، 3975، 3936 PT. 0

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3780، 4038، 4040، 4043، 4082، 4084، 4149، 4151، 4189، 4192، 4199، 4201، 4328، 4350

(4)

4331، 4340، 4352، 4354، 4357، 4391، 4394

4422، 4424، 4428، 4470، 4471، 4472، 4474

4476، 4477، 4479، 4501، 4504، 4508، 4523

4523، 4523، 4523، 4523، 4523، 4523، 4523

کتاب (686) عدد اول فرزند براتش بز 13 صفایه 8، 20، 21، 22، 23، 24، 25، 26، 27، 28، 29، 30، 31، 32، 33، 34، 35، 36، 37، 38، 39، 40، 41، 42، 43، 44، 45، 46، 47، 48، 49، 50، 51، 52، 53، 54، 55، 56، 57، 58، 59، 60، 61، 62، 63، 64، 65، 66، 67، 68، 69، 70، 71، 72، 73، 74، 75، 76، 77، 78، 79، 80، 81، 82، 83، 84، 85، 86، 87، 88، 89، 90، 91، 92، 93، 94، 95، 96، 97، 98، 99، 100، 101، 102، 103، 104، 105، 106، 107، 108، 109، 110، 111، 112، 113، 114، 115، 116، 117، 118، 119، 120، 121، 122، 123، 124، 125، 126، 127، 128، 129، 130، 131، 132، 133، 134، 135، 136، 137، 138، 139، 140، 141، 142، 143، 144، 145، 146، 147، 148، 149، 150، 151، 152، 153، 154، 155، 156، 157، 158، 159، 160، 161، 162، 163، 164، 165، 166، 167، 168، 169، 170، 171، 172، 173، 174، 175، 176، 177، 178، 179، 180، 181، 182، 183، 184، 185، 186، 187، 188، 189، 190، 191، 192، 193، 194، 195، 196، 197، 198، 199، 200، 201، 202، 203، 204، 205، 206، 207، 208، 209، 210، 211، 212، 213، 214، 215، 216، 217، 218، 219، 220، 221، 222، 223، 224، 225، 226، 227، 228، 229، 230، 231، 232، 233، 234، 235، 236، 237، 238، 239، 240، 241، 242، 243، 244، 245، 246، 247، 248، 249، 250، 251، 252، 253، 254، 255، 256، 257، 258، 259، 260، 261، 262، 263، 264، 265، 266، 267، 268، 269، 270، 271، 272، 273، 274، 275، 276، 277، 278، 279، 280، 281، 282، 283، 284، 285، 286، 287، 288، 289، 290، 291، 292، 293، 294، 295، 296، 297، 298، 299، 300، 301، 302، 303، 304، 305، 306، 307، 308، 309، 310، 311، 312، 313، 314، 315، 316، 317، 318، 319، 320، 321، 322، 323، 324، 325، 326، 327، 328، 329، 330، 331، 332، 333، 334، 335، 336، 337، 338، 339، 340، 341، 342، 343، 344، 345، 346، 347، 348، 349، 350، 351، 352، 353، 354، 355، 356، 357، 358، 359، 360، 361، 362، 363، 364، 365، 366، 367، 368، 369، 370، 371، 372، 373، 374، 375، 376، 377، 378، 379، 380، 381، 382، 383، 384، 385، 386، 387، 388، 389، 390، 391، 392، 393، 394، 395، 396، 397، 398، 399، 400، 401، 402، 403، 404، 405، 406، 407، 408، 409، 410، 411، 412، 413، 414، 415، 416، 417، 418، 419، 420، 421، 422، 423، 424، 425، 426، 427، 428، 429، 430، 431، 432، 433، 434، 435، 436، 437، 438، 439، 440، 441، 442، 443، 444، 445، 446، 447، 448، 449، 450، 451، 452، 453، 454، 455، 456، 457، 458، 459، 460، 461، 462، 463، 464، 465، 466، 467، 468، 469، 470، 471، 472، 473، 474، 475، 476، 477، 478، 479، 480، 481، 482، 483، 484، 485، 486، 487، 488، 489، 490، 491، 492، 493، 494، 495، 496، 497، 498، 499، 500، 501، 502، 503، 504، 505، 506، 507، 508، 509، 510، 511، 512، 513، 514، 515، 516، 517، 518، 519، 520، 521، 522، 523، 524، 525، 526، 527، 528، 529، 530، 531، 532، 533، 534، 535، 536، 537، 538، 539، 540، 541، 542، 543، 544، 545، 546، 547، 548، 549، 550، 551، 552، 553، 554، 555، 556، 557، 558، 559، 560، 561، 562، 563، 564، 565، 566، 567، 568، 569، 570، 571، 572، 573، 574، 575، 576، 577، 578، 579، 580، 581، 582، 583، 584، 585، 586، 587، 588، 589، 590، 591، 592، 593، 594، 595، 596، 597، 598، 599، 600، 601، 602، 603، 604، 605، 606، 607، 608، 609، 610، 611، 612، 613، 614، 615، 616، 617، 618، 619، 620، 621، 622، 623، 624، 625، 626، 627، 628، 629، 630، 631، 632، 633، 634، 635، 636، 637، 638، 639، 640، 641، 642، 643، 644، 645، 646، 647، 648، 649، 650، 651، 652، 653، 654، 655، 656، 657، 658، 659، 660، 661، 662، 663، 664، 665، 666، 667، 668، 669، 670، 671، 672، 673، 674، 675، 676، 677، 678، 679، 680، 681، 682، 683، 684، 685، 686، 687، 688، 689، 690، 691، 692، 693، 694، 695، 696، 697، 698، 699، 700، 701، 702، 703، 704، 705، 706، 707، 708، 709، 710، 711، 712، 713، 714، 715، 716، 717، 718، 719، 720، 721، 722، 723، 724، 725، 726، 727، 728، 729، 730، 731، 732، 733، 734، 735، 736، 737، 738، 739، 740، 741، 742، 743، 744، 745، 746، 747، 748، 749، 750، 751، 752، 753، 754، 755، 756، 757، 758، 759، 760، 761، 762، 763، 764، 765، 766، 767، 768، 769، 770، 771، 772، 773، 774، 775، 776، 777، 778، 779، 780، 781، 782، 783، 784، 785، 786، 787، 788، 789، 790، 791، 792، 793، 794، 795، 796، 797، 798، 799، 800، 801، 802، 803، 804، 805، 806، 807، 808، 809، 810، 811، 812، 813، 814، 815، 816، 817، 818، 819، 820، 821، 822، 823، 824، 825، 826، 827، 828، 829، 830، 831، 832، 833، 834، 835، 836، 837، 838، 839، 840، 841، 842، 843، 844، 845، 846، 847، 848، 849، 850، 851، 852، 853، 854، 855، 856، 857، 858، 859، 860، 861، 862، 863، 864، 865، 866، 867، 868، 869، 870، 871، 872، 873، 874، 875، 876، 877، 878، 879، 880، 881، 882، 883، 884، 885، 886، 887، 888، 889، 890، 891، 892، 893، 894، 895، 896، 897، 898، 899، 900، 901، 902، 903، 904، 905، 906، 907، 908، 909، 910، 911، 912، 913، 914، 915، 916، 917، 918، 919، 920، 921، 922، 923، 924، 925، 926، 927، 928، 929، 930، 931، 932، 933، 934، 935، 936، 937، 938، 939، 940، 941، 942، 943، 944، 945، 946، 947، 948، 949، 950، 951، 952، 953، 954، 955، 956، 957، 958، 959، 960، 961، 962، 963، 964، 965، 966، 967، 968، 969، 970، 971، 972، 973، 974، 975، 976، 977، 978، 979، 980، 981، 982، 983، 984، 985، 986، 987، 988، 989، 990، 991، 992، 993، 994، 995، 996، 997، 998، 999، 1000

3976، 3978، 3977، 3977، 3875

محمد شاه شوری جار کهنه

انور احمد شوری جار کهنه

13/2
2013
بدان روپہ

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Annexure E

To

The Commissioner,
Peshawar Division, Peshawar.

Subject: Departmental Representation against the order dated 26.07.2013 whereby appellant was prematurely transferred from PH Dheri Baghbanan to PH Garhi Chandan, Peshawar.

Respected Sir,

With due respect I have the honour to submit this departmental appeal/representation for your kind consideration and favourable action on the following facts and grounds:

1. That appellant is serving as Patwari at District Peshawar. While serving as Patwari Halqa PH Dheri Baghbanan when by means of order dated 22.10.2012 (*Annex:-A*) he was transferred to PH Landi Yarghajwai, Peshawar where appellant took over the charge of his duties.
2. That subsequently vide order dated 26.03.2013 (*Annex:-B*) appellant was transferred to PH Garhi Sher Dil and yet appellant was again transferred to PH Dheri Baghbanan by means of order dated 15.04.2013 (*Annex:-C*). It is pertinent to mention here that both the orders ibid were issued during the Caretaker regime.
3. That vide impugned order dated 26.07.2013 (*Annex:-D*) appellant was once again subjected to another transfer from PH Dheri Baghbanan to PH Garhi Chandan on the ground that the earlier transfer of the appellant was effected during the period of Caretaker Government in the light of Supreme Court orders dated 22.05.2013 and 06.06.2013 passed in the case titled "Khwaja Asif ..VS.. Federation of Pakistan."
4. That now appellant being aggrieved of the impugned order ibid, challenges the same before your good-self on the following grounds amongst other:-

Grounds:

That the impugned order is against the Transfer/Posting Policy and therefore, is not sustainable under the law.

B. That the transfer/posting policy provides a tenure of at least two years which has also been violated, therefore, the impugned

AC(R)

Commissioner Peshawar

D/No 9427 Dated 01/08/13

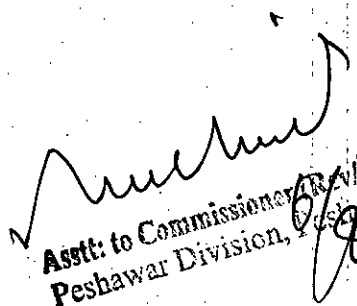
Asstt. to Commissioner (Rev/GA)
Peshawar Division, Peshawar

16

order is an illegal order and liable to be set aside.

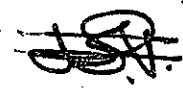
- C. That the earlier transfer orders of the appellant i.e. 26.03.2013 and 15.04.2013 were also issued during the period of Caretaker Government, therefore, if at all the orders during the period of Caretaker Government were to be set aside then those orders should also have been cancelled but the same was not done, therefore, the impugned order is not in accordance with the orders of the Hon'ble Apex Court.
- D. That the impugned order is also against the Rulings of superior fora.
- E. That the impugned order is neither in the public interest nor in exigency of service and therefore is not maintainable.
- F. That the impugned order has been issued during the period of ban.

It is, therefore, humbly requested that on acceptance of this departmental Representation, the impugned order dated 26.07.2013 *may graciously be set aside by allowing the appellant to be posted at PH Dheri Baghbanan, Peshawar or he be restored to PH Landi Yarghajwai, Peshawar.*


Asstt. to Commissioner (R/W/GA)
Peshawar Division, Peshawar

Dated: 1 / 8 /2013

Yours faithfully



Amjad Suhail,
Patwari
Dheri Baghbanan,
Peshawar

17



ANNEXED: F



BETTER COPY

GOVERNMENT OF N.W.F.P.
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(REGULATION WING)

NO.SOR-1(E&AD)1-1/85(Vol:11)

Dated the Peshawar the 15th February, 2003.

- 1- All Administrative secretaries to Govt: of NWFP.
- 2- The Secretary to Governor, NWFP.
- 3- The Secretary to Chief Minister, NWFP.
- 4- All Heads of Attached Departments in NWFP.
- 5- All the Heads of Autonomous/Semi Autonomous Bodies in NWFP.
- 6- All Distt: Co-Ordination Officer/Political Agents in NWFP.
- 7- The Registrar Peshawar High Court Peshawar.
- 8- All Distt: & Session Judges in NWFP.
- 9- The Secretary NWFP Public Service Commission, Peshawar.
- 10- The Director Anti-Corruption Establishment, Peshawar.
- 11- The Secretary Board of Revenue, NWFP, Peshawar.
- 12- The Registrar, NWFP Service Tribunal, Peshawar.

SUBJECT: POSTING/TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

Dear Sir,

- 1. I am directed to refer to the subject noted above and to say that in super-session of all policy, instructions issued in this behalf, the competent authority has approved the following Posting/Transfer Policy: -
 - i) All the posting /transfer shall be made strictly in the public interest and shall not be abused/misused to victimize the Government Servant..
 - ii) All Government servants are prohibited to exert political, Administrative or any other pressure upon the posting /transfer authorities for seeking posting transfer of their choice and against the public interest.
 - iii) All contract Govt: employees appointed against specific posts cannot be posted against any other post..
 - iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas, the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and

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while the remaining departments shall make posting/transfer in July. There shall be a ban on posting/transfer throughout the year excluding the aforementioned two months due to promotion/retirement/creation of new post/return from long leave/involvement in disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.

- vi) While making posting/transfers from settled area to FATA vice-versa specific approval of the Governor NWFP needs to be obtained.
- vii) Officers may be posted on executive/administrative posts in the Distt: of their domicile except District Co-Ordination Officers (DCOs), and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where a Police Station (Thana) of his area/residence is situated.
- viii) No posting/transfers of the officer/officials on the detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in the Provincial Services, efforts where possible would be made to post such persons at one station and this will be subject to the public interest.
- x) All posting/transfers authorities may facilitate the posting/transfers of unmarried female Govt. Servant at the station of their residence of their parents.
- xi) Officer/officials except DCOs and SPs who are due to retire within one year may be posted on their option, on posts in the Distt: of their domicile and be allowed to serve there till retirement.
- xii) In terms of Rule-17 (1) and (2) read with schedule-III of the Govt: of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officers in column 2 thereof:

COLUMN-1	COLUMN-2
<p><u>Outside the Secretariat.</u></p> <ol style="list-style-type: none"> 1. Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above. 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). 3. Head of attached Deptt: and other officers in B-19 & above in all the Deptt: 	<p>Chief secretary in consultation with the Establishment Deptt. With the approval of the Chief Minister.</p>

YHC

Chief Secretary
of
Resident

<p>In the Secretariat</p> <p>4. Secretaries</p> <p>5. Other officers and above the rank of Section Officers: -</p> <p>a)- Within the same Deptt.</p> <p>b)- Within the Secretariat from one Deptt. to another.</p> <p>6. Officers up to the rank of Superintendents.</p> <p>a)- Within the same Deptt.</p> <p>b)- To and from Attached Deptt.</p> <p>c)- Within the Secretariat from one Deptt. to another.</p>	<p>Chief Secretary with the approval of the Chief Minister.</p> <p>Secretary of the Deptt. concerned.</p> <p>Chief Secretary/ Secretary Establishment.</p> <p>Secretary of the Deptt. concerned.</p> <p>Secretary of the Deptt. in consultation with the Head of Attached Deptt.</p> <p>Secretary Establishment.</p>
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xiii) While considering the posting/transfers proposals all the concerned authorities shall keep in mind the following: -

- a). To ensure the posting of proper persons on proper posts the annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on integrity of the concerned officer/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 Distt. Government employees feeling aggrieved due to the orders of posting/transfers authorities may seek remedy from the next higher authority/ the appointing authority as the case may be brought an appeal to be submitted within seven days of the receipt of such order. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/transfers orders could be exercised only in the following cases:-

- i)- premature posting/transfers or posting/transfers in violation of this policy.
- ii)- Serious and grave personal (humanitarian) grounds.

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

SPOND.

- As per Rule-25 (2) of the Rules mentioned above the Distt: Coordination Department shall consult the Govt: if it is proposed to:-
- a)- transfer the holder of the tenure post before the completion of his tenure or extend the period of his tenure; and
 - b)- Acquire an officer to hold charge of more than one post for a period exceeding two months.

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

Your Faithfully,

Sd/xxx
(GHULAM JALANI ASIF),
ADDL: SECRETARY (REG:)

Endst: NO. SOR-1 (E&AD) 1-1/55

dated Peshawar the 15.2.2003.

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POWER OF ATTORNEY

In the Court of KPK Services Tribunal Peshawar
Amjad Saeed

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

S.M.B.R and other

} Defendant
} Respondent
} Accused.

Appeal/Revision/Suit/Application/Petition/Case No. _____ of Peshawar
Fixed for _____

I/W, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Sajid Amin Akhtar my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Companies or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc. and to apply for and issue summons and other writs or subpoenas and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at Peshawar
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR. 3, Fourth Floor, Bilal Plaza, Saddar Road, Peshawar, Cantt
Ph: 091-5272154 Mobile: 0333-9107225

Sajid Amin
Advocate, High Court
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1586/2013.

Amjad Sohail Patwari halqa Ghari Chandan District Peshawar.

VERSUS

Senior Member, Board of Revenue, Khyber Pakhtunkhwa and others.

COMMENTS ON BEHALF OF RESPONDENTS NO.1.

Preliminary objection.

1. The Service Tribunal is not competent to decide appeals against posting/transfer orders.
2. The appeal is not competent in its present form.
3. That appellant has got no cause of action.
4. That appeal is bad due to mis-joinder/ non-joinder of necessary parties.
5. That appellant is estopped by his own conduct.
6. That appellant has not come to the Tribunal with clean hands.

ON FACTS.

1. No comments. Relates to record of the office of Deputy Commissioner, Peshawar
2. Pertain to record.
3. Not related to replying respondent..
4. Posting/transfer order was made by the Deputy Commissioner to improve public service and public interest in light of Government Policy.
5. As an para-4 of the above.
6. Relate to Respondent No.2.
7. Incorrect. Transfer order of the appellant was not made on the basis of Political influences hence it is legal, lawful and according to rules.

GROUNDS.

- A. Incorrect. The appellant has been transferred under the law.
- B. Incorrect. Posting/transfer order was made by the Deputy Commissioner to improve public service and public interest.
- C. Incorrect. As in para-B above.
- D. No comments.
- E. Incorrect. Deputy Commissioner, being Collector of District is empowered to make posting/transfers of Patwaris as and when needed.
- F. As in preceding para.
- G. Incorrect. Transfer of the appellant was made by the Deputy Commissioner (being Competent Authority).
- H. Incorrect. As para-B above.
- I. The respondents also seek the permission to rely on additional grounds at the hearing of the appeal.

The appeal having no legal footing, may be dismissed with costs.

Amjad Sohail
21-2-2014
Respondent No.1

AFFIDAVIT

It is declared that contents of the requisite comments are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'ble Tribunal.



Assistant Secretary (Lit: II),
Board of Revenue, Khyber Pakhtunkhwa

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4. Incorrect.
5. Incorrect. the order was passed by the Competent Authority to improve public service and public interest in light of Government Policy
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As the applicant does not have a prima facie case or will not suffer irreparable loss, application for suspension of impugned order having no legal footing may kindly be dismissed with costs.



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