


FORM OF ORDER SHEET

Court of _____

Appeal No. 1859/2023

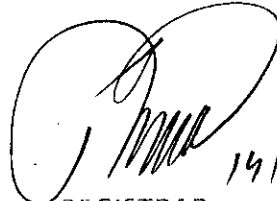
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/09/2023	<p>The appeal of Syed Sheraz Ali Shah resubmitted today by Syed Noman Ali Bukhari Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <i>15.9.2023</i>.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Syed Sheraz Ali Shah Senior Clerk Usher Section received today i.e on 13.09.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of documents mentioned in para-7 of the memo of appeal are not attached with the appeal.
- 2- Affidavit be got attested by the Oath Commissioner.
- 3- Annexures of the appeal are unattested.
- 4- Pages No. 13, 16, 21, 29 to 33 of the appeal are illegible which may be replaced by legible/better one.


No. 3200 /S.T.

Dt. 14/9 /2023.


14/9/23

REGISTRAR
SERVICE TRIBUNAL
KHÝBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Ali Bukhari Adv.
High Court at Peshawar.

Respected Sir,
all objections removed as bills re-submitted.

14/9/23

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1859 /2023

Syed Sheraz Ali Shah

V/S

Zakat & Ushr Deptt etc.

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APPELLANT

Syed Sheraz Ali Shah

THROUGH:

(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

&
(UZMA SYED)

ADVOCATE PESHAWAR.

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR (1)

SERVICE APPEAL NO. 1859 /2023

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

(APPELLANT)

VERSUS

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

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED PREMATURE TRANSFER ORDER DATED 04.05.2021 AND AGAINST THE APPELLATE ORDER DATED 11/09/2023.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL THE ORDER DATED 04.05.2021 and 11/09/2023 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE ALLOWED TO CONTINUE AS SENIOR CLERK (BPS-14) NOW OFFICE ASSISTANT AT USHR SECTION, PROVINCIAL ZAKAT ADMINISTRATION (HQ), PESHAWAR AS PRIOR TO THE ISSUANCE OF THE IMPUGNED TRANSFER ORDER ON THE BASIS OF SPOUSE POLICY AND ALSO ON THE REASON THAT THE TERMS AND CONDITION OF THE APPELLANT IS EFFECTED I.E SALLARY. ANY OTHER REMEDY

②

WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is a respectable citizen of Pakistan and is serving in the Government of Khyber Pakhtunkhwa Zakat, Ushr, Social Welfare, Special Education and Women Department (hereinafter "department") since 2008. **Copy of Relevant Documents are attached as Annexure - A.**
2. That appellant has been giving his sweat and blood for the department for 12 long years; therefore, enjoys noteworthy reputation owing to his humble nature and behavior.
3. That appellant was transferred from Office of the additional Secretary Zakat Ushr KP vide order dated 06.10.2020 and thereafter transferred back to parent deptt vide order dated 05.03.2021 and posted to Ushr Section as Senior Clerk (BPS-14) PZA (IIQ) in Peshawar vide office order dated 5.03.2021. **Copy of Office Order dated 06.10.2021, 05.03.2021 and 31.03.2021 is attached as Annexure - B & C.**
4. That through impugned order dated 04.05.2021 the appellant was once again prematurely transferred also in violation of spouse policy, this time from PZA(HQ) Peshawar to District Zakat Committee Battagram. **Copy of the Impugned Order dated 04.05.2021 is attached as Annexure - D.**
5. That the appellant then submitted departmental appeal on 7.05.2021 against the transfer order to the department, however, it was paid no heed and just after relieving order was issued on 19.05.2021 wherein he was relieved from duty and was ordered to report for duty to District Zakat Committee Battagram. **Copy of the Departmental Appeal dated 7.05.2021 & Relieving Order dated 19.05.2021 are attached as Annexure - E & F.**
6. That the impugned transfer order was issued when the appellant was diagnosed with Covid-19 and was not able to attend the office so the

transfer order in such time is inappropriate and against the public interest. Copy of Covid-19 Test is attached as Annexure - G.

7. That it is pertinent to mention here that appellant's wife namely: Nabeela is serving in the Health Department Khyber Pakhtunkhwa as a nurse and is presently stationed in Peshawar. Copy of Relevant Documents of the appellant's wife is attached as Annexure - II.
8. That the appellant filed appeal before the honourable KP Service Tribunal, Peshawar and Hon'able Tribunal kind enough to Grant Interim relief and finally the appeal of the appellant was heard on 21 /03/2023 and Tribunal was kind enough to dispose off the appeal by remanding the case of the appellant to respondent for deciding the departmental appeal of the appellant within two month as per spouse policy. Copy of judgment is attached as annexure-I.
9. That now the deptt: in light of deciding the deptt: appeal the appellant was once gain transferred from Ushr. Section, Provincial Zakat Administration (HQ), Peshawar to Nowshera vide order dated 11/09/2023 in violation of spouse Policy and upon the transfer the Terms and Condition of the appellant was also affected. Copy of appellate Order is attached as Annexure - J.
10. That now the appellant comes to this august Tribunal for the redressal of his grievances on the following grounds amongst others.

GROUNDS

- A) That the order dated 04.05.2021, 11/09/2023 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That the impugned transfer order of the appellant to Battagram is also against the wedlock policy as announced in the rules "ix" of the posting/transfer policy of the provincial Government which is reproduced as:

“(ix) Regarding the posting of husband/wife, both in provincial services, efforts where possible would be made to post such persons at one station and this will be subject to the public interest.” And also

against the notification KP government. Copy of notification and policy are annexed as annexure-K &L.

- D) That it is important to mention here that the aforementioned posting/transfer rules has been made in accordance to and in pursuance of the Article 35 (Protection of Family, etc.) of the Constitution of the Islamic Republic of Pakistan. That beside that the department has also stopped the salary of the appellant which is discriminatory in nature and against the fundamental rights of the appellant. That instead of giving the appellant medical leave, the department transferred him to another district which is illegal, and irrational and referred to as Wednesday Unreasonableness. That the opportunity of personal hearing and personal defense was not provided to the appellant which is against the spirit of Article 10-A of the Constitution.
- E) That the impugned transfer of the appellant has immensely affected the family life of the appellant. Being away from the wife and children not only affected the mental health of the appellant but also troubled the life of children who needs the immediate presence and help of their father in daily chores.
- F) That it is a known fact that father has vital role in nurturing, grooming and wellbeing of the children, but the impugned transfer has made it hard for the appellant to play this important role and to perform his family responsibility.
- G) That the impugned transfer order will affect the monthly expenditure of his family as their will be double expense on travel, food and other daily life needs.
- H) That all other official whom are sitting in Peshawar from years to years but they are not transferring from Peshawar because they are blue eyed persons and appellant was transferred despite that the appellant having the ground of Spouse policy, which shows clear malafide on the Part of the respondents.
- I) That the transfer of the appellant was dealt with the promotion cases and send the same with the promotion summary top avoid the real facts of the case which is evident from the impugned order which is against the law and rule.

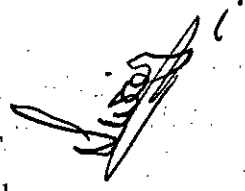
5

- J) That due to the transfer of the appellant in other district is discriminatory and in violation of Spouse Policy. Further it is added that on that transfer the salary emoluments of the appellant is affected and salary of the appellant was reduced about 50000/- RS per month. Which is injustice with the appellant.
- K) That the department is named on social welfare but sending its employee far from his family and children is neither social nor welfare.
- L) That serving in another district will bring gap between the life of the married couple and that also in the government service but posted at far away districts from each other postings.
- M) That not only the national laws and rules but also the international conventions like Universal Declaration of Human Right and International Covenant on Civil and Political Rights urge the promotion and protection of family life in order to guarantee a happy life to family. And the impugned transfer is contravening to these conventions to which Pakistan is a signatory.
- N) That the appellant also filed this appeal on grave humanitarian ground the appellant is only male person to look after family. In the same situation the tribunal already accepted the appeal titled Jamal Ahmad vs Govt Of KP. So the appellant also entitled to same relief. ~~Signature of the appellant~~
- O) That the transfer of the appellant is also violation of circular based on the Anita Turab case dated 27.2.2013 in which it was clearly mentioned that when the ordinary tenure for a posting has been specified in the law or rules made there under, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable, but in the case of the appellant the tenure was not respected and was posted/ transferred without completing his normal tenure and also in violation of spouse policy. **Copy of Circular is attached as Annexure-M.**
- P) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

6

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

APPELLANT
Syed Sheraz Ali Shah



THROUGH:

(SYED NOMAN ALI BUKHARI),
ADVOCATE HIGH COURT



&

(UZMA SYED)

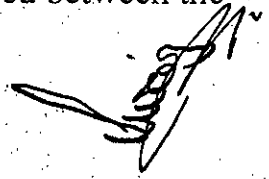
ADVOCATE PESHAWAR.



CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

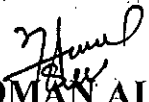
DEPONENT



LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE
3. Any other case law as per need.

(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT



&

(UZMA SYED)

ADVOCATE PESHAWAR.



7

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

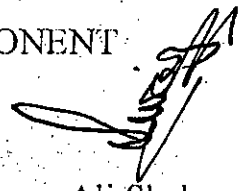
SERVICE APPEAL NO. _____/2023

Syed Sheraz Ali Shah VS Govt. of KP etc.

AFFIDAVIT

I, Syed Sheraz Ali Shah, Senior Clerk, BPS-14 (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

DEPONENT



Syed Sheraz Ali Shah

CIN. 17301-7357677-3

3

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023

Syed Sheraz Ali Shah

V/S

Zakat & Ushr Deptt etc.

.....

**APPLICATION FOR SUSPENSION OF
OPERATION OF ORDER DATED
11/09/2023 TILL THE DISPOSAL OF MAIN
APPEAL.**

RESPECTFULLY SHEWETH:

1. That the appellant has filed an Appeal along-with application in which no date has been fixed so far.
2. That the appellant has good prime facie case and all the ingredients of stay is in favour of appellant.
3. That the grounds of main appeal may also be considered as integral part of this application.
4. That the impugned order has passed on favoritism and nepotism and has been passed in-violation of Posting, Transfer Policy.
5. That the appellant has not completed his tenure and the order dated 011/09/2023 is also in violation of spouse policy. Further it is pertinent to mentioned here that the post of the appellant is still vacant so no hurdle for Govt: if the order may be suspended.

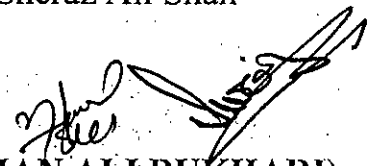

6. That if the order dated 11/09/2023 is not suspended. It badly effect the right of appellant.

It is, therefore, most humbly prayed that the order dated 11/09/2023 may be suspended till the disposal of main appeal, the post of the appellant was still vacant. Any other remedy, which this august tribunal deems fit that may also be awarded in favour of appellant.

APPELLANT


Syed Sheraz Ali Shah

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT
&

(UZMA SYED)
ADVOCATE PESHAWAR.

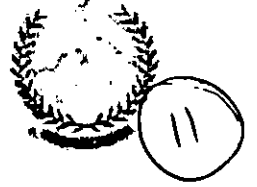
AFFIDAVIT:

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


DEPONENT

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (July-2023)

A



Personal Information of Mr SYED SHERAZ ALI SHAH d/w/s of
Personnel Number: 00422134 CNIC: 1730173570773
Date of Birth: 03.01.1978 Entry into Govt. Service: 24.09.2008

NTN: 2232776-2
Length of Service: 14 Years 10 Months 009 Days

Employment Category: Active Permanent

Designation: Personal Assistant 80003910-GOVERNMENT OF KHYBER PAKH
DDO Code: PR4367-SECTION OFFICER ZAKAT & USHER DEPARTMENT GOVERNMENT OF KP.

Payroll Section: 010 GPF Section: 001 Cash Center:

GPF A/C No: 422134 GPF Interest applied GPF Balance: 263,423.00 (provisional)

Vendor Number: 30347527 - SYED SHIRAZ ALI SHAH JR CLERK

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 14 Pay Stage: 9

Wage type		Amount	Wage type		Amount
0001	Basic Pay	38,190.00	1210	Convey Allowance 2005	2,856.00
1300	Medical Allowance	1,500.00	1897	Housing Subsidy Allowance	13,958.00
2148	15% Adhoc Relief All-2013	445.00	2199	Adhoc Relief Allow @10%	303.00
2283	Secretariat Perform Allow	38,190.00	2315	Special Allowance 2021	3,500.00
2347	Adhoc Rel Al 15% 22(PS17)	3,681.00	2378	Adhoc Relief All 2023 35%	13,366.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-3,900.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-1,504.00	4004	R. Benefits & Death Comp:	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6501	HBA Loan Principal Instal	250,000.00	-2,084.00	199,984.00
6505	GPF Loan Principal Instal	170,000.00	-5,000.00	65,000.00

Deductions - Income Tax
Payable: 18,047.06 Recovered till JUL-2023: 1,504.00 Exempted: 0.06- Recoverable: 16,543.12

Gross Pay (Rs.): 115,989.00 Deductions: (Rs.): -14,288.00 Net Pay: (Rs.): 101,701.00

Payee Name: SYED SHERAZ ALI SHAH

Account Number: 4063856359

Bank Details: NATIONAL BANK OF PAKISTAN, 231499 OFFICER COLONEY OFFICER COLONEY,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: PESH

Temp. Address:

City: PESH

Email: shirazfiacbc@gmail.com

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

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

Dated Peshawar the 6.10. 2020

B

12

OFFICE ORDER

13860-63

SOG (SWD) Staff 1-50/2020/856-68 The Competent Authority is pleased to order the following posting/ transfer with immediate effect, in the public interest:-

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

SD/-

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

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

Dated: - 06-10-2020

Copy forwarded to:-

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

(NISAR AHMAD)
Section Officer (General)

6/10/20

See Establishment

PA to DS
9/10/20
J/C

AROSL

SOCIAL WELFARE, SPECIAL EDUCATION & WOMEN
EMPOWERMENT DEPARTMENT

Dated Peshawar, the 05th March, 2021

OFFICE ORDER

SUG (BWDI-50/STAFF/2021)

1285-90

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

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

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

COPY OF EVENING DATE

is forwarded to:-

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

Signature of the Deputy Secretary (Admn)

13

(BETTER COPY OF PAGE NO. 13)

GOVERNMENT OF KHYBER PAKHTUNKHWA
Social Welfare Special Education & Women
Empowerment Department

DATED Peshawar the 05, March 2021

Office Order:

SOG (SWD)-66/Staff /2021/2885-90: The competent authority is pleased to order the following posting / transfer with immediate effect in the public interest:

S#	NAME	FROM	TO
1	Mr. Syed Sheeraz Ali Shah Bukhari. Senior Clerk (BPS-14)	Office of Deputy Secretary (Admn) Social Welfare Department	Report to Parent Department i.e. Provincial Zakat Headquarter, Khyber Pakhtunkwa
2	Mr. Syed Inzamam shah Junior Sclae Stenographer (BPS-14)	Section Office (General)	Office of Deputy Secretary Social Welfare and will work as Personal Assistant(PA)
3	Mr. Junaid Asif, Junior Clerk (BPS-11)	Office of Deputy Secretary Social Welfare	Office of Deputy Secretary (Admn) and will work as personal Assistant (PA).

---Sd/---

Deputy Secretary (Admn)
Social Welfare, Social Education
& Women Empowerment Department

Endst of Even No. & Date

Copy forwarded to:

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

Section Officer (General)
Ph. 0919213654



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

(Handwritten initials)

(Handwritten signature)

Dated: 31.03.2021

OFFICE ORDER

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

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

End of Even No & Date
Copy forwarded to the

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

(Handwritten signature)
Section Officer (Estt)
(Zakat)

(Handwritten initials)
A.H.K.



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

Annexure - D
Dated: 04.05.2021 15

OFFICE ORDER

No. SO(Estt)Z/Staff/ SS78-83. The following posting / transfers are hereby ordered amongst the officials of Zakat & Ushr Department in the interest of public service with immediate effect:-

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

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

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

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

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

ATTESTED

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

GULREZ AHMED AHMAD
Section Officer (Estt)
(Zakat)

1. میں نے اپنے دوستوں کو بتایا کہ میں نے ایک نیا
پتہ دریافت کیا ہے جس پر آپ کو بھی جاننا چاہیے
 2. میں نے اپنے دوستوں کو بتایا کہ میں نے ایک نیا
پتہ دریافت کیا ہے جس پر آپ کو بھی جاننا چاہیے
 3. میں نے اپنے دوستوں کو بتایا کہ میں نے ایک نیا
پتہ دریافت کیا ہے جس پر آپ کو بھی جاننا چاہیے
 4. میں نے اپنے دوستوں کو بتایا کہ میں نے ایک نیا
پتہ دریافت کیا ہے جس پر آپ کو بھی جاننا چاہیے

1. میں نے اپنے دوستوں کو بتایا کہ میں نے ایک نیا
پتہ دریافت کیا ہے جس پر آپ کو بھی جاننا چاہیے
 2. میں نے اپنے دوستوں کو بتایا کہ میں نے ایک نیا
پتہ دریافت کیا ہے جس پر آپ کو بھی جاننا چاہیے
 3. میں نے اپنے دوستوں کو بتایا کہ میں نے ایک نیا
پتہ دریافت کیا ہے جس پر آپ کو بھی جاننا چاہیے
 4. میں نے اپنے دوستوں کو بتایا کہ میں نے ایک نیا
پتہ دریافت کیا ہے جس پر آپ کو بھی جاننا چاہیے

(5 Marks)

1. میں نے اپنے دوستوں کو بتایا کہ میں نے ایک نیا
پتہ دریافت کیا ہے جس پر آپ کو بھی جاننا چاہیے
 2. میں نے اپنے دوستوں کو بتایا کہ میں نے ایک نیا
پتہ دریافت کیا ہے جس پر آپ کو بھی جاننا چاہیے
 3. میں نے اپنے دوستوں کو بتایا کہ میں نے ایک نیا
پتہ دریافت کیا ہے جس پر آپ کو بھی جاننا چاہیے
 4. میں نے اپنے دوستوں کو بتایا کہ میں نے ایک نیا
پتہ دریافت کیا ہے جس پر آپ کو بھی جاننا چاہیے

(BETTER COPY OF PAGE NO. ANNEXURE - E)

بخدمت جناب سینئر ذکوٰۃ خیر پختونخواہ، پشاور شہر

عنوان برائے تبادلہ کاشییل کرنے اور پشاور میں تعینات کرنے

جناب عالی!

گزارش خدمت ہے کہ سائل محکمہ ذکوٰۃ عشر میں سینئر کلرک کی پوسٹ پر تعینات ہے اور سائل پچھلے دنوں - Covid 19 ہونے کی وجہ سے کرنتین تھا۔ اسی دوران سائل کی پوسٹنگ پشاور ہیڈ کوارٹر سے ضلع بگرام ہوگی ہے۔

- 1- یہ کہ سائل کی پہلی پوسٹنگ مورخہ 31/03/2021 کو ہوئی۔
- 2- یہ کہ جب دوبارہ سائل کی پوسٹنگ کی گئی تو سائل Covid - 19 ہونے کی وجہ سے گھر میں کرنتین تھا اور مورخہ 04/05/2021 کو دوبارہ ٹرانسفر ہو گئے۔
- 3- یہ کہ سائل کے چھوٹ چھوٹے بچے ہیں اور گھر کا واحد کفیل ہے۔
- 4- یہ کہ سائل کی بیوی بھی پشاور میں ہے اور گورنمنٹ ڈیپارٹمنٹ کی ملازمہ ہے۔

لہذا آپ صاحبان سے التماس کی جاتی ہے کہ سائل کو پالیسی کے مطابق ایک ہی ڈسٹرکٹ میں رہنے کی سہولت کے احکامات صادر فرما کر مشکور فرمائیں۔

بندہ تاحیات اپ کی صحت کے لئے دعا گو رہے گا۔

سید شیراز علی شاہ بخاری

سینئر کلرک ذکوٰۃ عشر ڈیپارٹمنٹ خیر پختونخواہ

0535-9400041

Answer F, 17, 18

GOVERNMENT OF PESHAWAR
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION & WOMEN EMPOWERMENT DEPARTMENT

RELIEVING ORDER

Consequent upon his transfer from Provincial Zakat Administration (PZA) Peshawar to District Zakat Committee Battagram in the Govt. of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department vide order No. SO (Estt) Zakat/Staff/5579-23 dated 01.05.2021, Syed Sheeraz Ali Shah Senior Clerk (B-14) is hereby relieved of his duty today on 19.05.2021 (A.N). He is directed to report for duties to District Zakat Committee Battagram.

[Signature]
Section Officer (Ushr)
Zakat & Ushr

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

Dated 19.05.2021

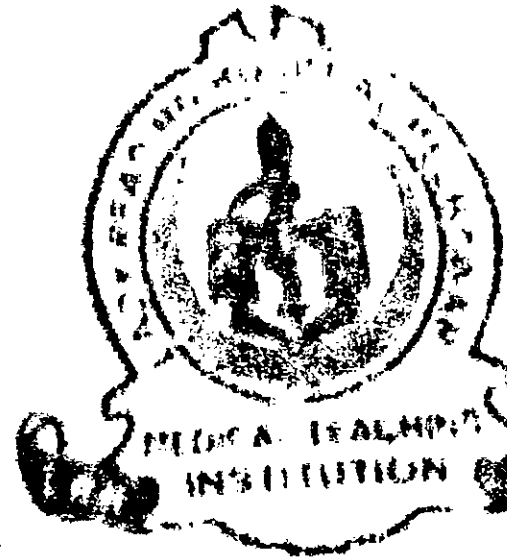
1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer Battagram.
3. District Zakat Officer Battagram.
4. PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.
5. Cashier PZA (HQ) Peshawar.
6. Official concerned.
7. Personal file.

[Signature]
Section Officer (Ushr)
Zakat & Ushr

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S.No: 45911

Emergency
Reg. Token

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CORONA ALERT - COVID19

District Health, Peshawar

Profile of Shiraz Ali



Date of Report: / /

Patient information

Section - 1: Demographic Data

Case ID	123456789
Patient's ID	123456789
Name	Shiraz Ali
Father/Guardian/Husband Name	Abdul Aziz
Date of Birth (dd/mm/yyyy) / Age	12
Gender (M/F)	Male
LINK to app with details	123456789
Residence (Home / Boarding / Hostel / Other) (House # / Street / Area / City)	123456789
Is he/she a health care worker (Y/N)	No
If yes, name of health care facility of the worker	
Date of registration of suspect (DD/MM/YYYY)	
Reporting type (Hospital / Lab / RR / POC)	Hospital
Name of reporting institution/RR	COVID-19 Hospital / District Hospital
Name of person reporting the case	
Signature of the person reporting the case	

Section - 2: Epidemiological Link

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

1. Date of onset of symptoms (DD/MM/YYYY)	
2. Date of diagnosis (DD/MM/YYYY)	
3. Date of discharge (DD/MM/YYYY)	
4. Date of death (DD/MM/YYYY)	

Exposure

A. Type of contact (Close / Suspect / Asymptomatic)	
B. Symptoms of COVID-19 (Fever / Cough / Shortness of breath)	
Has the patient been in contact with a person with COVID-19?	
Date of last contact (dd/mm/yyyy)	
Approximate duration of contact (hours)	
Where did you meet (indicate)	
Is the person from a high-risk area (e.g., border, market, etc.)?	No
Is the person from a high-risk country (e.g., Iran, Italy, etc.)?	No
Date of return to Pakistan (DD/MM/YYYY)	
Has the person traveled domestically in the last 14 days?	No
Is the person from a high-risk area (e.g., border, market, etc.)?	No
Date of return to home city (DD/MM/YYYY)	
Has the person been in contact with someone from a high-risk area in the last 2 weeks (Y/N)?	No
Has the suspect been approved for testing (Y/N)?	No
Has the patient been approved for testing (Y/N)?	No
Where was this person being referred for a sample (Home / Hospital / Other) (Name of institution)	
Name of the unit/institution	

Section - 3: Lab Testing Data

Name of patient	
First Lab Test Details	
Date of test (DD/MM/YYYY)	24/04/2021
Name of sample sent (DD/MM/YYYY)	24/04/2021
Test performed (Nasal / Oral / Other)	Nasopharyngeal
Test result (Positive/Negative)	Positive

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Patient Information

Section 3 Demographic Data

Profile of Sheriz Ali

EPID	COVID 19/PAK/Khyber Pakhtunkhwa/1/1353947
Name	Shiraz Ali
Father Guardian/Husband Name	Asad Ullah
Date of birth	42
Gender	Male
CNIC digit with	17301-7357077-3
Recent Home Address village UC Tehsil District	Sard Shah Gate Peshawar/Town
In he she a health care worker	No
If yes name of health care facility of the worker	
Date of registration of suspect (DD/MM/YYYY)	
Reporting type Hospital Lab BRT POE	Hospital
Name of reporting institution RRT	Covid 19 Hospital Nishtarabad Peshawar
Name of person reporting the case	
Designation of person reporting of the case	

Section 2 Epidemiological Link

Symptomatic (Y/N)	No
Of onset of illness (DD/MM/YYYY)	24/04/2021
The patient have the following symptom (Y/N)	
Never	No
Myalgia	No
Of breath	No
Does the patient have the following condition and comorbidities (Y/N)	(Y/N)
1. Cardiovascular disease including hypertension	No
2. Chronic lung disease	No
3. Chronic neurological disease	No
4. Others	

Exposure Risk

A. Asymptomatic in last 14 days OR	
B. Symptomatic 14 days prior to onset of symptoms	
Has this person come into contact with a positive case (Y/N)	
Details of positive case contact	
Name of contact	
Relation with contact	
Has this person traveled abroad in the last 14 days (Y/N)	No
Name of country	
Is this person a Zaireen from Iran to Iraq (Y/N)	
Date of return to Pakistan	
Has this person travel domestically in the last 14 days (Y/N)	No
Name of City	
Date of return to Home city (D/MM/YYYY)	
Has this person come into contact with some one from abroad in the last 2 years (Y/N)	
Has this suspected case been approved for testing (Y/N)	
If yes name of laboratory to which sample has been sent to	
Where he has this person been referred for quarantine (home hospital, quarantine center)	
Name of quarantine institution	

Section 3 Lab Testing Data

No of lab	
First Lab Test Details	
Date of collection of sample (DD/MM/YYYY)	24.04.2021
Type of sample sent (DD/MM/YYYY)	24.04.2021
Is the sample post mortem (Y/N)	Ninsopherynigcal
Lab Result (Positive, Negative)	Positive

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EMERGENCY DEPARTMENT

LADY READING HOSPITAL

MEDICAL TEACHING INSTITUTION

PESHAWAR, KHYBER PAKHTUNKHWA

Age: 20

Registration No: KG2210708972

Invoice Date: 26 APR 21 09:37:02

MR No: K02ADI 21247267 Name: Nabeta

Gender: Female Age: 37 Year(s)

District:

Serial No: _____

Father / Husband Name: S SHIRAZ ALI SHAH

Visit Type: Acute Emergency Department: EMERGENCY

Complaints: RAO ALI

Counter: EMERGENCY

Handwritten notes:
LFT swollen
RFT pain
swollen
R. of & lower

Handwritten notes:
Large distal ulcers -
Calm less
- resistant HDN + HD

Findings:

Handwritten notes:
None - Medical expulsive therapy of
3 wks followed by
- DL + D's if
some remains

Investigations:

Handwritten notes:
X-ray KUB. in is
CBC - white r/c
S. s/c
RFT -

Handwritten notes:
ulcers distal
the left hand
ulcers

Handwritten notes:
maxilla 04
10/4

Handwritten notes:
ulc. 25/5
ulc. 25/5
ulc. 25/5

Handwritten notes:
ulcerophoresis + hydrocortisone
in 4mm diameter
the distal ulcers
the same as the 1st

Handwritten notes:
10/5
10/5

Diagnosis:

Handwritten notes:
To whom it may concern!
Patient may be allowed bed rest
for atleast one week.

Next Visit:

Consultant Name:

Signature:

Phone: 9211430

Website: www.lrh.edu.pk

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CORONA ALERT - COVID19

District Health, Peshawar

Profile of NABEELA



Dated: 08-Apr-2021

Patient information**Section - 1: Demographic Data**

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

Section - 2: Epidemiological Link

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

ATTACHED

4/8/2021

Profile of NABEELA - KP Dashboard

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

Section - 3: Lab Testing Data

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

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

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

ATTESTED

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

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

4/8/2021

Profile of NABEELA - KP Dashboard

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

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

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

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

Responsibilities for form completion:

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

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EMERGENCY DEPARTMENT

LADY READING HOSPITAL

MEDICAL TEACHING INSTITUTION
PESHAWAR, KHYBER PAKHTUNKHWA

INSTITUTION : 20
K02210708972
Invoice Date : 16 APR-21 09:37:02

MR No: K02ACF21247280 Name: Nabeela
Gender: Female Age: 37 Year(s) District: Peshawar
Father / Husband Name: S. SHIRAZ ALI SHAH Serial No. _____

Vital Type: Acute Emergent Department: EMERGENCY Counter: EMERGENCY

Complaints:
BRAD ALL
Rt. Lumbar
Rt. Hip pain
3 weeks of
bone pain

Rx
Left distal ureteric
calculi
= resultant HWT + HBU
Have medical expenses
3 wks followed
+ DL of 4 days

Findings:

Investigations:
X-ray KUB - Radio-opaque shadows
in the left hemipelvis
CBC - WBC 11.8 x 10⁹/l - Numerous RBCs
S. ESR - 45 mm/hr
RFT -

Left Ht. nephrosis & hydronephrosis
to some extent in
the distal ureter
with renal colic
to whom it may concern!
Patient may be allowed bed rest
for atleast one week.

Diagnosis:

Next Visit: _____ Consultant Name: _____ Signature: _____

Phone: 9211430

website: www.lrh.edu.pk

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Salary slip (00360550 May , 2021).PDF



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



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

Personnel Number: 00360550	CNIC: 1620239336014	NTN: 44458592
Date of Birth: 02.02.1984	Entry into Govt. Service: 12.05.2007	Length of Service: 14 Years 00 Months 021 Days

Employment Category: Active Temporary

Designation: CHARGE NURSE 80004109-DISTRICT GOVERNMENT KHYBE

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

Payroll Section: 004 GPF Section: 005 Cash Center:

GPF A/C No: 360550 Interest Applied: Yes GPF Balance: 493,211.00

Vendor Number: -

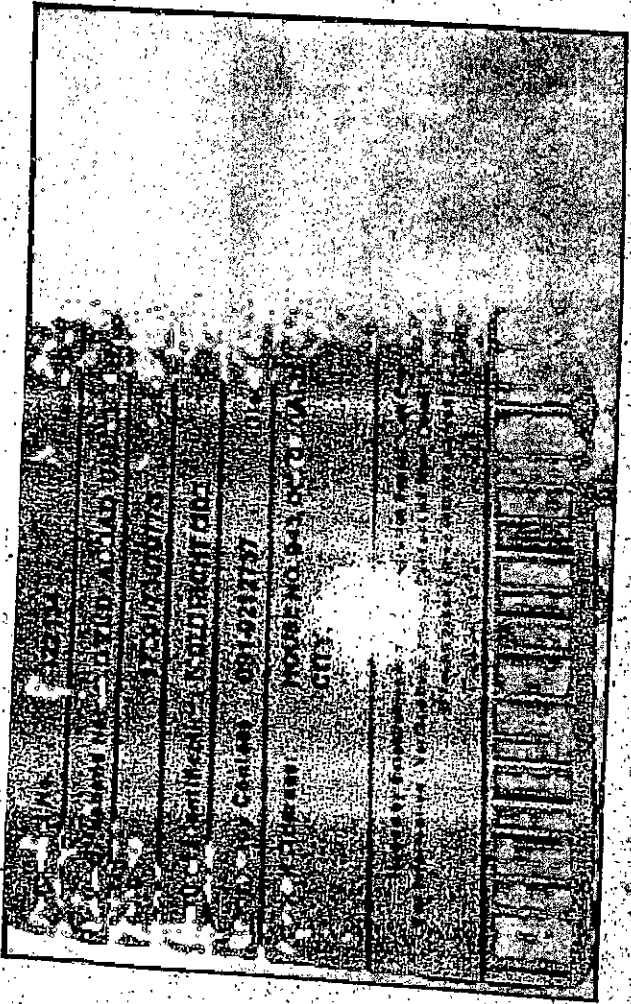
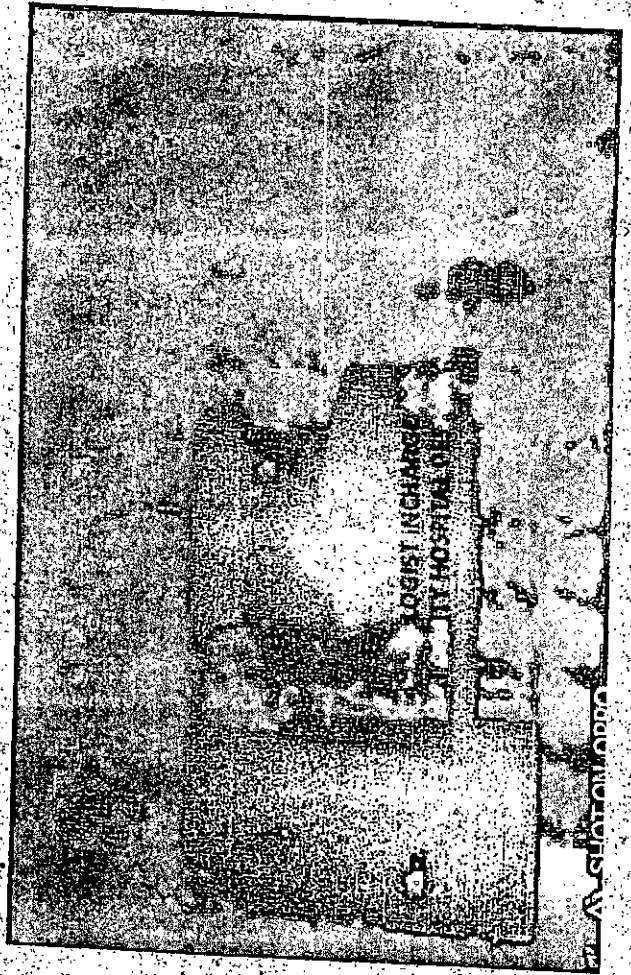
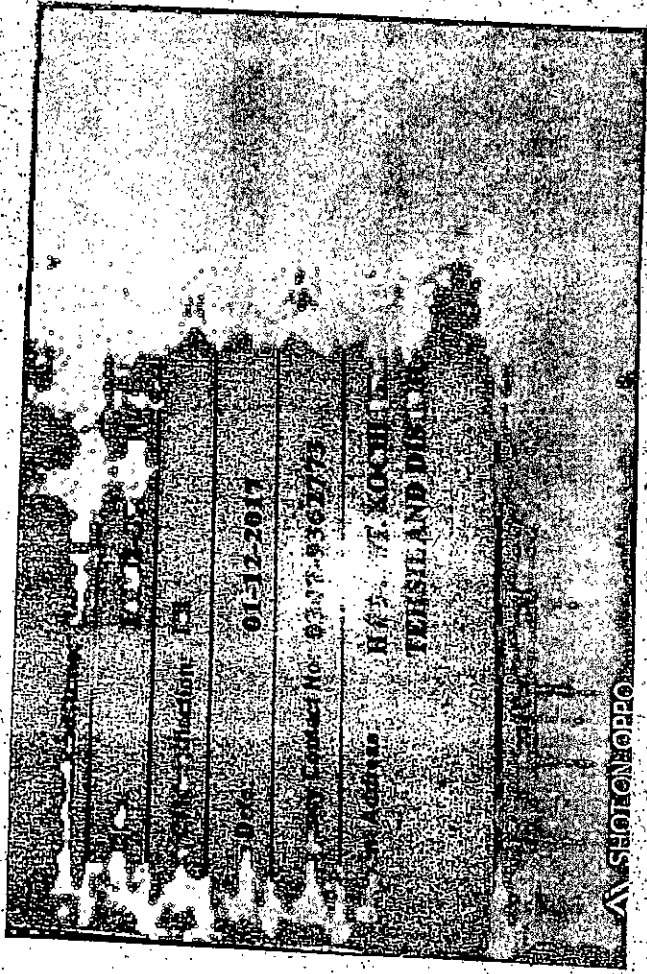
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 14

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 6683/2021

REPORT: ROZINA REHMAN --- MEMBER(J)
MUHAMMAD AKBAR KHAN--- MEMBER(E)

Syed Shanz Aji Shah, Senior Clerk (BPS-14), now personal Assistant
of the Section, Provincial Zakat Administration (HQ),
Peshawar..... (Appellant) :

VERSUS

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

Present:

SYED Noman Ali Bokhari,
Advocate --- For Appellant

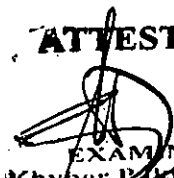
FAZAL SHAH MOHAMMAD,
Additional Advocate General, --- For respondents

Date of Institution.....30.06.2021
Date of Hearing.....21.03.2023
Date of Decision.....21.03.2023

JUDGMENT

MUHAMMAD AKBAR KHAN, MEMBER(E):- The instant service appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1979 with the prayer copied as under;

*That on acceptance of this appeal, the order dated
04.05.2021 and 19.05.2021 may be set aside and the*

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(29)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 6683/2021

BEFORE: ROZINA REHMAN --- MEMBER(J)
MUHAMMAD AKBAR KHAN--- MEMBER(E)

Syed Sheraz Ali Shah, Senior Clerk (BPS-14), now personal Assistant Ushr Section, Provincial Zakat Administration (HQ), Peshawar..... (*Appellant*)

VERSUS

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

Present:

SYED NOMAN ALI BUKHARI,
Advocate --- For Appellant

FAZAL SHAH MOHMAND,
Additional Advocate General, --- For respondents

Date of Institution.....30.06.2021
Date of Hearing.....21.03.2023
Date of Decision.....21.03.2023

JUDGMENT

MUHAMMAD AKBAR KHAN, MEMBER(E):- The instant service appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as under;

"That on acceptance of this appeal the order dated 04.05.2021 and 19.05.2021 may be set aside and the

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

appellant may be allowed to continue as Senior Clerk (BPS-14) Now Personal Assistant at Ushr Section, Provincial Zakat Administration (HQ), Peshawar as prior to the issuance of the impugned premature transfer order. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant."

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02. Brief facts of the case are that the appellant is serving as Senior Clerk (BS-14) in the Provincial Zakat Administration. While posted in the office of Additional Secretary Zakat & Ushr Department Khyber Pakhtunkhwa, he was transferred and posted as PA to Deputy Secretary Social Welfare vide order dated 06.10.2020. He was transferred back to parent department vide order dated 05.03.2021 and subsequently transferred from PZA (HQ) Peshawar to District Zakat Committee Battagram vide order dated 04.05.2021. Feeling aggrieved the appellant filed departmental appeal on 07.05.2021 which was not decided. The appellant approached Civil Court, Peshawar through a civil suit that the Tribunal was non functional. Thereafter the appellant got knowledge that the Tribunal was functional again and withdrew the civil suit and thereafter the appellant approached Service Tribunal on 14.06.2021.

03. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in the appeal. We have heard arguments of learned counsel for the appellant

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

appellant may be allowed to continue as Senior Clerk (BPS-14). Now Personal Assistant at Ushr Section, Provincial Zakat Administration (HQ), Peshawar as Prior to the issuance of the impugned premature transfer order. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant."

02. Brief facts of the case are that the appellant is serving as Senior Clerk (BS-14) in the Provincial Zakat Administration. While posted in the office of Additional Secretary Zakat & Ushr Department Khyber Pakhtunkhwa, he was transferred and posted as PA to Deputy Secretary Social Welfare vide order dated 06.10.2020. He was transferred back to parent department vide order dated 05.03.2021 and subsequently transferred from PZA (HQ) Peshawar to District Zakat Committee Battagram vide order dated 04.05.2021. Feeling aggrieved the appellant filed departmental appeal on 07.05.2021 which was not decided. The appellant approached Civil Court, Peshawar through a civil suit that the Tribunal was non functional. Thereafter the appellant got knowledge that the Tribunal was functional again and withdrew the civil suit and thereafter the appellant approached Service Tribunal on 30.06.2021.

03. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal. We have heard arguments of learned counsel for the appellant

ATTESTED

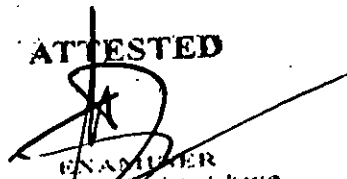
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

and learned Additional Advocate General and have gone through the record with their valuable assistance.

31

Learned counsel for the appellant contended that the appellant had been prematurely transferred from PZA (HQ) Peshawar to District Zakat Committee Battagram. The transfer had neither been made in the public interest nor after completion of normal tenure of posting but was made in an arbitrary manner with total disregard to norms of justice and service laws. Learned counsel for the appellant further contended that wife of the appellant namely Nabeela is serving in the Health Department Khyber Pakhtunkhwa as Charge Nurse and presently posted at Government Maternity Hospital Peshawar; therefore as per the Wedlock policy notified by the Establishment Department on 07.08.2012 posting of serving husband and wife shall be at the same station. He further explained that appeal against pre-mature transfers shall be decided by the competent authority within fifteen days, but the respondents turned deaf ear over the departmental appeal, filed by the appellant. In the last, learned counsel for the appellant prayed that the impugned order dated 04.05.2021 and 19.05.2021 are against the law and are liable to be set aside. To strengthen his arguments, he relied on 2003 PLC (C.S)-1322, 2011 PLC (C.S) 592, Service Tribunal judgment in Service Appeal No: 222/2018 dated 03.10.2019, dated 03.10.2019, Service Appeal No. 222/2018 dated 03.10.2018 and Service Appeal No. 3729/2021 dated 21.10.2021.

Learned Additional Advocate General argued that the order dated 04.05.2021 was internal arrangement within the department i.e. District Zakat Administration (HQ), therefore, it may not be treated

ATTESTED

 ENAMUL HUSSAIN
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

and learned Additional Advocate General and have gone through the record with their valuable assistance.

04. Learned counsel for the appellant contended that the appellant had been prematurely transferred from PZA (HQ) Peshawar to District Zakat Committee Battagram. The transfer had neither been made in the public interest nor after completion of normal tenure of posting but issued in an arbitrary manner with total disregard to norms of justice and service laws. Learned counsel for the appellant further contended that wife of the appellant namely Nabeela is serving in the Health Department Khyber Pakhtunkhwa as Charge Nurse and presently posted at Government Maternity Hospital Peshawar; therefore as per the Wedlock policy notified by the Establishment Department on 07.08.2012 posting of serving husband and wife shall be at the same station. He further explained that appeal against pre-mature transfers shall be decided by the competent authority within fifteen days, but the respondents turned deaf ear over the departmental appeal, filed by the appellant. In the last, learned counsel for the appellant prayed that the impugned order dated 04.05.2021 and 19.05.2021 are against the law and are liable to be set aside. To strengthen his arguments, he relied on 2003 PLC (C.S) 1322, 2011 PLC (C.S) 592, Service Tribunal judgment in Service Appeal No. 705/2019 dated 04.10.2019, Service Appeal No. 222/2018 dated 03.04.2018 and Service Appeal No. 3729/2021 dated 21.10.2021.

05. Learned Additional Advocate General argued that the order dated 06.10.2020 was internal arrangement within the department i.e. Provincial Zakat Administration (HQ), therefore, it may not be treated


ATTENDED

CHAIRMAN
Service Tribunal
Peshawar

as transfer case. The appellant applied for leave on 26.04.2021 whereas he was relieved from Provincial Zakat Administration (HQ) Peshawar on 19.05.2021 for joining of his new assignment in District Zakat Committee Battagram. He further argued that a civil servant is bound to serve anywhere in the province under Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. A civil servant is not entitled to be posted on his choice post and station. The impugned order is therefore legal, passed by the competent authority according to law and rules, therefore, be maintained in favour of the respondent department and the service appeal be dismissed.

During the course of hearing charge assumption report of the appellant was produced by the respondents which transpired that he complied with the order of his transfer/posting by assuming charge in District Zakat Office Battagram on 21.05.2021, however after filing of the instant service appeal he succeeded in getting a favorable order on 07.07.2021 vide which operation of the impugned order to the extent of appellant was suspended. Admittedly, after getting the favorable order he did not perform his duties at Battagram. In the peculiar circumstances of the present case where the grave grievance of the appellant require urgent redressal, we send the case to the departmental authority to decide the departmental appeal of the appellant by writing rendering valid reasons thereof to be made within a period of two months from the date of receipt of copy of this

Order Consign

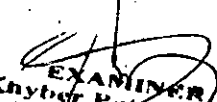
ATTESTED

EXAMINED
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

32

Spoken Power

as transfer case. The appellant applied for leave on 26.04.2021 whereas he was relieved from Provincial Zakat Administration (HQ) Peshawar on 19.05.2021 for joining of his new assignment in District Zakat Committee Battagram. He further argued that a civil servant is bound to serve anywhere in the province under Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. A civil servant is not entitled to be posted on his choice post and station. The impugned order is therefore legal, passed by the competent authority according to law and rules, therefore, be maintained in favour of the respondent department and the service appeal be dismissed.

06. During the course of hearing charge assumption report of the appellant was produced by the respondents which transpired that he complied with the order of his transfer/posting by assuming charge in District Zakat Office Battagram on 21.05.2021, however after filing of the instant service appeal he succeeded in getting a favorable order on 06.07.2021 vide which operation of the impugned order to the extent of appellant was suspended. Admittedly, after getting the favorable order he did not perform his duties at Battagram. In the peculiar circumstances of the present case where the grave grievance of the appellant require urgent redressal, we send the case to the departmental authority to decide the departmental appeal of the appellant in writing rendering valid reasons thereof to be made within a period of two months from the date of receipt of copy of this judgment. Consign.

ATTESTED

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

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67. Pronounced in open court at Peshawar and given under our hand and seal of the Tribunal this 21st day of March, 2023.

(ROZINA REHMAN)
MEMBER (J)

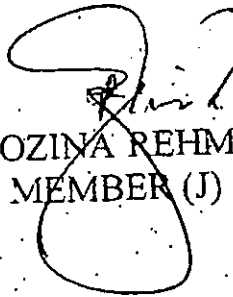
(MUHAMMAD AKBAR KHAN)
MEMBER (E)


Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

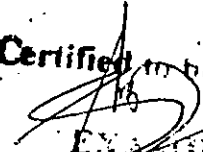
Date of Presentation of Application 17-5-23
Number of Words page 5
Copying Fee 25/-
Urgent 5/-
Total 30/-
Name of _____
Date of Completion of Copy 17-5-23
Date of Delivery of Copy 17-5-23

07. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 21st day of March, 2023.


(ROZINA REHMAN)
MEMBER (J)


(MUHAMMAD AKBAR KHAN)
MEMBER (E)

Kamranullah

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Submission of Application 14/3/23
Number of Words 250
Copying Fee 7/-
Urgent 5/-
Total 12/-
Name of Applicant _____
Date of Copying 14/3/23
Date of Delivery 14/3/23



J (34)

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

Dated: 11.09.2023

OFFICE ORDER.

No.SO-I(Z)/2-52/Promotion/1949-60. In Pursuance of Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 21-03-2023 in service appeal No.6683/2021 and after obtaining NOC from Chief Minister Khyber Pakhtunkhwa regarding inter district posting / transfer, Syed Sheraz Ali Shah, Senior Clerk (BPS-14) currently posted / adjusted against the wrong post of Senior Scale Stenographer / Personal Assistant in his own pay and scale is hereby transferred and posted in District Zakat Committee Nowshera against the vacant post of Senior Clerk (BPS-14) in the best public interest with immediate effect.


2. Consequent upon the above the official concerned stands relieved today on 11-09-2023 (A.N) from his present duties to join his new assignment as Senior Clerk (BS-14) in District Zakat Committee Nowshera.

Sd/-
Secretary to
Govt: of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare, Special
Education & Women Empowerment
Department.

Endst of Even No & Date:-

Copy forwarded to the:-

1. Provincial Election Commissioner Khyber Pakhtunkhwa.
2. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Accountant General Khyber Pakhtunkhwa Peshawar.
4. District Accounts Officer Nowshera.
5. District Zakat Officer Nowshera.
6. PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa.
7. PA to Additional Secretary Zakat & Ushr Department.
8. PA to Deputy Secretary (Admn) & (Audit) Zakat & Ushr Department.
9. PA to Deputy Administrator (Ushr) Zakat & Ushr Department.
10. Assistant Administrator (Ushr) section.
11. Official concerned / Personal file.
12. Master file.


(Halder Zaman)
Asstt: Administrator (Estt)
Zakat & Ushr



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

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

35

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

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

Dear Sir,

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

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

AC (R)

Commissioner Peshawar

No. 9102... dated 16/8/12

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

16/8/12
Supra

Attested

ATTESTED

[Signature]

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

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

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

Kindly acknowledge receipt.

Yours faithfully

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

(4)

Endst No & date even.

perforated

Copy forwarded to:

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

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

ATTESTED

Attest

Attest

L 37 16 4

Posting and Transfer

Statutory Provision.

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

Posting and Transfer. - Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

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

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

Posting/transfer policy of the Provincial Government.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas:
- v) ²²⁵ []
- vi) ²²⁶ While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, Khyber Pakhtunkhwa needs to be obtained. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor, Khyber Pakhtunkhwa shall be obtained.-

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

²²⁵ Para-iv) 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 2011, Posting/Transfer Policy and other rules for the time being in force, allowed to make Posting/Transfer subject to observance of the policy and rules

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

Government of Khyber Pakhtunkhwa
 Establishment Department
 Regulation Wing
 Peshawar

M 38

Handwritten signature/initials

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (P&TA) 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 S.O. 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 notice 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:

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.

Tenure, Posting and Transfer: When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

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 4/3
 my own

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 20/2/13
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 ATTENDED

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~~SECRET~~

~~SECRET~~

~~SECRET~~

Officers should give their first opinion and must
obey the law and the constitution. They are not bound
to obey orders from superiors which are illegal or are not in
conformance with accepted practices and rule based norms.
In such circumstances, they must record their opinion and
if necessary, dissent.

OSD: Officers should not be posted as OSD except for
compelling reasons, which must be recorded in writing. If 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.

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

Najam
(NAJ-MIS-SAHAR)
SECTION OFFICER (REG-VII)

Encs as above.

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 Inspector General, Khyber Pakhtunkhwa
5. The Registrar, Peshawar High Court, Peshwar
6. The Secretary Khyber Pakhtunkhwa Public Service
Commission
Ministry Secretaries Establishment & Administration
Department
7. All Deputy Secretaries in Establishment & Admin
Department.

Najam
SECTION OFFICER (REG-VII)

R
Attested

[Signature]

VAKALAT NAMA

no

NO. _____/20

IN THE COURT OF KP Service Tribunal, Peshawar

Sheraz Ali Shah

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Zakat, Ushr, Deptt.


(Respondent)
(Defendant)

I/We, Sheraz Ali Shah

Do hereby appoint and constitute **Mr. M. Asif Yousafzai, ASC** 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

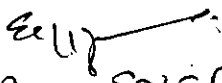


(CLIENT)

ACCEPTED

M. ASIF YOUSAFZAI, ASC,


SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar


UZMA SYED
Advocate High Court