

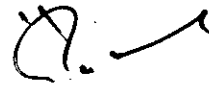
13.09.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General present. Case called for several times but none appeared on behalf of appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.



(Hussain Shah)

Member



(Muhammad Hamid Mughal)


Member


ANNOUNCED

13.09.2018

02.01.2018


Clerk of the counsel for appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Clerk of the counsel for appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 06.03.2018 before D.B.



(Ahmad Hassan)
Member(E)


(M.Amin Khan Kundi)
Member (J)

06.03.2018

None present on behalf of appellant. Mr. Riaz Pinda Kheil, learned Assistant Advocate General for the respondents present. Adjourned. To come up for arguments on 08.05.2018 before D.B


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

08.05.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 23.07.2018


READER

23.07.2018

Appellant absent. Learned counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Attaullah, Assistant Secretary for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 13.09.2018 before D.B.


Member

Service Appeal No. 360/2015

26.10.2017

Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Additional AG for official respondents and counsel for applicants also present. Clerk of the counsel for appellant requested for adjournment. Last opportunity granted. Adjourned. To come up for arguments on impleadment application on 21.11.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

21.11.2017

Counsel for the appellant present. Mr. Riaz Paynda Khel, Assistant AG alongwith Mr. Mukhtiar Ali, Assistant Secretary for the respondents also present. Written reply on behalf of respondents not submitted despite last opportunity. Learned Assistant AG requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. Adjourned. To come up for written reply/comments and cost of Rs. 1000/- on 18.12.2017 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

18.12.2017

learned counsel for the appellant present. Mr. Muhammad Jan, Learned Deputy District Attorney for the respondents present, reply of the respondents who have issued the impugned orders already available on file. Be put up before D.B for rejoinder/arguments on the main appeal and argument on application for impleadment. To come up before D.B on 02.01.2018


(Muhammad Hamid Mughal)

MEMBER

03.07.2017

Counsel for the appellant, Addl: AG for official respondents and counsel for applicant present. Counsel for the appellant requested for adjournment. To come up for arguments on impleadment application on 15.08.2017 before S.B.


(Ahmad Hassan)
Member

15/8/2017

Counsel for the appellant and Mr. Kabirullah, Assistant AG for official respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on impleadment application on 14/9/2017 before SB.


(GUL ZEB KHAN)
MEMBER

14.09.2017

Clerk of the counsel for appellant present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Clerk of the counsel for appellant requested for adjournment. Adjourned. To come up for arguments on impleadment application on 26.10.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

06.03.2017

Clerk to counsel for the appellant and Addl. AG for respondents present. Due to general strike of the bar learned counsel is not in attendance. To come up for arguments on impleadment application on 04.04.2017 before S.B.


(MUHAMMAD AAMIR NAZIR)
MEMBER

04.04.2017

Junior to counsel for the appellant, Mr. Muhammad Ibrar, Assistant Secretary along with Addl. AG for the official respondents and counsel for applicants present. Senior Counsel for the appellant is not in attendance. Last opportunity granted to both the parties. To come up for arguments on impleadment application on 09.05.2017 before S.B.


Chairman

09.05.2017

Clerk to counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondents present. Learned counsel for the appellant submitted power of attorney on behalf of appellant. Requested for adjournment. Request accepted. To come up for written reply/comments on 03.07.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

14.11.2016

Counsel for the appellant, Mr. Mukhtiar Ali, Supdt for official respondents No. 1 to 3 and counsel for applicant present. Both the parties requested for adjournment. To come up for arguments on impleadment application on 22.12.2016 before S.B.


Chairman

22.12.2016

Counsel for the appellant and Mr. Muhammad Ibrar, Assistant Director alongwith Addl. AG for respondents present. Both the parties requested for adjournment. To come up for arguments on impleadment application on 30.01.2017 before S.B.


(MUHAMMAD AAMIR NAZIR)
MEMBER

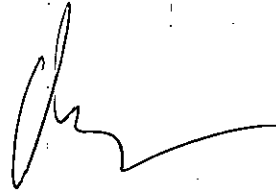
30.01.2017

Clerk counsel for appellant and Mr. Muhammad Ibrar, Assistant Secretary alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Clerk counsel for appellant requested for adjournment due to non-availability of learned counsel for appellant. To come up for arguments on impleadment application on 06.03.2017 before S.B.


(ASHFAQUETAJ)
MEMBER

22.08.2016

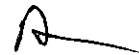
Agent to counsel for the appellant, Additional AG for official respondents No. 1 to 3 and agent to counsel for applicants present. Due to strike of the Bar learned counsel for the appellant as well as learned counsel for applicants are not available today before the Tribunal therefore, case is adjourned for arguments on impleadment application to 28.09.2016 before S.B.



Member

28.09.2016

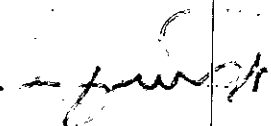
Appellant in person, Additional AG for official respondents and clerk to counsel for applicant present. Appellant requested for adjournment. To come up for arguments on impleadment application on 19.10.2016.



Member

19.10.2016

Counsel for the appellant and Mr. Mukhtiar Ali, Superintendent alongwith Additional AG for respondents present. Clerk to counsel for applicant also present and requested for adjournment as counsel for the applicant is not in attendance today. Request accepted. To come up for arguments on impleadment application on 14.11.2016 before S.B.



(PIR BAKHSH SHAH)
MEMBER


23.02.2016

Counsel for the appellant, Addl: A.G for respondents and counsel for applicants present. Learned counsel for the appellant requested for adjournment. To come up for reply to application for impleading applicants as parties to appeal and arguments on 25.4.2016 before S.B.


Chairman

25.4.2016

Appellant in person, Mr. Inamullah, Asstt. alongwith Addl. AG for the official respondents and counsel for applicants present Reply to impleadment application submitted by the appellant. To come up for arguments on impleadment application on 09.6.2016.


Chairman

09.06.2016

Appellant in person and Addl: AG for official respondents present. Due to strike of the Bar learned counsel for the appellant is not available today before the Court, therefore, case is adjourned for arguments on impleadment application to 22.08.2016 before S.B.


MEMBER

10.08.2015

Counsel for the appellant and Mr. Tariq, Stenographer for respondent No. 2 alongwith Assistant A.G for respondents present. Para-wise comments submitted by respondents No. 1 and 2 while learned Assistant A.G requested for adjournment for submission of written reply on behalf of respondent No. 3. To come up for written reply/comments on behalf of respondent No. 3 on 3.9.2015 before S.B.


Chairman

03.09.2015

Appellant in person, Mukhtiar Ali, Supdt. and Saleem Javed, Muharrir alongwith Addl: A.G for respondents present. Written reply not submitted on behalf of respondent No. 3. Last opportunity granted. To come up for written reply/comments on behalf of respondent No. 3 on 28.10.2015 before S.B.


Chairman

28.10.2015

Appellant in person and Addl: A.G for respondents present. Application by Javed Khan and 36 others alongwith Wakalat Nama of Mr. Khalid Rehman, Advocate submitted, copy whereof supplied to the appellant. To come up for reply and arguments on the said application on 23.2.2016 before S.B.


Chairman

30.04.2015

Counsel for the appellant present. Learned counsel for the appellant seeks adjournment. Adjourned to 13.05.2015 for preliminary hearing before S.B.


Chairman

13.05.2015

Counsel for the appellant present. Learned counsel for the appellant argued that vide impugned order dated 30.01.2015 the order of the posting of the appellant as Assistant in the office of Political Agent Khyber was withdrawn with immediate effect. That the appellant preferred departmental appeal against the said order on 03.02.2015 which was rejected on 15.03.2015 communicated to the appellant on 14.04.2015 and hence the present service appeal on 22.04.2015.

That the appellant is entitled to serve any where in the Division as per terms and conditions contained in his appointment letter and accordingly entitled to seniority on the Divisional level and as such observations recorded by the appellate authority are against facts and law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 10.08.2015 before S.B.


Chairman



Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 360/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22.04.2015	<p>The appeal of Mr. Abdur Rehman presented today by Mr. Ijaz Anwar Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2	22-4-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>31-4-15</u></p> <p> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 360 /2015

Abdur Rehman S/O Afzal Khan, Assistant BPS-16
presently posted at Office of the Commissioner.

(Appellant)

VERSUS

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

(Respondents)

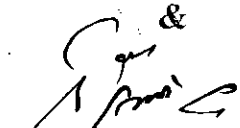
INDEX

S.No	Description of Documents	Annexure	Page No
1.	Memo of Appeal		1- 5
2.	Stay Application & Affidavit		6- 7
3.	Appointment order 04.07.2009 and confirmation order 26.07.2012	A & B	8- 9
4.	Transfer order dated 12.02.2014 and arrival report dated 12.02.2014	C & D	10- 11
5.	Transfer orders dated 02.10.2014, 16.10.2014, 19.12.2014 and arrival report dated 22.12.2014	E, F, G & H	12- 15
6.	Grievance Petition and letter dated 03.12.2014	I & J	16- 17
7.	Order dated 30.01.2015,	K	18
8.	Departmental appeal, application and rejection order dated 05.03.2015	L M & N	19- 23
9.	Transfer and posting Policy	O	24- 30
10.	Transfer orders of similarly placed employees and seniority list of the Assistants.	P	31- 37
11.	Vakalatnama		38


Appellant

Through


IJAZ ANWAR
Advocate Peshawar.


SAJID AMIN
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 360 /2015

K.W.P. Province
Service Tribunal

Diary No. 376

Dated 22-4-2015

Abdur Rehman S/O Afzal Khan, Assistant BPS-16
presently posted at Office of the Commissioner.

(Appellant)

VERSUS

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Commissioner Peshawar Division, Peshawar.
3. Political Agent, Khyber, Khyber House Bara Road, Peshawar.

(Respondent)

Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the office order dated 30.1.2015, whereby the transfer order dated 12.02.2014, of the appellant to the office of Political Agent Khyber Agency has been withdrawn and the appellant has been transferred to the Office of Commissioner, Peshawar Division Peshawar, against which the departmental appeal of the appellant date 05.03.2015, has also been rejected vide order dated 05.03.2015, however copy of the rejection order has been communicated to the appellant on 14.04.2015.

Filed to-day
22/4/15

Prayer in Appeal;

On acceptance of this appeal both the impugned orders dated 31.01.2015 and 05.03.2015, may please be set-aside and the appellant may kindly be allowed to complete his normal tenure of posting at the office of Political Agent Khyber or any other remedy deem just and proper may also be allowed in favour of the appellant.

Respectfully Submitted:

1. That the appellant was initially appointed vide order No. AC(R)/Pesh/1-2/2009/1161 dated 04.07.2009 as Assistant in the Office of the Commissioner, Peshawar Division Peshawar, similarly the services of the appellant were confirmed vide order dated 26.07.2012. Ever since his appointment the appellant is performing his duties as assigned with zeal and devotion and without their being any complaint regarding his performance. *(Copies of the appointment order 04.07.2009 and confirmation order 26.07.2012 dated is attached as Annexure A and B)*
2. That it is pertinent to mention here that according to the appointment order of the appellant his services are transferable anywhere at the divisional level. Similarly the appellant remained posted at different posts as and when directed/posted.
3. That while performing his duties at the office of the Commissioner, the appellant was transferred and posted as Assistant at the office of the Political Agent Khyber vide order dated 12.02.2014, the appellant duly submitted his arrival report and started performing his duties at the new place of posting. *(Copies of the transfer order dated 12.02.2014 and arrival report dated 12.02.2014, is attached as Annexure C & D)*
4. Thereafter appellant was transferred and posted at different stations vide orders dated 02.10.2014, 16.10.2014 which he duly complied. Lastly the appellant was transferred and posted as Reader to Assistant Political Agent, Jamrud vide order No. 8128Supd: dated 19.12.2014, the appellant comply with order and took over the charge of the said post and started performing his duties. *(Copies of the transfer orders dated 02.10.2014, 16.10.2014, 19.12.2014 and arrival report dated 22.12.2014 are attached as Annexure E, F, G, H)*
5. That initially the posting of the appellant was objected by some ministerial staff of the office of the APA Khyber Agency, considering the post as promotion post effecting their rights of promotion of the staff. Their grievance petition was considered and the objection was turned down as misconceive vide letter dated 03.12.2014. *(Copies of the Grievance Petition and letter dated 03.12.2014, are attached as Annexure I & J)*

6. That despite the above regret from the commissioner, some of the ministerial staff prevailed in issuing the order No. 6/2/Ea/III/1326-28 dated 30.1.2015 whereby the transfer order No. 6/2/EA/111/1889-95 dated 12.2.2014 of the appellant was withdrawn meaning thereby the appellant was transferred from the Office of the Political Agent, Khyber to the office of Commission. *(Copy of the order dated 30.01.2015, is attached as Annexure K)*
7. That feeling aggrieved the appellant also filed departmental appeal dated 03.02.2015 against the order dated 30.01.2015, however the departmental appeal has also been rejected vide order dated 05.03.2015. initially the copy of the rejection order was not communicated to the appellant, lastly it was communicated to him on his application on 14.04.2015. *(Copies of the departmental appeal, application and rejection order dated 05.03.2015, are attached as Annexure L, M & N)*
8. That the impugned orders are illegal unlawful against the law and facts passed in violation of the transfer and posting policy of the provincial government, hence liable to be set aside inter alia on the following grounds.

GROUND OF SERVICE APPEAL:

- A. That the appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the Law and constitution are badly violated.
- B. That the appellant has not yet completed his normal tenure of posting he has hardly served for 11 months, hence the withdrawal order is illegally and prematurely issued, moreover the same is in violation of posting and transfer policy of the Provincial Government and the Judgments of the Superior Courts reported in PLD 1995 SC 530 & PLD 2013 SC 195. *(Copy of the Transfer and posting Policy is attached as Annexure O)*
- C. That the order of transfer of the appellant was competently issued, it was transfer and posting order, not effecting an of the terms and conditions of the ministerial staff of the P.A Khyber Agency, hence liable to be set aside.
- D. That the Respondent No. 2 has once properly decided the issue of the transfer order of the appellant after his detailed deliberation, therefore, again issuing the withdrawal order is not tenable.


- E. That the grounds made base for the rejection of the departmental appeal of the appellant, are also misconceived and baseless. As according to the appointment order of the appellant his transfer can be made anywhere at divisional level, moreover there are number of examples of the employees of the office of the Commissioner who are transferred and Posted at agency level, therefore objecting the transfer of the appellant to the office of the Respondent No. 2 on the ground that he is the employee of the Commissioner Office has also no legal footing. Moreover the seniority list of the Assistants working at agencies are also maintained at the divisional level jointly, promotions are made on the basis of the same seniority list, therefore they can lawfully be transferred at the divisional level. *(Copies of the Transfer orders of similarly placed employees and seniority list of the Assistants are attached are attached as Annexure P & Q)*
- F. That even otherwise it is also not in the interest the Department to make rolling stone its employees, on the one hand the working of the department is disturbed, while on the other hand the employee is humiliated and his family life is disturbed.
- G. That while issuance the withdrawal order of the appellant no right of hearing has been provided to the appellant.
- H. That in fact there exist no exigencies of service nor the order of withdrawal can be termed as in the public interest.
- I. That during his posting at the office of Political Agent Khyber, the performance of the appellant remained commendable and there was no complaint whatsoever regarding his performance albeit his transfer order has illegally been withdrawn.
- J. That the impugned order is illegal, unlawful, without lawful authority and passed without jurisdiction, not in the prescribed period, in violation of transfer and posting policy, thus nullity in the eyes of law and not tenable.
- K. That repeated transfer orders were made in violation of Posting and Transfer Policy, thus the order is nullity in the eyes of law.


- L. That the appellant seeks the permission of this Honourable Authority to rely on additional grounds at the hearing of this appeal.

It is, therefore, humbly prayed that on acceptance of this appeal both the impugned orders dated 31.01.2015 and 05.03.2015, may please be set-aside and the appellant may kindly be allowed to complete his normal tenure of posting at the office of Political Agent Khyber or any other remedy deem just and proper may also be allowed in favour of the appellant.


Appellant

Through


IJAZ ANWAR
Advocate Peshawar.
&


SAJID AMIN
Advocate Peshawar.

**BEFORE THE KHYBER PAKHTUNKHAWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2015

Abdur Rehman S/O Afzal Khan, Assistant BPS-16
presently posted at Office of the Commissioner.

(Appellant)

VERSUS

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

(Respondents)

**Application for the suspension of operation of
the orders dated 30.01.2015 and 05.03.2015 till
the decision of the above noted Appeal**

Respectfully Submitted:



1. That the appellant has filed today the above noted appeal in this Honourable Tribunal 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 even otherwise the impugned orders being made in violation of law rules and policy, hence not tenable and is thus liable to be suspended.

6. That it will also serve the interest of justice if the order impugned is suspended till the final decision of the appeal.

It is, therefore, prayed that on acceptance of this application the operation of the impugned order dated 30.01.2015 and 05.03.2015 till the decision of the above noted Appeal.


Applicant

Through


IJAZ ANWAR
Advocate Peshawar.
&

SAJID AMIN
Advocate Peshawar

AFFIDAVIT

I, **Abdur Rehman S/O Afzal Khan, Assistant BPS-16 presently posted at Office of the Commissioner**, do hereby solemnly affirm and declare on oath that the contents of the above Appeal as well as accompanied application are true and correct to best of my knowledge and believe and that nothing has been kept back or concealed from this Honourable Tribunal.




Deponent



COMMISSIONER
PESHAWAR DIVISION PESHAWAR

12th the Mall Peshawar Dist (tel.9211334 fax.9214085)

Dated Peshawar the 4th July, 2009

V. AMIR: A

(8)

OFFICE ORDER.

No.AC(R)/Pesh/1-2/2009/1161. On the recommendations of Departmental Selection Committee Mr. Abdur Rehman Khan S/O Muhammad Afzal Khan r/o Hujra Afzal Khan Kandi Afzal Abad Village & PO Tehkal Bala Peshawar is hereby appointed as Assistant (BPS-14) on temporary basis on usual pay and allowances admissible under the rules against the vacant post, subject to the terms & conditions mentioned below:-

TERMS AND CONDITIONS.

1. He will get pay at minimum of BPS-14 (Rs.4920-380-16320) including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He will produce medical fitness certificates from Medical Superintendent, Services Hospital Peshawar.
3. He will be governed by the NWFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there under.
4. He will, for all intents and purposes, be Civil Servant except pension/commutation/gratuity. In lieu of pension and gratuity, he will be entitled to receive such an amount contributed by him towards Community Provident Fund (CPF) alongwith contributions made by Govt. to his account in the said fund, in the prescribed manner.
5. His employment in the office of Commissioner Peshawar is purely on temporary basis and his services will be liable to terminate at any time without assigning any reason before the expiry of the period of probation/extended period of probation. If his work during this period was not found satisfactory in such an event, he will be given a month's notice of termination from service or one month pay in lieu thereof. In case he wishes to resign at any time a month's notice shall be necessary or in lieu thereof one month pay shall be forfeited.
6. He shall initially be on probation for a period of two years extendible upto 3 years.
7. If the above terms & conditions are accepted to him, he should report to the office of Commissioner, Peshawar Division Peshawar on or before 26.07.2009, failing to which the order of appointment shall stand null and void.
8. His services are transferable anywhere in the Divisional level.

-Sd-

COMMISSIONER PESHAWAR

Dated 04/07/2009

Endst: No.AC(R)/Pesh/1-2/2009/

Copy forwarded to:-

1. The Senior Member Board of Revenue NWFP, Peshawar.
2. The Accountant General NWFP, Peshawar.
3. The District Coordination Officer, Peshawar.
4. The Section Officer (FATA), Home & TAs Department.
5. The Assistant to Commissioner (P/D), Peshawar.
6. The Accounts Officer O/O Commissioner, Peshawar.
7. Mr. Abdur Rehman Khan S/O Muhammad Afzal Khan r/o Hujra Afzal Khan Kandi Afzal Abad Village & PO Tehkal Bala Peshawar
8. Personal file/office order file.

(MUNTAZIR KHAN)

Assistant to Commissioner (Rev/GA)

AR



COMMISSIONER
PESHAWAR DIVISION PESHAWAR

✓ ANNEX - B
(8)

OFFICE ORDER

No. 6-1/Admn/ACR/Vol-I/

In terms of section-7 (1)(5) of North West Frontier Province Civil Act, 1973 read with section 15(2) and section-16 of North-West-Frontier Province Civil Servants (Appointment Promotion and Transfer) Rules 1989, the services of the following officials are hereby confirmed against their substantive post w.e.f their date of first appointment:

Sr. No	Name of Official	Designation
1.	Mr. Ziar Khan	Sr. Scale Stenographer
2.	Mr. Abd-ur-Rehman	Assistant
3.	Mr. Imran Khan	-do-
4.	Mr. Adil Iqbal	Junior Clerk
5.	Mr. Mujahid	Mali
6.	Mr. Malang Jan	Naib Qasid
7.	Mr. Shafiq	-do-

-sd-

COMMISSIONER
PESHAWAR DIVISION PESHAWAR

No. 6-1/Admn/ACR/Vol-I/ 5494-97

Dated 26.07.2012

Copy forwarded to:

1. The Senior Member, Board of Revenue Khyber Pakhtunkhwa.
2. The Accurttant General, Khyber Pakhtunkhwa.
3. Officials concerned.
4. Office order file.

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



(10)

Affixed: C

**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

OFFICE ORDER:

Dated: 12.02.2014

Mr. Abdur Rehman Assistant (BPS-14) of this office is hereby transferred and posted as Assistant (BPS-14) against the vacant post in the office of Political Agent Khyber Agency with immediate effect in the interest of public service.

-Sd-

Commissioner Peshawar Division

No: 6/2/EA/III

/1889-95

Copy forwarded to:

1. Senior member Board of Revenue, Khyber Pakhtunkhwa.
2. Additional Chief Secretary FATA.
3. Accountant General, Khyber Pakhtunkhwa.
4. Political Agent Khyber Agency.
5. Accounts Officer o/o Commissioner Peshawar Division.
6. PS to Commissioner Peshawar.
7. Officials Concerned for immediate compliance.


**ASSISTANT TO COMMISSIONER(R/GA)
PESHAWAR DIVISION PESHAWAR**

D/C

S/P

(11)

APPROVED: D

ARRIVAL REPORT

In compliance with the Commissioner Peshawar Division office order No.6/2/EA/III/1889-95 dated 14.02.2014, I Abdur Rehman hereby submit my arrival report today on 12.02.2014. (A.N)



(Abdur Rehman)
Assistant

No.

Dated: 12.02.2014

Copy forwarded to:

1. Accountant General, Khyber Pakhtunkhwa.
2. Political Agent Khyber Agency.
3. Assistant to Commissioner (Rev/GA), Peshawar Division.
4. Agency Accounts Officer, Khyber Agency.
5. Accounts Officer o/c Commissioner Peshawar Division.
6. PS to Commissioner Peshawar Division.



(Abdur Rehman)
Assistant





12

AMEDIA-E

No. 806-8011 /Supdt.

Dated 02/10/2014.

OFFICE ORDER

The following posting/ transfers are hereby ordered with immediate effect in the public interest.

S.NO.	NAME	FROM	TO
1.	Abdur Rehman.	Khyber House.	PM Torkham.
2.	Muhammad Umair Mufti.	A.G Branch Khyber House.	PM Torkham.
3.	Asad Khan.	PM to APA-Bara.	PM Michni.
4.	Shah Nawaz.	Reader Branch.	P.M Michni.
5.	Shabab Khan.	PM to PT-Landikotal	A.G Khyber House Vice No.2.
6.	Muhammad Anwar.	BF Brach Khyber House.	Reader Brach Vice No.4.

Shabab Khan
Political Agent, Khyber.

No. /Supdt:

Copy forwarded for information to the:

1. The Assistant Political Agent, Landikotal
2. The Naib Tehsildar Passport, Torkham.
3. The Official concerned for compliance please.

Shabab Khan
Political Agent, Khyber.

Shabab Khan

(13)

Amended: - F

OFFICE OF THE POLITICAL AGENT, KHYBER.



No. 8020-22/Supdt:

Dated 16 / 10 / 2014.

OFFICE ORDER

Mr. Abdur Rehman P.M Torkham is hereby transfer to Khyber House with immediate effect in the public interest.

Kahab Ak
Political Agent, Khyber.

No. — /Supdt:
Copy forwarded for information to the:

1. Assistant Political Agent, Landikotal
2. Naib Tehsildar Passport, Torkham.
3. Official concerned for compliance please.

—————
Political Agent, Khyber.

[Handwritten signature]

OFFICE OF THE POLITICAL AGENT, KHYBER.

Amir G
14



No. 2128-29 /Supdt:

Dated 19/1/12 2014.

Annexure "E"

OFFICE ORDER

The following posting/ transfers are hereby ordered with immediate effect in the public interest.

<u>S.NO.</u>	<u>NAME</u>	<u>FROM</u>	<u>TO</u>
1.	Abdur Rehman	Assistant Khyber House	Reader-II to APA-Jamrud
2.	Asif Ali Shah	P.M. to P.T Jamrud	Add: P.M Takhtabeg

Shahab Ali
Political Agent, Khyber.

Copy forwarded for information to the:

1. The Assistant Political Agent, Jamrud
2. The Official concerned for compliance please.

Shahab Ali
Political Agent, Khyber.

[Handwritten mark]


ARRIVAL REPORT

15

JAN 11

11

In compliance with the kind Political Agent, Khyber's Office Order No.8128-29/Suptd: dated 19-12-2014. I, Abdur Rehman, (Assistant) ~~to~~ submit my arrival report as Reader-II to APA-Jamrud today on 19-12-2014 (F.N)

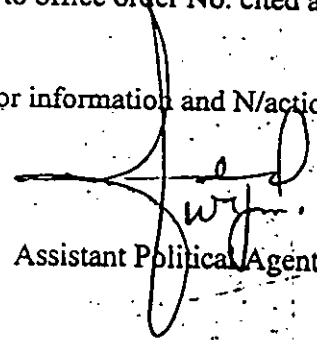


Abdur Rehman.
Reader-II to APA-Jamrud.

OFFICE OF THE ASSISTANT POLITICAL AGENT, JAMRUD.

No 4167-68 /APA-Jamrud dated Jamrud the 22/12/2014
Copy forwarded to:-

1. The Political Agent, Khyber w/r to office order No. cited above for information, please.
2. The Political Tehsildar Jamrud for information and N/action.



Assistant Political Agent, Jamrud



To

16

ANNEX I

The Commissioner,
Peshawar Division, Peshawar.

Info:-

The Political Agent, Khyber.

Subject:-

GRIEVANCES OF MINISTERIAL STAFF.

Respected Sir,

Respectfully it is submitted that we, the ministerial staff of office of the Political Agent, Khyber jointly bring into your kind notice the following few lines for your kind consideration for the redressal of our grievances:-

We, the ministerial staff are initially appointed on the Agency cadre posts as junior clerks and few of us are promoted upto Office Assistant after rendering services for more than couple of decades because there are only fewer posts of office Assistants, while the rest of us retire as Senior or even Junior Clerks. If an Office Assistant from elsewhere is transferred and posted to this office, it will be amounted to denial of our legitimate rights of promotion.

Besides the above, the junior clerks and office Assistants have a very little opportunity to avail the promotion as Naib Tehsildar/Tehsildar which is a rare chance for us. If an equivalent official from somewhere else is transferred and posted to this office, it will again be amounted to denial of another legitimate right of promotion.

Mr. Abdur Rehman, an office Assistant of your esteemed office has been transferred and being posted in the office of the Political Agent, Khyber which is denial of our rights of promotion as mentioned above. On one hand he will block one of our posts of Office Assistant while on the other he will gain experience in Agency which will qualify him for promotion as Tehsildar etc. In both the cases, he will usurp our legitimate rights of promotions.

In view of the above, it is requested to kindly resend his transfer orders from the office of the Political Agent, Khyber back to his parent office that is office of the Commissioner, Peshawar Division, Peshawar.

We shall be thankful and obliged.

Yours Obedient Servants

Ministerial Staff
Office of Political Agent,
Khyber Agency

ACR
All examined
S
18/11/14

S
Impdt
MWS
18/11

Signature
17/11
Signature
17/11
Signature
17/11
Signature
17/11



(17) *Approved*

**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

Subject: GRIEVANCES OF MINISTERIAL STAFF.

Ministerial staff of Political Agent Khyber Agency office vide PUC has forwarded their grievances over posting of Abdur Rehman Assistant in PA Khyber Office and has termed his posting / adjustments in Ministerial cadre of their office as usurpation of their promotion rights.

They have complained that due to his posting their basic rights of promotion to the posts of Tehsildar / Naib Tehsildar have been affected.

Their complaint of promotion from clerks to Assistant is baseless and incorrect as two officials of their office namely Zar Badshah and Iqbal Hussain have retired from service in 2011 and 2013, but no promotion from lower tiers has been made since then, while reportedly both of them are still serving in the Agency (Landikotal and Jamrud) and are being paid from agency fund, the question is why the vacant posts have not been filled in ?

In fact, ministerial staff of PA Khyber Office always resists transfer of officials from other offices to be adjusted in their ministerial staff and they often forgo their promotion to the posts of Assistants for the known reasons. Moreover seniority of Assistants to the posts of Superintendents is prepared at divisional level whereas for the posts of tehsildars it is prepared at Provincial level, hence posting/transfer of Assistants/Superintendent can be made at divisional level, hence transfer of Mr. Abdur Rehman Assistant of this office to PA Khyber is according to rules and legal. In this connection a copy of letter issued from Governor's Secretariat may be seen at F/A.

It is further submitted that in no Departmental Promotion Committee of ministerial staff of PA Khyber Office, representative of this office has been called, which is required to be looked into and guidance from Board of Revenue is required to be obtained that whether representation of this office is required in any DPC / DSC in the respective Political Agent office.

The grievances is not based on factual position and irrelevant, hence filed please.

File - 3-12-14
Estt: Assistant

SUPDT

Paras 1-6/14. Office note is in detail. Submitted for perusal/ further order please

ACR/GA

PI discuss

3/12

EA

4/12

Para 1-5/2 refers and in detail
 Mr. Abdul Rehman Assistant of this office has
 transferred to office of PAK) against the
 remaining part. Two posts of Assistants are
 being vacant since long in PA (office).
 and needs to filled up without recruitment
 direct route.

10.

Due to transfer of Asst of this office
 now of the PA office has been effected
 I agreed we may file the application
 please

11.

The Commissioner

Chas 4/12

file!

04/12/14

Chas 5/12
 5/12

12. ACR

Chas

EA



APPROVED: 12 (18) (12)

OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR

Dated 30.01.2015

OFFICE ORDER

Annexure "E-1"

This office order bearing No. G/2/EA/III/1889-95 dated 12.02.2014 regarding transfer and posting of Mr. Abdur Rehman Assistant in the office of Political Agent, Khyber is hereby withdrawn with immediate effect.

COMMISSIONER
PESHAWAR DIVISION PESHAWAR

No. 6/2/EA/III/1326-28

Copy forwarded to the:

1. Political Agent, Khyber Agency.
2. PS to Commissioner, Peshawar Division.
3. Mr. Abdur Rehman Assistant. He is directed to report to Commissioner office immediately.


ASSTT: TO COMMISSIONER (REV/GA)
PESHAWAR DIVISION PESHAWAR



BEFORE THE SENIOR MEMBER BOARD OF REVENUE, PESHAWAR

ABDUR REHMAN s/o AFZAL KHAN R/O Tehkal Bala Peshawar, Afzal Abad.

Appellant

Vs -

COMMISSIONER PESHAWAR DIVISION PESHAWAR.

Respondent

PRAYER:

On acceptance of this appeal against the order No. 6/2/EA/ 111/ 1326-28 dated 30.01.2015 passed by Commissioner Peshawar Division Peshawar may pleased be set aside and the appellant may please be allowed to complete his tenure according to posting policy.

Respectfully Shewith:

1. That the appellant initially appointed vide order No. AC(R)/Pesh/1-2/2009/1161 dated 04.07.2009 as Assistant in the office of Commissioner, which is Annexure "A".
2. That the appellant remain posted at different stations, (copies of transfer / posting orders are attached as annexure "B", "C" & "D").
3. That lastly the appellant was posted / transferred as Reader to APA, Jamrud vide order No. 8128-29/Suptd: dated 19.12.2014, the appellant comply with order and took the charge of the said post and started performing his duties, copy of order No8128-29/Suptd: dated 19.12.2014. attached as annexure 'E'.
4. That during the course of service appellant post. no complaint whatsoever regarding performance / duty of appellant has been filed. Moreover, the appellant was performing his duty with full zeal and zest.
5. That initially the posting of the appellant was objected by some ministerial staff of the Office of the PA Khyber Agency. considering the post as promotion post effecting there rights of promotion of the staff. The petitioner was considered and the objection was turned down as mis-conceive. Objection annexure 'F' and decision therefore is annexure 'G'.
6. That despite the above regret from the Commissioner, some of the ministerial staff prevailed in issuing the Order No. 6/2/EA/ZIII/1326-28 dated 30.1.2015 whereby, the transfer ORder No. 6/2/EA/111/1889-95 dated 12.2.2014.
7. That the order No. 6/2/EA/ZIII/1326-28 dated 30.1.2015 as annexure E I' is liable to be set-aside inter alia on the following grounds:-

(1)
APPEAL - L
19

[Handwritten signature]

20

2

GROUNDS:

- A. That the order is illegal, unlawful, in violation of transfer and posting policy are liable to be set-aside.
- B. That the order of transfer was competently issued, it was transfer and posting order, not effecting any of the terms and conditions of the ministerial staff of the P.A Khyber Agency. Hence, liable to be set aside.
- C. That the appellant has not yet completed his normal tenure and has been transferred prematurely.
- D. That the learned Commissioner has once properly decided the issue of his transfer after his detailed deliberation, therefore, again issuing the withdrawal order is not tenable.
- E. That further grounds / arguments shall be raised at the time of arguments.

It is therefore, prayed that on acceptance of this appeal, the order No. 6/2/EA/III/1326-28 dated 30.1.2015 may please be set aside and the appellant may please be allowed to completed his tenure.

Appellant

ABDUR REHMAN
ASSISTANT OFFICE OF POLITICAL AGENT KHYBER

Through

ROOH-UL-AMREEN

Shahin Shah
ARBAB SHAHIN SHAH
(ADVOCATES PESHAWAR)



Affidavit

I, Abdur Rehman s/o Muhammad Afzal Khan, Appellant, do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

Shahin Shah

Dy NO 1565-PS/A/M
9/3/15
APPEAL-M
(21)

To,

JS
9/3/15

The Senior Member Board of Revenue,
Khyber Pakhtunkhwa, Peshawar.

Subject

**APPLICATION FOR PROVISION OF ATTESTED COPY OF THE
JUDGMENT OF DEPARTMENTAL APPEAL NO.
JUDL/SMBR/ABDUR REHMAN/18/2015**

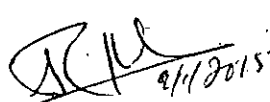
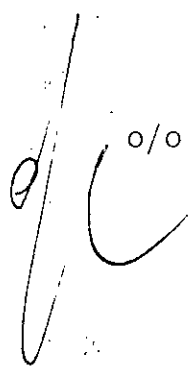
Dear Sir,

It is humbly requested that, I, Abdur Rehman Assistant (BS-16) Commissioner Office, Peshawar filed an appeal in your office whose judgment was given by your goodself on 05.03.2015.

It is therefore requested that an attested copy of the same may please be provided to me.

Thanking you

Dated: 09.03.2015


9/1/2015
Abdur Rehman (Assistant)
o/o Commissioner Peshawar Division


JS

22

To

3/4/15

The Senior Member,
Board of Revenue,
Khyber Pakhtunkhwa.

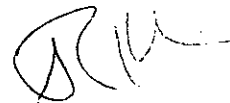
Subject: APPLICATION FOR PROVISION OF ATTESTED COPY OF THE
JUDGMENT OF DEPARTMENTAL APPEAL NO. JUDL/SMBR/ABDUR
REHMAN/18/2015.

R/Sir,

Most respectfully it is stated that, I, Abdur Rehman Assistant (BS-16) Commissioner Office, Peshawar filed an appeal in your office whose judgment was given by your goodself on 05.03.2015 but still I have not received copy of the judgment.

It is, therefore, requested that an attested copy of the same may kindly be provided to me.

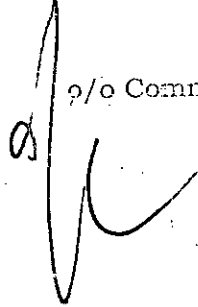
Thanking you.



Abdur Rehman
(Assistant)

o/o Commissioner Peshawar Division

Dated:02.04.2015.





23

SPYER-N

05-03-2015

Petitioner and representative of Commissioner Peshawar present. Arguments heard. The appellant has assailed the order of Commissioner Peshawar Division who on 30-01-2015 withdrew his earlier order dated 12-02-2014 appointing the appellant as Assistant in the Office of Political Agent Khyber Agency.

Perusal of record shows that the appellant, an Assistant in the Office of Commissioner Peshawar Division, was transferred as Assistant in the office of Political Agent Khyber Agency on 12-02-2014. The Political Agent at short intervals posted the appellant as Political Moharir Torkham (a BS-9 post), Assistant in his office, and lastly as Reader to Assistant Political Agent Jamrud. The Commissioner Peshawar in his comments stated that the appellant had been drawing pay against his original post in Commissioner Office as such his placement in office of Political Agent Khyber Agency was detailment and not transfer.

During the posting of appellant in Office of Political Agent Khyber Agency, the ministerial staff of office of Political Agent Khyber made a representation to Commissioner Peshawar urging repatriation of the appellant as he was blocking their promotion as Assistant, and that after having gained experience in Agency the appellant will block their prospects for promotion as Naib Tehsildar against the quota reserved for Agency's ministerial staff. The Commissioner after having got the representation examined and filed the same as the appellant had been posted against vacant post reserved for appointment through initial recruitment.

Although the appeal does not indicate the law under which it has been preferred, it was entertained under paragraph 1 xiv) of the Provincial Government's posting and transfer policy circulated by Establishment Department under letter # SOR-VI/E&AD/Misc/ Updation/09 dated 13th January 2009. Under the policy a transfer order made prematurely, in contravention of the provisions of the policy, or on serious and grave personnel grounds can be appealed against within with seven days of the passing of the posting order.

Under normal circumstances officials recruited in Commissioner Offices are not posted to District or Agency Offices; deviations should only be made in exceptional circumstances. In the instant case, the appellant seems to have been imposed upon the Office of Political Agent Khyber Agency as no requisition had been placed for the appellant's services by the former, nor does the appellant have special skills which were required by the administration of Khyber Agency. Record shows that the appellant was content to serve against a BS-9 post of Political Moharir although he was serving in BS-14, and then as Reader to Assistant Political Agent for which he was not qualified. For reasons best known to him, the appellant did not challenge any of the postings made by the Political Agent Khyber Agency at short intervals and preferred to stay within the administrative structure of the Agency.

The Commissioner, being the Head of Office, has the sole authority to determine when services of an employee of his Office, working in another establishment, are required by him and is well within his right to repatriate the employee to his parent office. For the foregoing reasons, the appeal is dismissed.

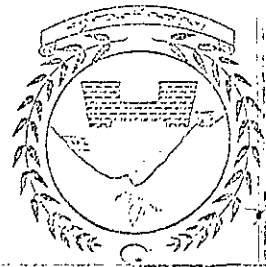
TESTED

1111
Reader To
SMBR
Khyber Pakhtunkhwa
14/2/15

Announced

Senior Member

POSTING/TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

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

Updated up to April, 2010.

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 posting/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) }
 }
 2 years for unattractive/hard areas
 wide P-06 for unattractive/hard areas

vi) 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/Nab 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 Nab Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.

vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area/residence is situated.

Circular letter No. SOR-VI/REG/AD/I-1/2008/Vol-VII dated, 11th September, 2009. Para-I(v) regarding months of March and July for posting/transfer and authorities for relaxation of time deleted vide letter No. SOR-VI/REG/AD/I-1/2010/Vol-VII dated 20th March, 2010. Para-VI added vide circular letter No. SOR-VI/REG/AD/I-1/2010/Vol-VII dated 22nd October, 2008.

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[Handwritten signatures and initials]

- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement

¹DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;

- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the Khyber Pakhtunkhwa Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

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

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

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

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.

b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

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

i) Pre-mature posting/transfer or posting transfer in violation of the provisions of this policy.

ii) Serious and grave personal (humanitarian) grounds.

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

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

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

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

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

Updated up to April, 2010.

27

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

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

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

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

SPECIMEN NOTIFICATION.

GOVERNMENT OF KHYBER PAKHTUNKHWA
NAME OF ADMINISTRATIVE
DEPARTMENT :

Dated Peshawar, _____

NOTIFICATION

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

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. and date even.
Copy forwarded

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

(NAME)
SECTION OFFICER
Administrative Department

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

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

Updated up to April, 2010.

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

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

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

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

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

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

The Chief Minister Khyber PakhtunKhwa has directed that:-

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

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

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

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

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

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

Updated up to April, 2010.

(24)

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

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

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

Unattractive/Hard Areas

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

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

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

Tenure of posting.

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

7 PLACEMENT POLICY.

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

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

46

Updated up to April, 2010.

30

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

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

AA



OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR.

Arshad P 394

31

Dated Peshawar the, 22/01/2013

OFFICE ORDER

No:6/2/AA/Vol:II/2013.

Consequent upon the retirement of Mr. Babu Pervez Superintendent office of the Political Agent, Khyber Office w.e.f 31.01.2013, the competent authority is pleased to transfer and post Mr. Arshad Kamal Superintendent(BPS-16), Deputy Commissioner Office Peshawar as Superintendent in the Political Agent office Khyber Agency.

The official will take charge of the post from

01.02.2013.

-Sd-
COMMISSIONER
PESHAWAR DIVISION PESHAWAR

No:6/2/AA/Vol:II/2013.

834-42

Copy forwarded to the:

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
2. Additional Chief Secretary, FATA Secretariat Peshawar.
3. Accountant General Khyber Pakhtunkhwa.
4. Deputy Commissioner, Peshawar.
5. Political Agent, Khyber Agency.
6. Agency Accounts Officer, Khyber Agency.
7. Official concerned for compliance.
8. Office order file.
9. Personal files.

Shama Niamat

(SHAMA NIAMAT)
ASSTT: TO COMMISSIONER(REV:/GA)
PESHAWAR DIVISION PESHAWAR.

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(29)

**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

OFFICE ORDER:

Dated: 03.02.2014

Posting/transfer of the following officials is hereby ordered w. immediate effect in the interest of public service.

S.#	Name of Officials	From	To
1.	Mr. Muhammad Aslam	Steno to Political Agent Khyber Agency	PS to Commissioner Peshawar Division.
2.	Mr. Dilaram Khan	PS to Commissioner Peshawar Division.	Steno to Political Agent Khyber Agency

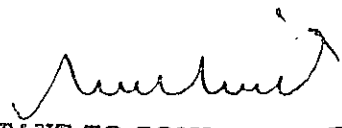
-Sd-


Commissioner Peshawar Division

No: 6/2/EA/III / 1492-97

Copy forwarded to:

1. Senior member Board of Revenue, Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa.
3. Political Agent Khyber Agency.
4. PS to Additional Chief Secretary FATA.
5. PS to Commissioner Peshawar.
6. Officials Concerned for immediate compliance.


**ASSISTANT TO COMMISSIONER(R/G)
PESHAWAR DIVISION PESHAWAR**





OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR

33

No. 6/2/EA/III/4013-14
Dated: 04.04.2014

To

The Political Agents,
Khyber and Mohmand Agencies.

Subject: DETAILS OF SANCTIONED STRENGTH OF ASSISTANTS (BPS-14).

I am directed to refer to subject cited above and to state that promotion case of Assistants (BPS-14) to the post of Superintendent (BPS-16) is under consideration in the Board of Revenue Khyber Pakhtunkhwa.

In view of above, you are therefore directed to furnish the details of sanctioned strength of Assistants (BPS-14) as well as Assistants presently working under jurisdiction of your office.


ASSISTANT to COMMISSIONER (Rev/GA)
PESHAWAR DIVISION PESHAWAR

No.6/2/EA/III/4015

Copy forwarded to PS to Commissioner Peshawar Division.


ASSISTANT to COMMISSIONER (Rev/GA)
PESHAWAR DIVISION PESHAWAR



34

159



**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

OFFICE ORDER:

No. 5/4/EA/III:

In pursuance of Section 8(1) of the Khyber Pakhtunkhwa Civil Servants Act 1973, the final Seniority list of Assistants (BPS-14) working in Peshawar Division as it stood on 12.06.2013 is hereby circulated for the information of all the concerned.

Dated: 13.06.2013

-sd-
Commissioner Peshawar Division

No. 5/4/EA/III/ 6078-25

Dated: 13.06.2013

Copy with a copy of the Seniority list is forwarded to:-

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. Secretary Admn: & Coordination, FATA Secretariat, Warsak Road, Peshawar.
3. Deputy Commissioners Peshawar, Charsadda & Nowshera districts.
4. Political Agents Khyber & Mohmand Agencies.
5. Officials Concerned.

**ASSISTANT TO COMMISSIONER (REV/GA)
PESHAWAR DIVISION PESHAWAR**

Ug

01/1

35

FINAL SENIORITY LIST OF ASSISTANTS BPS-14 WORKING IN PESHAWAR DIVISION AS IT STOOD ON 12.06.2013

S.#	Name of Official	Domicile / Date of Birth	Qualification	Date of First entry into Govt. Service	Date of Promotion / Appointment against the present post	Method of Recruitment	Present Place of Posting	Remarks
1.	Mr. Zahid Kamal	Charsadda / 18.05.1964	B.A	01.03.1990	01.03.1990	Direct	Commissioner Peshawar Office	Opted to forego promotion as Superintendent
2.	Mr. Shahid Ali	Nowshera / 22.01.1970	B.A	15.08.1994	01.07.1996	Promotion	DC Nowshera	
3.	Mr. Khurshaid Ahmad	Peshawar / 05.10.1958	B.A	15.05.1977	20.03.2000	Promotion	Commissioner Peshawar Office	
4.	Mr. Zahid-ur-Rehman	Charsadda / 17.04.1975	M.A	29.03.2001	29.03.2001	Free	EDO F&P Deptt Charsadda	
5.	Mr. Aslam Khan	Peshawar / 01.01.1955	Matric	17.01.1978	29.05.2001	Promotion	EDO(F&P) Peshawar	
6.	Mr. Muzammil Shah	Nowshera / 01.12.1957	Matric	18.08.1990	05.07.2003	Promotion	DC Nowshera	
7.	Mr. Muhammad Sadig	Peshawar / 09.01.1960	M.A	09.04.1984	12.07.2003	Free	EDO(F&P) Peshawar	
8.	Mr. Sajjad Ali Shah	Nowshera / 04.01.1956	B.A	04.03.1977	01.10.2005	Promotion	DC Nowshera	
9.	Mr. Amal Khan	Nowshera / 08.02.1955	M.A	01.01.1981	01.10.2005	Promotion	DC Nowshera	
10.	Mr. Javed Ashraf	Nowshera / 01.04.1958	Matric	01.02.1981	01.10.2005	Promotion	(F&P) Deptt: Nowshera	
11.	Mr. Shah Nawaz	Nowshera / 20.09.1958	M.A	03.09.1985	01.10.2005	Promotion	(F&P) Deptt: Nowshera	
12.	Mr. Yar Muhammad	Mohmand Agency / 08.01.1956	Matric	16.08.1974	10.06.2006	Promotion	PA Mohmand Office	
13.	Mr. Muhammad Ishtaq	Peshawar / 24.05.1959	B.A	25.01.1981	04.10.2006	Promotion	EDO(F&P) Peshawar	
14.	Mr. Rahid Gul	Khyber Agency / 11.01.1957	Matric	01.12.1975	19.01.2007	Promotion	PA Khyber Office	
15.	Mr. Noor-ul-Amin	Charsadda / 15.06.1955	Matric	13.04.1977	10.04.2007	Promotion	EDO F&P Deptt Charsadda	
16.	Mr. Fazal Elahi	Peshawar / 08.12.1957	F.A	01.04.1977	01.08.2007	Promotion	EDO(F&P) Peshawar	

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36

161

Mr. Pir Muhammad Azam	Peshawar	01.10.1959	Matric	01.01.1981	01.08.2007	Promotion	DOR Peshawar
Mr. Attahullah	Charsadda	31.01.1958	Matric	01.01.1981	31.08.2007	Promotion	DC Charsadda
Mr. Abusufyan	Charsadda	15.06.1960	B.A	24.01.1981	11.10.2007	Promotion	DC Charsadda
Mr. Iqbal Hussain	Peshawar	15.04.1954	Matric	16.05.1978	24.04.2008	Promotion	Jamrud Tehsil Khyber Agency
Mr. Obaidullah	Peshawar	18.11.1962	Matric	01.01.1981	19.05.2008	Promotion	DOR Peshawar
Mr. Fayaz Ali	Peshawar	08.07.1982	M.Sc (Comp Sc)	01.09.2008	01.09.2008	Direct	APA FR Peshawar
Mr. Zardad Khan	Peshawar	22.03.1984	M.Com	01.09.2008	01.09.2008	Direct	DC Peshawar
Mr. Irfanullah Khan	Charsadda	16.11.1979	B.A	15.11.2008	15.11.2008	Direct	EDO F&P Deptt Charsadda
Mr. Khalid Hameed	Peshawar	01.02.1981	M.A	02.01.2009	15.01.2009	Direct	Commissioner Peshawar Office
Mr. Qaiser Khan	Peshawar	15.04.1982	B.A LL.B	02.01.2009	15.01.2009	Direct	Commissioner Peshawar Office
Mr. Asad Humair	Peshawar	02.04.1985	B.A	02.01.2009	15.01.2009	Direct	Commissioner Peshawar Office
Mr. Noor-ul-Aziz	Peshawar	30.06.1989	B.A	02.01.2009	15.01.2009	Direct	Commissioner Peshawar Office
Mr. Inamullah	Peshawar	21.11.1976	B.A	02.01.2009	15.01.2009	Direct	Commissioner Peshawar Office
Mr. Masood Khan	Peshawar	28.04.1980	B.A LL.B	27.01.2009	27.01.2009	Direct	DC Peshawar
Mr. Zafeerullah	Peshawar	01.09.1965	M.A	01.04.1984	19.03.2009	Promotion	EDO(F&P) Peshawar
Mr. Mukarram Khan	Charsadda	23.08.1955	Matric	03.09.1978	30.04.2009	Promotion	LandiKotal Tehsil Khyber Agency
Mr. Javed Khan Khalil	Peshawar	04.05.1956	F.A	03.09.1978	30.04.2009	Promotion	Jamrud Tehsil Khyber Agency
Mr. Abdur Rehman	Peshawar	18.12.1982	B.A	04.07.2009	04.07.2009	Direct	Commissioner Peshawar Office

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37

162

Mr. Imran Khan	Peshawar / 07.05.1983	B.Sc	04.07.2009	21.07.2009	Direct	Commissioner Peshawar Office
Mr. Zahir Gul	Mohmand Agency / 08.01.1956	Matric	01.02.1980	14.12.2009	Promotion	PA Mohmand Office
Mr. Shah Mahmood	Mohmand Agency / 31.12.1959	Matric	01.02.1980	14.12.2009	Promotion	PA Mohmand Office
Mr. Abdul Hanan	Peshawar / 20.10.1956	B.A	01.01.1981	14.05.2010	Promotion	DC Peshawar
Mr. Kabeer Khan	Peshawar / 01.01.1960	B.A	09.02.1981	14.05.2010	Promotion	DC Peshawar
Mr. Fawad Ali	Swabi / 08.03.1987	B.A	18.01.2011	18.01.2011	Direct	DC Nowshera
Mr. Zia ur Rehman	Swabi / 25.05.1988	MBA	28.05.2011	28.05.2011	Direct/deceased son quota	Commissioner Peshawar Office
Mr. Hidayatullah	Peshawar / 16.04.1964	B.A	15.03.1983	29.03.2012	Promotion	Commissioner Peshawar Office
Mr. Asad Ullah	Charsadda / 15.10.1955	M.A	03.02.1981	06.04.2012	Promotion	DC Charsadda
Mr. Altaf Hussain	Charsadda / 10.04.1963	Matric	01.07.1982	06.04.2012	Promotion	DC Charsadda
Mr. Abdul Muqsit	Swabi / 20.01.1965	MA	28.08.1988	12.07.2012	Adjustment	DC Nowshera
Mr. Faiz Muhammad	Peshawar / 02.02.1965	Matric	01.01.1985	04.08.2012	Promotion	DC Peshawar
Mr. Saif ur Rehman	Peshawar / 15.12.1965	M.Sc	26.01.1986	04.08.2012	Promotion	DC Peshawar
Mr. Muhammad Saeed	Peshawar / 10.04.1967	F.A	10.09.1987	04.08.2012	Promotion	DC Peshawar
Mr. Shahid Hussain	Peshawar / 02.02.1967	F.A	12.03.1990	04.08.2012	Promotion	DC Peshawar
Mr. Shah Wali	Nowshera / 14.04.1963	S.S.C	01.12.1982	28.09.2012	Promotion	DC Nowshera
Mr. Muhammad Salman	Charsadda / 25.10.1992	B.A	18.04.2013	18.04.2013	Direct	DC Charsadda

Adjusted vide BOR letter No Estt II-14622 dated 12.07.2012

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POWER OF ATTORNEY

In the Court of Khyber Pakhtunkhwa, Service Tribunal
Peshawar

Abdur Rahman

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Senior Member Board of Discipline
UPK, Peshawar and others.

} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____

Fixed for _____

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

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

3 Sajid Amin Advocate

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. Compromises 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 subpoena 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 _____

the _____ day to _____ the year _____

Executant/Executants _____

Accepted subject to the terms regarding fee _____

Sajid Amin

SAJID AMIN

ADVOCATE HIGH COURT

Legal Advisor Services & Labour Laws Consultants
FR-3-4, Fourth Floor, Bilour Plaza Peshawar Cantt.
Ph: 091-5272054, Mob: 0333-4584986, 03339155956

Ijaz Anwar

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR.

Service appeal No.360/2015

Abdur Rehman S/O Afzal Khan, Assistant (BPS-16), O/O Commissioner Peshawar Division Peshawar..... **Appellant**

Versus

Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar etc..... **Respondents**

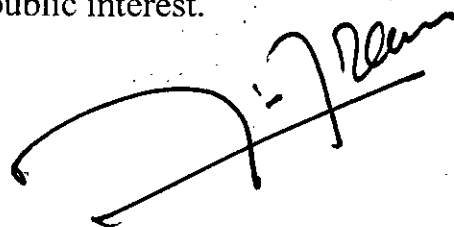
PARA WISE REPLY ON BEHALF OF RESPONDENT NO.1 & 2:

Preliminary objections:

1. The appeal is not competent in its present form. ✓
2. That appellant has got no cause of action. ✓
3. That appeal is bad due to mis-joinder/non-joinder of necessary parties. ✓
4. That appellant is estopped by his own conduct to file the appeal. ✓
5. That the appellant has not come to the Tribunal with clean hands.
6. That the instant appeal is barred by law.

ON FACTS

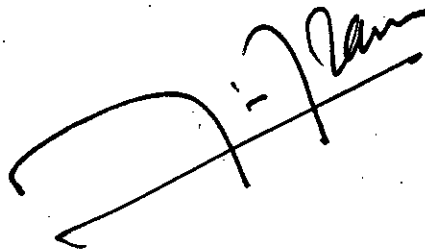
1. Pertains to record. Needs no comments.
2. Correct to the extent that the competent authority (Commissioner Peshawar) as and when deems appropriate, can issue transfer/repatriate an official in the best interest of public service. The word "transferable" in appointment order is mis- interpreted by the appellant.
3. Pertains to record. Needs no comments.
4. No comments. Pertains to Political Agent Khyber.
5. Correct to the extent that Commissioner Peshawar is the administrative head of the Division, being competent authority. The decision taken is clearly meant for the benefit of public. The application against the appellant by the staff of PA Khyber Office was thus filed in public interest However, the plea of the staff of the PA Khyber Office that their promotion fell in danger due to the posting of the appellant in Khyber Agency is rather incorrect and ill-conceived.
7. In-correct. None of the ministerial staff prevailed upon in issuing the impugned order dated 30.01.2015. The application of ministerial staff of PA Khyber office was filed. Commissioner Peshawar being the competent authority has authority to make such orders of withdrawal any time in the public interest.



7. In correct, No grievances from the impugned order lies on the part of appellant and his departmental appeal was disposed of on merit and in accordance with law/rules.
8. In correct. The impugned order 30.01.2015 was passed in public interest. No violation of policy/rules was made.

GROUNDS

- A. In-correct. The appellant was treated in accordance with law.
- B. Correct to the extent that the appellant spent 11 months in PA Khyber office against various posts. However, posting/transfer of an official can be made anytime in the interest of public service. In the instant order no illegality whatsoever has been committed as the services of appellant were required by his parent office i.e Commissioner office.
- C. As stated in para-5 of the facts.
- D. Incorrect. Posting/transfer of ministerial staff is part and parcel of the job and can be issued/withdrawn anytime by the competent authority keeping in view the interest of public.
- E. Correct to the extent that seniority of Assistants is maintained at Divisional level, however, it does not mean that their posting/transfer is also made at Divisional level. Maintaining seniority at Divisional level is only meant for promotion purposes. There is no precedent in the past that an Assistant has been transferred or posted in a district or Agency except against the post of steno and Superintendent. Hence the transfer order of the appellant was withdrawn, when realized.
- F. Incorrect The appellant was only transferred to Khyber Agency as Assistant while neither the official shifted his house as a result nor paid salary from Khyber Agency during posting in Khyber Agency, the appellant drew salary from Commissioner office, hence the contention of making him rolling stone is irrelevant and in-correct.
- G. In correct. Posting/transfer order of an official(Assistant) is a routine matter and is made in public interest as and when the competent authority feels it appropriate. Hence no question of giving chance of personal hearing arises as it was not a departmental appeal before the court.
- H. In-correct. As replied in above paras.
- I. The services of the appellant were required by his parent office; therefore, his order was withdrawn in the best public interest.



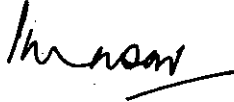
J. Incorrect. No law/rule/policy has been violated in the instant case.

K. n-correct. As replied in above paras.


L. That the Respondents also seek permission to raise additional grounds at the time of arguments.

It is prayed that the appeal filed by the appellant is meritless, thus may kindly be dismissed with costs.

Dated 13.07.2015.



Senior Member,
Board of Revenue, Khyber Pakhtunkhwa
(Respondent No. 1)



Commissioner
Peshawar Division Peshawar
(Respondent No.2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 360 /2015

Abdur Rahman Appellant

Versus

The SMBR KPK and others..... Respondents

Application for impleadment of applicants in the panel of Respondents in the titled appeal.

Respectfully Sheweth,

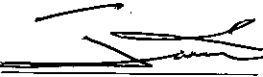


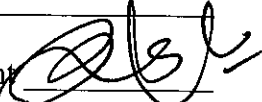

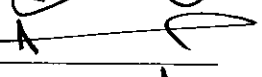

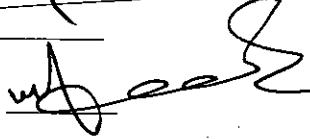

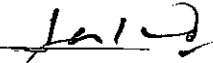
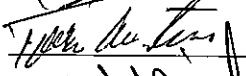
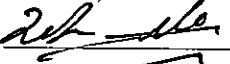



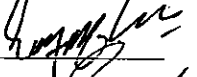

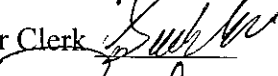
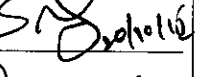
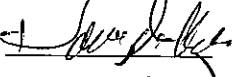
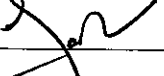


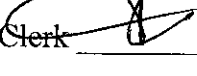
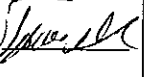
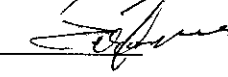
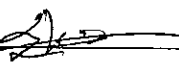
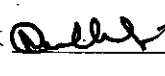
1. That the titled Appeal is pending before the Hon'ble Tribunal Scheduled for hearing on 28.10.2015.
2. That the appellant being Office Assistant at the office of the Commissioner, Peshawar Division was earlier detailed to the office of Political Agent, Khyber Agency and later on his detailment order was withdrawn, which has been challenged in the appeal in hand.
3. That since the appellant is the employee of the Establishment of Commissioner, Peshawar Division, Peshawar, therefore, his detailment to the establishment of Political Agent, Khyber Agency was against the Rules, therefore, was objected to by the applicants but the same was turned down without any lawful justification, however, subsequently, the appellant was repatriated to his parent office.
4. That the detailment order in the establishment of the PA Khyber Agency has the direct impact upon the rights of promotion and seniority of the applicants, therefore, they are necessary and proper parties in the instant case to defend their rights.
5. That in case the relief claimed by the appellant is granted and he is again allowed to be posted at the establishment of PA Khyber Agency, then the

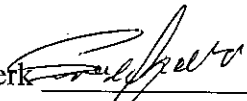

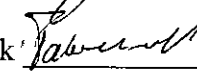




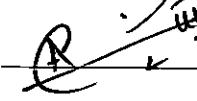
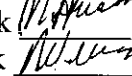
applicants would be condemned unheard inas much as they being necessary parties to the case will be deprived of proper hearing and defending their rights.

6. That the applicants are the Agency Cadre employees having their own hierarchy and Seniority Lists whereas the appellant is not only a Division Cadre employee but also does not belong to Agency Cadre, therefore, his detailment to the Agency is apparently without any legal basis.
7. That the impleadment of the applicants in the titled appeal is not only in the interest of justice but the same will also enable the Hon'ble Tribunal to reach to a just and proper conclusion by passing a well-reasoned Judgment.

It is, therefore, humbly prayed that the applicants may graciously be allowed be arrayed as Respondents in the titled appeal in the panel of Respondents to defend their rights.

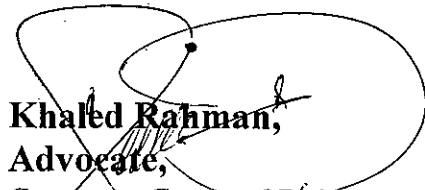
Applicants

- | | | | |
|-------------------------------------|---|--|---|
| 1. Javed Khan, Assistant |  | 2. Ghazi Khan, Assistant |  |
| 3. Minadar, Assistant |  | 4. Bismillah Khan, Assistant |  |
| 5. M. Ibrar Khan, Senior Clerk |  | 6. Ali Raza, Senior Clerk |  |
| 7. Shah Jehan, Senior Clerk |  | 8. Muhammad Saeed Senior Clerk |  |
| 9. Zarin Khan, Senior Clerk |  | 10. Saleem Javed, Senior Clerk |  |
| 11. Turkistan, Senior Clerk |  | 12. Zaibullah, Senior Clerk |  |
| 13. Mujahid Khan, Senior Clerk |  | 14. Rooh-ul-Amin, Senior Clerk |  |
| 15. Zaheer Ullah, Senior Clerk |  | 16. Waqar Ahmed ^{Senior} Junior Clerk |  |
| 17. Shahid Shah, Junior Clerk |  | 18. Said Muhammad, Junior Clerk |  |
| 19. Asif Ali Shah, Junior Clerk |  | 20. Daud Khan, Junior Clerk |  |
| 21. Fathe Yab, Junior Clerk |  | 22. Javed Shilmani, Junior Clerk |  |
| 23. Ridwanullah, Junior Clerk |  | 24. Faisal Khan, Junior Clerk |  |
| 25. Javed Khan Afridi, Junior Clerk |  | 26. Sai Fur Rahman, Junior Clerk |  |
| 27. Shah Nawaz, Junior Clerk |  | 28. Naemullah, Junior Clerk |  |

- 29. Sharif Khan, Junior Clerk 
- 30. Haq Nawaz, Junior Clerk 
- 31. Taimoor Khan, Junior Clerk 
- 32. Ahmad Gul, Junior Clerk 
- 33. Musafir Shah, Junior Clerk 
- 34. Muhammad Shahbab, Junior Clerk 
- 35. Muhammad Anwar, Junior Clerk 
- 36. Assad Khan, Junior Clerk 
- 37. Muhammad Umair, Junior Clerk 

All employees of the office of the Political Agent, Khyber Agency

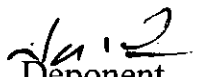
Through


Khaled Rahman,
 Advocate,
 Supreme Court of Pakistan

Dated: 28 /10/2015.

Affidavit

I, Saleem Javed, Senior Clerk, Office of the Political Agent, Khyber Agency, do hereby affirm and declare on oath that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent

ATTESTED



WAKALAT NAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 360 /2015

Abdur Rahman Appellant

Versus

The SMBR KPK and others..... Respondents

I/We Respondents do hereby appoint
Mr. Khaled Rehman, Advocate Supreme Court of Pakistan in the above
mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-


- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

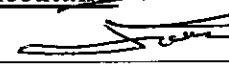
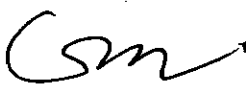

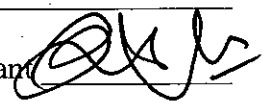

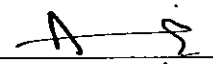
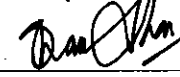
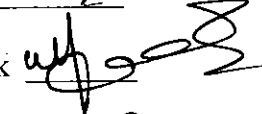







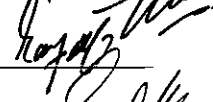
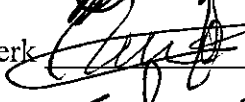

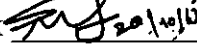


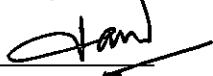

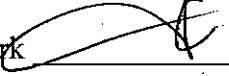
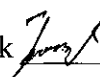
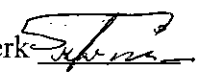
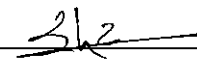
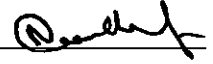


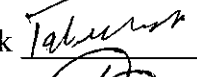

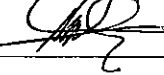


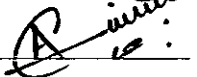

Khaled Rehman
Advocate
Supreme Court of Pakistan

3-D, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458


Signature of Executants 20/1/15

PTO

Names and Signatures of Executants

- | | | | |
|-------------------------------------|---|-------------------------------------|---|
| 1. Javed Khan, Assistant |  | 2. Ghazi Khan, Assistant |  |
| 3. Minadar, Assistant |  | 4. Bismillah Khan, Assistant |  |
| 5. M. Ibrar Khan, Senior Clerk |  | 6. Ali Raza, Senior Clerk |  |
| 7. Shah Jehan, Senior Clerk |  | 8. Muhammad Saeed Senior Clerk |  |
| 9. Zarin Khan, Senior Clerk |  | 10. Saleem Javed, Senior Clerk |  |
| 11. Turkistan, Senior Clerk |  | 12. Zaibullah, Senior Clerk |  |
| 13. Mujahid Khan, Senior Clerk |  | 14. Rooh-ul-Amin, Senior Clerk |  |
| 15. Zaheer Ullah, Senior Clerk |  | 16. Waqar Ahmed Senior Junior Clerk |  |
| 17. Shahid Shah, Junior Clerk |  | 18. Said Muhammad, Junior Clerk |  |
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| 31. Taimoor Khan, Junior Clerk |  | 32. Ahmad Gul, Junior Clerk |  |
| 33. Musafir Shah, Junior Clerk |  | 34. Muhammad Shahbab, Junior Clerk |  |
| 35. Muhammad Anwar, Junior Clerk |  | 36. Assad Khan, Junior Clerk |  |
| 37. Muhammad Umair, Junior Clerk |  | 37. do- | |

All employees of the office of the
Political Agent, Khyber Agency

بعدالت

خبر جسکو بخوہ سہرہ صبح لکھنؤ

مورہ ۱۶-۵-۹
 مقدمہ
 دعویٰ
 جرم
 عدالت
 سر جاس
 2017ء پنجاب
 بنام کی

باعث تحریر آنکہ

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

Handwritten signature/initials on the left side of the text.

المرقوم ۱۹ ماہ ۲۰۱۷

العواہ العواہ

مقام
 کے لئے منظور ہے۔
 Accepted
 Handwritten signatures and stamps at the bottom.