

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

APPEAL NO. 1859/2023

Syed Sheraz Ali ShahAppellant


VERSUS

**Govt. of Khyber Pakhtunkhwa Through Secretary Zakat, Ushr &
Others Respondents**

JOINT PARA WISE COMMENTS OF RESPONDENTS NO.01, 02 & 03

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Zakat, Ushr & Sadaqat
Secretary
Khyber Pakhtunkhwa

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Appeal NO. 1859/2023

Syed Sheraz Ali Shah.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa Through Secretary Zakat & Ushr Khyber
Pakhtunkhwa & OthersRespondents

JOINT PARA WISE COMMENTS OF RESPONDENTS NO.01, 02 & 03

Respectfully Sheweth.

Preliminary Objections:

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8311

Dated 16-10-23

1. The petitioner has got no locus standi to file the instant petition.
2. The instant matter has been considered by the competent authority on merit.
3. That the appellant has not come to the court with clean hands.
4. That the present appeal is not maintainable being against the prescribed law.
5. That the appellant has concealed the real facts from the Hon'able court.

ON FACTS

- Para No. 1: Correct.
- Para No. 2: Incorrect because the personal file of the appellant is replete with complaints and displeasures of the high-ups (**Annex-A**).
- Para No. 3: Correct. However, it was an internal arrangement within the Provincial Zakat Administration (IIQ) Peshawar.
- Para No. 4: Incorrect, as the appellant was transferred in accordance with uniform Government Policy of two years tenure across the province (**Annex-B**).
- Para No. 5: No Comments.
- Para No. 6: Misleading as the transfer order was issued on 04.05.2021 while he was relieved on 19.05.2021. Furthermore, he submitted his arrival report for duty on 21.05.2021 which indicates that he was healthy (**Annex-C & D**).
- Para No. 7: No Comments.
- Para No. 8: The August Service Tribunal Khyber Pakhtunkhwa remanded the case to this department with the following remarks **"we send the case to the departmental authority to decide the departmental appeal of the appellant in writing rendering valid reasons thereof to be made within a period of two months from the date of receipt of copy of this judgment"** (**Annex-E**). After receipt of the judgement the same was placed before the

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competent authority for consideration. The competent authority decided to adjust the appellant in adjacent district (**Nowshera**). Meanwhile, the department called a meeting of Departmental Promotion Committee on 06.06.2023 in order to promote various cadres to the next higher scale including Junior Scale Stenographers (BPS-14) who were due for promotion to the post of Senior Scale Stenographers / Personal Assistants (BPS-16). The appellant, basically being a Senior Clerk (BPS-14), also served against the post of Senior Scale Stenographer / Personal Assistant in his own pay and scale. On the recommendation of Departmental Promotion Committee, two Junior Scale Stenographers (BPS-14) were promoted to the post of Senior Scale Stenographers / Personal Assistants (BPS-16) (**Annex-F**). However, due to ban imposed on posting / transfer by the Establishment Department (**Annex-G**) a Summary for obtaining NOC regarding posting / transfer was forwarded to the Chief Minister Khyber Pakhtunkhwa (**Annex-H**) which was approved on 04.09.2023 (**Annex-I**). In light of the said promotions and remarks of the August Service Tribunal Khyber Pakhtunkhwa the appellant was transferred to an adjacent district i.e. District Zakat Committee, Nowshera (**Annex-J**) instead of Battagram.

Para No. 9: As explained in Para-8 above. Moreover, the spouse policy was not violated as the appellant was adjusted in a nearby district (**Nowshera**).

Para No. 10: No Comments.

GROUND:

- A. Incorrect. The order was made in accordance with rules / law.
- B. Incorrect as explained in foregoing para.
- C. Incorrect. As explained vide para-8 on the facts side. Moreover, the appellant was transferred in accordance with the government policy of two years tenure (**Annex-B**).
- D. Incorrect. The appellant is entitled to draw his salary from district Nowshera.
- E. Incorrect and misleading as the appellant has been transferred to district Nowshera which is adjacent to district Peshawar.
- F. Incorrect, therefore, vehemently denied. The transfer has been made in accordance with section-10 of civil servant act 1973 (**Annex-K**).
- G. Posting/Transfer is part and parcel of the service. One must be prepared to serve in any part of the province in the larger public interest.
- H. The appellant was adjusted against the vacant post of Personal Assistant (BPS-16) in his own pay & scale as there are three sanctioned posts of Senior Clerk (BPS-14) in the Provincial Zakat Administration (HQ) Peshawar.

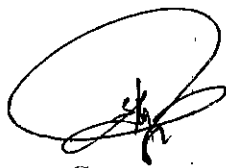
Besides, after promotion of Junior Scale Stenographer (BPS-14) to the post of Senior Scale Stenographer / Personal Assistant (BPS-16), there was no option regarding actualization/adjustment of newly promoted Senior Scale Stenographer / Personal Assistants (BPS-16) except the transfer of the appellant as the other three Senior Clerks working in Provincial Zakat Administration are much more experienced and competent than the appellant as regards the duties assigned to them. Despite that the appellant, being not committed to his job so far, deserves to be posted out to a distant place, the competent authority has been lenient enough to offer him a concession of transfer to a nearby district.

- I. As explained above vide Para-II.
- J. No Comments.
- K. Incorrect, hence denied.
- L. Incorrect and misleading as district Nowshera is adjacent to district Peshawar.
- M. As explained in above Paras.
- N. No comments.
- O. No Comments.
- P. No Comments.

PRAYERS:

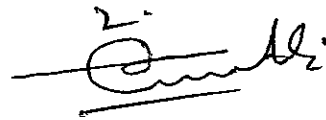
It is, therefore, prayed that in light of the above submissions, the instant appeal of the appellant may be dismissed with cost.

(Respondent No. 2)



Deputy Secretary (Admin)
Zakat & Ushr, Department
Khyber Pakhtunkhwa

(Respondent No. 3)



Section Officer (Ushr)
Zakat & Ushr, Department
Khyber Pakhtunkhwa

(Respondent No. 1)



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

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

APPEAL NO. 1859/2023

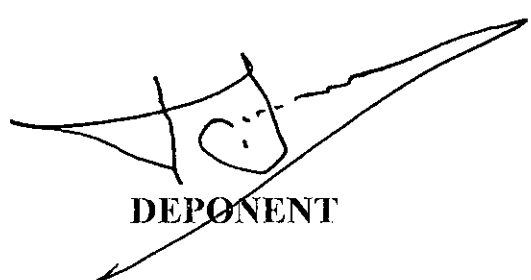
Syed Sheraz Ali ShahAppellant

VERSUS

**Govt. of Khyber Pakhtunkhwa Through Secretary Zakat, Ushr &
Others Respondents**

AFFIDAVIT

I, Haidar Zaman, Assistant Administrator (Estt), Zakat & Ushr Department, Government of Khyber Pakhtunkhwa do hereby solemnly affirm and declare on oath that the contents of **Joint Para-wise Comments** on behalf of **Respondents No. 01, 2 & 3** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off / cost


DEPONENT

CNIC No: **17301-1316862-5**


Mobile No: **0333-9102689**

Office No. **0919212737**

[Faint, illegible text]

ATTESTED



 10-23

AUTHORITY LETTER

Mr. Haidar Zaman, Assistant Administrator (Estt) is hereby authorized to submit joint para-wise comments in service appeal No.1859/2023 titled Syed Sheraz Ali Shah vs Government of Khyber Pakhtunkhwa through Secretary Zakat, Ushr, Social Welfare & Others and to present before the Hon'ble Service Tribunal Peshawar, on behalf of Respondents No. 1, 2 & 3.

(Respondent No. 2)

Deputy Secretary (Admin)
Zakat & Ushr, Department
Khyber Pakhtunkhwa

(Respondent No. 3)

Section Officer (Ushr)
Zakat & Ushr, Department
Khyber Pakhtunkhwa

(Respondent No. 1)

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

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

"Junior Clerk bigger than his shoes"

I am getting constant complaints of indiscipline, intimidation, blackmail, misusing rather abusing the name of Minister Zakat & Ushv for right or wrong reasons - to against Mr. Sheraiz Jc of Zakat wing. He was chage sheeted in the post but excused with warning to be careful for the future. It seems he is not a Junior clerk of the Dept.

This indiscipline and irresponsible behavior, unbecoming of a govt servant, cannot be tolerated any more. He may be issued a formal ^{and final} warning to mend his ways, perform his duties as a clerk, not to approach the offices of the Ministers for blackmailing other govt servants. I will keep a watch on him for a week and if no change was notice than transfer him to a remote district. He should be brought back to a section in Zakat wing immediately.

DS(2)

[Signature] Secy: 8/6/2011

[Signature]

[Signature]

Stamp: *[Faint official stamp]*

to be placed in
 internal file for
 in his *[initials]*
 2011

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE
AND WOMEN DEVELOPMENT DEPARTMENT**

No. 38-6/PF/SO-I (Z) / 92027

Dated: 09/06/2011

To

Syed Sheraz Ali Shah,
Junior Clerek
PZA (HQ) Peshawar.

Subject: -



FORMAL / FINAL WARNING

I am directed to refer to the subject noted above and to state that a series of complaints of indiscipline, intimidation and blackmailing are being received from different quarters against you. Also it has been noticed that you are misusing, rather abusing the name of Minister for Zakat & Ushr as a coercive tactic to get your work done.

2. It is to inform you that this indiscipline and irresponsible behavior is totally unbecoming of a Government Servant and amounts to misconduct under the conduct rules. It is further stated that in the past too, you were charge sheeted for your alleged acts of misconduct but were excused with warnings to mend your ways and be careful in future.

3. In view of the foregoing, I am directed to serve you with this final notice warning you to mend your ways, perform your duties dutifully as a clerk and abstain from approaching the office of the Minister for blackmailing other Government Servants, failing which strict disciplinary action shall be initiated against you.


(MUHAMMAD SHAHID)
Section Officer-I (Z)



Zakat, Ushr, Social Welfare & Women Development Department
Peshawar



**OFFICE OF THE SPECIAL ASSISTANT TO
CHIEF MINISTER FOR LAW, PARLIAMENTARY
AFFAIRS AND HUMAN RIGHTS, KHYBER
PAKHTUNKHWA**

No.PS/Spl.Asstt. to CM for Law/2014/205
Dated Pesh: the March 09, 2015

Secy: Mr. Special Asstt. to CM
Disty No: 390
Dated: 10/3/2015

SUBJECT: COMPLAINT

Hope you would be fine.

It is brought to your kind notice that Mr. Shiraz Ali Shah, P.A. to Chairman District Zakat Committee is interfering in the formation of Local Zakat Committees (LZC) of my constituency PK-04. He is constituting the committees on his personal like and dislike and also involved in delaying practices. Furthermore, no action on applications for Jahaiz funds pertains to my constituency have been taken so far.

I shall be grateful, if you could kindly direct the concerned quarters to transfer him from the present post immediately and take necessary action against him as per rules under intimation to this office.

(Signature)
(Arif Yousaf Advocate)

**Syed Hidayat Jan,
Secretary,
Zakat, Ushr & Social Welfare Deptt,
Peshawar.**

AS (2) for appropriate but immediate action
12/03/15 11/3 SP-EAD: Mr. 12/3/15

Address: Law Department Building, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
Ph: Office): 091-9210353 Fax: 091-9211130

Attested
(Signature)
Assistant Administrator
Zakat & Ushr Department
Khyber Pakhtunkhwa

Subject:-

ENQUIRY REPORT REGARDING COMPLAINT OF MR. ARIF YOUSAF SPECIAL ASSISTANCE TO CHIEF MINISTER FOR LAW, PARLIMANTERY AND HUMAN RIGHTS, KHYBER PAKHTUNKHWA AGAINST MR. SHERAZ ALI SHAH JUNIOR CLERK DISTRICT ZAKAT COMMITTEE PESHAWAR.

Reference to the office order No.SO-I(Z)PF/38-6/1842-44 dated 20.03.2015, we the enquiry committee conducted the said enquiry on 30.03.2015 instead of 31.03.2015 as per request of Mr. Haider Zaman, District Zakat Officer Peshawar (member of the enquiry committee) whose availability on the date 31.03.2015 were not possible due to his some domestic affairs.

History of the Complaint:-

The complaint was filed by Mr. Arif Yousaf, MPA PK-4, Special Assistance to CM for Law, Parliamentary Affairs against Mr. Shiraz Ali Shah Junior Clerk DZC Peshawar who constitute the local zakat committee under his own like/dislike delaying practices who may be transferred from DZC Peshawar.

In this regard we recorded the statements of all concern of DZC Peshawar.

1. Statement of Shiraz Ali Shah Junior Clerk:-

Mr. Shiraz Ali Shah Junior Clerk stated that as per office order No.2841/DZC Peshawar dated 01.12.2014 (Annex-A) he was allowed with duties of constitutions/notifications of LZC, Scholarships and Jehaz funds etc and he deals these items and put up all these items cases to District Zakat Officer/Chairman DZC after proper verification/inspections completion of pre requisites for constitution of LZCs and have not the power of constitutions of LZC etc for which the final authority is DZO/Chairman DZC vide (Annex-B).

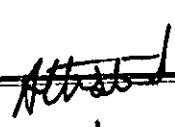
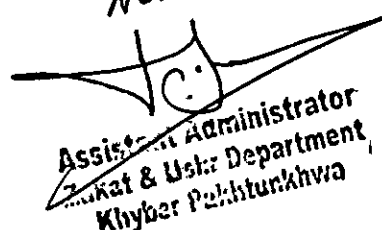
2. Statement of Assistant and Senior Clerk:-

Both the staff members stated that the constitution of Local Zakat Committee are notified/constituted by the Chairman DZC/DZO after proper verifications by the concern Junior Clerk who is not the final authority of notification/constituted vide (Annex-C&D).

3. Statement of Mr. Muhammad Dawood Jan, Chairman DZC Peshawar.

The Chairman DZC stated that in his presence no one officials is allowed to use his like/dislike and delaying practices and all the officials of the DZC working as per their job distribution i.e is verification of pre requisites for notifications and sanction.

Cont: at Page-2



Assistant Administrator
Zakat & Usq. Department
Khyber Pakhtunkhwa

He further stated that the MPA concerned asked him for Jehaz Fund Quota which refused by him as there is no quota system etc in zakat fund and I think my this action of refusal created misunderstanding. He further stated that his office has released fund approximately 15 Nos Jehaz cases to constituency of the MPA PK-4, which shows the clearness and fairness disbursement of the District Zakat Committees Peshawar vide (Annex-E).

Statement OF Mr. Arif Yousaf Advocate (Compliantee)

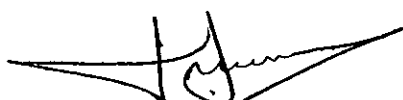
The MPA PK-4 Mr. Arif Yousaf Advocate and Special Assistance to Chief Minister withdrawn his application against Syed Shiraz Ali Shah Junior Clerk of DZC Peshawar due to interference of elders of the locality, hence no action may be taken on his application vide at (Annex-F).

Conclusion:-

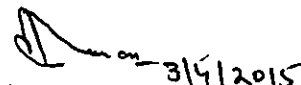
After the statements of all the relevant staff/ details inspection of the records and statement of Mr. Arif Yousaf, MPA PK-4, Special Assistance to CM for Law, Parliamentary Affairs, the committee concluded that all the difference are based on misunderstanding/misinterpretation which resulted complaint against Mr. Shiraz Ali Shah Junior Clerk DZC Peshawar.

In this regard the committee proposed the following suggestions:-


1. No doubt that the notable, ^{maybe} has consultative role in zakat disbursement but no quota system allowed to any one as per zakat disbursement and procedure because the determination of Istehqaq is only and only the jurisdiction of the Chairman LZC and all the pre requisites for zakat fund must be signed by the Chairman LZC.
2. The District Zakat Committee Administration ^{maybe} directed to distribute the duties of the official, according to their Job descriptions.


(Hyder Zaman)

District Zakat Officer,
Peshawar. (Member)


(Nider Khan) 3/4/2015

Section Officer-ZCC
(Member)


Attested
District Zakat Officer,
Peshawar. (Member)

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

Dated 12.07.2016

Notification

NO: SO-I(Z)/PF/38-6/2251-54 The competent authority has been pleased to appoint Deputy Secretary (Audit) Zakat and Ushr Department to conduct fact finding inquiry into the allegations against Syed Shiraz Ali Shah Junior Clerk District Zakat Committee Peshawar by the inhabitants of PK-4 and Mr. Arif Yousaf Special Assistant to Chief Minister for Law, Parliamentary Affairs & Human Rights Khyber Pakhtunkhwa, within fortnight positively.

Terms of Reference:-

1. To conduct fact findings inquiry in to the allegations of getting money from poor peoples.
2. To evaluate performance of aforementioned Junior Clerk.
3. To make recommendations in the subject case.
4. To submit his report.

Sd/-
Secretary
Zakat, Ushr, Social Welfare, Special
Education and Women Empowerment Department
Khyber Pakhtunkhwa

Ends: of even No and dated.

Copy forwarded to the:-

1. PS to Minister for Zakat & Ushr Department Khyber Pakhtunkhwa.
2. PS to Secretary, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.
3. District Zakat Officer, Peshawar with the direction to assist the inquiry officer during the course of inquiry.

A. B. Zakcet
13.7.16


(HAFIZ SAEED AHMAD)
Section Officer (E&A)

DS (A) SO (E&A) A. 2017
19.7.16



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12

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

Dated Peshawar, the 21.08.2017

NOTIFICATION

No. SO-(Estt)Z/PF/38-6/ 2252-54 Mr. Jehan Zeb Khan, Deputy Secretary / Deputy Administrator (Admn) Zakat & Ushr Department is hereby appointed to conduct a de novo inquiry into the allegations levelled against Mr. Syed Shiraz Ali Shah, Junior Clerk District Zakat Committee Peshawar (under transfer to District Zakat Committee Chitral) and furnish its findings within a fortnight.

TERMS OF REFERENCE

1. To inquire into the contents of allegations levelled by Mr. Arif Yousaf MPA and other residents of PK-04 and ascertain their genuineness.
2. To evaluate the conduct of the accused officials vis-a-vis allegations levelled against him.
3. To make recommendations as per findings of the inquiry.

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

Endst of Even No & Date:-

Copy forwarded to the:-

1. PS to Secretary / Chief Administrator Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.
2. District Zakat Officer Peshawar.

Assistant Administrator (Estt)
(Zakat) 21/8/17

Assistant Administrator (Estt)
(Zakat)

B
13

Posting and Transfer

Statutory Provision.

Section 10 of the NWFP Civil Servants Act, 1973.

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

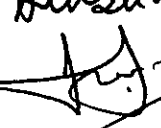
Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

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

Posting/transfer policy of the Provincial Government.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.
- v) ⁷⁹[]

⁷⁹ Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make Posting/Transfer subject to observance of the policy and rules.

Attest

Assistant Administrator
Zakat & Ushr Department
Government of NWFP


- vi) ⁸⁰While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, NWFP needs to be obtained. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor, NWFP shall be obtained.

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

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officers/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

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

Attested

 Regional Administrator
 District Administration
 District Government
 District Headquarters

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

RELIEVING ORDER

Consequent upon his transfer from Provincial Zakat Administration (HQ) Peshawar to District Zakat Committee Battagram vide Govt: of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department office order No.SO (Estt)Zakat/Staff/5579-83 dated 04.05.2021, Syed Sheraz Ali Shah Senior Clerk (B-14) is hereby relieved of his duty today on 19.05.2021 (A.N). He is directed to report for duties to District Zakat Committee Battagram.

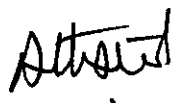


**Section Officer (Ushr)
Zakat & Ushr**

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

Dated 19.05.2021

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


**Section Officer (Ushr)
Zakat & Ushr**



District Zakat Officer
Zakat & Ushr Department
Battagram



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

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Subject: - ARRIVAL REPORT FOR DUTY

In compliance with the Secretary to Government of Khyber Pakhtunkhwa Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department office order No. SO(Estt)Z/Staff/5579-83 dated 04.05.2021 I, Syed Shiraz Ali Shah Bukhari, Senior Clerk (BPS-14) submit my arrival report for duty in District Zakat Committee, Battagram today on 21.05.2021 (F.N).

[Signature]
21/05/2021

(SYED SHIRAZ ALI SHAH BUKHARI)
Senior Clerk (BPS-14)

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No. 48-52/DZC/Battagram

Dated: 21/05/2021.

Copy forwarded to the: -

1. Accountant General Office Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer, Battagram.
3. Chairman, District Zakat Committee, Battagram.
4. PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.
5. All the Section Officers, Zakat and Ushr Department.

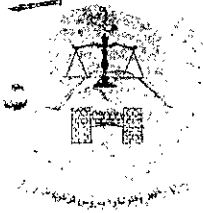
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[Signature]
(WISAL SHAH)
District Zakat Officer
Battagram

[Signature]
25/5

ASPI

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[Signature]
Assistant Administrator
Zakat & Ushr Department
Khyber Pakhtunkhwa



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.
Ph:- 091-9212281
Fax:- 091-9213262

E
17

No. 1712 /ST Dated 29/06/2023

Dairy No. 538
Date 15/1/2023

To

The Deputy Secretary (Admn),
Zakat, Usher, Social Welfare Department.

SUBJECT: JUDGMENT IN SERVICE APPEAL NO. 6683/2021 TITLED SYED SHERAZ ALI SHAH VS. SECRETARY ZAKAT, USHER AND SOCIAL WELFARE DEPARTMENT AND OTHERS.

I am directed to forward herewith a certified copy of order dated 21.03.2023, passed by this Tribunal in the above mentioned appeal for compliance.

Encl. As above.

A in.
(WASEEM AKHTAR)
For REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

Asst
15/6

Attested
[Signature]
Registrar
Zakat, Usher, Social Welfare Department
Khyber Pakhtunkhwa

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



18

Service Appeal No. 6683/2021

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

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

VERSUS

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

Present:

SYED NOMAN ALI BUKHARI,
Advocate --- For Appellant

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

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

JUDGMENT

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

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

ATTESTED

MEMBER
PESHAWAR

Attested

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

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

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

ATTESTED

[Signature]
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

[Signature]

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 Assistant Administrator
 Zakat & Ushr Department
 Khyber Pakhtunkhwa

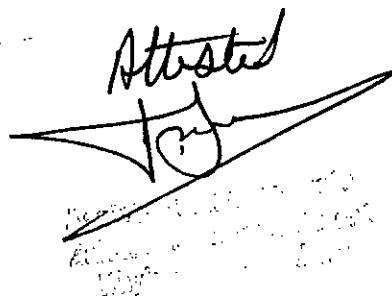
and learned Additional Advocate General and have gone through the record with their valuable assistance.

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

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

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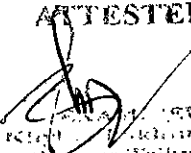
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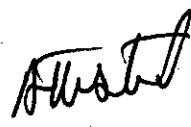

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as transfer case. The appellant applied for leave on 26.04.2021 whereas he was relieved from Provincial Zakat Administration (HQ) Peshawar on 19.05.2021 for joining of his new assignment in District Zakat Committee Battagram. He further argued that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

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

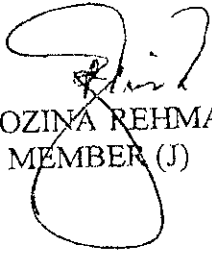
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 District Zakat Office
 Peshawar



 District Zakat Office
 Peshawar

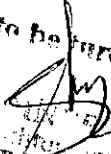
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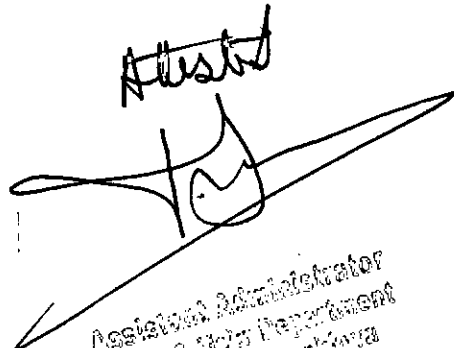
07. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 21st day of March, 2023.


(ROZINA REHMAN)
MEMBER (J)


(MUHAMMAD AKBAR KHAN)
MEMBER (E)

Kamranullah

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar


Assistant Administrator
Zakat & Ushr Department
Khyber Pakhtunkhwa



F
23

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

Peshawar dated the 08.06.2023

NOTIFICATION

No. SO-1(Z)/2-52/Promotion/11252-57. On the recommendation of Departmental Promotion Committee, the following Junior Scale Stenographer (BPS-14) are hereby promoted to the post of Senior Scale Stenographer / Personal Assistant (BPS-16) on regular basis with immediate effect:-

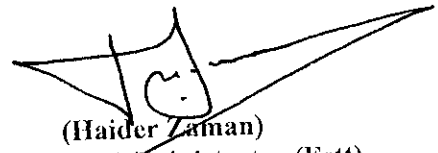
1. Mr. Bismillah Khan, DZC Karak
2. Mr. Muhammad Ayaz, DZC Haripur

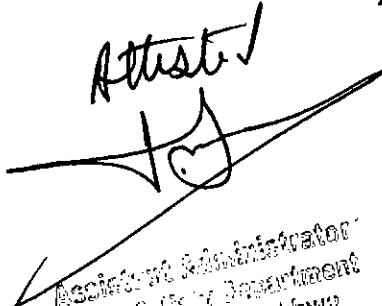
2. They will remain on probation for a period of one year in terms of Section 6 (2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 extendable for another year.

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

Endst: of Even No. & date
Copy is forwarded to the:-

1. District Accounts Officers Haripur & Karak.
2. District Zakat Officers Haripur & Karak.
3. PS to Secretary, Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department Khyber Pakhtunkhwa Peshawar.
4. PA to Additional Secretary Zakat & Ushr Department.
5. PA to Deputy Secretary (Admn) Zakat & Ushr Department.
6. Officials concerned / Personal files.


(Haider Zaman)
Assistant Administrator (Estt)
Zakat & Ushr Department

Attested

Assistant Administrator
Zakat & Ushr Department
Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

No. SO (Policy) (E&AD) 1-4/2023
Dated Peshawar, the 29th May, 2023

To

1. Additional Chief Secretary P&D Department Govt. of Khyber Pakhtunkhwa
2. Senior Member Board of Revenue, Govt. of Khyber Pakhtunkhwa
3. Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
4. All Districtal Commissioners in Khyber Pakhtunkhwa
5. All Heads of Attached Departments in Khyber Pakhtunkhwa
6. All Deputy Commissioners in Khyber Pakhtunkhwa

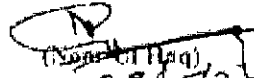
Subject :
Dear Sir,

BAN ON POSTINGS AND TRANSFERS IN KHYBER PAKHTUNKHWA

I am directed to refer to the above cited subject and to convey that in view of the fragile fiscal position of the Provincial Government, the Hon'ble Chief Minister Khyber Pakhtunkhwa has been pleased to impose ban on inter-district posting and transfers of officers and officials under the Government of Khyber Pakhtunkhwa as per the following:

- i. There shall be complete ban on inter-district transfers in all the departments,
- ii. This ban shall not apply on transfers within the districts and within the Secretariat and Directorates. However, while proposing such transfers of officers/officials within the district Directorates or the Secretariat, as the case may be, due diligence must be observed and tenure, suitability of the officers/officials for the posts and past performance must be taken into account;
- iii. In cases posting and transfer is necessitated due to some court orders or some administrative exigencies, ban relaxation will be obtained from Chief Minister through summary. For such posting/transfers, departments will put forth sound justifications. Subsequently in cases where NOC from Election Commission is required, cases will be taken up with ECP for ban relaxation by the concerned Administrative Departments.
- iv. This ban shall not apply on filling of vacant posts through recommendations of the Khyber Pakhtunkhwa Public Service Commission as Election Commission of Pakistan has already granted exemption in such cases.

Yours sincerely,

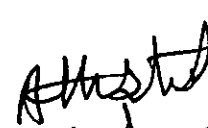

(Name of Haq)
Deputy Secretary 27/05/2023

ENDS: NO. & DATE EVEN

Copy is forwarded for information to:

1. Principal Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. CSO/PSO to Chief Secretary to Govt. of Khyber Pakhtunkhwa.
4. All Additional Secretaries/Deputy Secretaries/Section Officers in Establishment & Administration Department


Section Officer (Policy)


Assistant Administrator
Zakat & Ushr Department
Khyber Pakhtunkhwa

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

No. SO(Policy) (E&AD) 1-4/2023
Dated Peshawar, the 29th May, 2023

To

1. Additional Chief Secretary P&D Department Govt. of Khyber Pakhtunkhwa
2. Senior Member Board of Revenue, Govt. of Khyber Pakhtunkhwa
3. Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
4. All Divisional Commissioners in Khyber Pakhtunkhwa
5. All Heads of Attached Departments in Khyber Pakhtunkhwa
6. All Deputy Commissioners in Khyber Pakhtunkhwa

Subject:- **BAN ON POSTINGS AND TRANSFERS IN KHYBER PAKHTUNKHWA**

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- iv. This ban shall not apply on filling of vacant posts through recommendations of the Khyber Pakhtunkhwa Public Service Commission as Election Commission of Pakistan has already granted exemption in such cases.

Yours sincerely,

(Noor Ul Haq)
Deputy Secretary (Policy)

ENDST:NO. & DATE EVEN

Copy is forwarded for information to:

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. CSO/PSO to Chief Secretary to Govt. of Khyber Pakhtunkhwa.
4. All Additional Secretaries/Deputy Secretaries/Section Officers in Establishment & Administration Department.

Section Officer (Policy)



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

SUMMARY FOR CHIEF MINISTER KHYBER PAKHTUNKHWA

Subject:- NOC FOR POSTING / TRANSFER OF OFFICERS/OFFICIALS OF ZAKAT & USHR DEPARTMENT CONSEQUENT UPON THEIR PROMOTION.

A summary on the captioned subject is submitted for perusal and approval of Honourable Chief Minister, Khyber Pakhtunkhwa please.

Secy: SW, Z&U, ST & WE Deptt:
Diary No. 1456
Dated: 15.6.23

(Signature)
(Muhammad Zia ul Haq)
15/6/23
Secretary

Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department Khyber Pakhtunkhwa

Special Assistant to Chief Minister for Zakat & Ushr Department Khyber Pakhtunkhwa

(Signature)
SPECIAL ASSISTANT TO CHIEF MINISTER
Khyber Pakhtunkhwa For Zakat, Ushr & Social Welfare

10
Dated: 15.6.23
Secretary Establishment Department

Chief Secretary Khyber Pakhtunkhwa

1525
Diary No. 19/6/23
FTS No. 19/6/23
Date:
Chief Minister Khyber Pakhtunkhwa

(Signature)
(Signature)
P.T. 10

Views of Establishment Department may kindly be perused vide Paras 10-12 of the Summary.

Signature

Secretary Establishment
14 July, 2023

16/07/23

Minister for Establishment & Administration Department,
Khyber Pakhtunkhwa

Caretaker Minister for Establishment &
Admin and IPC Department
Khyber Pakhtunkhwa

Chief Secretary, Khyber Pakhtunkhwa

Principal Secretary to
Chief Minister, Khyber Pakhtunkhwa

26/8/2023

Attested

Signature
Principal Secretary to Chief Minister
Khyber Pakhtunkhwa

~~CS~~

14-7-23

Signature

4/9/23

Principal Secretary
to Chief Minister
Khyber Pakhtunkhwa

Sec: Zakat.

ASKZ

DS(OA)/SC(E)

Signature
04.9.23

CSO to Chief Secretary
Govt. of Khyber Pakhtunkhwa

Signature
6/9/23

28/08/2023



27

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

SUMMARY FOR CHIEF MINISTER KHYBER PAKHTUNKHWA

Subject:- **NOC FOR POSTING / TRANSFER OF OFFICERS/OFFICIALS OF ZAKAT & USHR DEPARTMENT CONSEQUENT UPON THEIR PROMOTION.**

Two meetings of Departmental Promotion Committee were held on 27-04-2023 and 06.06.2023 under the chairmanship of Secretary Zakat & Ushr Department to consider the promotion cases of various cadres of Zakat & Ushr Department.

2. The Departmental Promotion Committee in its meeting held on 27.04.2023 has recommended the following two officers for promotion to the posts of Assistant Administrator / District Zakat Officer (BPS-17) on regular basis against the vacant posts vide minutes of the meeting **(Annex-A)**.

S.#	Name of Officers	From	To
1	Mr. Asghar Ali	Superintendent (BPS-17)	Assistant Administrator / District Zakat Officer (BPS-17)
2	Mr. Zafar Ali	Superintendent (BPS-17)	Assistant Administrator / District Zakat Officer (BPS-17)

3. Consequent upon the Promotion of above mentioned officers, the committee further recommended the following two Assistants / Senior Scale Stenographers (BPS-16) for promotion to the post of Superintendents (BPS-17) against the vacant posts on regular basis:-

S.#	Name of Officers	From	To
1	Mr. Ghulam Yousaf	Assistant (BPS-16)	Superintendent (BPS-17)
2	Mr. Gulzar Muhammad	Senior Scale Stenographer (BPS-16)	Superintendent (BPS-17)

4. The Chief Secretary, Khyber Pakhtunkhwa, being the appointing authority for appointment against the posts of BPS-17 under rule-4 (1) (b) of the

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Page 4 of 5



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

Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has approved the recommendations of the Departmental Promotion Committee on 02.06.2023 (**Annex-B**).

5. Besides the above, the Departmental Promotion Committee in its meeting held on 06.06.2023 has recommended the following officials for promotion to the posts mentioned against each (**Annex-C**):-

S.#	Name of officials	Designation	Remarks
i	Mr. Bismillah Khan	Junior Scale Stenographer (BS-14)	Promoted to the post of Senior Scale Stenographer (BS-16) on regular basis against the vacant posts
ii	Mr. Muhammad Ayaz	Junior Scale Stenographer (BS-14)	Promoted to the post of Senior Scale Stenographer (BS-16) on regular basis against the vacant post.
iii	Mr. Muhammad Akhtar	Senior Clerk (BS-14)	Promoted to the post of Assistant (BS-16) on regular basis against the vacant post.
iv	Mr. Bakht-e-Karam	Senior Clerk (BS-14)	Promoted to the post of Assistant (BS-16) on regular basis against the vacant post.
v	Mr. Buner Said	Senior Clerk (BS-14)	Promoted to the post of Assistant (BS-16) on regular basis against the vacant post.
vi	Mr. Muhammad Inyaz	Senior Clerk (BS-14)	Promoted to the post of Assistant (BS-16) on regular basis against the vacant post.
vii	Mr. Tabin Khan	Senior Clerk (BS-14)	Promoted to the post of Assistant (BS-16) on regular basis against the vacant post.
viii	Mr. Amjad Ali	Senior Clerk (BS-14)	Promoted to the post of Assistant (BS-16) on regular basis against the vacant post.
ix	Mr. Muhammad Zaman	Junior Clerk (BS-11)	Promoted to the post of Senior Clerk (BS-14) on regular basis against the vacant post.
x	Mr. Muhammad Hazoor	Junior Clerk (BS-11)	Promoted to the post of Senior Clerk (BS-14) on regular basis against the vacant post.
xi	Mr. Adil khan	Junior Clerk (BS-14)	Promoted to the post of Senior Clerk (BS-14) on regular basis against the vacant post.
xii	Mr. Zahid Noor	Junior Clerk (BS-11)	Promoted to the post of Senior Clerk (BS-14) on regular basis against the vacant post.

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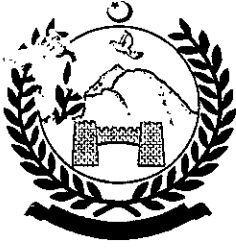
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Page 4 of 5

Attested



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

xiii	Mr. Muhammad Itebar Khan	Junior Clerk (BS-11)	Promoted to the post of Senior Clerk (BS-14) on regular basis against the vacant post.
xiv	Mrs. Sidra Jan	Junior Clerk (BS-11)	Promoted to the post of Senior Clerk (BS-14) on regular basis against the vacant post.
xv	Mr. Saifoor Shah	Junior Clerk (BS-11)	Promoted to the post of Senior Clerk (BS-14) on regular basis against the vacant post.
xvi	Mr. Shahzad Raza	Chowkidar (BS-03)	Promoted to the post of Junior Clerk (BS-11) on regular basis against the vacant post.
xvii	Mr. Hameed Ullah	Daftari (BS-04)	Promoted to the post of Junior Clerk (BS-11) on regular basis against the vacant post.
xviii	Mr. Akhtar Munir	Chowkidar (BS-03)	Promoted to the post of Junior Clerk (BS-11) on regular basis against the vacant post.
xix	Mr. Sami Ullah	Naib Qasid (BS-03)	Promoted to the post of Junior Clerk (BS-11) on regular basis against the vacant post.
xx	Mr. Tariq Ameer	Naib Qasid (BS-03)	Promoted to the post of Junior Clerk (BS-11) on regular basis against the vacant post.

6. Meanwhile Establishment Department imposed ban on all kind of inter district postings / transfers (**Annex-D**). Hence, the officers promoted to the post of Assistant Administrator / District Zakat Officer (BPS-17) are adjusted in their existing districts (**Annex-E**) and the officials at serial No. iv, vi, vii, ix, x, xiii, xvii, xviii & xx of the above-mentioned table will also be adjusted in the same district after their promotion. However, since the Election Commission of Pakistan has now granted permission for postings / transfers of officials / officers upto BPS-17 (**Annex-F**), therefore this department intends to order posting / transfer of officials subject to relaxation of ban.

7. In view of the above, this department requests that the ban on postings / transfers may please be relaxed in favour of the following officers / officials to actualize their promotion on the basis of the following transfers / postings proposal:-

Attested



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

S.#	Name of officials / officers	From	To
i	Mr. Ghulam Yousaf, Assistant	On his promotion as Superintendent (BPS-17) from District Zakat Committee Battagram	Provincial Zakat Administration (HQ) Peshawar for one day regarding actualization of promotion and then transferred to District Zakat Committee Haripur as District Zakat Officer in OPS by relieving Mr. Naem Akhtar of the additional charge
ii	Mr. Gulzar Muhammad, Senior Scale Stenographer	On his promotion as Superintendent (BPS-17) from District Zakat Committee Swabi	Provincial Zakat Administration (HQ) Peshawar for one day regarding actualization of promotion and then transferred to District Zakat Committee Swabi as District Zakat Officer in OPS
iii	Mr. Bismillah Jan, Junior Scale Stenographer	On his promotion as Senior Scale Stenographer / Personal Assistant (BPS-16) from District Zakat Committee Karak	Provincial Zakat Administration (HQ) Peshawar against the vacant post
iv	Mr. Muhammad Ayaz, Junior Scale Stenographer	On his promotion as Senior Scale Stenographer / Personal Assistant (BPS-16) from District Zakat Committee Haripur	Provincial Zakat Administration (HQ) Peshawar against the vacant post
v	Syed Sheraaz Ali Shah, Senior Clerk	Provincial Zakat Administration (HQ) Peshawar due to decision of Khyber Pakhtunkhwa Service Tribunal Peshawar	District Zakat Committee Nowshera against the vacant post of Senior Clerk
vi	Mr. Muhammad Akhtar, Senior Clerk	On his promotion as Assistant (BPS-16) from District Zakat Committee Mansehra	District Zakat Committee Battagram against the vacant post of Assistant
vii	Mr. Buner Said, Senior Clerk	On his promotion as Assistant (BPS-16) from District Zakat Committee Malakand	District Zakat Committee Buner Against the vacant post of Assistant
viii	Mr. Amjad Ali, Senior Clerk	On his promotion as Assistant (BPS-16) from District Zakat Committee Nowshera	District Zakat Committee Mardan against the vacant post of Assistant
ix	Mr. Adil Khan, Junior Clerk	On his promotion as Senior Clerk (BPS-14) from District Zakat Committee Shangla	District Zakat Committee Swat against the vacant post of Senior Clerk
x	Mr. Zahid Noor, Junior Clerk	On his promotion as Senior Clerk (BPS-14) from Provincial Zakat Administration (HQ) Peshawar	District Zakat Committee Malakand against the vacant post of Senior Clerk
xi	Mrs. Sidra Jan, Junior Clerk	On his promotion as Senior Clerk (BPS-14) from Provincial Zakat Administration (HQ) Peshawar	District Zakat Committee Charsadda against the vacant post of Senior Clerk

Attested

[Signature]
Secretary
Zakat, Ushr, Social Welfare, Special Education
and Women Empowerment Department
Government of Khyber Pakhtunkhwa



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

xii	Mr. Saifoor Shah, Junior Clerk	On his promotion as Senior Clerk (BPS-14) from Provincial Zakat Administration (HQ) Peshawar	District Zakat Committee Karak against the vacant post of Senior Clerk
xiii	Mr. Shahzad Raza, Chowkidar	On his promotion as Junior Clerk (BPS-11) from District Zakat Committee Peshawar	District Zakat Committee Swabi against the vacant post of Junior Clerk
xiv	Mr. Sami Ullah, Naib Qasid	On his promotion as Junior Clerk (BPS-11) from District Zakat Committee Battagram	District Zakat Committee Lower Kohistan against the vacant post of Junior Clerk

8. The Chief Minister, Khyber Pakhtunkhwa is requested to approve the proposal contained in para-7 of the Summary please.

9. Establishment Department may add their views en route please.

(Muhammad Zia ul Haq)
Secretary

Zakat, Ushr, Social Welfare, Special
Education and Women Empowerment
Department Khyber Pakhtunkhwa

Special Assistant to Chief Minister
for Zakat & Ushr Department
Khyber Pakhtunkhwa

SPECIAL ASSISTANT TO
CHIEF MINISTER
Khyber Pakhtunkhwa For
Zakat, Ushr & Social Welfare

Secretary Establishment
Department

Chief Secretary
Khyber Pakhtunkhwa

Chief Minister
Khyber Pakhtunkhwa

Attested

P.T.O

CS

02/9/23

10. Summary for Chief Minister, Khyber Pakhtunkhwa moved by Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department regarding NOC for posting/transfer of officers/officials consequent upon their promotion has been examined.

11. The Administrative Department has submitted that in light of Departmental Promotion Committee, officers/officials of Zakat Department have been promoted to next higher scales (Annex-A & C). For the purpose of actualization of promotion, the Administrative Department intends to make posting/transfer of the promoted officers/officials. Due to imposition of ban by the Provincial Government on inter district posting/transfer (Annex-D) the Administrative Department has requested for ban relaxation to the extent of the proposed inter district posting/transfer.

12. Chief Minister, Khyber Pakhtunkhwa may like to approve proposal of the Administrative Department contained in Para-07 of the Summary, please.

Saeed

(AKHTAR SAEED TURK)
Secretary Establishment
July, 14, 2023

15/7/23

Minister for Establishment & Administration

Caretaker Minister for Establishment &
Admin and IPC Department
Khyber Pakhtunkhwa

Chief Secretary,
Khyber Pakhtunkhwa

13. Postings/Transfers proposed are within the competency of the Department. Their postings/transfers need to be notified to enable officers/officials to avail their promotions. Chief Minister may therefore may relax the ban on postings/transfers to the extent of officers/officials mentioned at para 7/5.

14. Ban relaxed for officers mentioned in para 07 ante *Umar Aslam 26/8/2023*

Chief Minister

CS

02/9/23

Attended

[Signature]

Stamp: RECEIVED
02/9/23



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

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OFFICE ORDER.

Dated: 11.09.2023

No.SO-I(Z)/2-52/Promotion/1249-60. In Pursuance of Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 21-03-2023 in service appeal No.6683/2021 and after obtaining NOC from Chief Minister Khyber Pakhtunkhwa regarding inter district posting / transfer, Syed Sheraz Ali Shah, Senior Clerk (BPS-14) currently posted / adjusted against the wrong post of Senior Scale Stenographer / Personal Assistant in his own pay and scale is hereby transferred and posted in District Zakat Committee Nowshera against the vacant post of Senior Clerk (BPS-14) in the best public interest with immediate effect.


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

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

Endst of Even No & Date:-

Copy forwarded to the:-

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


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





Assistant Administrator
Zakat & Ushr Department
Nowshera

THE ¹[KHYBER PAKHTUNKHWA] CIVIL SERVANTS ACT, 1973.

²[KHYBER PAKHTUNKHWA] ACT NO. XVIII OF 1973)
[11th November, 1973].

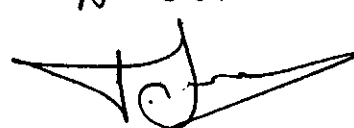
CONTENTS

PREAMBLE

SECTIONS

1. Short title, extend and commencement.
2. Definitions.
3. Terms & Conditions.
4. Tenure of office of civil servants.
5. Appointment.
6. Probation.
7. Confirmation.
8. Seniority.
9. Promotion.
10. Posting and transfers.
11. Termination of services.
12. Reversion to a lower 3 post.
13. Retirement from service.
14. Employment after retirement.
15. Conduct.
16. Disciplinary action.

1. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
2. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

Attested

 Director of Public Administration
 Government of Khyber Pakhtunkhwa
 Peshawar

“(5) The seniority lists prepared under sub-section (1) shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.”

9. (1) A civil servant possessing such minimum qualification as may be prescribed shall be eligible for promotion to a ²[higher] post for the time being reserved under the rules for departmental promotion in ³[* * *] the service or cadre to which he belongs. Promotion.

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed ---

(a) in the case of a selection post, on the basis of selection on merit; and

(b) in the case of a non-selection post, on the basis of seniority cum- fitness.

10. Every civil servant shall be liable to serve anywhere within or outside the Province in any post under the Federal Government, or any Provincial Government or local authority, or a an corporation or body set up or established by any such Government: Posting and transfers.

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

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

11. (1) The service of civil servant may be terminated without notice. Termination of services.

(i) during the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one ⁴[service] cadre or post to another ⁵[service] as he holds a line against his former post in such ⁶[service] or

1. Added vide Khyber Pakhtunkhwa Act No.I of 1989.
2. The word "higher" inserted vide Khyber Pakhtunkhwa Ord.No.V of 1985.
3. The words "the higher grade of" omitted by Ord.No. IV of 1985.
4. The word "Grade", subs.by Khyber Pakhtunkhwa Ord.No.IV of 1985.
5. The word "Grade", subs.by Khyber Pakhtunkhwa Ord.No.IV of 1985.
6. The word "Grade", subs.by Khyber Pakhtunkhwa Ord.No.IV of 1985.

Attested
