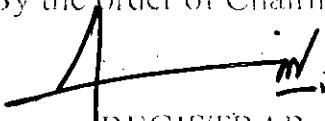


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** \_\_\_\_\_

**2044/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/10/2023	<p>The appeal of Mr. Amir Zada resubmitted today by Mr. Shahbaz Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Amir Zada son of Bahadar Khan SDO PHE Department received today i.e on 27.09.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of Writ Petition and decision of its are not attached with the appeal be placed on it.
- 2- Copy of order dated 16.11.2022 mentioned in para-12 of the memo of appeal is not attached with the appeal.
- 3- Copy of decision dated 03.7.2023 mentioned in para-13 of the memo of appeal is not attached with the appeal.
- 4- Annexures of the appeal are not in sequence which be annexed serial wise as mentioned in the memo of appeal.
- 5- The documents that are to be provided must be read over/3/15/23.

No. 3312/S.1.

Dt. 28/9 /2023.




REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR

Mr. Shahbaz Khan Adv.  
High Court at Peshawar

4/10/2023

Sir,  
, objections, complete and  
be submitted please.

counsel for appellant  


4/10/2023

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR**

Service Appeal No 2014/2023

Amir Zada ..... Appellant

VERSUS

Chief Secretary & Others ..... Respondents

INDEX

S.No	Description of Documents	Annex	Pages	
			From	To
1	Service Appeal	A	1	7
2	Affidavit	B	8	-
3	Application for suspension and Affidavit	C	9	10
4	Copy of the Notification dated 05-04-2022	D	11	-
5	Copy of the Notification dated 01-06-2022		12	-
6	Copy of the Notification dated 20-06-2022		13	-
7	Copy of the Notification dated 29-08-2022		14	-
8	Copy of the departmental appeal	E	15	16
9	Copy of the Notification dated 31-08-2022	F	17	-
10	Copy of the Notification dated 13-09-2022		18	19
11	Complaint to the election commission against transfer order 13-09-2022	G	20	
12	Copy of the Notification dated 27-09-2022	H	21	
13	Copy of order on departmental appeal dated 19/10/2022	I	22	24
14	Copy of the decision of Service Tribunal KP K on appeal No.1523/2022 and Notification 16/11/2022	J	25	31
15	Copy of Notification.FreshAppointments/posting 22/06/2023	K	32	34
16	Copy of impugned Notification 19/07/2023	L	35	-
17	Copy of departmental appeals & Decision	M	36	37

Dated: 27/09/2023

Through

Appellant

Shahbaz Khan  
Advocate High Court  
Peshawar

*A. Amir*  
*Shahbaz Khan*

Amir Zada (A)

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUN KHAWAPESHAWAR**

Service Appeal No. Zelly 12023

Amir Zada S/O Bahadar Khan Sub Divisional Officer  
(OPS) P H E .Subdivision Charsadda R/O Qasim (Toru)  
Tehsil & District Mardan

(Appellant)

V/S

1. The Government of Khyber Pakhtoon Khwa through Chief Secretary Khyber Pakhtoon Khwa Peshawar
2. The Secretary Public Health Engineering Department KPK Peshawar
3. Asghar Ali Khan SDO PHE Sub division Tangi.

(Respondents)

*A. Service appeal under section-4 of Khyber Pakhtun Khwa Peshawar for service tribunal Act,1974 against the impugned Notification vide NO.SO (Estt)/PHED/1-44/22 dated.19/07/2023 where by the appellant is transferred prematurely, politically motivated, & victimized and not in the public interest from the post of SDO PHE sub Davison Charsadda to PHIE Sub Davison Tangi which is illegal, unlawful against Law facts and laid down Transferring/Posting policy of KPK Government vide NotificationNo.SOR-HE&ADII-1/85(VOL-11)Dated 15<sup>th</sup>February 2003.A departmental appeal was submitted to honorable Chief Secretary Khyber Pakhtoon Khwa Peshawar vide diary No.3295 dated 27/07/2023 against the impugned order19/07/2023 which was considered and rejected vide.order dated .29/08/2023*

**B. PRAYER**

*On acceptance of the instant appeal the impugned office order NO.SO(Estt/PHED/1-44/2022 date 19.07.2023 and order of respondent No.1 dated 29/08/2023 may please be set-aside and the same may be declared as illegal, unlawful, without of lawful authority, and evidently on outcome of political motivation, victimization and not in the interest of public. Therefore the respondent No.2 may be directed to withdraw the above stated order to the extent of appellant and may not be transferred from his present post SDO (ops) and station PHE subdivision charsadda till the completion of statutory tenure (03years).The above mentioned notification is completely violation of this court decision in service appeal No.1523/22 dated 3<sup>rd</sup> July2023,under which notification No. SO(Estt)/PHED/1-44/2022 dated 16<sup>th</sup> November 2023 was issued .Any other remedy with this august tribunal deems fit that may also be awarded in favor of the appellant.*

**Sir :-**

**Appellant humbly submits as under:-**

1. That the Appellant is performing his duty as sub divisional officer at Public Health Engineering Subdivision Charsadda.

(Copy of notification is annexed here with)

1. That the appellant has performed unblemished and satisfactory performance in the department & having no sigma or complaint against the plaintiff during the entire service.
2. That earlier the plaintiff was transferred from home station PHE subdivision Mardan to PHE subdivision Totalai (Buner) vide notification No.SO (Estt) PHED/1-44/2022 Dated 5<sup>th</sup> April 2022.In compliance of the order I assumed the charge at the new place of posting on dated 6<sup>th</sup> April 2022.Where he served for one month & twenty four days only. (0Y-1M-24D)

(Copy of notification is(05-04-2022) annexed herewith)

3. That the plaintiff after such duration of performing duty was again transferred from PHE subdivision Totalai to PHE subdivision Swabi vide notification No.SO (Estt)PHED/1-44/2022 dated 01-06-2022 where he performed his duty eighteen days only. (0Y-0M-18days)

(Copy of notification (01-06-2022) is annexed herewith)

4. That after he was again transferred from PHE subdivision Swabi to PHE subdivision Charsadda vide notification No.SO(Estt)/PHED/1-44/2022 dated 20-06-2022. At this station he stayed only two months and nine(0Y-2M-09D)

(Copy of notification (20.06.2023) is annexed herewith)

5. That after vide notification No.SO(Estt)/PHED/1-44/2022 issued on dated 29.08.2022 was transferred from PHE subdivision Charsadda to O/O Chief engineer (South) as ADE against the vacant post.

(Copy of notification (29-08-2022) is annexed herewith)

6. That after the plaintiff filed the departmental appeal before the competent authority vide Secretary PHE office vide diary No.373 on dated 30/08/2022.

(Copy of departmental appeal is attached)

7. That the order of 29<sup>th</sup> August 2022 was cancelled/withdraw through the notification No.SO(Estt)/PHED/1-44/2022 dated 31-08-2022.

(Copy of notification 31.08.2022 is annexed herewith)

8. That after a new Notification vide No.SO(Esst)/PHED/1-44/2022 dated 13-09-2022 was issued through which the notification of 29-08-2022 was restored

(Copy of notification 13-09-2022 is annexed herewith)

9. That a written complaint was submitted to Provincial Election Commission on dated 20/09/2022 to ignore the ban imposed on transfer/posting in the district Charsadda vide notification No.F.8(9)2022-Code-2 dated 05-08-2022 due to bye election.

( Copy of complaint is annexed herewith)

10. That at the same time a 2<sup>nd</sup> departmental appeal is submitted to the worthy Secretary PHE against the notification No.SO (Estt)PHED1-44/ 22 dated 13-09-2022 vide dairy No.695 dated 20-09-2022 for sympathetic consideration.

(Copy of departmental Appeal is annexed herewith)

11. That feeling aggrieved of the respondents the appellants filed a writ petition before the honorable High Court Peshawar to decide the departmental appeal.

(Copy of decision is attached)

12. That, appellant approached before the Service Tribunal through a Service Appeal No.1523/2022 dated 24-10-2022, which was accepted by the Service Tribunal and impugned order was set aside, and recalled vide order dated 16/11/2022.

(Copy of appeal and order are attached).

13. That after sixteen (16) days respondent No.2 once again issued a transfer order of the appellant on dated 19/07/2023 through which, the appellant is transferred from the post of SDO PHE Sub Division Charsadda to PHE Sub division Tangi against Mr.Asgher Ali khan (SDO) newly appointed/posted twenty seven (27) days against subdivision Tangi District Charsadda vide Notification No.SO(Estt)PHED/144/2022 dated.22-06-2022, where he did not completed his probation period (1 year). The order is issued on such occasions where the ban is imposed on posting/transferring through out the Province and completely violation of service tribunal decision on dated 03/07/2023 in the favor of appellant. The said order is illegal, against the law & facts and ineffective upon the rights of plaintiff and plaintiff is not bound of the same, hence liable to be set aside.

(Copy of order is attached)

14. That the appellant has approached before respondent No.1 through departmental appeals before vide diary # 3295 dated 27.07.2023, which is considered and rejected vide order dated 29/08/2023.

(Copies of departmental appeal is attached)

15. That the impugned order of respondent No.2 dated 19/07/2023 and order of respondent No.1 on dated 29/08/2023 are illegal, against law and facts on the following grounds.

#### GROUND

- A. That the appellant has served the department for sufficient time with zeal and devotion and no adverse remarks are available in his service record.
- B. That impugned order is illegal, against law & facts and based on mala fide intention.

- E. That appeal of appellant is mature as per para 9 transfer/posting policy 2003.  
(copy of policy is attached)
- F. That appellant has not being treated by respondent department an accordance with law and rules on the subject above and such respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan.
- G. That the appellant was transferred so many times (7) times just in the **period of one year and few months(4<sup>TH</sup> April 2022 to 19<sup>TH</sup> July 2023)** without any reason, which is violation of transfer and tenure policy against the law, rules and judgment august Supreme Court of Pakistan enshrine in "Anita Turab V/S Fedetation of Pakistan" reported on 2013 PLD SC P 195.
- H. That likewise, the impugned order dated 19/07/2023 of the Department/Secretary PHE qua transfer of the appellant not being permissible and the same being whimsical, arbitrary and punitive in nature and therefore, is violation of fundamental rights of the Constitution of Islamic Republic of Pakistan of 1973 and in contravention of rules and policy, therefore not tenable in the eyes of law.
- I. That the impugned order dated 19/07/2023 is frequent transfer which practice is bar vide reported judgment PLJ-1995 SC P-629.
- J. That the appellant has not been completed his tenure in Sub Division Charsadda, where as the normal period of posting of a Government Servant at a station, according to the 21 of the rules of business in three years, which has to be followed in the ordinary circumstances, unless for reasons or exigencies of service a transfer before expiry of the said period becomes necessary thus the said transfer without completion of tenure is against the law and rules, constitution. fundamental rights and Provincial Posting/Transfer policy 2003.
- K. That the transfer of the appellant is against the tenure, appointment , promotion and posting/transfer are of almost importance in the Civil Service, and the same will rightly be considered and treated as part of the terms and condition of service of a civil servant. If , however, rules and instruction are deviated from and as



a result merit is discouraged on account of favoritism, safarish or consideration other than merit, it should be evident that civil service will not remain independent or efficient in this regard reliance upon Constitution petition No, 23/2012 petition by Ms. Anita Turab Vs Government of Pakistan etc.

- L.** That act of the respondents Department is based on political influence and without tenure policy transfer against the Law and Judgments of superior courts relied upon the relevant para of judgment of Supreme Court of Pakistan 1966 SCMR 1185 titled Hammed Akbar Niazi V/S the Secretary Establishment Division, Government of Pakistan relevant part is reproduced here for case reference,

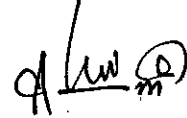
*“if the service tribunal or supreme court decides a point of law relating to the terms of service of a civil servant which covers not only to the case of civil servant who litigated, but also of the other civil servant, who many have not taken any legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such judgment by service tribunal/supreme court be extended to other civil servants, who may not be parties to the litigation instead of compelling them to approach the service tribunal or any other forum”.*

- M.** That the appellants craves permission of the Honorable Tribunal to advance any other ground at the time of hearing and to submit any other arguments/documents if necessary, in support of this service appeal.

It is, therefore, most humbly prayed that, on acceptance of this Service Appeal, the impugned office order No. SO(Estt)/PHED/1-44-2022 dated 19-07-2023 may please be set-aside and the same may be declared as illegal, unlawful, without lawful authority, respondents may be directed to withdraw the above stated order and appellants may not be transferred from his present post Sub Divisional Officer (OPS) PHE Sub Division Charsadda till the completion of his statutory tenure period. Any other remedy with this August tribunal deems fit that may also be awarded in favor of the appellants.

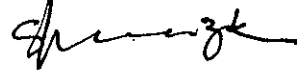
may be declared as illegal, unlawful, without lawful authority, respondents may be directed to withdraw the above stated order and appellant may not be transferred from his present post Sub Divisional Officer (OPS) PHE Sub Division Charsadda till the completion of his statutory tenure period (03Y). Any other remedy with this August tribunal deems fit that may also be awarded in favor of the appellant.

Appellant:-



AMIR ZADA

(Through)

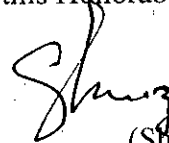


(Shahbaz Khan)  
Advocates, High Court  
Peshawar

Dated:- /08/2023

**CERTIFICATE**

Certified that as per information furnished by my client no such like Service Appeal on the subject has been filed in this Honorable Tribunal.



(Shahbaz Khan)  
Advocates, High Court  
Peshawar

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No 1709/2023

Amir Zada .....Appellant

**VERSUS**

Chief Secretary & others .....Respondents

**AFFIDAVIT**

I Mr. Amir Zada S/o Bahadar Khan R/O Qasim (Toru), do hereby solemnly affirm and declare on Oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this humble Tribunal.

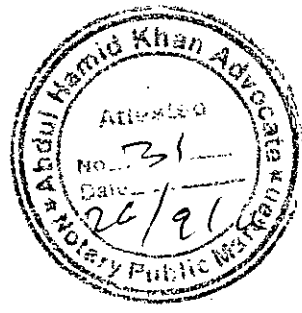
*Shahbaz Khan*

Through :- Shahbaz Khan  
Advocate Peshawar

*Amir Zada*

Deponent:-  
CNIC#16101-7667994-3  
Cell# 03339864637

*Abdul Hamid Khan*



(9) Anexty (2)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**  
**PESHAWAR.**

Service Appeal No \_\_\_\_\_/2023

Amir Zada .....Appellant

VERSUS

Chief Secretary & others ..... Respondents

**Subject: Application for grant of injunction to the effect that respondents be restrained not to use coercions process against appellant till the final disposal of the instant case.**

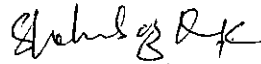
**Respectfully Shweth:**

1. That the above titled petition is to fill before this honorable court, in which no date is fixed for hearing.
2. That appellant has got a prima facie case.
3. That balance of convenience lies in favor of appellant.
4. That the appellant will face irreparable loss if stay order is not granted.

It is therefore, most humbly requested that stay order may please be granted in favor of appellant against respondents till the decision of the case.

Dated: - 27/09/2023

Appellant  
Amir Zada

Through:-   
Shahbaz Khan advocate  
High court Peshawar

10

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No 1709/2023

Amir Zada

.....Appellant

VERSUS

Chief Secretary & others

.....Respondents

**AFFIDAVIT**

I Mr. Amir Zada S/o Bahadar Khan R/O Qasim (Toru), do hereby solemnly affirm and declare on Oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this humble Tribunal.

*Shahbaz Khan*

Through :- Shahbaz Khan  
Advocate Peshawar

Deponent:- *Amir Zada*

CNIC#16101-7667994-3

Cell# 03339864637

*Abdul Hamid Khan*  
Attested  
No. 32  
Date 26/9/23  
Abdul Hamid Khan Advocate  
Notary Public Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the April 05, 2022

Annexure (D)

**NOTIFICATION**

**No.SO(ESTT)/PHED/1-45/2022:** The competent authority is pleased to order the postings/transfers of the following officers of Public Health Enng: Department, on administrative grounds and in the interest of public service, with immediate effect:-

S.#	Name	From	To
1.	Engr. Abid Ali Shah, BPS-18	Executive Engineer PHE Division Shangla	Design Engineer (South) PHED Peshawar
2.	Engr. Fawad Ahmad, BPS-18	Executive Engineer PHE Division Dir Lower	Executive Engineer PHE Division Peshawar-II
3.	Engr. Junaid Hafeez, BPS-18	Executive Engineer PHE Division Peshawar-II	Executive Engineer PHE Division Mardan
4.	Engr. Yasir Rehman, BPS-18	Executive Engineer PHE Division Mardan	Executive Engineer PHE Division Battagram
5.	Engr. Salim Javid, BPS-18	Design Engineer (Center) PHED Peshawar	Executive Engineer PHE Division Hangau
6.	Engr. Khalid Asmat Gandapur, BPS-17	Executive Engineer (OPS) PHE Division Battagram	Executive Engineer (OPS) PHE Division Dir Lower
7.	Engr. Mian Gul, BPS-17	SDO PHE Sub Division Wana South Waziristan	Executive Engineer (OPS) PHE Division Shangla
8.	Engr. Jamshid Hussain Bangash, BPS-17	SDO PHE Sub Division Bulk WS Shakardara Kohat	Assistant Design Engineer (North) PHED Peshawar
9.	Mr. Muhammad Yousaf Alizai, BPS-17	SDO PHE Sub Division Paharpur D.I. Khan	SDO PHE Sub Division Alpuri Shangla
10.	Mr. Hamid Ali, BPS-12	SDO (OPS) PHE Sub Division Alpuri Shangla	SDO (OPS) PHE Sub Division Bulk WS Shakardara Kohat
11.	Engr. Muhammad Duraliz Khan, BPS-17	SDO PHE Sub Division Hassan Khel Peshawar-II	SDO PHE Sub Division No.2 Peshawar-I
12.	Engr. Fahad Noor, BPS-17	SDO PHE Sub Division No.2 Peshawar-I	SDO PHE Sub Division Hassan Khel Peshawar-II
13.	Mr. Halim Shah, BPS-16	Sub Engineer PHE Division Dir Bulk WS Abbottabad	SDO (OPS) PHE Sub Division Puran Shangla
14.	Mr. Lajbar Khan, BPS-17	Under transfer as SDO PHE Sub Division Totalal Buner	Assistant Design Engineer (South) PHED Peshawar
15.	Mr. Amir Zada, BPS-16	Sub Engineer PHE Division Mardan	SDO (OPS) PHE Sub Division Totalal Buner

SECRETARY  
PHE DEPARTMENT

**No.SO(ESTT)/PHED/1-45/2022:**

**Dated Peshawar, the April 05, 2022**

Copy forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Chief Engineer (Center/South/North/East) PHE Department Khyber Pakhtunkhwa.
3. Superintending Engineer PHE Circle concerned.
4. Director Technical PHE Department Peshawar
5. Executive Engineer PHE Division concerned.
6. District Accounts Officer concerned.
7. All Section Officers PHE Department Peshawar
8. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
10. Officers concerned.
11. Office Order / Personal Files.

SECTION OFFICER (ESTT)



(12)

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG DEPARTMENT**

Dated Peshawar, the June 01, 2022

**NOTIFICATION**

**No.SO(Estt)/PHED/1-44/2022:** The competent authority is pleased to order the following postings/transfers of officers of the Public Health Engg: Department, in the interest of public service, with immediate effect:-

S.#	Name	From	To
1.	Mr. Khalil-ur-Rehman, BPS-17	SDO PHE Sub Division Daggar No.1 Buner	SDO PHE Sub Division Totalai Buner (Vice S # 4)
2.	Mr. Hazrat Muhammad, BPS-17	SDO PHE Sub Division Sheringal Dir Upper	SDO PHE Sub Division Samar Bagh Dir Lower relieving the SDO PHE Sub Division Batkheela Malakand
3.	Mr. Zia-ur-Rehman, BPS-16	SDO (OPS) PHE Sub Division Swabi	SDO (OPS) PHE Sub Division Sheringal Dir Upper (Vice S # 2)
4.	Mr. Amir Zada, BPS-16	SDO (OPS) PHE Sub Division Totalai Buner	SDO (OPS) PHE Sub Division Swabi (Vice S # 3)

2. Consequently, Mr. Imtiaz Muhammad, SDO (OPS) PHE Sub Division Daggar No.2 Buner is authorized to hold additional charge of the vacant post of SDO PHE Sub Division Daggar No.1 Buner, in addition to his own duties, till further orders.

**SECRETARY  
PHE DEPARTMENT**

**No.SO(ESTT)/PHED/1-44/2022:**

**Dated Peshawar, the June 01, 2022**

Copy forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (North) PHE Khyber Pakhtunkhwa Peshawar.
3. Chief Engineer (Center) PHE Khyber Pakhtunkhwa Peshawar.
4. Director Technical PHE Department Peshawar.
5. Superintending Engineer PHE Circle Mardan/Swat/Malakand at Timergara.
6. Executive Engineer PHE Division Swabi/Buner/Dir Upper/Dir Lower/Malakand.
7. District Accounts Officer Swabi/Buner/Dir Upper/Dir Lower/Malakand.
8. All Section Officers PHE Department Peshawar.
9. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
10. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
11. PA to Additional Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
12. Officers concerned.
13. Office Order / Personal Files.

01/06/22  
**SECTION OFFICER (ESTT)**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the June 20, 2022

**NOTIFICATION**

**No.SO(ESTT)/PHED/1-44/2022:** The competent authority is pleased to order the following postings/transfers of officers of the Public Health Engg: Department, in the interest of public service, with immediate effect:-

S.#	Name	From	To
1.	Mr. Muhammad Yaséan, BPS-16.	SDO (OPS) PHE Sub Division Charsadda	SDO (OPS) PHE Sub Division Swabi
2.	Mr. Amir Zada, BPS-16	SDO (OPS) PHE Sub Division Swabi	SDO (OPS) PHE Sub Division Charsadda

**SECRETARY  
PHE DEPARTMENT**

**No.SO(ESTT)/PHED/1-44/2022:**

**Dated Peshawar, the June 20, 2022**

Copy forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (North) PHE Khyber Pakhtunkhwa Peshawar.
3. Chief Engineer (Center) PHE Khyber Pakhtunkhwa Peshawar.
4. Director Technical PHE Department Peshawar.
5. Superintending Engineer PHE Circle Peshawar/Mardan.
6. Executive Engineer PHE Division Charsadda/Swabi.
7. District Accounts Officer Charsadda/Swabi.
8. All Section Officers PHE Department Peshawar.
9. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
10. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
11. PA to Additional Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
12. Officers concerned.
13. Office Order / Personal Files.

**SECTION OFFICER (ESTT)**

NOTED

Yaséan





GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG. DEPARTMENT

Dated Peshawar, the August 29, 2022

**NOTIFICATION**

No.SO(ESTT)/PHED/1-44/2022 The competent authority is pleased to order the following postings/transfers of officers of the Public Health Enng. Department, in the interest of public service, with immediate effect:-

S.#	Name	From	To
1.	Mr. Muhammad Iqbal, BPS-16	Sub Engineer PHE Sub Division, Bajaur	SDO (OPS) PHE Sub Division Nawagai, Bajaur (Vise S.No 04)
2.	Mr. Amir Zada, BPS-16	SDO (OPS) PHE Sub Division Charsadda	ADE O/O Chief Engineer (South), against the vacant post
3.	Mr. Tariq Mehmood, BPS-17	SDO PHE Sub Division Takht-e-Nasratti-I Karak	SDO PHE Sub Division, Charsadda (Vise S.No 02)
4.	Mr. Aurangzeb, BPS-16	SDO (OPS) PHE Sub Division Nawagai, Bajaur	SDO PHE Sub Division Tangi, Charsadda (Vise S.No 05)
5.	Mr. Abdali Shah, BPS-16	SDO PHE Sub Division Tangi, Charsadda	SDO PHE Sub Division Takht-e-Nasratti-I, Karak (Vise S.No 03)

**SECRETARY  
PHE DEPARTMENT**

Dated Peshawar, the August 29, 2022

No.SO(ESTT)/PHED/1-44/2022

Copy forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. All Chief Engineer PHE Khyber Pakhtunkhwa Peshawar.
3. Director Technical PHE Department Peshawar.
4. Superintending Engineer PHE Circle Peshawar/Kohat/Malakand at Timergara.
5. Executive Engineer PHE Division Bajaur/Charsadda/Karak.
6. District Accounts Officer Charsadda/Karak/Bajaur.
7. All Section Officers PHE Department Peshawar.
8. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Peshawar.
10. PA to Additional Secretary PHE Department.
11. Officers concerned.
12. Office Order / Personal Files.

(SHER AZAM KHAN)  
SECTION OFFICER (EST)

RECEIVED

Y. A. S.

MIF

To

The Secretary,  
Public Health Engineering Department,  
Khyber Pakhtunkhwa, Peshawar.

Through Proper Channel

Subject: DEPARTMENTAL APPEAL/REPRESENTATION AGAINST  
THE IMPUGNED NOTIFICATION DATED 29.08.2022  
WHEREBY THE APPELLANT HAS BEEN TRANSFERRED  
FROM PHE SUB DIVISION CHARSADEA TO THE OFFICE  
OF CHIEF ENGINEER (SOUTH).

Respected Sir,

With reference to the subject noted above it is stated with great respect that appellant was transferred from the PHE sub Division Charsadda and one Mr. Tariq Mehmood (BPS-17) is transferred against the post of appellant from PHE Sub Division Takht-e-Nasrati-1 Karak, vide impugned notification No.S.O(Estt.)PHED/1-44/2022 dated 29.08.2022 and the subject notification is liable to be set aside to the extent of appellant and Tariq Mehmood at serial No. 3 being illegal, unlawful and against the transfer posting policy of the provincial government as well as the rules on the subject on the following grounds amongst other:

1. That impugned transfer order is the outcome of the extraneous political pressure had not passed in exigency of service.
2. That the impugned notification is without any legal justification.
3. That the appellant has been transfer from home station PHE Sub Division Mardan to PHE sub division Totali (Buner) vide notification No.SO(Estt)/PHED/1-44/2022 dated 05.04.2022.
4. That he/ appellant assumed the charge of sub divisional officer PHE Sub Division Totali (Buner) on the next day dated 06.04.2022 in the compliance of office order of worthy Secretary.
5. That after performing duty one month and twenty four days again he was transferred to PHE sub division Swabi by the competent authority vide notification No.SO(Estt)/PHED/1-44/2022 dated 02.06.2022.
6. That on the compliance of the office order of worthy Secretary assumed the charge of the sub divisional officer PHE Sub Division Swabi on the next day 02.06.2022.

SECY PHE  
No. 343

30/8/2022

(15)

~~Amir~~ H

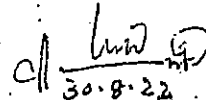
(15)

- 16
- 16
7. That after performing only Eighteen days duty the appellant is again transferred to Charsadda vide notification No.SO(Estt)/PHED/1-44/2022 dated 20.06.2022.
  8. That I obey the order of the Secretary and assumed the charge of PHE sub division Charsadda on 23.06.2022.
  9. That after performing of two months duty on the same station the undersigned is again transferred to ADE O/O chief Engineer (South) vide notification No.SO(Estt)/PHED/1-44/2022 dated 29.08.2022.
  10. That I have been made a rolling stone on frequent transfer within short span of time before the completion of tenure on the relevant station.
  11. That due to frequently transfer/posting the appellant is deprived from receiving monthly salary for the last of Three months.
  12. That transfer is completely premature and violation of the provision of transfer/posting policy.
  13. That the transfer is biased on serious and grave personal (humiliation) ground.
  14. That subjected notification is completely against the Transfer/Posting policy and judgment of Honorable Supreme Court of Pakistan. The same need as positive review in the interest of justice.
  15. That keeping in view the facts mentioned above the department was supposed to allow the appellant to complete at least the normal tenure of two years at a station but he hardly served any station for two to three months.

It is, therefore, requested that impugned notification dated 29.08.2022 may very kindly be set aside to the extent of appellant and the official at serial No. 2, namely ~~Mr. Amir Zada~~ the appellant be allowed to complete his normal tenure at Charsadda.

Dated: 30.08.2022

Yours Obediently

  
30.8.22

AMIR ZADA

SUB DIVISION OFFICER  
PHE SUB DIVISION CHARSADDA



(17) AM 20/8/22  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGGI DEPARTMENT

Dated Peshawar, the August 31, 2022

**NOTIFICATION**

**No. SO(ESTT)/PHED/1-44/2022:** The competent authority is pleased to cancel/withdrawn of this Department notification of even No. dated 29.08.2022 from the date of its issuance.

**SECRETARY  
PHE DEPARTMENT**

**No. SO(ESTT)/PHED/1-44/2022**

**Dated Peshawar, the August 31, 2022**

Copy forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. All Chief Engineer PHE Khyber Pakhtunkhwa Peshawar.
3. Director Technical PHE Department Peshawar.
4. District Monitoring Officer, NA-24, Charsadda-II.
5. Superintending Engineer PHE Circle Peshawar/Kohat/Malakand at Timergara.
6. Executive Engineer PHE Division Bajaur/Charsadda/Karak.
7. District Accounts Officer Charsadda/Karak/Bajaur.
8. All Section Officers PHE Department Peshawar.
9. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
10. PS to Secretary PHE Department Peshawar.
11. PA to Additional Secretary PHE Department.
12. Officers concerned.
13. Office Order / Personal Files.

*(Signature)*  
20/8/22  
**(SHER AZAM KHAN)  
SECTION OFFICER (ESTT)**

ATTACHED

*(Handwritten signature)*

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG. DEPARTMENT**

Dated Peshawar, the September 14, 2022

**NOTIFICATION**

**No. SO(ESTT)/PHED/1-44/2022:** The competent authority is pleased to order the following postings/transfers of officers of the Public Health Enng. Department, in the interest of public service, with immediate effect:-

S. #	Name	From	To
1.	Mr. Muhammad Iqbal, BPS-16	Sub Engineer PHE Sub Division, Bajaur	SDO (OPS) PHE Sub Division Nawagai, Bajaur (Vise S.No 01)
2.	Mr. Aftin Zada, BPS-16	SDO (OPS) PHE Sub Division Charsadda	ADE O/Q Chief Engineer (South); against the vacant post
3.	Mr. Tariq Mehmood, BPS-17	SDO PHE Sub Division Takht-e-Nasrati-I Karak	SDO PHE Sub Division, Charsadda (Vise S.No-02)
4.	Mr. Aurangzeb, BPS-16	SDO (OPS) PHE Sub Division Nawagai, Bajaur	SDO PHE Sub Division Tangl, Charsadda (Vise S.No 05)
5.	Mr. Abdall Shah, BPS-16	SDO PHE Sub Division Tangl, Charsadda	SDO PHE Sub Division Takht-e-Nasrati-I, Karak (Vise S.No 03)

**SECRETARY  
PHE DEPARTMENT**

**No. SO(ESTT)/PHED/1-44/2022:**

Dated Peshawar, the September 13, 2022

Copy forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. All Chief Engineer PHE Khyber Pakhtunkhwa Peshawar.
3. Director Technical PHE Department Peshawar.
4. Superintending Engineer PHE Circle Peshawar/Isohat/Malakand at Timergara.
5. Executive Engineer PHE Division Bajaur/Charsadda/Karak.
6. District Accounts Officer Charsadda/Karak/Bajaur.
7. All Section Officers PHE Department Peshawar.
8. Provincial Minister for PHE Khyber Pakhtunkhwa Peshawar.
9. Secretary PHE Department Peshawar.
10. PA to Additional Secretary PHE Department.
11. Officers concerned.
12. Office Order / Personal Files.

*(Signature)*  
**(SHER AZAM KHAN)  
SECTION OFFICER (ESTT)**

*(Handwritten signature)*

(19)

To be substituted of this Department Notification of even No. & dated



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the September 13, 2022

**NOTIFICATION**

**No.SO(Estt)/PHED/1-44/2022:** The competent authority is pleased to order the following postings/transfers of officers of the Public Health Engg: Department, in the interest of public service, with immediate effect:-

S.#	Name	From	To
1.	Mr. Muhammad Iqbal, BPS-16	Sub Engineer PHE Sub Division, Bajaur	SDO (OPS) PHE Sub Division Nawagai, Bajaur
2.	Mr. Amir Zada, BPS-16	SDO (OPS) PHE Sub Division Charsadda	ADE O/O Chief Engineer (South), against the vacant post
3.	Mr. Aurangzeb, BPS-16	SDO (OPS) PHE Sub Division Nawagai, Bajaur	SDO (OPS) PHE Sub Division, Charsadda


**SECRETARY  
PHE DEPARTMENT**

**No.SO(ESTT)/PHED/1-44/2022:**

**Dated Peshawar, the September 13, 2022**

Copy forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. All Chief Engineer PHE Khyber Pakhtunkhwa Peshawar.
3. Director Technical PHE Department Peshawar.
4. Superintending Engineer PHE Circle Peshawar/Kohat.
5. Executive Engineer PHE Division Bajaur/Charsadda/Karak.
6. District Accounts Officer Charsadda/Karak/Bajaur.
7. All Section Officers PHE Department Peshawar.
8. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Peshawar.
10. PA to Additional Secretary PHE Department.
11. Officers concerned.
12. Office Order / Personal Files.

  
13/9/22  
**(SHER AZAM KHAN)**  
**SECTION OFFICER (ESTT)**

20

Anex

K

20

To.

The Provincial Election Commission  
Khyber Pakhtunkhwa Peshawar

Subject: COMPLAINT AGAINST TRANSFER / POSTING VIDE NOTIFICATION  
NO # S.O(ESTT)FHED/1-44/2022 DATED: 13-09-2022

Respected Sir,

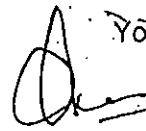
It is stated that the applicant Mr. Amir Zada SDO PHE sub division Charsadda his transferred to O/O Chief Engineer (South) Peshawar, which is violation of bane imposed by ECP in district Charsadda. The transfer is completely based on extraneous political presser and not in the interest of public.

It is requested that the subjected notification issued by secretary PHED may be withdraw are cancel till the completion of election process or expiry of bane imposed by ECP. (Order Copy Attached)

Thanking You & Anticipation.

Dated: 20/09/2022

Yours Sincerely



Amir Zada  
SDO PHE Charsadda  
Cell # 0333-9864637  
CNIC # 16101-7667994-3



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG. DEPARTMENT

Dated Peshawar, the September 27, 2022

NOTIFICATION

No.SO(Estt)/PHED/1-44/2022: The competent authority is pleased to hold in abeyance this department notification of even No. dated 13-09-2022 till culmination of by election process in NA-24 Charsadda-II, in the interest of public service, with immediate effect.

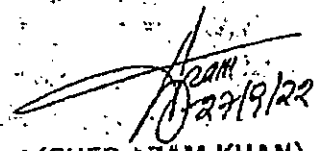
SECRETARY  
PHE DEPARTMENT

No.SO(ESTT)/PHED/1-44/2022:

Dated Peshawar, the September 27, 2022

Copy forwarded for information & necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. All Chief Engineer PHE Khyber Pakhtunkhwa Peshawar.
3. Director Technical PHE Department Peshawar.
4. Superintending Engineer PHE Circle Peshawar/Kohat.
5. Executive Engineer PHE Division Bajaur/Charsadda/Karak.
6. District Accounts Officer Charsadda/Karak/Bajaur.
7. Dy. Director (M&T) Provincial Election Commission, Charsadda Khyber Pakhtunkhwa.
8. All Section Officers PHE Department Peshawar.
9. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
10. PS to Secretary PHE Department Peshawar.
11. PA to Additional Secretary PHE Department.
12. Officers concerned.
13. Office-Order / Personal Files.

  
(SHER AZAM KHAN)  
SECTION OFFICER (ESTT)



To,

The Secretary Public Health  
Engineer Department  
Khyber Pakhtunkhwa, Peshawar

SECY PHE  
Dairy No 695  
Dated: 20-09-2022

Subject: Representation / Departmental appeal against impugned notification  
vide No SO(ESTT)PHED/1-44/2022 dated: 13-09-2022 where by the  
applicant has been transferred from the sub division Charsadda to  
the O/O Chief Engineer (South)

Respected Sir,

With reference to the above it is stated that the applicant has transferred from PHE Sub Division Charsadda and one Mr. Aurangzeb is transferred and posted against the post of applicant vide subjected notification. The subjected notification is liable to be a set aside to the extent of applicant and one Mr Aurangzeb Serial No. 3 being illegal, unlawful and against the transferred posting policy of the provincial government as well as not in the best interest of public.

The present representation is submitted in the continuation of previous appeal SECY PHE Dairy No. 373 dated: 30-08-2022. (Copy attached which is self-explanatory)

That I have been made a rolling stone and short span of time (4 Months) six times transferred from one station to other station. That due to frequently transfer / Posting the applicant is derived from salary from the last of 4 Months.

The transferred is completely immature and violation of the transfer posting policy. The notification is issued on such occasion where the bane is imposed on transfer /-posting vide ECP F.8 (9)2022-Cord-2 Islamabad 05-08-2022 in district Charsadda.

That keeping in views the facts the impugned notification No. SO(ESTT)PHED/1-44/2022 dated 13-09-2022 may be cancel and the applicant to allow compete the tenure (2 years).

Thanks

Dated: 20-09-2022

Your Obediently

Sd X X X  
Amir Zada  
SUB DIVISIONAL OFFICER  
PHE CHARSADDA  
Cell # 0333-9864637  
CNIC # 16101-7667994-3

*Yous*



24

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**PUBLIC HEALTH ENGG: DEPARTMENT**  
(Civil Secretariat, Technical Block, Police Line Road, Peshawar)

NO.SOE/PHED/1-44/021  
Dated Peshawar, the October 19, 2022

PHEDKPGovt PHEDKPGovt Msoephed@gmail.com 0919210857 0919213922

To,

Mr. Amir Zada,  
SDO (OPS), PHE Sub Division, Charsadda

Subject:

REPRESENTATION/ DEPARTMENTAL APPEAL AGAINST IMPUGNED NOTIFICATION DATED 13.09.2022 WHEREBY THE APPEALANT HAS BEEN TRANSFERRED FROM THE SUB DIVISION CHARSADDA TO CHIEF ENGINEER (SOUTH) PHED

I am directed to refer to your appeal No. nil dated 20/09/2022 on the subject noted above and to inform that your representation/appeal was considered and rejected.

19/10/22  
SECTION OFFICER (ESTT)

Annexure (N)

(25)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



W.P No. 3729P /2022

AMIR ZADA S/O BAHADAR KHAN SUB-DIVISIONAL OFFICER (OPS)  
PHE CHARSADDA RESIDENT OF QASIM (TORU) TEHSIL GHARI  
KAPURA DISTRICT MARDAN.....

Petitioner

VERSUS

1. THE GOVERNMENT OF KHYBER PAKHTUNKHWA  
THROUGH CHIEF SECRETARY PESHAWAR.
2. THE SECRETARY PUBLIC HEALTH ENGINEERING  
DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR
3. THE CHIEF ENGINEER PHE (CENTER) PUBLIC HEALTH  
DEPARTMENT PESHAWAR
4. THE SUPERINTENDENT ENGINEER PHE CIRCLE  
PESHAWAR
5. THE EXECUTIVE ENGINEERS PHE DIVISION  
CHARSADA
6. THE ACCOUNTANT GENERAL, KHYBER  
PAKHTUNKHWA PESHAWAR
7. THE DISTRICT ACCOUNTS OFFICER CHARSADDA
8. THE TARIQ MEHMOOD SUB-DIVISIONAL OFFICER.
9. MR. AURANGZEB SUB-DIVISIONAL OFFICER.....

RESPONDENTS

Filed today.

*[Signature]*  
7<sup>th</sup> SEP 2022

~~ATTESTED~~  
EXAMINER  
Peshawar High Court

Incharge,  
Peshawar High Court Sub-Registry,  
MARDAN.

WRIT PETITION UNDER ARTICLE: 199 OF THE  
 CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,  
 1973, AGAINST THE IMPUGNED OFFICE  
 ORDER/NOTIFICATION VIDE NO.SO (ESTT)/PHED/1-44-  
 2022 DATED 13-09-2022 WHEREBY THE PETITIONER  
 HAS PREMATURELY BEEN TRANSFERRED FROM THE  
 OFFICE OF THE SDO (OPS) PHE SUB DIVISION  
 CHARSADA TO ADE O/O CHIEF ENGINEER (SOUTH)  
 PESHAWAR AND AGAINST NO ACTION TAKEN ON THE  
 DEPARTMENTAL APPEAL OF THE PETITIONER.

Filed today  
 27 SEP 2022  
 Incharge,  
 Peshawar High Court Sub-Registry,  
 Peshawar.

=====  
Respectfully Sheweth:

Brief Facts giving rise to this writ petition are submitted as under:

- 1) That the petitioner is working in the Public Health Department as a SDO and presently performing duties in PHE Sub Division Charsadda.
- 2) That the petitioner has performed unblemished and satisfactory performance in the department and having no stigma or complaint against the petitioner during entire service.
- 3) That the petitioner was transferred from home station PHE sub Division Mardan to PHE sub division Totali (Buner) vide notification No.So(Estt)/PHED/1-44/2022 dated 05-04-2022, in compliances of the same order he assumed the charge at the new place of posting where he served for a term of one month and twenty four days.  
 (Copy of the notification dated 05-04-2022 is annexed here with)
- 4) That the petitioner after such duration of performing the duty was again transferred from PHE sub division Totali (Buner) to PHE Sub Division Swabi vide notification No.So(Estt)/PHED/1-44/2022 dated 01-06-2022, where he performed his duty for eighteen days

ATTESTED  
 EXAMINER  
 Peshawar High Court

(Copy of the notification 01-06-2022 is annexed here with)

- 5) That after that he was again transferred from PHE Sub Division Swabi to SDO (OPS) PHE Sub Division Charsadda vide notification No.So(Estt)/PHED/1-44/2022 dated 20-06-2022.

(Copy of the notification 20-06-2022 is annexed here with)

- 6) That new order of transfer via notification No.So(Estt)/PHED/1-44/2022 dated 29-08-2022 from charsada to ADE O/O Chief Engineer (south), against the vacant post is made.

(Copy of the notification 29-08-2022 is annexed here with)

- 7) That the after the above notification, the petitioner made a departmental appeal (diary number 373) on 30-08-2022.

(copy of the departmental appeal is attached)

- 8) That order of the 29-08-2022 was cancel through the notification No.So(Estt)/PHED/1-44/2022 dated 31-08-2022.

(Copy of the notification 31-08-2022 is annexed here with)

- 9) That a new impugned notification no.So (Estt)/PHED/1-44/2022 dated 13-09-2022 was issued through which the order of the 29-08-2022 was restored in original shape. In this notification Mr.Tariq Mehmoed (SDO) was transferred/posted against the petitioner.

(Copy of the notification 13-09-2022 is annexed here with)

- 10) That after that a new impugned notification bearing same date and number (no.So (Estt)/PHED/1-44/2022 dated 13-09-2022) was issued, through which the Mr. Aurazeb (BPS-16) was transferred/posted against the petitioner post. It is worth mentioned that the impugned notification bears the same date and notification, but only a slight change is made, which is the change of the person transferred against the petitioners post.

11) That the 2<sup>nd</sup> departmental appeal is submitted to the worthy secretary PHE against the notification no so(Estt) PHED/1-44/22 dated 13/09/2022 vide dairy number 695 dated 20-09-2022 for the sympathetic consideration.

(copy of the departmental appeal is annexed here with)

**ATTESTED**  
EXAMINER  
Peshawar High Court

Jocharge,  
Peshawar High Court Sindh Registry,  
Mardan.

22 SEP 2022

Filed today

GROUNDS

- A. That the petitioner has served the department for sufficient time with zeal and devotion and no adverse remarks are available in his service record.
- B. That the petitioner has not been treated by the respondent department in accordance with and rules on the subject above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic republic of Pakistan.
- C. That the petitioner was transferred so many times just in the same year 2022 from the month of April to August, without any reasons in violation of transfer and tenure policy which is also against the law, rules, and judgment of august Supreme court of Pakistan enshrine in Anita Turab VS Federation of Pakistan reported on 2013 PLD SC P 195.
- D. That likewise, the impugned order dated 13-09-2022 of the Department/Secretary PHE qua transfer of the petitioner not being permissible and the same being whimsical, arbitrary and punitive in nature and therefore, in violation of fundamental rights of the Constitution of Islamic Republic of Pakistan of 1973 and in contravention of rules and policy, therefore not tenable in the eyes of law.
- E. That the petitioner has not been completed his tenure in Charzadda Sub Division and the normal period of posting of a Government Servant at a station, according to the 21 of the rules of business is three years, which has to be followed in the ordinary circumstance, unless for reasons or exigencies of service a transfer before expiry of the said period becomes necessary thus the said transfer without completion of tenure is against the law and rules, constitution and fundamental rights.
- F. That the transfer of the petitioner is against the tenure, appointment, promotion and posting/transfer are of utmost importance in the civil service, and the same will rightly be considered and treated as part of the terms and conditions of service of a civil servant. If, however, rules and instructions are deviated from and as a result merit is discouraged on account of favouritism, Sifarish or considerations other than merit, it

~~ATTESTE~~  
~~EXAMINER~~  
 Peshawar High Cr

Filed today

22 SEP 2022

Incharge,  
 Peshawar High Court Sudo-Registry,  
 Mardan.

should be evident that civil service will not remain independent or efficient in this regard reliance upon Constitution petition no 23/2012 petition by Ms. Anita Turab Vs Government of Pakistan etc.

G. That act of the respondents department is based on of political and without tenure policy transfers as per law and at of superior courts relied upon the reliance of judgements of the Supreme Court of Pakistan 1996 SCMR 1000 (Muhammad A. Vs Secretary Establishment Division, Govt. of Pakistan) is reproduced here for ease of reference,

*"If the service tribunal or supreme court decides a point of law relating to the terms of service of a civil servant which covers not only to the case of civil servant who litigates, but also of the civil servant, who have not taken any legal proceedings, in such case, the dictates a rule of general application demand that the effect of such judgement by service tribunal should be extended to all civil servants, who may not be parties to the litigation instead of the usual approach, the service tribunal or any other forum"*


H. That the petitioner craves that the court may be pleased to advance any other ground at the time of hearing and to accept all the arguments/documents if necessary, in support of this service application.

PRAYER:

ON ACCEPTANCE OF THE INSTANT WRIT PETITION THE IMPUGNED OFFICE ORDER no SO (ESTT)/PHED/1-44-2022 DATED 13-09-2022 MAY PLEASE BE SET-ASIDE AND THE SAME MAY BE DECLARED AS ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY, VIOLATION OF CONSTITUTION AND IN SHEER VIOLATION OF BAN IMPOSED BY ELECTION COMMISSION OF PAKISTAN VIA NOTIFICATION NOF.8(7)/2022-CORD (4) DATED 05-08-2022, AND EVIDENTLY AN OUTCOME OF POLITICAL MOTIVATION,

~~ATTESTED~~  
~~EXAMINER~~  
Peshawar High Court

Incharge,  
Peshawar High Court Sub-Registry,  
Mirdan,  
27 SEP 2022

Filed today  




THEREFORE RESPONDENTS MAY BE DIRECTED TO WITH DRAW THE ABOVE STATED ORDER AND TRANSFER FROM HIS PRESENT POST SE CHARSADA TILL THE COMPLETION OF THE STA TENURE. ANY OTHER REMEDY WITH THIS AUGUST TRIBUNAL DEEMS FIT THAT MAY ALSO BE AWARDED IN FAVOUR OF THE PETITIONER.

INTERIM RELIEF:

BY WAY OF INTERIM RELIEF, THE OPERATION OF THE IMPUGNED OFFICE ORDER NO.SO (ESTT)/PHED/1 -2022 DATED 13-09-2022 MAY KINDLY BE SUSPENDED TILL THE DISPOSAL OF THE CASE.

Filed today,

27 SEP 2022

Incharge,  
Peshawar High Court Sub-Registry,  
Mardan.

Appellant

Through

(Abdur Rasheed Pir Zada)

ABDUR RASHID PIR ZADA  
Advocates, High Court  
Peshawar High Court  
Distt Court Mardan Peshawar

Dated: 22.09.2022

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

(31) (31)

**BEFORE THE HON'BLE PESHAWAR HIGH COURT PESHAWAR**

WP No. 37281 /2022

**Amir Zada** ..... **Petitioner**

**VERSUS**

**Chief Secretary & others**..... **Respondent**

**AFFIDAVIT**

I, **Amir Zada S/o Bahadar Khan R/o Haji Bahadar Khan Kothay, Sharif Abad, Tehsil & District Mardan**, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court

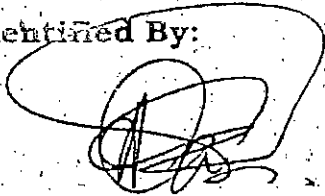


**DEPONENT**

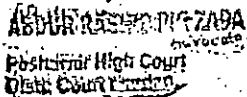
CNIC # **16101-766794-3** ✓

Cell # **0333-9864637**

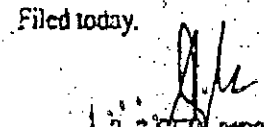
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**ABDUR RASHEED PIR ZADA**  
Advocate, Peshawar

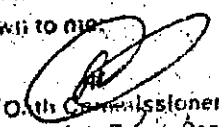
  
ABDUR RASHEED PIR ZADA  
Advocate  
Peshawar High Court  
Distt. Court Peshawar

Filed today.

  
7 SEP 2022  
Incharge,  
Peshawar High Court Sub-Registry,  
Mardan.

No. 9701

Certified that the above was verified on solemnly affirmation before me in office, this 22 day of Sep 2022 by Amir Zada s/o Bahadar Khan who was identified by Abd. Rasheed Pir Zada who is personally known to me.

  
Oath Commissioner  
Peshawar High Court, Peshawar

22/09/2022

13 SEP 2022

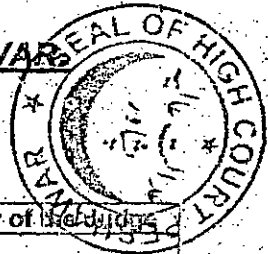
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**PESHAWAR HIGH COURT, PESHAWAR**

**FORM 'A'  
FORM OF ORDER SHEET**



Date of order.	Order or other proceedings with the order of proceedings
05.10.2022	<p><b><u>W.P.No.3728-P of 2022 with Interim relief.</u></b></p> <p><b>Present:</b> Mr.Abdur Rashid Pirzada, advocate for the petitioner.</p> <p>Mr.Arshad Ahmad, AAG alongwith Mr.Kamran Shahid, Assistant Social Organizer, PHE Department for the respondents.</p> <p><b><u>LAL JAN KHATTAK, J.-</u></b> Amir Zada petitioner, through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, has prayed to this court for issuance of a writ to the following effect:-</p> <p>"On acceptance of the instant writ petition, the impugned office order No.SO (Estt)/PHED/1-44-2022 dated 13.09.2022 may please be set aside and the same may be declared as illegal, unlawful, without lawful authority, void-ab-initio and in sheer violation of ban imposed by Election Commission of Pakistan vide Notification No.F8(7)/2022-Cord (4) dated 05.08.2022, and evidently an outcome of political motivation, therefore, respondents may be directed to withdraw the above stated order and appellant may not be transferred from his present post SDO (OPS) PHE Sub-division Charsadda till the completion of the statutory tenure."</p> <p>2. Arguments heard and record gone through.</p>

*Jan*

~~ATTESTED~~  
~~EXAMINER~~  
Peshawar High Court

3. Admittedly the petitioner is a civil servant and posting and transfer is one of the terms and conditions of his service and if any term and condition of service of a civil servant is violated by his department, then in that eventuality, he can approach the Services Tribunal established by the Government for that purpose and on no count he can come to this court for the enforcement of any of the terms and conditions of his service keeping in view the bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973.

4. For what has been discussed above, this petition is hereby dismissed in limine for its being not maintainable before this court, however, the respondents are directed to decide the petitioner's appeal within 07 days from today.

JUDGE

JUDGE

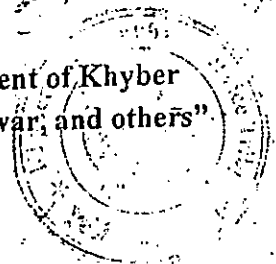
53116  
 Date of Presentation 10/10/2022  
 No of Pages 9-2  
 Copying fee 30/-  
 Total 30/-  
 Date of Presentation 10/10/2022  
 Received by Amin Zader

10 OCT 2022

(34)

Anex

Service Appeal No.1523/2022 titled "Amir Zada Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar, and others"



ORDER

3<sup>rd</sup> July, 2023

1. Appellant in person present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Irfan Anjum, Superintendent for respondents present.

2. Appellant stated that his grievance to the extent of his transfer has been redressed but the issue of withholding of salaries for the months of June, July & October is yet to be resolved. The representative of respondents stated at the bar that the competency of release of withheld salary of the appellant is with respondent No.2 i.e. Secretary Public Health Engineering Department, who has gone abroad for performing Hajj. Therefore, the issue of salaries shall be decided on the return of respondent No.2, from Hajj. Even otherwise, in <sup>the</sup> instant appeal, there is no claim of <sup>Q</sup> prayer of the appellant regarding withholding or releasing of any withheld salaries. Therefore, this appeal is disposed of because the <sup>desired</sup> relief has otherwise been granted to the appellant rendering it fruitless, however, the appellant is at liberty to file fresh appeal for the redressal of grievance regarding his salaries. Consign.

RECORDED  
3-7-23  
PESHAWAR

3. Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 3<sup>rd</sup> day of July, 2023.

(Rashida Bano)  
Member (J)

(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

*[Handwritten signature]*

Date of Presentation of Application: 03/7/23  
Number of Pages: 5  
Copying Fee: 25/-  
Urgent:   
Total: 25/-

(35) (27)

BEFORE THE SERVICE TRIBUNAL, KHYBER  
PAKHTUN KHWA, PESHAWAR.

Service Appeal No 1523 /2022

1. AMIR ZADA S/O BAHADAR KHAN SUB  
DIVISIONAL OFFICER (OPS) PHE CHARSADDA  
RESIDENT OF QASIM (TORU) TEHSIL GHARI  
KAPURA DISTRICT MARDAN.

APPELLANT

VERSUS

1. The Government of Khyber Pakhtunkhwa through  
Chief Secretary Peshawar.
2. The Secretary Public Health Engineering  
Department, Khyber Pukhtunkhwa, Peshawar.
3. The Chief Engineer PHE (Centre) Public Health  
Department Peshawar
4. The Superintendent Engineer PHE Circle Peshawar
5. The Executive Engineer PHE Division Charsada
6. The Accountant General, Khyber Pakhtunkhwa  
Peshawar
7. The District Accounts Officer Charsadda
8. Mr. Tariq Mehmood Sub Divisional Officer, Takht  
Nasrati-I. Karak. (PHE)
9. Mr. Aurangzeb Sub Divisional Officer Nawagai, Bajaur (PHE)

RESPONDE

NTS

24/10/22

Service appeal under section-4 of the khyber  
pakhton khwa, service tribunal act, 1974 against the  
impugned office order/notification vide  
no.so(cstt)/phed/1-44-2022 dated 13-09-2022  
whereby the appellatant has prematurely been  
transferred from the office of the SDO (OPSs) PHE  
sub Division Charsada to SDO ADE O/O Chief  
Engineer (south) Peshawar against which,  
departmental appeal No. SECY diary No. 695

dated 20/09/2022 of the appellant is rejected vide No. SO(E) /PHED/1-44-21 dated 19/10/2022 is rejected.

**prayer:**

*on acceptance of the instant appeal the impugned office order no so (estt)/phed/1-44-2022 dated 13-09-2022 and vide No. SDE/ PHED/1-44-21 dated 19/10/22 may please be set-aside and the same may be declared as illegal, unlawful, without of lawful authority, void-ab-initio and in sheer violation ban imposed by election commission of Pakistan via notification nof.8(7)/2022-cord (4) dated 05-08-2022, and evidently an outcome of political motivation, therefore respondents may be directed to with draw the above stated order and appellant may not be transfer from his present post SDO (OPS) PHE sub division charsadda till the completion of the statutory tenure and order of respondent dated 27/09/2022 " held in abeyance" may be modified to the extent of withdraw. . any other remedy with this august tribunal deems fit that may also be awarded in favour of the appellant.*

**Respectfully Sheweth:**

**Brief Facts giving rise to this Service appeal are submitted as under:**

1. That the appellant is working in the Public Health Department as an SDO and presently performing duties in PHE Sub Division Charsadda.(Copy of the notification is annexed here with)
2. That the appellant has performed unblemished and satisfactory performance in the department and having no

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(Copy of the notification dated 05-04-2022 is annexed here with)

4. That the appellant after such duration of performing the duty was again transferred from PHE sub division Totali (Buner) to PHE Sub Division Swabi vide notification No. So(Est.)/PHED/1-44/2022 dated 01-06-2022, where he performed his duty for eighteen days only(0Y-0M-18 days).

(Copy of the notification 01-06-2022 is annexed here with)

5. That after that he was again transferred from PHE Sub Division Swabi to SDO (OPS) PHE Sub Division Charsadda vide notification No. So (Est.)/PHED/1-44/2022 dated 20-06-2022. At this station he stayed only two months & some days.

(Copy of the notification 20-06-2022 is annexed here with)

6. That new order of transfer via notification No. So (Est.)/PHED/1-44/2022 issued on dated 29-08-2022 from Charsadda to ADE O/O Chief Engineer (south), against the vacant post is made.

(Copy of the notification 29-08-2022 is annexed here with)

7. That after the above notification, the appellant made a departmental appeal (diary number 373) on 30-08-2022.

(Copy of the departmental appeal is attached)

8. That order of the 29-08-2022 was cancelled/withdraw through the Notification No. So (Est.)/PHED/1-44/2022 dated 31-08-2022.

(Copy of the notification 31-08-2022 is annexed here with)

9. That a new impugned notification no. So(Est.)/PHED/1-44/2022 dated 13-09-2022 was issued through which the order of the 29-08-2022 was again restored in his original shape. In this notification Tariq Mahmood was transferred/posted against the applicant.

(Copy of the notification 31-09-2022 is annexed here with)

10. That after that a new impugned notification bearing same date and number (NO. So (Est.)/PHED/1-44/2022 dated 13-09-2022) was issued, through which one Mr. Aurangzeb(BPS-16) was transferred/posted against the applicant post. It is worth mentioned that the impugned notification bears the same date and notification, but only



(38)

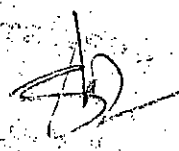
with the change that two persons are exonerated on SAFARISH/APPROACH.

11. That a written complaint is submitted to the provincial election commission to bring in notice that an impugned notification is clearly violation of ban imposed by the Election Commission of Pakistan vide notification no.F.8(9)/2022-cord-2 dated 05<sup>th</sup> August 2022 in District Charsadda till the publication of the name of the returned candidate.

**(Copy of complaint is annexed herewith)**

12. That at the same date 2<sup>nd</sup> departmental appeal is submitted to the worthy secretary PHE against the notification no S.O(Estt) PHED/1-44/22 dated 13/09/2022 vide dairy number 695 dated 20-09-2022 for the sympathetic consideration.

**(Copy of the departmental appeal is annexed here with)**

- 13 That feeling aggrieved of the respondents the petitioner filed writ petition before the honourable high court Peshawar to decide the departmental appeal.
- 14 That the appellant has been made a rolling stone on being frequently transferred within a short span of time before the completion of the statutory tenure on relevant station.
- 15 That as a consequences of consecutive transfer orders the appellant has been deprived from receiving monthly salary for the last three months i.e June, July and October along with that the applicant and his family suffered from mental torture.
- 16 That the transfer is completely premature and violation of the provision of transfer/posting policy.
- 17 That the transfer is based on extraneous political pressure, on serious grave personal (humiliaticn) ground, and had not been passed in exigency of service.
- 18 That the impugned notification is without any legal justification.
- 19 That the subjected notification is completely against the transfer/posting policy and judgment of Honourable
- 

(43)

17 That the transfer is based on extraneous political pressure, on serious grave personal (humiliation) ground, and had not been passed in exigency of service.

18 That the impugned notification is without any legal justification.

19 That the subjected notification is completely against the transfer/posting policy and judgment of Honourable Supreme Court of Pakistan. The same need, as positive review in the interest of justice.

20 That keeping in view the facts mentioned above the department was supposed to allow the appellant to complete at least normal tenure of two years at a station but he hardly served any station for one and a half month.

21 That feeling aggrieved from the order dated 29-08-2022, the appellant filed a departmental appeal before the competent authority Secretary Public Health Department Khyber Pakhtunkhwa on 30-08-2022.

(Copy of the departmental appeal is attached)

22 That both the impugned notification of dated 29-08-2022 and 13-09-2022 are issued on such occasion that ban is imposed on posting/transfer by the Election commission of Pakistan/Khyber Pakhtunkhwa due to election NA-24 District Charsadda.

23 That with the influence of provincial election commission the impugned notification NO S.O(Estt) PHED/1-44/22 dated 13/09/2022 was held abeyance till culmination of by-election NA-24 Charsadda.

24 That meanwhile the petitioner approached to the honourable High Court Peshawar through Writ Petition before PHC which was decided on 05/09/2022 with the direction to the respondent No.2 to decide the departmental appeal within seven days from the date of decision. That the departmental appeal is considered & rejected on dated 19-10-2022. (copy of High Court decision attached)

GROUN

A. That the appellant has served the department for sufficient time with zeal and devotion and no adverse remarks are available in his service record.

(39)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG. DEPARTMENT

Peshawar, the 16th Nov 2022

Notification

NO. ENDST/21/PHE/1-44/2022: Consequently upon the decision of the  
Khyber Pakhtunkhwa Service Tribunal judgment dated 31.10.2022, and on acceptance of the  
decision by the SDO (OPS), the competent authority is pleased to order the  
transfer of the following officers of PHE Department, with immediate effect.

S.No	Name	From	To
1	Mr. Amir Zaheer SES-10	ADE (OPS) O/o Chief Engineer (South) PHED	SDO (OPS) PHE Sub Division, Charsadda
2	Mr. Arshad SES-10	SDO (OPS) PHE Sub Division, Charsadda	ADE (OPS) O/o Chief Engineer (South) PHED

*S.*  
*Arshad*

SECRETARY  
PHE DEPARTMENT

ENDST: No & Date as above;

Copy forwarded for information to:

1. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
  2. Chief Engineer (South/Center) PHE Khyber Pakhtunkhwa Peshawar
  2. Executive Engineer PHE Division Charsadda.
  3. District Accounts Officer Charsadda.
  4. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
  5. PA to Additional Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
  6. A Section Officers, PHE Department
  7. Officer concerned
  8. Office Order / Personal File
- Yusuf*

*Sheraz Khan*  
16/11/2022  
(SHERAZA KHAN)  
SECTION OFFICER (ESTT)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the June 22, 2023

**NOTIFICATION**

**No.SO(ESTT)/PHED/1-44/2022:** In continuation to this department notifications No.SO(ESTT)PHED/4-1/2023 dated 23.05.2023 & 24.05.2023, the competent authority is pleased to order posting/adjustment of officers / officials of the Public Health Engg: Department in the best interest of public service, with immediate effect:

S#	Name	From	To	Remarks
1.	Engr. Shafqat Adnan (BPS-17)	Newly appointed	SDO PHE Sub Division, Kalaya Orakzal.	By relieving Mr. Afsar Ali, Sub Engineer (BPS-12) from the additional charge.
2.	Engr. Salahuddin (BPS-17)	Newly appointed	SDO PHE Sub Division, Shakardara, Kohat.	Vice S.No.39
3.	Engr. Nasir Sohail (BPS-17)	Newly appointed	SDO PHE Sub Division, Takht-e-Nasrati-I, Karak-II	Vice S.No.40
4.	Engr. Muhammad Shahbaz Khan (BPS-17)	Newly appointed	SDO PHE Sub Division, Drosh, Lower Chitral.	Against the vacant post
5.	Engr. Asim Naseeb (BPS-17)	Newly appointed	SDO PHE Sub Division, Haripur.	Vice S.No.30
6.	Engr. Shujaat Hussain (BPS-17)	Newly appointed	SDO PHE Sub Division, Lower Kurram.	Against the vacant post
7.	Engr. Zahoor Ahmad (BPS-17)	Newly appointed	Assistant Director Lab. O/o Chief Engineer (Center) PHED.	Against the vacant post
8.	Engr. Syed Muzammil Shah (BPS-17)	Newly appointed	SDO PHE Sub Division, Sheringal Dir Upper.	Against the vacant post
9.	Engr. Mohsin Iqbal (BPS-17)	Newly appointed	ADE O/o Chief Engineer (South) PHED.	Against the vacant post.
10.	Engr. Shabnam Afridi (BPS-17)	Newly appointed	ADE O/o Chief Engineer (Center) PHED.	Against the vacant post
11.	Engr. Azhar Ali Khan (BPS-17)	Newly appointed	SDO PHE Sub Division, Tangl Charsadda.	Vice S.No.33
12.	Engr. Fahad Zaman (BPS-17)	Newly appointed	SDO PHE Sub Division, Hangu.	By relieving Mr. Saif Ul Islam Sub Engineer. (BPS-12) from the additional charge.
13.	Engr. Hammad Tariq (BPS-17)	Newly appointed	ADE O/o Chief Engineer (North) PHED	Against the vacant post
14.	Engr. Arsalan Ahmad (BPS-17)	Newly appointed	ADE O/o Chief Engineer (East) PHED.	Against the vacant post.

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S#	Name	From	To	Remarks
15.	Engr. Noman Hilal (BPS-17)	Newly appointed	SDO PHE Sub Division, Khwaza Khela, Swat-II.	Vice S.No.38
16.	Engr. Arsalan (BPS-17)	Newly appointed	SDO PHE Sub Division, B.D Shah Karak-I.	By relieving Mr. Ijaz Ahmad, Sub Engineer (BPS-12) from the additional charge.
17.	Engr. Muhammad Ihtisham Khan (BPS-17)	Newly appointed	ADE O/o Chief Engineer (North) PHED	Against the vacant post.
18.	Engr. Haris Sajjad (BPS-17)	Newly appointed	SDO PHE Sub Division No. 1, Lakki Marwat.	Vice S.No.31
19.	Engr. Mian Syed Nawab (BPS-17)	Newly appointed	SDO PHE Sub Division, Totalayi Buner.	Vice S.No.34
20.	Engr. Hammad Wadood (BPS-17)	Newly appointed	SDO PHE Sub Division, Daggar No.2, Buner.	Vice S.No.35
21.	Engr. Sikandar Hayat (BPS-17)	Newly appointed	Asstt. Technical Officer, O/o Chief Engineer (South), PHE Department	Against the vacant post.
22.	Engr. Shoukat Ullah (BPS-17)	Newly appointed	SDO PHE Sub Division, Tank.	Vice S.No.36
23.	Engr. Syed Muhammad Huzaifa (BPS-17)	Newly appointed	SDO PHE Sub Division, Allai Battagram.	Against the vacant post
24.	Engr. Maaz Bin Sajjad (BPS-17)	Newly appointed	SDO PHE Sub Division, Oghi Mansehra.	Vice S.No.32
25.	Engr. Ahmad Ud Din Shah (BPS-17)	Newly appointed	SDO PHE Sub Division, Karak-I	Vice S.No.41
26.	Engr. Shamaila Wafa Qammar (BPS-17)	Newly appointed	ADE O/o Chief Engineer (East) PHED.	Against the vacant post
27.	Engr. Jasra Rehman (BPS-17)	Newly appointed	ADE O/o Chief Engineer (North) PHED	Against the vacant post
28.	Engr. Mahnoor Bibi (BPS-17)	Newly appointed	ADE O/o Chief Engineer (East) PHED.	Against the vacant post
29.	Engr. Gule-E-Mehwish (BPS-17)	Newly appointed	ADE O/o Chief Engineer (South) PHED	Against the vacant post
30.	Mr. Mehboob Ur Rahman (BPS-16)	SDO (OPS) PHE Sub Division, Haripur.	Sub Engineer PHE Division, Haripur.	
31.	Mr. Muhammad Arif (BPS-12)	SDO PHE Sub Division, Lakki Marwat-I	Sub Engineer PHE Division, Lakki Marwat.	
32.	Mr. Atta Muhammad (BPS-16)	SDO (OPS) PHE Sub Division, Oghi Mansehra.	Sub Engineer PHE Division, Mansehra.	
33.	Mr. Abdali Shah (BPS-16)	SDO PHE Sub Division, Tangi Charsadda.	Asst. Technical Officer (OPS) O/o Chief Engineer (Center) PHED.	

PTO

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S#	Name	From	To	Remarks
34.	Mr. Imtiaz Muhammad (BPS-16)	SDO (OPS) PHE Sub Division, Totalayi Buner.	Sub Engineer PHE Division, Buner.	
35.	Mr. Sahar Gul (BPS-16)	SDO (OPS) PHE Sub Division, Daggar No.2, Buner.	Sub Engineer PHE Division, Buner.	
36.	Mr. Mateen Ullah (BPS-12)	SDO PHE Sub Division, Tank.	Sub Engineer PHE Division, Tank.	
37.	Mr. Ijaz Ahmad (BPS-12)	SDO (OPS) PHE Sub Division, Karak-I	Sub Engineer PHE Division, Karak-I.	
38.	Ashfaq Azam (BPS-12)	SDO (OPS) PHE Sub Division, Khwaza khela, Swat-II	Sub Engineer PHE Division, Swat-II.	
39.	Mr. Hamid Ali (BPS-12)	SDO (OPS) PHE Sub Division, Shakardara Kohat.	Sub Engineer PHE Division, Shakardara Kohat.	
40.	Mr. Mustafeez Ur Rahman (BPS-12)	SDO (OPS) PHE Sub Division Takht-e-Nasrati-I, Karak-II	Sub Engineer PHE Division, Karak-II	
41.	Mr. Ijaz Ahmad,	SDO (OPS) PHE Sub Division, Karak-I	Sub Engineer, PHE Division, Karak-I	


**SECRETARY  
PHE DEPARTMENT**

**No. SO (ESTT) / PHE D / 1-44 / 2022:**

**Dated Peshawar, the June 22, 2023**

Copy forwarded for information & necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. All Chief Engineers, PHE Department Peshawar.
3. Director Labs/ Projects PHE Department.
4. Director Technical, PHE Department, Peshawar.
5. Executive Engineer, PHE Divisions, Karak-I & II, Orakzai, Shakardara Kohat, Haripur, Lower Chitral, Haripur, Kurram, Dir Upper, Charsadda, Hangu, Lakki Marwat, Buner, Tank, South Waziristan, Battagram, Mansehra & Bannu.
6. District Accounts Officers, Karak, Orakzai, Kohat, Haripur, Lower Chitral, Haripur, Kurram, Dir Upper, Charsadda, Hangu, Lakki Marwat, Buner, Tank, South Waziristan, Battagram, Mansehra & Bannu.
7. Assistant Director I.T, PHE Department Peshawar.
8. PS to Minister PHE Department Peshawar.
9. PS to Secretary PHE Department Peshawar.
10. PA to Additional Secretary, PHE Department
11. PA to Deputy Secretary-I, PHE Department.
12. Officers/officials concerned.
13. Office Order / Personal Files.

  
22/6/23

**(SHER AZAM KHAN)  
SECTION OFFICER (ESTT)**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the July 19, 2023

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**NOTIFICATION**

**No.SO(Estt)/PHED/1-44/2022:** The competent authority is pleased to order the following posting/transfers of officers of Public Health Engg: Department, in the interest of public service:

S#	Name	From	To
1.	Engr. Azhar Ali Khan, (BPS-17)	SDO PHE Sub Division, Tangi Charsadda.	SDO PHE Sub-Division, Charsadda.
2.	Mr. Amir Zada, (BPS-16)	SDO (OPS) PHE Sub-Division, Charsadda.	SDO (OPS) PHE Sub-Division, Tangi Charsadda.
3.	Mr. Rafiq Ayaz, (BPS-12)	Sub Engineer PHE Division, Peshawar.	SDO (OPS) PHE Sub Division, Pishtakhara, Peshawar-II


**SECRETARY  
PHE DEPARTMENT**

**SO(ESTT)/PHED/1-44/2022:**

**Dated Peshawar, the July 19, 2023**

Copy forwarded for information & necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Chief Engineer (Center) PHE Khyber Pakhtunkhwa Peshawar.
3. Director Technical PHE Department Peshawar.
4. Superintending Engineer PHE Circle, Peshawar.
5. Executive Engineer PHE Division, Peshawar-II & Charsadda.
6. District Accounts Officer, Charsadda.
7. Assistant Director I.T, PHE Department, Peshawar.
8. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Peshawar.
10. PA to Additional Secretary PHE Department.
11. Officers concerned.
12. Office Order / Personal Files.

  
19/7/23  
**(SHER AZAM KHAN)  
SECTION OFFICER (ESTT)**

(45)

91-9210124  
208

3298

May No

31.7.23

97-7-23

(C)

To:

The Hon'ble Chief Secretary  
Khyber Pukhtun Khwa  
Civil Secretariat, Peshawar.

Subject:-

**DEPARTMENTAL APPEAL AGAINST THE TRANSFER / POSTING**  
**IMPUGNED NOTIFICATION VIDE NO. SO(ESTT)/PHED/1-44/2022**  
**DATED:- 19-07-2023**

R/Sir

1. That the appellant is performing duty as Sub Divisional Officer (OPS) at PHE Sub Division Charsadda.
2. That the appellant has served the Department per sufficient time with zeal and devotion.
3. That the appellant has been performed his duty at fore far Districts of the Province i.e Chitral, Kohat, FATA, Peshawar, Nowshehra, Swat, Buner, Sawabi, Mardan and recently Charsadda with clean and clear hands with full honesty to the entire satisfaction of his superior.
4. That during the entire service no any charges and adverse remarks has been liable against the appellant. Now the appellant is at the last stage of service and nearly 59 years old.
5. That the appellant has not been treated by the respondent Department in accordance with Law and Rules on the subject above and such as the respondent violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan.
6. That the appellant transferred so many times (7 times) in the same period from the month of April 2022 to July 2023 with out any reason and is violation of transfer posting tenure policy, Law and Rules.
7. The appellant is recently posted at PHE Sub Division Charsadda vide Notification No. SO(Estt)/PHE/1-44/2022 dated 16-11-2022 in the light of Service Tribunal Judgement 31.10.2022 and acceptance of Appeal.
8. That the appellant has not been completed his tenure at the present post (Charsadda) where a normal period of posting according to Government Service at a station according to the 21 rules of business is 3 years which has to be followed in ordinary circumstance.
9. That due to frequently transfer/posting the appellant deprived from receiving salary for the month of June 2022 which is violation of Service Tribunal decision on 3<sup>rd</sup> July 2023 on the Service Appeal No.1523/2022.
10. That the transfer issued on such occasion where the ban is imposed on transfer posting by Election Commission of Pakistan vide Notification No. F.No.2(I)2023-Cord dated 22-02-2023 through out the province.
11. That issuing of impugned notification No.SO(Estt)/PHED/1-44/2022 dated 19-07-2023 is clear violation of honorable Service Tribunal decision of 3<sup>rd</sup> July 2023 is favor of the appellant.

It is there for humbly prayed that an acceptance of this departmental appeal the impugned notification vide No. SO(Estt)/PHED/1-44/2022 dated 19-07-2023 may please be set aside and the appellant may be allowed to work on the same post and station till the completion of statutory tenure. It is also prayed that the salary for the month of June 2022, which is outstanding against the department may pleased be released.

Dated:- 27-07-2023.

Cell. No. 0333-9864632

Your Sincerely

*(Signature)*

27.7.23

Mr. Amir Zada

Sub Divisional Officer

PHE Sub Division Charsadda



(46)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGINEERING DEPARTMENT


No.SO(Estt)/PHED/ 1-44/2022

Dated Peshawar, the August 29, 2023

Mr. Amir Zada (BPS-16),  
SDO (OPS) PHE Sub-Div: Tangi, Charsadda.

Subject: **DEPARTMENTAL APPEAL AGAINST THE TRANSFER/ POSTING  
INMPUGNED NOTIFICATION VIDE NO.SO(ESTT) PHED/1-44/2022  
DATED 19.07.2023.**

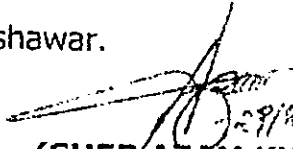
With reference to your appeal No. Nil dated 27-07-2023 on the subject  
noted above and to inform that your representation/appeal was considered and  
rejected.

  
29/8/23  
**(SHER AZAM KHAN)**  
SECTION OFFICER (ESTT)

POST NO & DATE AS ABOVE:

Copy forwarded for information to:

1. PS to Secretary, PHE Department, Peshawar.
2. PA to Deputy Secretary-I, PHE Department, Peshawar.

  
29/8/23  
**(SHER AZAM KHAN)**  
SECTION OFFICER (ESTT)

قیمت 70 روپے

سیریل نمبر

09102



ایڈووکیٹ: *[Signature]*

بار کونسل ایسوسی ایشن نمبر:

رابطہ نمبر:

ڈسٹرکٹ بار ایسوسی ایشن مردان

بعدالت جناب: *[Signature]* لکھنؤ

مخاطب: <i>[Signature]</i>	دعویٰ مقدمہ: <i>[Signature]</i>
اللہ زادہ	علت نمبر: _____
بنام	جرم: _____
چیف سکریٹری و سہ	تھانہ: _____

**باعث تحریر آئیکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام لکھنؤ کیلئے *[Signature]* کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق و زبردست خط کرنے کا اختیار ہوگا، نیز بصورت 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 اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ برداشتہ منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کسی تاریخ پیشی پر وکیل موصوف دورہ پر ہو یا مقام سے باہر ہو یا بیمار ہو یا کوئی ضروری کام ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے۔

المقوم: *[Signature]* لکھنؤ مقام \_\_\_\_\_ کے لئے منظور ہے۔

*[Signature]*  
دستخط وکیل موصوف

منظور تصدیق شدہ