

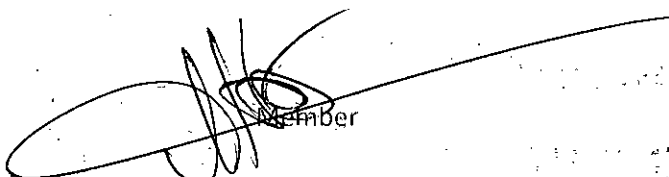
07.04.2017

Counsel for the appellant and Mr. Ziaullah, Government Pleader alongwith Mukhtiar Ali, Supdt. for the respondents present.

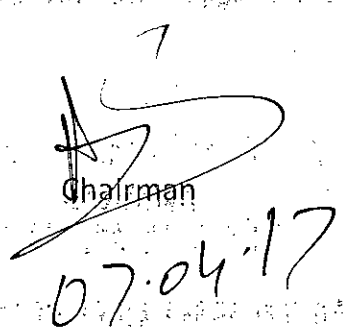
Learned counsel for the appellant informed the Tribunal that he is not in a position to controvert the proposition of further transfer/posting of the appellant to some other station convenient to the appellant.

In view of the above he requested for withdrawal of the appeal.

Dismissed as withdrawn. File be consigned to the record room.



Member



7


Chairman

ANNOUNCED  
07.04.2017

07.04.17

05.04.2016

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on 22.07.2016.

  
Member

22.07.2016

Counsel for the appellant and Assistant AG for respondents present. The learned Government Pleader objected that the present appellants have already been transferred and not interested in the instant appeals and the cases are anfractuous. Learned counsel for the appellant requested for further time to contact the appellant. Request accepted. To come up for arguments/further proceedings on 29.11.2016.


  
Member

  
Member

29.11.2016

Counsel for the appellant, Mr. Muhammad Ibrar, Assistant Secretary and Mukhtiar Ali, Superintendent alongwith Additional AG for respondents present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 7.4.17 before D.B.

  
(ABDUL LATIF)  
MEMBER

  
(PIR BAKHSH SHAH)  
MEMBER

Clerk to counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for the official respondents and Clerk to counsel for private respondent No. 4 present. The Tribunal is incomplete. To come up for the same on 24.3.2015.



MEMBER

24.3.2015 Junior to counsel for the appellant, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the official respondents and Junior to counsel for the private respondent No. 4 present. Both the learned counsel for the appellant as well as private respondent No. 4 are not available, therefore, case is adjourned to 09.10.2015 for arguments.




MEMBER




MEMBER

09.10.2015

Clerk to counsel for the appellant and Mr. Mukhtiar Ali, Supt. alongwith Mr. Muhammad Jan, GP for official respondents and counsel for private respondent No.4 present. Clerk of counsel for the appellant requested for adjournment. To come up for arguments on 5-4-16.



Member



Member

15.07.2014

Counsel for the appellant, and AAG with Mukhtiar, Supdt. for the official respondents present. Clerk to counsel for private respondent No. 4 present and his <sup>counsel</sup> was stated to be busy in the hon'ble High Court. To come up for arguments on 20.8.2014.

  
MEMBER

  
MEMBER

19.08.2014

Clerk to counsel for the appellant and Mr. Kabeerullah Khattak, AAG with Mukhtiar Khan, Supdt. for the official respondents and clerk to counsel for private respondent No. 4 present. The learned Member is on official tour to Abbottabad. To come up for the same on 24.09.2014.

  
READER

24.09.2014

Counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Mir Qasam, Assistant Secretary for the official respondents and counsel for private respondent No. 4 present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court, affecting his status as District & Sessions Judge. To come up for arguments on 20.11.2014.

  
MEMBER

20.11.2014

Junior to counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. For the official respondents and counsel for private respondent No. 4 present. *The Tribunal is incomplete. To come up for the same on 5-1-2015.*

  
READER

30.04.2014

Counsel for the appellant, and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. and Bahadar Khan, Assistant for the official respondents. Clerk to counsel for private respondent No. 4 also present and stated that his senior is busy in hon'ble High Court. To come up for arguments on 12.5.2014.

MEMBER

12.5.2014.

Counsel for the appellant and Mir Qasam, Assistant Secretary for respondent No.1 with AAG for the official respondents and Clerk to counsel for private respondent present. Counsel for private respondent is not available. To come up for arguments on 23.5.2014.

MEMBER

23.5.2014.

Counsel for the appellant, Sr.GP with Mukhtiar Ali, Supdt. for respondent No.1, Syed Iqbal Shah, Assistant for respondents No. 2 & 3 and counsel for private respondent No. 4 present. Counsel for private respondent No.4 requested for adjournment. To come up for arguments on 06.06.2014.

MEMBER

MEMBER

6.6.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for respondent No.1, Syed Iqbal Shah, Assistant for respondents No. 2 & 3 present. Counsel for private respondent No. 4 also present and requested for time. To come arguments on 15.7.2014.

MEMBER

MEMBER

1525/13

28.1.2014

Counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Bahadar Khan, and Syed Iqbal, Shah, Assistants for the respondents No. 2 and 3 present and reply filed. Copy handed over to counsel for the appellant. Mr. Mukhtiar Ali, Supdt. for respondent No.1 and counsel for private respondent No. 4 present, who already filed written replies. To come up for arguments on 20.2.2014. Rejoinder if any, in the meantime.

MEMBER

20.2.2014

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mir Qasam Assistant Secretary and Bahadar Khan, Assistant for the official respondents and counsel for private respondents present. Counsel for the appellant was stated to be busy in the august High Court. To come up for arguments on 21.3.2014. Rejoinder, if any, in the meantime.

MEMBER

21.3.2014

Counsel for the appellant and AAG with Mukhtiar Ali, Supdt. for official respondents and counsel for private respondent present. Counsel for the appellant needs time to file rejoinder. To come up for arguments on 30.4.2014. Rejoinder in the meantime.

MEMBER

MEMBER

19.12.2013.

Appellant with counsel, Mr. Muhammad Adeel Butt, AAG with Mir Qasam Assistant Secretary and Syed Iqbal Shah, Assistant for the official respondents and counsel for private respondent No. 4 present. Respondents No. 1 and 4 need further time to come up for written reply of respondents No. 1 & 4 on main appeal as well as reply/arguments on stay application on 31.12.2013.

MEMBER

MEMBER

31.12.2013.

Counsel for the appellant and Mr. Usman Ghani, Sr.GP with Mir Qasam Assistant Secretary for respondent No. 1 present and reply filed. Copy handed over to counsel for the appellant. Syed Iqbal Shah Assistant for respondents No. 2 and 3 present and assured submission of written reply on behalf of respondent No. 2 on the next date. Private respondent No. 4 with counsel present and filed written reply. Copy handed over to counsel for the appellant. Last chance is given to respondents No. 2 for submission of written reply on main appeal as well as reply/arguments on stay application on 15.1.2014.

MEMBER

MEMBER

15.1.2014

Counsel for the appellant Mr. Muhammad Jan, GP with Mir Qasam Assistant Secretary for respondent No. 1 present who already filed written reply. Syed Iqbal Shah, Assistant for respondents No. 2 and 3 present and stated that written reply prepared and placed before the respondent No. 2 for signature. Private respondent No. 4 with counsel present. To come up for written reply of respondent No. 2 on main appeal as well as reply/arguments on stay application by way of last chance on 28.1.2014.

MEMBER

MEMBER

1525/13

2.12.2013

Counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Assistant for respondent No. 1 present and requested for further time. The learned AAG also requested to contact official respondents No. 2 and 3. None is available on behalf of private respondent No.4, hence placed ex-parte. Written reply of official respondents on main appeal as well as stay application in the meantime and case to come up for arguments on stay application on 6.12.2013.

  
MEMBER

6.12.2013

Counsel for the appellant, Mr. Mukhtiar Ali, Assistant for respondent No. 1 with Mr. Ziaullah, GP for the official respondents present. Written reply of respondents No. 2 and 3 received and placed on file. Copy handed over to counsel for the appellant. Private respondent No. 4 submitted an application for setting aside ex-parte proceedings against him. Copy handed over to counsel for the appellant for reply/arguments on the next date. To come up for written reply of respondent No. 1 on main appeal as well as reply/arguments on stay application on 13.12.2014.

  
MEMBER

  
MEMBER

13.12.2013.

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mir Qasam Assistant Secretary for respondent No.1 present and again requested for time to file written reply. Private respondent No. 4 with Mr. Sajid Amin Advocate present, Wakalatnama placed on file. Counsel for the appellant has no objection on setting aside ex-parte proceedings, if written reply is submitted. Counsel for the private respondent No. 4 assured submission of written reply on the next date. To come up for written reply of respondent No. 1 & 4 and reply/arguments on stay application on 19.12.2014.

  
MEMBER




Appeal No. 1525/2013.  
Mr. Ghayur Khan.

25.11.2013

Counsel for the appellant present and heard. Counsel for

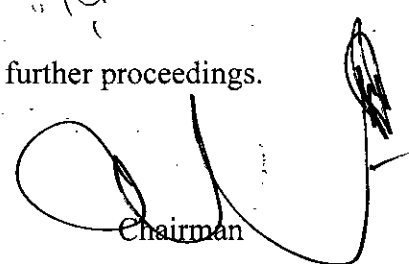
the appellant contended that the appellant has not been treated in accordance with law/rules. He further contended that the original order is pre-mature and the <sup>impugned</sup> order has been passed in violation of appeal rule-5 of the Civil Servants (appeal) rules 1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Appellant also filed an application for suspension of impugned order dated 01.11.2013 and 18.11.2013. Notice be issued to the respondents for submission of written reply on main appeal on 13.12.2013 as well reply/arguments on stay application on 29.11.2013.

Appellant deposited  
Process fee & Security  
of Rs. 1200/- Bank Receipt  
attached with file  
(C.A. No. 1525/2013)

  
Member.

25.11.2013

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

  
Chairman

29.11.2013

Counsel for the appellant and Mr. Usman Ghani, Sr.GP with Mir Qasam Assistant Secretary and Bahadar Khan, Assistant for the official respondents present and requested for further time. None is available on behalf of private respondent No. 4, who may be contacted. To come up for written reply on main appeal as well as reply/arguments on stay application on 2.12.2013.

MEMBER 

MEMBER 

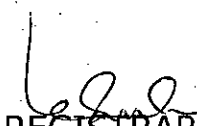
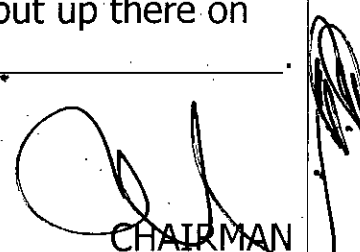
Form-A

FORM OF ORDER SHEET

Court of Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Case No.

1525/2013

S.No.	Date of Order Proceedings	Order or Other Proceedings with Signature of Judge or Magistrate
1.		<p>The Appeal of Mr. <u>Ghayur Khan</u> submitted today by M. Asif Yousafzai, Advocate may be entered in the Institution Register and put up to the Worthy chairman for Preliminary Hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2.	<p><u>22-11-2013</u></p>	<p>The case is entrusted to Primary Bench for Preliminary Hearing, to be put up there on <u>25-11-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 1525/2013.

Ghayur Khan.

Vs

Revenue Deptt:

**APPLICATION FOR EARLY HEARING OF THE APPEAL.**

**R.SHEWETH.**

- 1- That the appellant has filed an appeal and stay application in this august tribunal in which no date has been fixed so far.
- 2- That as the matter is urgent in nature because if the appellant relinquishes the charge the basic appeal would be become infructuous.
- 3- That the interest of justice demands that such like matter should be heard as early as possible to meet the ends of justice and also to meet the principles of access to justice.

It is therefore most humbly prayed that the appeal is hand may be heard on an early date to meet the ends of justice.

APPLICANT.

  
GHAYUR KHAN

THROUGH;

  
M.ASIF YOUSAFZAI  
ADVOCATE.

**AFFIDAVIT**

It is affirmed that the contents of this application are true and correct.

  
DEPONENT.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 1525/2013.

Ghayur Khan.

Vs

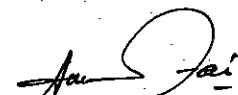
Revenue Deptt:

INDEX.

S.NO	DOCUMENTS	ANNEXURE	PAGE
1-	Memo of appeal.	---	1-3
2-	Saty application.	---	4-5
3-	Copy of Order (24.7.2013)	A	6-7
4.	Copy of Order (1.11.2013)	B	8
5.	Copy of Appeal	C	9
6.	Copy of Rejection Oder	D	10
7.	Copy of Posting, Transfer Policy	E	11-17
8.	Copy of Circular (27.2.2013)	F	18
9.	Vakalat Nama	----	19

APPELLANT.

THROUGH:

  
M.ASIF YOUSAFZAI  
ADVOCATE.

①

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 1525 /2013.

A.W.F. Peshawar  
No. 1575  
Date 20/11/13

Ghayur Khan, Patwari.  
Halqa Pandak, Haripur.....Appellant.

VERSUS

- 1- The SMBR, KPK Peshawar.
- 2- The Commissioner Hazara Division Abbottabad.
- 3- The Deputy Commissioner Haripur.
- 4- Dil Nawaz Patwari, Halqa Pharhari, Haripur .

.....Respondents.

**APPEAL UNDER SECTION 4 OF THE KPK  
SERVICE TRIBUNALS ACT 1974 AGAINST THE  
ORDER DATED. 18.11.2013 WHEREBY THE  
APPEAL AGAINST PREMATURE POLITICALLY  
MOTIVATED TRANSFER ORDER DATED.  
1.11.2013 HAS BEEN REJECTED.**

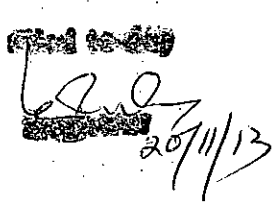
**PRAYER:**

*That on acceptance of this appeal the order dated. 18.11.2013 and 1.11.2013 may be set-aside and the respondents may further please be directed not to transfer the appellant prematurely on political interference and in violation of Govt: policy before the completion of his tenure. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.*

**R.SHEWETH.**

- 1- That while performing his duties as patwari, the appellant was transferred to Halqa Pandak, Haripur after completing his normal tenure at previous station vide order dated. 24.7.2013 and the appellant remained there till 1.11.2013( for three months) Copy of the order is attached as Annexure – A.
- 2- That after the lapse of about 3 months, the appellant was transferred in place of respondent No.4 vide order dated. 1.11.2013 due to political interference and violation of Govt:

Ex-parte  
2-12-2013  
Restored  
13-12-13

  
20/11/13

instructions dated. 27.2.2013. Copy of the order is attached as Annexure – B.

2

- 3- That the appellant filed an appeal against the politically motivated premature transfer order on 5.11.2013 and the same was rejected on 18.11.2013 for no good grounds. Copies of appeal and rejection orders are attached as Annexure – C&D.
- 4- That now the appellant comes to this august tribunal on the following grounds amongst the others.

**GROUND:**

- A. That the order 18.11.2013 And 1.11.2013 are against law, facts, norms of justice and material on record therefore liable to be set aside.
- B. That the impugned transfer order dated 1.11.2013 is politically motivated order and such political interference has strongly been condemned by Supreme Court of Pakistan in its various judgments.
- C. That the appellant's tenure at was just 3 months. Thus the impugned order dated 1.11.2013 was premature.
- D. That the impugned order dated 1.11.2013 is against and in total violation of the government posting and transfer policy dated. 15.2.2003. copy of the posting band transfer policy is attached as Annexure- E
- E. That the even the rejection order dated 18.11.2013 is based on no good grounds and is the violation of Govt; circular dated. 27.2.2013 and as such the same is not sustainable. Copy of Circular is attached as Annexure – F.
- F. That the order dated 1.11.2013 and 18.11.2013 are against the principles laid down by Hon'ble Supreme Court of Pakistan in case of Anita Turab.
- G. That the appellant has not been treated according to law and rules and Govt; posting/transfer policy.

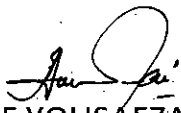
- H. That transfer order dated. 1.11.2013 is not in public interest rather based on political whims. More over the there were no exigencies of service nor any complaints against the appellant.
- I. That the appellant seeks permission to advance other proofs and grounds at the time of hearing.

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

APPELLANT

  
GHAYUR KHAN

THROUGH:

  
M.ASIF YOUSAFZAI  
ADVOCATE.  
&  
TAIMUR ALI  
ADVOCATE.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

4

APPEAL NO. \_\_\_\_\_/2013.

Ghayur Khan.

Vs

Revenue Deptt:

**APPLICATION FOR SUSPENSION OF  
IMPUGNED ORDER DATED 1.11.2013  
AND 18.11.2013 TILL PENDING FINAL  
DECISION OF MAIN APPEAL.**

**Respectfully Sheweth,**

1. That the petitioner/ appellant has filed Appeal before this Hon,ble Tribunal in which no date hearing has been fixed so for.
2. That the impugned order dated 1.11.2013 is politically motivated, premature and passed in violation of Govt: instructions regarding posting/transfer.
3. That the appellant has got a good prima facie arguable case, the impugned order is without lawful authority and unsustainable in law, balance of convenience lies in his favour and in case operation of impugned order is not suspended, the very purpose of appeal would be defeated and it would infructuous as well and the appellant would suffer irreparable loss.
4. That the grounds of main appeal may also be considered as integral part of this application.

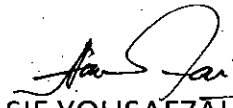


It is, therefore, prayed that the operation of impugned order dated 1.11.2013 AND 18.10.2013 may graciously be suspended till final decision of appeal.

5

APPELLANT  
GHAYUR KHAN

THROUGH:

  
M.ASIF YOUSAFZAI  
ADVOCATE.

&

TAIMUR ALI  
ADVOCATE.

**AFFIDAVIT:**

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

  
Deponent.

OFFICE ORDER.

A  
6

With the approval of competent authority, the following postings / transfers amongst the Patwaris of this District are hereby ordered with immediate effect, in the public interest:-

S. No.	Name of Patwari.	From.	To.	Remarks.
1. <del>1</del>	Mr. Hafeez ur Rehman.	Patwar halqa Pandak.	Patwar halqa Khalabat.	Vice No. 2
2.	Mr. Gayoor Khan.	Patwar halqa Khalabat.	Patwar halqa Pandak.	Vice No. 1
3.	Mr. Imtiaz Khan.	Patwar halqa Durshkhel.	Patwar halqa Chajian.	Vice No. 4
4.	Mr. Azeemullah Khan.	Patwar halqa Chajian.	Patwar halqa Dheri Malkiar.	Vice No. 5
5.	Mr. Ishanullah Khan.	Patwar halqa Dheri Malkiar.	Patwar halqa Kali Lar.	Vice No. 6
6.	Mr. Habibullah Khan.	Patwar halqa Kali Lar.	Patwar halqa Choi.	Vice No. 7
7.	Mr. Majid Nawaz Khan.	Patwar halqa Choi.	Patwar halqa Bhera.	Vice No. 8
8.	Mr. Wajid Mehmood.	Patwar halqa Bhera.	Patwar halqa Ladar Mang.	Vice No. 9
9.	Mr. Amjid Shahzad.	Patwar halqa Ladar Mang.	Patwar halqa Keya (vacant).	Vacant.
10.	Mr. Tasleem Khan.	Patwar halqa Kholian.	Patwar halqa Kalanjar.	Vice No. 11
11.	Mr. Abdul Rahim.	Patwar halqa Kalanjar.	Patwar halqa Talokar.	Vice No. 12
12.	Mian Sajid Hussain.	Patwar halqa Talokar.	Patwar halqa Gumawan.	Vice No. 13
13.	Mr. Mohammad Taj.	Patwar halqa Gumawan.	Patwar halqa Durshkhel.	Vice No. 3
14.	Mr. Zulfiqar Ahmed.	Patwar halqa Bandi Seeran.	Patwar halqa Kholian.	Vice No. 10
15.	Mr. Zahid Rashid.	Patwar halqa Noordi.	Patwar halqa Swabi Maira.	Vice No. 16
16.	Syed Abdul Qadir Shah.	Patwar halqa Swabi Maira.	Patwar halqa Noordi.	Vice No. 15
17.	Mr. Khalid Mehmood.	Patwar halqa Beer.	Patwar halqa Chamba Pind.	Vice No. 18
18.	Mr. Mohammad Nawaz.	Patwar halqa Chamba Pind.	Patwar halqa Beer.	Vice No. 17
19.	Mr. Amjid Shahzad.	Patwar halqa Ladar Mang.	Patwar halqa Keya (vacant).	Vacant.
20.	Mr. Baland Bakht.	Patwar halqa Kotehra.	Patwar halqa Tokian.	Vice No. 21.
21.	Mr. Zahid Rashid.	Patwar halqa Tokian.	Patwar halqa Kotehra.	Vice No. 20
22.	Malik Ibrar.	Patwar halqa Makhan.	Patwar halqa Kupri.	Vice No. 23
23.	Sardar Sohrab.	Patwar halqa Kupri.	Patwar halqa Makhan.	Vice No. 22
24.	Mr. Dilfaraz Khan.	Patwar halqa Jatti Pind.	Patwar halqa Kailag.	Vice No. 25
25.	Mr. Mohammad Safdar Khan.	Patwar halqa Kailag.	Patwar halqa Kotnajibullah.	Vice No. 26

TESTED

*(Signature)*

S. No.	Name of Patwari.	From.	To.	Remarks.
26.	Malik Sajjad Akhtar.	Patwar halqa Kotnajibullah.	Patwar halqa Khairbara.	Vice No. 27
27.	Mr. Mohammad Siddique.	Patwar halqa Khairbara.	Patwar halqa Bundi Seeran.	Vice No. 14
28.	Mr. Khalid Mehmood Khan.	Tehsil Office, Haripur.	Patwar halqa Kangra.	Vice No. 38
29.	Mr. Arsalan Afzal.	Patwar halqa Ashra.	Patwar halqa Jatti Pind.	Vice No. 24
30.	Mr. Amir Shahzad.	Patwar halqa Lalogali.	Patwar halqa Mankarai.	Vice No. 31
31.	Mr. Abdul Qayyum.	Patwar halqa Mankarai.	Patwar halqa Lalogali.	Vice No. 30
32.	Syed Rizwan Shah.	Patwar halqa Pharhari.	Patwar halqa Garamthoon.	Vice No. 33
33.	Mr. Dil Nawaz Khan.	Patwar halqa Garamthoon.	Patwar halqa Pharhari.	Vice No. 32
34.	Mr. Shahid Iqbal.	Patwar halqa Nara Amazai.	Patwar halqa Ghazi.	Vice No. 35
35.	Mr. Zamir Afzal.	Patwar halqa Ghazi.	Patwar halqa Nara Amazai.	Vice No. 34
36.	Syed Sakhawat Hussain Shah.	Patwar halqa Badaros.	Patwar halqa Najafpur.	Vice No. 37
37.	Syed Waqar Haider Shah.	Patwar halqa Najafpur.	Patwar halqa Sathana.	Vacant.
38.	Mr. Abid Nayyar.	Patwar halqa Kangra.	Patwar halqa Badaros.	Vice No. 36

All concerned Patwaris are directed to hand over / take over the charge of their respective Patwar halqas within 3 days, otherwise strict disciplinary action will be taken against them under the prevailing E&D Rules.

*Shuman I*  
Additional Deputy Commissioner  
Haripur.

No. 537-5421 /HVC/DC (H).

Dated Haripur the 24/07 /2013.

Copy to the:-

1. Deputy Commissioner, Haripur.
2. Assistant Commissioner, Haripur.
3. Assistant Commissioner, Ghazi.
4. Additional Assistant Commissioner (Rev), Haripur.
5. Tehsildar, Haripur.
6. Tehsildar, Ghazi.
7. Assistant Finance (Local).
8. Patwaris concerned for strict compliance.

*Shuman I*  
Additional Deputy Commissioner  
Haripur.

RECEIVED

*A*

**OFFICE OF THE DEPUTY COMMISSIONER HARIPUR.**

B  
8

**OFFICE ORDER.**

With the approval of competent authority, the following postings/transfers amongst the Patwaris of this District are hereby ordered with immediate effect, in the public interest: -

S.No.	Name of Patwari	From	To	Remarks
01	Mr. Zahid Rashid	Patwar halqa Swabi Maira	Patwar halqa Noordi	Vice No. 2
02	Syed Ghulam Qadir Shah	Patwar halqa Noordi	Patwar halqa Swabi Maira	Vice No. 1
03	Mr. Faisal Aftab	Patwar halqa Kharkot	Patwar halqa Mirpur.	Vice No. 4
04	Mr. Jahanzeb Khan	Patwar halqa Mirpur	Patwar halqa Kharkot	Vice No. 3
05	Mr. Dil Nawaz	Patwar halqa Pharhari	Patwar halqa Pandak	Vice No. 6
06	Mr. Ghayoor Khan	Patwar halqa Pandak	Patwar halqa Pharhari	Vice No. 5
07	Mr. Dil Faraz	Patwar halqa Kailag	Patwar halqa Jattipind	Vice No. 8
08	Mr. Arsalan Afzal	Patwar halqa Jattipind	Patwar halqa Kailag	Vice No. 7
09	Mr. Wajid Mehmood	Patwar halqa Ladar Mang	Patwar halqa Bhera	Vice No. 10
10	Mr. Majid Nawaz	Patwar halqa Bhera	Patwar halqa Ladar Mang	Vice No. 9
11	Mr. Waqar Ahmed	Patwar halqa Sarai Gadai	Patwar halqa Kotehra	Vice No. 12
12	Mr. Zahid Rashid II	Patwar halqa Kotehra	Patwar halqa Sarai Gadai	Vice No. 11
13	Mr. Shahid Iqbal	Patwar halqa Ghazi	Patwar halqa Nara Amazai	Vice No. 14
14	Mr. Zamceer Afzal	Patwar halqa Nara Amazai	Patwar halqa Ghazi	Vice No. 13
15	Syed Waqar Haider Shah	Patwar halqa Sathana	Patwar halqa Garamthoon	Vice No. 16
16	Mr. Rizwan Shah	Patwar halqa Garamthoon	Patwar halqa Sathana	Vice No. 15
17	Mr. Asad Iqbal	Patwar halqa Tarbela	Patwar halqa Makhnial	Vice No. 18
18	Mr. Rab Nawaz Khan	Patwar halqa Makhnial	Patwar halqa Tarbela	Vice No. 17

All concerned Patwaris are directed to hand over/take over the charge of their respective Patwar halqas within 03 days, otherwise strict disciplinary action will be taken against them under the prevailing E&D Rules.

*[Signature]*  
Addl: Deputy Commissioner  
Haripur. 10/c

No. 9489-9513 /HVC/DC (H)

Dated Haripur the 01/ 11 /2013

Copy to the:-

1. Deputy Commissioner, Haripur.
2. Assistant Commissioner, Haripur.
3. Assistant Commissioner, Ghazi.
4. Additional Assistant Commissioner (Rev), Haripur.
5. Tehsildar, Haripur.
6. Tehsildar, Ghazi.
7. Assistant Finance (Local).
8. Patwaris concerned for strict compliance.

**TESTED**

*[Signature]*  
Addl: Deputy Commissioner  
Haripur. 0/c



OFFICE OF THE  
COMMISSIONER HAZARA DIVISION  
ABBOTTABAD

No.Estab:/ACR/CHD/Appeal 9764-66

Dated Abbottabad the 18/11/2013

To

Ghayoor Khan,  
Patwari Halqa Pandak,  
(Under transfer to Patwar Halqa Pharhari)

10

Subject:

**DEPARTMENTAL APPEALS AGAINST THE OFFICE ORDER  
BEARING ENDST NO. 9489-9513/HVC/D C (H) DATED 01.11.2013  
PASSED BY ADDITIONAL DEPUTY COMMISSIONER HARIPUR**

I am directed to refer to your Appeal/ Representation dated 05.11.2013 and to convey that Competent Authority does not find your appeal fit to be accepted on the following grounds:

1. The transfer was ordered in public interest.
2. The transfer of Civil Servant can be made anywhere in the Province as per Section 10 of KPK Civil Servant Act 1973.
3. The provision of Civil Servant Act, 1973 prevails upon Posting /Transfer Policy.
4. You did not object and raised tenure as an issue when you were prematurely posted to patwar Halqa Pharhari.

Assistant to Commissioner (Rev/GA)  
Hazara Division, Abbottabad

Endst of even No.& date.

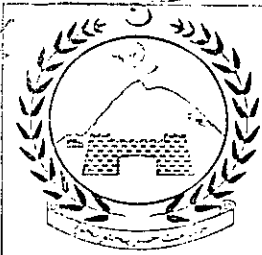
Copy forwarded to the:

- 1 Deputy Commissioner Haripur for information w/r to his letter No.9735/HVC/ADC (H) dated 8.11.2013.
2. PS to Commissioner Hazara Division for information.

Assistant to Commissioner (Rev/GA)  
Hazara Division, Abbottabad

ATTESTED  
A

*Liaqat Ali  
Supalli  
Mardan*



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

"E"  
11

**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) <sup>1</sup>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. *(See P.06) as retained*
- v) <sup>2</sup>{ } *2 years tenure retained vide P-06 for un-attractive/hard area*
- vi) <sup>3</sup>While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, Khyber Pakhtunkhwa needs to be obtained. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor, Khyber Pakhtunkhwa shall be obtained."

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

- vi (a) <sup>1</sup> All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

**ATTEST**

Circular letter No. SOR-VI/E&AD/1-4/2008/Vol-VII dated, the 11<sup>th</sup> September, 2009.

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 Khyber Pakhtunkhwa 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.

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

Sub para-VI (a) added vide circular letter No. SOR-VI/E&AD/1-4/2008 dated 22<sup>nd</sup> October, 2008.

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

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

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

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

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

13

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

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

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) ✓ Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

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

- i) ✓ Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

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

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

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

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

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

\*\*\*\*\*



Updated up to April, 2010.

4

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

14

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

\*\*\*\*\*

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

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

SPECIMEN NOTIFICATION.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
NAME OF ADMINISTRATIVE  
DEPARTMENT

Dated Peshawar, \_\_\_\_\_

NOTIFICATION

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

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. and date even.

Copy forwarded

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

(NAME)  
SECTION OFFICER  
Administrative Department

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

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

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

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

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

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

\*\*\*\*\*

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

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

\*\*\*\*\*

The Chief Minister Khyber PakhtunKhwa has directed that:-

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

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

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

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

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

\*\*\*\*\*

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

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

(16)

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

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

Unattractive/Hard Areas

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

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

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

Tenure of posting.

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

7 PLACEMENT POLICY.

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

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

<sup>6</sup> No. SOR-VI/E&AD/1-4/2010/Vol-VIII Dated Peshawar, the, 10<sup>th</sup> April, 2010

<sup>7</sup> Placement Policy has been made part of the posting/transfer policy vide Urdu circular No.SOR-VI(E&AD)1-4/06, dt 9-2-2007

17

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

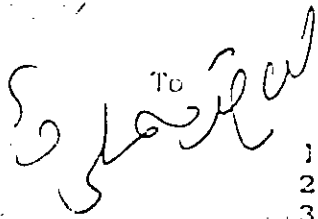
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and than the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge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

\*\*\*\*\*  
 \*\*\*\*\*  
 \*\*\*\*\*

CF 18 R-5

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**  
(REGULATION WING)  
NO. SOR.VI (E&AD)1 -4/2005/Vol-II  
Dated Peshawar, 27<sup>th</sup> February, 2013

Environment Department  
 Govt. of Khyber Pakhtunkhwa  
 Secy (E&AD)  
 Peshawar  
 27 Feb 2013

To  


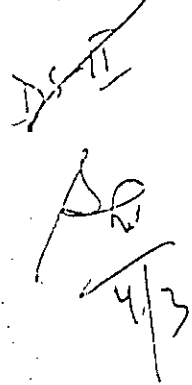
1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

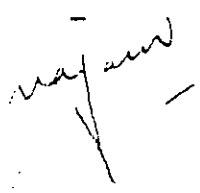
**Subject:** CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

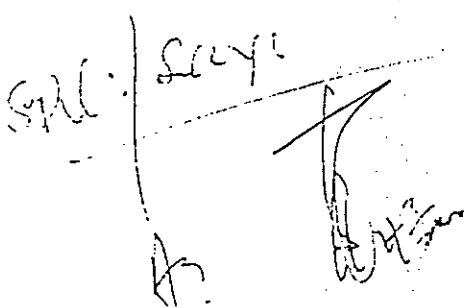
Sir,

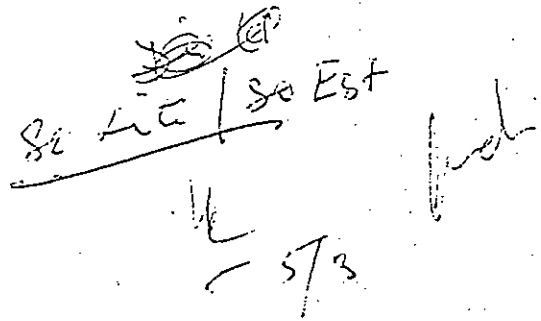
I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

- (i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- (ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.









**TESTED**



- (iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.
- (iv) **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

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

Yours faithfully,

*Najam*  
(NAJ-MJS-SAHAR)  
SECTION OFFICER (REG-VI)

Encl: as above.

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl: Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

*Najam*  
SECTION OFFICER (REG-VI)

# VAKALAT NAMA

19

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar

Gayoor Khan (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Revenue Deptt (Respondent)  
(Defendant)

I/We Gayoor Khan (Appellant) & Taimur Ali Khan Adv

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

[Signature]  
( CLIENT )

ACCEPTED

[Signature]  
**M. ASIF YOUSAFZAI**  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

[Signature]  
**TAIMUR ALI KHAN**  
Advocate



ADDITIONAL DEPUTY COMMISSIONER OFFICE HARIPUR

Phone Number: 0995-611823 Fax: 615412

No. DRA / 10456 /ADC (H)

Dated Haripur: 05/ 12 / 2013

To,

The Registrar,  
Services Tribunal Khyber Pakhtunkhwa,  
Peshawar.

Subject: JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO.3.

Enclosed please find herewith comments duly signed by the Deputy Commissioner, Haripur alongwith Additional Deputy Commissioner, Haripur in case Ghayur Khn Patwari and other v/s Senior Memembr Board of Revenue, Khyberpakhtunkhwa and others.

  
Additional Deputy Commissioner,  
Haripur.



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

Ghayur Khan Patwari and others.....Petitioners.

Versus.

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Commissioner, Hazara Division, Abbottabad.
3. Deputy Commissioner, Haripur.
4. Dil Nawaz Patwari. Respondents.

**SUBJECT: -JOINT PARA-WISE COMMENTS ON BEHALF OF  
RESPONDENT NO. 3.**

Respectfully Sheweth,

**Preliminary Objections.**

1. That the appellants have got no cause of action.
2. That the appellants have no locus standi to file the instant appeal.
3. That the appellants have not come to this Honourable Tribunal with clean hands.
4. That the appeal is bad in its present form.
5. That the appellants are estopped by their conduct.

Since Gayur Khan and five (05) other Patwaris have filed appeals separately against the same orders dated 1.11.2013 and 18.11.2013, therefore, joint para-wise comments in all appeals are submitted as under:-

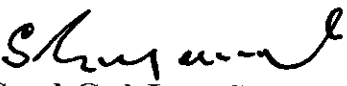
**FACTS.**


1. Correct.
2. Para 2 is incorrect. The Provincial Government is making serious efforts to revamp the Revenue Department in order to stop corrupt practices on the part of field revenue staff / Patwaris. In this backdrop, the appellants were transferred. There was no political pressure for their transfer. Furthermore, as per section 10 of Khyber Pakhtunkhwa Civil Servants Act, 1973 they are liable to serve anywhere in the District.
3. Para 3 is incorrect. The departmental appeal was rejected on merit.
4. No comments.

GROUNDS.

- A. Incorrect. They were transferred in the public interest. No injustice has been done with them. They, being government servants, are required to serve anywhere in the District. They have got no locus standi to get postings of their choice.
- B. Denied. No political interference was involved in their transfers.
- C. Admitted to the extent of tenure, however, they cannot be posted at their sweet will and they are liable to serve anywhere in the district as per section 10 of the KPK, Civil Servant Act, 1973.
- D. Incorrect. The Acts/Rules prevails upon the policy. As per section 10 of Civil Servant Act, 1973, they are liable to serve anywhere in the district. It may be pointed out that one of the appellants namely Rab Nawaz Khan has served at the present halqa more than 4 years. Furthermore, the Tehsildar Haripur was not satisfied with his performance. In this regard, a copy of the report of Tehsildar Haripur dated 30.09.2013 is enclosed as annexure-A.
- E. Incorrect. The departmental appeal was rejected on merit.
- F. Incorrect. They were transferred in the public interest in order to improve the efficiency of revenue department.
- G. Incorrect. The transfer order was issued on merit and as per section 10 of KPK, Civil Servant Act, 1973, they are liable to serve anywhere in the district.
- H. Incorrect. They were transferred in the public interest in order to improve the efficiency of the department. The appellants namely Gayur Khan, Waqar Ahmed, Syed Ghulam Qadir Shah have already handed over the charge of their respective halqas to the newly posted Patwaris in compliance of the order dated 01.11.2013.
- I. No comments.

In view of above submission, all the appeals having no force may graciously be dismissed with cost in limine.

  
(Syed Gul Jamal)  
Additional Deputy Commissioner  
Haripur.

  
(Nisar Ahmed).  
Deputy Commissioner  
Haripur (respondent No. 3).

No: 993-94 OK  
30-09-013

جناب قلمیہ پور

خدمت جناب ڈائریکشن آف پیمنٹس کراچی

لپٹ بر فونڈس پوروی علاقہ کراچی

جناب عالی: گزارشات ذیل ہیں۔

1۔ پوروی علاقہ کراچی کے دو دفاتر کھل چکے ہیں۔ ایک علاقہ میں جو بند پورا رہا ہے۔ رورولنگرا ٹیور بلڈنگ آ۔ ج اور پوروی علاقہ میں لوگ سارا دن کراچی دفتر میں نظر گزارتے ہیں۔ جس سے عوام کو تکلیف پہنچتی ہے۔ مدیٹر جن ہیڈ پوروی کے دفتر میں کام لیتے ہوتے ہیں۔ جسے مدد دہ فنی بجیٹنگ کے لئے ہے۔

2۔ یہ سب سببوں بند رہیں جس سے سرکار کے معاملات میں تاخیر اور کارکنوں میں رکاوٹ پیدا ہوئی ہے۔

3۔ انیس حالات باہر دفتر کے چھ پوروی دفاتر کو سب سے پہلے علاقہ کراچی کو بندیں اور باہر کے کسی دفتر پوروی کو کھلا دیا جائے۔

آئی ایم اے آئی پی پی

تصدیق پوروی  
30/09/013 ✓

**Before the Honorable KPK Service Tribunal Peshawar.**

**Appeal No. 1525-1530/2013**

Ghayur Khan

VS

Revenue Department.


**APPLICATION FOR SUSPENSION OF IMPUGNED ORDER DATED 01-11-2013 AND 18-11-2013  
TILL PENDING FINAL DECISION OF MAIN APPEAL.**


Respectfully Sheweth,

The point-wise comments on stay application are as under please:-

1. No comments.
2. Incorrect, the orders have been issued strictly in accordance with the rules, polices / powers vested to the Deputy Commissioner. The appellants should have exhausted all the available remedies before filing appeal to the tribunal. They did not get final orders from the SMBR.
3. The appeal is not on merit, the appellants have failed in implementing the legal order of the competent authority, which is an act of insubordination. They are bound legally to honor the order of competent authority.
4. Comments on appeal are attached.

It is therefore, prayed that the impugned orders have been issued by the authority under the rules / policy strictly on merit. The appeal may kindly be dismissed with cost.

  
Additional Deputy Commissioner,  
Haripur.

  
Deputy Commissioner,  
Haripur.