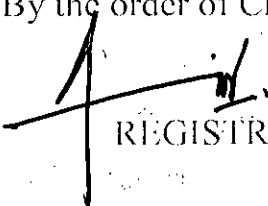


FORM OF ORDER SHEET

Court of _____

Appeal No. 122/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12/01/2024	<p>The appeal of Mr. Shakeel Ahmad resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Shakeel Ahmad received today i.e on 11.01.2024 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

Copy of impugned transfer order mentioned in the memo of appeal is not attached with the appeal be placed on it.

No. 95 /S.T.

DL 12/1 /2024.

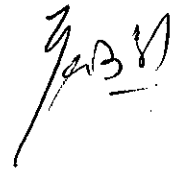


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.
High Court at Peshawar.

R/sis

Resubmitted after necessary
completion.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal NO. _____/2023

Shakeel Ahmad VS GOVT OF KPK

APPLICATION FOR FIXATION OF THE ABOVE TITLED Appeal AT
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned Appeal is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application, the Appell may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Dated: 11/1/24

Through

Appellant/Applicant


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL No. 122 /2024

SHAKEEL AHMED VS GOVT OF KPK & OTHERS

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APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 122/2024

Mr. Shakeel Ahmad, Assistant Director (BP: 17),
Industries/CPC Malakand Under transfer as Assistant Director Statistics,
O/O Dy. Director Industries, Commerce & Trade Malakand Region.
..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
 - 2- The Secretary, Industries, Commerce & Technical Education Department Khyber Pakhtunkhwa, Peshawar.
 - 3- The Director General Industries and Commerce, Khyber Pakhtunkhwa, Peshawar.
- **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED TRANSFER NOTIFICATION DATED 27.06.2023 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM THE POST OF ASSISTANT DIRECTOR INDUSTRIES/CPC MALAKAND TO ASSISTANT DIRECTOR STATISTICS, O/O DY. DIRECTOR INDUSTRIES, COMMERCE & TRADE MALAKAND REGION IN UTTER VIOLATION OF TRANSFER/ POSTING POLICY AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned transfer notification dated 27.06.2023 may very kindly be set aside and the appellant be retained as Assistant Director Industries/CPC District Malakand. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant are the law abiding citizen of Pakistan and is serving the respondent department quite efficiently and up to the entire satisfaction of his superior.

- 2- That vide Notification dated 04.05.2023 the appellant was transferred from the post of Assistant Director Industries/CPC, Buner to the post of Assistant Director Industries/ CPC, Malakand and took over the charge of his post in pursuance to the mentioned notification. Copy of the Notification dated 04.05.2023 is attached as annexure **A.**
- 3- That just after one and a half month vide impugned notification dated 27.06.2023 the appellant was transferred from the mentioned post as Assistant Director Statistics, O/O Deputy Director Industries Commerce and Trade Malakand Region in utter violation of the transfer and posting of the Government and law on the subject. Copy of the Notification dated 27.06.2023 is attached as annexure **B.**
- 4- That it is worth mentioning that the Election Commission of Pakistan vide notification dated 22.01.2023 banned all kinds of transfers/postings in the provinces of Khyber Pakhtunkhwa and Punjab. Copy of the Notification dated 22.01.2023 is attached as annexure **C.**
- 5- That similarly vide letter dated 20.04.2023 of the Election Commission of Pakistan to the Provincial Election Commissioner of Khyber Pakhtunkhwa it was directed that the provincial department be informed that they may halt the process of transfer and posting. That the same letter was further communicated to the respondent department and other department vide different letters. Copies of the letter dated 20.04.2023 is attached as annexure **D.**
- 6- That the respondents despite knowing the fact that through the impugned Notification the Election Commission of Pakistan and circular of the Government has imposed complete ban on all sorts of transfer/postings issued in the impugned Notification as well as order dated 23.06.2023 whereby the appellant was directed to hand over the vehicle to the HQ office at Peshawar. Copy of the order dated 23.06.2023 is attached as Annexure **E.**
- 7- That feeling aggrieved from impugned Notification the appellant preferred departmental appeal but the same has not been decided till date. Copy of the Departmental appeal is attached as Annexure **F.**
- 8- That whereafter the appellant filed W.P No 2864-P/2023 before the Honorable Peshawar High Court, Peshawar but the

same was dismissed with the direction to approach the proper forum vide judgment dated 13.07.2023. That it is pertinent to mention that during the pendency of the departmental appeal of the appellant the employee who was transferred vice the appellant was appointed against the post of District Sports Officer. Copies of the Judgment and order dated 20.12.2023 are attached as AnnexureG & H.

- 9- That as no other officer was available for posting against the post of appellant in District Malakand, therefore the appellant was not relieved till dated from the said place of posting. Copies of the Pay slip and other relevant record are attached as AnnexureI.
- 10- That only two months are remaining in the Superannuation of the appellant, therefore under the policy and rules of natural justice the appellant is entitled to be retained at the station which he was transferred i.e. Assistant Director Industries/CPC (BPS-17) District Malakand.
- 11- That appellant feeling aggrieved and having no other efficacious remedy preferred the instant Service Appeal on the following grounds.

GROUND:

- A- That the impugned notification dated 17.06.2023 being contrary to law and rules and in utter violation of the Notification dated 22.01.2023, hence not tenable in the eye of Law and needs interference of this Honorable Court to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C- That the treatment meted out to the appellant is highly discriminatory and in clear violation of the order of the Election Commission of Pakistan as mandated under Articles 218 (3), 220 of the Constitution of Islamic Republic of Pakistan read with section 4, 5, 8 (c) and 230 of the Election Act 2017.
- D- That respondents has violated the transfer/posting policy of the Provincial Government while issuing the impugned notification dated 27.06.2023 as the same is premature. Copy of the Transfer Posting Policy is attached as Annexure J.

E- That it is pertinent to mentioned here that the appellant is at the verge of retirement and under the policy he cannot be transferred, therefore the impugned notification dated 27.06.2023 is not sustainable.

F- That the treatment meted out to the appellant is a clear violation of the Fundamental Rights of the appellant as enshrined in the Constitution of Pakistan 1973.

G- That the Impugned Notifications have not been issued in the public interest nor exigencies of public service, therefore not tenable and liable to be set aside.

H- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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


APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT


UMAR FAROOQ MOHMAND


WALEED ADNAN

8

MAHMOOD JAN
ADVOCATES

AFFIDAVIT

I, Shakeel Ahmad, Assistant Director (BPS 17), Industries/CPC Malakand Under transfer as Assistant Director Statistics, O/O Dy. Director Industries, Commerce & Trade, Malakand Region, do hereby solemnly affirm that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


DEPONENT

-5-

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

SERVICE APPEAL No. _____/2024

SHAKEEL AHMED VS GOVT OF KPK & OTHERS

**APPLICATION FOR SUSPENSION OF THE OPERATION OF
THE IMPUGNED NOTIFICATION DATED 27.06.2023 TILL
THE DISPOSAL OF THE SERVICE APPEAL.**

R/SHEWETH:

- 1- That the above-mentioned appeal along with this application has been filed before this august service Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above-mentioned service appeal against the transfer notification dated 27.06.2023.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the transfer notification dated 27.06.2023 had been issued by the respondents in utter disregard of judgment and, law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of the notification dated 27.06.2023 may very kindly be suspended till the disposal of the instant service appeal.


APPLICANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Shakeel Ahmad, Assistant Director (BPS-17), Industries/CPC Malakand Under transfer as Assistant Director Statistics, O/O Dy. Director Industries, Commerce & Trade Malakand Region do hereby solemnly affirm on oath that the contents of this **application** are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.


DEPONENT

- 6 -

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL No. _____/2024

SHAKEEL AHMED VS GOVT OF KPK & OTHERS

APPLICATION FOR CONDONATION OF DELAY IN FILING THE
ABOVE NOTED APPEAL.

R/SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal on the following grounds inter alia:

GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in this case hence the appeal deserves to be decided on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather than technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.


APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Shakeel Ahmad, Assistant Director (BPS 17), Industries/CPC Malakand Under transfer as Assistant Director Statistics, O/O Dy. Director Industries, Commerce & Trade Malakand Region do hereby solemnly affirm on oath that the contents of this **application** are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.


DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION DEPARTMENT

Dated 04.05.2023

NOTIFICATION

No. SOI(IND)2-61/2023/

852-79

The Competent Authority has been pleased to order posting / transfer of the following officers / officials of Directorate General, Industries & Commerce Khyber Pakhtunkhwa as noted against each, with immediate effect, in the public interest:-

S#	Name of officer & Designation	From	To
1	Mr. Shakeel Ahmed Assistant Director (BPS-17)	Assistant Director, Industries/ CPC, Buner	Assistant Director, Industries/ CPC, Malakand Vice S. No. 6
2	Mr. Amjad Ali Assistant (BPS-16)	Assistant o/o Deputy Director, Industries/ CPC, Bannu	Assistant Director Industries/ CPC, Bannu (GPS) Vice Sr. No. 3
3	Mr. Khalid Azmat, Assistant Director (BPS-17)	Assistant Director Industries/ CPC, Bannu	Assistant Director Industries/ CPC, Kohat Vice Sr. No. 8
4	Syed Jahangir Shah, Superintendent (BPS-17)	O/O Deputy Director Industries, Commerce & Trade, Peshawar Region, Peshawar	Assistant Director, Hqtrs Office, Peshawar Vice Sr. No. 7 (OPS)
5	Saved Shah Sayed, Superintendent (BPS-17)	Assistant Director Industries/ CPC, Mohmand (OPS)	Superintendent in the O/O Deputy Director Industries, Commerce & Trade, Peshawar Region, Peshawar Vice Sr. No. 4
6	Mr. Ibrahim, Assistant (BPS-16)	Assistant Director Industries/ CPC, Malakand (OPS)	Assistant Director, Industries/ CPC, Kohat (OPS) against the vacant post.
7	Mr. Waqar Ahmad Assistant (BPS-16)	Assistant Director Hqtrs: Office, Peshawar (OPS)	Assistant Director, Industries/ CPC, Mohmand (OPS) Vice Sr. No.
8	Mr. Naveed Malik, Assistant (BPS-16)	Assistant Director Industries/ CPC, Kohat (OPS)	Report to Hqtrs Office, Peshawar for further posting.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
Industries, Commerce & Technical Edu: Department

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General, Industries & Commerce Peshawar.
3. Deputy Directors, Industries & Commerce concerned.
4. P.S. to Minister for Industries & Commerce, Khyber Pakhtunkhwa.
5. Officers / officials concerned.
6. District Accounts Officer concerned.
7. P.S. to Secretary IC&TE Department, Peshawar.
8. PA to Special Secretary IC&TE Department.
9. PA to Additional Secretary IC&TE Department.
10. General Section IC&TE Department.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION DEPARTMENT

"B" (8)

-8-

NOTIFICATION

3470-77

Dated 27.06.2023

No. SO(IND)2-61/2023/ The Competent Authority has been pleased to order posting / transfer of the Officer of Directorate General, Industries & Commerce Khyber Pakhtunkhwa, with immediate effect, in the public interest:-

S.NO	Name & Designation of Officer	From	To
1	Mr. Shakeel Ahmad, Assistant Director (BPS-17)	Assistant Director, Industries-SPC, Malakand	Assistant Director, Statistics, Office of Dy. Director, Industries, Commerce & Trade Malakand Region.

Swat

SECRETARY TO GOVT OF
KHYBER PAKHTUNKHWA
Industries, Commerce & Technical Edu
Department

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General, Industries & Commerce Peshawar.
3. Deputy Directors, Industries & Commerce concerned.
4. P.S to Minister for Industries & Commerce, Khyber Pakhtunkhwa.
5. Officer concerned.
6. District Accounts Officer concerned.
7. P.S to Secretary IC&TE Department, Peshawar.
8. PA to Special Secretary IC&TE Department
9. PA to Additional Secretary IC&TE Department.
10. Master File.

(Nald Wali)
SECTION OFFICER (Industries)

27/6/23

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"C" - 9

ELECTION COMMISSION OF PAKISTAN
NOTIFICATION

R-10

Islamabad the 22nd January, 2023

F.No:2(1)/2023-Cord. WHEREAS, the Provincial Assemblies of Punjab and Khyber Pakhtunkhwa under Article 112 of the Constitution of the Islamic Republic of Pakistan stand dissolved on 14th and 10th January, 2023 respectively.

AND WHEREAS, the Election Commission of Pakistan is mandated with the constitutional duty to organize and conduct elections in terms of Article 218(3) of the Constitution and to make such arrangements as are necessary to ensure that the elections are conducted honestly, justly, fairly and in accordance with the law and that corrupt practices are guarded against;

AND WHEREAS, it has become imperative that the Election Commission shall take all necessary steps under the Constitution and prevalent law for smooth conduct of General Elections to the Provincial Assemblies of Punjab and Khyber Pakhtunkhwa.

NOW THEREFORE, in exercise of the powers conferred upon it under Articles 218(3), 220 of the Constitution of the Islamic Republic of Pakistan, Sections 4, 5, 8(c) read with Section 230 of the Elections Act, 2017 as supported by the Workers' Party case through Akhtar Hussain Advocate, General Secretary and 6 others Versus Federal Government of Pakistan and 2 others reported in PLD 2012 SC 81, and all the other powers enabling it in that behalf, the Election Commission of Pakistan, to ensure transparent election and to provide a level playing field for all contesting candidates and political parties, hereby directs the Caretaker Governments of Punjab and Khyber Pakhtunkhwa:

- (a) To assist the Election Commission to hold elections in accordance with law as provided under section 230(1)(b) of the Elections Act, 2017.
- (b) To ensure the compliance of all the notifications, directives and the provisions as laid down in Section 230 of the Act.
- (c) Not to post or transfer any public officer after the issuance of this notification within and to / from Punjab & Khyber Pakhtunkhwa without prior approval in writing of the Election Commission as laid down in Clause 2(f) of Section 230 of the Elections Act, 2017.
- (d) Ensure that all kinds of recruitments in any Ministry, Division, Department or Institution under the Provincial Governments and Local Governments of Punjab and Khyber Pakhtunkhwa are banned with immediate effect, except recruitments by the Provincial Public Service Commissions and those government organizations where test / interviews have already been conducted before this day.
- (e) Not to announce / execute any kind of Development Schemes in Punjab and Khyber Pakhtunkhwa Provinces except those which are ongoing and approved before the issuance of this notification. Moreover, the Provincial Governments and Local Governments of Punjab and Khyber Pakhtunkhwa shall not issue tenders of such schemes till culmination of General Elections of both Assemblies.

Contd... Page-2

Copy letters for Information

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- (f) All development funds relating to Local Government Institutions of Punjab and Khyber Pakhtunkhwa and Cantonment Boards falling in the jurisdiction of Punjab and Khyber Pakhtunkhwa shall be frozen with immediate effect till announcement of results of the said General Elections.
- (g) To ensure immediate termination of services of all heads of the Institutions appointed on political basis and to send their lists to the Commission forthwith.
- (h) To ensure vacation of the government residential facilities from Ex-Chief Ministers and their advisors, Ex-Provincial Ministers and Ex-Members of the Provincial Assemblies of Punjab and Khyber Pakhtunkhwa, besides ensuring withdrawal of official vehicles from them. Furthermore, the dignitaries shall be provided security / protocol as per their entitlement and any extra deployment of security / protocol be withdrawn from them forthwith.
- (i) The Caretaker Governments shall perform their functions and attend to day-to-day matters which are necessary to run the affairs of the Provinces in accordance with law.
- (j) The Chief Minister or a Minister or any other member of Caretaker Governments shall, within three days from the date of assumption of office, submit to the Commission, a statement of assets and liabilities including assets and liabilities of his spouse and dependant children as in the preceding 30th day of June on Form B.

This issues with the approval of Election Commission of Pakistan.

(Omar Hamid Khan)
Secretary
Election Commission of Pakistan



ATTESTED
10/10/2023 COPY



Copy forwarded for information to the:

- (1) Secretary to the President, Alwani-e-Sadr, Islamabad.
- (2) Secretary to the Prime Minister, Prime Minister's Secretariat, Islamabad.
- (3) Secretary, Ministry of Parliamentary Affairs, Govt. of Pakistan, Islamabad.
- (4) Secretary, Ministry of Interior, Government of Pakistan, Islamabad.
- (5) Secretary, Ministry of Planning, Development and Reforms, Government of Pakistan, Islamabad. (for implementation and circulation to all relevant Departments)
- (6) Secretary, Senate Secretariat, Islamabad.
- (7) Secretary, National Assembly of Pakistan, Islamabad.
- (8) Secretary, Ministry of Defence, Government of Pakistan, Rawalpindi.
- (9) Secretary, Establishment Division, Government of Pakistan, Islamabad. (for implementation and circulation to all concerned)
- (10) Principal Secretary to the Governor, Punjab, Lahore.
- (11) Principal Secretary to Chief Minister of Punjab, Lahore.
- (12) Chief Secretary, Government of Punjab, Lahore.
- (13) Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar. } For implementation and circulation to all concerned Departments
- (14) Registrar, Supreme Court of Pakistan, Islamabad.
- (15) Registrar, Lahore High Court, Lahore.
- (16) Registrar, Peshawar High Court, Peshawar.
- (17) Provincial Election Commissioner Punjab, Lahore.
- (18) Provincial Election Commissioner Khyber Pakhtunkhwa, Peshawar.
- (19) Inspector General of Police, Punjab, Lahore.
- (20) Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

ii. Copy also forwarded to the:

- (1) Director General (Law)
- (2) Director General (IT Policy & Planning)
- (3) Additional Director General (Training)
- (4) Additional Director General (GSI)
- (5) Additional Director General (Elections-II)
- (6) Principal Staff Officer to Hon'ble CEC
- (7) Director to Hon'ble CEC
- (8) Director (Elector Rolls)
- (9) Director (MIS)
- (10) Director (Political Finance)
- (11) Director (MCO)
- (12) Deputy Director (Budget)
- (13) Deputy Director (Elector-I & II)
- (14) Deputy Director (Confid.)
- (15) Deputy Director (Political Finance)
- (16) Deputy Director (Training)
- (17) Deputy Director (Web)
- (18) Deputy Director (Law)
- (19) PS to Hon'ble Members - I, II, III & IV.
- (20) Staff Officer to Secretary
- (21) Assistant Director (Monitoring)
- (22) PS to Additional Secretary (Admin)
- (23) JPA to Special Secretary (ECP)

ECP Secretariat, Islamabad.

Shahid Iqbal
 (Shahid Iqbal)
 Additional Director General
 (Elections)



[Handwritten Signature]
 ATTACHED

"D"
-12-

~~12~~

No. F. 10 (1)/2023-Elec-II
ELECTION COMMISSION OF PAKISTAN



Secretariat,
Constitution Avenue, G-5/2,
Islamabad 20th April, 2023.

To,

The Provincial Election Commissioner,
Khyber Pakhtunkhwa,
Peshawar.

Subject: - ISSUANCE OF NOC.

Dear Sir,

In continuation of this office letter of even No. dated 19th April, 2023, I am directed to say that most of the Provincial Departments are forwarding the cases of transfer/posting and fresh recruitment without providing substantial documentary evidences and some subordinate departments are approaching to the Commission directly.

In view of the above the reservation of the Hon'ble Commission may be communicated to relevant departments that they may halt the process of un-necessary transfer/posting and recruitment till the culmination of the election process. However, if it is necessary to do so they may forward the case through proper channel after approval of the competent authority along with documentary evidences.

halt

Yours sincerely,

822
27/04/2023

Tauqir Iqbal
(Tauqir Iqbal)
Deputy Director (Election-II)

Plz forward to
CS KP Office

Jilal (S)

27/4/23

27/4/23

CS ComScanner

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"E"-13-
2-17

**DIRECTORATE GENERAL,
INDUSTRIES AND COMMERCE
KHYBER PAKHTUNKHWA, PESHAWAR**

No. 6304-7/16/891-DI-Admn:

Dated Peshawar the, 27/06/2023.

ORDER.

The Competent Authority is pleased to cancel/withdraw the allotment order of vehicle Registration No. AB-2435 issued via this Directorate General order bearing Endst: No. 4721-23/6/891-DI-Admn Dated 31.15.2022 in respect of Mr. Shakeel Ahmad, Assistant Director Ind/CPC, Buner with immediate effect.


The aforementioned officer is directed to handed over the vehicle to Hqrs Office, Peshawar within three days of the receipt of this order.

**Director General, IC,
Khyber Pakhtunkhwa.**

Endst: No. & date even.

Copy of the above is forwarded to: -

1. The Deputy Commissioner, Malakand.
- ✓ 2. Mr. Shakeel Ahmad, Assistant Director Ind/CPC, Malakand.
3. PS to Director General Industries and Commerce, Khyber Pakhtunkhwa, Peshawar.
4. Transport Assistant, Hqrs Office, Peshawar.


(s/ Z. M. M.)
**Administrative Officer,
Directorate General of Industries & Commerce,
Khyber Pakhtunkhwa, Peshawar.**

ATTESTED
to be true Copy

To

The Chief Secretary,
Khyber Pakhtunkhwa,
Peshawar.

✓ "F"
-14- 14

Through Proper Channel

Subject: DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION DATED 27.06.2023 WHEREBY THE APPELLANT HAS PREMATURELY BEEN TRANSFERRED IN UTTER VIOLATION OF THE TRANSFER POSTING POLICY OF THE GOVERNMENT AS WELL AS NOTIFICATION AND DIRECTION OF THE ELECTION COMMISSION OF PAKISTAN COMMUNICATED VIA LETTER DATED 20.04.2023 REGARDING BAN ON THE TRANSFER POSTING OF THE OFFICIALS.

Respected Sir,

The appellant with great respect submits as under:

That the appellant is the employee of the Industries, Commerce and Technical Education department in BPS-17. That vide notification dated 24.05.2023 the appellant was transferred from the Buner to Malakand.

That just after one and a half month vide impugned notification dated 27.06.2023 the petitioner was transferred from the mentioned post as Assistant Director Statistics, O/C Deputy Director Industries Commerce and Trade Malakand Region in utter violation of the transfer and posting of the Government and law on the subject.

That it is worth mentioning that the Election Commission of Pakistan vide notification dated 22.01.2023 banned all kinds of transfers/postings in the provinces of Khyber Pakhtunkhwa and Punjab.

That similarly vide letter dated 20.04.2023 of the Election Commission of Pakistan to the Provincial Election Commissioner of Khyber Pakhtunkhwa it was directed that the provincial department be informed that they may halt the process of transfer and posting.


That it is pertinent to mention here that the appellant is at the verge of retirement and his impugned notification is against the policy.

It is, therefore, most humbly requested that on acceptance of this departmental appeal the impugned notification dated 27.06.2023 may very kindly be set aside and the appellant may not be transferred till the completion of normal tenure.

Dated: 07.07.2023

Yours Obediently

ATTESTED
to be true Copy


HAKEEL AHMAD
Assistant Director
Industries/CPC Malakand.

-14/A-

No. 275

For Stations see reverse. Ps.
Stamp RGL105323618
uninsured letters of no more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Received a registered*
addressed to Chris S. ...

*Write here "letter", "postcard", "package" or "parcel"
Initials of Receiving Officer with the word "insured" if necessary.

Insured for Rs. (in figures) 2000 (in words) Two thousand

Insurance fee Rs. Ps. (in words) }
Weight } Kilo
Gram

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"9" - 15 -

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

WRIT PETITION NO. 2864 -P/2023



Mr. Shakeel Ahmad, Assistant Director (BP-17),
Industries/CPC Malakand Under transfer as Assistant Director Statistics,
O/O Dy. Director Industries, Commerce & Trade Malakand Region.

..... **PETITIONER**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Industries, Commerce & Technical Education Department Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Industries and Commerce, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973 AS AMENDED UP TO DATE**

**R/SHEWETH:
ON FACTS:**

- 1- That petitioner are the law abiding citizen of Pakistan and is serving the respondent department quite efficiently and up to the entire satisfaction of his superior.
- 2- That vide Notification dated 04.05.2023, the petitioner was transferred from the post of Assistant Director Industries/CPC, Buner to the post of Assistant Director Industries/ CPC, Malakand and took over the charge of his post in pursuance to the mentioned notification. Copy of the Notification dated 04.05.2023 is attached as annexure **A.**
- 3- That just after one and a half month vide impugned notification dated 27.06.2023 the petitioner was transferred from the mentioned post as Assistant Director Statistics, O/O Deputy Director Industries Commerce and Trade Malakand Region in utter violation of the transfer and posting of the

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	
ORDER 13.07.2023	<p><u>Writ Petition No.2864-P/2023 with Interim Relief</u></p> <p>Present: Mr. Noor Muhammad Khattak, Advocate, for Shakeel Ahmad, petitioner.</p> <p>Barrister Muhammad Yasin Raza Khan, AAG, for the respondents.</p> <p>*****</p> <p><u>S. M. ATTIOUE SHAH, J.</u>- Petitioner, through instant constitutional petition, has asked for the issuance of an appropriate writ declaring that the notification dated 27.06.2023 of respondent No.2 being nullity in the eye of law is of no legal effect whatsoever whereby, he has been transferred from the post of Assistant Director Industries / CPC, Malakand to the post of Assistant Director Statistics, office of Deputy Director, Industries, Commerce & Trade Malakand Region.</p> <p>2. Heard. Record perused.</p> <p>3. Undoubtedly, the petitioner is a civil servant and the matter in question being relating to the terms and conditions of his service enumerated in Chapter-II of the Civil Servants Acts, 1973 cannot be agitated in</p>

ATTESTED
EXAMINER
Peshawar High Court

writ jurisdiction of this court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 in view of bar contained in Article 212 of the Constitution, therefore, we do not feel persuaded to accede to the prayer of the petitioner which is rather based on some misconception. This petition is, thus, dismissed in limine. However, the petitioner would be at liberty to approach the proper forum, for redressal of his grievance, if so advised.

Announced.
13.07.2023

JUDGE

JUDGE

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court Peshawar
Authorized Under Article 87 of
the Constitution of Pakistan Act 1984

19 JUL 2023

2372

Date of Presentation of Application 18-07-2023 3
 No of Pages 7
 Copying fee 28-00
 Total 28-00
 Date of Preparation of Copy 19-07-2023
 Site of Delivery of Copy 19-07-2023
 (6/13)



"H"
-18-

Ref: 0210076/1901

dated Peshawar the 20th December, 2023

OFFER OF APPOINTMENT

No. 30 (Sports) 1-6/Recruitment/2023/3215/5. Upon receipt of the Commission, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to offer a post of District Sports Officer (BPS-17), Directorate General of Sports, Khyber Pakhtunkhwa to **MR. MUHAMMAD IBRAHIM S/O Haj Muhammad Karim, Mcheshwar**.

He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 (amended) and the Rules made thereunder like Civil Servants (Appointment, Promotion & Transfer) Rules, 1985, Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987, Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules, 2011.

He shall be on probation for a period of one year under the provision of Section-6 of the Civil Servants Act, 1973 extendable for another year under the provision of Section-6 of the Civil Servants Act, 1973 as and when required.

He shall be liable to serve anywhere in the province under Section-10 of the Civil Servants Act, 1973 as and when required.

He will get pay at the minimum of BPS-17 including usual allowances as admissible under the rules.

He shall produce a medical certificate of fitness from Medical Superintendent, District Hospital Peshawar and character certificate from gazetted officers.

His retention in service shall be subject to verification of antecedents etc. from the concerned authorities.

His appointment is liable to be terminated any time under section 11 of Civil Servants Act, 1973 before the expiry of the period of probation / extended period of probation, if his performance during this period is found unsatisfactory.

He will join duty at his own expenses, as no TA/DA will be admissible therefor. In case of resignation, the officers will have to give one month's prior notice. In case of absence of such notice, their one month's prior notice will be forfeited to Government.

above conditions, he should submit his acceptance to the undersigned within 14 days of the issue of this offer and produce original documents in connection with his qualification, domicile for verification.

Mr. Muhammad Ibrahim S/O Haj Muhammad Karim
100/100, S/O Haj Muhammad Karim, Mcheshwar Road
Mardan (0346-393064)

(Nazma Sulteen)
Deputy Secretary (Sports)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
SPORTS & YOUTH AFFAIRS DEPARTMENT
(Sports Section)**

Dated Peshawar the 20th December 2023

OFFER OF APPOINTMENT

No.SO (Sports) 1-6/recruitment/2023/3798. Upon recommendations of Khyber Pakhtunkhwa Public Service Commission the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) is pleased to offer a post of District Sports Officer (BPS-17), Directorate General of Sports, Khyber Pakhtunkhwa to **MR MUHAMMAD IBRAHIM** S/o Haji Muhammad Kamal, Mohmand/1 on the following terms & Conditions:-

- i. He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 (amended from time) and all the laws applicable to the Civil Servants and the rules made thereunder like Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Khyber Pakhtunkhwa Civil Servants Revised Leave Rules 1981, Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 2011.
- ii. He shall be on probation for a period of one year as per provision of Section-6 of the Civil Servants Act 1973 extendable for another year under Rule 15 of the Appointment Promotion & Transfer Rules, 1989 as prescribed under sub rule 2 of the rules ibid.
- iii. He will be liable to serve anywhere in the province under section 10 of the Civil Servants Act, 1973 as and when required.
- iv. He will get pay at the minimum of BPS-17 including usual allowances as admissible under the rules.
- v. He shall produce a medical certificate of fitness from Medical Superintendent, Civil Hospital Peshawar and Character Certificate from gazette officers.
- vi. His retention in service shall be subject to verification of their domicile, testimonials and antecedents etc from the concerned authorities/offices
- vii. His appointment is liable to be terminated any time without assigning any reason in terms of section 11 of Civil Servants 1973 before the expiry of the period of probation/extended period of probation, if his performance during this period is found unsatisfactory.
- viii. He will join duty at his expenses as no TA/D.A shall be admissible there for
- ix. In case of resignation the officers will have to give one month's prior notice. In case of absence of such notice their one month's pay/allowance will be forfeited to Government.

2. If the offer of appointment to him on the above conditions he should submit his acceptance to the undersigned within 14 days of the issuance of this offer and produce original certificates in connection with his qualification, domicile for verification.

Nazma Shaheen
Deputy Secretary (Sports)

Mr Muhammad Ibrahim S/o Haji Muhammad Kamal
R/o Village Sheakh Killi Katlang Road
Tehsil & District **MARDAN** (0340-3933064)

Government of Khyber Pakhtunkhwa
District Accounts Office Malakand
Monthly Salary Statement (December-2023)

"I"
-19-

Personnel Information of Mr SHAKIL AHMAD d/w/s of KHAILI UR REHMAN
Personnel Number: 00115831 CNIC: 1540161099855 NTN:
Date of Birth: 03.03.1964 Entry into Govt. Service: 17.02.1986 Length of Service: 37 Years 10 Months 016 Days

Employment Category: Active Temporary
Designation: ASSISTANT DIRECTOR 80002411-GOVERNMENT OF KHYBER PAKH
DDO Code: MD7030-Assistant Director Industries Malakand
Payroll Section: 002 GPF Section: 010 Cash Center
GPF A/C No: AGRMR001468 Interest Applied: Yes GPF Balance: 1,192,535.00
Vendor Number: 30289026 - SHAKIL AHMAD
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale 1: Civil BPS: 17 Pay Stage: 12

Wage type	Amount	Wage type	Amount
0001 Basic Pay	86,110.00	1913 Comp Allow 20%(N2.17to22)	2,000.00
1947 Medical Allow 15% (16-22)	2,060.00	2148 15% Adhoc Relief All-2013	1,060.00
2199 Adhoc Relief Allow @10%	711.00	2315 Spec of Allowance 2021	6,074.00
2341 Dispr. Red All 15% 2022KP	8,006.00	2347 Adh. Rel Al 15% 22(PS17)	8,006.00
2379 Adhoc Relief All 2023 30%	24,807.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3017 GPF Subscription	-6,350.00	3501 Benf. Svc. Fund	-1,500.00
3009 Income Tax	-6,105.00	4004 R. D. Svc. & Death Comp.	-900.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income-Tax

Payable: 71,113.38 Recovered till-December-2023: 34,490.00 Ex-empted: 0.98 Recoverable: 36,624.36

Gross Pay (Rs.): 138,834.00 Deductions: (Rs.): -14,855.00 Net Pay: (Rs.): 123,979.00

Payee Name: SHAKIL AHMAD

Account Number: 2562-0

Bank Details: NATIONAL BANK OF PAKISTAN, 230620 NBP DARGA IMALAKAND AGENCY NBP DARGA IMALAKAND AGENCY,

Leaves: Opening Balance: Availed: Eemed: Balance:

Permanent Address: VIII, DARGAI MATTAMALAKAND AGENCY

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

OFFICE OF THE ASSISTANT DIRECTOR
CONSUMER PROTECTION COUNCIL, INDUSTRIES & COMMERCE
DISTRICT SWAT

Kanran Khan Road Gul Kadir No. 01, Saida Sharada Chitli Hubozai District Swat

No. 1115/11/AD/CPC/SWT

Date: 21/12/2023


-20-

To
The Director General of
Industries & Commerce, Khyber Pakhtunkhwa
Peshawar.

Subject: APPLICATION FOR RELIEVING FROM THE CURRENT POST ON LIEN
FROM THE DATE OF AVAILING.

Please reference to the subject cited above as it is stated that I have recommended for the post of District Sport Officer (BPS-17) by the Khyber Pakhtunkhwa Public Service Commission. The Government of Khyber Pakhtunkhwa Sports and Youth Affairs Department has issued order of appointment which is enclosed herewith.

It is therefore, requested to relieve me from the current post on lien from the date of availing please.


Assistant Director,
Consumer Protection Council/Industries & Commerce,
Swat

CS CamScanner

CS CamScanner

NOTIFICATION

No. SO(IND)2-61/2023/ 1500-08

Consequent upon transfer posting of Mr. Shakeel Ahmad, Assistant Director (BS-17) from the post of Assistant Director (Industries/CPC), Malakand to the post of Assistant Director (Industries), Office of the Deputy Director, Industries, Commerce & Trade, Malakand Region. Provide Notification No. SO(IND)2-61/2023 3470-08, dated 27.06.2023, the look after charge of the post of Assistant Director (Industries/CPC), Malakand is hereby assigned to Mr. Muhammad Ibrahim, Assistant Director (Industries/CPC), Swat in addition to his own duties with immediate effect and till further orders, in the best public interest.

SECRETARY
Industries, Commerce & Technical
Education Department

Endst: No. and date even.

Copy forwarded for information to the:

1. Commissioner, Malakand Division, Saidu Sharif, Swat
2. Deputy Commissioners, Swat & Malakand.
3. Director General, Industries & Commerce, F. Hyber Pakhtunkhwa
4. District Accounts Officers, Swat & Malakand
5. P.S to Secretary, IC&TE Department.
6. P.A to Additional Secretary (Admn), IC&TE Department.
7. P.A to Additional Secretary (Industries), IC&TE Department.
8. Officer concerned
9. Master File

SECTION OFFICER
(INDUSTRIES)

TO

The Secretary Industries,
Government of Khyber Pakhtunkhwa,
Civil Secretary, Peshawar.

Through: *Proper Channel*

Subject:

DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION DATED 27-06-2023 WHEREBY THE APPELLANT HAS PREMATURELY BEEN TRANSFERRED IN UTTER VIOLATION OF THE TRANSFER POSTING POLICY OF THE GOVERNMENT AS WELL AS NOTIFICATION AND DIRECTION OF THE ELECTION COMMISSION OF PAKISTAN COMMUNICATED VIDE LETTER DATED 20.04.2023 REGARDING BAN ON THE TRANSFER POSTING OF THE OFFICIALS.

Respected sir,

The appellant with great respect submits as under:

That the appellant is the employee of the Industries, commerce and technical education department in BPS-17 that the notification dated 24.05.2023 the appellant was transferred from the Bunerto Malakand.

That just after one and a half one and a half month vide impugned notification dated 27.06.2023 the petitioner was transferred from the mentioned post as Assistant Director Statistics, O/O Deputy Director Industries Commerce and Trade Malakand Region in utter violation of the transfer and posting of the Government and Law on the subject.

That it is worth mentioning that the Election Commission of Pakistan vide notification dated 22.01.2023 banned all kind of transfer/posting in the province of Khyber Pakhtunkhwa and Punjab.

That similarly vide letter dated 20.04.2023 of the Election Commission of Pakistan to the Provincial Election Commission of Khyber Pakhtunkhwa it was directed that the provincial department be informed that they may halt the process of transfer and posting.

That it is pertinent to mention here that the appellant is at the verge of retirement and his impugned notification is against the policy.

It is, therefore, most humbly requested that on acceptance of this Departmental Appeal the impugned notification dated 27.06.2023 may very kindly be set aside and the appellant may not be transferred till the completion of normal tenure.

Dated 07.07.2023.

*D. No. 363
24/7/23*

*ASE
Special*

Yours Obediently,

SHAKEEL AHMAD
Assistant Director,
Industries/CPC Malakand

F.E 24/7

-23-

5108(w/e)-p
13-11-2023

13-11-2023

Say Industries

To

The Chief Secretary
Govt of Khyber Pakhtukhwa Peshawar

Through Proper Channel

Subject: DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION DATED 27.06.2023 WHEREBY THE APPELLANT HAS PREMATURELY BEEN TRANSFERRED IN UTTER VIOLATION OF THE TRANSFER POSTING POLICY OF THE GOVERNMENT AS WELL AS NOTIFICATION AND DIRECTION OF THE ELECTION COMMISSION OF PAKISTAN COMMUNICATED VIDE LETTER DATED 20.04.2023 REGARDING BAN ON THE TRANSFER POSTING OF THE OFFICIALS.

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It is, therefore, most humbly requested that on acceptance of this Departmental Appeal the impugned notification dated 27-06-2023 may very kindly be set aside and the appellant may not be transferred till the completion of normal tenure.

Furthermore, no responsible any Secretary Industry D.G copy attached.

Dated. 13-11-2023

0333-92-67262

Yours Obediently,

SHAKEEL AHMAD
Assistant Director,
Industries/CPC Malakand

-24-

To

The Secretary Industries,
Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar

DCS Ind
Comments

Shakeel
06/11/23

Through *Proper Channel*

Subject: DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION DATED 27.06.2023 WHEREBY THE APPELLANT HAS PREMATURELY BEEN TRANSFERRED IN UTTER VIOLATION OF THE TRANSFER POSTING POLICY OF THE GOVERNMENT AS WELL AS NOTIFICATION AND DIRECTION OF THE ELECTION COMMISSION OF PAKISTAN COMMUNICATED VIDE LETTER DATED 20.04.2023 REGARDING BAN ON THE TRANSFER POSTING OF THE OFFICIALS.

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It is, therefore, most humbly requested that on acceptance of this Departmental Appeal the impugned notification dated 27-06-2023 may very kindly be set aside and the appellant may not be transferred till the completion of normal tenure.

Dated. 07-07-2023


Yours Obediently,

SHAKEEL AHMAD
Assistant Director,
Industries/CPC Malakand

D # 2266

06/11/23



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing) - 25 -

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 posting/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) []
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained.

While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- 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.

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

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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
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 NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

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

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transfer 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.

.....

All concerned are requested to ensure that names of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.
(Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003).

.....

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

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

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to be true Copy

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No /2024

Shakeel Ahmed

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS


Govt

(RESPONDENT)
(DEFENDANT)

I/We Shakeel Ahmed

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** 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 cost. 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.

Dated. / /2024


CLIENT

ACCEPTED


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT


WALEED ADNAN


UMAR FAROOQ MOHMAND


MUHAMMAD AYUB

&


MAHMOOD JAN
ADVOCATES

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)