

21.10.2020

Appellant in person present.

Usman Ghani learned District Attorney for respondents present.

At the very outset appellant sought withdrawal of her service appeal. To this effect, her statement was recorded on the margin order sheet and her signature was obtained thereon.

In view of her request, instant service appeal stands dismissed as withdrawn. No order as to costs. File be consigned to the record room.

Announced.
21.10.2020



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

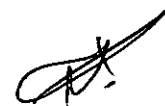
My grievance has been
redressed and I seek withdrawal
of my appeal.


21/10/2020

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader


Due to summer vacation case to come up for the same on /21
10 120 at camp court abbottabad.




Reader

19.12.2019

Mr. Shoaib, Husband of the appellant on behalf of the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Adjourned to 21.01.2020 for further proceedings/arguments before D.B at Camp Court Abbottabad.


(Hussain Shah)
Member
Camp Court Abbottabad


(M. Amin Khan Kundi)
Member
Camp Court Abbottabad

21.01.2020

Husband of the appellant present. Mr. Ziaullah, DDA alongwith Mr. Noman Ali Shah, Male Assistant for respondents present. Husband of the appellant submitted rejoinder which is placed on file. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 17.02.2020 before D.B at camp court Abbottabad.


Member


Member
Camp Court A/Abad

19.09.2019


Mr. Shoaib, husband of the appellant, on behalf of the appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Zahid Zaman, Senior clerk on behalf of official respondents No. 1 to 4 and father of private respondent No. 5 present. Written reply on behalf of respondents not submitted. Representative of official respondents as well as father of private respondent No. 5 requested for further adjournment. Adjourned to 19.11.2019 for written reply/comments before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

19.11.2019

Appellant in person present. Zahid Zaman Assistant representative of official respondents No.1 to 3 submitted reply on behalf of said respondents. None present on behalf of official respondent No.4 as well as private respondent No.5. Being posting transfer case, the present service appeal is posted for further proceedings/arguments before D.B. Adjourned to 19.12.2019 before D.B at Camp Court, Abbottabad.



Member
Camp Court, A/Abad

08.07.2019

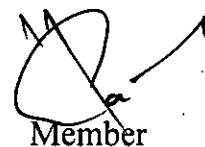
Counsel for the appellant, Mr. Muhammad Bilal Khan, Deputy District Attorney for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Learned counsel for private respondent No. 5 requested for adjournment to file written reply. Representative of official respondents No. 1 to 4 absent therefore, notice be issued to official respondents No. 1 to 4 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 22.08.2019 for written reply/comments before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

22.08.2019

Appellant in person present. Written reply not submitted. Zulfiqar father of private respondent No.5 on her behalf present and seeks time to furnish written reply/comments. No. one present on behalf of official respondents. Notice be issued to official respondents i.e. respondents No.1 to 4 for submission of written reply/comments. Adjourn. To come up for written reply/comments on 19.09.2019 before S.B at Camp Court Abbottabad.



Member
Camp Court A/Abad


20.06.2019.

Counsel for the appellant present.

It is contended that on her appointment as Female Welfare Worker on 26.06.2001 the appellant was posted at Sialkot Tehsil Abbottabad. During the course of her service the appellant was transferred to Family Welfare Councilor Mochi Dhara in the year 2008 where she was performing her duty till 13.12.2018 when an office order requiring her transfer to FWC Kehal was passed. However, on 20.12.2018 the office order dated 13.12.2018 was withdrawn and the posting of appellant was restored at FWC Mochi Dhara. It is the argument of learned counsel that in view of the transfer/posting policy of Provincial Government a civil servant is to remain in unattractive area for a period not exceeding two years and in case of hard area the maximum span of posting is one year. On the other hand the appellant has been serving at Mochi Dhara for about 10 years before the issuance of order dated 13.12.2018.


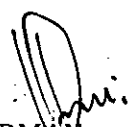
In view of the available record and arguments of learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 08.07.2019 before S.B at camp court, Abbottabad.

Appellant Deposited
Security & Process Fee
28/6/19


Chairman
Camp Court A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 517/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/04/2019	<p>The appeal of Mst. Afshan Shafique presented today by Raheela Mughal Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR <u>23/4/19</u></p>
2-	30-4-19	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>20-06-19</u></p> <p> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 517-A/2019

Afshan Shafique wife of Muhammad Shoaib, resident of Abu Huraira Masjid Upper Kehal, Abbottabad at present Family Welfare Councilor at Mochi Dhara, Tehsil and District Abbottabad,

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Population Welfare Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

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5.	Copy of corrigendum	16	"C"
6.	Copy of office order dated 13/12/2018	17	"D"
7.	Copy of impugned office order dated 20/12/2018	18-19	"E"
8.	Copy of departmental appeal	20 - 23	"F"
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...APPELLANT

Through

Dated: 19-4 /2019


(RAHEELA MUGHAL)
Advocate High Court, Abbottabad

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 517 -A/2019

Afshan Shafique wife of Muhammad Shoaib, resident of Abu Huraira Masjid Upper Kehal, Abbottabad at present Family Welfare Councilor at Mochi Dhara, Tehsil and District Abbottabad,

...APPELLANT
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 645

Dated 23/4/19

1. Govt. of Khyber Pakhtunkhwa through Secretary Population Welfare Peshawar.
2. Director General Population Welfare, Khyber Pakhtunkhwa, Peshawar.
3. District Population Welfare Officer, Abbottabad.
4. Deputy Commissioner, Abbottabad.
5. Sonila Zafar presently Family Welfare Councilor, Kehal, Abbottabad.

...RESPONDENTS

Filed to-day

Registrar

23/4/19

SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 SEEKING DECLARATION/ DIRECTION
TO THE EFFECT THAT OFFICE ORDER BEARING
NO. F.NO.1(9)2017-18/ADMN/4433-37 DATED
20/12/2018 ISSUED BY RESPONDENT NO. 3
WHEREBY THE TRANSFER/ POSTING ORDER NO.
F.NO.1(9)2017-18/ADMN/4362-67 DATED 13/12/2018
WAS WITHDRAWN AND THE APPELLANT WAS
AGAIN POSTED AS FMC MOCHI DHARA,

ABBOTTABAD, WHICH IS ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY, ARBITRARY, PERVERSE, DISCRIMINATORY, MALAFIDE AND AGAINST THE RULES, REGULATION AND TRANSFER POSTING POLICY AND CONSEQUENTLY OF NO LEGAL EFFECT UPON THE RIGHTS OF APPELLANT.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED ORDER BEARING NO. F.NO.1(9)2017-18/ADMN/4433-37 DATED 20/12/2018 ISSUED BY RESPONDENT NO. 3 MAY GRACIOUSLY BE SET ASIDE AND OFFICE ORDER DATED 13/12/2018 MAY KINDLY BE RESTORED. ANY OTHER RELIEF DEEMED FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

Respectfully Sheweth;-

The facts giving rise to the instant appeal are arrayed as under:-

1. That the appellant was appointed as Family Welfare Worker (BPS-8) in the respondents department on 26/06/2001 and presently working as Family Welfare Councilor BPS12 at FWC Mochi Dhara, Abbottabad. Copy of appointment order is annexed as Annexure "A".

2. That after her appointment, the appellant was adjusted/ posted as Family Welfare Worker at Sialkot District Abbottabad vide office order dated 03 July, 2001. Copy of office order dated 03 July, 2001 is annexed as Annexure "B".
3. That soon after two days, vide corrigendum dated 05 July, 2001 the appellant was again transferred and posted at RHSC "A District Head Quarter Hospital Haripur". Copy of corrigendum is annexed as Annexure "C".
4. That thereafter the present appellant was transferred and posted at FWC Tattial Abbottabad in the year 2002.
5. That the appellant was remained posted at Tattial for about 03 years and thereafter the appellant was transferred from Tattial to Tajwal District Abbottabad where the appellant was served till the year 2008.
6. That thereafter the appellant was transferred and posted at FWC Mochi Dhara District Abbottabad

and she has served on the said station for more than 10 years.

7. That the appellant was transferred from Mochi Dhara Abbottabad to FWC Kehal Abbottabad vide office order No. F.No.1(9)/2017-18/Admn/4362-67 dated 13/12/2018 issued by the respondent No. 3. Copy of office order dated 13/12/2018 is annexed as Annexure "D".
8. That the respondent No. 3 vide office order No. F.No.1(9)/2017-18/Admn/4433-37 dated 20/12/2018 withdrawal the transfer/ posting order dated 13/12/2018 and the appellant was again posted at FWC Mochi Dhara Abbottabad. Copy of impugned office order dated 20/12/2018 is annexed as Annexure "E".
9. That the appellant preferred departmental appeal/ representation before the respondent No. 2 and under protest relieved the charge from FWC Kehal Abbottabad. Copy of departmental appeal is annexed as Annexure "F".

10. That the appellant has not yet been received any response/ order about the status of said departmental appeal.
11. That feeling aggrieved the present appellant seeks indulgence of this Honourable Tribunal for setting aside the impugned act/ order dated 20/12/2018, issued by the respondent No. 3, inter-alia on the following grounds;-

GROUND:-

- a) That, the impugned order dated 20/12/2018 as has been issued by the respondent No.3 is illegal, unlawful, without lawful authority, arbitrary, perverse, discriminatory, malafide and consequently of no legal effects upon the rights of appellant.
- b) That the appellant has served with best of her ability for the entire satisfaction of her superiors.
- c) That it is pertinent to mention here that the order dated 20/12/2018 has been issued with

malafide intention just to facilitate the person of their choice.

d) That due to frequent transfers of the appellant during the session, the appellant has suffered mentally and physically due to the reason that she has served most part of her service at far flung areas of District Abbottabad, by canceling/ withdrawal of the office order dated 13/12/2018, the respondent No. 3 has caused grave injustice to the appellant. It is pertinent mentioned here that the appellant is suffering from acute decessed and is unable to perform her duties at hilly or far flung areas. Thus the impugned order dated 20/12/2018 is not maintainable in the eye of law and is liable to be set aside.

e) That the act of respondent No. 2 and 3 against the law, when transfer order was issued by the competent authority and has been acted upon as petitioner made her arrival report. The same authority court withdraw/ cancel to its order, moreover, the cancellation of transfer order is also against

the transfer/ posting policy of KPK, where normal tenure is three years but appellant was remained in hard area since her appointment. So, impugned order/ cancellation order entitled to be posted at FWC Kehal, Abbottabad, as law does not allow to facilitate the blue eyes persons. Copy of transfer policy is annexed as Annexure "G"

- f) That on account of aforesaid political and administrative based frequent transfers the appellant and the family/ children of the appellant have been very badly tortured which resultantly affected the health of the appellant and the family matters as well.
- g) That it is well settled by now that Article 199 casts an obligation on the High Court to act in Aid of law, protect the rights of the citizens within frame work of the Constitution against infringement of law and constitution by the executive authorities, strike a rational compromise and fair balance between the rights of the citizens and action of the state functionaries, claimed

to be larger interest of the society. A power is conferred on the High Court under the constitution and is to be exercised subject to constitutional controlled executive action so as to bring it in conformity with the law. Whenever, the executive acts in violation of the law an appropriate order can be granted, which will relieve the citizen of effects of illegal action. It is an omnibus article under which relief can be granted to the citizen of the country against infringement of any provision of law or of the constitution. If the citizen of this country are deprived of the guarantee given to them under the constitution, illegally or, not accordance with law then Article 199 can always be invoked for redress.

- h) That even otherwise, there was no lawful justification with the respondent No.3 to transfer the appellant. Even if the respondents were desirous to facilitate any person of their choice, he could have been adjusted in some other Station. This act of the respondents depicts malafide on their

part. Hence, the impugned order dated 20/12/2018 is liable to be set-aside.

- i) That the respondents have not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan 1973 and unlawfully transferred/ posted the appellant which is unjust, unfair, illegal, hence not sustainable in the eye of law.
- j) That under Section 24-A of General Clauses Act, 1897, where any authority is vested with the power to make any order, such power shall be exercised reasonably, fairly, justly and for the advancement of the purposes of the enactment under which the power is conferred but in the case in hand the power was not exercised as such, rather, the same was misused arbitrarily to the detriment of appellant without any rhyme or reason, therefore, the impugned act of respondents is not legally maintainable.
- k) That it is inalienable right of every citizen to be treated in accordance with law and

especially when placed in similar position with the other persons, thus, the impugned act being nullity in the eye of law is liable to be struck down.

- l) That the impugned order if seen from any angle, both factually and legally is not maintainable, hence, liable to be set-aside.
- m) That the addresses of the parties are correctly mentioned in heading of appeal.
- n) That the other grounds shall be urged at the time of arguments with the leave of this Honourable Court.

Under the circumstances it is respectfully prayed that on acceptance of the instant appeal, the impugned order bearing No. F.No.1(9)2017-18/Admn/4433-37 dated 20/12/2018 issued by respondent No. 3 may graciously be set aside and office order dated 13/12/2018 may kindly be restored. Any other relief deemed fit and proper in the circumstances of the case.

Dated: _____/2019

Through



...APPELLANT

(RAHEELA MUGHAL)

Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court



...APPELLANT

11

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. _____ -A/2019

Afshan Shafique wife of Muhammad Shoaib, resident of Abu Huraira Masjid Upper Kehal, Abbottabad at present Family Welfare Councilor at Mochi Dhara, Tehsil and District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Population Welfare Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Afshan Shafique wife of Muhammad Shoaib, resident of Abu Huraira Masjid Upper Kehal, Abbottabad at present Family Welfare Councilor at Mochi Dhara, Tehsil and District Abbottabad, do hereby affirm and declare that the contents of foregoing service appeal are true and correct and nothing has been concealed therein from this Honourable Court.



DEPONENT



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____ -A/2019

Afshan Shafique wife of Muhammad Shoaib, resident of Abu Huraira Masjid Upper Kehal, Abbottabad at present Family Welfare Councilor at Mochi Dhara, Tehsil and District Abbottabad,

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Population Welfare Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

ADDRESSES OF THE PARTIES

Respectfully Sheweth:-

Addresses of the parties are as under:-

Afshan Shafique wife of Muhammad Shoaib, resident of Abu Huraira Masjid Upper Kehal, Abbottabad at present Family Welfare Councilor at Mochi Dhara, Tehsil and District Abbottabad.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Population Welfare Peshawar.
2. Director General Population Welfare, Khyber Pakhtunkhwa, Peshawar.
3. District Population Welfare Officer, Abbottabad.
4. Deputy Commissioner, Abbottabad.

...RESPONDENTS

Dated: _____/2019

Through



...APPELLANT

(RAHEELA MUGHAL)

Advocate High Court, Abbottabad

F.No.4(35)/85-2000/Admn.Vol-IV

Peshawar, the 26th June, 2001.

Subject:

APPOINTMENT ON CONTRACT BASIS AS FAMILY WELFARE WORKER (BPS-08)

(Annex) A

Reference their applications on the subject noted above.
The following candidates are hereby offered appointment on contract basis, as Family Welfare Worker (BPS-08) in NWFP, Population Welfare Department on the following terms and conditions.

S/No.	Name of Candidates	District of Origin	Place of Posting
1.	Razia Sakhi Minhas D/O Farniush Khan.	Swat	District Swat.
2.	Raina Hasham D/O Muhammad Hashom	Poshawar	District Peshawar.
3.	Saima Kosar D/O Nasrullah Khan	Peshawar	District Peshawar.
4.	Waslat Begum D/O Janas Khan	Peshawar	District Peshawar.
5.	Shabnam Qureshi D/O Sardar Mohd.	Peshawar	District Peshawar.
6.	Fozia Begum D/O Ikramullah	Mardan	District Mardan.
7.	Nighat D/O Sherullah	Malakand	District Malakand.
8.	Rukhsana Bakhs D/O Illahi Bakhs.	DIKhan	District DIKhan.
9.	Nasreen Begum D/O Fazal-e-Hadi	Malakand	District Malakand.
10.	Fareen Bibi D/O Qaim Din.	A.Abad	District A.Abad.
11.	Neila Tabassum D/O Rehmatullah.	DIKhan	District DIKhan.
12.	Asia Khan D/O Mian Zaman	Malakand	District Malakand
13.	Musarrat Shaheen D/O Janas Khan	Peshawar	District Peshawar.
14.	Zahida Bibi D/O Mohd. Ashraf	Peshawar	District Peshawar.
15.	Ulfat Begum D/O Shahzada Khan	Malakand	District Malakand.
16.	Shaheen Begum D/O Raidi Gul	Dir	District Dir.
17.	Shahnaz Akhter D/O Fazal Khattak	Mardan	District Mardan.
18.	Siraj Bibi D/O Faridoo	Swat	District Swat.
19.	Shabana Bibi D/O Muhammad Ismail	Mansehra	District Mansehra.
20.	Shah Bibi D/O Behram Shahzada	Malakand	District Swat.
21.	Manawar Sultana D/O Mir Abdullah Jan	Dannu	District Bannu.
22.	Miss. Nazia Yasmin D/O S. Shah Bol Wali	Chitral	District Chitral.
23.	Salma Taj D/O Taj Muhammad	Malakand	District Dir.
24.	Seema Gul D/O Muhammad Saloon	Peshawar	District Peshawar.
25.	Shama Aziz D/O Abdul Aziz Qureshi.	DIKhan	District DIKhan.
26.	Miss. Bibi Sakina D/O Khan Wali.	Karak	District Karak.
27.	Bibi Zainab D/O Ghulam Muhammad	Peshawar	District Peshawar.
28.	Afshan Shafiq	A.Abad	District A.Abad.
29.	Miss. Shahana Zeba D/O Muhammad Karim	Chitral	District Chitral.
30.	Sajida Safdar D/O Mir Muhammad Safdar	A.Abad	District A.Abad.
31.	Riffat Shaheen D/O Noor Ellahi	Mansehra	District Mansehra.
32.	Nasim Akhter D/O Mohammad Anwar	Malakand	District Malakand
33.	Rozina Bibi W/O Muhammad Naeem	Mansehra	District Mansehra
34.	Sajida Anjum D/O Muhammad Farooq	Karak	District Karak
35.	Shaista Taj W/O Shahid Afzal	A.Abad	District A.Abad.
36.	Bakht Naz D/O Lal Ghani	Bannu	District Bannu.
37.	Mrs. Fezana	Bannu	District Bannu.
38.	Fariha Bibi W/O Mukhtar-ul-Haq	Bannu	District Bannu.
39.	Tarmeem D/O Dilawar Khan	Malakand	District Dir.
40.	Miss. Abida Naureen D/O Sher Muhammad	Kohat	District Kohat.
41.	Miss. Shakila Waheed D/O Waheedullah	Peshawar	District Peshawar.
42.	Shazia Karim Khan D/O Muhammad Karim	Mardan	District Mardan.
43.	Shagufta Bibi D/O Doray	Kohat	District Kohat.
44.	Nazia Usman D/O Raja Rasool Khan	Swat	District Swat.
45.	Miss. Khushnood Akhter D/O Mian Rehmat Gul	A.Abad	District A.Abad.
46.	Miss. Maryam Awez D/O Abdul Hamid	Peshawar	District Peshawar.
47.	Arjumand Shaheen D/O Nazar Ayub Khan	Karak	District Karak.
48.	Musarat Mustafa D/O Dr. Mohd Mustafa	Karak	District Karak.
49.	Mehri Nigar W/O Amir Wali Khan	Bannu	District Bannu.
		Chitral	District Chitral.

Cont'd.....

ATTESTED

- i) They will be paid the salary of DPS-08, i.e. pays scale Rs. 1540-88-2860 plus other allowance as sanctioned by the Government from time to time.
- ii) Their appointment will be on contract basis initially for two years from the date of assumption of charge. The period of contract will be extendable on yearly basis subject to the good performance and conduct with the approval of the competent authority.
- iii) They can be posted any where in Pakistan as the competent authority may decide.
- iv) He/She will not be entitled to any TA/DA to join duty.
- v) Their services are liable to be terminated on account of poor performance/ undesirable conduct or unauthorized willful absence from duty.
- vi) They will be entitled of leave as admissible under the revised leave Rules 1930, however provision contained in the Rules 5(c), 8, 11, 14, 16, 17, 18, 18-A, 19, 27, 33, 34, 35, 36 and 39 of the Rules 1930 shall not apply. All leave at their credit will lapse on the termination of the contract.
- vii) Medical facilities will be admissible as under Medical Attendance Rules to them.
- viii) The appointment during the period of contract shall be liable to termination on thirty days notice on either side or payment of basic pay in lieu thereof, without assigning any reason.
- ix) During duty TA/DA will be admissible under the relevant rules and regulations in accordance with respective BPS.
- x) Contract appointment will neither confer any right for regular appointment to the same post nor the service will be counted toward seniority.
- xi) The service rendered under the present contract shall not qualify for pension or gratuity.
- xii) In case of resignation from service they will be bound to give one month notice to the Government prior to the date of relinquishing charge. In case one month's notice is not served an amount equivalent to one month salary will be deposited by the concerned.
- xiii) Their appointment will be subject to Medical Certificate of fitness. Government/ Competent Authority will be competent to vary or add conditions without any notice. The decision of the competent authority will be final and not challengeable before any court of law. Similarly the interpretation of these conditions by the competent authority will be final.

In case they accept the offer of appointment on these terms and conditions they should report for duty to the Offices mentioned against their name and produce original certificate in connection with their age, qualification, domicile etc.

The offer is valid for 15 days from the date of its receipt and will automatically lapse if no reply is received within due date or they fail to report for duty by this date i.e. 15 days after issue of the offer.

The appointment is subject to verification of your character and antecedents by police authorities.

Sd/-
Director General

Mr./Miss./Mrs. Feroze Bibi D/o Raza D/o, H.H.U 1893-1C

Moh: Khadija Narsa, Tel. 4 Dilli, Abhattabad

Copy forwarded to:-

- Addl: Accountant General, P.R. Sub Office Peshawar.
- PS to Secretary, PW & WDD, Govt. of NWFP, Peshawar.
- All Divisional Directors, PWD, in NWFP.
- All DPWOs, in NWFP for information & necessary action.
- All District Accounts Officer/Agency Account officer, in NWFP.

(Noor Badshah Khattak)
Director (A.G.) & Comr,
Department of Peshawar
Peshawar

ATTENDED

POPULATION WELFARE DEPARTMENT
OFFICE OF THE DISTT: POPULATION WELFARE OFFICER
ABBOTTABAD.

(Annex) B

"OFFICE ORDER"

In compliance with Director (A&O) Population Welfare Department NWFP Peshawar order F.No.4(35)/95-2000/Admn-Vol-IV, dated 26.6.2001 and subsequently submission of arrival reports by the following newly appointed FWs(RPS-8) are hereby taken on the staff strength of this Distt; from the date of their arrival reports. They are posted in FW-Centres as mentioned against each:-

<u>S.No.</u>	<u>Name of FWs:</u>	<u>Date of arrival Report</u>	<u>Place of posting</u>
1.	Nazia Usmani	28.6.2001(FN)	FWC Sherwan
2.	Shaista Taj	28.6.2001(FN)	" Tatial
3.	Sajida Safdar	28.6.2001(FN)	" Changi Bandi
4.	Farheen Bibi	28.6.2001(FN)	" Beerot
5.	Afshan Shafiq	09.7.2001(FN)	" Sialkot

Sd/xxx
DPWO, ABBOTTABAD.

F.No.1(9)/2000-Admn:

Abbottabad the 3 July, 2001.

Copy to the:-

1. Director General, P.W.Deptt: NWFP Peshawar for inf: please.
2. Div: Director P.W.Deptt: Hazara Div: A'Abad for inf: please.
3. Distt: Accounts Officer A'Abad for inf: please.
4. Acott:/S.A/S.K. (local) for inf: & n/action.
5. All officials concerned for inf: & compliance.
6. I/c FW-Centres Sherwan, Tatial, Ch: Bandi, Beerot and Sialkot for inf: & with the direction to hand-over the complete charge of their centres and handing taking over of charge reports submit to the u/signed.
7. P/File of the concerned.

(Zafar-ul-Habib)
Distt: Population Welfare Officer
Abbottabad.

4/8
ATTESTED

جناب عالی

مضمون:- حاضری رپورٹ

جو ال ڈی اے (ایڈمن) بیورو آبادی صوبہ سرحد پیشوا

آڈر نمبر Admin No/2001-95/35/4 صوف 26-6-2001

26/6/2001 کے تحت فوریہ نے آج مورخہ 1-7-2001 قبل از دوپہر اپنی

حاضری رپورٹ پیش کر دی ہے۔

لہذا رپورٹ عرض ہے۔

العارض

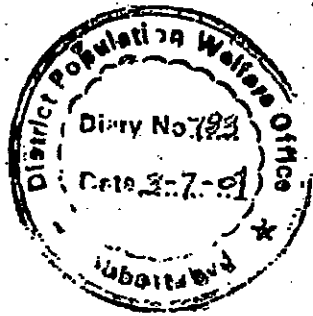
افضال شفیق لاختر محمد شفیق (س)

3.7.2001

✓ 3/7

Handwritten signature

WAC
per performance



ATTESTED

POPULATION WELFARE DEPARTMENT
OFFICE OF THE DISTT: POPULATION WELFARE OFFICER
ABBOTTABAD.

(Annex) C
Page (16)

"CORRIGENDUM"

In partial modification of this office order of even No. dated 3.7.2001 the posting of two newly appointed FWs: (BPS-9) will be treated as under:-

<u>S.No.</u>	<u>Name of FWs:</u>	<u>Place of Posting</u>
1.	Sajida Safdar	RHSC 'A' DHQr: Hospital Haripur.
2.	Afshan Shafiq	-do-

Sd/xxx
DPWO, ABBOTTABAD.

F.No.+1(9)/2000-Admn:

Abbottabad the 5 July, 2001.

Copy to the:-

1. Director General P.W.Deptt: NWFP Peshawar for information please.
2. Div: Director P.W.Deptt: Hazara Div: A'Abad for inf: pl.
3. Distt: Accounts Officer A'Abad for information please.
4. T.P.W.O. Haripur for information.
5. I/c RHSC(N) Haripur for information.
6. Officials concerned for inf: & compliance.
7. Acctt/S.A/S.K. (local) for inf: & n/action.
8. P/File of the concerned.

(Zafar-ul-Habib)
Distt: Population Welfare Officer
Abbottabad.

4/2A
ATTESTER



POPULATION WELFARE DEPARTMENT
OFFICE OF THE DISTRICT POPULATION WELFARE
OFFICER, ABBOTTABAD.



Page: (17)

F. No. 1(9)2017-18/Admn/4362-67

Dated: 13/12/2018

OFFICE ORDER

(Annex) "D"

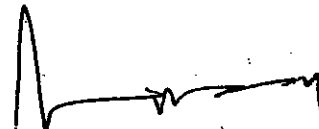
The following posting/transfer amongst Family Welfare Workers are hereby ordered with immediate effect and till further order in the best public interest.

S. No	Name of FWW	From	To	Remarks
1	Afshan Shafique	FWC Mochi Dhara	FWC Kehal	Vice S.No 02 (Due to long stay at Hard station since 2008).
2	Sonila Zafar	FWC Kehal	FWC Mochi Dhara	Vice S.No 01

Sd/--
(Nowsherawan)
DPWO Abbottabad.

Copy to: -

- 1- DDPWO (NT) DPW Office Abbottabad.
- 2- Account Assistant Local for information.
- 3- I/C FWC Kehal and Mochi Dhara.
- ✓ 4- Officials concerned for information and compliance.
- 5- Store keeper (local) for information.
- 6- Personal file of the officials concerned.


District Population Welfare Officer
Abbottabad


ATTESTED



POPULATION WELFARE DEPARTMENT
OFFICE OF THE DISTRICT POPULATION WELFARE
OFFICER, ABBOTABAD.

Date: 20/12/2018

No. 1092017/1/Adm/1425/31

OFFICE ORDER

This office order of even No dated 15/12/2018 is hereby withdrawn in the best public interest.

SD/-
(Nawshera Khan)
DPO, ABBOTABAD

Copy to:

1. To Special Governmental Project Directorate for information
2. DPO/GIT for information
3. Incharge FWC Khat and Mochi Dhara for information
4. Mr. Sohail Zahir and Ahsan Shafique for information
5. If of the office concerned

District Population Welfare Officer
Abbottabad

15/12/2018

ایجنٹ جناب ڈاکٹر بلتھر جرنل صاحب ایالوشن ویلفیئر ڈیپارٹمنٹ شاور
 پوسٹ لکھت: ڈاکٹر بلتھر ایالوشن ویلفیئر ڈیپارٹمنٹ ایبٹ
 عثمان: عثمانیہ ایبٹ

Amex 20
 جناب عالی ۱

موردیالنگ لڈ ایشن کے نام سے سائلہ انشان شیشین ۶۰۸۷۷۷ جو کہ
 ایک زیم سالہ اس ڈیپارٹمنٹ میں لڈ شیشہ اٹھارہ سال سے پار ڈیپارٹمنٹ
 ڈیپارٹمنٹ سرانجام دے رہی ہے۔ سائلہ لڈ جرنل فلانی نام میں ڈیپارٹمنٹ

- F.W.C. Saikott
- R.H.S. Haripur
- F.W.C. Tajawal
- F.W.C. Tajiwal
- F.W.C. Brestal
- (Dual charge)
- Maehi Dhawal
- (Wahigalac)

جناب عالی سائلہ نے لڈ شیشہ ۲۰۰۸ سے فلانی نام میں لڈ

میں ڈیپارٹمنٹ سرانجام دے رہی ہے۔ لڈ زیم درخواست شیشہ آڈیٹ ۲۰۱۷-۱۸/Admn/4433-37
 مورخہ ۱۲/۱۲/۱۸ کو سائلہ نے کیس میں سائلہ کی حاضری ریکارڈ دیکھتے ہیں
 ہے۔ بعد ازاں ٹیلی فون سے ڈیپارٹمنٹ سائلہ کو اطلاع دی گئی کہ لڈ شیشہ لڈ
 ۲۰۱۷-۱۸/Admn/4433-37 مورخہ ۱۲/۱۲/۱۸ کو سائلہ کی حاضری ریکارڈ دیکھتے ہیں
 لڈ دیا گیا۔ جو کہ سائلہ کے سائلہ سرانجام دیا گیا ہے۔ اٹھارہ سال سے پار ڈیپارٹمنٹ
 نام لڈ کے باوجود سائلہ کو لڈ شیشہ کا شیشہ نہیں دیا گیا۔ جناب عالی سائلہ
 لڈ شیشہ کیس میں سے سائلہ کی سائلہ لڈ شیشہ لڈ شیشہ لڈ شیشہ لڈ شیشہ
 سائلہ (سائلہ لڈ شیشہ لڈ شیشہ)۔ لڈ لڈ آپ سے موردیالنگ ایالوشن کے سائلہ
 کی بیماری کو مدنظر رکھتے ہوئے میرا لڈ شیشہ ایالوشن لڈ شیشہ لڈ شیشہ لڈ شیشہ
 لڈ شیشہ لڈ شیشہ لڈ شیشہ لڈ شیشہ لڈ شیشہ لڈ شیشہ لڈ شیشہ لڈ شیشہ

القار خیر
 انشان شیشین (۶۰۸۷۷۷)
 فلانی نام میں لڈ شیشہ
 ڈیک ۳۱/۱۲/۱۸

Encl
 ۲۰۱۷-۱۸/Admn/4433-37
 ۲۰۱۷-۱۸/Admn/4433-37
 Medical paper

ATTESTED

Associate Professor

M.B.B.S, F.C.P.S

Ayub Medical College Abbottabad

Clinic Ph: 0992385666

Pt's Name: Alsham



بالمقابل مقدس ٹاور منڈیاں ایبٹ آباد

او۔ پی۔ ڈی کلینک 7 تا 3 بجے

ماہر امراض نسوان (گائناکالوجسٹ)

ایسوسی ایٹ پروفیسر ایوب میڈیکل کالج ایبٹ آباد

ایم۔ پی۔ بی۔ ایس۔ ایف۔ سی۔ پی۔ ایس

Not Valid for Medico Legal Purpose.

Date: 8 / 12 / 20

Clinical Notes

MF - 14yr

P, A, Al, O

L13 - 13yr

voe ep:

Hx of Proliferative
cure

Hx of Polypectomy
- 6mths
- 1yr

Ammeranbu (27)

g zwein
P, Sunday
- 7 days

on scan

Cap Continycin
(14) 1+1

Tab Methergine
(15) 1+1+1

Cap Maxha Song
(17) 1+1+1

Tab Ponston forte
(17) 1+1+1

Syp - Valiance Ab
(روزانہ 2 بار) (2)

Tab Lapoin 75mg
(روزانہ 1 بار) (1)

B-2/80

ایرجنسی کے علاوہ اتوار کو چھٹی ہے۔

ATTESTED

Lady Dr. Ruggia Sultana
GYN AECOLOGIST

Associate Professor
M.B.B.S, F.C.P.S
Ayub Medical College Abbottabad.
Clinic Ph: 0992-385666

لیڈی ڈاکٹر رقیہ سلطانہ
کلینک + میڈیٹری ہوم
بہار افسر نسوان (گائنا کالوجسٹ)
ایوبی ایسٹ پرو فیسر ایوب میڈیکل کالج ایبٹ آباد
ایم۔ بی۔ بی۔ ایس۔ ایف۔ سی۔ پی۔ ایس
او۔ پی۔ ڈی کلینک 7 تا 3 بجے

Pt's Name: Afskar Shoaib

Not Valid for Medico Legal Purpose.

Date: 29 / 03 / 2017

Clinical Notes

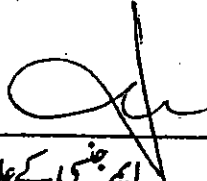
MRP: 16y3
P₁ - Ab₀ - Al₁ ♂
LBB: 16y3
Dvd.

hup: 14 - 03 - 2017
cycles continues
few Ham.

Heavy Posture
P₁ bleeding L₂ y3
ON/OPR Responding
to medication

on scan
wt. Bulky
adenexa
clear

Cap. Confinaris 2p: 120
(14) 1+1
Tab Flagyl
(7) 1+1
Tab Ponsteron forte
(7) 1+1+1
Cap Maxna 500mg
(7) 1+1+1
Cap Danocrine 200mg
(2) 1+1


ایمر جنسی کے علاوہ اتور کو چھٹی ہے۔


ATTESTED

ALI AMMAR GENERAL HOSPITAL
FOR GYNAECOLOGY OBSTETRICS / INFERTILITY

CHILDREN UNIT, NURSERY (NICU)

Mansehra Road, Mandian Abbottabad, Pakistan
Phone: 0992-383508, Mob: 0321-9802731

Prof. Dr. Aziz-un-Nisa Abbasi

FRCOG (UK), MRCOG (London), F.C.P.S., D.G.O., MCPS (PAKISTAN)
Best Graduate, Gold Medalist

- Vice President (BOGP)
- Society of Obstetricians & Gynaecologists, Pakistan
- Executive Member (PUGA)
- Pakistan Urogynaecologists Association
- Member Pakistan Representative Committee of (RCOG)
- Royal College of Obstetricians & Gynaecologist U.K.

Gynae Surgeon

Dean & Head Of Obstetrics &
Gynaecology Department

Ayub Medical College &
Ayub Teaching Hospital (Complex)
Abbottabad (Pakistan)

3 صبح

اوقات کار 3 بجے شام

ایمر جنسی 24 گھنٹے صرف پہلے سے رجسٹرڈ مریضوں کے لئے

ناغیر روز ہفتہ + اتوار

Date 14/1/2017

Name Afshan W/o Shearib Age 37 years

Occupation Wife/Housewife Husband's Army Address: Abbottabad

URDU.

نوٹ

- ایمر جنسی کے لئے کلینک ہر وقت کھلا رہتا ہے۔
- عام معائنہ کے لئے 5 تا 7 بجے کے درمیان تشریف لائیں۔
- برائے مہربانی اس فون نمبر 0992-383508-302731
- تا کہ آپ کو زیادہ انتظار نہ کرنا پڑے۔
- ایسٹ آباد سے باہر کے مریضوں کے لئے خصوصاً ہدایت ہے
- ہسپتال میں ہر قسم کے Major اور Minor آپریشن اور ٹیبلٹ
- بچوں کا شعبہ + نرسری (NICU + PEADS)۔

48.

Musarat Mushtaq D/O Dr. Mohd Mushtaq
Mehri Nigar W/O Amir Wali Khan

Karak
Bannu
Chitral

District Karak.
District Karak.
District Bannu.
District Chitral.

Cont'd. 1

ATTESTED

(64)

Posting / Transfer Policy of the Provincial Government

(Annex) 3

709

Annex K

(k) For initial appointment to posts in BPS-17 and below in the Autonomous Bodies/Corporations, the zonal allocation formula applicable for Provincial Services may be adopted. The method of recruitment shall also conform to sub-para (c) above.

(l) The Provincial Government have already agreed that recruitment to the post of PTC in Education Department in various districts shall be made on constituency-wise basis. For this purpose, the existing districts have been divided into various zones. Each zone shall correspond to the area of constituency of the Provincial Assembly. However, recruitment to the posts shall, in each case, be 50% on merit in open competition on district basis and 50% on constituency basis.

2. I am directed to request that the above decisions of the Provincial Government may be brought to the notice of all concerned for strict compliance.

(Authority No.S&GAD's letter No.SOR.I(S&GAD)1-117/91(C),dated.12.10.1993.)

ATTESTED

The competent authority has decided that henceforth all the Government Departments/Offices shall ensure that requisitions are sent to the KHYBER PAKHTUNKHWA Public Service Commission complete in all respects and should reflect not only all the existing vacant posts but also posts likely to become vacant during the next eighteen months on account of retirement etc falling to the initial recruitment quota under the rules.

Posting / Transfer Policy of the Provincial Government

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(Regulation Wing)**

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.

- 1. Instructions issued vide circular letter No. SOR-VI (E&AD)1-10/08 (X), dated 07-10-2008
- 2. Posting – Transfer Policy – updated till 10 Jan, 2009

710

Posting / Transfer Policy of the Provincial Government

iii) All contract Government employees appointed against specific posts shall 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. Unattractive and hard areas will be notified by the Government.

v) { }

~~TESTED~~

vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, KHYBER PAKHTUNKHWA needs to be obtained

²While making postings/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. 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.

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.

1 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.

2 Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2008 dated 21.08.2008

(64)

Posting / Transfer Policy of the Provincial Government

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;

ATTESTED

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

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

c) Within the Secretariat from one Department to another	Department concerned. Secretary (Establishment)
--	--

~~REQUESTED~~

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 Khyber Pakhtunkhwa 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:

Posting / Transfer Policy of the Provincial Government

Page
28

713

66

- 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.

TESTED

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

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

{**Authority:** *Latter 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.
- 5.

(NAME)

Posting / Transfer Policy of the Provincial Government

SECTION OFFICER
Administrative Department

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

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the KHYBER PAKHTUNKHWA Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

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

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

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

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

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

.....
The Chief Minister KHYBER PAKHTUNKHWA has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;

ii)

The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in 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 then 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 participant will decline/represent against his/her posting.

**¹SUBJECT:- KHYBER PAKHTUNKHWA CIVIL SERVANTS
PROMOTION POLICY, 2009.**

Dear Sir,

I am directed to refer to the subject noted above and to say that in order to consolidate the existing Promotion Policy, which is embodied in several circular letters issued in piecemeal from time to time, and to facilitate the line departments

1. Notified vide letter No. SOE-III (E&AD)1-3/2008 Dated Peshawar the 28th January, 2009 [Source www.Khyber Pakhtunkhwa.gov.pk]

DBA number

131

BC No.

S.No 93269

Name of Advocate

میرزا علی محمد

وکالت نامہ


 SECRETARY
 District Bar Association
 Abbottabad

بعدالت
 عنوان: افتخار مقین
 منجانب: ایوان وکالت
 نوعیت مقدمہ: فیصلہ
 باعث تحریر آنکے: 8 اکتوبر 2019ء

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تفسیر مقدمہ بمقام

راولپنڈی ایف ڈی آر کے عدالت کی طرف سے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا بخاندانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرواختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از کچہری صدر و اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ محتانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ایسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ 19/10/2019ء

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ دن 19 ماہ سال

Accepted by me

افضل مقین جرنل محمد مقین

13101-09020090

47

IN THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

In Service Appeal No.517-A/2019.

Afshan Shafique wife of Muhammad Shoaib, Family Welfare Councilor at Mochi Dhara,
Tehsil and District Abbottabad (Appellant)

VS

Govt. of Khyber Pakhtunkhwa through Secretary Population Welfare Peshawar & others
..... (Respondents)

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S.No.	Documents	Annexure	Page
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Deponent

Sagheer Musharraf
Assistant Director (Lit)

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IN THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

In Service Appeal No.517-A/2019.

Afshan Shafique wife of Muhammad Shoaib, Family Welfare Councilor at Mochi Dhara, Tehsil
and District Abbottabad (Appellant)

VS

Govt. of Khyber Pakhtunkhwa through Secretary Population Welfare Peshawar & others
..... (Respondents)

JOINT PARA-WISE REPLY/COMMENTS ON BEHALF OF THE
RESPONDENTS NO.1 to 3.

Respectfully Sheweth,

Preliminary Objections.

1. That the appellant has got no locus standi to file the instant appeal.
2. That no discrimination / injustice has been done to the appellant.
3. That the appellant has been estopped by his own conduct to file the appeal.

On Facts.

1. Correct.
2. Correct.
3. Correct.
4. Correct.
5. Correct.
6. Correct.
7. Correct to the extent that the appellant was transferred from Mochi Dhara to FWC kehal due to long stay at hard station since 2008.
8. Correct to the extent that the office order of even No date 13.12.2018 is withdrawn due to the reason of heavy load work in FWC Mochi Dhara in the public interest.
9. Incorrect. No departmental appeal have been received from the appellant.
10. As explained in Para 9 above.
11. No comments.

On Grounds.

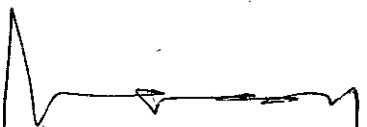
- A. Incorrect. As explained in para 8 of the facts above, all action taken according to law rules and regulation.
- B. Subject to Proof.

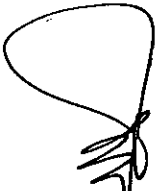
- C. Incorrect. Verbatim is based on distortions of facts as explained in para 8 of the facts above.
- D. Incorrect. The transfer order had been withdrawn in the public interest for smooth running of official business of Government in district Abbottabad.
- E. Incorrect. As explained in ground-D above.
- F. Incorrect. The impugned order is in accordance with section 10 of Khyber Pakhtunkhwa Civil Servants Act. 1973.
- G. Incorrect. As per paras above.
- H. Incorrect. Verbatim is based on distortions of facts as explained in ground-D above.
- I. Incorrect. All actions took according to the Rules, Law and regulations.
- J. Incorrect. As per ground 'F'.
- K. As per paras above.
- L. Incorrect. As explained in ground D above.
- M. No comments.
- N. The respondent may also be allowed to raise further grounds at the time of arguments.


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Prayer:-

Keeping in view the above, it is prayed that the instant appeal may kindly be Dismissed in the Interest of merit.


District Population Welfare Officer,
Abbottabad
Respondent No 3


Director General,
Directorate General Population Welfare
Khyber Pakhtunkhwa Peshawar
Respondent No 2


Secretary
Population Welfare Department,
Government of Khyber Pakhtunkhwa
Respondent No 1

30.09.19

IN THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

In Service Appeal No.517-A/2019.

Afshan Shafique wife of Muhammad Shoaib, Family Welfare Councilor at Mochi Dhara,
Tehsil and District Abbottabad (Appellant)

VS

Govt. of Khyber Pakhtunkhwa through Secretary Population Welfare Peshawar & others
..... (Respondents)

Affidavit

I Mr. Sagheer Musharraf, Assistant Director (Litigation), Directorate General of
Population Welfare Department do solemnly affirm and declare on oath that the contents of para-
wise comments/reply on behalf of respondents are true and correct to the best of my knowledge
and available record and nothing has been concealed from this Honorable Tribunal.


Deponent

CNIC#17301-1642774-9



POPULATION WELFARE DEPARTMENT
OFFICE OF THE DISTRICT POPULATION WELFARE
OFFICER, ABBOTTABAD.



Pwdabbottabad@gmail.com

Ph & Fax No 0992-401897

F. No. 1(9)/2020-21/Admn/11050-60

Dated Abbottabad the: - 02/10/2020

OFFICE ORDER

The following posting/transfer are hereby ordered with immediate effect and till further order in the best public interest.

S. No	Name of Officer/Official	From	To	Remarks
1	Sajida Parveen (FTO)	DPW Office Torghar	FWC Nawansher	Vice S. No. 2 on her arrival in DPW Office
2	Farah Naz (FWC)	FWC Nawansher	FWC POF Havelian	Vice S. No. 6 As a disciplinary action in the light of letter F.No. 1(7)/2019-20/Admn/10790-94
3	Nazli Hafeez (FWC)	FWC Shaheena Jamil	FWC Mochi Dhara	Vice S. No. 4
4	Afshan Shafiq (FWC)	FWC Mochi Dhara	FWC Kehal	Vice S. No. 5
5	Sonila Zafar (FWW)	FWC Kehal	FWC Shaheena Jamil	Vice S. No. 3
6	Bushra Rasheed (FWW)	FWC POF Havelian	FWC Phulkot	Against Vacant Post As a disciplinary action in the light of letter F.No. 1(26)/2020-21/Admn/10759-60

Sd/-
(Nowsherawan)
DPWO Abbottabad

Copy to: -

- 1- DDPWO (NT) DPW Office Abbottabad.
- 2- Accountant Local/Store Keeper for information.
- 3- Concerned officer/officials are directed to hand over/take over the complete charge of respective FW-Centers.
- 4- Mrs. Nosheen Nazir is directed to hand over the complete charge of FWC Phulkot to Mst. Bushra Rasheed and submit report to DPW Office.
- 5- Personal file of the officer/officials concerned.

District Population Welfare Officer
Abbottabad

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____-A/2019

Afshan Shafique wife of Muhammad Shoaib, resident of Abu Huraira Masjid Upper Kehal, Abbottabad at present Family Welfare Councilor at Mochi Dhara, Tehsil and District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Population Welfare Peshawar and others

...RESPONDENTS

REJOINDER ON BEHALF OF APPELLANT


INDEX

S. No.	Description	Page Nos.	Annexure
1.	Rejoinder alongwith affidavit	1 to 6	
2.	Copy of notification		"A"
3.	Copy of duration of period of respondent No. 5 at FWC Kehal		"B"
4.	Wakalatnama		

...APPELLANT

Through

Dated: _____/2019


(RAHEELA MUGHAL)

Advocate High Court, Abbottabad

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____ -A/2019

Afshan Shafique wife of Muhammad Shoaib, resident of Abu Huraira Masjid Upper Kehal, Abbottabad at present Family Welfare Councilor at Mochi Dhara, Tehsil and District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Population Welfare Peshawar and others

...RESPONDENTS

SERVICE APPEAL

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;-

PRELIMINARY OBJECTIONS:

1. Para No. 1 of preliminary objection of comments is incorrect hence denied. The appellant has got locus standi to file the instant appeal.
2. Para No. 2 of preliminary objection of comments is incorrect, hence denied. The said act of

respondents falls within the ambit of discrimination.

3. Para No. 3 is incorrect, hence denied.

ON FACTS:-

1. Para No. 1 of appeal admitted correct by the answering respondents.
2. Para No. 2 of appeal admitted correct by the answering respondents.
3. Para No. 3 of appeal admitted correct by the answering respondents.
4. Para No. 4 of appeal admitted correct by the answering respondents.
5. Para No. 5 of appeal admitted correct by the answering respondents
6. Para No. 6 of appeal admitted correct by the answering respondents.

7. In reply to para No. 7 of the comments filed by answering respondents it is submitted that the respondents themselves admitted that the appellant was transferred from Mochi Dhara to FWC Kehal, Abbottabad due to her long stay at hard station since 2008. Therefore, the impugned act of respondents by issuing transfer/posting order dated 20/12/2018 is liable to be set-aside, and it has been clear by issuance of notification from the respondent No. 2 vide office file No. 1(2)/2019Admn that tenure of transfer and posting is reduce to one and half year in un attractive area and is two years for settled area and one year for hard area. Copy of notification is annexed as Annexure "A".
8. In reply to para No. 8 it is submitted that office order dated 13/12/2018 was withdrawn by the respondents on political pressure just to facilitate to person of their choice, which fact is also evident from the impugned order dated 20/12/2018 that copy of the said order was sent to "*PS to Speaker Provincial Assembly Khyber Pakhtunkhwa for information*". Hence, the para No. 8 of the comments is incorrect, hence denied and tenure of

transfer/ posting of respondent No. 5 in FWC Kehal Abbottabad is above 03 years. Copy of duration of period of respondent No. 5 at FWC Kehal is annexed as Annexure "B".

9. Para No. 9 of the comments is incorrect hence, denied. The appellant has filed departmental appeal/ representation which is also annexed with the original file.
10. Para No. 9 is incorrect.
11. Admitted by the answering respondents.

GROUND:-

- A. Para "a" of ground of comments is incorrect. Hence denied. The respondents' department withdraw the transfer/posting order of the appellant due to political pressure.
- B. Para No. "b" of the comments is incorrect hence denied. The service record of the appellant is with respondents, which shows that the appellant has served with best of her

ability, honestly, devotion and dedication.

The appellant has served more than 10 years of his service at hard area but no single complaint was ever made against the appellant.

- C. Para No. "c" of grounds of comments is incorrect, hence, denied.
- D. Para No. "d" of grounds of comments is incorrect, hence, denied. Detailed reply has already been given in para No. 8 of rejoinder.
- E. Para "e" is incorrect hence denied.
- F. Para "f" incorrect hence subject to proof.
- G. Para "g" incorrect hence denied.
- H. Para "h" incorrect hence denied.
- I. Para "i" incorrect hence denied. The impugned order as has been issued is illegal, unlawful, without lawful authority and is against the rules, policy on the subject.
- J. Para "j" incorrect hence denied.


- K. Para "k" incorrect hence denied.
- L. Para "l" incorrect hence denied.
- M. Para "m" admitted correct.
- N. Para "n" incorrect hence denied.

In view the above, it is prayed that service appeal filed by the appellant may be allowed as prayed for in the interest of justice.

...APPELLANT

Through

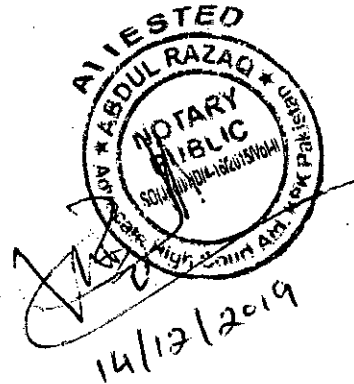
Dated: _____/2019


(RAHEELA MUGHAL)

Advocate High Court, Abbottabad

AFFIDAVIT;

I, Afshan Shafique wife of Muhammad Shoaib, resident of Abu Huraira Masjid Upper Kehal, Abbottabad at present Family Welfare Councilor at Mochi Dhara, Tehsil and District Abbottabad, do hereby solemnly affirm and declare that the contents of forgoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.





DEPONENT

Page (7)

Amir
A.D.

GOVERNMENT OF KHYBER PAKHTUNKHWA
 DIRECTORATE GENERAL, POPULATION WELFARE
 Plot No.18, Sector E-8, Phase-7, Hayatabad, Peshawar

F.No.1 (2)/2019/Admn
 Dated Peshawar the 26/09/2019

To

All District Population Welfare Officers,
 In Khyber Pakhtunkhwa.

Subject -

TENURE BASED POSTING TRANSFER

I am directed to refer to the subject and decision taken during the internal meeting wherein the Hon'ble Secretary Population Welfare Department desired that all District Population Welfare Officers may ensure posting / transfer of the staff under their administrative control strictly in accordance with the posting / transfer policy of the Provincial Government which states that " existing tenure of posting transfer of three years for settled areas and two years for unattractive hard areas shall be reduced to two years for settled areas one and half years for unattractive areas and one year for hard areas". You are therefore requested that the posting / transfer policy of the Provincial Government may be implemented in letter and spirit under intimation to this office.

I am further to state that names of those Service providers may also be conveyed to this office who have completed their tenure in the present District and are desiring to be posted in the District of Domicile.

Copy to,

Dar
 Assistant Director (HR)

1. PS to Secretary Population Welfare Department KP, Peshawar
2. PS to Director General, PWD, KP, Peshawar

As stood on 6-11-2018

S. No	Name of outlets	Name of I/C	Period	FWA (M) (B-07)	Period	FWA (F) (B-07)	Period	Chowkidar	Period	Aya/Helper	Annex
1	FWC Abbottabad City	Nazia Rafique, FWW	25-8-2014 till date	Sohail Shamrez	16-3-2016 till date	Mehnaz Mushtaq	8-3-2012 till date	Sheraz	17-9-2018 till date	Shazia Junaid	2-10-2017 till date
2	FWC A.M. C	Gul Rehana (FWC)	12-3-2018 till date	Imran Khan	7-12-2010 till date	Uzma Tariq	9-7-2001 till date	N.A		Tahira Bano	3-10-2014 till date
3	FWC Beerote	N.A		N.A		Afshan Akram	1-8-2016 till date	N.A		NA	
4	FWC Bagnotar	Saiqa Jabeen, FWW	22-3-2018 till date	Mohd Nadeem	24-12-1998 till date	Shazia Dawood	22-2-2017 till date	Ikhlaq Ahmad	25-1-2018 till date	Nazima Bibi	2-11-2018 till date
5	FWC Beerangali	Shahana Gul, FWW	27-7-2006 till date	Usman Shah	24-3-2018 till date	N.A		Waqar	17-9-2018 till date	Mahjbeen Bibi	27-10-1995 till date
6	FWC Bandi Dhundan	Uzma Syed, FWW	19-9-2018 till date	Nasir Sultan	15-4-2018 till date	Sadaf Naz	5-3-2018 till date	Gul Faraz	2-8-2004 till date	Rukhsana Zeb	6-7-2005 till date
7	FWC CMH	Nosheen Nazir FWW	18-10-2018 till date	Ishtiaq Ahmad	7-12-2010 till date	Yasmeen Akhtar	4-6-2018 till date	N.A		Rukshanda Rani	4-9-2013 till date
8	FWC Dalola	Tayiba Bibi, FWW	1-2-2018 till date	N.A		Yasmeen Bibi	2-5-1997 till date	N.A		Kinza Bibi	9-5-2005 till date
9	FWC Havelian	Nargis Bano, FTO	31-8-1998 till date	Imran	15-4-2018 till date	Irum Iftikhar	22-2-2012 till date	Sadaqat Khan	13-12-2017 till date	Muryam Shamrez	2-11-2018 till date
10	MSU Havelian	N.A		N.A		N.A		N.A		Sabeeha Khatoon	2-11-2018 till date
11	FWC Jhangi	Qaisra Bibi, FWW	19-4-2012 till date	Nasir Gul	7-12-2010 till date	Tasleem Akhtar	22-8-2008 till date	Jahangir Khan	25-1-2018 till date	Farah Zeb	13-6-2014 till date
12	FWC Kakul	Shakeela Bibi, FWW	1-2-2018 till date	F... Gul	13-10-2015 till date	Farhat Jabeen	3-2-2018 till date	Latif Shah	17-9-2018 till date	Sabreen Bibi	3-12-2015 till date
13	FWC Kuthwal	Samina Bibi, FWW	5-3-2013 till date	S... Qureshi	13-10-2015 till date	NA		Hafeez Ur Rehman	7-7-2018 till date	Yasmeen bibi	30-3-2001 till date
14	FWC Kuthiala	Musarrat Bibi, FWC	1-2-2018 till date	Shakir Qayume	27-7-2006 till date	Shazia Jabeen	27-7-2006 till date	Mohd Naveed		Razia Bibi	12-12-2014 till date
15	FWC Lora	Saba Al Noor, FWW	13-9-2011 till date	Sajid Saleem	2-5-2017 till date	Shehla Gul	27-9-2018 till date	Nacem Khan	29-1-2018 till date	Ruqayya Abbassi	23-12-1991 till date
16	FWC Mochi Dhara	Afshan Shafiq, FWW	8-8-2008 till date	Nazir Ahmed	15-8-2011 till date	Nayyar Bibi	27-12-2006 till date	Umer Hayat	13-6-2014 till date	Yasmeen	27-5-2002 till date
17	FWC Nawan Sheher	Farah Naz, FWC	12-3-2015 till date	Yasir Mir	10-4-2007 till date	Scbia	11-10-2015 till date	Mohd Waqas	8-11-2016 till date	Balquis Bibi	20-7-2004 till date
18	FWC Nambal	Abida Khanam FWW	11-10-2018 till date	N.A		Farkhanda Arshad	1-3-2012 till date	N.A		N.A	
19	FWC Phulao Di Bandi	Azra Shaheen, FWW	1-2-2018 till date	Asad Nazir	30-4-2018 till date	Suman Bibi	27-8-2012 till date	Mohd Sajid	13-5-2015 till date	Rubina Bibi	24-2-2012 till date
20	FWC Phulkot	Aalia Bano FWA(F) Trained FWW	12-10-2018 till date	Asim Ali	8-11-2016 till date	Sadaf Rani	9-5-2018 till date	Altaf Hussain	22-10-2007 till date	NA	

