

960/2014

14.10.2014

Appeal No. 960/2014
Mr. Muhammad Hamid

Counsel for the appellant and Mr. Ziaullah, Government Pleader for the respondents present. Preliminary arguments heard and record.

The learned Government Pleader while arguing the case to assist the court stated that the document dated March 7, 2014 annexed with the appeal as annexure-F at page 11, is not a speaking order and does not qualify for intervention of this Tribunal in terms of Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. He argued that the appeal in present form is therefore, not maintainable as the Tribunal under Section 7 of the said Act cannot exercise its powers in respect of the order stated to be impugned order.

The learned counsel for the appellant relied upon Clause 24-(A) of the General Clauses Act and also relied upon Rule 27 of the Service Tribunal Rules, 1974, which invest the Tribunal with powers to make such orders which may be necessary for the ends of justice.

From perusal of the record and arguments of both parties it can be concluded that requirements of Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 could hardly be satisfied by impugning the explanation letter dated March 7, 2014. Hence the appeal in present form is not maintainable and is dismissed in limine. File be consigned to the record.

ANNOUNCED

14.10.2014

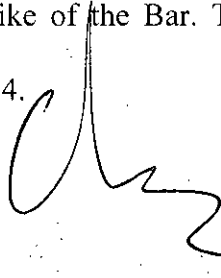


MEMBER

3

01.09.2014

Clerk of counsel for the appellant present, and requested for adjournment due to General Strike of the Bar. To come up for preliminary hearing on 24.09.2014.



Member

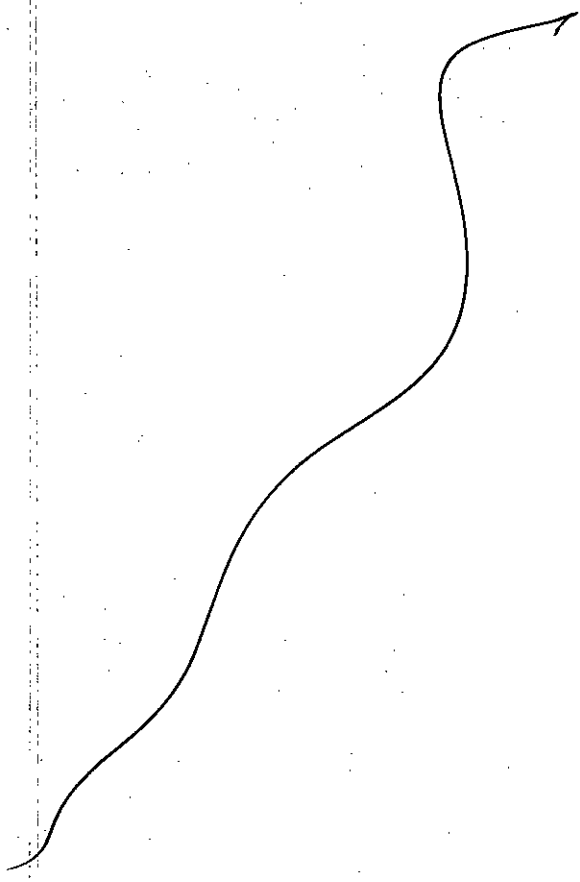
4

24.09.2014

Counsel for the appellant present. Preliminary arguments partly heard. The matter required further elucidation, therefore, pre-admission notice be issued to the learned AAG/GP to assist the Tribunal. To come up for preliminary hearing on 14.10.2014.




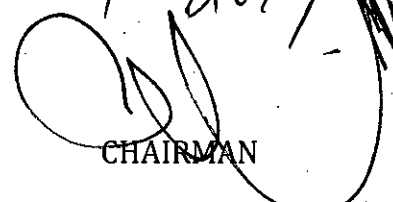
Member



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 960/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/07/2014	<p>The appeal of Mr. Muhammad Hanif presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	5-8-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>1-9-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 460 /2014

Mohammad Hanif

VS

Health Department

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6.	Transfer order	D	9.
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9.	Departmental appeal	G	12- 13.
10.	Transfer/posting policy	H	14- 16.
11.	Vakalat nama	17.

APPELLANT

(M. Hanif)

MOHAMMAD HANIF

THROUGH:

(N. Khattak)

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 960 /2014

994
16-7-2014

Mohammad Hanif, Chowkidar (BPS-1),
Agency Headquarter Hospital Khar, Bajaur Agency.....**APPELLANT**

VERSUS

- 1- The Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
- 2- The Director Health services FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.
- 3- The Agency Surgeon, Bajaur at Khar.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 7.3.2014 WHEREBY THE APPELLANT WAS TRANSFERRED FROM AGENCY HEADQUARTER HOSPITAL KHAR BAJAUR AGENCY TO BASIC HEALTH UNIT TALI IN VIOLATION OF EXISTING RULES AND POLICY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 7.3.2014 may very kindly be set aside and the respondents may please be directed not to transfer the appellant from Agency Headquarter Hospital Khar Bajaur Agency to Basic Health Unit Tali. Any other remedy which this august tribunal deems fit may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That the appellant was appointed as Chowkidar (BPS-1) in the Health Department vide order dated 15.8.1990. That after appointed the appellant submitted his arrival report and started performing his duty as chowkidar at Basic Health Unit Tali quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure **A.**

- 2- That the appellant while working as Chowkidar (BPS-1) at BHU Tali (Larmadak) a dispute/enmity was arised between the appellant and his close relatives. That due to that reason the appellant got injured from the firing of his rivals. Copies of the medical prescriptions are attached as annexure **B.**
- 3- That appellant submitted applications before respondent No.2 as well as before the Political Agent Bajaur for his transfer to any other station. That the said application was allowed by respondent No.2 and in result the appellant was transferred to BHU Raghagan vide order dated 21.3.2000. Copies of the application and transfer order are attached as annexure **C & D.**
- 4- That later on the appellant was transferred to Agency Head Quarter Hospital Bajaur Agency from BHU Raghagan vide order dated 23.4.2002. That in compliance the appellant submitted his arrival report and started performing his duty at Agency Headquarter Hospital Khar Bajaur Agency. Copy of the order dated 23.4.2002 is attached as annexure **E.**
- 5- That astonishingly vide order dated 7.3.2014 the Agency Surgeon Bajaur Agency called explanation from the appellant in which the Agency Surgeon Bajaur Agency directed the appellant to report to his original place of duty i.e. BHU Tali Larmadak without issuing the proper transfer order of appellant. That in response the appellant clarified his position regarding his enmity with his relatives but inspite of that the respondent No.3 is not willing to cancel the said order dated 7.3.2014. Copy of the explanation is attached as annexure **F.**
- 6- That feeling aggrieved from the impugned order dated 7.3.2014 the appellant filed Departmental appeal but no reply has been received so for. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure **G.**

GROUND:

- A- That the impugned order dated 7.3.2014 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the 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 impugned order dated 7.3.2014 is against the transfer posting policy of the Government of Khyber Pakhtunkhwa. Copy of the Transfer/posting policy is attached as annexure **H.**
- D- That the impugned order dated 7.3.2014 has not been issued by the respondent Department in the public interest nor exigencies of service.
- E- That the respondent No.3 inspite of knowing the fact that the appellant has enmity with his relatives at the place from which he was transferred to Agency Head Quarter Hospital Bajaur Agency has issued the impugned order dated 7.3.2014 due to which the appellant was again transferred to BHU Tali.
- F- 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 of the appellant may be accepted as prayed for.

APPELLANT



MOHAMMAD HANIF

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO _____/2014

Mohammad Hanif

VS

Health Department

APPLICATION FOR SUSPENSION OF OPERATION
OF IMPUGNED ORDER DATED 7-3-2014 TILL THE
DISPOSAL OF THIS APPEAL

R/SHEWETH:

- 1- That the appellant filed above mentioned appeal along with this application before this august service Tribunal in which no date has been fixed so for.
- 2- That all the three ingredients necessary for the stay is in favor of the appellant.
- 3- That the transfer of the appellant is against the transfer policy of the Government of Khyber Pakhtunkhwa and the impugned transfer order dated 7-3-2014 is also not issued in the public interest not exigencies of public service.
- 4- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore humbly prayed that on acceptance of this application the order dated 7-3-2014 may very kindly be suspended till disposal of this appeal.

APPELLANT

(M Hanif)

MOHAMMAD HANIF

THROUGH:

(M)

NOOR MOHAMMAD KHATTAK
ADVOCATE

A-5

No. 1096-97 /C-5 Dated Khar the 15 /8/1990.

From:- The Agency Surgeon Bajaur
at Khar.

To:- The Mr. Mohammad Hanif S/O Gul Zamin Khan,
Village Talai (Salarzai Area Bajaur)

Subject:- APPOINTMENT AS A CHOWKIDER.

Memo:- Reference Government N.W.F.P. Finance Deptt:
Letter No. 2/65-88/FATA-II/FA-1311-Dated 30/6/1990.

As recommended by the Political Agent Bajaur at Khar
in response to this office letter No. 1039/C-5 Dated 7.8.1990.

You are here by appointed as a Chowkider in
Basic Health Unit Laradak (Salarzai Area) Against the New Post
in B.P.S. I (600-13-860) plus usual allowances admissible under the
rules.

Your Services as purely on temporary basis and
can be terminated at any time without any notice and if you wish
to resign, You will serve one month notice or forfeited one month
pay in lieu thereof.

You will be governed by the rules and regulation
issued from the Government from time to time for such category of
staff.

Your appointment is subject to your Medical Fitness

If you want to serve please report to the undersign
within one week from the receipt of this communication, failing which
your service will be considered as cancelled.

[Signature]
Agency Surgeon Bajaur
at Khar.

No. _____ /C-5

Copy forwarded to the:-

- 1. Agency Account officer Bajaur at Khar for information please.

[Signature]
Agency Surgeon Bajaur
at Khar.

ATTESTED
[Signature]

Handwritten notes in Urdu, including "کے بعد ٹائیکے نکلوائیں" and "تکلیف کی صورت میں بروز پیر، بدھ، جمعہ سرجیکل اوپری ڈی تشریف لائیں".

AGENCY HEAD QUARTERS HOSPITAL
BAJAUR AGENCY
SURGICAL UNIT

Surgeon I/C:
Dr. Fakhrul Islam
 M.B.B.S. (Pesh) FCPS (Pak) FICS (USA)
 Senior Medical Officer
Dr. Asad Ullah
 FCPS (Pak)

MEDICAL OFFICER
Dr. M. Noor
 M.S. Gen. Surgery
Dr. M. Darwesh
Dr. Sami Ullah
Dr. M. Karim

دنوں کے بعد ٹائیکے نکلوائیں
 تکلیف کی صورت میں بروز پیر، بدھ، جمعہ سرجیکل اوپری ڈی
 تشریف لائیں

Admission No: 171/11 Bed No: _____
 Name: _____ Father's Name: _____
 Age: _____ Sex: _____
 Address: _____
 D/A: _____ D/Opt: _____ D/D: _____
 Diagnosis: _____
 Operation: _____
 Condition at Discharge: _____
 Surgical hand: _____

Medical Officer Sign:

Name

AUGMENTIN
 (amoxicillin + clavulanic acid potassium salt)

ATTESTED

AUGMENTIN
 (amoxicillin + clavulanic acid potassium salt)

7

Treatment at Home:-

ORTHOPAEDIC UNIT

District Head Quarter Hospital
Timergara, Distt. Dir

SURGEONS:-

1. Dr. Himayat Ullah
MBBS, MCH, FRCS
2. Dr. Rahim Badshah
MBBS, FCPS

Pt. Name محمد رفیق

Age _____ Add. No. 303-28-

Date of Admission 24-11-99

Date of Operation 25-11-99

Date of Discharge 04-12-99

Diagnosis Fire arm injury R. Arm

PPS COMPUTERS HIMAYAT PRESS, TIMERGARA PH: 821567

ATTESTED

بروز پیر، بدھ، جمعرات
بروز منگل، جمعہ

او۔ پی۔ ڈی
اپریشن

محمد رفیق کے ساتھ ساتھ محمد رفیق

Ittefaq Medicine Company

CHEMISTS & DRUGGISTS

Opp. Distt Hospital Gate Timergara Distt Timergara

Prop: Khyber Khan & Sons

Phone Res Mardan 61490



Cash Memo

No 01

Date 24-11-88

Name MUHAMMAD HANIF

Qty	Particulars	Rate	Rs.	Ps.
27	inj Velosez		1232	
Total			1232	

[Signature]
DR. RAHIM KHAN
D.H.O. Hospital Timergara
Distt: Dir.

E.&O.E.

[Signature]
Signature

Treatment at Hospital:-

Debridement
irrigation

Operation:-

POP

Medication:-

inj velosez
inj Gentamicin
Briufen Syr
merman cap

8-C ✓
کریٹ صواب دہی ہو غنیمت فاما لہ کر

2006
6-4-2006

جانب

ہو رہا ہے سرور میں۔ یہ سزا دہی ہو غنیمت فاما لہ کر
انہی میں ہو لہذا رہی۔ وہاں پر سزا دہی ہو غنیمت فاما لہ کر
جائے قتل کا حکم تھا جس میں سزا دہی ہو غنیمت فاما لہ کر
سزا دہی ہو غنیمت فاما لہ کر
اس سزا دہی ہو غنیمت فاما لہ کر
راہی ہو لہذا رہی ہو غنیمت فاما لہ کر

جانب سے دہی ہو غنیمت فاما لہ کر
کا یہ فیصلہ مندرجہ ذیل ہے جس میں سزا دہی ہو غنیمت فاما لہ کر
باقی میں تبدیل فرمایا گیا ہے سزا دہی ہو غنیمت فاما لہ کر
نور احمد شاکر نامی ہے۔
6/4

ATTESTED

لکھ

Director Health Service
FATA N.W.F.P.
Peshawar.

محمد حنیف بقیہ

A. S. - This
certification
was done by
me

Director Health Service
FATA N.W.F.P.
Peshawar.

D-9 ✓

**OFFICE OF THE AGENCY SURGEON
BAJAUR AT KHAR.**

OFFICE ORDER.

Mr. Muhammad Hanif Chowkidar attached to Basic Health unit Tali (Larmadak) has enmity at village Tali and it is feared that he may loss his life, therefore he is hereby transferred to Basic Health Unit Raghagan with immediate effect till further orders.

Arrival report should reach to this office with in 2 days.

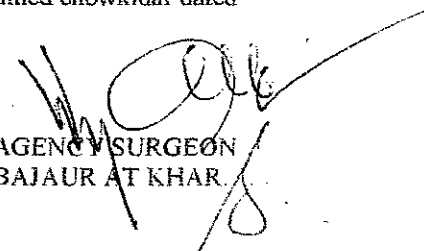
Sd/-----
AGENCY SURGEON
BAJAUR AT KHAR..

No. 1249-45/C-5/BJR


Dated March 21, 2000.

Copy to the:-

1. ✓ Official concerned for compliance.
2. ~~Medical Officer Incharge BHU Tali for information and with direction that ward orderly and Behnshty of the BHU Tali should perform the duty of chowkidar in rotation till further orders.~~
3. Medical Officer BHU Raghagan for information and necessary action.
4. Major Muntaz Ali Khan Member Army Monitoring cell Bajaur for information with reference to his remarks on the application of the above named chowkidar dated 08-03-2000.


AGENCY SURGEON
BAJAUR AT KHAR.

ATTESTED



E-10
J

OFFICE OF THE AGENCY SURGEON BAJAUR AT KHAR

OFFICE ORDER

In continuation of this office order No. 1388-91/F-6/BJR dated April 19, 2002, the following impartial modification is hereby made in the interest of public with immediate effect.

S#	Name official	From	To	Remarks
1	Mr. Fazal Subhan	Under transfer to BHU Tali is hereby retained at his original place		
2	Mr. Mohammad Hanif	BHU Raghagan	AHQH Khar	
3	Mr. Mohammad Yousaf	RHC Pashat	BHU Tali	

Note

Arrival / departure report should reach this office with in three days.

Sd/-----
AGENCY SURGEON
BAJAUR AT KHAR

No. 1462-64 /F-6/BJR

dated April 23, 2002

Copy to the: -

1. Senior Medical Officer I/C AHQ Hospital Khar for information and necessary action
2. Medical Officer I/C RHC Pashat, BHU Tali and BHU Raghagan for information and necessary action
3. Officials concerned for compliance

[Signature]
AGENCY SURGEON
BAJAUR AT KHAR

23/4
ATTESTED
[Signature]

Handwritten signature or scribble at the bottom center of the page.

OFFICE OF THE ✓
AGENCY SURGEON BAJAUR F-①

No. 442-43 /C-5/PF/BJR

Dated March 7, 2014

To

Mr. Muhammad Hanif
Chowkidar BHU Tali

Subject EXPLANATION

Memo:

Some 15 days ago you were called on to the office under-signed and were directed to report to your original place of duty without any delay. But you did not bother to comply, due to your non compliance an unpleasant incident occurred at BHU Tali which put the department to an embarrassing situation. Therefore you are hereby directed to explain your position regarding your willful absence. Otherwise strict action under the prevailing rules will be initiated against you, which may lead you to your termination from services. Your reply should reach to the under-signed within three days.


AGENCY SURGEON BAJAUR

CC

Assistant Political Agent Khar for information please

ATTESTED


To

G-12

**The Director Health Services FATA,
Warsak Road, Khyber Pakhtunkhwa Peshawar.**

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER
DATED 7.3.2014 WHEREBY THE APPELLANT WAS
TRANSFERRED FROM AGENCY HEADQUARTER
HOSPITAL KHAR BAJAUR AGENCY TO BASIC
HEALTH UNIT TALI IN VIOLATION OF EXISTING
RULES AND POLICY**

R.SEWETH:

- 1- That appellant was appointed as Chowkidar (BPS-1) in the Health Department vide order dated 15.8.1990. That after appointment the appellant submitted his arrival report and started performing his duty as chowkidar at Basic Health Unit Tali quite efficiently and up to the entire satisfaction of his superiors.
- 2- That appellant while working as Chowkidar (BPS-1) at BHU Tali (Larmadak) a dispute/enmity was arise between the appellant and his close relatives. That due to that reason the appellant got injured from the firing of his rivals.
- 3- That appellant submitted applications before your good self as well as before the Political Agent Bajaur Agency for his transfer to any other station. That the said application was allowed by your good self and in result the appellant was transferred to BHU Raghagan vide order dated 21.3.2000.
- 4- That later on the appellant was transferred to Agency Head Quarter Hospital Bajaur Agency from BHU Raghagan vide order dated 23.4.2002. That in compliance the appellant submitted his arrival report and started performing his duty at Agency headquarter Hospital Khar Bajaur Agency.
- 5- That astonishingly vide order dated 7.3.2014 the Agency Surgeon Bajaur Agency called explanation from the appellant in which the Agency Surgeon Bajaur Agency directed the appellant to report to his original place of duty i.e. BHU Tali Larmadak with out issuing the proper transfer order of appellant. That in response the appellant clarified his position regarding his enmity with his relatives but inspite of that the Agency Surgeon is not willing to cancel the said order dated 7.3.2014.

ATTESTED



6- That feeling aggrieved from the order dated 7.3.2014 and having no other remedy the appellant filed this Departmental appeal on the following grounds amongst the others.

GROUND:

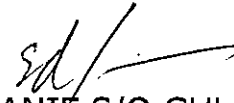
- A- That the impugned order dated 7.3.2014 issued by the Agency Surgeon Bajaur Agency is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the Agency Surgeon in accordance with law and rules on the subject noted above and as such the authority violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned order dated 7.3.2014 is against the transfer posting policy of the Government of Khyber Pakhtunkhwa.
- D- That the impugned order dated 7.3.2014 has not been issued by the authority in the public interest nor exigencies of service.
- E- That the concerned authority inspite of knowing the fact that the appellant has enmity at the place from which he was transferred to Agency Head Quarter Hospital Bajaur Agency has issued the impugned order dated 7.3.2014 due to which the appellant was again transferred to BHU Tali.
- F- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore humbly prayed that on acceptance of this Departmental appeal the impugned order dated 7.3.2014 may very kindly be set aside and the concerned authority may very kindly be directed that not to transfer the appellant from Agency Headquarter Hospital Khar Bajaur Agency. Any other remedy which your good self deems fit that may also be awarded in favor of the appellant.

Dated: 1.4.2014

ATTESTED




MOHAMMAD HANIF S/O GUL ZAMIN KHAN
Chowkidar (BPS-1), Agency Headquarter,
Hospital Khar, Bajuar Agency



**GOVERNMENT OF NWFP
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.
- 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) ¹{ : }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP 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 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.

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 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.
2 Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

Attested
[Signature]

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

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

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

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

- Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- 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 tenures 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.

Assesed

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VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2014

Mohammad Hanif (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Department (RESPONDENT)
(DEFENDANT)

I/We Mohammad Hanif
Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our 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. ____/____/2014

M Hanif
CLIENT

AK
ACCEPTED
NOOR MOHAMMAD KHATTAK
(ADVOCATE)

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