

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	09.04.2015	<p data-bbox="630 463 1398 544">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p data-bbox="802 582 1235 624">Service Appeal No. 1359/2014,</p> <p data-bbox="630 662 1474 783">Mst. Saudia Bibi, PST, GGPS Jarbat, District Malakand Versus The Government of KPK through the Secretary (E&SE) Peshawar etc.</p> <p data-bbox="776 821 964 864"><u>JUDGMENT</u></p> <p data-bbox="776 942 1474 985"><u>PIR BAKHSH SHAH, MEMBER.-</u> Counsel for</p> <p data-bbox="630 1023 1474 1065">the appellant (Mr. Muhammad Asif Yousafzai, Advocate),</p> <p data-bbox="630 1103 1474 1146">Mr. Muhammad Jan, GP with Mosam Khan, AD for the</p> <p data-bbox="630 1184 1474 1227">official respondents and counsel for private respondent No.</p> <p data-bbox="630 1265 1370 1307">4 (Mr. Noor Muhammad Khattak, Advocate) present.</p> <p data-bbox="630 1421 1474 1779">2. Appellant Mst. Saudia Bibi filed the instant appeal under Section 4 of the Khyber Pakthunkhwa Service Tribunal Act, 1974 against the order dated 23.8.2014, whereby she has been transferred from GGPS Jarbat to GGPS No. 1 Nari Tangi..</p> <p data-bbox="630 1900 1256 1942">3. Arguments heard. Record perused.</p> <p data-bbox="630 2026 1474 2383">4. It was submitted that in pursuance of order dated 22.8.2014 the appellant took charge as PHST at GGPS Jarbat on 23.08.2014, where she rendered service till 30.10.2014 but the respondents-department in order to adjust private respondent No. 4 (Mst. Shamshad Begum)</p>

issued a corrigendum in a factitious dated 23.08.2014. It was further submitted that the impugned order is based on malafide and in violation of the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.

5. On the other hand learned counsel for private respondent No. 4 who submitted Wakalatnama to-day which is placed on file, argued that the impugned order was made with bonafide, in accordance with promotion policy of Education Department. The learned Government Pleader also relied on the arguments of the learned counsel for private respondent No.4.

6. During the course of arguments, it was resolved by the parties that the case may be remitted to the District Education Officer (F) Malakand at Batkhela to look into the matter of posting/transfer of the appellant and private respondent No. 4 strictly in the light of the Regulatory Act, 2011 and promotion policy dated 18.1.2013 above.

7. Hence, the DEO (Female) Malakand at Batkhela is directed in the above terms and to decide the matter within one month of the receipt of this order. Since both the parties claim to be possessing charges of the posts, therefore, status quo as it is, to be maintained till decision of

the case by the D.E.O(F) Malakand. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
09.4.2015



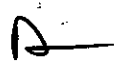
(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

05.03.2015

Counsel for the appellant, Mr. Shabir Ahmad, Head Master for respondents No. 1 to 3 and counsel for private respondent No. 4 with Asst: AG for official respondents present. Written reply on behalf of official respondents No. 1 to 3 received, copy whereof is handed over to the learned counsel for the appellant. To come up for written reply/comments on behalf of private respondent No. 4 on 27.03.2015. Till then status-quo be maintained.


Member

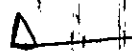
27.03.2015

Counsel for the appellant, M/S Khurshid Khan, SO for respondent No. 1, Javed Ahmed, Supdt. for respondent No. 2, Bashir Ahmed, Headmaster for respondent No. 3 alongwith Addl: A.G for official respondents and counsel for private respondent No. 4 present. Private respondent No. 4 also submitted written statement. Rejoinder submitted by the appellant. Appellant also submitted application for release of her salary. Notice of application and, furthermore, the appeal is assigned to D.B for final hearing for 9.4.2015. Till then status-quo be maintained.


Chairman


09.02.2015

Counsel for the appellant and Mr. Bashir Ahmad, Head Master for respondents No.1 to 3 with Mr. Kabirullah Khattak, Asst: Advocate General for official respondents present. Mr. Noor Muhammad Khattak, Advocate present and submitted Wakalat Nama on behalf of private respondent No. 4 as well as written reply on application, copy handed over to the learned counsel for the appellant and the learned ^{AG} . To come up for written reply/comments on 25.02.2015. Till then status-quo be maintained.


Member

25.02.2015

No one is present on behalf of the appellant. Mr. Bashir Ahmad, Head Master for official respondents No. 1 to 3 with Asst: AG and counsel for private respondent No. 4 present. Written replies on behalf of the respondents have not been received. To come up for written reply/comments on main appeal as well as reply/arguments on application on 05.03.2015. Till then status-quo be maintained.


Member

Appeal No. 1359/2014
Mst. Sandia Biker


3, 16.01.2015

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 23.08.2014, vide which the appellant was transferred from GGCMS Kharikai Pirkhel to GGPS No.1 Nari Tangi. Against the above referred impugned order appellant filed departmental appeal on 26.08.2014 which was not responded within the statutory period of 90 days, hence the instant appeal on 27.11.2014. He further stated that the impugned transfer is politically motivated and has been passed in violation of Govt. policy, spouse policy, Teachers posting regulatory Act of 2011. Counsel for the appellant has also filed an application alongwith the appeal for suspending the operation of order dated 23.08.2014. Notice of application should also be issued to the respondents for reply/arguments.

Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on main appeal as well as reply/arguments on application on 09.02.2015. Till then status quo be maintained.

Appellant Deposited
Security & Process Fee
Rs. 350/- Bank
Receipt is Attached with File.

CS




Member

Form-A

FORM OF ORDER SHEET

Court of _____

Case No. 1359/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27.11.2014	<p>The appeal of Mst. Saudia Bibi presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Bench <u>II</u> for preliminary hearing to be put up there on <u>16-1-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1359 /2014.

Mst: Saudia Bibi.

Vs

Education Deptt:

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Saudia Bibi
APPELLANT

THROUGH:

M. Asif Yousafzai
M.ASIF YOUSAFZAI

ADVOCATE.

①

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1359 /2014.

[Stamp]
1394
27/11/2014

Mst: Saudia Bibi, PST;

GGPS Jarbat, Distt: Distt: Malakand.....Appellant

VERSUS

- 1- The Govt: of KPK Through the Secretary Education (E&SE), Civil Secretariat Peshawar.
- 2- The Director Education (E&SE), Dabgari Garden Peshawar City.
- 3- The Distt: Education Officer (Female) E&SE, Distt: Malakand at Batkhela.
- 4- Mst: Shamshad Begum PST, GGPS Jarbat, Distt: Malakand.

.....Respondents.

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE PREMATURE, POLITICALLY MOTIVATED AND VIOLATIVE TO THE GOVT: RULES AND POLICY TRANSFER ORDER DATED. 23.8.2013 AND AGAINST NOT TAKING ACTION ON THE APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD.

PRAYER:

That on acceptance of this appeal the order NO.3313-20 dated. 23.08.2014 may be set- aside being in violation of Govt: policy/rules, Regulatory Act of 2011 and violative to the union council policy. The respondents may further please be directed to abide by the Govt: policy/rules and retained the appellant in GGPS Jarbat in her union council. Any other remedy which this august Tribunal deems fit that may further please be awarded in favour of appellant.

[Stamp]
27/11/14

R.SHEWETH.

- 1- That the appellant was appointed as PST on 18.9.1989 and as such the appellant has more than 25 years service at her credit with good record

through out. It is also worth to mention here that the respondent No. 4 belongs to union council Khar Distt: Malakand. Copy of the appointment order of appellant is attached as annexure – A.

- 2- That the husband of the appellant is also a PST teacher who is working in GPS Jolagram Distt: Malakand of U.C Dheri Jolagram. Copies of the service certificate and domicile are attached as Annexure – B & C.
- 3- That the appellant was promoted to PSHT (BPS-15) vide order dated.22.08.2014 and as per union council policy she was posted at GGPS Jarbat against a vacant post which was available in her union council. The appellant took over the charge of the post at GGPS Jarbat on 23.08.2014. Copy of the order and charge report is attached as Annexure – D & E.
- 4- That the appellant performed her duty at GGPS Jarbat till 23.10.2014 which is evident from the attendance register of the month of August, September and October 2014. Copy of attendance register is attached as Annexure – F.
- 5- That the respondent No.3 issued a back dated order on 23.08.2014 whereby the appellant was posted out of her union council at GGPS Nari Tangi and respondent No.4 was posted at the place of appellant at GGPS Jarbat. It is also added that the respondent No.4 was then posted at GGPS Mishta on 4.9.2014 but again posted at GGPS Jarbat on 30.10.2014 whereas the teacher at GGPS Nari Tangi has not left her post due to union council policy. Copy of the orders are attached as Annexure – G,H,I
- 6- That being aggrieved from the order dated . 23.08.2014, the appellant filed an appeal to the respondent no.2 which is not decided till the expiry of statutory period. Hence the present appeal on the following grounds amongst the others. Copy of appeal is attached as annexure – J.

GROUND:

- A- That the order dated. 23.08.2014 is against the law, rules, Govt: policy, spouse policy, Teachers posting Regulatory Act of 2011 and not taking action on the appeal of appellant is not tenable and liable to be set-aside.
- B- That the KPK Parliament has passed an Act of 2011 for regulating the posting of the teachers and according to the section 3 of the said Act PST teachers is to be posted in own union council. Thus posted out the appellant from her own union council is the violation of the Act. Copy of the act is attached as Annexure – K.

- C- That the husband of the appellant is also working in union council Dheri Jolagram and as such according to the spouse policy of the Govt: the appellant has the right of having posting in U.C Dheri Jolagram. Therefore the order dated. 23.8.2014 is liable to be set-aside.
- D- That even the posting order dated. 23.8.2014 is premature and based on favoritism/nepotism because the appellant remained in GGPS Jarbat for 3 months and thus the order dated. 23.8.2014 is against the spirits of Govt: approved posting/transfer policy. Copy of the policy is attached as annexure – L.
- E- That the order is also in violation of Govt: instruction dated 27.2.2013 which is based on Supreme Court's judgment passed in case of Anita Turab as no reasons mentioned as to why the appellant has been posted out of her own union council. Copy of circular is attached as Annexure –M.
- F- That the appellant has not been treated according to the Teacher's Posting Regulatory Act of 2011 and posting /transfer policy of the Govt:
- G- That the respondent No.4 belongs to some other union council (Khar) and her posting in GGPS Jarbat is against the spirits of law, policy mentioned above.
- H- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT

Saudia Bibi
SAUDIA BIBI

THROUGH:

M. Asif Yousafzai
M.ASIF YOUSAFZAI
ADVOCATE.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1359/2014.

Mst: Saudia Bibi.

Vs

Education Deptt:

APPLICATION FOR SUSPENDING THE OPERATION OF ORDER DATED. 23.08.2014 TILL THE DISPOSAL OF MAIN APPEAL.

R.SHEWETH.

1. That the appellant has filed an appeal along with this application in which no date is fixed so far.
2. That the grounds of appeal may also be considered as integral part of this application.
3. That the appellant has not been dealt in accordance with the law, policy and rules and the impugned order is based on nepotism/favoritism to accommodate a blue eyed person in violation of law and rules.
4. That the appellant has good prima facie case and all the three ingredients are in favour of appellant.
5. That if the impugned order is not suspended then the main appeal of the appellant would be infructuous.

It is therefore most humbly prayed that the operation of the order dated. 23.8.2014 my be suspended till the disposal of main appeal.

APPELLANT

Saudia Bibi
SAUDIA BIBI

THROUGH:

M. Asif Yousafzai
M.ASIF YOUSAFZAI

ADVOCATE.

3

AFFIDAVIT.

It is affirmed that the contents of this application are true and correct and nothing has been concealed.

[Handwritten Signature]

DEPONENT.

ATTESTED



2/14

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DIR AT TIMERGARA,

A
C

Appointments

As approved by the Chairman B.D.A.C. Dir at Timergara the following Candidates are hereby appointed against the posts of PTC at The Schools noted against each in BPS No. 7 GRs. 750/- P.M. fixed plus usual allowances ad adm... to them under the rules in the interest of public service with effect from the date of taking over charge.

S.No.	Name/Father Name.	Place of duty.	Remarks.
11-	Ruqia D/O Gul Akbar Jan R/O Badde	GGPS Bajawre.	Nil; Ppt.
21-	Mahood Farhat D/O Habibur Rahman R/O Badde.	GGPS Shage Kas.	-do-
31-	Salma Gul D/O Fazli Rahman.	GGPS Barkhani.	-do-
41-	Nasreen D/O Abdul Ghani.	GGPS Barkhani Sro Gal	-do-
51-	Zoonat D/O Fazli Ghani.	-do- -do-	-do-
61-	Kidayat D/O Said Habibo	GGPS Takro.	-do-
71-	Ghahoon Begum D/O Samandar Khano	GGPS Takro.	-do-
81-	Sahina D/O Sanullah.	GGPS Sinarri.	-do-
91-	Musarat D/O Madiq Akbaro	-do-	-do-
101-	Sheran Begum D/O Ghulam Mareso R/O Laleo.	GGPS Laleo.	-do-
111-	Fuzia Ayub D/O Ayub Mat;	GGPS Barkhani.	-do-
121-	Mahood Akhtar D/O Abdur Rashid Khan R/O Ka Sarain Payoon.	GGPS Nasafa.	-do-
131-	Nobina D/O Saleem Khan R/O Sarai Payoon.	GGPS Nasafa.	-do-
141-	Nehayat D/O Karim Baksh R/O Khungli.	GGPS Depa Bando.	-do-
151-	Annat Begum D/O Said Umar Bachao R/O Rabbato.	GGPS Syar Qalagali.	-do-
161-	Nokan D/O Fazli Qadar R/O Rabbat.	GGPS Syar Qalagali.	-do-
171-	Ghuncha Bibi D/O Sahib Zada Khan R/O Talash.	GGPS Jolair.	-do-
181-	Wahida D/O Said Usman Khan R/O Mangai.	GGPS Hida Barawal.	-do-
191-	Maryam Rahman D/O Gul Rahman R/O Galkorro.	GGPS Galkorro.	-do-
201-	Sorrel Wari D/O Sher Kawan Khan	GGPS Jagan Jabara.	-do-
211-	Sandia D/O Wali Mada	GGPS Akhagramo	-do-
221-	Bilshah Begum D/O Shakirullah.	GGPS Patrak.	-do-
231-	Azra Yasmin D/O Qimat Gul.	-do-	-do-
241-	Shahida D/O Azizullah R/O P. iteo	GGPS Behri Gehr Gat.	-do-
251-	Salsalat B.	GGPS Sundrai.	-do-
261-	Nizakat.	-do-	-do-
271-	Sibran Nizab.	GGPS Waralal.	-do-
281-	Mehar Begum D/O Mohd Nasim R/O Faridhan B;	GGPS War Khan Bando.	-do-
291-	Musleha D/O Usar Said R/O Show Dir.	GGPS Qalandal.	-do-
301-	Sadik D/O	GGPS Jaganjai.	-do-

TERMS AND CONDITION.

- 1:- No TA/DA is allowed.
- 2:- Charge report should be submitted to all concerned.
- 3:- They are required to produce their Health and Sge certificate from the Civil Surgeon concerned.
- 4:- They are appointed temporary and liable to termination at any time without any notice/reason.
- 5:- If they desire to resign from the service they will have to give one month's prior notice to this office or to forfeit one month's pay to the Govt;
- 6:- The Candidates will not take over Charge if their age exceeds 28 years or below 18 years.

(MRS, RAKIA BEGUM MALIK.)
DISTRICT EDUCATION OFFICER (FEMALE)
DIR AT TIMERGARA.

Encl: No. 12/18-51/1-12/PTC Dated Timergara the 18/5/19

- Copy of the above is forwarded for information and r/e to the:-
- 1:- Sub-divisional Education Officer (Female) Dir at Timergara.
 - 2:- Chairman BDAC Dir at Timergara.
 - 3:- Candidates concerned.

R. Malik
District Education Officer (Female)
Dir at Timergara

A.B.KHAN/


ATTESTED

SERVICE CERTIFICATE

B
②

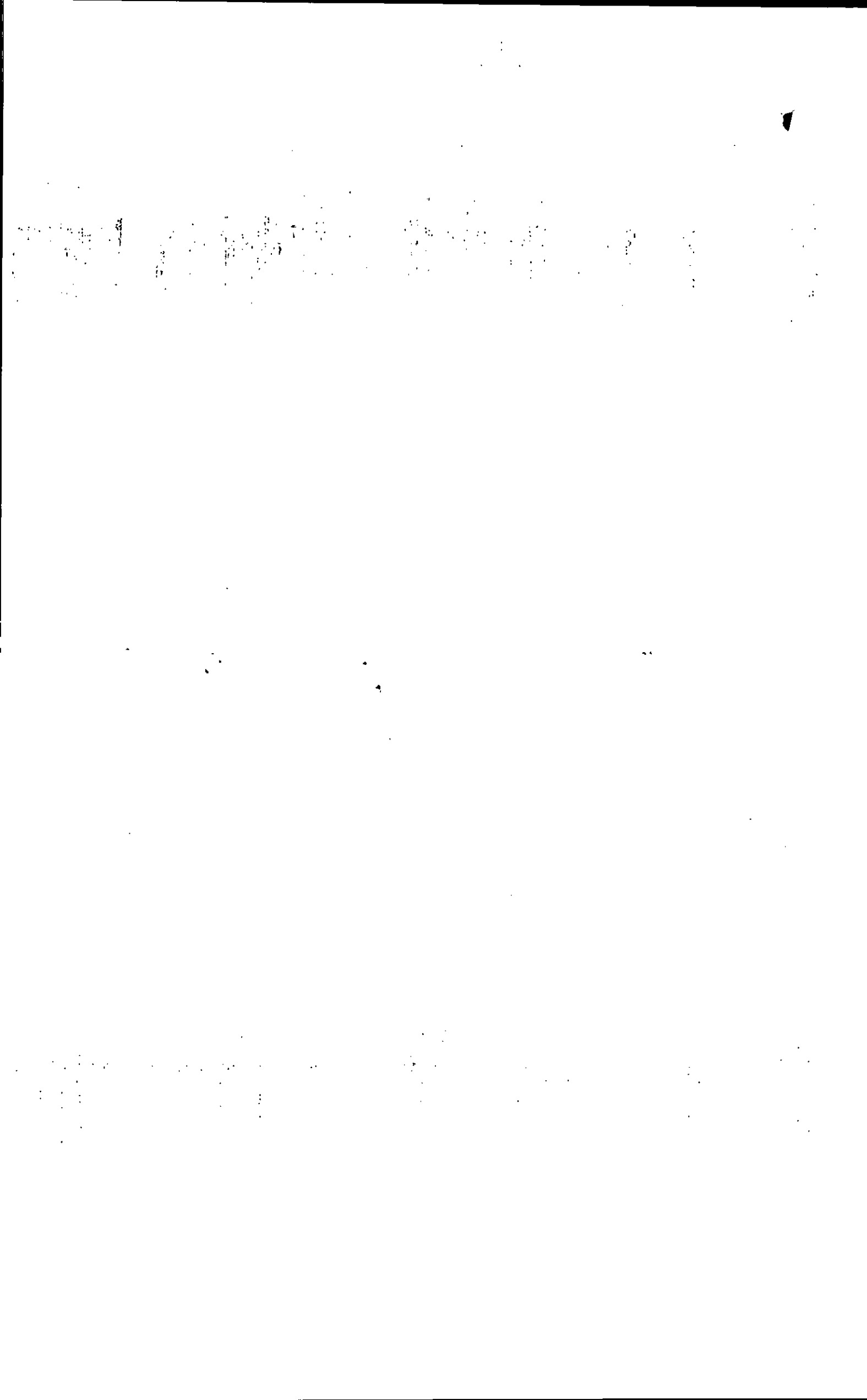
It is certified that Mr. Muhammad Gul, SPST is serving in the Education Department since 20.02.1995. Presently he is performing his duties at Government Primary School Julagram, Malakand.

His service is still continue.



SUB-DIVISIONAL EDUCATION OFFICER
(M) SWAT RANIZAI AT BATHHELA, MKD:
S.D.O. (M)
Swat Ranizai Mtd. Agency

ATTESTED
A



DOMICILE CERTIFICATE.

NO: 650 / 1

Dated 04/8 / 1987.

②
⑧

Certified that Mr/Miss MUHAMMAD GUL
Son/Daughter of KHAISTA GUL belongs to a recognized
tribe of AFGHAN Section ISSA KHEL and his/her father
is a permanent bonafide resident of the tribal areas of Agency of
Malakand, Village DHERI JULAGRAM and he/she is an eligible
candidate to avail himself/herself of the seats reserved for the
special areas of Division of Malakand backward areas.

Attested

Dated Malakand the,
04/8 / 1987.



[Signature]
POLITICAL AGENT, MALAKAND.
[Signature] *[Signature]*

Head Master
G.H.S Julagram
Dist: Malakand

ATTESTED
[Signature]

OFFICE OF THE DISTRICT EDUCATION OFFICER (F), MALAKAND AT BATKHELA.

OFFICE ORDER/

9

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. SO(B&A)/1-18/E&SE/2012 dated 11.7.2012, the following Senior Primary School Teachers PST-B-14 are hereby promoted to the post of Primary School Head teachers PSHT-B-15 (8500-700-29500) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect and further posted in the schools noted against each:

S. No	Sr. No.	Name	Father's Name	Present place of posting	School where posted as PSHT	Remarks
1	15	Sultan Zaree	Ghulam Akbar	GGPS Khar	GGPS Mishra	Vice Safia Bibi PST
2	229	Shamshad Begum	Asmatullah	GGCMS Karkani Khar	GGPS Chapal	Vice Rahmania PST
3	385	KAWSAR BIBI	AMIR HAMZA	GGCMS SAID ABAD	GGPS Jalal Pur Palai	Vice Amina PST posted at GGPS Sher Khana & Mst. Noeen Sarfaraz PST GGPS Sher Khana posted at GGPS Said Abad (Alladand)
4	392	MUKHTIAR BEGUM	SALEH KHAN	GGPS RAHAT ABAD	GGPS RAHAT ABAD	Already occupied post.
5	408	Farkhanda	Fazal Ahad	GGPS Akbar Abad	GGPS Bazdara Payeen	Vice Mst. Zainab Bibi PST
6	412	KAFEELA	SHAIR BADSHAH	GGPS SHER KHANA	GGPS SHER KHANA	Already occupied post.
7	414	Noor Jehan	Mumbar Sharaf	GGPS Sakhakot No1	GGPS Barakat Shah Koroona	Vice Mst. Rashida Begum.
8	433	SHAGUFTA	SAID BADSHAH	GGPS PIR MOHAMMAD BANDA	GGPS PIR MOHAMMAD BANDA	Already occupied post.
9	435	Meraj Begum	Azizur Rehman	GGPS Sarkai	GGPS Khadu	Against vacant post.
10	476	JEHAN ARA	GUL MOHAMMAD	GGPS SHAGAI PIRKHEL	GGPS Bar Tangai	Vice Mst. Nazro Bibi
11	478	Ruqia Begum	Ghulam Mohd	GGPS M.A, Banda	GGPS M.A, Banda	Already occupied post.
12	482	Rawasia	Mohd Hussain	GGPS Toti Shahed	GGPS Naro Ubo	Against vacant post
13	488	SAUDIA BIBI	WALI MOHAMMAD	GGCMS Kharkai Pirkhel	GGPS Jarbat	Against vacant post.
14	495	Nusrat Begum	Shahzada	GGPS Ghawar Kali	GGPS No.1. Khanoori	Vice Hashim. Aman PST
15	496	Shamshad Begum	Hussain Khan	GGPS G.U. Khel	GGPS No.2. Khanoori	Vice Parveen PST
16	501	Neghat Seema	Gul Zaman	GGPS Sandanow Kopar	GGPS Maina (Kot)	Against vacant post.
17	502	IRSHAD BEGUM	PAINDA KHAN	GGPS INZARGAI NO 1	GGPS INZARGAI NO 1	Already occupied post.
18	504	DILSHAD BEGUM	LIAQAT ALI	GGPS Zahir Abad(Agra)	GGPS Zahir Abad(Agra)	Already occupied post.
19	506	TAHIRA BIBI	HIJI KHANI GUL	GGPS HOSPITAL COLONY KOT	GGPS HOSPITAL COLONY KOT	Already occupied post.

ATTESTED

20/11/2014

10

20	511A	NOORUL BASAR	MUHAMMAD DIN	GGPS Ghundo Bala	GGPS Dheri Kot	Vice Mehdi PST
21	522	ZEENAT BEGUM	MUHAMMAD QADAR	GGPS BATKHELA NO 2	GGPS Mura Banda	Vice Mst.Maryam Jamila PST
22	528	Nuzhat	Abdul Ra'zaq	GGPS G.Dheri	GGPS Selai Pattai	Vice Mst.Yasmin PST
23	531	Atia Bibi	ZEWAR KHAN	GGPS MASHOOMZAI KOT	GGPS MASHOOMZAI KOT	Already occupied post.
24	533	Minhas	Wazer Khan	GGPS Bama Kanda (S/Kot)	GGPS Dhad Dherai(Totai)	Vice Mst.Nizakat Pst.
25	539	SARDAR BEGUM	DALBARI KHAN	GGPS KAMA AGRA	GGPS KAMA AGRA	Already occupied post.
26	540	SAFIA	HAKIM DAD	GGPS MANZARI BABA (KOT)	GGPS MANZARI BABA (KOT)	Already occupied post.
27	541	MUMLIKAT BIBI	ZIARAT KHAN	GGCMS SRO KANRO KOT	GGPS Sur Azghai	Vice Wajuhut Begum PST
28	545	Sharafat Begum	Niak Mahmud	GGPS Khan Gari	GGPS Naranji (Totai)	Against vacant Post.
29	548	Nasira	SHER ZAMAN KHAN	GGPS MAIZARA (THANA)	GGPS Zoormandi (Palai)	Vice Zahid Nasreen PST

Terms and Conditions:

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time, in case her performance is found unsatisfactory during probationary period. In case of misconduct, she shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Se-seniority on lower post will remain intact.
6. No TA/DA is allowed for joining her duty.
7. They will give an undertaking to this effect to be recorded in their service books.

(RABBIA BIBI)
 DISTRICT EDUCATION OFFICER (FEMALE)
 MALAKAND AT BATKHELA

Endst: No. 3251-3305

Dated the, 22/8 /2014.

Copy forwarded for information and necessary action to the:

1. PA to the Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
2. District Account Officer, Malakand.
3. Sub Divisional Education Officer (Female) Sama Ranizai, Dargai.
4. Sub Divisional Education Officer (Female) Swat Ranizai at Batkhela.
- 5-54. Head Teachers of the concerned schools.
55. The Assistant Programmer DEMIS Cell Local Office.

(Signature)
 DISTRICT EDUCATION OFFICER (FEMALE)
 MALAKAND AT BATKHELA

ATTESTED

(Signature)

Annexure - A

چارچ رپورٹ

E

11

مطابق آرڈر نمبر 3251-3305 تاریخ 22-08-2014 از آفیسر

صاحبہ (زنانہ) ملا لکھنؤ نظام بٹ خیل

آج مورچہ 23-8-2014 بعد از دو ہفتے میں سعودیہ

13:00 بجے (پست) کیسٹ پی ایس ٹی پورٹ گورنمنٹ گریڈ اسکول

میں اپنے عہدے کا چارج سنبھال لیا

چارچ رپورٹ آفیسر وقت ہے

چارچ گورنمنٹ

Saudia

چارچ دست

Nasir SPS

G.G.P.S Jarbat

PSHT

G.G.P.School Jarbat Julagram

چارچ رپورٹ

مطابق آرڈر نمبر 3251-3305 تاریخ 22/8/14 از آفیسر

صاحبہ (زنانہ) ملا لکھنؤ نظام بٹ خیل آج مورچہ 23/8/14 بعد از دو ہفتے میں سعودیہ

14-08-2014 کیسٹ پی ایس ٹی پورٹ گورنمنٹ گریڈ اسکول جاربات

میں اپنے عہدے کا چارج سنبھال لیا۔ چارج رپورٹ حاضر خدمت ہے

چارچ گورنمنٹ

Sd/-

سعودیہ

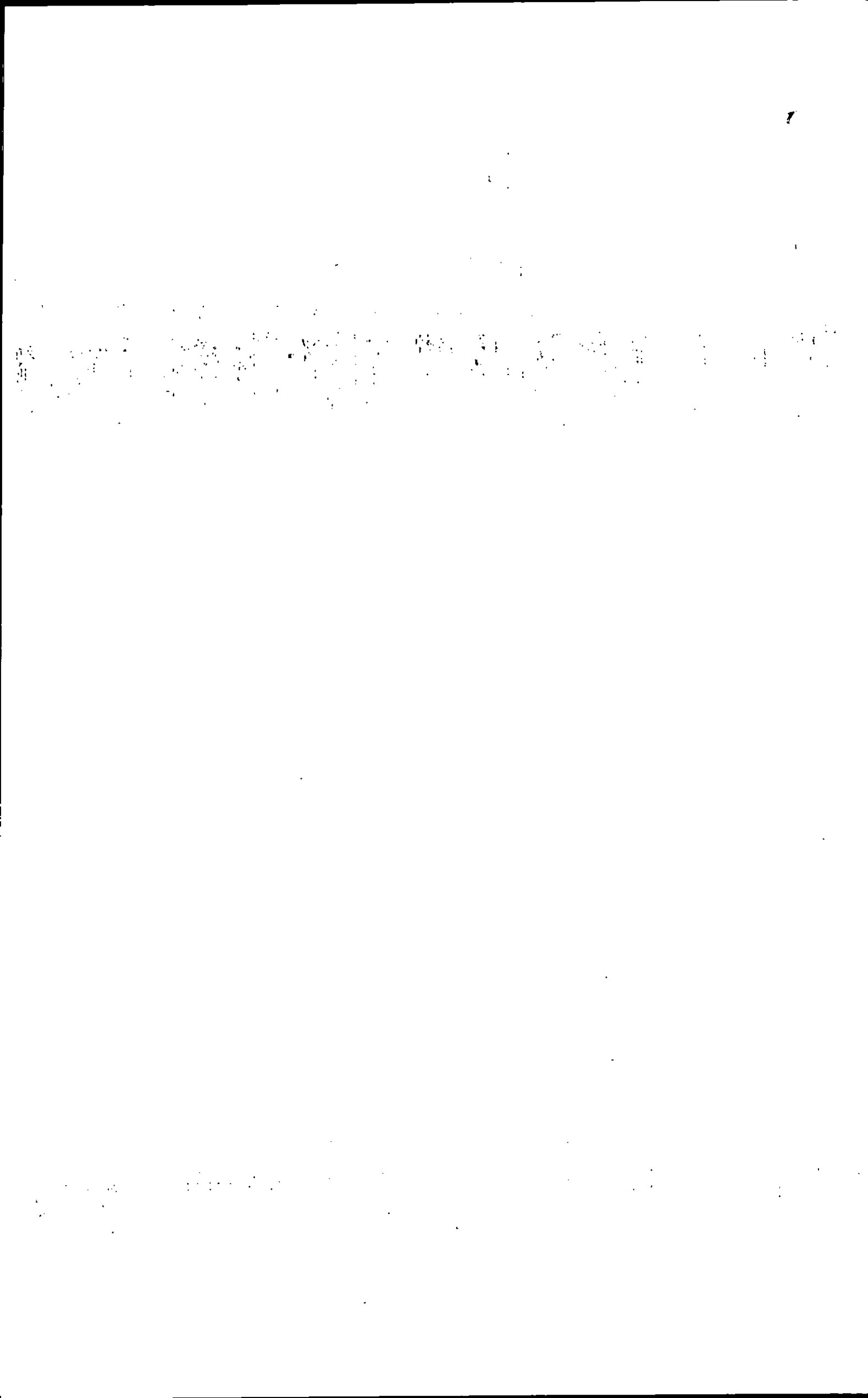
چارچ دست

Sd/-

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رجسٹر حاضرین مدرسہ اسلامیہ گورنمنٹ کالج لبرالز سکول
 بابیت ماہ الکتب

نام و رقم		پ.س.ہ.ت		پ.س.ہ.ت		پ.س.ہ.ت		پ.س.ہ.ت	
آدم	دستخط	آدم	دستخط	آدم	دستخط	آدم	دستخط	آدم	دستخط
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30	عبدالغفار	12:35 P	7:30	12:35 P	7:30	12:35 P	7:30	12:35 P	7:30

Promotion to
 C.T. at G.G.H.S
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میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال
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دستخط ہیڈ ماسٹر

رہنمائے اسلامی قیامیہ دینی تعلیمی و تربیتی مرکز، کراچی، پاکستان
بابت 2014

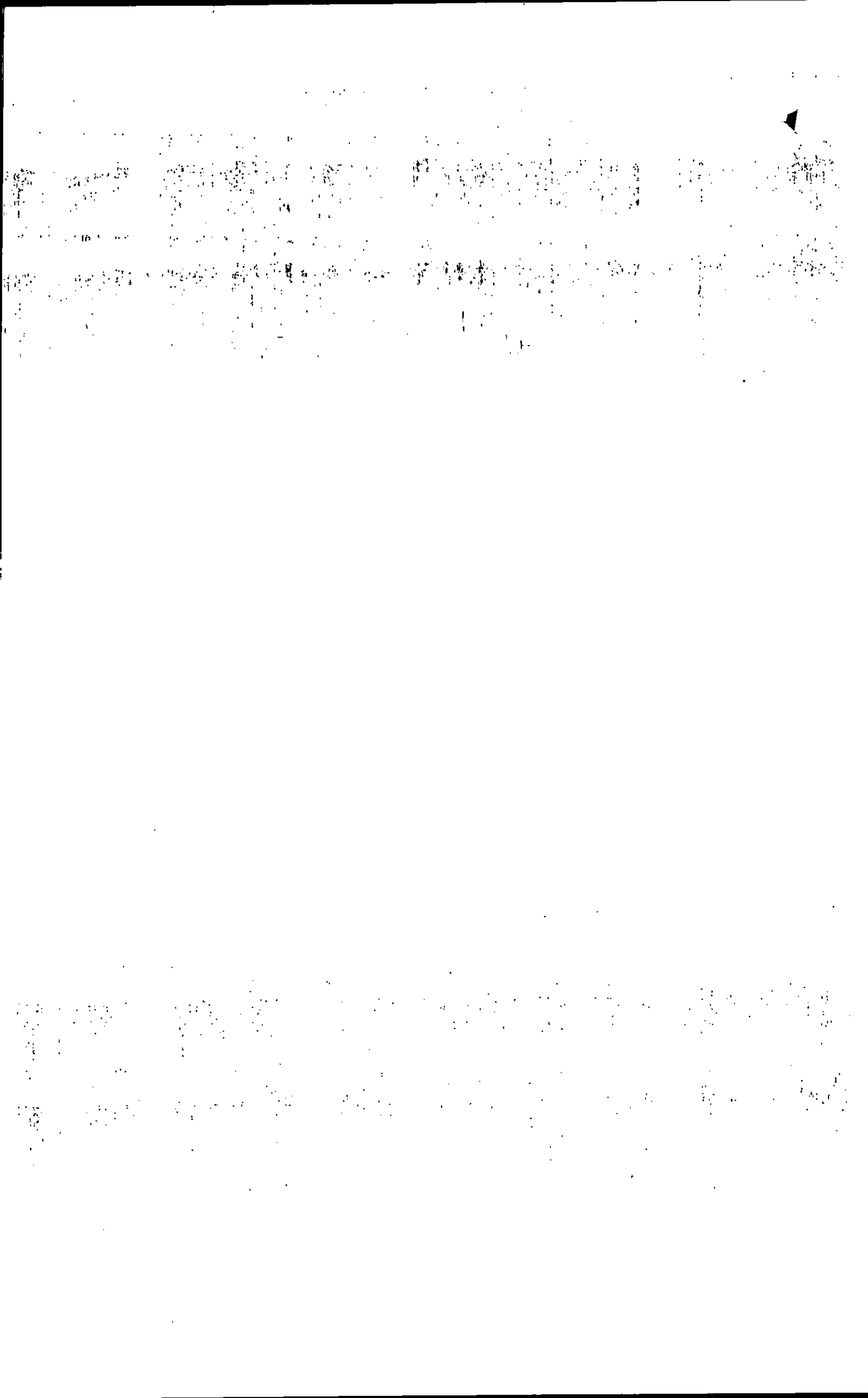
نام: شہزادہ سعید نا افسر: سیر باہرے: حاکم خان
عہدہ: P.S. H-T S.P.S.T حاکم خان

نمبر	تاریخ	آمد	دستور	دستور	دستور	دستور	دستور	دستور	دستور	دستور	دستور
1	P 12:35 P 7:30	C. leave	12:35	7:30							
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8	P 12:35 P 7:30	Nasir	12:35	7:30	Nasir	12:35	7:30				
9	P 12:35 P 7:30	Nasir	12:35	7:30	Nasir	12:35	7:30				
10	P 12:35 P 7:30	Nasir	12:35	7:30	Nasir	12:35	7:30				
11	P 12:35 P 7:30	Nasir	12:35	7:30	Nasir	12:35	7:30				
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SUNDAY											
15	P 12:35 P 7:30	Nasir	12:35	7:30	Nasir	12:35	7:30				
16	P 12:35 P 7:30	C. leave	12:35	7:30							
17	P 12:35 P 7:30	Nasir	12:35	7:30	Nasir	12:35	7:30				
18	P 12:35 P 7:30	Nasir	12:35	7:30	Nasir	12:35	7:30				
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23	P 12:35 P 7:30	Nasir	12:35	7:30	Nasir	12:35	7:30				
24	P 12:35 P 7:30	Nasir	12:35	7:30	Nasir	12:35	7:30				
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30	P 12:35 P 7:30	Nasir	12:35	7:30	Nasir	12:35	7:30				
31	P 12:35 P 7:30	Nasir	12:35	7:30	Nasir	12:35	7:30				

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رجسٹر حاضری بڈرسین گورنمنٹ ٹرن پرائمری سکول حارک

بابت ماہ اکتوبر

نام مسعود علی

حکم خانہ

روز	آمد	دستخط	ادائیگی	آمد	دستخط	ادائیگی	آمد	دستخط	ادائیگی	آمد	دستخط	ادائیگی
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17	ON duty			8:30			1:35			8:30		
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20	8:30			8:30			1:35			8:30		
21	ON duty			8:30			1:35			8:30		
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میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال
Checked ASDEO(F) Circle Totakani 22-10-2014														
دستخط ہیڈ ماسٹر														

ATTESTED

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15

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MALAKAND AT BATKHELA.

CORRIGENDUM/

The place of posting in respect of the following SPST B-14 promoted to PSHT B-15 Shown at as under of this Office order issued under Endst:No.3251-3305 dated 22.8.2014.

May be read as under.

S.No	Sr.No.	Name	Father Name	Present place of posting	School where posted as PSHT	Remarks
1.	229	Shamshad Begum	Asmatullah	GGCMS Karkani(Khar)	GGPS Jarbat instead of GGPS Chapal	Against vacant post.
2.	488	Saudia Bibi	Wali Muhammad	GGCMS Kharkai Pirkhel.	GGPS No.1.Nari Tangi instead of GGPS Jarbat	Vice Rahmania PST GGPS No.1.Nari Tangal.

(RABBIA BIBI)
DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA.

Endst:No. 3313-20/FNo.Promotion of PST (F)/DEO(F)/Mkd: dated 23/8/2014.

Copy of the above is forwarded for information and necessary action to:-

1. The Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
2. The District Accounts Officer Malakand.
3. The SDEO(F), Swat Ranizai at Batkhela.
- 4-6. The Head Teachers, concerned schools.
7. The Asstt: Programmer, DEMIS Cell, local office.
8. The Mistress concerned.

Cup.
DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA. *Ho*

ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MALAKAND AT BATKHELA.

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ADJUSTMENT

On the acceptance of appeal of Mst.Sultan Zaree PSHT. The following adjustment in the promotion order are hereby ordered in this office order issued under endst:No.3251-3305 dated 22.8.2014 and corrigendum endst:No.3313-20/ dated 23.8.2014.

S.No	Sr.No.	Name & Designation	Present place of posting	School where adjusted	Remarks
1.	15	Sultan Zaree PSHT	GGPS Khar	GGPS Jarbat instead of GGPS Mishta vice Safia	Against vacant post
2.	229	Shamshad Begum PSHT	GGCMS Karkani(Khar)	GGPS Mishta instead of GGPS Jarbat	Vice Safia Bibi PST.
3.	806	Safia Bibi PST	GGPS Mishta	GGCMS Karkani	Vice S.No.2.
4.	488	Saudia Bibi PSHT	GGCMS Kharkai Pirkhel.	GGPS No.1.Nari Tangi vice Rahmania PST	Remain intact as per corrigendum issue vide this office E/No.3313-20/ dated 23.8.2014.
5.	667	Rahmania PST	GGPS No.1.Nari Tangai	GGCMS Kharkai Pirkhel	Vice S.No.4.

(RABBIA BIBI)
DISTRICT EDUCATION OFFICER (FEMALE),
MALAKAND AT BATKHELA.

Endst:No. 3518-32 /FNo.Promotion of PST (F)/DEO(F)/Mkd: dated 4/9 /2014.

Copy of the above is forwarded for information and necessary action to:-

1. The District Accounts Officer Malakand.
2. The SDEO(F), Swat Ranizai at Batkhela.
- 3-8 The Head Teachers ,concerned schools.
9. The Asstt: Programmer,DEMIS Cell, local office.
- 10-14. The Mistress concerned.

DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA.

ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MALAKAND AT BATKHELA.

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CORRIGENDUM/

Please read GGPS Jarbat instead of GGPS Mishra (Agra) against the name of Mst. Shamshad Begum PSHT order issued vide this office No.3518-32 dated 4.9.2014.

Further added the promotion order of BPS-15 in respect of Mst. Sultan Zaree GGPS Jarbat is hereby withdrawn on her own request.

Note. 1.Charge report should be submitted to all concerned.

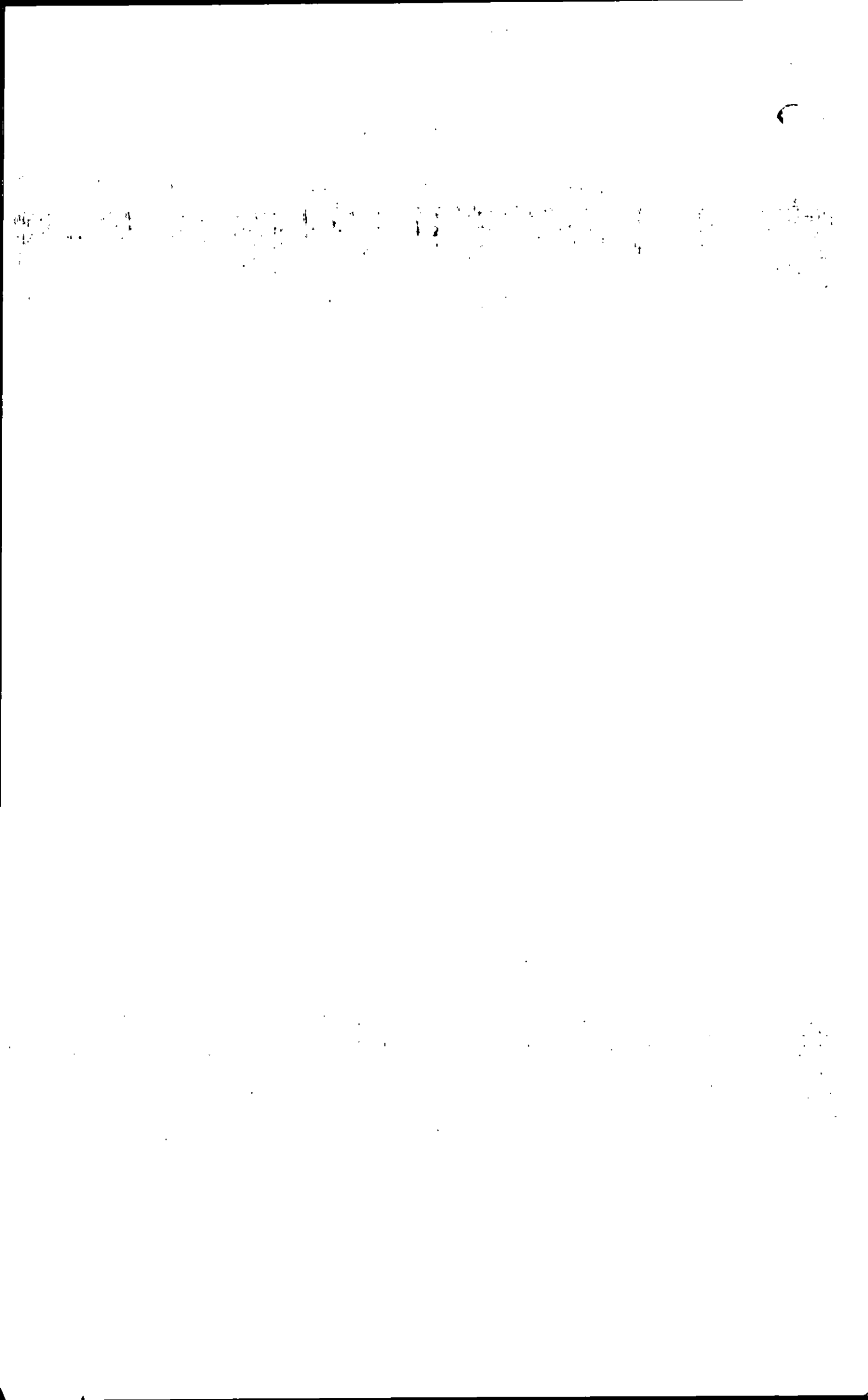
(RABBIA BIBI)
DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA.

Endst:No. 4913-19 /FNo.Rationalization of PST (F)/DEO(F)/Mkd: dated 30/10 /2014.
Copy of the above is forwarded for information and necessary action to:-

- 1.The SDEO(F), Swat Ranizai at Batkhela .
- 2.The District Accounts Officer Malakand.
- 3.The Asstt: Programmer DEMIS Cell local office.
- 4-6.The Head Teachers ,concerned schools.
- 7-8.The Mistresses concerned.

DISTRICT EDUCATION OFFICER (FEMALE)
MALAKAND AT BATKHELA.

ATTESTED



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To

The Director,
E&SE, Khyber Pakhtunkhwa, Peshawar.

Subject:- **APPEAL AGAINST THE UNLAWFUL ORDER OF THE D.E.O(F), MALAKAND ISSUED UNDEDR ENDST:No.3313-20/Dated 23.8.2014.**

Respectfully Sir,

With profound reverence I venture to lay down the following few lines for your kindful and sympathetic consideration.

- 1- I am a bonafide resident of village Jolagram (Union Council Dheri Jolagram, District Malkand. Copies of my NIC and Domicile Certificate are attached as annexure "A.B".
- 2- I have been serving in the E&SE Deptt: as PST since 20-9-1989. During the whole career of my service I have performed my duties well efficiently and have given no chance of complaint to my superiors.
- 3- My husband is also a Senior PS Teacher who has been posted at GPS Jolagram (UC Dheri Jolagram). Copy of his service certificate is attached as annexure-C
- 4- Prior to my present posting as PSHT on 22-8-2014, I was performing my duties as SPST at GGPS Kharkil Pirkhel, Union Council Pirkhel and as such we both husband and wife were posted in different union councils.
- 5- According to the Spouse Policy of the Govt:, husband and wife while serving in the Govt: Departments shall be posted at the same station.
- 6- Sub-section-1 of section-3 of the Khyber Pakhtunkhwa (Appointment, Deputation and Transfers of Teachers, Lecturers, instructors and doctors) Regulatory Act, 2011 explicitly provides that vacancy of pry :school teacher shall be filled in from the candidates belonging the union council of their permanent residence and those appointed in the adjacent union councils shall be transferred against the vacant post available in the union council of his permanent residence.

Sub-Section-4 of Section -3 of the ibid act further provides that Govt: shall, within a period not exceeding one year of the commencement of the said act make arrangement for posting of all Pry: School Teachers, appointed prior to coming into force of the ibid act to the schools of their respective or adjacent U/C as the case may be. Copy of the act is attached as annexure- "D".

ATTESTED

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- 7- On the recommendation of the DPC the DEO(F), Malakand through an office order issued under her office Endst:No.3251-3305 Dated 22.8. 2014 promoted the Senior Primary School Teachers to the post of Primary School Head teachers wherein my name was shown at S.No.13 and I was posted against the vacant post at GGPS Jarbat in Union Council of me and my husband 's permanent abode. Copy of the order is attached as annexure -E. As my placement in the said promotion order was quite in accordance with the Law and Policy of the Govt:, therefore, I took over charge of my post on 23.8.2014. Copy attached as annexure-F.
- 8- But the DEO (F) Malakand in violation of the Spouse Policy transgressing the ibid act through a corrigendum issued under Endst:No.3313-20 Dated 23.8.2014 (Copy attached as annexure-G) changed the place of my posting without any reason/justification and inducted Mst:Shamshad Begum, from the adjacent Union Council, Khar on the basis of favoritism, nepotism and external influences.
- 9- Mst: Shamshad Begum who is the permanent resident of Union Council Khar was erstwhile posted as PSHT at GGPS Chapal, the adjacent Union Council of her permanent residence. See S.No.2 of the attached copy of promotion order of 22.8.2014.

The impugned corrigendum of 23.8.2014 has been issued on malafide intention in violation of the Govt: Policy, rules and general norms of justice which has virtually infringed upon my right. Hence it is craved that the order of my promotion of 22.8.2014 may graciously be restored setting aside the unlawful corrigendum of 23.8.2014 issued by the DEO(F), Malakand. I shall pray for your long prosperous life.

Yours obediently

Saudia Bibi
SAUDIA BIBI
PSHT, GGPS JARBAT,
UNION COUNCIL DHERI JOLAGRAM,
DISTRICT MALAKAND.

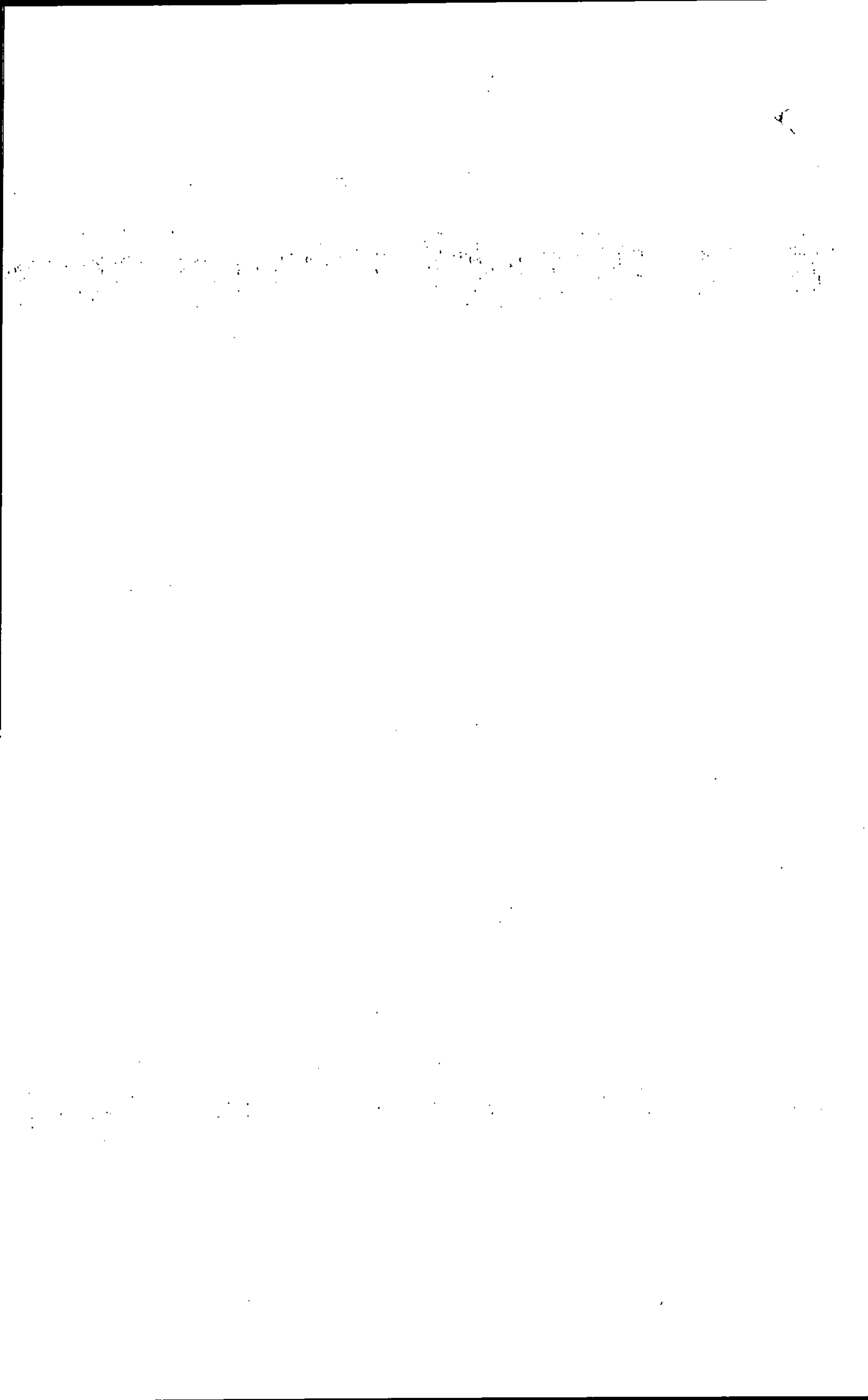
Copy forwarded to the:-


1. PS to Minister Education Khyber Pakhtunkhwa Peshawar.
2. PS to Secretary Education Khyber Pakhtunkhwa Peshawar.
3. PA to Director E&SE Department Khyber Pakhtunkhwa Peshawar.
4. District Education Officer (F) Malakand at Batkhela.

Saudia Bibi
SAUDIA BIBI
PSHT, GGPS JARBAT
U/C DHERI JULAGRAM, MKD
25/08/2014

*Director's office
Diary No. 842
dt: 26-8-2014.*

ATTESTED
(Signature)



K


THE KHYBER PAKHTUNKHWA (APPOINTMENT, DEPUTATION, POSTING
AND TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS AND DOCTORS)
REGULATORY ACT, 2011

AN
ACT

to regulate by law appointments, postings and transfers of teachers
serving in primary, middle, secondary and higher secondary
schools, lecturers in colleges and instructors in technical institutions
and doctors in health facilities.

Preamble.---WHEREAS it is expedient to regulate by law appointments, postings and transfers at local level, of teachers serving in primary, middle, secondary and higher secondary schools, lecturers in colleges and instructors in technical institutions and doctors in health facilities and to ensure the availability of teachers in schools, lecturers in colleges and instructors in technical institutions and the doctors in health facilities, and to regulate deputation of doctors abroad, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.

(2) It shall apply to teachers serving in primary, middle, secondary and higher secondary schools, lecturers in colleges as well as commerce colleges and instructors serving in technical institutions and doctors serving in the health facilities in the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.---(1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say,-


(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(aa) "college" means a degree college;

(b) "doctor" means a doctor serving in the health facility;

(c) "Government" means the Government of the Khyber Pakhtunkhwa;

(d) "health facilities" mean all health facilities established and managed by Government to provide medical facilities to general public;

ATTESTED


- (e) "lecturer" and "instructor" respectively means a lecturer or an instructor serving in a Technical Institution as well as in a college, as the case may be;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "rules" mean the rules made under this Act;
- (h) "school" means school in the public sector including primary, middle, secondary school, higher secondary school or an institution of equivalent level imparting education through any system or medium of instruction in the public sector;
- (i) "teacher" means a teacher of primary, middle, secondary or higher secondary school; and
- (j) "technical institution" means and includes a Commerce College or Government College of Management Sciences or Technical Institute or Technical and Vocational Training Center or Skill Development Center in the public sector imparting technical education to students leading to the award of a degree or a diploma or a certificate.

(2) Words and phrases used in this Act, but not defined, shall have the same meanings as respectively assigned to them under the relevant federal law or provincial law or any other statutory order or rules for the time being in force.

3. Appointment, posting and transfer of primary school teachers.---(1) The vacancy of primary school teacher shall be filled in from the candidates belonging to the Union Council of their permanent residence mentioned in their Computerized National Identity Card and domicile, on merit and if no eligible candidate in that Union Council is available where the school is situate, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Councils:

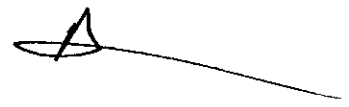
Provided that on availability of a vacancy, a primary school teacher, appointed from adjacent Union Council, as referred to in this sub-section, shall be transferred against a vacant post in a school of the Union Council of his residence within a period of fifteen days.

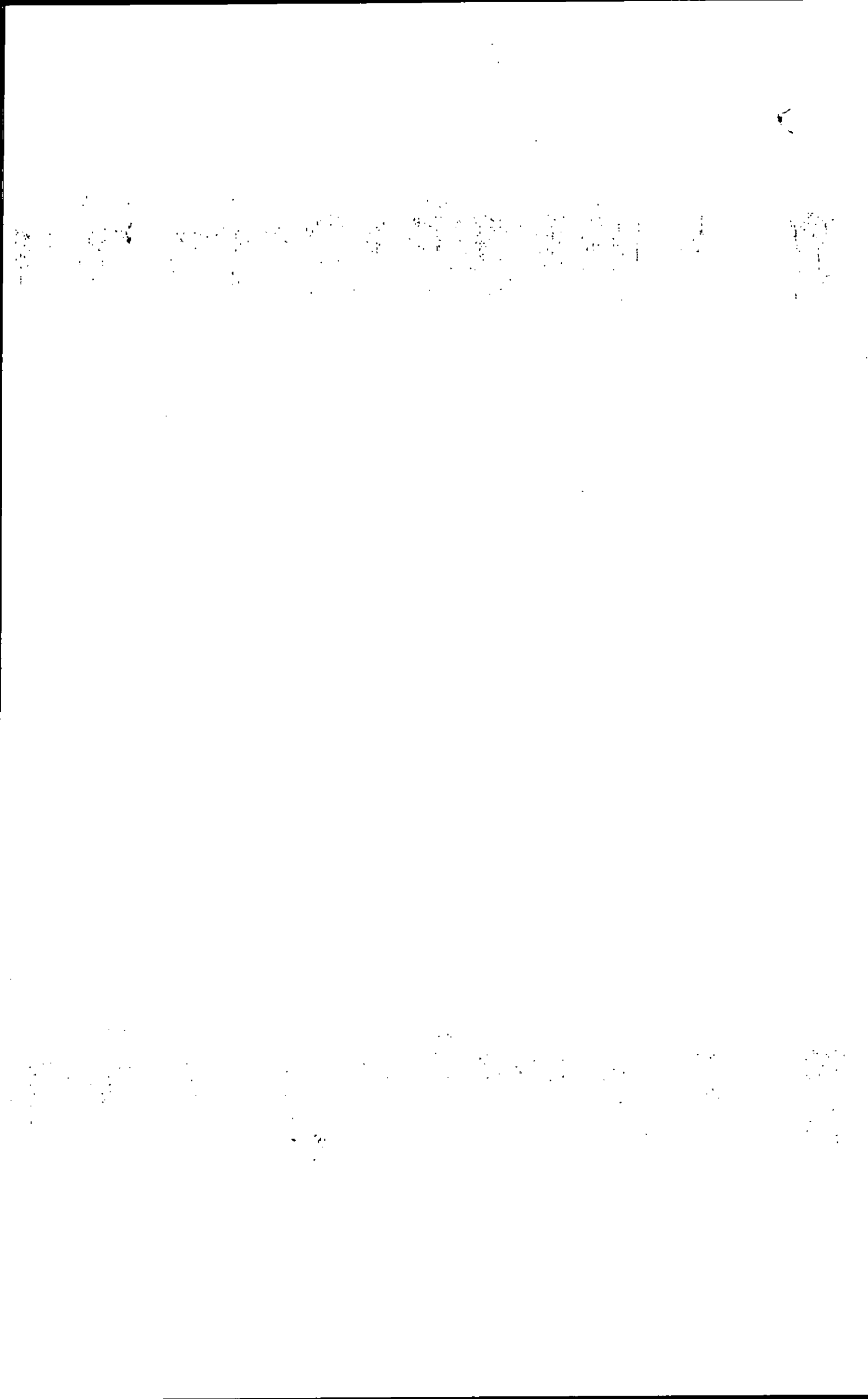
(2) Upon marriage, the primary school teacher on request may be transferred to the school in the Union Council, where his spouse, ordinarily resides, subject to the availability of vacancy.

(3) The primary school teacher shall be transferred to other school within the Union Council on completion of tenure as may be prescribed or before completion of tenure, subject to the policy of rationalization for maintaining certain students teachers ratio, if any.

(4) Government shall, within a period not exceeding one year of the commencement of this Act, make arrangement for posting of all the primary school

ATTESTED





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teachers appointed prior to coming into force of this Act, to the schools of their respective Union Councils or adjacent Union Councils, as the case may be.

4. Appointment of doctors, lecturers, instructors, subject specialists and teachers on adhoc basis.---(1) Government may, through the competent authorities make adhoc appointment on merit against the vacant posts of doctors, lecturers, instructors, subject specialists and teachers, falling within the purview of Commission, in a district concerned from the domicile holders of that district for a period of one year or till the arrival of recommendees of Commission, whichever is earlier after fulfilling the pre-requisites of giving wide publicity in the press. On assumption of charge of post by recommendee of the Commission, the services of such ad hoc appointee shall stand automatically terminated:

Provided that if no suitable and eligible candidate is available in the district concerned for appointment, then the candidates belonging to the neighbouring districts shall be considered for appointment in the order of their merit.

(2) Save as the appointment made under proviso of this section, "ad hoc appointee" shall serve in the district of his domicile.

(3) The post of a doctor, lecturer, instructor, subject specialist or teacher who proceeds on training or long leave may be treated as vacant post for the purpose of contract or contingent appointment till the return of such employee from training or long leave and assumption of charge of the post:

Provided that the period of such training or long leave shall not be less than one year and no appointment on contract or contingent shall be made on the post which may fall vacant for a period less than one year.

5. Initial posting. --- (1) The doctors, lecturers, instructors subject specialist or teachers, upon their appointment shall be first posted in the periphery of the zone against whose quota they have been recruited, and they shall not be transferred for a period of at least three years.

(2) Upon expiry of the tenure as referred to in sub-section (1), transfer shall be made only upon the availability of substitute.

6. Deputation of Doctors.---(1) Government may allow deputation abroad for all categories of doctors only once in their entire service, for a period not exceeding three years.

(2) Deputation to "Foreign Service" within Pakistan shall be permissible only in respect of medical officers for a period not exceeding three years:

Provided that no further extension, on expiry of agreed tenure shall be given to the doctors who are already on deputation abroad or within Pakistan.

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7. Postgraduate Medical Education.---(1) The Health Department, on the basis of objective need assessment and analysis, shall determine the intake number of Trainee Medical Officers (TMOs) in Postgraduate Medical Institute (PGMI) and Junior Registrars in Tertiary Care Hospitals every year. This stipulated number shall not exceed in any case.

(2) Any doctor selected or permitted for postgraduate medical training shall be treated on leave without pay and may be entitled only for stipend fixed by Government from time to time for such training.

(3) A doctor selected or permitted for postgraduate medical training shall provide surety bond prescribed by Government ensuring that upon completion of his studies for which he was initially selected, shall compulsorily serve for three years in the district of his domicile and in case of non-availability of a post in the district of domicile, he shall serve for three years in the rural area.

(4) For the purpose of sub-section (3), the doctor shall also provide guarantee of two government officers.

(5) In case of violation of sub-section (3), Government shall serve one month notice upon the doctor for resumption of duty, failing which the amount shall be recovered from him or from the guarantor, as the case may be.

8. Provisions relating to doctors apply to lecturers and instructors. ---The provisions relating to doctors in section 7 of this Act shall mutatis mutandis apply to lecturers and instructors.

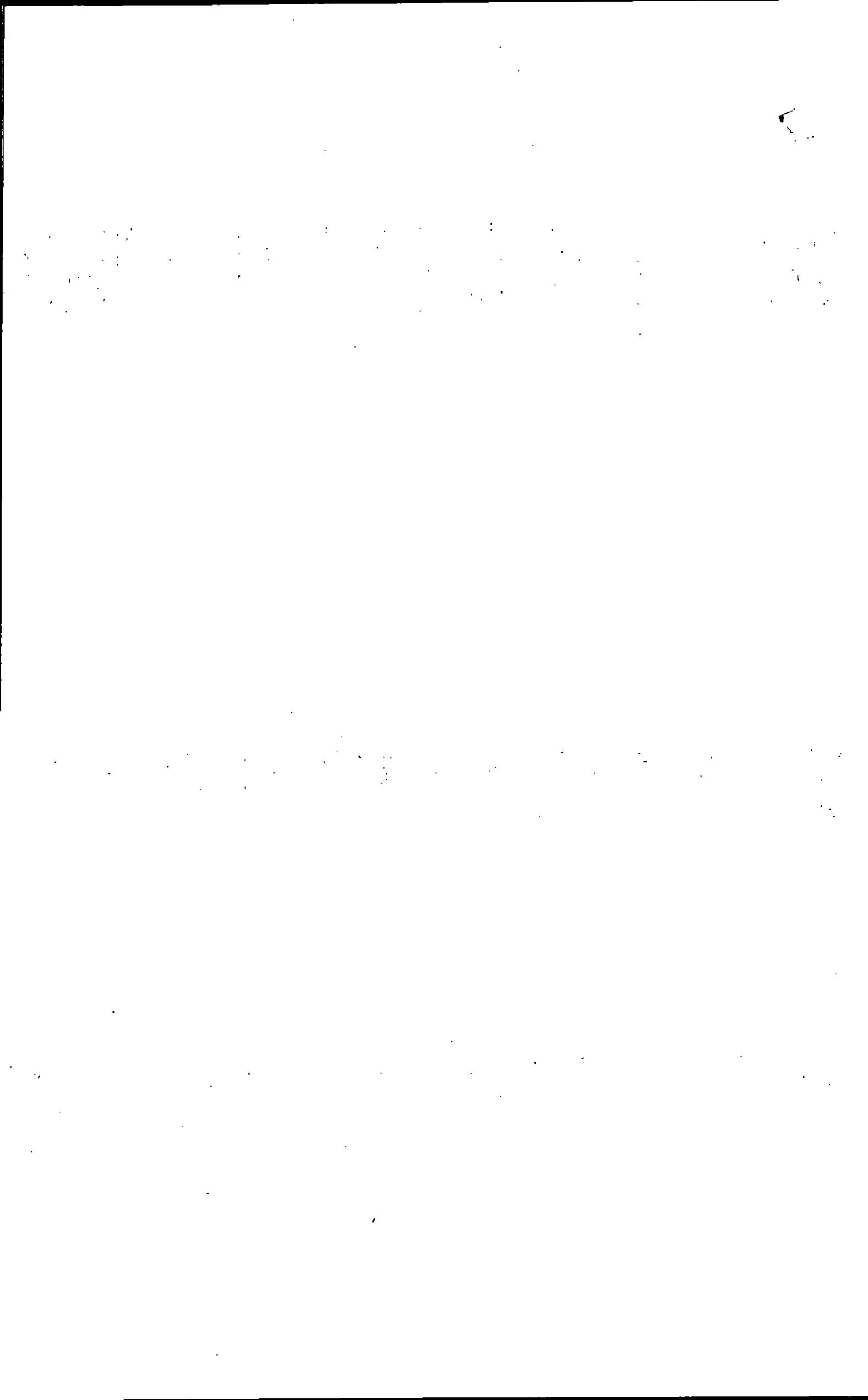
9. Act to over-ride other laws.---The provisions of this Act shall have effect notwithstanding any thing contained in any other law for the time being in force.

10. Jurisdiction barred.---Save as provided under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 and the Khyber Pakhtunkhwa Service Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974), no order made or proceedings undertaken under this Act, or the rules made there under or any officer authorized by it shall be called into question in any Court, and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance or by any power conferred by or under this Act or the rules.

11. Removal of difficulties.---Government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

12. Power to make rules.---Government may make rules for carrying out the purposes of this Act.

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**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) { }
- 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.

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

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

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

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

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

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

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

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

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

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

ATTESTED



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

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

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

.....
All concerned are requested to ensure that 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.

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP
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.

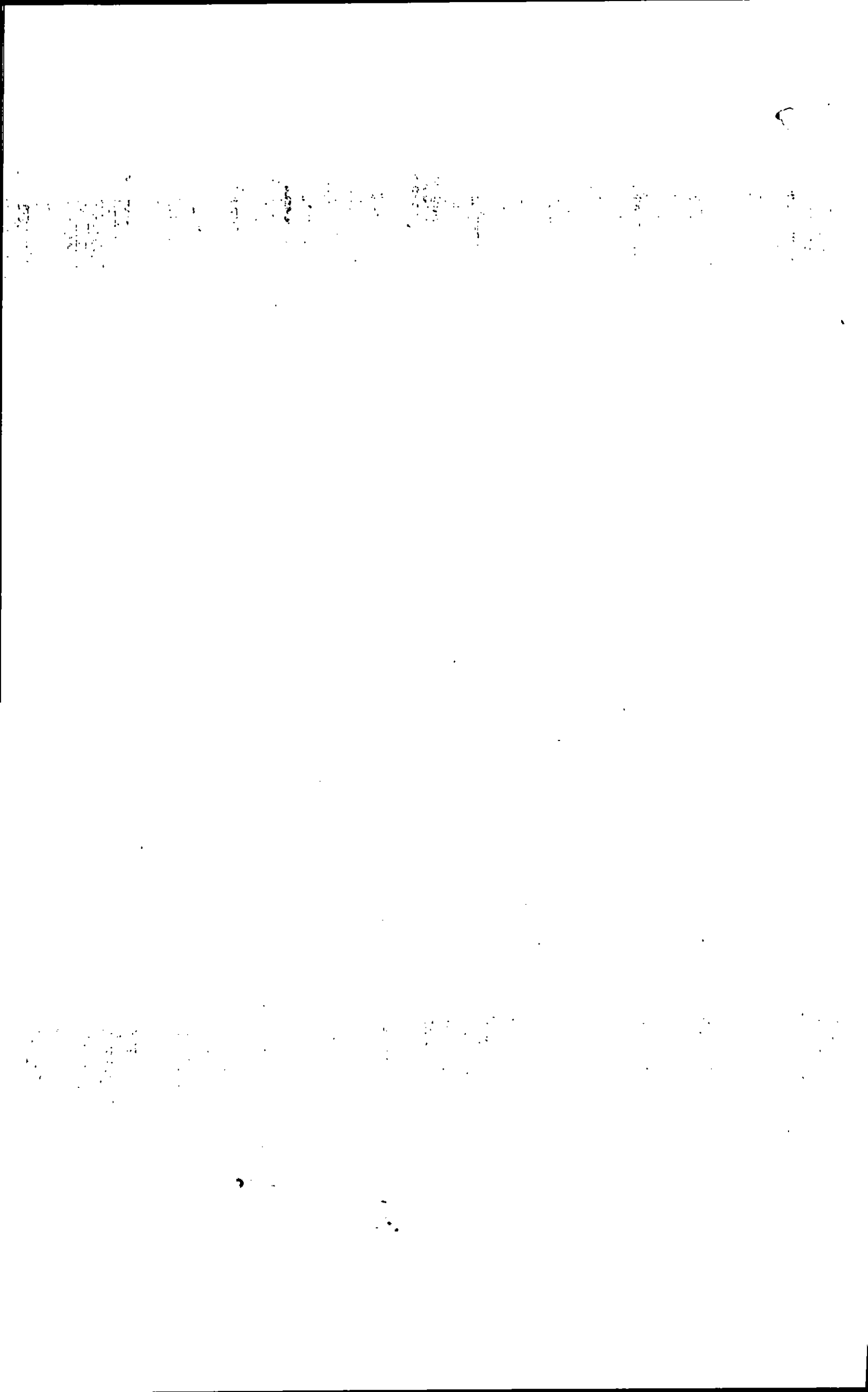
CHIEF SECREARY
GOVERNMENT OF NWFP

Endst. No. and date even.

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(NAME)
SECTION OFFICER
Administrative Department

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

The competent authority has been pleased to direct that Para 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 NWFP 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 NWFP 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;

ATTESTED

- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

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

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

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

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

.....

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

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

.....

PLACEMENT POLICY.

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

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go 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 than the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the

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

officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

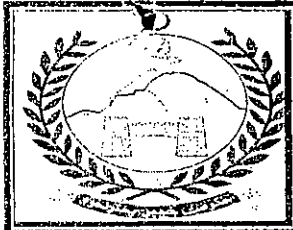
- a) Permanent posting of an officer to the training institutions for 2-3 years;
- b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
- c) Earmarked as a visiting faculty member for specific subject.

- 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.

ATTESTED


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

Environment Department
 Govt. of Khyber Pakhtunkhwa
 Secy/ENR
 Dated 22-3-2013

To *Secy*

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

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

Sir,

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

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

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[Signature]

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

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

Yours faithfully,

Najam
(NAJ-MUS-SAHAR)
SECTION OFFICER (REG-VI)

Encl: as above.

A copy is forwarded to:-

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

Najam
SECTION OFFICER (REG-VI)

VAKALAT NAMA

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NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Saudia Bibi (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Dept. (Respondent)
(Defendant)

I/We Saudia Bibi (Appellant)

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

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

Dated _____/20

Saudia Bibi

(CLIENT)

Saudia Bibi

ACCEPTED

M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI

Advocate High Court,
Peshawar.

OFFICE:

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