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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

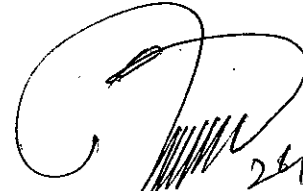
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Mr. Asif Ali vs Govt of KPK

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Muharir Compilation


24/5/24
Incharge Judicial Branch

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.55/2024

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)

Mr. Asif Ali, Senior Cler/SDA, (BPS-11), XEN C&W Division, Sub
Division Wari Dir Upper.

.... (Appellant)

VERSUS

1. The Government of KPK through Secretary C&W Department, Civil Secretariat, Peshawar.
2. Chief Engineer (Center), C&W Department, KPK Police Lines Road, Peshawar.
3. Mr. Bashir Ahmad, Junior Clerk BPS-11, Office of the Executive Engineer C&W Division, Dir Upper.

.... (Respondents)

Mr. Noor Muhammad Khattak
Advocate

.... For appellant

Mr. Asif Masood Ali Shah
Deputy District Attorney

.... For respondents

Date of Institution.....02.01.2024
Date of Hearing.....19.03.2024
Date of Decision.....19.03.2024

JUDGMENT

RASHIDA BANO, MEMBER (J): The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“That on acceptance of the instant service appeal, the impugned transfer order dated 08.12.2023 of respondent No.2 and appellate order dated 01.01.2024 may very kindly be set aside and the respondents may kindly be directed, not to transfer the appellant from Senior Clerk/SDA (BPS-14) XEN C&W Division, Sub Division Wari Dir Upper. Any other remedy which this august tribunal deems fit that may also be awarded in favor of the appellant.”

SCANNED
BY
K
10/03/2024

2. Brief facts of the case, as given in the memorandum of appeal, are that appellant was promoted to the post Senior Clerk vide order dated 30.11.2022. After promotion he was transferred from the office of Executive Engineer Highway, Division Mardan to office of Executive Engineer C&W Division, Dir Upper vide order dated 05.10.2023. On 08.12.2023 appellant was prematurely transferred from the office of XEN C&W Division Dir Upper to the office of XEN Division, Buner-II. Feeling aggrieved, he preferred departmental appeal before the respondent No.1, which was regretted vide impugned order dated 01.01.2024, hence the instant service appeal.

3. Respondents were put on notice, who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Deputy District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for appellant argued that appellant has not been treated in accordance with law and rules and respondents violated Article 218 (3) and 220 of the Constitution of Islamic Republic of Pakistan, 1973; that both the impugned orders are contrary to law and rules, hence not tenable and liable to be set aside; that both the impugned orders are issued in violation of clause i and iv of the transfer/posting policy of the Provincial Government. He, therefore, requested that appeal might be accepted as prayed for.

5. Conversely learned Deputy District Attorney contended that the appellant has been treated in accordance with law and rules; that appellant was posted in the office of Executive Engineer, C&W

Division, Dir Upper against his original cadre post by relieving from

OPS as there was no vacant post available in Mardan; that the appellant is a civil servant, whereas transfer/posting of a civil servant comes within a purview of terms and conditions of service. A civil servant is bound to serve where he is posted by the competent authority. The competent authority has been empowered by Section 10 of Civil Servant Act, 1973 to transfer and post a civil servant in exigency of service, therefore, competent authority in exercise of the power under Section 10 issued the transfer notification of the appellant in best public interest.

6. Perusal of record reveals that appellant was promoted as Senior Clerk on 30.11.2022 and was posted at Senior Clerk at the office of Executive Engineer High way Division Mardan, wherefrom, he was transferred and posted as Senior Clerk SDA in the office of Executive Engineer C&W Division District Dir Upper vide order dated 05.10.2023. Appellant just after two months of his posting at Dir Upper was transferred and posted to the office of XEN Division, Buner vide impugned order dated 08.12.2023. Appellant challenged his posting/transfer order on the ground of being made prematurely in violation of policy and not being in the public interest. Government itself had introduced transfer/posting policy. Normal tenure of posting at one station is two years. Clause (iv) of the said policy reads as follow;

“The normal tenure of posting shall be three years subject to the condition that for the officer/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be on year. The unattractive and hard areas will be notified by the Government.”

In the instant case appellant was transferred to Dir Upper on 05.10.2023 and impugned transfer order was issued on 08.12.2023, which means just after two months that too without mentioning any manifest public interest and

exigency. Comments of the respondents are also silent with regard to any public interest or exigency of service which compelled them to transferred out appellant. Government is bound to act upon and obey their own transfer/policy but they violated it, which is not warranted under the law and against the settled norms.

7. It is also important to note that after transfer/posting the appellant, additional charge of the post of Senior Clerk was given to a Junior Clerk, which means that no other suitable civil servant was available for posting to the post of Senior Clerk. There was no complaint against the appellant as nothing of the sort is mentioned in the comments by the respondents, then in such a situation, it will be in the interest of public that proper person should work on a proper post which is also mentioned in transfer/posting police in clause xiii (a) reads as;

"to ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential report, 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."

8. For what has been discussed above, we are unison to accept appeal in hand with direction to respondents to allow appellant to complete his normal tenure. . Costs shall follow the event. Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 19th day of March, 2024.*

(FAREHA PAUL)
Member (E)


(RASHIDA BANO)
Member (J)


ORDER
19.03.2024

1. Learned counsel for the appellant present. Mr. Masood Ali Shah learned Deputy District Attorney for the respondents present.

2. Vide our detailed judgement of today placed on file, we are unison to accept appeal in hand with direction to respondents to allow appellant to complete his normal tenure. . Costs shall follow the event. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 19th day of March, 2024.*


(FAREEHA PAUL)
Member (E)


(RASHIDA BANO)
Member (J)

*M.Khan

19.02.2024

Appellant alongwith clerk of his counsel present.

Mr. Adil, Junior Clerk alongwith Mr. Habib Anwar, Additional Advocate General for official respondents present and sought further time for submission of reply/comments. On previous date, last opportunity was granted for submission of reply/comments, however representative of official respondents is again seeking further time for submission of reply/comments.

Another opportunity is granted to the respondents subject to payment of cost of Rs. 2000/-. To come up for reply/comments

on 04.03.2024 before the S.B. Parcha Peshi given to the parties.

Naeem Amin

(Salah-ud-Din)
Member (J)

04.03.2024 1. Learned counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General for the respondents present.

2. Cost of Rs. 2000/- as well as reply/comments on behalf of official respondents submitted through office on 01.03.2024 which are placed on file. Copy of the same handed over to learned counsel for the appellant. To come up for arguments on

19.03.2024 before D.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

(7)

17.01.2024

1. Appellant alongwith his counsel present. Mr. Muhammad Jan, District Attorney for official respondents present. Nobody is present on behalf of private respondent No. 3, hence, placed ex-parte.

2. Reply/comments on behalf of official respondents not submitted. Learned District Attorney seeks time to contact the respondents for submission of reply/comments. Granted. To come up for reply/comments on 02.02.2024 before S.B. P.P given to the parties. Status quo be maintained till the next date, if not already acted upon.

(Muhammad Akbar Khan)
Member (E)

Kamranullah

2nd Feb. 2024

01. Counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

02. Reply/comments on behalf of the respondents not submitted. Learned AAG requested for time to contact the respondents for submission of reply/comments. Last opportunity is granted. To come up for reply/comments 19.02.2024 before the S.B. PP given to the parties.

(Fareeha Paul)
Member(E)

Fazle subhan P.S.

SCANNED
KPST
Peshawar


SCANNED
KPST
Peshawar

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FORM OF ORDER SHEET

Court of _____

Appeal No. 55/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/01/2024	<p>The appeal of Mr. Asif Ali presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>05/01/24</u>. Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>
05.01.2024	1.	<p>Appellant alongwith his counsel present. Preliminary arguments heard.</p> <p>2. Points raised need consideration. The appeal is admitted for regular hearing subject to all just and legal objections by the other side. Appellant is directed to deposit security fees within 10 days. Thereafter respondents be summoned through TCS, the expenses of which be deposited by the appellant within 03 days. To come up for reply/comments on 17.01.2024 before S.B. Alongwith the service appeal an application for suspension of operation of both the impugned orders dated 08.12.2023 & 01.01.2024 has been annexed. Status quo be maintained till the next date, if not already acted upon.</p>

SCANNED
17/01/24
Peshawar

SCANNED
17/01/24
Peshawar

(Muhammad Akbar Khan)
Member (E)

9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal NO. 55 /2023

Asif ALI

VS GOVT. OF KPK & OTHERS

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

Respectfully Sheweth:

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

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

Appellant/Applicant

Dated 2/1/24

Through


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title:

ASIF ALI

v/s

GOVT OF KP

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Signature: _____

Dated: _____

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal NO. 55 - 5/2024

SCANNED
KPST
Peshawar

ASIF ALI

VS

C&W DEPARTMENT & OTHERS

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APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

12
-1-

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

Service Appeal NO. 55 - 1 / 2024

Khyber Pakhtunkhwa
Service Tribunal

10208

2-1-2024

Mr. Asif Ali, Senior Clerk/SDA, (BPS-11)
XEN C&W Division, Sub Division Wari Dir Upper.

..... **APPELLANT**

V E R S U S

1. The Government of Khyber Pakhtunkhwa through Secretary C&W Department, Civil Secretariat, Peshawar.
2. Chief Engineer (Centre) C&W Department KPK Police Lines Road Peshawar.
3. Mr. Bashir Ahmad, Junior Clerk BPS-11, Office of Executive Engineer C&W Division, Dir Upper.

..... **RESPONDENTS**

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST BOTH THE IMPUGNED ORDERS DATED 08/12/2023, WHEREBY THE APPELLANT HAS BEEN PREMATURELY TRANSFERRED FROM THE OFFICE OF XEN C&W DIVISION DIR UPPER TO THE OFFICE OF XEN DIVISION BUNIR-III AND THE PRIVATE RESPONDENT (JUNIOR CLERK) HOLD THE ADDITIONAL CHARGE OF APPELLANT'S POST AND AGAINST THE APPELLATE ORDER DATED 01/01/2024, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED ON NO GOOD GROUND.

PRAYER:-

M
02/01/24

That on acceptance of the instant service appeal, the impugned transfer order dated 08/12/2023 of respondent No 2 and appellate order dated 01/01/2024 may very kindly be set aside and the respondents may kindly be directed, not to transfer the appellant from Senior Clerk/SDA (BPS-14) XEN C&W Division, Sub Division Wari Dir Upper. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Facts arising for the institution of instant service petition are as under:-

- 1- That Appellant is the law abiding citizen of Pakistan and is serving the respondent department as Senior Clerk quite efficiently and up to the entire satisfaction of his superior.

- 2- That the Appellant while performing his duties at the concerned station was promoted to the post of Senior Clerk after proper recommendation of the Departmental Promotion Committee vide order 30/11/2022. Copy of promotion order is attached as annexure.....**A**
- 3- That after promotion, the Appellant assume the charge against the post of Senior Clerk, where after, the respondents through Office Order dated 05/10/2023 transferred the Appellant from the office of Executive Engineer Highway Division Mardan and posted as Senior Clerk SDA in the office of Executive Engineer C&W Division, District Dir Upper. Copy of office order dated 05/10/2023 is attached as annexure.....**B**
- 4- That the Appellant started performing his duties at his concerned station quite efficiently, but astonishingly the respondent issued the impugned order dated 08/12/2023, whereby the Appellant has been prematurely transferred from office of XEN C&W Division Dir Upper to the office of XEN Division, Buner-II and the private respondent (Junior Clerk) hold the additional charges of the Appellant's post. Copy of the impugned order dated 08/12/2023 is attached as annexure.....**C**
- 5- That the Appellant feeling aggrieved the impugned order, preferred departmental appeal before the respondent No 1, which was regretted vide impugned order dated 01/01/2024. Copies of the departmental representation and order dated 01/01/2024 are attached as annexure.....**D&E.**
- 6- That Appellant feeling aggrieved and having no other efficacious remedy preferred the instant service appeal on the following grounds:-

GROUND:

- A- That both the impugned transfer order dated 08/12/2023 & appellate order dated 01/01/2024 being contrary to law and rules, hence not tenable in the eye of Law and needs interference of this Honorable Court to be set aside.
- B- That Appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C- That both the impugned transfer order dated 08/12/2023 & appellate order dated 01/01/2024 are in utter violation of the transfer and posting policy of the Government.
- D- That the treatment meted out to the Appellant is highly discriminatory and in clear violation of the Fundamental Rights of

the Appellant as enshrined in the Constitution of Pakistan 1973 and also violation of Articles 218 (3), 220 of the Constitution of Islamic Republic of Pakistan.

E- That both the impugned orders are also violative of the transfer/posting policy of the Government of Khyber Pakhtunkhwa as the Appellant has been prematurely transferred from his current post. Copy of the transfer/posting policy is attached as annexure.....F

F- That both the impugned transfer order dated 08/12/2023 & appellate order dated 01/01/2024 are also violative of Rules 12 of Appointment, Promotion & Transfer Rules, 1989.

G- That the Appellants seek 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.

[Signature]
APPELLANT

THROUGH:

[Signature]
NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

[Signature]
UMAR FAROOQ MOHMAND
MUZZAMMIL KHAN

[Signature]
WALEED ADNAN

[Signature]
MEHMOOD JAN

[Signature]
KHANZAD GUL
ADVOCATES HIGH COURT

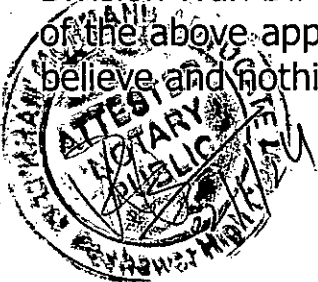
CERTIFICATE:

No such like appeal is pending or filed between the parties on the subject matter before this Honorable Tribunal.

[Signature]
Advocate

AFFIDAVIT

I, Mr. Asif Ali, Senior Clerk/SDA, (BPS-11) XEN C&W Division, Sub Division Wari Dir Upper do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.



[Signature]
DEPONENT

BEFORE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal NO. _____ -P/2024

ASIF ALI**VS****C&W DEPARTMENT & OTHERS**

APPLICATION FOR SUSPENSION OF OPERATION OF BOTH THE IMPUGNED ORDERS DATED 08/12/2023, WHEREBY THE APPELLANT HAS BEEN PREMATURELY TRANSFERRED FROM THE OFFICE OF XEN C&W DIVISION DIR UPPER TO THE OFFICE OF XEN DIVISION BUNIR-III AND APPELLATE ORDER DATED 01/01/2024, TILL THE DISPOSAL OF THE MAIN APPEAL.

R/SHEWETH:

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against both the impugned orders dated 08/12/2023, whereby the appellant has been prematurely transferred from the office of XEN C&W Division Dir Upper to the office of XEN Division Bunir-III and against the appellate order dated 01/01/2024, whereby the departmental appeal of the appellant has been regretted on no good ground.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That both the impugned orders dated 08/12/2023 & 01/01/2024 had been issued by the respondents in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of both the impugned orders dated 08/12/2023 & 01/01/2024 may very kindly be suspended till the disposal of the above mentioned service appeal.


APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Mr. Asif Ali, Senior Clerk/SDA, (BPS-11) XEN C&W Division, Sub Division Wari Dir Upper, do hereby solemnly affirm that the contents of this **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


DEPONENT



OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

No. 177-E/176/CEC/C&WD

Dated Peshawar the 30/11/2022

OFFICE ORDER

On the recommendations of Departmental Promotion Committee in its meeting held on 25/11/2022, the following Junior Clerks (BS-11) have been cleared for promotion to the Cadre post of Senior Clerks (BS-14) in C&W Department on regular basis with immediate effect-

1)	Mr. Wajidullah	"	On Regular basis
2)	Mr. Shamsur Rehman	"	On Regular basis
3)	Mr. Zakauallah	"	On Regular basis
4)	Mr. Ziaullah	"	On Regular basis
5)	Mr. Huzalf Shah	"	On Regular basis
6)	Miss Mahjabeen	"	On Regular basis
7)	Mr. Azmatullah	"	On Regular basis
8)	Mr. Ajaz Ahmad	"	On Regular basis
9)	Mr. Farmanullah	"	On Regular basis
10)	Syed Uzma Batool Zaidi	"	On Regular basis
11)	Mr. Mehboob Alam	"	On Regular basis
12)	Mr. Ijaz Ahmad	"	On Regular basis
13)	Mr. Farhanullah	"	On Regular basis
14)	Muhammad Ishfaq	"	On Regular basis
15)	Mr. Kamran Khan	"	On Regular basis
16)	Mr. Asif Ali	"	On Regular basis
17)	Mr. Hazrat Bilal	"	On Regular basis
18)	Miss Mehnaz	"	On Regular basis
19)	Muhammad Sadeefullah	"	On Regular basis
20)	Mr. Junaid Ali	"	On Regular basis
21)	Mr. Metiullah	"	On Regular basis
22)	Muhammad Kashif	"	On Regular basis
23)	Mr. Zeeshan Ambar	"	On Regular basis
24)	Muhammad Younis	"	On Regular basis
25)	Hafiz Zafar Ali Khan	"	On Regular basis
26)	Muhammad Fareed	"	On Regular basis
27)	Mr. Bahadar Shah	"	On Regular basis
28)	Mr. Inayatullah Jan	"	On Regular basis
29)	Muhammad Shoab	"	On Regular basis
30)	Mr. Hafeezullah	"	On Regular basis
31)	Mr. Hurmat Ali	"	On Regular basis
32)	Muhammad Azam	"	On Regular basis
33)	Mr. Abdur Rauf	"	On Regular basis
34)	Mr. Shampul Huda	"	On Regular basis
35)	Mr. Fazal Hussain	"	On Regular basis
36)	Mr. Abdur Raziq	"	On Regular basis
37)	Mr. Aurangzeb	"	On Regular basis
38)	Mr. Farmanullah	"	On Regular basis
39)	Muhammad Tariq	"	On Regular basis
40)	Mr. Shakeel Muhammad	"	On Regular basis
41)	Syed Azlan Shah	"	On Regular basis
42)	Mr. Shah Zaib	"	On Regular basis
43)	Muhammad Ishraq	"	On Regular basis
44)	Syed Rashid Raza	"	On Regular basis
45)	Muhammad Khalid Raza	"	On Regular basis
46)	Muhammad Raees	"	On Regular basis
47)	Mr. Zahid Iqbal	"	On Regular basis
48)	Mr. Sajjad Nazar	"	On Regular basis
49)	Mr. Akhtar Ali Gul	"	On Regular basis
50)	Mr. Qaiser Iqbal	"	On Regular basis
51)	Mr. Ali Rehman	"	On Regular basis
52)	Mr. Ilkhar Ali	"	On Regular basis
53)	Mr. Usmanuddin	"	On Regular basis
54)	Mr. Zulfiqar Khan	"	On Regular basis
55)	Mr. Roohul Amin	"	On Regular basis

ATTESTED TO BE TRUE COPY

- 56) Mr. Sarfaraz Khan = On Regular basis
- 57) Mr. Ihsanullah = On Regular basis
- 58) Muhammad Saeed Khan Lodhi = On Regular basis
- 59) Mr. Asif Khan = On Regular basis
- 60) Mr. Misbahullah = On Regular basis
- 61) Mr. Tariq = On Regular basis
- 62) Mr. Zaklullah Bangash = On Regular basis
- 63) Mr. Habib Gul = On Regular basis

2- On their Regular Promotion as Senior Clerks, they will be on probation for a period of one year in terms of Section-6(2) of Civil Servant Act, 1973 read with Rules-15(1) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3- Consequent upon above promotions as Senior Clerks, the posting/ transfer of the following officials of C&W Department is hereby ordered, in the public interest with immediate effect:-

Sl No.	Name of officials	Existing posting	Proposed for actualization/ Adjustment	Remarks
1)	Mr. Waheed Ullah Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Highway Division Mohmand	Senior Clerk/ SDA O/O XEN Highway Division Mohmand	Existing Vacancy
2)	Mr. Shamsur Rehman Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Highway Division Haripur	Senior Clerk/ SDA O/O XEN Highway Division Haripur	Existing Vacancy
3)	Mr. Zaklullah Senior Clerk (BS-14)	Senior Clerk (OPS) O/O XEN Mega Project-II Peshawar	Senior Clerk O/O XEN Mega Project-II Peshawar	Existing Vacancy
4)	Mr. Ziaullah Senior Clerk (BS-14)	Senior Clerk (OPS) O/O SE Maintenance Circle Peshawar	Senior Clerk O/O SE Maintenance Circle Peshawar	Existing Vacancy
5)	Mr. Huzaf Shah Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Building Division Kohat	Senior Clerk/ SDA O/O XEN Building Division Kohat	Existing Vacancy
6)	Miss Mahjabeen Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Building Division-II Peshawar	Senior Clerk/ SDA O/O XEN Building Division-II Peshawar	Existing Vacancy
7)	Mr. Azmatullah Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Highway Division North Waziristan	Senior Clerk/ SDA O/O XEN Highway Division North Waziristan	Existing Vacancy
8)	Mr. Aljaz Ahmad Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN C&W Division Lower Chitral	Senior Clerk/ SDA O/O XEN C&W Division Lower Chitral	Existing Vacancy
9)	Mr. Farmanullah Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Building Division North Waziristan	Senior Clerk/ SDA O/O XEN Building Division North Waziristan	Existing Vacancy
10)	Syed Uzma Batool Zaidi Senior Clerk (BS-14)	Senior Clerk (OPS) O/O XEN Building Division DIKhan	Senior Clerk O/O XEN Building Division DIKhan	Existing Vacancy
11)	Mr. Mehboob Alam Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN C&W Division Tank	Senior Clerk/ SDA O/O XEN C&W Division Tank	Existing Vacancy
12)	Mr. Ijaz Ahmad Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Building Division Bajaur	Senior Clerk/ SDA O/O XEN Building Division Bajaur	Existing Vacancy
13)	Mr. Farhanullah Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Building Division-I Peshawar	Senior Clerk/ SDA O/O XEN Building Division-I Peshawar	Existing Vacancy
14)	Muhammad Ishfaq Senior Clerk (BS-14)	Senior Clerk (OPS) O/O XEN Building Division-II Peshawar	Senior Clerk O/O XEN Building Division-II Peshawar	Existing Vacancy
15)	Mr. Kamran Khan Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN C&W Division Swat-II at Malta	Senior Clerk/ SDA O/O XEN Highway Division Dir Lower.	Relieving Mr. Anwar Shaid from Addl. Charge of SDA.
16)	Mr. Asif Ali Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Highway Divn Mohmand	Senior Clerk/ SDA O/O XEN C&W Division Dir Upper.	Relieving Mr. Bashir Ahmad J/C from Addl. Charge of SDA.
17)	Mr. Hazrat Bilal Senior Clerk (BS-14)	Senior Clerk (OPS) O/O XEN C&W Division Tank	Senior Clerk O/O XEN C&W Division Tank	Existing Vacancy
18)	Miss Mehnaz Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Mega Project-II Peshawar	Senior Clerk/ SDA O/O XEN Mega Project-II Peshawar	Existing Vacancy
19)	Muhammad Sadeef Ullah Senior Clerk (BS-14)	Senior Clerk (OPS) O/O SE Maintenance Circle Peshawar	Senior Clerk O/O SE Maintenance Circle Peshawar	Existing Vacancy
20)	Mr. Junaid Ali Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Building Division Mohmand	Senior Clerk/ SDA O/O XEN Building Division Mohmand	Existing Vacancy

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Sl No.	Name of officials	Existing posting	Proposed for actualization/ Adjustment	Remarks
21)	Mr. Matlullah Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN C&W Division Lakk Marwat	Senior Clerk/ SDA O/O XEN C&W Division Lakk Marwat	Existing Vacancy
22)	Muhammad Kashif Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Highway Division Nowshera	Senior Clerk/ SDA O/O XEN Highway Division Nowshera	Existing Vacancy
23)	Mr. Zeeshan Ambar Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Building Division Khyber	Senior Clerk/ SDA O/O XEN Building Division Khyber	Existing Vacancy
24)	Muhammad Younis Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Highway Division Bajaur	Senior Clerk/ SDA O/O XEN Highway Division Bajaur	Existing Vacancy
25)	Hafiz Zafar Ali Khan Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Building Division DIKhan	Senior Clerk/ SDA O/O XEN Building Division DIKhan	Existing Vacancy
26)	Muhammad Farid Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Building Division Dir Lower	Senior Clerk/ SDA O/O XEN Building Division Dir Lower	Existing Vacancy
27)	Mr. Bahadar Shah Senior Clerk (BS-14)	Senior Clerk (OPS) O/O XEN Building Division Orakzai	Senior Clerk O/O XEN Building Division Orakzai	Existing Vacancy
28)	Mr. Inayatullah Jan Senior Clerk (BS-14)	Senior Clerk (OPS) O/O XEN Highway Division Kohat	Senior Clerk O/O XEN Highway Division Kohat	Existing Vacancy
29)	Muhammad Shoab Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Building Division Nowshera	Senior Clerk/ SDA O/O XEN Building Division Nowshera	Existing Vacancy
30)	Mr. Hafeez Ullah Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Mega Project (South-II) at DIKhan	Senior Clerk/ SDA O/O XEN Mega Project (South-II) at DIKhan	Existing Vacancy
31)	Mr. Hurmat Ali Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Highway Division Orakzai	Senior Clerk/ SDA O/O XEN Highway Division Orakzai	Existing Vacancy
32)	Muhammad Azam Senior Clerk (BS-14)	Senior Clerk (OPS) O/O XEN Building Division Swabi	Senior Clerk O/O XEN Building Division Swabi	Existing Vacancy
33)	Mr. Abdur Rauf Senior Clerk (BS-14)	Senior Clerk / SDA (OPS) O/O XEN Mega Project (South-I) at Kohat	Senior Clerk / SDA O/O XEN Mega Project (South-I) at Kohat	Existing Vacancy
34)	Mr. Shams-ul-Huda Senior Clerk (BS-14)	Senior Clerk / SDA (OPS) O/O XEN Building Division Mansehra	Senior Clerk / SDA O/O XEN Building Division Mansehra	Existing Vacancy
35)	Mr. Fazal Hussain Senior Clerk (BS-14)	Senior Clerk (OPS) O/O XEN Highway Division DIKhan. Drawing his salary & allowances against the post of A/Clerk.	Senior Clerk/ SDA O/O XEN Highway Division DIKhan	Vice Soadai Ali Haidri promoted as A/Clerk.
36)	Mr. Abdur Raziq Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Mega Project-II Peshawar	Senior Clerk/ SDA O/O XEN Mega Project-II Peshawar	Existing Vacancy
37)	Mr. Aurangzeb Senior Clerk (BS-14)	Senior Clerk (OPS) O/O CE (South-I) C&WD Peshawar	Senior Clerk O/O CE (South-I) C&WD Peshawar	Existing Vacancy
38)	Mr. Farmanullah Khan Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Building Division Mohmand	Senior Clerk/ SDA O/O XEN Building Division Mohmand	Existing Vacancy
39)	Muhammad Tariq Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Building Division Dir Lower	Senior Clerk/ SDA O/O XEN Building Division Dir Lower	Existing Vacancy
40)	Mr. Shakeel Muhammad Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN C&W Division Hangu	Senior Clerk/ SDA O/O XEN C&W Division Hangu	Existing Vacancy
41)	Syed AzJan Shah Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN C&W Division Chitral Lower	Senior Clerk/ SDA O/O XEN C&W Division Chitral Lower	Existing Vacancy
42)	Mr. Shah Zaib Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Highway Division Bajur	Senior Clerk/ SDA O/O XEN Highway Division Bajur	Existing Vacancy
43)	Muhammad Ishraq Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Building Division Khyber	Senior Clerk/ SDA O/O XEN Building Division Khyber	Existing Vacancy
44)	Syed Rashid Raza Senior Clerk (BS-14)	Junior Clerk O/O CE (Contre) C&W Dept Peshawar	Senior Clerk O/O XEN C&W Division Malakand for actualization his regular promotion and reposted against the vacant post of Accounts Clerk O/O Chief Engineer (Contre) C&WD Peshawar	Existing Vacancy
45)	Muhammad Khalid Raza Senior Clerk (BS-14)	Junior Clerk O/O XEN Highway Division North Waziristan	Senior Clerk/ SDA O/O XEN Highway Division North Waziristan	Vice Amin Ullah-II promoted as A/Clerk.
46)	Muhammad Raees Senior Clerk (BS-14)	Junior Clerk O/O XEN C&W Division Tank	Senior Clerk/ SDA O/O XEN Highway Division DIKhan	Existing Vacancy
47)	Mr. Zahid Iqbal Senior Clerk (BS-14)	Junior Clerk O/O XEN Building Division Abbottabad.	Senior Clerk/ SDA O/O XEN Building Division Abbottabad	Relieving Mr. Tauqeer A/Clerk from Addl. Charge of SDA

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Sl No.	Name of officials	Existing posting	Proposed for actualization/ Adjustment	Remarks
48)	Mr. Sajjad Nazar Senior Clerk (BS-14)	Junior Clerk O/O XEN Highway Division Mardan	Senior Clerk/ SDA O/O XEN C&W Division Battagram	Existing Vacancy
49)	Mr. Akhtar Ali Gul Senior Clerk (BS-14)	Junior Clerk O/O ARO RR&MT Lab: at C&W Circle Bannu	Senior Clerk O/O XEN Building Division Haripur.	Vice Zahid Ali-II promoted as A/Clerk
50)	Mr. Qaiser Iqbal Senior Clerk (BS-14)	Junior Clerk O/O XEN C&W Division Hangu	Senior Clerk O/O XEN Building Division Mohmand for actualization of his regular promotion and reported against the vacant post of Accounts Clerk O/O XEN C&W Division Hangu.	Existing Vacancy
51)	Mr. Ali Rehman Senior Clerk (BS-14)	Junior Clerk O/O XEN Mega Project Division-I Peshawar	Senior Clerk O/O CE (South-I) C&W Department Peshawar	Existing Vacancy
52)	Mr. Iftikhar Ali Senior Clerk (BS-14)	Junior Clerk O/O XEN Building Division Mardan	Senior Clerk O/O XEN C&W Division Buner-II	Existing Vacancy
53)	Mr. Usmanuddin Senior Clerk (BS-14)	Junior Clerk O/O XEN C&W Division Lower Chitral	Senior Clerk/ SDA O/O XEN Building Division Dir Lower.	Relieving Mr. Maaz Khalid from Addl. Charge of SDA
54)	Mr. Zulfiqar Khan Senior Clerk (BS-14)	Junior Clerk O/O XEN Building Division-I Peshawar	Senior Clerk/ SDA O/O XEN C&W Division Battagram	Existing Vacancy
55)	Mr. Roohul Amin Senior Clerk (BS-14)	Junior Clerk O/O XEN Building Division Orakzai	Senior Clerk/ SDA O/O XEN Building Division Orakzai	Existing Vacancy
56)	Mr. Sarfaraz Khan Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN C&W Division Shangla	Senior Clerk/ SDA O/O XEN C&W Division Shangla	Existing Vacancy
57)	Mr. Ihsanullah Senior Clerk (BS-14)	Junior Clerk O/O XEN C&W Division Karak	Senior Clerk/ SDA O/O XEN C&W Division Karak	Vice Akhtar Zaman promoted as A/Clerk
58)	Muhammad Saeed Khan Lodhi. Senior Clerk (BS-14)	Junior Clerk O/O XEN Building Division Mardan	Senior Clerk O/O XEN Building Division Mardan	Existing Vacancy
59)	Mr. Asif Khan Senior Clerk (BS-14)	Junior Clerk O/O XEN Building Division Khyber	Senior Clerk/ SDA O/O XEN Highway Division Mohmand	Vice Sl. No.16
60)	Mr. Misbahullah Senior Clerk (BS-14)	Junior Clerk O/O XEN Highway Division Mohmand	Senior Clerk O/O XEN Highway Division Mohmand	Existing Vacancy
61)	Mr. Tariq Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Highway Division Dir Lower	Senior Clerk/ SDA O/O XEN Highway Division Dir Lower	Existing Vacancy
62)	Mr. Zakiullah Bangash Senior Clerk (BS-14)	Junior Clerk O/O CE (North) C&W Deptt Saldu Sharif at Swat	Senior Clerk O/O XEN C&W Division Shangla.	Existing Vacancy
63)	Mr. Habib Gul Senior Clerk (BS-14)	Senior Clerk/ SDA (OPS) O/O XEN Highway Division Bajaur	Senior Clerk/ SDA O/O XEN Highway Division Bajaur	Existing Vacancy

CHIEF ENGINEER (CENTRE)

Copy is forwarded to the:-

- 1- Accountant General Khyber Pakhtunkhwa Peshawar.
- 2- Chief Engineers (Concerned) C&W Department.
- 3- Superintending Engineers (Concerned) C&W Department.
- 4- Executive Engineers (Concerned) C&W Department.
- 5- Section Officer (Estb) C&W Department Peshawar/ Member DPC.
- 6- Administrative Officer O/O CE (CDO) C&W Peshawar/ Member DPC.
- 7- District Accounts Officers, District (Concerned).
- 8- Cashier (Local).
- 9- Officials concerned.

CHIEF ENGINEER (CENTRE)

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OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

No. CEC/C&WD/2-3/E&A, 1813
Dated Peshawar the, 05/10/2023

"B" (9)

-9-

OFFICE ORDER

The following posting/transfer amongst the officials in C&W Department are hereby ordered with immediate effect, in the best public interest:

S.No.	Name	From	To	Remarks
1.	Asif Ali Senior Clerk (BPS-14)	Accounts Clerk (OPS) Executive Engineer Highway Division Mardan	Senior Clerk./SDA Executive Engineer C&W Division Dir Upper	Vice # 3
2.	Adnan Sher Khan Senior Clerk (BPS-14)	Senior Clerk./SDA Executive Engineer C&W Division-I Swat	Senior Clerk./SDA Executive Engineer Building Division Mardan	A.V.P
3.	Dr. Aliq Ur Rahman Senior Clerk (BPS-14)	Senior Clerk./SDA Executive Engineer C&W Division Dir Upper	Senior Clerk./SDA Executive Engineer C&W Division-I Swat	Vice # 2

CHIEF ENGINEER (CENTRE)

COPY FORWARDED TO THE:

1. Chief Engineer (North) C&W Department Saidu Sharif at Swat.
2. Superintending Engineer C&W Circle Mardan.
3. Superintending Engineer C&W Circle Dir Lower.
4. Superintending Engineer C&W Circle Swat.
5. Executive Engineer Highway Division Mardan.
6. Executive Engineer C&W Division-I Swat.
7. Executive Engineer C&W Division Dir Upper.
8. Executive Engineer Building Division Mardan.
9. District Accounts Officer Mardan/Swat/Dir Upper.
10. Officials concerned.

CHIEF ENGINEER (CENTRE)

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(21)
OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PUKHTUNKHWA PESHAWAR

"C" - 10 -

No. CEC/C&WD/2-3/E&A, 1630
Dated Peshawar the, 08/12/2023



OFFICE ORDER

The Competent Authority has been pleased to transfer the following Officials in C&W Department are hereby ordered, with immediate effect, in the best public interest:

S.No.	Name	From	To	Remarks
1.	Mr. Asif Ali	Senior Clerk O/O XEN C&W Division, Dir Upper.	Senior Clerk/SDA O/O XEN C&W Division, Buner-II.	A.V.P
2.	Mr. Bashir Ahmad	Junior Clerk O/O XEN C&W Division, Dir Upper	Hold the Additional Charge of Senior Clerk / SDA O/O XEN C&W Division, Dir Upper.	Vice # 1

CHIEF ENGINEER (CENTRE)

COPY FORWARDED TO THE:

1. Chief Engineer (North) C&W Department Swat at Saidu Sharif.
2. Superintending Engineer C&W Circle, Dir / Swat.
3. Superintending Engineer C&W Circle, Dir Lower.
4. Executive Engineer C&W Division, Dir Upper / Buner-II.
5. PS to Secretary C&W Department Peshawar.
6. PS to Minister C&W Department Peshawar.
7. District Accounts Officers, Dir Upper/Buner.
8. Officials concerned.
9. Personal File

One
CHIEF ENGINEER (CENTRE)

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(Handwritten initials)

To,

The Worthy Secretary C&W Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 08/12/2023 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED PRE MATURELY.

Respected Sir,

- 1- That the appellant is the employee of the your good-self department and initially appointed as Junior Clerk in C&W Department District Upper Dir vide order dated 14/01/2011.
- 2- That the appellant while performing his duties at the concerned station was promoted to the post of Senior Clerk/ Accounts Clerk (OPS) in the office of Executive Engineer Highway Division Mardan and was transferred/posted to District Upper Dir against the post of Senior Clerk SDA vide order dated 05/10/2023.
- 3- That astonishingly vide impugned notification dated 08/12/2023 the appellant was again prematurely transferred from office of XEN C&W Division Dir Upper to the office of XEN Division, Buner-II and most junior official namely Bashir Ahmad, Junior Clerk was posted vice the appellant and has been given the ibid post as Additional Charge. Copy of the impugned notification dated 08/12/2023 is attached.
- 4- That appellant aggrieved from the impugned notification being illegal, corm-non-justice, prematurely and against the policy of the government, preferred the instant departmental appeal before your honor inter alia on the following grounds:-

GROUNDS:

- A- That the impugned notification dated 08/12/2023 being contrary to law and rules and in utter violation of the law on the subject hence not tenable in the eye of Law.
- B- That appellant have not been treated by the department concerned in accordance with law and rules on the subject noted above and as such action of the respondent department is violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.

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- C- That the treatment meted out to the appellant is highly discriminatory and in clear violation of the notification of the Election Commission of Pakistan as mandated under Articles 218 (3), 220 of the Constitution of Islamic Republic of Pakistan.
- D- That the impugned transfer order is also violative of the transfer/posting policy of the Government of Khyber Pakhtunkhwa as the appellant have been transferred against the law on the subject.
- E- That the treatment meted out to the appellant is a clear violation of the Fundamental Rights of the appellant as enshrined in the Constitution of Pakistan 1973.
- F- That the impugned notification is also violative of Rules 12 of Appointment, Promotion & Transfer Rules, 1989.
- G- That respondents department have violated Clause-I, Clause-IV and Clause-XIII of the transfer posting policy of the government have been violated by the respondents vide the impugned notification.

It is, therefore, most humbly requested that on acceptance of this departmental appeal the impugned order dated 08/12/2023 may very kindly be set aside and the appellant be retained as Senior Clerk/ SDA in the office of XEN C&W Division, Wari sub Division, Dir Upper till completion of his normal tenure.

Dated: 12.12.2023

Yours Obediently

Asif Ali,
Senior Clerk/SDA, XEN C&W
Division, Sub Division Wari,
Dir Upper

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E-13

OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

No. CEC/C&WD/2-3/E&A, 1791
Dated Peshawar the, 01/01/2024

To

Mr. Asif Ali, SDA/Senior Clerk,
C&W Division, Dir -Upper,

**SUBJECT:- DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 08.12.2023
WHEREBY THE APPELLANT HAS BEEN TRANSFERRED PRE-
MATURELY.**

With reference to the subject cited above, that your appeal/representation dated: 12.12.2023, was thoroughly examined by the department, but did not find convincing. Moreover, the Civil Servant Act, of 1973 provides that every Civil Servant shall be liable to sought anywhere within the Province, or any post under the Provincial Government or Local Authority or Established by any such Government.

Therefore, in view of the above your appeal has been regretted.


CHIEF ENGINEER (CENTRE)

Copy forwarded to the, Section Officer (Estb), C&WD Peshawar with reference to his office letter No. SOE/C&WD/24-60/2023/Suptd: dated: 21.12.2023, for information please.

CHIEF ENGINEER (CENTRE)

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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.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

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

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- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement
 DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

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

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

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

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

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

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

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

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

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

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

.....

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.

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ATTENDED



OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHAYBER PUKHTUNKHWA PESHAWAR

No. 219.EJ 361 /CEC/C&WD

Dated Peshawar the 07/12/2022

OFFICE ORDER

The following postings/transfers amongst the Senior Clerks/SDAs in C&W Department are hereby ordered with immediate effect, in the best public interest

S.No.	Name	From	To	Remarks
1	Zaki Ullah Bangash	Senior Clerk/SDA Under transfer to the O/O XEN Highway Division, Dir Lower	Senior Clerk/SDA O/O XEN C&W Division-II Swat at Matta	Vacated by transfer of Mr Kanwan Khan
2	Usman ud Din	Senior Clerk/SDA under transfer to the O/O XEN Building Division, Dir Lower	Senior Clerk O/O XEN C&W Division, Dir Upper.	Existing Vacancy
3	Asif Ali	Senior Clerk/SDA under transfer to the O/O XEN C&W Division, Dir Upper	Senior Clerk/SDA O/O XEN Highway Division, Haripur.	Existing Vacancy

CHIEF ENGINEER (CENTRE)

Copy to the:

- 1 Chief Engineer (North) C&W Department Swat at Saidu Sharif.
- 2 Chief Engineer (East) C&W Department at Abbottabad.
- 3 Superntending Engineer C&W Circle, Swat
- 4 Superntending Engineer C&W Circle, Dir Lower.
- 5 Superntending Engineer C&W Circle, Abbottabad.
- 6 Executive Engineer Highway Division, Dir Lower.
- 7 Executive Engineer C&W Division-II, Swat at Matta.
- 8 Executive Engineer Highway Division, Haripur.
- 9 Executive Engineer C&W Division, Dir Upper.
- 10 Distinct Accounts Officers, Dir Upper/Swat/ Dir Lower/Haripur.
- 11 Officials concerned.

CHIEF ENGINEER (CENTRE)

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 55 of 2024

Mr. Asif Ali,
Senior Clerk/SDA, (BPS-11),
O/O the XEN C&W Division, Sub Division Wari Dir Upper.

SCANNED
KPST
Peshawar
.....**APPELLANT**

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Communication and Works Department, Civil Secretariat, Peshawar.
2. Chief Engineer (Centre), Communication and Works Department, Civil Secretariat, Peshawar.
3. Mr. Bashir Ahmad, Junior Clerk BPS-11, Office of Executive Engineer, C&W Division, Dir Upper.

.....**RESPONDENTS**

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Clan
CHIEF ENGINEER (CENTRE)

S.B
Peshawar.

04-03-2024

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 55 of 2024

Mr. Asif Ali,
Senior Clerk/SDA, (BPS-11),
O/O the XEN C&W Division, Sub Division Wari Dir Upper.

Khyber Pakhtunkhwa
Service Tribunal

Diry No. 11508

Dated 01-03-2024

.....**APPELLANT**

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Communication and Works Department, Civil Secretariat, Peshawar.
2. Chief Engineer (Centre), Communication and Works Department, Civil Secretariat, Peshawar.
3. Mr. Bashir Ahmad, Junior Clerk BPS-11, Office of Executive Engineer, C&W Division, Dir Upper.

.....**RESPONDENTS**

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 AND 02

Respectfully Sheweth!

PRELIMINARY OBJECTIONS: -

1. The instant Service Appeal is not entertainable in the present form.
2. The Appellant has no cause of action to file the instant Service Appeal before this Service Tribunal.
3. That Appellant has not come to the Court with clean hands.
4. The instant Service Appeal is time-barred.

ON FACTS: -

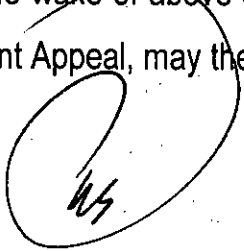
1. No comments.
2. Correct.
3. Correct, the Appellant was posted in the Office of the Executive Engineer, C&W Division, Dir Upper against his original cadre Post by relieving from OPS as there was no vacant Post available in Mardan.
4. That order dated 08/12/2023 was issued by the Department in the best public interest.
5. That after thoroughly examined the Departmental Appeal lodged by the Appellant on 12/12/2023 against impugned order was regretted in light of the Civil Servant Act, 1973.


- (31)
6. Incorrect, every Civil Servant is liable to serve anywhere within or outside the Province in any Post under Federal Government or any Provincial Government as per Section-10 of the Khyber Pakhtunkhwa, Civil Servant Act, 1973.

ON GROUNDS: -

- A. Incorrect, every Civil Servant is liable to serve anywhere within or outside the Province in any Post under Federal Government or any Provincial Government as per Section-10 of the Khyber Pakhtunkhwa, Civil Servant Act, 1973.
- B. Incorrect, being Civil Servant the Appellant is bound to serve his Services anywhere in the Province being Provincial Cadre Post.
- C. Incorrect, that no violation has been made by the Department as Appellant not posted on District Cadre Post.
- D. Incorrect, Appellant is treated under the Civil Servant Act, 1973, where it is very clear that "Every Civil Servant is liable to serve anywhere within or outside the Province in any Post under Federal Government or any Provincial Government as per Section-10 of the Khyber Pakhtunkhwa, Civil Servant Act, 1973".
- E. Incorrect, every Civil Servant is liable to serve anywhere within or outside the Province in any Post under Federal Government or any Provincial Government as per Section-10 of the Khyber Pakhtunkhwa, Civil Servant Act, 1973.
- F. Incorrect, Appellant never treated against the Appointment, Posting and Transfer Rules nor he revert to any lower Post. On the request of Appellant, he was posted against vacant Post of Accounts Clerk (OPS) to his home District on humanitarian grounds.
- G. The respondents seek leave to raise additional grounds at the time of arguments.

In the wake of above stated facts, it is respectfully prayed that there seems no merit in the instant Appeal, may therefore please be dismissed with cost.


Muhammad Idrees Khan
Secretary
Govt. of Khyber Pakhtunkhwa
C&W Department Peshawar
(Respondent No.1)


Engr. Jamshaid Ali Khan
Chief Engineer (Centre)
C&W Department Peshawar
(Respondent No.2)

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 55 of 2024

Mr. Asif Ali,
Senior Clerk/SDA, (BPS-11),
O/O the XEN C&W Division, Sub Division Wari Dir Upper.

.....**APPELLANT**

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Communication and Works Department, Civil Secretariat, Peshawar.
2. Chief Engineer (Centre), Communication and Works Department, Civil Secretariat, Peshawar.
3. Mr. Bashir Ahmad, Junior Clerk BPS-11, Office of Executive Engineer, C&W Division, Dir Upper.

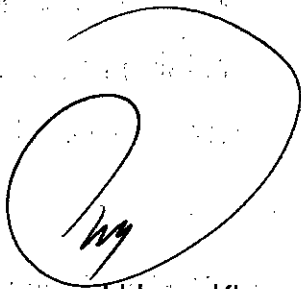
.....**RESPONDENTS**

AFFIDAVIT

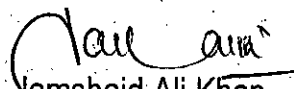
We, the Respondents, do hereby solemnly affirm and state on Oath that the whole contents of these comments are true and correct to the best of our knowledge and belief that nothing has been concealed from this Khyber Pakhtunkhwa Service Tribunal Peshawar.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off. ✓

Deponents



Muhammad Idrees Khan
Secretary
Govt. of Khyber Pakhtunkhwa
C&W Department Peshawar
(Respondent No.1)


Engr. Jamshaid Ali Khan
Chief Engineer (Centre)
C&W Department Peshawar
(Respondent No.2)





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OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

No. CEC/C&WD/S.A No.55/2024

Dated Peshawar the 27/02/2024

AUTHORITY LETTER

Mr. Zahid Habib, Administrative Officer (Centre) (BPS-17), C&W Department, Peshawar is hereby authorized to file the para-wise comments and attend the Honorable Service Tribunal Peshawar on behalf of Respondent No.2 in connection with Service Appeal No. 55 of 2024 titled "Asif Ali vs Govt. of Khyber Pakhtunkhwa through Secretary C&W & others" on each date as and when fixed by the Honorable Service Tribunal.


CHIEF ENGINEER (CENTRE)

COPY FORWARDED TO THE:

1. Section Officer (Lit.), C&W Department, Peshawar w/r to his office No. SO(Lit)C&W/3-503/2023, dated 12/01/2024 above for information.
2. Mr. Zahid Habib, Administrative Officer (Centre) (BPS-17), C&W Department, Peshawar for information and necessary action.
3. PS to Secretary, C&W Department, Peshawar for information.
4. P.A. to Deputy Secretary, C&W Department, Peshawar for information.


CHIEF ENGINEER (CENTRE)

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VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No /2023

SCANNED
KPST
Peshawar

Asif Ali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

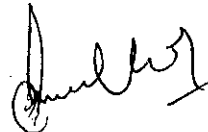
C & W Dept

(RESPONDENT)
(DEFENDANT)

I/we Asif Ali

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. / /202



CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**


WALEED ADNAN


UMAR FAROOQ MOHMAND


MUHAMMAD AYUB

&


**MAHMOOD JAN
ADVOCATES**

OFFICE:

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