


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 801/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/06/2024	<p>The appeal of Mr. Muhammad Jamshed presented today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 12.06. 2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

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

**SERVICE APPEAL NO. 801 /2024**

Muhammad Jamshed

V/S

Revenue Department

**APPLICATION FOR FIXING THE INSTANT  
APPEAL AT PRINCIPLE SEAT AT PESHAWAR.**

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal in this Honorable Service Tribunal against the order dated 04.06.2024, whereby the posting order dated 31.05.2024 of the appellant to Balakat was prematurely withdrawn just after 04 days and his service was placed at the disposal of board of revenue for further posting in utter violation of posting/ transfer policy and circular dated 27.02.2013 and against the rejection memo/letter dated 10.06.2024, whereby the departmental appeal of the appellant has been rejected/filed for no good ground along with suspension application.
2. That instant appeal is in the jurisdiction of Camp Court Abbottabad of this Honorable Tribunal, but the appellant engaged counsel who is doing legal practice at Peshawar and the appellant also wants to peruse his case at principle seat at Peshawar.
3. That it will be convenient for the appellant as well as for his counsel if the instant appeal is fix at principle seat at Peshawar.

It is therefore most humbly prayed that on the acceptance of this application, the instant appeal may kindly be fixed at principle seat at Peshawar of this Honorable Tribunal.

THROUGH:

  
APPELLANT

  
TAIMUR ALI KHAN  
ADVOCATE HIGH COURT

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

SERVICE APPEAL NO. 801 /2024

Muhammad Jamshed

V/S

Revenue Department

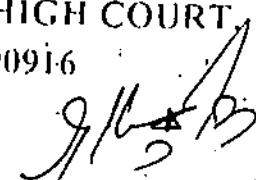
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APPELLANT

THROUGH:

(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT  
0333-9390916

&   
(SHAKIR ULLAH TORANI)  
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

SERVICE APPEAL NO. 801 2024

Mr. Muhammad Jamshed Tehsildar, (BPS-16),  
Tehsildar Balakot, Mansehra.

(APPELLANT)

VERSUS

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa,  
Peshawar.
2. The Commissioner, Hazara Division Abbottabad.

(RESPONDENTS)

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APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974  
AGAINST THE ORDER DATED 04.06.2024, WHEREBY THE  
POSTING ORDER DATED 31.05.2024 OF THE APPELLANT  
TO BALAKAT WAS PREMATURELY WITHDRAWN JUST  
AFTER 04 DAYS AND HIS SERVICE WAS PLACED AT THE  
DISPOSAL OF BOARD OF REVENUE FOR FURTHER  
POSTING IN UTTER VIOLATION OF POSTING/ TRANSFER  
POLICY AND CIRCULAR DATED 27.02.2013 AND AGAINST  
THE REJECTION MEMO/LETTER DATED 10.06.2024,  
WHEREBY THE DEPARTMENTAL APPEAL OF THE  
APPELLANT HAS BEEN REJECTED/FILED FOR NO GOOD  
GROUND.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE  
IMPUGNED ORDER DATED 04.06.2024 AND 10.06.2024 MAY  
KINDLY BE SET ASIDE BEING PREMATURE AND PASSED

IN THE VIOLATION OF POSTING/TRANSFER POLICY AND CIRCULAR DATED 27.02.20213. THE RESPONDENTS MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY AND CIRCULAR DATED 27.02.2013. ANY OTHER REMEDY WHICH THIS HONORABLE TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is serving in the respondent department as Tehsildar (BPS-16) and is performing his duty with devotion and honesty, whatsoever, assigned to him and no complaint has been filed regarding his performance by his superiors.
2. That the appellant was transferred from Tehsildar Havelian and posted as Tehsildar Haripur on 21.08.2023 and then transferred from Haripur to Tehsildar Pattan, District Lower Kohistan vide order dated 03.05.2024. (Copy of order dated 03.05.2024 is attached as Annexure-A)
3. That the appellant was then transferred from Tehsildar Pattan to Tehsildar Balakot against the vacant post vide order dated 31.05.2024 and in compliance of order dated 31.05.2024, the appellant took over charge on 03.06.2024 and was performing his duty with the entire satisfaction of his superiors as Tehsildar Balakot. (Copies of order dated 31.05.2024 and charge report are attached as Annexure-B&C)
4. That astonishingly, respondent No.2 just after 04 days withdraw the order dated 31.05.2024 of the appellant without completing his normal tenure at Balakot and placed the services of the appellant at the disposal of Board for further posting vide order dated

04.06.2024. (Copy of order dated 04.06.2024 is attached as Annexure-D)

5. That being aggrieved from successive transfers and not completing his normal tenure at Balakot, the appellant filed departmental appeal on 07.06.2024 against the transfer order dated 04.06.2024, which was rejected/filed on 10.06.2024 without giving any reason. (Copies of departmental appeal and rejection memo/letter dated 10.06.2024 are attached Annexure-E&F)
6. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal on the basis of following grounds amongst others.

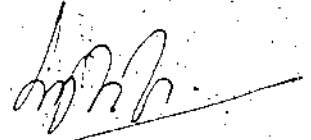
#### GROUND:

- A) That the transfer order dated 04.06.2024 and 10.06.2024 are against the law, facts, norms of justice, premature, violation of posting transfer policy and Government circular dated 27.02.2013, therefore not tenable and liable to be set aside.
- B) That according to posting transfer/policy, the normal tenure of posting shall be two (02) years, but just after 04 days, the transfer order dated 31.05.2024 of the appellant to Balakot was withdrawn without completing his normal tenure at Balakot, which is total violation of Government posting transfer policy. Thus the impugned order is liable to be set-aside on this score alone. (Copy of posting/transfer policy is attached as Annexure-G)
- C) That the transfer of the appellant is also violation of circular based on the Anita Turab case dated 27.02.2013 in which it was clearly mentioned that 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, but in the case of the appellant the tenure was not respected and his transfer order dated 31.05.2024 was withdrawn just after 04 days without completing his normal tenure at Balakot and without giving compelling reason for such withdrawal of transfer order dated

31.05.2024 of the appellant by the competent authority. (Copy of circular dated 27.02.2013 is attached as Annexure-H).

- D) That the impugned transfer order dated 04.06.2024 is premature as the appellant has not completed his normal tenure at Balakot and as such the impugned order is liable to be set aside.
- E) That the appellant has successive transferred in short span of time due to which he is unable to perform his duty with best of his ability and capability and such successive transfer is also discouraged by the Superior Courts in plethora of judgments and such the impugned orders are liable to be set aside.
- F) That according to transfer posting/policy, posting/transfer orders of all the officers up to BS-19 except the Head of the Attached Department irrespective of the grade will be notified by the concerned Administrative Department with the prior approval of the Competent Authority obtained on the Summary, but in the case of the appellant, no prior approval of summary for transfer has obtained, which is violation of the posting/transfer policy.
- G) That in the impugned order dated 04.06.2024 no substitute was provided on the post of the appellant at Balakot and the post is still vacant which also effect the smooth running of the office and no one can be effected if the impugned order is set aside.
- H) That no exigencies or public interest has shown in the impugned transfer order dated 04.06.2024 by the respondent department, which is against the norms of justice and fair play.
- I) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

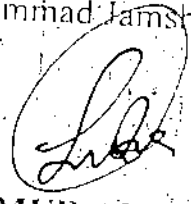
It is, therefore most humbly prayed that on the acceptance of this appeal, the impugned order dated 04.06.2024 and 10.06.2024 may be set aside being prematurely and passed in the violation of posting/transfer policy and circular dated 27.02.2013. The respondent department may further please be directed not to transfer the appellant prematurely and in violation of posting/transfer policy and circular dated 27.02.2013. Any other remedy which this Honorable Tribunal deems fit and appropriate that may also be awarded in favour of appellant



APPELLANT

Muhammad Jamshed

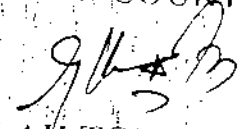
THROUGH:



(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

&



(SHAKIR ULLAH TORANI)

ADVOCATE



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

SERVICE APPEAL NO. \_\_\_\_\_ /2024

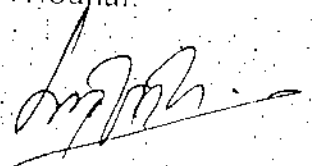
Muhammad Jamshed

VS

Revenue Department

**AFFIDAVIT**

I, Muhammad Jamshed, Tehsildar (BPS-I6), Tehsildar Balakat, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.



DEPONENT

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

" SERVICE APPEAL NO. \_\_\_\_\_ /2024

Muhammad Jamshed

V/S

Revenue Department

APPLICATION FOR SUSPENDING THE OPERATION OF  
IMPUGNED TRANSFER ORDER DATED 04.06.2024 TILL THE  
DECISION OF MAIN APPEAL.

RESPECTFULLY SHEWETH.

1. That the appellant has filed an appeal against the transfer order dated 04.06.2024, whereby the posting order dated 31.05.2024 of the appellant to Balakat was prematurely withdrawn just after 04 days and his service was placed at the disposal of Board of Revenue for further posting along with this application in which no date is fixed so far.
2. That the impugned transfer order dated 04.06.2024 is premature as the appellant has not completed his normal tenure at Balakat, which is violation of posting/transfer policy and circular dated 27.02.2013 and as such the impugned order dated 04.06.2024 is liable to be suspended.
3. That the appellant has successive transferred in short span of time due to which he is unable to perform his duty with best of his ability and capability and such successive transfer is also discouraged by the Superior Courts in plethora of judgments and such the impugned transfer order dated 04.06.2024 is liable to be suspended.
4. That the post of the appellant is still vacant as no substitute was provided on the post of the appellant at Balakat in the impugned transfer order dated 04.06.2024 and no other employee can be effected if the impugned order dated 04.06.2024 is suspended.

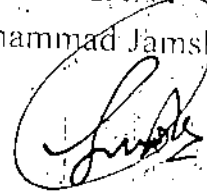
5. That the grounds of main appeal may also be considered as integral part of this application.
6. That the appellant has a good prima-facie case and all the three ingredients are in favour of the appellant.

It is therefore most humbly prayed that the operation of the order dated 04.06.2024 may kindly be suspended till the decision of main appeal.




APPELLANT  
Muhammad Jamshed

THROUGH:



(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

& 

(SHAKIR ULLAH TORANI)  
ADVOCATE

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.



DEPONENT

REGISTERED MAIL



A 9  
OFFICE OF THE  
COMMISSIONER HAZARA DIVISION  
ABBOTTABAD.

PH.# 0992-9310461, Fax No. 9310265

**ORDER**

Dated Abbottabad, the 03 /05/2024

No. Estb/4/9/CHD/ 4616-23 :- The Competent Authority is pleased to order the posting/transfer of following Revenue Officers in the best public interest with immediate effect:

S#	Name/Designation	From	To
1.	Jamshed Khan Tehsildar	Tehsildar Haripur	Tehsildar Pattan, District Lower Kohistan.
2.	Ghulam Murtaza	Tehsildar Beffa Pakhal, District Mansehra	Tehsildar Haripur.

By order  
Commissioner  
Hazara Division

**Copy forwarded for information to the:**

- 1-Deputy Commissioners, Lower Kohistan & Haripur.
- 2-District Accounts Officers, Lower Kohistan & Haripur
- 3-Assistant Secretary (Estt), Board of Revenue, Peshawar
- 4-PS to Commissioner, Hazara Division, Abbottabad.
- 5- Revenue Officers concerned for immediate compliance.

Secretary to Commissioner  
Hazara Division, Abbottabad

Received

14/05/2024

Received to duty  
8/5/24

Amir M. Khan  
14/05/2024



**B**

OFFICE OF THE  
COMMISSIONER HAZARA DIVISION  
ABBOTTABAD

Dated: Friday 31<sup>st</sup> May, 2024

Phone No: 0992-9310222

Fax No. 0992-9310500

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commissionerhazara1@gmail.com

Commissionerhazara

@Commissionerh2

**ORDER:**

No. Estab/4/9/CHD/4947-53: The Competent Authority is pleased to transfer Mr. Muhammad Jamshed, Tehsildar from Tehsildar Pattan to Tehsildar Balakot against the vacant post in the best public interest, with immediate effect.

By order of  
Commissioner  
Hazara Division Abbottabad

**Copy forwarded for information to the:**

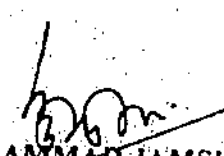
1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioners, Mansehra/Kohistan Lower.
3. District Accounts Officers, Mansehra/Kohistan Lower.
4. PS to Commissioner Hazara Division, Abbottabad.
5. Revenue Officer concerned for immediate compliance and submit charge/arrival report.

Secretary to Commissioner  
Hazara Division Abbottabad

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## ARRIVAL REPORT

In compliance with the order of Commissioner Hazara Division Abbottabad bearing endorsement No. Etab/4/9/CHD/4947-53 dated 31-05-2024, I Muhammad Jamshed hereby take over the charge for the post of Tehsildar Balakot today i.e 03-06-2024 (Afternoon).

  
(MUHAMMAD JAMSHED)  
TEHSILDAR BALAKOT

No 1374-79/T(B)

Date: 03/06/2024

1. The Senior Member Board of Revenue, Kyber-Pakhtunkhwa Peshawar for please.
2. The Deputy Commissioner, Mansehra for information please.
3. The District Account Officer, Mansehra for information please.
4. The PS to Commissioner, Hazara Division Abbottabad, for information please.
5. The Assistant Commissioner, Balakot for information please.
6. All concern. please.

  
TEHSILBAR BALAKOT

REGISTERED MAIL



OFFICE OF THE  
COMMISSIONER HAZARA DIVISION  
ABBOTTABAD

No. 4/9/Estab/ACR/CHD/6161-65

Dated 04/06/2024

ORDER

The Competant Authority is pleased to withdraw this office order No.4/9/Estab/ACR/CHD/4947-53 dated 31/05/2024 and subsequesntly place the services of Mr. Muhammad Jamshed, Tehsildar Pattan, District-Lower Kohistan, at the disposal of Board of Revenue for further posting.

Secretary to Commissioner  
Hazara Division Abbottabad

Copy forwarded to the:

1. Deputy Commissioners, Mansehra & Kohistan Lower.
2. Assistant Secretary (Estt), Board of Revenue, Khyber Pakhtunkhwa, Peshawar
3. PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. PS to Commissioner, Hazara Division, Abbottabad.
5. Official concerned for strict compliance.

Secretary to Commissioner  
Hazara Division Abbottabad

Received  
on 05/06/2024

To

The worthy Senior Member Board of Revenue,  
Khyber Pakhtunkhwa, Peshawar.

**DEPARTMENTAL APPEAL AGAINST THE ORDER  
DATED 04/06/2024, WHEREBY ORDER DATED  
31/05/2024 OF THE APPELLANT WAS WITHDRAWN  
AND SUBSEQUENTLY THE PLACE THE APPELLANT  
WAS PLACED DISPOSAL OF BOARD OF REVENUE  
FOR FURTHER POSTING.**

**RESPECTED FULLY:**

1. That the appellant is serving in the department as Tehsildar and is performing his duty with devotion and honesty, whatsoever, assigned to him and no complaint has been filed regarding his performance by his superiors.
2. That the appellant was posted as Tehsildar at Haripur on 21/08/2023 and then transferred from Haripur to Tehsildar Pattan, District Lower Kohistan vide order dated 03/05/2024. (Copy of order dated 31/05/2024 is attached as Annexure-)
3. That the appellant was then transferred from Tehsildar Pattan to Tehsildar Balakot against the vacant post vide order dated 31/05/2024 and in compliance of order dated 31/05/2024, the appellant took over charge on 03/06/2024 and was performing his duty with devotion and honesty as Tehsildar Balakot. (Copies of order dated 31/05/2024 and charge report are attached as Annexure-B&C).
4. That the utter surprise of the appellant, just after 04 days the authority withdraw the order dated 31/05/2024 of the appellant without completing his normal tenure at Balakot and placed the services of the appellant at the disposal of Board for further posting vide order dated 04/06/2024. (Copy of order dated 04/06/2024 is attached as Annexure-D)
5. That now the appellant wants to file the departmental appeal against the order dated 04/06/2024 on the basis of following grounds.

**GROUND:**

- A) That the transfer order dated 04/06/2024 is against the law, facts, norms of justice, premature, violation of posting transfer policy and Government circular dated 27.02.2013, therefore not tenable and liable to be set aside.
- B) That according to posting transfer/policy, normal tenure for posting is 2 years, but just after 04 days, the appellant's transferred to Balakot was withdrawn without completing his normal tenure at Balakot, which is total violation of Govt. posting transfer policy. Thus the impugned order is liable to be set-aside on this score alone.



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- C) That the transfer of the appellant is also violation of circular based on the Anita Turab case dated 27.02.2013 in which it was clearly mentioned that 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, but in the case of the appellant the tenure was not respected and his transfer order dated 31/05/2024 was withdrawn just after 04 days without completing his normal tenure at Balakot and without giving compelling reason for such withdrawal of transfer order dated 31/05/2024 of the appellant by the competent authority.
- D) That the impugned transfer order dated 31/05/2024 is premature as the appellant has not completed his normal tenure at Balakot and as such the impugned order is liable to be set aside.
- E) That the appellant is serving his department with best of his ability and capability but he is continuously transferred from one place to another place in short span of time which is also against the posting transfer policy and as such the order dated 04/06/2024 is liable to be set aside.
- F) That the post of Tehsildar is still vacant as in the order dated 04/06/2024 no substitute was provided on the post of the appellant at Balakot which also effect the smooth running of the office and no one can be effected if the impugned order is set aside.
- G) That no exigencies or public interest has shown by the competent authority in passing of order dated 04/06/2024, which is against the norms of justice and fair play.


It is, therefore most humbly prayed that on the acceptance of this appeal, the order dated 04/06/2024 may kindly be set aside and the appellant may kindly be allowed to perform his duty as Tehsildar Balakot till completion of his normal tenure.

04/06/2024

Appellant

Muhammad Jamshed  
Tehsildar Balakot

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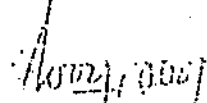
	<b>GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE; REVENUE &amp; ESTATE DEPARTMENT.</b>
(5) 091-9212726	
No. Estt://PF/M. Jamshed/	091-9214208
	Peshawar Dated the 15/06/2024.

To

Mr. Muhammad Jamshed,  
Tehsildar (BS-16),  
Waiting for posting in Board of Revenue.

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 04.06.2024, WHEREBY ORDER DATED 31.05.2024 OF THE APPELLANT WAS WITHDRAWN AND SUBSEQUENTLY THE PLACE THE APPELLANT WAS PLACED AT THE DISPOSAL OF BOARD OF REVENUE FOR FURTHER POSTING.**

I am directed to refer to your Departmental Appeal dated 06.06.2024 on the subject noted above and to state that your Appeal has been examined and filed by the Competent Authority.

  
(NOOR KHAN)  
Assistant Secretary (Estt)  
Board of Revenue

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Transfer Policy - updated till 10 Jan, 2009



GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

- i) All the postings/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants.
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) While making postings/transfers from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained.
- vi) While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary, NWFP needs to be obtained. Whereas, in case of posting/transfers of officers in BS-15 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 (Thana) of his-area/residence is situated.

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No. SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urgent circular letter No. SOR-VI(E&AD)1-4/2008, dated 21-07-2008.

ATTESTED

nwfp.gov.pk

muhammad

TESTED

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Posting - Transfer Policy - updated III 10 Jan. 2001

- 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 District 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-18 & 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.	

Added vide Urdu circular letter No: SCR-VI (E&ADVI-2005, dated 9.9.2005).

ATTESTED

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

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusion 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.	Officials in BPS-10 and below.	Executive District Officer in consultation with District Coordination Officer.

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Posting - Transfer Policy - updated till 30.06.2008

(NAME)  
SECTION OFFICER  
Administrative Department

(Authority: Letter No. SO (E-P) E&AD/3-12/2006 dated 22-12-2006)

The competent authority has been pleased to direct, that Para 1(e) 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) 1-1/2008/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 remain 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 in 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: Memo Circular No: SOR-VI (E&AD) 1-1/08 dated 28-04-2008)

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.

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(NAME)  
SECTION OFFICER  
Administrative Department

(Authority: Letter No. SO (E-D) E&AD/9-13/2006 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-1 (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) 1-1/2003/Vol-VI, dated 3-8-2003)

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 remain 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) 1/05 dated 28th Oct, 2003)

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.

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Posting - Transfer Policy - updated till 10 Jan, 2009

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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 institutions 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/resent against his/her posting.

ATTESTED

ATTESTED



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Handwritten notes and signatures in the middle section, including "SE C / Secy" and "Secy".

Text block containing the phrase "Tenure, Posting and Transfer" and discussing public interest and discretion.

Text block containing the phrase "Appointments, Removals and Promotions" and discussing principles of law.

Text block containing the phrase "Subject" and "CONSTITUTION PETITION NO. 13 OF 2013 OUT OF 200".

- List of names: 1. The Additional Chief Secretary (P&D), Khyber Pakhtunkhwa; 2. The Additional Chief Secretary (P&D), Khyber Pakhtunkhwa; 3. All Commissioners in Khyber Pakhtunkhwa.

Stamp: GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT (REGULATION WING) NO. 508VI (P&D) 14/2005/VO-II Dated: Peshawar, 27th February, 2013.



Vertical stamp: Chief Department of Khyber Pakhtunkhwa.

Handwritten marks at the bottom: circles and the letter 'H'.

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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 against him/her such inquiry must be completed at the earliest. The officer concerned may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

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

Yours faithfully,  
MAJ. MUS. BAHARI  
SECTION OFFICER (REG-VI)

Enclosure 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.

MAJ. MUS. BAHARI  
SECTION OFFICER (REG-VI)

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- 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 base norms instead in such situations, they must record their opinion and if necessary.
- 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

(Sd/-  
(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, Peshawar.
6. The Secretary, Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl. Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

Section Officer (Reg-VI)

**ATTESTED**