


FORM OF ORDER SHEET

Court of _____

Appeal No. 828/2024

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. Sami ul Haq presented today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 13.06. 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. 828 /2024

Sami Ul Haq

V/S

Education 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 04.03.2024, whereby the appellant was prematurely transferred from the office of DEO (F) Dir Upper and his service was placed at the disposal of DEO (M) Dir Upper and against the order dated 26.03.2024, whereby the appellant was further adjusted/posted at the office of sub: divisional education officer (male) Kalkot District Dir Upper in utter violation of posting/transfer policy and circular dated 27.02.2013 and against not taking action on departmental appeal of the appellant within the statutory period of ninety days along with suspension application.
2. That instant appeal is in the jurisdiction of Camp Court Swat 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. 828 /2024

Sami Ul Haq

V/S

Education Department

INDEX

S.NO.	Documents	Annexure	Page No.
01	Memo of appeal	-----	01-05
02	Affidavit	-----	06
03	Suspension application	-----	07-08
04	Copies of order dated 10.05.2023 and notification dated 15.05.2023	A&B	09-10
05	Copies of order dated 25.07.2023 and order dated 14.11.2023	C&D	11-12
06	Copies of order dated 04.03.2024 and order dated 26.03.2024	E&F	13-14
07	Copy of departmental appeal	G	15
08	Copy of posting transfer/policy	H	16-22
09	Copy of circular dated 27.02.2013	I	23-24
10	Vakalat Nama	-----	25

APPELLANT

THROUGH:

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,
0333-9390916

&

(SHAKIR ULLAH TORANI)
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 828 2024

Mr. Sami Ul Haq, Computer Operator,
SDEO (M) Kalkot, District DIR Upper.

(APPELLANT)

VERSUS

1. The Secretary, Elementary & Secondary Education Department,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director Elementary & Secondary Education Department, Khyber
Pakhtunkhwa, Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male), District Dir Upper.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE ORDER DATED 04.03.2024, WHEREBY THE
APPELLANT WAS PREMATURELY TRANSFERRED FROM
THE OFFICE OF DEO (F) DIR UPPER AND HIS SERVICE
WAS PLACED AT THE DISPOSAL OF DEO (M) DIR UPPER
AND AGAINST THE ORDER DATED 26.03.2024, WHEREBY
THE APPELLANT WAS FURTHER ADJUSTED/POSTED AT
THE OFFICE OF SUB: DIVISIONAL EDUCATION OFFICER
(MALE) KALKOT DISTRICT DIR UPPER IN UTTER
VIOLATION OF POSTING/TRANSFER POLICY AND
CIRCULAR DATED 27.02.2013 AND AGAINST NOT TAKING
ACTION ON DEPARTMENTAL APPEAL OF THE
APPELLANT WITHIN THE STATUTORY PERIOD OF
NINETY DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE
IMPUGNED TRANSFER ORDER DATED, 04.03.2024 AND
ADJUSTMENT ORDER DATED 26.03.2024 MAY KINDLY BE

SET ASIDE BEING PREMATURE AND PASSED IN THE VIOLATION OF POSTING/TRANSFER POLICY AND CIRCULAR DATED 27.02.2013. 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 working in the respondent department as Computer Operator 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 performing his duty at the Office DEO (M) Dir Upper with the entire satisfaction of his superiors and was transferred from the office DEO (M) Dir Upper to the office of DEO (F) Dir upper vide order dated 10.05.2023 and in that order other officials were also transferred to different places which was held abeyance vide notification dated 15.05.2023. (Copies of order dated 10.05.2023 and notification dated 15.05.2023 are attached as Annexure-A&B)
3. That the appellant was again transferred from the office DEO (M) Dir Upper to the office of DEO (F) Dir Upper vide order dated 25.07.2023 and in that order other officials were also transferred to different places, however, through an another order dated 14.11.2023, the order dated 10.05.2023 was restored in respect of the appellant and other official namely Amjid Shaheen, wherein the appellant was posted at the office of DEO (F) Dir Upper. (Copies of order dated 25.07.2023 and order dated 14.11.2023 are attached as Annexure-C&D)
4. That the appellant was performing his duty his with the entire satisfaction of his superiors at the office of DEO (F) Dir upper, but he was again transferred from the office of DEO (F) Dir Upper and his service was placed at the disposal of DEO (M) Dir Upper vide order dated 04.03.2024 and the DEO (M) Dir Upper further posted/adjusted the appellant at the office of Sub: Divisional Education Officer (Male) Kalkot District Dir Upper through an order dated 26.03.2024. (Copies of order dated 04.03.2024 and order dated 26.03.2024 are attached as Annexure-E&F)

5. That being aggrieved from successive transfers and not completing his normal tenure at the office of DEO (F) Dir Upper, the appellant filed departmental appeal on 05.03.2024 against the transfer order dated 04.03.2024, which was not responded within the statutory period of ninety days. **(Copy of departmental appeal is attached Annexure-G)**
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 impugned transfer order dated 04.03.2024 and further adjustment order dated 26.03.2024 and not taking action on the departmental appeal of the appellant within the statutory period of ninety days 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 months the appellant was transferred from the office of DEO (F) Dir Upper and his service was placed at the disposal of DEO (M) Dir Upper vide order dated 04.03.2024 and the DEO (M) Dir upper further posted/adjusted the appellant at the office of Sub: Divisional Education Officer (Male) Kalkot District Dir Upper through order dated 26.03.2024 without completing his normal tenure at DEO (F) Dir Upper, which is total violation of Government posting/transfer policy. Thus the impugned transfer order dated 04.03.2024 and adjustment order dated 26.03.2024 are liable to be set-aside on this score alone. **(Copy of posting transfer/policy is attached as Annexure-H)**
- 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 was transferred from the office of DEO (F) Dir Upper and his service

was placed at the disposal of DEO (M) Dir Upper vide order dated 04.03.2024 and the DEO (M) Upper Dir further posted/adjusted the appellant at the office of Sub: Divisional Education Officer (Male) Kalkot District Dir Upper through order dated 26.03.2024 without completing his normal tenure at DEO (F) Dir Upper and without giving compelling reason for such transfer of the appellant by the competent authority. **(Copy of circular dated 27.02.2013 is attached as Annexure-I)**


- D) That the impugned transfers order dated 04.03.2024 and adjustment order 26.03.2024 are premature as the appellant has not completed his normal tenure at DEO (F) Dir Upper and as such the impugned orders are 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 transfers 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 04.03.2024 no substitute was provided on the post of the appellant at DEO (F) Dir upper 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 04.03.2024 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 transfer order dated 04.03.2024 and adjustment order dated 26.03.2024 may kindly be set aside being premature and passed in the violation of posting/transfer policy and circular dated 27.02.2013. The respondents may further please be directed not to transfer the appellant on 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

Sami Ul Haq

THROUGH:


(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT.

& 

(SHAKIR ULLAH TORANI)

ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2024

Sami Ul Haq

VS

Education Department

AFFIDAVIT

I, Sami Ul Haq, Computer Operator, SDEO (M) Kalkot, District Dir Upper, (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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2024

Sami Ul Haq

V/S

Education Department


APPLICATION FOR SUSPENDING THE OPERATION OF
IMPUGNED TRANSFER ORDER DATED 04.03.2024 AND
ADJUSTMENT ORDER DATED 26.03.2024 TILL THE
DECISION OF MAIN APPEAL.

RESPECTFULLY SHEWETH.

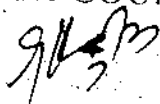
1. That the appellant has filed an appeal against the order dated 04.03.2024, whereby the appellant was prematurely transferred from the office of DEO (F) Dir upper and his service was placed at the disposal of DEO (M) Dir upper and against the order dated 26.03.2024, whereby the appellant was further adjusted/posted at the office of Sub: Divisional Education Officer (Male) Kalkot District Dir Upper along with this application in which no date is fixe so for.
2. That the impugned transfer order dated 04.03.2024 is premature as the appellant has not completed his normal tenure at DEO (F) Dir Upper, which is violation of posting/transfer policy and circular dated 27.02.2013 and as such the impugned transfer order dated 04.03.2024 and adjustment order dated 26.03.2024 are 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 as such the impugned transfer order dated 04.03.2024 and adjustment order dated 26.03.2024 of the appellant are 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 DEO (F) Dir Upper in the impugned transfer order dated 04.03.2024 and no other employee can be effected if the impugned transfer order dated 04.03.2024 and adjustment order dated 26.03.2024 are 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 impugned transfer order dated 04.03.2024 and adjustment order dated 26.03.2024 of the appellant may kindly be suspended till the decision of main appeal.


APPELLANT
Sami Ul Haq

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



Office Order

The following ministerial staff are hereby transferred/ Adjusted on their own pay and BPS in the interest of public service with immediate effect

S.#	Name/Design:	Present Posting	Adjustment at	Remarks
1	Mrs. Shagufta Begum, Computer operator	DEO (F) Dir Upper	SDEO (F) Barawal, Dir Upper.	Against computer operator
2	Mr. Sami Ul Haq, Computer operator	DEO (M) Dir Upper	DEO (F) Dir Upper	A.V.P
3	Mr. Amjad Shaheen, Senior Clerk	DEO (M) Dir Upper	DEO (F) Dir Upper	Against the vacant post assistant

Note:-

1. Compliance report should be submitted to all concerned.
2. No TA/DA etc is allowed.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 3680-201 /F.No.A 23 MS/ Transfer/General/ 2023.

Dated Peshawar the 10/05/2023

Copy forwarded to the: -

1. District Account Officer concerned.
2. District Education Officer (M+F) concerned.
3. Officials concerned.
4. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
5. Master file.

Deputy Director (F&A)
Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

CAUTION: This document contains information that is exempt from disclosure under the Freedom of Information Act.

Assistant Director (Admin)
Directorate of Secondary Education
Hyderabad

- 1. District Education Officer (M) Dir Upper
- 2. District Account Officer (M) Dir Upper
- 3. SDEO (F) Barawal Dir Upper
- 4. Officials concerned.
- 5. PA to Director Elementary & Secondary Education Hyderabad
- 6. Master File.

Copy forwarded to the:

8630-35

Encl: No.

Director
Directorate of Secondary Education
Hyderabad

Compliance report should be submitted. No TADA etc is allowed.

S. No.	Name/Designation	Present Posting	Adjusted at	Remarks
1	Mrs. Shaguha Hussain Computer operator	Director's Office		
2	Mr. Samir El Haq Computer operator	Director's Office		
3	Mr. Anjum Shabeen S. Clerk	Director's Office		

immediate effect

following officials are hereby ordered to be

discontinued from their

OFFICE ORDER



OFFICE ORDER
DIRECTORATE OF SECONDARY EDUCATION
HYDERABAD

11

5

Best copy

(11)

**DIRECTORATE OF ELIMENTARY AND SECONADARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

Phone: 091-9225344

EMAIL: ddadmn.ese@gmail.com

OFFICE ORDER.

consequent upon the approval of competent authority, the posting/transfer in respect of the following officials are hereby ordered in the best of public service in their own pay scale with immediate effect.

S#	Name/Design	Present Posting	Adjusted	Remarks
1	Mrs. Shagufta Begum Computer Operator	DEO (F) Dir Upper	SDEO (F) Barawal Dir Upper	AVP
2	Mr. Sami Ul Haq Computer Operator	DEO (F) Dir Upper DEO (M) Dir Upper	DEO (F) Dir Upper DEO (F) Dir Upper	AVP AVP

Note:

1. Charge report should be submitted to all concerned.
2. NO TA/DA etc is allowed.

DIRECTOR

Elementary & secondary Education
Khyber Pakhtunkhwa, Peshawar.

Endst: No 3534-37/F.No./A-23/MS/Posting transfer/Dir

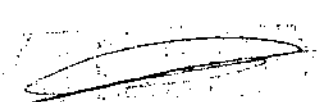
Dated Peshawar the 25/07/2023.

Copy forwarded to the:-

1. District Education Officer (M/F) Dir Upper.
2. District Account Officer, Dir upper.
3. SDEO (F) Barawal Dir Upper.
4. Official concerned.
5. PA to Director Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master file.

Assistant Director (Admn)

Director Elementary and secondary Education
Khyber Pakhtunkhwa Peshawar.





NOTIFICATION.

The office order issued vide this office under Endst: No. 3682-84 dated 10/05/2023 in r/o Mr. Sami Ul Haq C/Operator at Serial No.2 from SDEO (M) Barawal Dir Upper and Mr. Amjad Shaheen S/Clerk at Serial No. 3 from DEO (M) Dir Upper to DEO (F) Dir Upper is hereby by restored.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

7004-07

Endst: No. _____ F.No./A-23/MS/Posting transfer/2023

Dated Peshawar the 14/11/2023.

Copy forwarded to the:-

1. District Education Officer (Male/Female) Dir Upper.
2. District Accounts officers concerned
3. SDEO (M) Barawal Dir Upper.
4. Officials concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master File.

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar



OFFICE ORDER

13

E

The Posting/transfer in respect of the following Ministerial Staff is hereby ordered in their own pay and BPS in the interest of public service with effect from the date of their taking over charge.

S. #	Name/Design:	Present Posting	Adjusted at	Remarks
1	Amin Ur rehman Senior Scale Stenographer	DEO(F) Dir Upper	DCTE Abbottabad	A.V.P
2	Mr. Sami Ul Haq Computer Operator	DEO(F) Dir Upper	Service is placed at the Disposal of DEO(M) Dir Upper	

Note:-

1. Compliance report should be submitted to all concerned.
2. No TA/DA etc is allowed.

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Ends: No. 6008-11

F.No. /A-23/MS/complaint/transfer posting/Dir Upper

Dated Peshawar the 04 / 03 / 2024

Copy forwarded to the:-

1. Director DCTE Abbottabad
2. District Education Officer (Male/Female) Dir Upper.
3. District Accounts Officer Dir Upper and Abbottabad.
4. Official concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa (Peshawar).
6. Master File.

Deputy Director (F&A)
Directorate ER & Secondary Education
Khyber Pakhtunkhwa, Peshawar

4/3/24

(13)

KHYBER PAKHTUNKHWA PESHAWAR

Phone: 091-9225344 Email: ddadm.n.ese@gmail.com

OFFICE ORDER

The Posting/transfer in respect of the following Ministerial Staff is hereby ordered in their own pay and BPS in the interest of public service with effect from the date of their taking over charge.

S. #	Name/Design:	Present Posting	Adjusted at	Remarks
1	Amin Ur Rehman Senior Scale Stenographer	DEO(F) Dir Upper	DCTE Abbottabad	A.V.P
2	Mr. Sami Ul Haq Computer Operator	DEO(F) Dir Upper	Service is placed at the Disposal of DEO(M) Dir Upper	

Note:-

1. Compliance report should be submitted to all concerned.
2. No TA/DA etc. is allowed.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No.6008-11/F.No./A-23/MS/complaint/transfer posting/Dir Upper

Dated Peshawar the 04/03/2024

Copy forwarded to the:-

1. Director DCTE Abbottabad
2. District Education Officer (Male/Female) Dir Upper.
3. District Accounts Officer Dir Upper and Abbottabad.
4. Official concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
6. Master File.

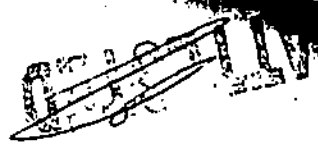
Sd/-
Deputy Director (F&A)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar.

5-2694529-1065

(Computer Operator) (M) (L) (P)

Samir Singh

Sincerely Yours



Thanking you and regards

It is humbly requested that my request will be kindly accepted thanks

... while the post is also vacant no substitute has been provided
... I have not completed my normal tenure and the
... I have not completed my normal tenure and the
... I have not completed my normal tenure and the
... I have not completed my normal tenure and the

admission is hereby

... I have not completed my normal tenure and the
... I have not completed my normal tenure and the
... I have not completed my normal tenure and the
... I have not completed my normal tenure and the

... I have not completed my normal tenure and the

51 5

Better copy

G

15

To

The Secretary,
E&S Education Department,
Govt. of Khyber Pakhtunkhwa, Peshawar.

Subject:-

APPEAL FOR CANCELLATION OF TRANSFER ORDER DATED: 04-05-2024

R/Sir

With immense veneration I would like to bring for your kind consideration that I was posted against the vacant post of Computer Operator BPS-16 at the office of DEO(M) Dir Upper in pursuance of Notification issued by the worthy Director E&SE Vide No.7004-7 Dated: 14/11/2021. (Adjustment order attached).

I was working to my entire satisfaction but once again my transfer order has been issued and my services is placed at the Disposal of DEO(M) Dir Upper for further adjustment without any cogent reason Vide No.6008-11 Dated: 04/03/2024 (Copy of adjustment attached).

In view of the above that my transfer order is being issued on nepotism and political influences which badly effect my career as well as physical & financial implication. It is therefore requested to kindly withdrawn the Notification order bearing No.6008-11 Dated: 04/03/2024 may please be withdrawn and retained me on the post of Computer Operator BPS-16 as I have not completed my normal tenure and the order is against APT rules while the post is also vacant no substitute has been provided.

It is humbly requested that my appeal will be cordially accepted thanks.

Thanking you and regards.

Sincere Yours

Sd/-

Samiul Haq
Computer Operator O/O DEO
(Female) Dir Upper.
15701-6254692-5



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/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

*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/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 Zomb-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 DFOs/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-(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 Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

ATTESTED

nwfp.gov.pk

mushkulawati

- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement. DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales.
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business, 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(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&AD)/1-4/2005, dated 9-9-2005.

ATTESTED

[Handwritten signature]

[Handwritten signature]

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) Premature 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/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.	Officials in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

ATTESTED

19

19

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: SOA-VI/E&AD/1-4/2003 dated 24-6-2005).

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-18 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshawar: _____

NOTIFICATION

NO: _____ The Competent Authority is pleased to order the transfer of Mr. _____ Department and to post him as _____ in the interest of public service; with immediate effect.

CHIEF SECRETARY
GOVERNMENT OF NWFP

Encl. No. and date even.
Copy forwarded

- 1.
- 2.
- 3.
- 4.

ATTESTED

ATTESTED

20

20

6.

(NAME)
SECTION OFFICER
Administrative Department.

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

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-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 3-6-2003)

.....
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 remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they hold previously.
(Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28th Oct, 2005.)
.....

The Chief Minister NWFP has directed that:

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

ATTESTED

RECEIVED

22

22

22

Posting - Transfer Policy - updated till 10 Jan, 2009

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/represent against his/her posting.

ATTESTED

[Handwritten signature]

ATTESTED

I (23)


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

Government of Khyber Pakhtunkhwa
 Establishment Department
 Regulation Wing
 Peshawar

Handwritten signature/initials

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

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

Sir,

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

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

Handwritten initials

Handwritten initials

Handwritten initials

Handwritten signature/initials

Handwritten signature/initials

ATTESTED

Handwritten mark

ATTESTED

(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 practice and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.

(iv) OSD: Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

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

Yours faithfully,

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

Encl: as above.
A copy is forwarded to:-

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

NAJAM
SECTION OFFICER (REG-VI)

BETTER COPY PAGE NO. 24

Better copy
24

- 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)

VAKALAT NAMA

NO. _____/2024

IN THE COURT OF Khyber Pakhtun Khwa Service Tribunal

Sami Ul Haq.

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Edu Deptt.

(Respondent)
(Defendant)

I/We, Sami-ul-Haq.

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT AND SHAKIR ULLAH TORANI ADVOCATE**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

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

Dated _____/2024

Sami

(CLIENT)

ACCEPTED

Taimur Ali Khan

TAIMUR ALI KHAN
Advocate High Court

BC-10-4240

CNIC: 17101-7395544-5

Cell No. 03339390916

& Shakir Ullah Torani

SHAKIR ULLAH TORANI
Advocate Peshawar

BC-22-4994

03409146056