


FORM OF ORDER SHEET

Court of _____

Appeal No. 840/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/06/2024	<p>The appeal of Mr. Saeed Ur Rehman presented today by Mr. Bashir Khan Wazir Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 14.06. 2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

Service Appeal No 840 /2024

Saeed ur Rehman.....Appellant

V E R S U S

Government of KPK & others.....Respondents

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Appellant

Through:



(BASHIR KHAN WAZIR)

Advocate,

High Court, Peshawar

Dated:- 11.06.2024

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

Service Appeal No 840 /2024

Saeed ur Rehman S/o Aslam Khan R/o Sarki Khel, P.o Kotka
Muhammad Khan Bannu. Posted as SDO, Irrigation, Sub
Division Bara.

.....Appellant

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary, KPK, Peshawar.
2. The Secretary Govt of Khyber Pakhtunkhwa Irrigation, Department Khyber Pakhtunkhwa Peshawar.
3. Mr Israrullah Shah, Assistant Engineer (BS-17) SDO Sub Division Kohat.

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED ORDER DATED
04.06.2024, WHEREBY THE PREMATURE
TRANSFER ORDER HAS BEEN ISSUED OF THE
APPELLANT BY THE RESPONDENTS, AGAINST
WHICH A DEPARTMENTAL APPEAL WAS FILED BY
THE APPELLANT, WHICH WAS REGRETTEED /
REJECTED BY THE RESPONDENTS ON 11.06.2024.**

Prayer in Appeal:

On acceptance of this Appeal, the Premature Transfer Order dated 04.06.2024, whereby the Respondent No 2 has illegally, pre-maturely issued transfer order of the Appellant vide which the Appellant has been transferred from the District Khyber to District Kohat, may kindly be cancelled / set aside and the Appellant may graciously be allowed to perform his duty on his respective post as SDO Bara Irrigation Department.

Respectfully Sheweth:-

The Appellant humbly submits as under:-

1. That the Appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.

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2. That the Appellant is serving in the Irrigation Department and presently is working as SDO at District Khyber in the same department and performing his duty with full devotion, zeal and zest and no complaint whatsoever has been made against the appellant.
 3. That prior to the posting and transfer to District Khyber, he was posted in District D.I Khan. **(Copy of Order is attached as annexure A)**
 4. That the appellant when transferred to the District Khyber, he was performing his duty with full zeal and zest and without affording any opportunity of being complaint whatsoever to his high ups, meanwhile vide order dated 04.06.2024 the appellant once again prematurely transferred and posted out from the post of SDO District Khyber and transferred to District Kohat Irrigation Sub Division. **(Copy of Impugned Premature Transfer Order dated 04.06.2024 is attached as annexure B)**
 5. That it is worth to mention here that the order dated 04.06.2024 issued by the competent authority is against the prevailing Rules and Policy and of the dictum of Hon'ble Supreme Court of Pakistan.
 6. That the Appellant being aggrieved submitted his departmental Appeal to the Respondents for cancellation of the illegal and unlawful premature transfer order dated 04.06.2024, which was regretted / rejected by the competent authority vide order dated 11.06.2024. **(Copy of the Departmental Appeal and impugned rejection order dated 11.06.2024 are attached as annexure C)**
 7. That feeling aggrieved from the act of Respondents, having no other adequate and efficacious remedy, approaches this Honourable Tribunal on the following grounds inter-alia:-

GROUNDS:-

- A) That the Appellant is peaceful and law abiding citizen of Islamic Republic of Pakistan and is fully entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.

- B) That according to the transfer, posting policy no competent authority can issue premature transfer orders by violating the Rules and Policy for the accommodation of blue eyed. **(Copy of Policy is attached as annexure D)**
- C) That inspite of the above mentioned facts, the impugned Order was issued, which is against the Law, Rules and Policy.
- D) That it is worth to mention here that children of the appellant are studying in the schools at District Khyber and examinations of the children of the appellant is started, moreover due to the impugned Order dated 04.06.2024 the education career of the children of the appellant are in danger and there is apprehension of loosing of one education year of the children of the Appellant.
- E) That it is worth to mentioned here that there is guidelines issued by the government of Khyber Pakhtunkhwa that in the closure of Financial Year, no posting transfer orders has been issued, due to the end of month of June.
- F) That the order dated 04.06.2024 issued in the conflict of policy guidelines / posting, transfer policy and judgments of the Superior Courts and is liable to be set aside / cancelled for the best interest of Public at Large.
- G) That as per the policy guide lines it is obligatory upon the competent authority to issue the transfer posting orders in such manners provided under the rules and policy according to which the Appellant has been transferred premature just to facilitate the incompetent person which is illegal unlawful without lawful authority.
- H) That the fundamental right of the Appellant has blatantly violated by the Respondents and the Appellant have been discriminated and has been denied his due rights under the Constitution of Islamic Republic of Pakistan, 1973.
- I) That the acts of the Respondents of not following the same criteria which has been safeguarded by the law and rules and guidelines provided by the apex courts

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that when the employee serving on respective post the competent authority is not allowed to transfer the employee with malafide intention or for ulterior motives, while in the present case the respondents neither only violated the prescribed rules and regulations but also harassed the Appellant which can easily be gathered from the face of order, which is illegal, unlawful, unnatural, ab-initio, null and void in the eye of law, hence liable to be declared so.

- J) That though the transfer order of the employees is the discretion of the respondents but the apex courts has time and again held that the authority should exercise its discretion in judicious manner but in the instant case the authority failed to adhere to the dictum of laid down by the superior courts which is highly deplorable such like order cant not be allowed to remained in the field normally, this does not interfere with the orders passed by the competent authority in exigency of service after due application of mind but if the order seems to be illegal, ab initio, void, the court always intervenes at this stage hence the instant impugned office order to the extent is not only ridicules but also void, illegal and unlawful and liable to be struck down.
- K) That as per the guidelines of the apex Courts in the judgment PLD,2013 Supreme Court 195, transferred posting of the civil servant has been discussed in detail in which the principle laid down that non subservience to political executive and impartiality, although civil servant did have a duty to fall the policy guidelines and directions of the political executive yet, because of Article 5 of the constitution their foremost duty was obedience to the constitution and the law, not unthinking obedience to all directives right or wrong issued from the political executive.
- L) That as per the Article 9, 14, 18 of the constitution seeking elaboration of constitutional and legal safeguards relating to the working of civil servants, the point of maintainability is that matter of tenure appointment, posting, transfer and promotion of civil servants could not be dealt with in arbitrary manner, it could only be sustained when it was in accordance with the law, it is settled in the above mentioned judgment that decision which deviated from the accepted or rule based norm without proper justification could be tested on the touch stone of manifest public interest.

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- M) That for the convenient the provincial government issued policy in respect of posting and transfer in which the minimum period of the employees on the same position has been specified, but in the instant case the respondents violated the guidelines provided under the said policy.
- N) That the respondent violated the fundamental rights of the Appellant enshrined under the article 4 and 10 of the constitutional of Pakistan that when the ordinary tenure for the posting had been specified in the law or rules made thereunder such tenure must be respected and could not be varied, except for compelling reasons which should be recorded in writing and were judicially reviewable transfers of civil servants by political figures which were capricious and were based on consideration not in the public interest were not legally sustainable, hence as per the above mentioned circumstances the impugned order of the respondent is illegal, unlawful, and unwarranted in the eyes of law and liable to be declared so.
- O) That any other ground not raised here specifically may graciously be allowed to be raised at the time of arguments.

PRAYER:-

It is, therefore, most humbly prayed that, On acceptance of this Appeal, the Premature Transfer Order dated 04.06.2024, whereby the Respondent No 2 has illegally, pre-maturely issued transfer order of the Appellant vide which the Appellant has been transferred from the District Khyber to District Kohat, may kindly be cancelled / set aside and the Appellant may graciously be allowed to perform his duty on his respective post as SDO Bara Irrigation Department.

Any other relief, not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

Through: Appellant


(BASHIR KHAN WAZIR)

Advocate,

High Court, Peshawar

Dated:- 12.06.2024

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

Service Appeal No _____/2024

Saeed ur Rehman.....Appellant

V E R S U S

Government of KPK & others.....Respondents

AFFIDAVIT

I, Saeed ur Rehman S/o Aslam Khan R/o Sarki Khel, P.o Kotka Muhammad Khan Bannu. Posted as SDO, Irrigation, Sub Division Bara, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

D E P O N E N T

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

Service Appeal No _____/2024

**Saeed ur Rehman.....Appellant
VERSUS
Government of KPK & others.....Respondents**

**APPLICATION FOR SUSPENSION OF
IMPUGNED ORDER DATED 04.06.2024,
WHEREBY THE RESPONDENT NO 2 HAS
ILLEGALLY ISSUED TRANSFER ORDER OF
THE APPELLANT, TILL THE FINAL DECISION
OF THE SERVICE APPEAL.**

Respectfully Sheweth:

1. That the above noted Service Appeal is being filed before this hon'ble court, in which no date of hearing has yet been fixed.
2. That the Appellant has got a good prima facie case in their favour, and is sanguine about its success.
3. That the balance of convenience also lies in favour of the Appellant.
4. That if the Impugned Order dated 04.06.2024 is not suspended, the Appellant would suffer extreme irreparable loss.
5. That the facts and grounds of the Appeal may kindly be read as an integral part of this application.

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It is, therefore, respectfully prayed that on acceptance of this application, the Impugned Order dated 04.06.2024 may kindly be suspended, till the final decision of the case.

Through: Appellant



(BASHIR KHAN WAZIR)
Advocate,
High Court, Peshawar

Dated:- 12.06.2024

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

Service Appeal No _____/2024

Saeed ur Rehman.....Appellant

V E R S U S

Government of KPK & others.....Respondents

AFFIDAVIT

I, Saeed ur Rehman S/o Aslam Khan R/o Sarki Khel, P.o Kotka Muhammad Khan Bannu. Posted as SDO, Irrigation, Sub Division Bara, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

D E P O N E N T



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GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT
(Establishment Section)

Dated Peshawar, the 16th November, 2023

NOTIFICATION:

No. SO(E)/IRR/4-9/77/Vol-VI: The following posting/transfer of officers of Irrigation Department is hereby ordered, with immediate effect, in the public interest.

S#	Name of Officer	From	To
1.	Engr. Mamraiz Khan, Assistant Engineer (BS-17)	Executive Engineer (OPS) Warsak Canal Irrigation Division, Peshawar.	Deputy Director (PSU) Small Dam (OPS), against the vacant post.
2.	Engr. Javed Ullah Khan, Assistant Engineer (BS-17)	SDO, Warsak Lift Canal Irrigation Sub Division, Peshawar.	Executive Engineer (OPS) Warsak Canal Irrigation Division, Peshawar. Vice Sr. No. 01
3.	Mr. Niaz Badshah, Assistant Engineer (BS-17)	Executive Engineer (OPS), Chitral Irrigation Division, Chitral.	Executive Engineer (OPS), Kohat Irrigation Division, Kohat. Vice Sr. No. 08
4.	Mr. Fatehullah, Assistant Engineer (BS-17)	Executive Engineer (OPS), Gomal Zam Irrigation Division, D.I.Khan.	Executive Engineer (OPS), Bannu Canal Irrigation Division, Bannu. Vice Sr. No. 05
5.	Engr. Fazal Maula, Assistant Engineer (BS-17)	Executive Engineer (OPS), Bannu Canal Irrigation Division, Bannu.	Deputy Director (Planning) (OPS), O/o the Chief Engineer (South), Irrigation Department, against vacant post.
6.	Engr. Ghulam Rasool Barki, Executive Engineer (BS-18)	Executive Engineer, Paharpur Irrigation Division, D.I.Khan	Executive Engineer, Flood Irrigation Division, D.I.Khan. Vice Sr. No. 07
7.	Engr. Amir Muhammad, Assistant Engineer (BS-17)	Executive Engineer (OPS), Flood Irrigation Division, D.I.Khan	Technical Officer (BS-18 OPS), O/o the Chief Engineer (South), against vacant post.
8.	Engr. Sohail Khan, Assistant Engineer (BS-17)	Executive Engineer (OPS), Kohat Irrigation Division, Kohat.	Executive Engineer (OPS), Chitral Irrigation Division, Chitral. Vice Sr. No. 03
9.	Engr. Anwar Ullah, Assistant Engineer (BS-17)	Executive Engineer (OPS), Irrigation Division, Mohmand.	Deputy Director Small Dam (OPS) Peshawar against vacant post with Additional Charge of Deputy Director EFAP.
10.	Engr. Yasir Mehsood, PPS (BS-17)	Executive Engineer (OPS), Irrigation Division, Khyber.	Executive Engineer (OPS), Irrigation Division, Mohmand. Vice Sr. No. 09
11.	Mr. Shahdad Khan, Assistant Engineer (BS-17)	Deputy Director (OPS), O/o the Ground Water, Merged Areas.	Executive Engineer (OPS), Irrigation Division, Khyber. Vice Sr. No. 10
12.	Engr. Rizwan, Assistant Engineer (BS-17)	SDO, Paharpur Irrigation Sub Division, D.I.Khan	Executive Engineer (OPS), Paharpur Irrigation Division, D.I.Khan. Vice Sr. No. 06
13.	Muhammad Munir, Sub Engineer/SDO (OPS)	Assistant Director (OPS), Small Dams Peshawar.	Assistant Director (OPS), Small Dams, Kohat. Vice Sr. No. 14
14.	Mr. Kifayat Ullah, Sub Engineer/SDO (OPS)	Assistant Director (OPS), Small Dams, Kohat.	Assistant Director (OPS), Small Dams Peshawar. Vice Sr. No. 13
15.	Mr. Daud Khan, Sub Engineer/SDO (OPS)	SDO (OPS), Charsadda Irrigation Sub Division, Charsadda.	SDO (OPS), Mardan Irrigation Sub Division, Mardan. Vice Sr. No. 16
16.	Mr. Sher Akbar, Sub Engineer/SDO (OPS)	SDO (OPS), Mardan Irrigation Sub Division, Mardan.	SDO (OPS), Chitral Irrigation Sub Division, Upper Chitral, by relieving Abdul Wakil, Sub Engineer of the additional charge of the post.
17.	Muhammad Iqbal, Assistant Engineer (BS-17)	SDO, Drainage Irrigation sub Division, Peshawar.	Executive Engineer (OPS), Charsadda Irrigation Division, Charsadda. Vice Sr. No. 24
18.	Engr. Faisal Pervez, Assistant Engineer (BS-17)	SDO, Shabqadar Irrigation Sub Division, Shabqadar.	SDO, Matta Irrigation Sub Division, Swat. Vice Sr. No. 19
19.	Engr. Saif ur Rehman, Assistant Engineer (BS-17)	SDO, Matta Irrigation Sub Division, Swat.	Assistant Engineer, O/o the Chief Engineer (North), Irrigation Department, against vacant post.

ATTESTED

20.	Mr. Saeed ur Rehman, Sub Engineer/SDO (OPS)	SDO (OPS), Drainage Irrigation Sub Division, D.I.Khan.	SDO (OPS), Irrigation Sub Division, Bara, Khyber, against the vacant post.
21.	Mr. Nisar Ahmad, Sub Engineer/SDO (OPS)	Assistant Director (OPS), Siran Right Bank Canal Project, Abbottabad.	SDO (OPS), Irrigation Sub Division, Abbottabad. Vice Sr. No. 22
22.	Engr. Muhammad Mustajab Khan, Assistant Engineer (BS-17)	SDO, Irrigation Sub Division, Abbottabad.	Assistant Director, Siran Right Bank Canal Project, Abbottabad. Vice Sr. No. 21
23.	Mr. Naveed Ahmad, Sub Engineer (BS-16)	Sub Engineer, Peshawar Canal Division, Peshawar	SDO (OPS), Warsak Lift Canal Irrigation Sub Division, Peshawar. Vice Sr. No. 02
24.	Engr. Imran Ullah, Executive Engineer (BS-18)	Executive Engineer, Charsadda Irrigation Division, Charsadda.	Deputy Director PSU, Small Dams, Merged Areas by relieving Engr. Muhammad Idrees, Deputy Director, Kohat of the additional charge of the post. He is also authorized to hold additional charge of Director, Jabba Dam.
25.	Mr. Naik Amal Khan, Assistant Engineer (BS-17 Personal)	Assistant Engineer, O/o the Chief Engineer (Merged Areas)	Executive Engineer (OPS) Irrigation Division, North Waziristan, against vacant post.
26.	Engr. Shazia Batool, Assistant Engineer (BS-17)	Section Officer (Operation), Irrigation Department	Assistant Director (Civil), PRF Khyber Pakhtunkhwa, against vacant post.
27.	Mr. Abdur Rehman, Sub Engineer/SDO (OPS)	Assistant Director (OPS), Small Dams, Kohat	Assistant Director (OPS), Bara Dam Project, Peshawar. Vice Sr. No. 28
28.	Muhammad Yaqoob, Assistant Engineer (BS-17)	Assistant Director (OPS), Bara Dam Project, Peshawar.	Assistant Director (OPS), Small Dams, Kohat. Vice Sr. No. 27

Secretary to govt. Of Khyber Pakhtunkhwa
Irrigation department

Copy of the above is forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Chief Engineers (South/North/Merged Areas), Irrigation Department.
3. The Director General, Small Dams, Irrigation Department.
4. All Project Directors, Irrigation Department.
5. The Superintending Engineers (H/Q) South and North, Irrigation Department.
6. All Superintending Engineers, Irrigation Department.
7. The District Accounts Officer (Concerned).
8. PS to Minister Irrigation, Khyber Pakhtunkhwa.
9. The Section Officer (General), Irrigation Department.
10. PS to Secretary Irrigation Department.
11. The Officers concerned.
12. PA to Additional Secretary, Irrigation Department.
13. PS to Deputy Secretary (Admn), Irrigation Department.
14. Personal files of the officers.

(Maqsood Khan)
Section Officer (Estt:)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT
(Establishment Section)

Dated Peshawar, the 4th June, 2024

NOTIFICATION:

No. SO(E)/IRR/4-9/77/Vol-VI:

The competent authority (Secretary Irrigation)

is pleased to order the following posting/transfer of the officers of Irrigation Department, in relaxation of ban, with immediate effect, in the public interest.

S#	Name of Officer	From	To
1.	Engr. Israrullah Shah; Assistant Engineer (BS-17)	SDO (BS-17) Kohat Irrigation Sub Division	Assistant Engineer (BS-17) Sub Division Bara
2.	Mr. Saeed Ur Rehman, Sub Engineer/SDO (OPS)	Assistant Engineer (OPS) (BS-17) Sub Division Bara	SDO (OPS) (BS-17) Kohat Irrigation Sub Division
3.	Engr. Farhan Alam, Assistant Engineer (BS-17)	Under transfer as Assistant Engineer, O/o the Chief Engineer (North).	Retained as SDO, Warsak Lift Canal Irrigation Sub Division, Peshawar.
4.	Mr. Naveed Ahmad, Sub Engineer/SDO (OPS)	Under transfer as SDO (OPS), Warsak Lift Canal Irrigation Sub Division, Peshawar.	Retained as Assistant Engineer (OPS), O/o the Chief Engineer (North).

Secretary to govt. Of Khyber Pakhtunkhwa
Irrigation department

Copy of the above is forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Chief Engineers (South/North/Merged Areas), Irrigation Department.
3. The Superintending Engineers (H/Q) South and North, Irrigation Department.
4. All Superintending Engineers, Irrigation Department (Concerned).
5. The District Accounts Officer (Concerned).
6. The Officer concerned.
7. PS to Minister Irrigation, Khyber Pakhtunkhwa.
8. The Section Officer (General), Irrigation Department.
9. PS to Secretary Irrigation Department.
10. PA to Additional Secretary, Irrigation Department.
11. PS to Deputy Secretary (Admin), Irrigation Department.
12. Personal file of the officer.

(Maqsood Khan)
Section Officer (Estt:)

ATTESTED

To,

The Secretary Govt of Khyber Pakhtunkhwa
Irrigation, Department Peshawar

**Subject: DEPARTMENTAL APPEAL AGAINST THE
TRANSFER ORDER DATED 04.06.2024,
WHEREBY THE PREMATURE TRANSFER ORDER
OF THE APPELLANT HAS BEEN ISSUED.**

Respected Sir,

1. That the appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the legal and fundamental rights guaranteed under the constitution of Islamic Republic of Pakistan, 1973.
2. That the Appellant is serving in the Irrigation Department and presently is working as SDO at District Khyber in the same department and performing his duty with full devotion, zeal and zest and no complaint whatsoever has been made against the appellant.
3. That prior to the posting and transfer to District Khyber, he was posted in District D.I Khan.
4. That the appellant when transferred to the District Khyber, he was performing his duty with full zeal and zest and without affording any opportunity of being complaint whatsoever to his high ups, meanwhile vide order dated 04.06.2024 the appellant once again prematurely transferred and posted out from the post of SDO District Khyber and transferred to District Kohat Irrigation Sub Division.
5. That it is worth to mention here that the order dated 04.06.2024 issued by the competent authority is against the prevailing Rules and Policy and of the dictum of Hon'ble Supreme Court of Pakistan.
6. That according to the transfer, posting policy no competent authority can issue premature transfer


ATTESTED

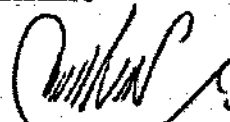
orders by violating the Rules and Policy for the accommodation of blue eyed.

7. That inspite of the above mentioned facts, the impugned Order was issued, which is against the Law, Rules and Policy.
8. That it is worth to mentioned here that there is guidelines issued by the government of Khyber Pakhtunkhwa that in the closure of Financial Year, no posting transfer orders has been issued, due to the end of month of June.
9. That the order dated 04.06.2024 issued in the conflict of policy guidelines / posting, transfer policy and judgments of the Superior Courts and is liable to be set aside / cancelled for the best interest of Public at Large.

Keeping in view all the above mentioned facts and circumstances, It is therefore, requested that the impugned Premature Transfer Order dated 04.06.2024 may kindly be cancelled / withdraw and the appellant may graciously be allowed to perform his duties on his respective post as SDO Irrigation at District Khyber.

Dated: 05.06.2024

Appellant



SAEED UR REHMAN
Posted as SDO, Irrigation
Sub Division Bara.
Cell # 0334-9843770

ATTESTED



**GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT**

No. SO(E)/Irr:/4-9/77/Posting/Transfer
Dated Peshawar the 11th June, 2024

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To

✓ Mr. Saeed Ur Rehman,
SDO (BS-17, OPS),
Irrigation Department.

Subject: **DEPARTMENTAL APPEAL AGAINST THE TRANSFER ORDER
DATED 04.06.2024 BY MR. SAEED UR REHMAN, SDO (OPS).**

I am directed to refer to your appeal/application dated 05.06.2024 against the notification dated: 04.06.2024 has been examined and filed being not covered under the rules, please.


(Maqsood Khan)
Section Officer (Estt:)

Endst: No and date even

Copy of the above is forwarded to: -

1. PS to Secretary Irrigation Department, Peshawar.
2. PA to Additional Secretary, Irrigation Department.
3. PA to Deputy Secretary (Admn) Irrigation Department.


Section Officer (Estt:)

ATTESTED

Posting and Transfer

Statutory Provision.

Section 10 of the NWFP Civil Servants Act, 1973.

Posting and Transfer. Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

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) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.
- v) ⁷⁹[]

⁷⁹ 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.

ATTESTED

- vi) ⁸⁰While making posting/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. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. 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.

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least 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 officers/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

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Para-VI added vide circular letter No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 20th March, 2010.

~~ATTACHED~~

⁸¹DCOs 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 Department 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.

⁸¹ Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

ATTESTED

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 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.	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.

5. 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).

ATTESTED

82 PLACEMENT POLICY.

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

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and then the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:
 - a) Permanent posting of an officer to the training institutions for 2-3 years;
 - b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
 - c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participants will decline/represent against his/her posting.

⁸² Placement Policy has been made part of the posting/transfer policy vide Urdu circular No.SOR-VI(E&AD)1-4/06, dated 9-2-2007

ALLEGED

21

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

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

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshawar, _____

NOTIFICATION

NO. _____ The Competent Authority is pleased to order the transfer of Mr. _____

Department and to post him as _____ in the interest of public service, with immediate effect.

**CHIEF SECREARY
GOVERNMENT OF NWFP**

Endst. No. and date even.

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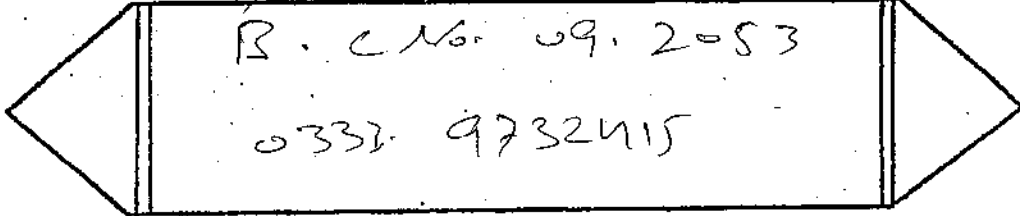
- 1.
- 2.
- 3.
- 4.

(NAME)
SECTION OFFICER
Administrative Department

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

ATTESTED

بعدالت سرحدی ٹریبیونل کے لیے



22/24 مخانب
بنام

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کیلئے سید سید خان وزیر اعلیٰ سندھ

مقبول کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانشینانے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

Accepted by

المرقوم 12
ماہ جون 2024
واہ الع

بمقام کے لئے منظور ہے۔

Sayed ur Rehman
22/24