


FORM OF ORDER SHEET

Court of _____

Appeal No. 869/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/06/2024	<p>The appeal of Mr. Atiq ur Rehman presented today by Mr. Sajeed Khan Afridi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 27.06.2024. Parcha Peshi given to the counsel for the appellant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal NO. 869 /2024
Atiq Ur Rehman VS GOVT. OF KPK & OTHERS

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

Respectfully Sheweth:

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

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

Dated: 25-06-2024 Through

Appellant/Applicant


Adu Sajeed Khan
Afridi

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Service Appeal No. 869 /2024

Atiq Ur Rehman **Appellant**

VERSUS



Govt. Of Khyber Pakhtunkhwa and others **Respondents**

I N D E X

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Appellant

Through


Sajeed Khan Afridi

Tariq Afghan
Advocates, Peshawar

Date: 25-06-2024

BEFORE THE SERVICES TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Service Appeal No. 869 /2024

Atiq Ur Rehman Senior Clerk/SDA O/O Executive Engineer C&W
Division Dir Upper.....**Appellant**

VERSUS

1. Govt. Of Khyber Pakhtunkhwa through secretary C&W Department, Civil Secretariat Peshawar.
2. Secretary C&W Department, Civil Secretariat Peshawar.
3. Chief Engineer (centre) C & W Department, Police Lines Road Peshawar.
4. Arshad Ali Senior Clerk/SDA BPS-14 Executive Engineer C & W Division Dir Upper.
5. Bashir Ahmad Junior Clerk BPS-11, posted as Senior Clerk/SDA Executive Engineer C & W Division Dir Upper.

.....**Respondents**

Service Appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 23-05-2024 whereby the appellant was transferred and reported to O/O Chief Engineer (Centre) C & W Peshawar for further posting and thereafter representation to respondent No.2 was also dismissed on 21-06-2024.

Respectfully Sheweth:

1. That the appellant is a Ph.D qualified and serving as Senior Clerk who has worked in, the C & W department, Khyber Pakhtunkhwa with utmost devotion throughout his service for well over a decade, since his initial recruitment as Junior

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Clerk. The appellant during this time has served with complete dedication and utmost honesty. The PER's and service record of the appellant bears witness to the professionalism of the appellant. The appellant also has been granted promotion during this time period and given important assignments in different stations, which the appellant has always ensured to complete in the given time to the best of his abilities.

Copy of the Initial Recruitment of the appellant is Annex-A.

Copy of promotion orders are Annex-B.

2. That as a junior clerk in Mardan since 2021, the appellant was promoted vide order dated 31-08-2023 to the rank of Senior Clerk BPS-14 in 2023, the appellant was transferred and posted as Senior Clerk/SDA O/O Executive Engineer C&W Division Dir Upper at Wari. **Copy of the order dated 31-08-2023 is Annex "C".**
3. That the appellant was again transferred to C&W division, Swat-1 as Senior Clerk within a month vide order dated 05-10-2023 and again within 12 days from Swat to Dir upper vide order dated 17-10-2023. **Copies of the order-dated order dated 05-10-2023 and order dated 17-10-2023 are Annex "D and E".**
4. That the appellant got astonished when he received another transferred order dated 23-05-2024 within 7 months in which the appellant was asked to report to the Chief Engineer (Central) C&W Peshawar and proposed for further posting. **Copy of the Impugned Order Dated 23-05-2024 is Annex "F".**
5. That recently the appellant was very recently posted and transferred against the vacant position of Senior Clerk on

17-10-2023, he assumed charge and wherein he was performing his duties meritoriously.

6. That appellant filed representation/departmental appeal to the competent authority (respondent No.2) against the impugned order dated 23-05-2024 but the same has been turned down by the competent authority on 21-06-2024. Copy of Departmental appeal is Annex "G".

7. That appellant aggrieved from the impugned order dated 23-05-2024, preferred the present service appeal, inter alia, on the following grounds:

GROUND S:

a. **Because** the Appellant is an aggrieved person within the meaning of Article 212 of the constitution of the Islamic Republic of Pakistan 1973 in respect of his terms and conditions of service, and is by the transfer and Posting policy of the Government of Khyber Pakhtunkhwa required to submit a representation within seven days of the transfer orders and the said representation is required to be disposed of within 15days in cases of pre-mature transfer. The transfer of the appellant is without any shade of a doubt premature and in absolute disdain and disregard of the tenure for serving in the Provincial Civil Service. The posting policy lay as under:

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.

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i) Pre-mature posting/transfer or posting transfer in violation of the provisions of this policy.

- A. **Because** the Fundamental Rights of the Appellant have been violated in relation to Article 4, 8, 9, 18 & 25 of the Constitution of the Islamic Republic of Pakistan, 1973. This Honorable forum being the custodian of the Rights of citizens of Pakistan as enshrined in the law of the land made in furtherance of the rights and the protections afforded by the Constitution of Islamic Republic of Pakistan, 1973, is why the Appellant seek the redressal of his grievances.
- B. **Because** the decision of transfer taken on the basis of nepotism and political approach are all based in a nullity in the eyes of the law as it goes in direct negation of the provisions of law. Furthermore, when the base is wrong and rooted in a nullity any superstructure built on the base is wrong. The principle laid down through PLD 1958 SC 104 has been reiterated in PLD 2022 SC 119, 2021 SCMR 637, PLD 2007 SCMR 1835, which essentially forms part of our jurisprudence.
- C. **Because** the decision of transfer taken on the basis of nepotism and political approach are all based in a nullity in the eyes of the law as it goes in direct negation of the provisions of law. Furthermore, when the base is wrong and rooted in a nullity any superstructure built on the base is wrong. The principle laid down through PLD 1958 SC 104 has been reiterated in PLD 2022 SC 119, 2021 SCMR 637, PLD 2007 SCMR 1835, which essentially forms part of our jurisprudence.
- D. **Because** The Rules designate certain posts as 'tenure posts' (rule 22 read with Schedule IV of the Rules) and

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prescribe a period of three years for an incumbent to serve on such posts. Such prescribed tenure may therefore be categorized as the ideal duration for which a civil servant should serve at a particular post. The post of the appellant is a tenure post, yet he has been transferred from his posting before the tenure was complete. Thus, the appellant having not been allowed to complete his normal tenure and the appellant was transferred four times prematurely on the basis of political approach in **EIGHT MONTHS AND 23 DAYS** and thus the order impugned dated 23-05-2024 is violation of transfer posting policy of the Government and the judgments of the apex court reported in PLD 1995 SC Page No 530 and PLD 2013 Supreme Court Page No. 195.

- b. That recently the august Supreme Court of Pakistan has in its Judgment reported in 2013 PLD SC 195, decided a point of law and while committing upon the transfer and posting and other related matters of service held as under:-

(i) Appointments, Removals and Promotions:-

Appointments, removals and promotions must be made in accordance with the law and the rules made there under; 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 there under; such tenure must be respected and cannot be varied, except for compelling reasons, which

should be recorded in writing and are judicially reviewable.

(iii) **Illegal Orders:** Civil servants owe their first and foremost allegiance to the law and the Constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule, based norms; instead, in such situations, they must record their opinion and; if necessary, dissent.

(iv) **O.S.D Officers** should not be posted as OSD except for compelling reasons, which must be recorded in writing and are judicially reviewable.

As opposed to the above requirement of reasons to be recorded in writing, no such reason has been given in the transfer orders, which makes the same judicially reviewable and bound to be recalled.

c. **Because** Section 10 of the Khyber Pakhtunkhwa Civil Servants Act states as follows:

"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 an 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 his service or cadre, his terms and conditions of service as to

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his pay shall not be less favorable than those to which he would have been entitled if he had been so required to serve."

The previously mentioned section does not empower the Government to cut short the normal tenure of a posted/transferred civil servant, and particularly without assigning any reason. In the case of Mahmood Akhtar Naqvi (Anita Turab case) (above) this Court held: "16. In the Hajj Corruption Case, the court reiterated its earlier ruling in Zahid Akhtar v. Government of Punjab (PLD 1995 SC 530), where it had been held that

"the normal period of posting of a Government servant at a station, according to Rule 21 of the Rules of Business is three years, which has to be followed in the ordinary circumstances, unless for reasons or exigencies of service a transfer before expiry of the said period becomes necessary in the opinion of the competent authority." Furthermore, with regard to transfers of civil servants, the Court has stated that transfers by political figures, which are not legally sustainable. Farrukhghulzar v. Secretary Local Government and Rural Development Department, Lahore and 2 others (1998 SCMR 2222). These are principles of law enunciated by the court and are to be followed in terms of Article 189 of the Constitution. We, however, repeatedly come across violations of such principles. This unnecessarily leads to litigation which, in turn, clogs Courts and Service Tribunals."

- E. Because in-fact there exist no exigencies of service nor can the order of transfer be termed as in the public

interest rather the same has been issued in violation of the transfer and posting policy.

F. Because one Arshad Ali respondent No.4, Senior Clerk has been transferred on the post of the appellant and the cousin of the sitting MPA namely Bashir Ahmad Respondent No.5 who is a Junior Clerk in BPS-11 has been transferred and posted as Senior Clerk speaks volumes of political victimization of the appellant and a blatant violation of the law and policy.

d. That the appellant ran from pillar to post to get justice but all in vain as the appellant has no political connections and thus he has been subjected to victimization and nepotism by the local MPA just to adjust his Cousin on the post of Senior Clerk.

e. That this honorable tribunal recently decided a same nature case of pre mature transfer titled Mr. Asif Ali Vs The Govt. of K.P.K and others dated 19-03-2024 and appeal of the appellant was accepted. **Copy of the Order dated 19-03-2024 is Annex "H".**

f. That the impugned transfer order dated **23/05/2024** of Respondent No.2 is a flagrant violation of the transfer & posting policy of the Provincial Govt is illegal and also based on Malafide intentions hence liable to be set aside. **(Copy of the Posting/Transfer Policy of the Provincial Govt is attached as Annexure "I").**

g.

G. That the appellant seeks leave of this Honourable Tribunal to raise further points at the time of arguments, with the kind permission of this Honourable Tribunal.

It is, therefore, most humbly prayed that on acceptance of this appeal the impugn transfer order bearing No. CEC/C&WD/2-3/E&A, 878 dated

23-05-2024 issued by the respondent No.3 may kindly be declared as illegal, unlawful, without lawful authority, void ab initio and of no legal effect and the same may kindly be set aside set aside and respondents may kindly be directed not to transfer the appellant from Senior Clerk/SDA BPS-14 Executive Engineer C & W Division Dir Upper.

Any other relief deems fit appropriate in the circumstances may also be granted.


Appellant

Through


Sajeed Khan Afridi

Tariq Afghan
Advocates, Peshawar

Date: 25-06-2024

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BEFORE THE SERVICES TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2024

Atiq Ur Rehman **Appellant**

VERSUS

Govt. Of Khyber Pakhtunkhwa and others **Respondents**

AFFIDAVIT

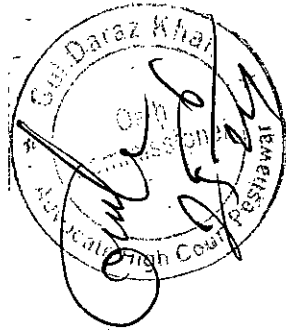
I, Atiq ur Rehman S/o Aziz Ur Rehman R/o Jasmin Plaza Near District Education office District Dir Upper, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

CNIC:17301-0208146-5

Cell # 0332-9153883



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BEFORE THE SERVICES TRIBUNAL, KHYBER

PAKHTUNKHWA , PESHAWAR

Service Appeal No. _____/2024

Atiq Ur Rehman **Appellant**

V E R S U S

Govt. Of Khyber Pakhtunkhwa and others **Respondents**

ADDRESSES OF PARTIES

APPELLANT:

Atiq Ur Rehman Senior Clerk/SDA O/O Executive
Dir Upper. Engineer C&W Division

RESPONDENTS:

1. Govt. Of Khyber Pakhtunkhwa through secretary C&W Department, Civil Secretariat Peshawar.
2. Secretary C&W Department, Civil Secretariat Peshawar.
3. Chief Engineer (centre) C. & W Department, Police Lines Road Peshawar.
4. Arshad Ali Senior Clerk/SDA BPS-14 Executive Engineer C & W Division Dir Upper.
5. Bashir Ahmad Junior Clerk BPS-11, posted as Senior Clerk/SDA Executive Engineer C & W-Division Dir Upper.



Appellant

Through


Sajeed Khan Afridi

Tariq Afghan
Advocates, Peshawar

Date: 25.06.2024

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Service Appeal No. _____/2024

Atiq Ur Rehman **Appellant**

VERSUS

Govt. Of Khyber Pakhtunkhwa and others **Respondents**

**APPLICATION FOR SUSPENSION OF IMPUGNED
ORDER DATED 23/05/2024, TILL THE FINAL
DECISION OF THE CASE**

Respectfully Sheweth:

1. That the above tilted Service Appeal is being filed in which no next date of hearing has yet been fixed.
2. That the applicant/appellant has a prima facie case and is hopeful of its success.
3. That balance of convenience also lies in favour of the applicant/appellant.
4. That if the impugned order dated **23/05/2024** is not suspended, the applicant/appellant will suffer irreparable loss.
5. That grounds of the Service Appeal may please be read as part and parcel of this Application.

It is, therefore, prayed that by accepting this application, the impugned order dated 23/05/2024 may please be suspended, till the final decision of the case.



Appellant

Through


Sajeed Khan Afridi

Tariq Afghan
Advocates, Peshawar

Date: **25-06-2024**



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BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2024

Atiq Ur Rehman **Appellant**

VERSUS

Govt. Of Khyber Pakhtunkhwa and others **Respondents**

AFFIDAVIT

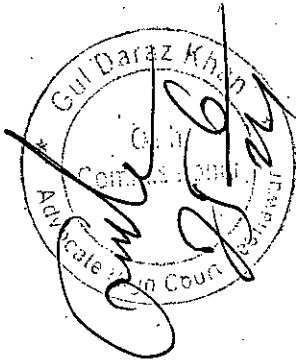
I, Atiq ur Rehman S/o Aziz Ur Rehman R/o Jasmin Plaza Near District Education office District Dir Upper, do hereby solemnly affirm and declare on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

CNIC:17301-0208146-5

Cell # 0332-9153883



OFFER OF APPOINTMENT

On the recommendations of the Departmental Selection Committee, in its meeting held on 03rd May 2012, the Competent Authority is pleased to offer a post of Junior Clerk (BPS-07) viz. 5800-320-15400 to Mr. Aliq-ur-rehman S/O Aziz-ur-Rahman R/O Mohallah Yasinzai Prang Tehsil & District Charsadda on the following terms and conditions -

- 1). You will get pay at the minimum of BPS-07 (Rs. 5800-320-15400) plus usual allowances as admissible under the Rules. You will also be entitled to the annual increment as per existing policy.
- 2). You shall, be governed by the Khyber Pakhtunkhwa Civil Servants Act-1973 and the laws applicable to the Civil Servants and Rules made there under.
- 3). You shall, for all intents and purposes, be a Civil Servant, except for the purpose of pension or gratuity. In lieu of pension and gratuity, you will be entitled to receive such an amount contributed by you towards Contributory Provident Fund (C.P.F) alongwith the contributions made by the Government to your account in the said fund, in the prescribed manner and rates, fixed by the Government from time to time.
- 4). Your employment in the Communication & Works Department is purely temporary and your services are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case you desire to resign, 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.
- 5). You will, initially be on probation for a period of One Year extendable upto 2-years.
- 6). To produce a Medical Certificate of fitness from the Medical Superintendent AHQ/DHQ Hospital concerned, before reporting for duty as required under the rules.
- 7). You should join duty at your own expenses.
- 8). You will have to serve any where in Khyber Pakhtunkhwa Province.

If you accept the post on the above terms & conditions, you should report to Chief Engineer (FATA) W&S Department Peshawar for further posting within 14-days of the receipt of this offer and produce original certificates in support of your qualification, domicile and health / age etc.

(Engr. Hidayatullah Khan)
Chief Engineer (Centre)

Copy forwarded to the :-

- 1) Secretary to Govt. of Khyber Pakhtunkhwa, C&W Deptt. Peshawar.
- 2) Chief Engineer (FATA) W&S Department Peshawar
- 3) Mr. Aliq-ur-rehman S/O Aziz-ur-Rahman R/O Mohallah Yasinzai Prang Tehsil & District Charsadda
- 4) Personal File of the Official

10/5/12
Chief Engineer (Centre)

ATTESTED

Office of the Chief Engineer (Center)
 Commission & Works Department
 Khyber Pakhtunkhwa, Peshawar
 No 23-E(JC)/539/CE/C&WD
 Dated Peshawar the 04/05/2012

OFFICE OF APPOINTMENT

On the recommendations of the Departmental Selection Committee in its meeting held on 03rd May 2012. the Competent authority is pleased to offer a post of Junior Clerk (BPS-07) viz. 5800-320-15400 to Mr. Atiq-ur-Rahman S/o Aziz Ur Rehman R/o Mohallah Yasinzai Prang Tehsil & District Charsadda on the following terms & conditions:-

1. You will get pay at the minimum of BPS-07 (Rs. 5800-320-15400) plus usual allowances as admissible under the rules. You will be entitled to the annual increment as per existing policy.
2. You shall, be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the laws applicable to the Civil Servants and Rules made there under.
3. You shall, for all intents and purpose, be a Civil Servants except for the purpose of pension of gratuity, you will be entitled to receive such an amount contributed by you towards contributory provident fund (CPF) alongwith the contributions made by the Government to your account in the said fund, in the prescribed manner and rates, fixed by the Government from time to time.
4. Your employment in the Communication & Works Department is purely temporary and your services are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case you desire to resign, 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.
5. You will, Initially be on probation for a period of One Year extendable upto 2-years.
6. To produce a Medical Certificate of fitness from the Medical Superintendent AHQ/DHO Hospital concerned before reporting for duty as required under the rules.
7. You should to yon duty at your barn expenses.
8. You will have to serve any where in Khyber Pakhtunkhwa Province.

If you accept the post on the above terms & conditions, you should report to Chief Engineer (FATA) W&S Department Peshawar for further posting within 14-days of the receipt of this offer and produce original certificates in support of your qualification, domicile and health/age etc.

(Engr. Hidayat Ullah Khan)
 Chief Engineer (Centre)

Copy forwarded to the

- 1) Secretary to Govt. of Khyber Pakhtunkhwa, C&W Deptt:
- 2) Chief Engineer (FATA) W&S Department Peshawar.
- 3) Mr. Atiq-ur-Rehman S/O Aziz-ur-Rehman R/o Mohallah Yasinzai Prang Tehsil & District Charsadda
- 4) Personal File of the Official

Chief Engineer (Centre)

ATTIESTEU



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

B1
Annex

No. CEC/C&WD/2-3/E&A, 1815
Dated Peshawar the, 05/10/2023

OFFICE ORDER

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

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

CHIEF ENGINEER (CENTRE)

COPY FORWARDED TO THE:

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

CHIEF ENGINEER (CENTRE)

ATTESTED



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Annex = 108

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

No CEC/C&W/2-7/E&A, 1008
Dated Peshawar the, 31/08/2023

OFFICE ORDER

On the recommendations of the Departmental Promotion Committee (DPC) in its meeting held on 23.08.2023, the Competent Authority has been pleased to Promote the following Junior Clerks (BS-11) to the Cadre post of Senior Clerks (BS-14) in C&W Department on regular basis with immediate effect:-

- | | | | |
|-----|------------------------------------|---|------------------|
| 1. | Mr. Aurangzeb S/O Sheikh Mir Aslam | = | On Regular basis |
| 2. | Mr. Muhammad Ali Jan | = | On Regular basis |
| 3. | Mr. Sheryar Khan | = | On Regular basis |
| 4. | Mr. Shah Hussain | = | On Regular basis |
| 5. | Mr. Sahawat Hussain Shah | = | On Regular basis |
| 6. | Mohammad Nadeem Khan | = | On Regular basis |
| 7. | Mr. Zulfiqar Ahmad | = | On Regular basis |
| 8. | Mr. Malik Phool Mohammad | = | On Regular basis |
| 9. | Mr. Dr. Atiqur Rahman | = | On Regular basis |
| 10. | Mr. Abid Shah | = | On Regular basis |

2- The above 10-Nos officials shall remain on probation for a period of one year in terms of Rule 15 of (Appointment, Promotion & Transfer) Rules, 1989.

3- Consequent upon on their promotions as Senior Clerks on regular basis the Competent Authority is further pleased to order the transfer/posting of the following officials of C&W Department with immediate effect in the public interest.

Sl No.	Name of officials	Existing posting	Proposed for actualization/ Adjustment	Remarks
1.	Aurangzeb S/O Sheikh Mir Aslam	Senior Clerk/SDA (OPS) O/O Executive Engineer Highway Division Mardan	Senior Clerk/SDA O/O Executive Engineer Building Division Mardan	A.V.P
2.	Muhammad Ali Jan	Senior Clerk/SDA (OPS) O/O Executive Engineer Building Division Abbottabad	Senior Clerk/SDA O/O Executive Engineer Building Division Abbottabad	A.V.P
3.	Sheryar Khan	Senior Clerk/SDA (OPS) O/O Executive Engineer Highway Division North Waziristan	Senior Clerk/SDA O/O Executive Engineer Highway Division North Waziristan	A.V.P
4.	Shah Hussain	Junior Clerk O/O Project Director PaRRSA/USAid Project Unit C&W Department Peshawar	Senior Clerk O/O Executive Engineer C&W Division-II, Buner	A.V.P
5.	Sakhawat Hussain Shah	Junior Clerk O/O Executive Engineer C&W Division, Tank	Senior Clerk O/O Executive Engineer Mega Projects South-II D.I.Khan	A.V.P
6.	Mohammad Nadeem Khan	Junior Clerk O/O SE C&W Circle Waziristan at Bannu	Senior Clerk/SDA O/O Executive Engineer Building Division, Bannu	A.V.P
7.	Zulfiqar Ahmad	Junior Clerk O/O Executive Engineer Building Division-II Peshawar	Senior Clerk/SDA O/O Executive Engineer Building Division Abbottabad	By Relieving charge from Raheel Ahmad Junior Clerk

ATTESTED



- 17 - Annex = 'D'

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

No. CEC/C&WD/2-3/E&A, 1215
Dated Peshawar the, 05/10/2023

OFFICE ORDER

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

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

CHIEF ENGINEER (CENTRE)

COPY FORWARDED TO THE:

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

CHIEF ENGINEER (CENTRE)

ATTESTED



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Annex-1 E

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

No. CEC/C&WD/2-3/E&A, 1298
Dated Peshawar the, 17/10/2023

OFFICE ORDER

Dr. Aliq-Ur-Rahman, Senior Clerk/SDA (BPS-14) under transfer to office of Executive Engineer C&W Division Swat-I is hereby transferred and posted in O/O Executive Engineer C&W Division Dir Upper as Senior Clerk/SDA (BPS-14) by relieving charge from Muhammad Jehanzeb Junior Clerk (BPS-11) with immediate effect in the best interest of public.

CHIEF ENGINEER (CENTRE)

COPY FORWARDED TO THE:

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

CHIEF ENGINEER (CENTRE)

ATTESTED

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Annex 1



**OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR**
No. CEC/C&WD/2-3/E&A/ 878
Dated Peshawar the, 23.05.2024

OFFICE ORDER

The Competent Authority has been pleased to transfer the following official in C&W Department (In Relaxation of Ban) with immediate effect, in the best public interest.

S.Nos	Name of Official	Present Posting	Proposed Posting	Remarks
1.	Dr. Atiq-ur-Rahman Senior Clerk/SDA (BPS-14)	Senior Clerk/SDA Executive Engineer C&W Division Dir Upper	Report to O/O Chief Engineer (Centre) C&W Peshawar for further posting	
2.	Mr. Bashir Ahmad Junior Clerk (BPS-11)	Junior Clerk O/O Executive Engineer C&W Division Dir Upper	Senior Clerk/SDA Executive Engineer C&W Division Dir Upper	Vice-3 (In OPS)
3.	Mr. Arshad Ali Senior Clerk/SDA (BPS-14)	Senior Clerk/SDA Executive Engineer C&W Division Dir Upper	Senior Clerk/SDA Executive Engineer C&W Division Dir Upper	Vice-1

CHIEF ENGINEER (CENTRE)

COPY FORWARDED TO THE:

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Chief Engineer (North) C&W Department Swat.
3. Superintending Engineer C&W Circle Dir Lower.
4. Executive Engineer C&W Division Dir Upper the request to intimate this office regarding Arrival / Departure to the office.
5. PS to Minister C&W Department Peshawar
6. PS to Secretary C&W Department Peshawar.
7. District Accounts Officer, Concerned.
8. Official Concerned.
9. Personal File.

CHIEF ENGINEER (CENTRE)

ATTESTED

C

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Annex G

To,

THE SECRETARY C & W,
KHYBER PAKHTUNKWHA.

THROUGH PROPER CHANNEL

SUBJECT: REPRESENTATION AGAINST TRANSFER ORDERS DATED 23-05-2024.

RESPECTED SIR,

The Appellant most earnestly request to submit as under:

1. That the appellant is a Senior Clerk who has worked in the C & W department, Khyber Pakhtunkhwa with utmost devotion throughout his service for well over a decade, since his initial recruitment as Junior Clerk. The appellant during this time has served with complete dedication and utmost honesty. The PER's and service record of the appellant bears witness to the professionalism of the appellant. The appellant also has been granted promotion during this time period and given important assignments in different stations, which the appellant has always ensured to complete in the given time to the best of his abilities.

Copy of the Initial Recruitment of the appellant is Annex-A.

Copy of promotion orders are Annex-B.

2. That as a junior clerk in Mardan since 2021, the appellant was promoted vide order dated 31-08-2023 to the rank of Senior Clerk BPS-14 in 2023 the appellant was transferred and posted as Senior Clerk/SDA O/O Executive Engineer C&W Division Dir Upper at Wari. **Copy of the order dated 31-08-2023 is Annex "C".**

ATTACHED

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3. That the appellant was again transferred to C&W division, Swat-1 as Senior Clerk within a month vide order dated 05-10-2023 and again within 12 days from Swat to Dir upper video order dated 17-10-2023. **Copies of the order-dated order dated 05-10-2023 and order dated 17-10-2023 are Annex "D and E".**
 4. That the appellant got astonished when he received another transferred order dated 23-05-2023 within 7 months in which the appellant was asked to report to the Chief Engineer (Central) C&W Peshawar and proposed for further posting. **Copy of the Impugned Order Dated 23-05-2024 is Annex "F".**
 5. That recently the appellant was very recently posted and transferred against the vacant position of Senior Clerk on 17-10-2023, he assumed charge and wherein he has been performing his duties meritoriously.

Grounds- Submissions in Law:

- a. **Because** the Appellant is an aggrieved person within the meaning of Article 212 of the constitution of the Islamic Republic of Pakistan 1973 in respect of his terms and conditions of service, and is by the transfer and Posting policy of the Government of Khyber Pakhtunkhwa required to submit a representation within seven days of the transfer orders and the said representation is required to be disposed of within 15 days in cases of pre-mature transfer. The transfer of the appellant is without any shade of a doubt premature and in absolute disdain and disregard of the tenure for serving in the Provincial Civil Service. The posting policy lay as under:

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

ATTESTED

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.
- b. **Because** the Fundamental Rights of the Appellant have been violated in relation to Article 4, 8, 9, 18 & 25 of the Constitution of the Islamic Republic of Pakistan, 1973. This Honorable forum being the custodian of the Rights of citizens of Pakistan as enshrined in the law of the land made in furtherance of the rights and the protections afforded by the Constitution of Islamic Republic of Pakistan, 1973, is why the Appellant seek the redressal of his grievances.
- c. **Because** the decision of transfer taken on the basis of nepotism and political approach are all based in a nullity in the eyes of the law as it goes in direct negation of the provisions of law. Furthermore, when the base is wrong and rooted in a nullity, any superstructure built on the base is wrong. The principle laid down through PLD 1958 SC 104 has been reiterated in PLD 2022 SC 119, 2021 SCMR 637, PLD 2007 SCMR 1835, which essentially forms part of our jurisprudence.
- d. **Because** The Rules designate certain posts as 'tenure posts' (rule 22 read with Schedule IV of the Rules) and prescribe a period of three years for an incumbent to serve on such posts. Such prescribed tenure may therefore be categorized as the ideal duration for which a civil servant should serve at a particular post. The post of the appellant is a tenure post, yet he has been transferred from his posting before the tenure was complete. Thus, the appellant having not been allowed to complete his normal tenure and the appellant was transferred four times prematurely on the basis of political approach in

ATTESTED

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EIGHT MONTHS AND 23 DAYS and thus the order impugned dated 23-05-2024 is violation of transfer posting policy of the Government and the judgments of the apex court reported in PLD 1995 SC Page No 530 and PLD 2013 Supreme Court Page No. 195.

e. That recently the august Supreme Court of Pakistan has in its Judgment reported in 2013 PLD SC 195, decided a point of law and while committing upon the transfer and posting and other related matters of service held as under:-

(i) **Appointments, Removals and Promotions:-**

Appointments, removals and promotions must be made in accordance with the law and the rules made there under; 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 there under; such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

(iii) **Illegal Orders:** Civil servants owe their first and foremost allegiance to the law and the Constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule, based norms; instead, in such situations, they must record their opinion and; if necessary, dissent.

ATTESTED

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(iv) O.S.D Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing and are judicially reviewable.

As opposed to the above requirement of reasons to be recorded in writing, no such reason has been given in the transfer orders, which makes the same judicially reviewable and bound to be recalled.

f. **Because** Section 10 of the Khyber Pakhtunkhwa Civil Servants Act states as follows:

"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 an 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 his service or cadre, his terms and conditions of service as to his pay shall not be less favorable than those to which he would have been entitled if he had been so required to serve."

The previously mentioned section does not empower the Government to cut short the normal tenure of a posted/transferred civil servant, and particularly without assigning any reason. In the case of Mahmood Akhtar Naqvi (Anita Turab case) (above) this Court held: "16. In the Hajj Corruption Case, the court reiterated its earlier ruling in Zahid Akhtar v. Government of Punjab (PLD 1995 SC 530), where it had been held that

"the normal period of posting of a Government servant at a station, according to Rule 21 the

ATTESTED

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Rules of Business is three years, which has to be followed in the ordinary circumstances, unless for reasons or exigencies of service a transfer before expiry of the said period becomes necessary in the opinion of the competent authority." Furthermore, with regard to transfers of civil servants, the Court has stated that transfers by political figures, which are not legally sustainable. Farrukhulzar v. Secretary Local Government and Rural Development Department, Lahore and 2 others (1998 SCMR 2222). These are principles of law enunciated by the court and are to be followed in terms of Article 189 of the Constitution. We, however, repeatedly come across violations of such principles. This unnecessarily leads to litigation which, in turn, clogs Courts and Service Tribunals."

- g. Because in-fact there exist no exigencies of service nor can the order of transfer be termed as in the public interest rather the same has been issued in violation of the transfer and posting policy.
- h. Because the principles of legitimate expectation as expounded by the Honorable Superior Courts of Pakistan and recently reiterated in 2022 SCMR 694 is seriously violated in the instant case.
- i. Because one Arshad Ali, Senior Clerk has been transferred on the post of the appellant and the cousin on the sitting MPA namely Bashir Ahmad who is a Junior Clerk in BPS-11 has been transferred and posted as Senior Clerk speaks volumes of political victimization of the appellant and a blatant violation of the law and policy.
- j. That the appellant ran from pillar to post to get justice but all in

ATTESTED

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vain as the appellant has no political connections and thus he has been subjected to victimization and nepotism by the local MPA just to adjust his Cousin on the post of Senior Clerk.

Prayer:

IT IS THEREFORE very humbly prayed that on acceptance of this Representation, may it please the competent authority to so kindly withdraw the posting/transfer orders dated 23-05-2024 whereby the appellant has been transferred from the post of Senior Clerk Executive Engineer C&W Division Dir Upper , in clear negation of the Posting and Transfer Policy of the Civil Servants.

Appellant

Atiq Ur Rehman (BPS-14)

Senior Clerk, C&W Department,

Government of Khyber Pakhtunkhwa.

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SO(E)/C&WD/24-60 (2024) sc/SDA
Dated Peshawar, the June 21, 2024

Mr. Atiq-ur-Rehman ✓
Senior Clerk/SDA C&W Department
Khyber Pakhtunkhwa

**SUBJECT: REPRESENTATION AGAINST TRANSFER ORDERS DATED
23.05.2024**

I am directed to refer to the subject noted above and to state that you submitted Representation/Departmental Appeal with the request to cancel/withdraw office order dated: 23.05.2024 issued by Chief Engineer (Centre) C&W Peshawar. In this regard, Chief Engineer (Centre) C&W Peshawar has reported that he thoroughly examined your departmental appeal but did not find convincing. Moreover, Section-10 of Khyber Pakhtunkhwa civil servants Acts provide that "Every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Govt, or any provincial Govt or Local authority, or a corporation or body setup or established by any such Govt;". Therefore, Secretary C&W Department has rejected / turned down your appeal.

2. You are hereby informed accordingly.

Maam
21.06.2024
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to the:

1. Chief Engineer (Centre) C&W Peshawar.
2. PS to Secretary C&W Department, Peshawar.
3. PA to Additional Secretary (Admn) C&W Department Peshawar.
4. PA to Deputy Secretary (Admn) C&W Department Peshawar.

SECTION OFFICER (Estb)

ATTESTED

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Service Appeal No.55/2024

BEFORE: MRS. RASHIDA BANO ... MEMBER (I)
MISS FAREEHA PAUL ... MEMBER (II)

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

.... (Appellant)

VERSUS

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

.... (Respondents)

Mr. Noor Muhammad Khattak
Advocate ... For appellant

Mr. Asif Masood Ali Shah
Deputy District Attorney ... For respondents

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

JUDGMENT

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

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

ATTESTED
[Signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED

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

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

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

5. Conversely learned Deputy District Attorney contended that the appellant has been treated in accordance with law and rules; that appellant was posted in the office of Executive Engineer, C&W Division, Dir Upper against his original cadre post by relieving from

ATTESTED
[Signature]
[Stamp]
15.5.24

ATTESTED

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

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

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

ATTESTED
 Justice Pakhtunkhwa
 Service Tribunal
 Peshawar

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

ATTESTED

exigency. Comments of the respondents are also silent with regard to any public interest or exigency of service which compelled them to transferred

out appellant. Government is bound to act upon and obey their own transfer/policy but they violated it, which is not warranted under the law and against the settled norms.

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

"to ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential report, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered."

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

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

(FARUHA PAUL)
Member (E)

(RASHIDA BANO)
Member (J)

Certified to be true
[Signature]

Date of Presentation of Application 19-3-24
Number of Words 11-4

ATTESTED

NO.SOR-II (E&AD) 1-1/85(VOL-II)
Dated Peshawar the 15th February 2003.

Subject: POSTING /TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

I am directed to refer to the subject noted above and to say that in supersession of all policy instructions issued in this behalf, the competent authority has approved the following posting Transfer Policy.

- 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, cannot be posted against anyother 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 hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v. Months of March and July are fixed for posting /transfer of the officers /officials excluding the officers in B-19 and above in the Province. Posting /transfer in Education and Health Departments shall be made in March while the remaining Departments shall make posting /transfers in July. There shall be a ban on posting/transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where posting /transfer of Government employees become inevitable in other months due to promotion /retirement /creation of new posts/return from long leave/involvement in

ATTACHED

disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.

vi. While making postings transfers from settled areas to FATA and vice versa specific approval of the Governor, NWFP needs to be obtained.

vii. Officers may be posted on executive /administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and 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 /resident is situated.

viii. No postings /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 and this will be subject to the public interest.

x. All the posting /transferring authorities may facilitate the postings /transfers of the unmarried female Government Servants at the station of the residence of their parents.

xi. Officers /officials except DCOs and 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 their till the retirement.

xii. In terms of Rules-17 (1) and (2) read Schedule-III of the Government of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against.

ATTESTED

Outside the Secretariat

i. Officers of the all Pakistan Unified Group i.e DMG , PSP including Provincial Police Officers in BPS-18 and above.

ii. Other officers in BPS-17 and above to be posted against schedule posts, or posts normally held by the APUG, PCS (EG) and PCS (SG).

iii. Head of Attached Departments and other Officers in B-19 & above in all Departments.

In the Secretariat:

iv. Secretaries .

v. Other Officers of and above the rank of Section Officers:-

- a. Within the Same Department.
- b. Within the Secretariat from one Department to another.

vi. Officials upto the rank of Superintendent:-

- a. Within the same Department.
- b. To and from an Attached Department.

2

Chief Secretary in consultation with the Establishment Department and the Department concerned with the approval of the Chief Minister.

--do--

--do--

Chief Secretary with the approval of Chief Minister.

Secretary of the Department concerned .
Chief Secretary /Secretary Establishment.

Secretary of the Department concerned.
Secretary of the Department in consultation

ATTESTED

c. Within the Secretariat from on
Department to another.

with Head of Attached Department
concerned. Secretary (Establishment)

ATTESTED

xiii. While considering postings /transfers proposals all the concerned authorities shall keep in mind the following:

a. To ensure the posting of proper persons on proper posts, the 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.

ix) Governments servants including District Govt. employees feeling aggrieved due to the orders of posting/transfers 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.

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 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 Officer in BPS-17 and above posted in the District.	Provincial Government .

ATTESTED

4.	Official in BPS-16 and below.	Executive District Officer in consultation with District Coordination Officer.
----	-------------------------------	--

As per Rule 25(2) of the Rules 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; and
- b. require an officer to hold charge of more than one post for a period exceeding two months.

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

ATTESTED

WAKALATNAMA

(Power of Attorney)

BEFORE THE

PESHAWAR.

.....Atiq vs Rehman.....

(Plaintiff)

VERSUS

.....Govt of FKP by others.....

(Defendant)

We, the undersigned the Appellant in the above noted Service Appeal do hereby appoint and constitute **Sajeed Khan Afridi Tariq Afghan, Khanzaib Ullah Khan, Usman Masood & Muhammad Atif Advocates** Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/our matter.

Accepted and Attested



CLIENT

Sajeed Khan Afridi

Tariq Afghan

Khanzaib Ullah Khan

Usman Masood

& Muhammad Atif

Advocates, Peshawar,

Floor#7, flate#5, Tasneem plaza near Jans baker Peshawar cantt.

BC-09-1532

0333-9173354

CNIC# 22501-2219695-7

Email = Sajeedkhan@gmail.com

عبدالحق الرحمن سنٹر کلبی
Executive Engineer S/O SDA
ڈوٹیشن ایرڈر
Clerk