

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

**Service Appeal No. 919 of 2024**

Mr. Shafiq Ullah Khan  
Senior Clerk O/O Executive Engineer Highway Division  
North Waziristan, presently Posted as Senior Clerk in the O/O Executive Engineer  
Highway Division, Abbottabad

.....**APPELLANT**

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary, Communication & Works Department, Peshawar.
2. Chief Engineer (Centre), Communication and Works Department, Peshawar
3. Adnan Inayat Senior Clerk O/O Executive Engineer Highway Division North Waziristan District.

.....**RESPONDENTS**

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CHIEF ENGINEER (CENTRE)

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Senior Clerk O/O Executive Engineer Highway Division

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Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 15173

Dated 26/8/24

.....**APPELLANT**

**VERSUS**

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.....**RESPONDENTS**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.01 & 02**

Respectfully Sheweth!

**PRELIMINARY OBJECTIONS: -**

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

**ON FACTS: -**

1. Pertaining to record.
2. Incorrect. The transfer order dated: 05.03.2024 was issued by the Competent Authority in the public interest empowered by under section 10 of the Civil Servant Act, 1973.
3. Incorrect. Every Civil Servant is liable to serve anywhere in the Province as per the section 10 of the Civil Servant Act, 1973

4. There was no force in the appeal, hence filed (order annexed).

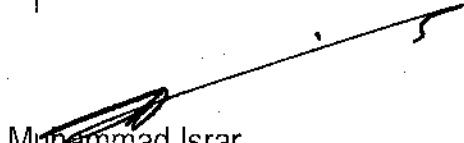
5. The appellant has got no cause of action to file instant appeal.


(8)

**ON GROUNDS: -**

- A. Incorrect. The impugned transfer order dated: 05.03.2024 is according to Law Rules and Policy of the Provincial Government.
- B. Incorrect. The appellant was not discriminated rather treated according to Law and Policy. The respondents have followed the Policy and impugned order dated: 05.03.2024 was issued in the public interest without any malafide and political motivation.
- C. Incorrect as stated above, every civil servant is liable to serve at any place/station under the rules/Act, 1973.
- D. Incorrect. The transfer order dated: 05.03.2024 is with the jurisdiction of respondents which is based on Law and Policy without malafide and ulterior motive.
- E. The respondents' also seek permission to raise additional grounds at the time of arguments.

In the wake of above stated facts, the instant Service Appeal without merit may graciously be Dismissed with cost.

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

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

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VERSUS

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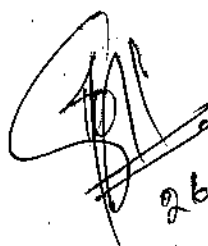

.....RESPONDENTS

AFFIDAVIT


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

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

Deponents

  
26-08-2024  
  
Secretary

Govt. of Khyber Pakhtunkhwa  
C&W Department Peshawar  
(Respondent No.1)

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



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

No. CEC/C&WD/2-3/E&A 369  
Dated Peshawar the, 05/03/24

205  
VT  
(4)

Annex-1

**OFFICE ORDER**

The Competent Authority has been pleased to transfer the following Senior Clerks/SDA (BPS-14) in C&W Department, with immediate effect, in the best public interest.

S.No.	Name	From	To	Remarks
1.	Mr. Adnan Inayat	O/O Executive Engineer Highway Division Abbottabad.	O/O Executive Engineer Highway Division North Waziristan.	Vice # 2
2.	Mr Shafiq Ullah Khan	O/O Executive Engineer Highway Division North Waziristan.	O/O Executive Engineer Highway Division, Abbottabad.	Vice # 1

CHIEF ENGINEER (CENTRE)

**COPY FORWARDED TO THE:**

1. Chief Engineer (South-II) C&W Department D.I.Khan.
2. Chief Engineer (East) C&W Department Abbottabad.
3. Superintending Engineer C&W Circle Abbottabad.
4. Superintending Engineer C&W Circle Waziristan at Bannu.
5. Executive Engineer Highway Division Abbottabad.
6. Executive Engineer Highway Division North Waziristan.
7. PS to Secretary C&W Department Peshawar.
8. District Accounts Officer, Concerned.
9. Official Concerned.
10. Personal File.

CHIEF ENGINEER (CENTRE)

Superintendent  
Establishment Section  
o/o C.E.(C) C&W  
Khyber Pakhtunkhwa Peshawar

SECTION 10 OF CIVIL SERVANT ACT 1973

Annex <sup>5</sup> II

10. POSTING AND TRANSFER.-

Every civil servant shall be liable to serve anywhere within or outside Pakistan, in any equivalent or higher 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 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 not been so required to serve.

Restriction on service in international organization.- (1) No civil servant shall, during his service, serve in any international organization, including an international Non-Governmental organization, international financial institution and foreign donor agency.

(2) The restriction under sub-section (1) shall not apply to a civil servant who is posted or deputed in such an organization on behalf of Pakistan or with prior permission of the Federal Government in accordance with rules, which shall be laid before both Houses of Majlis-e-Shoora (Parliament)

*[Handwritten signature]*

Superintendent  
Establishment Section  
o/o C.E.(C) C&W  
Khyber Pakhtunkhwa Peshawar



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


No. CEC/C&WD/S.A No.919/2024

Dated Peshawar the 09/08/2024

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**AUTHORITY LETTER**

Muhammad Ishtiaq, Superintendent O/O Chief Engineer (Centre) (BPS-17), C&W Department, Peshawar is hereby authorized to file the para-wise comments and attend the Honorable Service Tribunal Peshawar on behalf of Respondent No.2 in connection with Service Appeal No. 919 of 2024 titled "Shafiq Ullah Khan Vs Govt of KPK" on each date as and when fixed by the Honorable Service Tribunal.

  
CHIEF ENGINEER (CENTRE)

**COPY FORWARDED TO THE:**

1. Section Officer. (Lit.), C&W Department, Peshawar w/r to his office No. SO(Lit)C&W/3-510/2024, dated 05/08/2024 above for information.
2. Muhammad Ishtiaq, Superintendent O/O Chief Engineer (Centre) (BPS-17), C&W Department, Peshawar for information and necessary action.
3. PS to Secretary, C&W Department, Peshawar for information.
4. P.A. to Deputy Secretary, C&W Department, Peshawar for information.

  
CHIEF ENGINEER (CENTRE)