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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO _____

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Sami ul haq VS *Edu-cubins*

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Muharir Compilation

Incharge Judicial Branch

Land Acquisition Act 1894 on 21.03.2008, regarding landed property of the petitioners.

2. The objectors submitted a reference under section 18 of the Land Acquisition Act to the Land Acquisition Collector which was made over to this court for determination.

3. Succinctly stating facts are such that the respondents/provincial government of KPK through District Officer Revenue and Estates in order to acquire land for erection of District Complex at village Lilownai Tehsil Alpurai District Shangla issued notification under section 4 of Land Acquisition Act on 21.03.2008, regarding landed property of the petitioners. The respondents then fixed price market value of the acquired land on the strength of one-year average from 28.03.2007 to 27.03.2008, and thereafter announced award under reference on 30.05.2011, through which different kind of land was acquired in lieu of Rs. 37385/- for Barai kind of land, Rs. 136385/- for Dhakarakh per Kanal, Rs. 529286/- for Abi /agriculture land per Kanal and 153846/ for ghair mumkin land per Kanal. The petitioners being not satisfied from the assessment of the compensation market value of the acquired land, refused to receive the compensation under protest and preferred reference petition before the District Collector which was sent to the court of District Judge Shangla, where after summoning the parties



Farzina Shaid
 Farzina Shaid
 District Judge/Zilla Qazi
 Shangla.

①
S.A No. 828/2024

28.06.2023 1. Learned counsel for the appellant present. Mr.


Muhammad Jan, District Attorney for the respondents present.

2. Learned counsel for the appellant requested for withdrawal of the instant service appeal. As a token of admission to his submission, he signed the margin of order sheet. Dismissed as withdrawn. Consign.

3. *Pronounced in open Court in Peshawar given under my hand and seal of the Tribunal on this 28th day of June, 2024.*

As per instruction of appellant to withdraw instant appeal.
SCANNED
KPST
Peshawar


*Kaleem Ullah


(Rashida Bano)
Member (J)

2

13.06.2024 1. Learned counsel for the appellant present and argued that vide impugned transfer order dated 04.03.2024 the appellant was prematurely transferred from the office of DEO(F) Dir Upper and his services were placed at the disposal of DEO(M) Dir Upper and against the order dated 26.03.2024 the appellant was further adjusted/posted at the office SDEO Kalkot Dir Upper which is violation of posting/transfer policy. Appellant filed departmental appeal on 05.03.2024, which was not responded within statutory period of ninety day. Points raised needs consideration. Instant appeal is admitted for regular hearing subject to all just and legal objections. The appellant is directed to deposit security fee within seven days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 28.06.2024 before S.B. P.P given to learned counsel for the appellant.

2. Alongwith the appeal, there is an application for suspension of the operation of impugned transfer order dated 04.03.2024 and adjustment order 26.03.2024 till the decision of main appeal. Notice of the application be issued to the respondents for the date fixed.


(Rashida Bano)
Member (J)

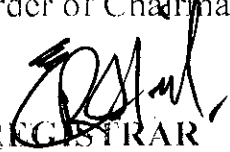
SCANNED
KPST
Peshawar

(3)

FORM OF ORDER SHEET

Court of _____

Appeal No. 828/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/06/2024	<p>The appeal of Mr. Sami ul Haq presented today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 13.06. 2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

RECORDED
V. ST
PESHAWAR

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 828 /2024

Sami Ul Haq

V/S

Education Department

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

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal in this Honorable Service Tribunal against the order dated 04.03.2024, whereby the appellant was prematurely transferred from the office of DEO (F) Dir Upper and his service was placed at the disposal of DEO (M) Dir Upper and against the order dated 26.03.2024, whereby the appellant was further adjusted/posted at the office of sub: divisional education officer (male) Kalkot District Dir Upper in utter violation of posting/transfer policy and circular dated 27.02.2013 and against not taking action on departmental appeal of the appellant within the statutory period of ninety days along with suspension application.
2. That instant appeal is in the jurisdiction of Camp Court Swat of this Honorable Tribunal, but the appellant engaged counsel who is doing legal practice at Peshawar and the appellant also wants to peruse his case at principle seat at Peshawar.
3. That it will be convenient for the appellant as well as for his counsel if the instant appeal is fix at principle seat at Peshawar.

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

THROUGH:

APPELLANT



TAIMUR ALI KHAN
ADVOCATE HIGH COURT

5

BEFORE THE HONBLE SERVICE TRIBUNAL PESHAWAR

CHECK LIST

1.	Case title <u>Sami Ull Haq vs EDU Deptt</u>		
2.	Case is duly signed.	Yes	No
3.	The law under which the case is preferred has been mentioned.	Yes	No
4.	Approved file cover is used.	Yes	No
5.	Affidavit is duly attested and appended.	Yes	No
6.	Case and annexure are property paged and numbered according to index.	Yes	No
7.	Copies of annexure are legible and attested. If not, then better copies duly attested have annexed.	Yes	No
8.	Certified copies of all requisite documents have been filed.	Yes	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filled.	Yes	No
10.	Case is within time.	Yes	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes	No
12.	Court fee in shape of stamp papers affixed. For writ Rs. 500, for other as required}	Yes	No
13.	Power of attorney is in proper form.	Yes	No
14.	Memo of addressed filed.	Yes	No
15.	List of books mentioned in the petition.	Yes	No
16.	The requisite number of spare copies-attached { Write petition- 3, Civil appeal(SB-2) Civil Revision (SB-1, DB-2)	Yes	No
17.	Case (Revision /appeal/petition etc) is filled on a prescribed form.	Yes	No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes	No

It is certified that formalities /documentations as required in column 2 to 18 above, have been fulfilled.

Name: Taimur Ali Khan
 Signature: [Signature]
 Dated: _____

FOR OFFICE USE ONLY

Case: _____
 Case received on _____
 Complete in all respect: Yes/No, (If NO, the grounds) _____
 Signature _____
 (Reader)
 Dated: _____
 Countersigned: _____
 (Deputy Registrar)

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 828 /2024

SCANNED
KPST
Peshawar

Sami Ul Haq

V/S

Education Department

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APPELLANT

THROUGH:

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

& 
(SHAKIR ULLAH TORANI)
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 828 2024

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 13392

Dated 11-06-2024

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

(APPELLANT)

VERSUS

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

(RESPONDENTS)

Filed to-day

Registrar

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

PRAYER:

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

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

**RESPECTFULLY SHEWETH:
FACTS:**

1. That the appellant is working in the respondent department as Computer Operator and is performing his duty with devotion and honesty, whatsoever, assigned to him and no complaint has been filed regarding his performance by his superiors.
2. That the appellant was performing his duty at the Office DEO (M) Dir Upper with the entire satisfaction of his superiors and was transferred from the office DEO (M) Dir Upper to the office of DEO (F) Dir upper vide order dated 10.05.2023 and in that order other officials were also transferred to different places which was held abeyance vide notification dated 15.05.2023. **(Copies of order dated 10.05.2023 and notification dated 15.05.2023 are attached as Annexure-A&B)**
3. That the appellant was again transferred from the office DEO (M) Dir Upper to the office of DEO (F) Dir Upper vide order dated 25.07.2023 and in that order other officials were also transferred to different places, however, through an another order dated 14.11.2023, the order dated 10.05.2023 was restored in respect of the appellant and other official namely Amjid Shaheen, wherein the appellant was posted at the office of DEO (F) Dir Upper. **(Copies of order dated 25.07.2023 and order dated 14.11.2023 are attached as Annexure-C&D)**
4. That the appellant was performing his duty his with the entire satisfaction of his superiors at the office of DEO (F) Dir upper, but he was again transferred from the office of DEO (F) Dir Upper and his service was placed at the disposal of DEO (M) Dir Upper vide order dated 04.03.2024 and the DEO (M) Dir Upper further posted/adjusted the appellant at the office of Sub: Divisional Education Officer (Male) Kalkot District Dir Upper through an order dated 26.03.2024. **(Copies of order dated 04.03.2024 and order dated 26.03.2024 are attached as Annexure-E&F)**

5. That being aggrieved from successive transfers and not completing his normal tenure at the office of DEO (F) Dir Upper, the appellant filed departmental appeal on 05.03.2024 against the transfer order dated 04.03.2024, which was not responded within the statutory period of ninety days. **(Copy of departmental appeal is attached Annexure-G)**
6. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal on the basis of following grounds amongst others.

GROUND:


- A) That the impugned transfer order dated 04.03.2024 and further adjustment order dated 26.03.2024 and not taking action on the departmental appeal of the appellant within the statutory period of ninety days are against the law, facts, norms of justice, premature, violation of posting/transfer policy and Government circular dated 27.02.2013, therefore not tenable and liable to be set aside.
- B) That according to posting transfer/policy, the normal tenure of posting shall be two (02) years, but just after 04 months the appellant was transferred from the office of DEO (F) Dir Upper and his service was placed at the disposal of DEO (M) Dir Upper vide order dated 04.03.2024 and the DEO (M) Dir upper further posted/adjusted the appellant at the office of Sub: Divisional Education Officer (Male) Kalkot District Dir Upper through order dated 26.03.2024 without completing his normal tenure at DEO (F) Dir Upper, which is total violation of Government posting/transfer policy. Thus the impugned transfer order dated 04.03.2024 and adjustment order dated 26.03.2024 are liable to be set-aside on this score alone. **(Copy of posting transfer/policy is attached as Annexure-H)**
- C) That the transfer of the appellant is also violation of circular based on the Anita Turab case dated 27.02.2013 in which it was clearly mentioned that when the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable, but in the case of the appellant the tenure was not respected and was transferred from the office of DEO (F) Dir Upper and his service

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

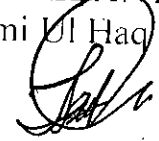
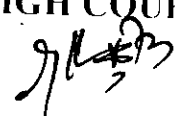
- D) That the impugned transfers order dated 04.03.2024 and adjustment order 26.03.2024 are premature as the appellant has not completed his normal tenure at DEO (F) Dir Upper and as such the impugned orders are liable to be set aside.
- E) That the appellant has successive transferred in short span of time due to which he is unable to perform his duty with best of his ability and capability and such successive transfers is also discouraged by the Superior Courts in plethora of judgments and such the impugned orders are liable to be set aside.
- F) That according to transfer posting/policy, posting/transfer orders of all the officers up to BS-19 except the Head of the Attached Department irrespective of the grade will be notified by the concerned Administrative Department with the prior approval of the Competent Authority obtained on the Summary, but in the case of the appellant, no prior approval of summary for transfer has obtained, which is violation of the posting/transfer policy.
- G) That in the impugned order dated 04.03.2024 no substitute was provided on the post of the appellant at DEO (F) Dir upper and the post is still vacant which also effect the smooth running of the office and no one can be effected if the impugned order is set aside.
- H) That no exigencies or public interest has shown in the impugned transfer order dated 04.03.2024 by the respondent department, which is against the norms of justice and fair play.
- I) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

//

It is, therefore, most humbly prayed that on the acceptance of this appeal, the impugned transfer order dated 04.03.2024 and adjustment order dated 26.03.2024 may kindly be set aside being premature and passed in the violation of posting/transfer policy and circular dated 27.02.20213. The respondents may further please be directed not to transfer the appellant on prematurely and in violation of posting/transfer policy and circular dated 27.02.2013. Any other remedy which this Honorable Tribunal deems fit and appropriate that may also be awarded in favour of appellant.


APPELLANT
Sami Ul Haq

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,
& 
(SHAKIR ULLAH TORANI)
ADVOCATE

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2024

Sami Ul Haq

VS

Education Department

AFFIDAVIT

I, Sami Ul Haq, Computer Operator, SDEO (M) Kalkot, District Dir Upper, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.

Sami
DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2024

Sami Ul Haq

V/S

Education Department:

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

RESPECTFULLY SHEWETH.

1. That the appellant has filed an appeal against the order dated 04.03.2024, whereby the appellant was prematurely transferred from the office of DEO (F) Dir upper and his service was placed at the disposal of DEO (M) Dir upper and against the order dated 26.03.2024, whereby the appellant was further adjusted/posted at the office of Sub: Divisional Education Officer (Male) Kalkot District Dir Upper along with this application in which no date is fixe so for.
2. That the impugned transfer order dated 04.03.2024 is premature as the appellant has not completed his normal tenure at DEO (F) Dir Upper, which is violation of posting/transfer policy and circular dated 27.02.2013 and as such the impugned transfer order dated 04.03.2024 and adjustment order dated 26.03.2024 are liable to be suspended.
3. That the appellant has successive transferred in short span of time due to which he is unable to perform his duty with best of his ability and capability and such successive transfer is also discouraged by the Superior Courts in plethora of judgments and as such the impugned transfer order dated 04.03.2024 and adjustment order dated 26.03.2024 of the appellant are liable to be suspended.
4. That the post of the appellant is still vacant as no substitute was provided on the post of the appellant at DEO (F) Dir Upper in the impugned transfer order dated 04.03.2024 and no other employee can be effected if the impugned transfer order dated 04.03.2024 and adjustment order dated 26.03.2024 are suspended.
5. That the grounds of main appeal may also be considered as integral part of this application.

6. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.

It is therefore most humbly prayed that the operation of the impugned transfer order dated 04.03.2024 and adjustment order dated 26.03.2024 of the appellant may kindly be suspended till the decision of main appeal.

Sami

APPELLANT

Sami Ul Haq

THROUGH:

Sms

(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT,

& *Shakir*

(SHAKIR ULLAH TORANI)

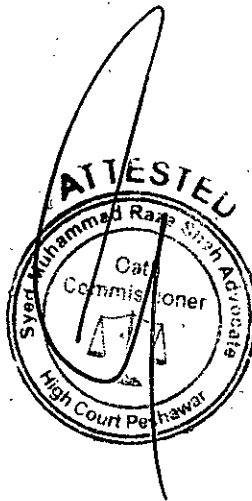
ADVOCATE

AFFIDAVIT

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

Sami

DEPONENT



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Retlex copy

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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
 Phone: 091-9225344 Email: ddadm.ec@gnail.com

Office Order

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

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

Note:-

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

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 3689 - 261 /F.No.A 23 MS/ Transfer/General/ 2023.

Dated Peshawar the 20/05/2023

Copy forwarded to the: -

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

[Handwritten Signature]
Deputy Director (F&A)
 Directorate E& Secondary Education
 Khyber Pakhtunkhwa Peshawar

10/5/23

ATTESTED

Клибер Бакриликрमा Бेशवाव
Director Elementary and Secondary Education
Assistant Director (Admin)

- 2. Masir ul-
Bashari
- 2. BA to Director Elementary and Secondary Education क्लिबर बक्रीलिक्रमा
- 4. Official concerned
- 3. SDEO (E) Baramul Dir Upper
- 3. District Account Officer, Dir Upper
- 1. District Education Officer (ME) Dir Upper

Copy forwarded to the:-

Dated Beshwar the 22/01/2023

Encl: No 3234-37E NOVA-53WIS/Posting transfer Dir

Клибер Бакриликрमा' Бेशवाव
Elementary & Secondary Education

DIRECTOR

- 3. NO TADA etc is allowed
- 1. Change report should be submitted to all concerned

Note:

5	Computer Operator Mr. Sumit Singh	DEO (M) Dir Upper	DEO (E) Dir Upper	VLB
	Computer Operator Mrs. Shabana Begum	DEO (E) Dir Upper	DEO (E) Dir Upper Dir Upper	VLB
1	Miss. Debi	DEO (E) Dir Upper	SDEO (E) Baramul	VLB
2	Miss. Debi	Present Posting	Admitted	केन्द्र

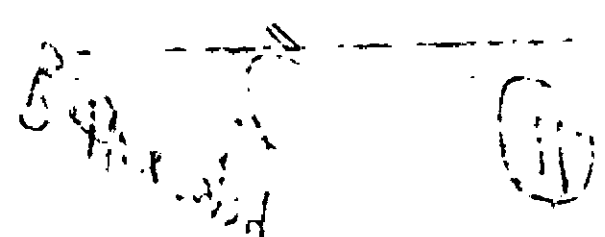
then only by order with immediate effect
in respect of the following officials are hereby ordered in the best of public service in
consequence upon the approval of competent authority, the posting transfer

OFFICE ORDER

Phone: 061-2522344

EMAIL: qbsqim.cse@gmail.com

КЛИВЕР БКРИЛІКРМА БЕШВАВ
DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION





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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
Phone: 091-9225344 Email: ddudinn.ew@goymail.com

NOTIFICATION.

The transfer/adjustment order issued vide this office Notification under Endst. No. 3682-84 dated 10/05/2023 is hereby held in abeyance till further order.


DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst. No. 41303-6 F.No./A-23/MS/transfer/general/2023

Dated Peshawar the 15/05 /2023.

Copy forwarded to the: -

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


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

15/5/2023

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Better copy

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C

11



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

Phone: 091-9225344

Email: ddadmn.es@gnail.com

OFFICE ORDER

Consequent upon approval by the competent authority the posting/transfer in respect of the following officials are hereby ordered in the best interest of public service in their own pay scale with immediate effect:

S. No.	Name/Design:	Present Posting	Adjusted at	Remarks
1	Mrs. Shagufta Begum Computer operator	DEO (F) Dir Upper	SDEO (F) Barawal Dir Upper	AVP
2	Mr. Sami Ul Haq Computer operator	DEO (M) Dir Upper	DEO (F) Dir Upper	AVP
3	Mr. Anjad Shahcen S/Clerk	DEO (M) Dir Upper	DEO (F) Dir Upper	AVP

Note:

1. Compliance report should be submitted to all concerned.
2. No TADA etc is allowed.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Encl: No. 2630-30 P.No: IA-23/MS/transfer/G/2023. Dated 25/07/2023

- Copy forwarded to the:
1. District Education Officer (M/F) Dir Upper.
 2. District Account Officer Dir Upper.
 3. SDEO (F) Barawal Dir Upper.
 4. Officials concerned.
 5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
 6. Master File.

[Handwritten Signature]
25/7/2023
Assistant Director (Admn)
Directorate E & Secondary Education
Khyber Pakhtunkhwa, Peshawar

~~ATTACHED~~

Клывей Ыкхитыкыма Ысривала
 Director Elementary and Secondary Education

Assistant Director (Admin)

- 1. Master file
 Ысривала
- 2. BV to Director Elementary and Secondary Education Клывей Ыкхитыкыма
- 4. Officer concerned
- 3. SDEO (E) Ысривала Дир Ыппей
- 5. District Account Officer, Дир Ыппей
- 1. District Education Officer (M/E) Дир Ыппей

Copy forwarded to the:-

Dated Ысривала the 22/01/2023

Encl: NO 3234-21E NOVA-23M2Posting master file

Клывей Ыкхитыкыма Ысривала
 Elementary & Secondary Education

DIRECTOR

- 3. NO LADY etc is allowed
- 1. Change report should be submitted to all concerned

Note:

1	Комплекси Оффисер Дир Ыппей	DEO (M) Дир Ыппей	DEO (E) Дир Ыппей	VLB
2	Комплекси Оффисер Дир Ыппей	DEO (E) Дир Ыппей	DEO (E) Дир Ыппей	VLB
3	Мис. Ысривала Ысривала	DEO (E) Дир Ыппей	Дир Ыппей	
4	Мис. Ысривала	Ысривала Ысривала	SDEO (E) Ысривала	VLB
			Ысривала	Ысривала

It is ordered by me with immediate effect
 in respect of the following officials are hereby ordered in the best of public service in
 accordance with the provisions of competent authority, the posting/master

OFFICE ORDER

Phone: 001-8552344

EMAIL: qdqqln.csc@gnaij.com

КЛЫВЕВ ЫКХИТЫКЫМА ЫСРИВАЛА
 DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION

(Handwritten signature and stamp)



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**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

Phone: 091-9225344

Email: ddadmn.ese@gmail.com

D

NOTIFICATION.

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

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

7004-07

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

14/11/2023
Dated Peshawar the _____/2023.

Copy forwarded to the:-

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

R. Sami 14/11/2023
Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

ATTESTED



OFFICE ORDER

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

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

Note:-

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

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 6008-11 F.No. /A-23/MS/complaint/transfer posting/Dir Upper
Dated Peshawar the 04 / 03 / 2024

Copy forwarded to the:-

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

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

4/3/24

D:\Admn\Irshad Ali\MS\Transfer\Multiple Transfer Dir Upper 2024.Doc

ATTESTED

KHYBER PAKHTUNKHWA PESHAWAR

Phone: 091-9225344

Email: ddadm.ee@gmail.com

OFFICE ORDER

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

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

Note:-

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

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

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

Dated Peshawar the 04/03/2024

Copy forwarded to the:-

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

Sd/-

Deputy Director (F&A)

Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE DIR UPPER



PH No. 0944-881400

E-mail deomdirupper@gmail.com

OFFICE ORDER

The services of Mr. Samiulhaq Computer Operator was placed at the disposal of this office vide Director E&SE Khyber Pakhtunkhwa Peshawar Letter No.6008-11 dated 04-03-2024. He is hereby further posted/ adjusted at the office of the sub: Divisional Education Officer (Male) Kalkot District Dir Upper against the vacant post of Computer Operator BPS-16 with effect from 05-03-2024 in the best interest of public service.

(-----SD-----)
DISTRICT EDUCATION OFFICER,
MALE DIR UPPER

No 4084-90/F.No.01/DEO(M) Dir (U)/SED Dated Dir (U) the: 26 /03/2024

Copy to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. District Accounts Officer Dir Upper
3. District Monitoring Officer Dir Upper
4. Dy: District Education Officer (Male) Dir Upper
5. AD EMIS Local Office
6. SDEO Concerned
7. Official Concerned


DISTRICT EDUCATION OFFICER,
MALE DIR UPPER

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The Secretary,
F&S Education Department
Govt of Jharkhand, Patna

Subject: APPEAL FOR CANCELLATION OF TRANSFER ORDER DATED 01-04-2024

Res

With immense veneration I would like to bring for your kind consideration that I was posted against the vacant post of Computer Operator BPS 16 at the office of DEO, Durgapur in pursuance of Notification issued by the worthy Director F&S Vide No. 6004-7 Dated 14-11-2023 (Adjustment order attached)

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

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

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

Thanking you and regards.

Sincerely Yours

Sumit Singh
Sumit Singh
Computer Operator (C/O) DEO
(Female) Durgapur
Cen no - 6254692-5

SSP
A
7/3
Date 05-03-2024

To

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

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

R/Sir

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

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

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

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

Thanking you and regards.

Sincere Yours

Sd/-

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

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Transfer Policy - updated till 10 Jan, 2009



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

- i) All the 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 posting/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained
- vi) While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DFOs/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.

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

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

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSF including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-18 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department. b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent:	

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

ATTESTED

a) Within the same Department.	Secretary of the Department concerned.
b) To and from an Attached Department	Secretary of the Dept in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek redress 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.

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(Signature)

Posting - Transfer Policy - updated till 10 Jan, 2009

3. As per Rule 26(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

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

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.
(Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003).

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 SECRETARY
GOVERNMENT OF NWFP

- Encl. No. and date even.
Copy forwarded
- 1.
 - 2.
 - 3.
 - 4.

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(Signature)

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6.

(NAME)
SECTION OFFICER
Administrative Department

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

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-1 (E&AD) 1-1/86 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.
(Authority: Letter No: SOR-VI (E&AD) 1-1/2008/Vol-VI, dated 3-6-2008).

.....
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.
(Authority: Urdu circular No: SOR-VI (E&AD) 1/85 dated 28th Oct, 2005.)
.....

The Chief Minister NWFP has directed that:-

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

ATTESTED

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- v) In case of direct submission of application to the Chief Minister, Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

(Authority: Urdu circular No: SOR-VI/E&AD/1-4/2003, dated 86-2004.
Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.)

- It has been decided with the approval of the competent authority that:-
- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
 - ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

(Authority: - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005)

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

(Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007)

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 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

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

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Posting - Transfer Policy - updated till 10 Jan, 2009

officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

- a) Permanent posting of an officer to the training institutions for 2-3 years;
 - b) Temporary attachment with the training 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 participant will decline/represent against his/her posting.

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

Recd. Department
 of Khyber Pakhtunkhwa
 No. 1-4/2005/Vol-II
 SOR.VI (E&AD)
 27/2/2013

To
 2/2/2013

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

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

Sir,

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

(i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

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(ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

my own

Sd/- Secy
 An

[Signature]

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

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

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

Yours faithfully,

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

Encl: as above.

A copy is forwarded to:-

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

NAJAM
SECTION OFFICER (REG-VI)

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BETTER COPY PAGE NO. 24

- iii. **Illegal orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule base norms instead in such situations, they must record their opinion and if necessary.
- iv. **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale / grade within 03 months of his/her order as OSD.
2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully

(Sd/--
(Naj-Mus-Sahar)
Section Officer (Reg-VI)

Encl: as above

A copy is forwarded to:

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

Section Officer (Reg-VI)