


FORM OF ORDER SHEET

Court of _____

Appeal No. 1620/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27 /09/2024	<p>The appeal of Mr. Bakht Zaman presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 01.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICED TRIBUNAL,
PESHAWAR.

Appeal NO. _____/2024

Bakht Zangh 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 court.

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.

Applicant

Dated: - 26/9 /2024

Through


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

CHECK LIST

MR. BAKHT ZAMAN

V/S

DIRECTOR LG&RDD

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>Noor Muhammad Khattak Advocate Supreme Court</u>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?	√	
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Noor Muhammad Khattak, ASC

Signature:- _____

Dated:- _____

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL No 1620 / 2024

MR. BAKHT ZAMAN

V/S

DIRECTOR LG&RDD

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Dated: 26 -09-2024

APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK

ADVOCATE SUPREME COURT

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1620 /2024

Mr. Bakht Zaman, Village Secretary (BPS-09)
Village Council Kayal District Kohistan Lower
Under transfer to Office of the AD Local Govt: Pattan District
Kohistan Lower.

..... APPELLANT

V E R S U S

- 1- The Secretary LG&RD Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General LG&RD Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Assistant Director Sr. LG&RD Department, District Kohistan Lower.
- 4- Mr. Saddam Hussain, Village Secretary Harigah Kayal District Lower Kohistan.
- 5- Mr. Tariq Aziz, Village Secretary Koli Palas, District Koli Palas, under transfer to VC Kayal District Lower Kohistan.

.....RESPONDENTS

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, 1974 AGAINST THE IMPUGNED ORDERS 25/07/2024, 02/09/2024, 06/09/2024, 13/09/2024 & APPELLATE ORDER DATED 25/09/2024, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED WITH NO GOOD GROUND.

Prayer:-

That on acceptance of the instant service appeal, the impugned orders dated 25/07/2024, 02/09/2024, 06/09/2024, 13/09/2024 & appellate order dated 25/09/2024 may very kindly be set aside and the respondents may kindly be directed not to transfer the appellant from Village Council Kiyal District Koli Palas. Any other remedy which this august Tribunal deem fit may also be awarded in favour of the appellant.

R/SHEWETH:
ON FACTS:

- 1) That the appellant is the law abiding citizen of Pakistan and permanent resident of District Koli Palas. Copy of the Domicile is attached as annexure.....**A**
- 2) That the appellant was initially appointed as Village Secretary (BPS-09) in UC Kiyal after proper recommendation of Departmental Selection Committee vide order dated 18/01/2016. Copy of appointment order is attached as annexure.....**B**
- 3) That while performing his duty at concerned VC/station with zeal and zest and without any complaint, astonishingly the respondents issued the impugned order dated 25/07/2024, whereby the appellant has been transferred from VC Kiyal and reported to the Office AD LG&RDD District Koli Palas. Copy of impugned order dated 25/07/2024 is attached as annexure.....**C**
- 4) That the respondent department again within the period of two months issued another impugned order dated 02/09/2024, whereby the appellant has been transferred from Office of AD LG&RDD Office and posted at VC Harigah Kiyal and private respondent No 4 has been posted at VC Kiyal Village against the post of appellant through ibid impugned order. Copy of impugned order dated 02/09/2024 is attached as annexure.....**D**
- 5) That it is important to mention here that the respondent No 2 through impugned order dated 06/09/2024 transferred the private respondent No 5 from District Koli Palas and posted at the disposal of the LG&RDD Office at District Lower Kohistan, despite the fact and just to facilitate the private respondent No 5, the post of VC Secretary is a Tehsil Cadre Post and only be appointed, posted and transferred within Tehsil where the employee has been appointed. Copy of the impugned order dated 06/09/2024 is attached as annexure.....**E**
- 6) That it is also important to mention here and astonishingly the respondent department issued third impugned transfer order dated 13/09/2024, whereby the appellant has been transferred to the Office LG&RDD Pattan, posted the

respondent No 4 at VC Harigah Kiyal and upon arrival from District Koli Palas the private respondent has been posted at VC Kiyal. Copy of third impugned transfer order dated 13/09/2024 is attached as annexure.....**F**

- 7) That appellant feeling aggrieved from the impugned orders, the appellant preferred departmental appeals before the respondent, but the same has been rejected vide appellate order dated 25/09/2024. Copies of departmental appeal and appellate order dated 25/09/2024 are attached as annexure.....**G&H**
- 8) That in light of above scenario, the appellant is in hanging position and as such having no other remedy, but to preferring the instant Service Appeal before this Honourable Tribunal inter alia on the following grounds:-

GROUND:

- A) That the impugned transfer orders dated 05/07/2024, 02/09/2024, 06/09/2024 & 13/09/2024 and appellate order dated 25/09/2024 are against the law, facts, norms of natural justice and material on the record, hence not tenable and liable to be set aside.
- B) That the respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 04 & 25 of the Constitution of Islamic Republic of Pakistan 1973, which act is unjust, unfair and hence not sustainable in the eye of law.
- C) That it important to mention here that the respondent department through letter dated 31/03/2024 imposed ban on all kind of posting and transfer of VC Secretaries. Copy of the letter dated 31/03/2024 is attached as annexure...**I**
- D) That the impugned transfer orders dated 05/07/2024, 02/09/2024, 06/09/2024 & 13/09/2024 and appellate order dated 25/09/2024 are violative of the Transfer/Posting Policy of Provincial Government, therefore, not tenable and are liable to be set aside. Copy of the Transfer posting policy is attached as annexure.....**J**
- E) That the respondent department issued all the impugned orders dated 05/07/2024, 02/09/2024, 06/09/2024 &

-4-

13/09/2024 just to facilitate the private respondent No 5 and for that reason the appellant made and scapegoat.

- F) That the impugned transfer orders dated 05/07/2024, 02/09/2024, 06/09/2024 & 13/09/2024 and appellate order dated 25/09/2024 have not been passed in the public interest, nor exigencies of public service, therefore, not tenable and liable to be set aside.
- G) That the treatment meted out to the appellant is discriminatory in nature.
- H) That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal may kindly be accepted as prayed for.

Dated: 16-09-2024


APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT


UMAR FAROOQ MOHMAND


WALEED ADNAN


MAHMOOD JAN
ADVOCATES HIGH COURT

CERTIFICATE:

No such like appeal is pending or filed between the parties on the subject matter before this Honorable Tribunal.


Advocate

AFFIDAVIT

I, Mr. Bakht Zaman, (appellant), do hereby solemnly affirm and declare on oath that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.


DEPONENT



-5-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL No _____ / 2024

MR. BAKHT ZAMAN

V/S

DIRECTOR LG&RDD

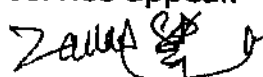
APPLICATION FOR SUSPENSION OF OPERATION OF THE IMPUGNED
TRANSFER ORDERS DATED 05/07/2024, 02/09/2024, 06/09/2024
& 13/09/2024 AND APPELLATE ORDER DATED 25/09/2024
WHEREBY THE APPELLANT WAS TRANSFERRED TILL THE DISPOSAL
OF THE MAIN APPEAL.

R/SHEWETH:

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned transfer orders dated 05/07/2024, 02/09/2024, 06/09/2024 & 13/09/2024 and appellate order dated 25/09/2024.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned transfer orders dated 05/07/2024, 02/09/2024, 06/09/2024 & 13/09/2024 and appellate order dated 25/09/2024 in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of impugned orders of even dated 05/07/2024 may very kindly be suspended till the disposal of the above mentioned service appeal.

Dated: 26 -09-2024



APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Mr. Bakht Zaman, (appellant), do hereby solemnly affirm and declare on oath that the contents of this **application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble tribunal.


DEPONENT



Notary Public (K.P.)

This DC (K.P.) day of 10 / 12 / 2013

Deputy Commissioner
Kohistan
Deputy Commissioner
Kohistan

[Handwritten signature]

Assistant Commissioner
Pattan

[Handwritten signature]

This AC Pattan day of 6 / 12 / 2013

No. 265

Pursuant to the declaration dated _____ / 2013 filed by Bahkt Zaman
S/O Haji Fajroz Khan and domiciled in the K.P.K Kohistan in hereby certified that
the said Bahkt Zaman is born of parents who are permanent resident of the K.P.K Kohistan
having belonged to it by birth as stated in it. I have assessed my self from my personal knowledge
/ verification overest finding above declaration is true and hereby certify.

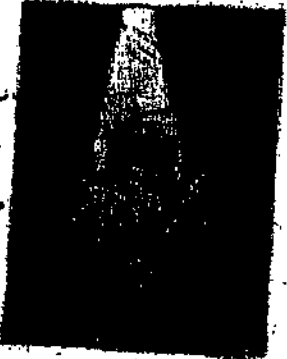
Signature of applicant

[Handwritten signature]

I declared that I was born of parents who are permanently domiciled in K.P.K Kohistan
having belong to it by birth / settle it. I belong by birth to village / Mohalla, K.P.K
P/O Pattan Tehsil Pattan District Kohistan

[Handwritten signature]

District Kohistan



6-

OFFICE ORDER:-



(B)

OFFICE OF THE
DEPUTY COMMISSIONER KHYBER PAKHTUNKHWA
RAJVAL KHYBER PAKHTUNKHWA
Date: 18/12/2016

Based on the recommendation of the departmental selection & promotion committee in its meeting held on 15/01/2016, Mr. Bahji Zaman S/O Haji Faraz Khan B/O Koyal Tahsil, Rajval District Khyber Pakhtunkhwa is hereby appointed as secretary (PS-07) against the vacant post in Village Koyal, UC Koyal with immediate effect in the best public interest:

1. The terms and conditions are as under:-
Production of health and age certificate from the District Health Officer - Khatianai Derasi.
2. The appointee shall be considered on probation for a period of two (2) years. If any wrongdoing, misconduct or delinquency found during the probation period, his services will be terminated without giving any prior notice.
3. He shall be governed under the Khyber Pakhtunkhwa Civil Servant Act and all the laws/rules applicable to the Civil Servants.
4. The appointee shall be bound to follow the instructions/service info/policy of the provincial government issued from time to time.
5. If the appointee fails to submit arrival report within fifteen (15) days from the date of issuance of this order, it will be presumed that he has no interest in the job.
6. The documents of the concerned candidates shall be sent to the concerned board/institutions for verification. If any document found bogus, fake, the services of the said candidate shall be terminated.

SD -

(Signature)
Deputy Commissioner
Chairman Recruitment Committee
Khyber Pakhtunkhwa

Date: 18/12/2016

AD.T.C/Recruitment/2015-16/VNC (KII)

No: 119-24

1. The Director General Govt of Khyber Pakhtunkhwa Local Govt: Elections & RDD Peshawar.
2. The District Accounts Officer, Kohistan at Derasi Peshawar.
3. PS to Secretary to Govt of Khyber Pakhtunkhwa Local Govt: Elections & RDD Peshawar.
4. The Section Officer, Establishment Govt of Khyber Pakhtunkhwa Local Govt: Elections & RDD Peshawar.
5. The Accounts Branch, Local Govt & RDD Kohistan Lower.
6. The Candidate concerned for compliance.

(Signature)

(Signature)
Assistant Director
Local Govt: Elections & RDD Derasi
Kohistan Lower



"UC"
-9-

Office of the Assistant Director Sr.
Local Government & Rural Development Department
Kohistan Lower
Email: adlgkohistanlower@gmail.com

Date: 25/07/2024

OFFICE ORDER No. 1495 /1-4/ADRDD (KL). The following transfers of Secretaries Village Councils are hereby ordered, in relaxation of the ban, with immediate effect in the best public interest.

Sr.No	Name Of Official	Transferred From	Transferred To
1.	Mr. Bakht Zaman	VC Kayal Village	Report to the office of AD, LG&RDD, Pattan.

Consequent upon the above Mr. Mir Dad, Secretary VC Swarsteel Kayal is authorized to hold the additional charge of the post of Secretary VC Kayal Village until further orders.

The officials are directed to complete all the codal formalities of handing/taking under intimation to this office.

Assistant Director Sr.
LG&RDD, Pattan, Kohistan Lower.

Endst: No.& date even:

Copy forwarded to the:

1. Assistant Director (Admin/HR), LG&RDD, Khyber Pakhtunkhwa, Peshawar.
2. Chairmen Village Council Kayal Village,
3. Supervisor, LG&RDD, Pattan, Kohistan Lower
- ✓ 4. Officials Concerned.

Assistant Director Sr.
LG&RDD, Pattan, Kohistan Lower.



"D" -10- 14

**Office of the Assistant Director Sr.
Local Government & Rural Development Department
Kohistan Lower**

Email: adlgkohistanlower@gmail.com

Handwritten signature

Date: 02/09/2024

OFFICE ORDER No. 7333 / 1-4/ADRDD (KL) The following transfer/postings of Secretaries VCs are hereby ordered, in relaxation of the ban, with immediate effect in the best public interest.

Sr.No	Name Of Official	Transferred From	Transferred To
1.	Mr. Bakht Zaman	Office of the AD, LG&RDD, Pattan	VC Harigah Kayal
2.	Mr. Saddam Hussain	VC Harigah Kayal	VC Kayal Village

Consequent on above, Mr. Mir Dad is relieved from the additional charge of the post of Secretary Village Council Kayal village.

The officials are directed to complete all the codal formalities of handing/taking under intimation to this office within 07 days, positively.

Handwritten signature
Assistant Director Sr.
LG&RDD, Pattan, Kohistan Lower.

Endst: No. & date even:

Copy forwarded to the:

1. Assistant Director (Admin/HR), LG&RDD, Khyber Pakhtunkhwa, Peshawar.
2. Chairmen Village Councils Kayal Village and Harigah Kayal.
3. Supervisor, LG&RDD, Pattan, Kohistan Lower
4. Officials Concerned.

Large handwritten signature

Handwritten signature
Assistant Director Sr.
LG&RDD, Pattan, Kohistan Lower.



**DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA**

Dated Peshawar, the 06th September, 2024

OFFICE ORDER

No. Director(LG)3-4/Posting/Transfer/2024/11519 The services of Mr. Tariq Aziz, Junior Village Secretary (BPS-09), Village Council Qilia Kol Tehsil Battaira District Kohat Pales Kohistan are hereby placed at the disposal of Assistant Director (Senior) LG & RDD Tehsil Headquarter Patten District Kohistan Lower, in best public interest, with immediate effect.

-sd/-
**DIRECTOR GENERAL
LG & RDD**

End of Copy No. & Date.

Copy of the above is forwarded to:

- 1 All Directors in Directorate General LG&RDD, Khyber Pakhtunkhwa.
- 2 Assistant Directors LG&RDD, Districts Concerned.
- 3 PA to Director General LG & RDD Khyber Pakhtunkhwa.
- 4 Official concerned.
- 5 Office file

Amir
**ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD**

TUMIKY SF

D=17

**Office of the Assistant Director Sr.
Local Government & Rural Development Department
Kohistan Lower**

Email: adl@kohistanlower.gov.pk

Date: 13/09/2024

-12- "F"

OFFICE ORDER No. 1589 /1-4/AD&RDD (KL). The following transfer/postings of Secretaries VCs are hereby ordered, in relaxation of the bar, with immediate effect in the best public interest.

Sr.No	Name Of Official	Transferred From	Transferred To
1.	Mr. Bakht Zaman	Under transfer to VC Harigah Koyal	Retained at AD LG&RDD, office Pattan
2.	Mr. Saddam Hussain	Under Transfer to VC Koyal Village	Retained at VC Harigah Koyal
3.	Mr. Tariq Aziz	On arrival from Kotal Palas	VC Koyal Village

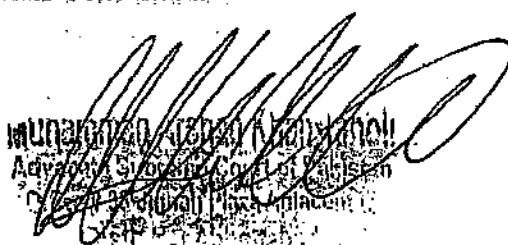
The officials are directed to complete all the codal formalities of handing/taking under intimation to this office within 07 days, positively.


Assistant Director Sr.
LG&RDD, Pattan, Kohistan Lower.

Endst: No. & date even:

Copy forwarded to the:

1. Assistant Director (Admin/HR), LG&RDD, Khyber Pakhtunkhwa, Peshawar.
2. Chairmen Village Councils Koyal Village and Harigah Koyal.
3. Supervisor, LG&RDD, Pattan, Kohistan Lower
4. Officials Concerned.


Assistant Director Sr.
LG&RDD, Pattan, Kohistan Lower.


Assistant Director Sr.
LG&RDD, Pattan, Kohistan Lower.

۱۶۔ بخدمت جناب ڈائریکٹر جنرل محکمہ بلدیات و دیہی ترقی صوبہ خیبر پختونخوا ایشاد

عنوان درخواست برائے Cancellation Of Transfer Orders

جناب عالی ا
Annex
درخواست ذیل ہے۔

۱۔ یہ کہ مسائل و پلج کونسل کیمپ کا آبائی واجداری و سکونتی درہا نشی باشندہ ہے۔ (کاپی ڈومیسائل و توئی شناختی کارڈ لف درخواست ہے)

۲۔ یہ کہ بذریعہ آرڈر نمبری (KH) 19-24/AD, LG/Recruit/2015-16/V/NCs 18-01-2016 و پلج کونسل کیمپ میں و پلج سیکرٹری تعینات کیا گیا۔ (کاپی آرڈر لف درخواست ہے)

۳۔ یہ کہ مسائل کو بذریعہ آرڈر نمبری (KL) 1495/1-4/ADRDD 25-07-2024 و پلج کونسل کیمپ سے ٹرانسفر کرنے کے Repost to the Office of AD, LG, RDD, Pattan کرنے کے احکامات صادر کئے گئے۔ (کاپی آرڈر لف درخواست ہے)

۴۔ یہ کہ آرڈر نمبری (KL) 1595/1-4/ADRDD کے خلاف مسائل نے بمورنہ 29-07-2024 کو DG لوکل گورنمنٹ آفس میں اپیل دائر کی ہے۔ (کاپی اپیل لف درخواست ہے)

۵۔ یہ کہ اب ایک بار پھر سے آرڈر نمبری (KL) 1555/1-4/ADRDD بمورنہ 02-09-2024 سال کو AD کوکل گورنمنٹ کے آفس سے و پلج کونسل ہری گاہ کیمپ میں ٹرانسفر کیا گیا۔ (کاپی آرڈر لف درخواست ہے)

مذکورہ بالا دونوں ٹرانسفر آرڈرز سیاسی و اقربا پروری کی بنیادوں پر اندر دو ماہ کئے گئے ہیں، جو کہ غیر قانونی اور بدعتی پر مبنی ہے۔ لہذا جناب عالی سے استدعا اپیل کی جاتی ہے کہ دونوں آرڈر نمبری 1495/1-4 اور 1555/1-4 کو منسوخ کریں، اور مسائل کو واپس اپنے آبائی و پلج میں ٹرانسفر کرانے کے احکامات صادر کئے جائیں تاکہ انصاف کے تقاضے پورے کئے جاسکیں۔ مسائل زندگی بھر آپ کا ممنون و مشکور رہے گا۔

العارض

نام: بخت زمان سیکرٹری و پلج کونسل کیمپ تحصیل پٹن ضلع کوہستان لوئر

شناختی کارڈ نمبر: 13403-6570887-3

فون نمبر: 0345-9252605

تاریخ: 11-08-2024

دستخط:

بخدمت جناب ڈائریکٹر جنرل محکمہ بلدیات و دیہی ترقی صوبہ خیبر پختونخوا ایشادور

Cancellation Of Transfer Orders درخواست برائے

جناب عالی درخواست لیل ہے۔

- ۱۔ یہ کہ سائل دینج کونسل کیمال کا آئی اہداری اشد ہے۔
 - ۲۔ یہ کہ بذریعہ آرڈر نمبری (KHI) 18-01-2010 مورخہ 110-2/AD, LG/Recrul/2016-16/V/NCa میں دینج نیکر دی قینات کیا گیا۔
 - ۳۔ یہ کہ سائل کو بذریعہ آرڈر نمبری (KL) 1495/1-4/ADRDD مورخہ 25-07-2024 کو دینج کونسل کیمال سے لانسٹر کر کے Repopt to the Office of AD, LG, RDD, Pattan کرنے کے احکامات صادر کئے گئے۔
 - ۴۔ یہ کہ آرڈر نمبری (KL) 1695/1-4/ADRDD کے خلاف سائل نے مورخہ 29-07-2024 کو DG کو لکھ کر سنٹ آفس میں اپیل دائر کی ہے۔
 - ۵۔ یہ کہ اب ایک ہار پور سے آرڈر نمبری (KL) 1555/1-4/ADRDD مورخہ 02-09-2024 سائل کو AD کو لکھ کر سنٹ کے آفس سے دینج کونسل ہری گاؤ کیمال میں لانسٹر کیا گیا۔
 - ۶۔ یہ کہ سائل کو تیسری دفعہ آرڈر نمبری (KL) 1564/1-4 AD RDD مورخہ 13-09-2024 سائل کو دینج ہری گاؤ سے Retained at AD LG&RDD Office Pattan میں لگا یا گیا ہے اور سائل کے آہالی دینج کیمال میں ضلع کوئی پاس کوہستان نے طارق مزید کو لگا یا گیا ہے۔ ایک ضلع سے دوسرے ضلع میں لانسٹر غیر قانونی ہے۔ (کاپی آرڈر لک درخواست ہے)۔
 - ۷۔ یہ کہ آرڈر نمبری (KL) 1555/1-4 AD RDD مورخہ 02-09-2024 کو دینے والے لانسٹر آرڈر کے خلاف سائل نے DG کو لکھ کر سنٹ آفس ایشادور میں 11-09-2024 ڈائری نمبری 7867 اپیل دائر کی ہے۔
- مذکورہ بالا دونوں اپیلوں پر کسی بھی قسم کے فیصلے سے سائل کو آگاہ نہیں کیا گیا ہے اور محتاطہ AD LG & RDD تحصیل چٹن لے مقامی ایم۔ پی۔ اے کے سیاسی و باؤ پر پے آرڈر جاری کیے ہیں جو کوئی بر بد بنتی ہیں۔
- لہذا جناب عالی سے گزارش ہے کہ سائل کی اپیل پر جلد از جلد فیصلہ صادر فرما کر تینوں آرڈر نمبری 1495/1-4 اور 1555/1-4، 1564/1-4 منسوخ کیے جائیں اور سائل کو اپنے آہالی دینج کونسل کیمال دینج میں واپس لانسٹر کرانے کے احکامات صادر کر دائیں جائیں تاکہ سائل اپنے فرائض منصبی سرانجام دے سکیں۔


سائل زندگی بھر آپ کا اور آپ کے بچوں کے لیے دعا گو رہے گا۔

العارض

نام: بخت زمان سیکرٹری دینج کونسل کیمال تحصیل چٹن ضلع کوہستان لوئر

شناختی کارڈ نمبر: 13403-6570887-3

فون نمبر: 0345-9252605

دستخط: 

تاریخ: 16/09/2024



DIRECTORATE GENERAL "H"-16-
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA

No. Director(LG)3-1/Establishment/2024

Dated Peshawar, the 25th September, 2024

12106

To

Mr. Bakht Zaman,
Junior Village Secretary (BPS-09),
LG&RDD, District Kohistan Lower.

Subject: - APPLICATION FOR CANCELLATION OF TRANSFER ORDER DATED 02.09.2024

I am directed to refer to your application No. Nil dated 11.09.2024 on the subject and to state that your request for cancellation of transfer orders issued by Assistant Director (Senior) LG & RDD Tehsil Headquarter Pattan District Kohistan Lower dated 25.07.2024, 02.09.2024 and 13.09.2024, is hereby regretted by the Appellate Authority.


ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD

Endst: No. & date even:

Copy forwarded to the:

1. Assistant Director (Senior), LG & RDD, Tehsil Headquarter Pattan District Kohistan Lower for information.
2. PA to Director General, LG&RDD, Khyber Pakhtunkhwa.


ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD



**DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA**

No. Director (LG) 3-1/Establishment/2023-24/
Dated Peshawar lho, 21st March, 2024

"I"
-17-

To,

All Assistant Directors,
LG & RDD,
Khyber Pakhtunkhwa,

Subject:

BAN ON POSTING / TRANSFER OF VC/NC SECRETARIES LG & RDD AND OTHER OFFICIALS POSTED UNDER THE JURISDICTION OF ASSISTANT DIRECTORS LG & RDD.

I am directed to refer to the subject cited above and to state that the Competent Authority has imposed a ban on posting / transfer of Village/Neighborhood Councils Secretaries and other officials posted under the jurisdiction of Assistant Directors LG & RDD till devising a uniform and merit based policy to regulate such posting / transfer across the province.

ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD

Encl: No. & date even:

Copy forwarded to the:

1. All Directors in Directorate General LG & RDD, Khyber Pakhtunkhwa.
2. PS to Minister, LG, E & RDD, Khyber Pakhtunkhwa.
3. PS to Secretary, LG, E & RDD, Khyber Pakhtunkhwa.
4. PA to Director General, LG & RDD, Khyber Pakhtunkhwa.

ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD

5 - 18 -



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

(Handwritten signature/initials)

(Handwritten mark)

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) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained.
While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice-versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against 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 DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thanna) of his area/residence is situated.
- 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.

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.

(Handwritten signature)



- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement.
DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG; PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

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

(Handwritten initials)

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting-transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government.
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

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

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

.....

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-VIE&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.

(Handwritten signature)

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No 12024

Bakht Zama

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

D.G. Gout

(RESPONDENT)
(DEFENDANT)

I/we Bakht Zama

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/202


CLIENT

ACCEPTED


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT


WALEED ADNAN


UMAR FAROOQ MOHMAND

&


KHANZAD GUL
ADVOCATES

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)