


FORM OF ORDER SHEET

Court of _____

Appeal No. 1694/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/10/2024	<p>The appeal of Mr. Masood Khan presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 03.10.2024. 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. 1694/2024

Muhammad Iqbal 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: - 01/10/2024

Through

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO 1694 / 2024

MR. MASOOD KHAN

V/S

EDU: DEPTT:

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Dated: 01-10-2024

APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL No. 1694 /2024

Mr. Masood Khan, SDEO (M) BPS-17
O/o DEO (M) District South Waziristan

..... APPELLANT

VERSUS

- 1- The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 22/07/2024, WHEREBY THE NOTIFICATION DATED 19/07/2024 REGARDING POSTING OF THE APPELLANT AS SDEO (M) WANA SOUTH WAZIRISTAN LOWER HAS BEEN CANCELLED AND AGAINST THE APPELLATE ORDER DATED 27/09/2024 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED ON NO GOOD GROUNDS.

Prayer:-

On acceptance of this Service Appeal, the impugned notification dated 22/07/2024 and appellate order dated 27/09/2024 may kindly be set aside and the respondents may kindly be directed not to transfer the appellant from the post of SDEO (M) Wana South Waziristan Lower till completion of his normal tenure. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

1. That appellant is the employee of the respondent department and was lastly posted against the post of SDEO (M) Wana

South Waziristan Lower vide notification dated 13/12/2023. Copy of the notification is attached as annexure.....A

2. That as the appellant's regular promotion to BPS-17 was due, therefore, the DEO (M) South Waziristan Lower issued NOC in favour of the appellant on retention on the post of SDEO (M) in case of his regular promotion to BPS-17. Copy of NOC is attached as annexure.....B

3. That whereafter vide notification dated 30/05/2024 the appellant was promoted to the post of Headmaster (BPS-17) and vide notification dated 13/07/2024 he was posted at GHS Tathi Totani SWTD. Copy of the notification is attached as annexure.....C

4. That in light of the ibid NOC issued by the DEO(M) SWL, the respondent No 2 vide notification dated 19/07/2024 posted/allowed the appellant to continue his services against the already occupied post of SDEO (M) Wana SWL in the best public interest. Copy of the notification is attached as annexure.....D

5. That unfortunately on the political intervention of local MPA Mr. Ajab Gul Wazir, the ibid notification dated 19/07/2024 was cancelled vide impugned notification dated 22/07/2024. Copy of the due letter and impugned notification are attached as annexure.....E&F

6. That feeling aggrieved the appellant filed departmental appeal, but the same has been rejected by the appellate authority vide order dated 27/09/2024 on no good grounds. Copies of departmental appeal and appellate order dated 27/09/2024 are attached as annexure.....G&H

7. That now the appellant having no other officious, but to approach this Honourable Tribunal by filing instant Service Appeal inter alia on the following ground:-

GROUND:

A- That the impugned notification dated 22/07/2024 and appellate order dated 27/09/2024 issued by the respondents are against the law, fact and norms of natural justice, therefore, not tenable and are liable to be set aside.

B- That the appellant has not been treated by the respondent department in accordance with law on the subject noted above and as such the respondents violated Article 4, 25 of the Constitution of Islamic Republic of Pakistan, 1973.

- C- That the impugned notification dated 22/07/2024 issued under political pressure, which is not only violative of Transfer Posting Policy of Provincial Government, but also against the judgment of the Apex Court reported as PLD 2013 SC 195. Copy of the transfer posting policy is attached as annexure.....I
- D- That the impugned notification dated 22/07/2024 has been issued by the respondents on the basis of political interference, therefore the impugned notification is politically motivated, hence not tenable and liable to be set aside.
- E- That the impugned notification and appellate order are based on malafide and arbitrary intention, therefore, not tenable and are liable to be set aside.
- F- That even otherwise it is not in the interest of department to make its employees ruling stone on one hand and the working atmosphere of the department is disturbed on the other hand and the employee also faces evaluation.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for. Any other remedy which this august Court deems fit that may also be awarded in favor of the appellant.

Dated: 01/10¹⁰/~~09~~/2024



APPELLANT


THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT


WALEED ADNAN


UMAR FAROOQ MOHMAND


MUJEEB UR REHMAN MANDUKHEL
&


KHANZAD GUL
ADVOCATES HIGH COURT

-4-

CERTIFICATE:

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

Advocate

AFFIDAVIT

I, Mr. Masood Khan, SDEO (M) BPS-17 O/o DEO (M) District South Waziristan (the appellant), do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.


DEPONENT

-5-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL No _____ / 2024

MR. MASOOD KHAN

V/S

EDU: DEPTT:

APPLICATION FOR SUSPENSION OF OPERATION OF THE
IMPUGNED NOTIFICATION DATED 22/07/2024 TILL THE
DISPOSAL OF THE MAIN APPEAL.

R/SHEWETH:

- 1- That the above mentioned appeal alongwith 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 notification dated 22/07/2024, whereby the notification dated 19/07/2024 regarding posting of the appellant as SDEO (M) Wana South Waziristan Lower has been cancelled and appellate order dated 27/09/2024, whereby the appeal of the appellant has been regretted.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That all the facts and grounds of accompanied Service Appeal may kindly be considered as integral part of this application.
- 5- That the impugned notification dated 22/07/2024 and appellate order dated 27/09/2024 issued by the respondents in utter disregard of judgment, law and prevailing Rules on the subject.
- 6- That if the operation of the impugned notification dated 22/07/2024 is not suspended, the appellant will suffer an irreparable loss and the very purpose of the instant appeal will become frustrated.

It is therefore, most humbly prayed that on acceptance of this application, the operation of the impugned notification dated 22/07/2024 may very kindly be suspended till the disposal of the above mentioned service appeal.

Dated: 01-10-2024


APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Mr. Masood Khan, SDEO (M) BPS-17 O/o DEO (M) District South Waziristan (the appellant), do hereby solemnly affirm on oath that the contents of the above application are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.


DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9210626

"A"
6-

Dated: 13th December, 2023

NOTIFICATION

NO.SO(MC)E&SED/4-16/2023/Posting/Transfer/MC/: The following posting/ transfer are hereby ordered with immediate effect, in the best public interest: -

Sr. No	Name	FROM	TO	Remarks
1.	Masood Khan TC BS-17	ADEO Wana South Waziristan	SDEO (Male) Wana South Waziristan	V.S.No.2
2.	Aurang Zeb TC BS-16	SDEO (Male) Wana South Waziristan	ADEO Wana South Waziristan	V.S.No.1

SECRETARY TC GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officer Concerned.
4. District Education Officer (Male/Female) Concerned.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.

111/13.12.2023

SECTION OFFICER (Management Cadre)

OFFICE OF THE DISTRICT EDUCATION OFFICER (M)
SOUTH WAZIRISTAN LOWER



No 87 /

"B"

Dated SWL the 04/05/2024

-7-

Trough proper channel

To,

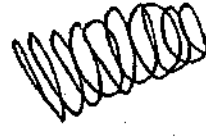
The Secretary E&SE KPK.

Subject: No Objection

Please find herewith attached application submitted by Masood Khan SDEO (M) Wana

It is brought into kind notice that Masood Khan SST (BPS-Personal 17) is working as SDEO (M) Sub-Division Wana. His promotion to the post of Head Master is expected.

The undersigned has no objection if he is retained / adjusted / posted as SDEO (M) wana after his promotion.


04/05/2024

DISTRICT EDUCATION OFFICER MALE
SOUTH WAZIRISTAN LOWER



**ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-722332 Email: eschoolmats@gmail.com



Peshawar Dated 13th July, 2024

NOTIFICATION

No.SO(SM)/E&SED/5-17/Promotion from BPS-16 to HM/SS BPS-17/2024: Consequent upon their promotion from BS-16 to BS-17 on regular basis as notified vide this Department Notification No.SO(PE)/E&SED/2-6/DPC meeting/promotion of SSTs BPS-16 to HM/SS BPS-17/ 2024 Dated: 30.05.2024, the following adjustment/posting of Head Masters/Subject Specialists BS-17 is hereby ordered in public interest in order to actualize their promotion in BS-17:-

S.No.	Name	Designation	Place of Posting
1.	Asghar Khan	Head Master BS-17	GHS Dheri Kashmir Dir Lower
2.	Misal Khan	Head Master BS-17	GHS Durma Kor Landi Kotal Khyber
3.	Haji Rahim Ullah	Head Master BS-17	GHS Aba Khel NWTD
4.	Kifayat Ullah	Head Master BS-17	GHS Sheshan Shangla
5.	Aurang Zeb Khan	Head Master BS-17	GHS Wachadana SWTD Lower
6.	Akhtar Gul	Head Master BS-17	GHS Warzikai SWTD
7.	Muhammad Rehman	Head Master BS-17	GHS Kahi Hangu
8.	Muhammad Nazeef	Head Master BS-17	GHS Mela Shahab Khel Lakki Marwat
9.	Abdul Jalal	Head Master BS-17	GHS Agra Malakand
10.	Siraj Ul Haq	Head Master BS-17	GHS Sarwani Charsadda
11.	Zainoor Khan	Head Master BS-17	GHS Chuhar Khel Lakki Marwat
12.	Jan Muhammad	Head Master BS-17	GHS Darwazagai Nowshera
13.	Khalid Khan	Head Master BS-17	GHS Mehmood Abad Mardan
14.	Gulab Hussain	Head Master BS-17	GHS Manatoo Kurram
15.	Siraj Ali	Head Master BS-17	GHS Chapper Mishti Orakzai
16.	Nasir Khan	Head Master BS-17	GHS Azeem Kor Mohmand
17.	Abdul Hakim	Head Master BS-17	GHS Pinda Khel Bajour
18.	Fazal Akbar	Head Master BS-17	GHS Istaru Upper Chitral
19.	Arshad Salim	Head Master BS-17	GHS Sheikhan Kohat
20.	Muhammad Ibrahim	Head Master BS-17	GHS Madak Upper Chitral
21.	Abdul Khaliq	Head Master BS-17	GHS Abdul Ghafoor Khan Kalay Khyber
22.	Shahid Ullah	Head Master BS-17	GHS Mir Salam Kot Spinwam NWTD.
23.	Noor Muhammad	Head Master BS-17	GHS Janata SWTD
24.	Haj Muhammad	Head Master BS-17	GHS Sra Khuna Orakzai
25.	Ihsanullah Khan	Head Master BS-17	GHS Tatoot Tank

168.	Muhammad Iqbal Khan	Head Master BS-17	GHS Shamoni Karak
169.	Muhammad Iqbal Uddin	Head Master BS-17	GHS Sonogbare Chiral upper
170.	Agil Muhammad	Head Master BS-17	GHS Chanchary Swat
171.	Masood Khan	Head Master BS-17	GHS Tuli Dornal SWTD
172.	Ayaz Hussain	Head Master BS-17	GHS Barlogun Kuram Mardan
173.	Ismail Ullah Khan	Head Master BS-17	GHS Landi Mir Sahim Lakki Marwat
174.	Mir Ahmad	Head Master BS-17	GHS Khor Upper Chiral
175.	Muhammad Aftab Khan	Head Master BS-17	GHS Paka Tapal Kohat
176.	Zahir Javed	Head Master BS-17	GHS Qainji Maharan
177.	Nasim Ullah Khan	Head Master BS-17	GHS Abban Khanak Lakki Marwat
178.	Muhammad Shouab	Head Master BS-17	GHS Jambill Swat
179.	Arif ur Rehman	Head Master BS-17	GHS Kangar Mair Abbobad
180.	Habib Shah	Head Master BS-17	GHS Akmal Rasool Khan Baran
181.	Syed Naveed Ahmad Shah	Head Master BS-17	GHS Paganl Mandra
182.	Arif Javed	Head Master BS-17	GHS Churd Malra Abbobad
183.	Abdul Kabir	Head Master BS-17	GHS no. 4 mulla baba mirgona Swat
184.	Muhammad Niaz	Head Master BS-17	GHS Chinnol Mandra
185.	Arif Ali	Head Master BS-17	GHS Nalk Nam Swabi
186.	Bakht Subhan	Head Master BS-17	GHS Mirgaya Shangla
187.	Sultan Malik	Head Master BS-17	GHS Badakhani Dir Upper
188.	Zia Ul Haq	Head Master BS-17	GHS Patala Abbobad
189.	Gohar Ali	Head Master BS-17	GHS Isrogi Maland
190.	Faiz Ahmad Shah	Head Master BS-17	GHS Choling Chiral Upper
191.	Rasool Nawaz Khan	Head Master BS-17	GHS Shah Hassan Khal Lakki Marwat
192.	Razaqat Ullah	Head Master BS-17	GHS Lak Khe Lakki Marwat
193.	Muhammad Shah	Head Master BS-17	GHS Pakhano Khudgan Dir Lower
194.	Hanayun Rasheed Khan	Head Master BS-17	GHS Moore Mair Mandra
195.	Muhammad Ayaz	Head Master BS-17	GHS Sangi Mardan
196.	Hamid Ullah	Head Master BS-17	GHS Chenna Chawada
197.	Aam Ullah	Head Master BS-17	GHS Kalad Dir Upper
198.	Muhammad Roshan	Head Master BS-17	GHS Mir Sahim NWTD
199.	Shir Zaman	Head Master BS-17	GHS Awi Mela Orakzai
200.	Qasim Durrani	Head Master BS-17	GHS Sheela Upper Tank
201.	Raza Ullah	Head Master BS-17	GHS Zor Abad Mardan
202.	Zahid Noor Shah	Head Master BS-17	GHS Tuli Village NWTD
203.	Shaukat Rahman	Head Master BS-17	GHS Shogbare Lower Chiral

9-



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9210626



Dated, the Peshawar 19th July, 2024

NOTIFICATION


NO.SO(MC)E&SED/4-16/2024/PT/SDEO/SWL: Consequent upon promotion of Mr. Masood Khan (TC BS-17), Headmaster GHS Tothi Dotani, South Waziristan Lower is hereby allowed to continue his services against the already occupied post of SDEO (Male) Wana, South Waziristan Lower, in the best public interest.

SECRETARY TO THE GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officer (Male) South Waziristan Lower.
5. District Accounts Officer South Waziristan Lower.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.


(JANBAZ AHMED)
SECTION OFFICER (Management Cadre)

Address: Karri Kot, Wana, Lower Waziristan
Contact No. 0301-4300857, 0332-5484085

Regd's
Ajib Gul Wazir
Member Provincial Assembly
PK-110 Lower Waziristan
1 - Waziristan

To
The Secretary Elementary & Secondary Edu:
K.P.
Will respect it is to be mentioned that
Mr. Masood Khan (BPS-17) has been appointed as
BDED South Waziristan on 19-07-2024. This order
is without ones consent. I may request you to
Please cancel this order on immediate effect.

Date: 23/07/24

Ref. No. _____

Ajib Gul Wazir
Member Provincial Assembly
PK-110 Lower Waziristan



"E" - 11 -



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9210626



Dated; 22nd July, 2024

"F"
12-

NOTIFICATION

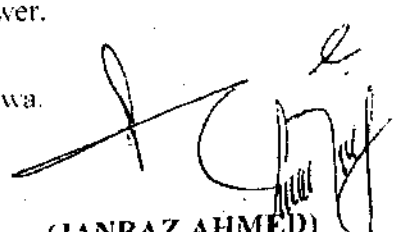
SO(MC)E&SED/4-16/2024/PT/SDEO/SWL: This department's Notification of even number dated 07.2024 in respect of Mr. Masood Khan (TC BS-17), is hereby *withdrawn/cancelled*, ab-initio, in best public interest.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Subject: of even No. & date:

Forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. SO (School Male), E&SE Department.
5. District Education Officer (Male) South Waziristan Lower.
6. District Accounts Officer South Waziristan Lower.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.


(JANBAZ AHMED)
SECTION OFFICER (Management Cadre)

To,

The Secretary,
Elementary & Secondary Education Department,
Govt of Khyber Pakhtunkhwa Peshawar.

"G" -13-

**SUBJECT: APPLICATION FOR WITHDRAWAL OF CANCELLATION
ORDER NO. SO(MC)E&SED/4-16/2024/PT/SDEO/SWL
DATED 22-07-2024 AND RESTORE THE ORDER DATED 19-
07-2024.**

The undersigned most humbly submitted as under: -


1. That undersigned while working in Education Department as SST (BS-16) was Posted/Adjusted as SDEO (Male) Wana South Waziristan on 13-12-2023.
2. That the undersigned was promoted to Head Master (BS-17) on 13-07-2024 and was posted at GHS Tathi Dotani SWTD.
3. That due to excellent performance the undersigned was allowed to continue my services against the Post of SDEO (Male) Wana ~~South~~ Waziristan Lower vide order dated 19-07-2024.
4. That astonishingly due to political influence the undersigned order dated 19-07-2024 was withdrawn/cancelled without any reason on 22-07-2024.
5. That the said post still remained vacant and with the spin of just 03 days the said order was cancelled purely on political influence to adjust his blue eyes.

In view of the above, it is requested that the withdrawn/cancelled order dated 22-07-2024 may kindly be set aside and order dated 19-07-2024 may be restore and the undersigned may be allowed to continue my services as SDEO (BS-17) (M/ Wana ~~South~~ Waziristan Lower.

Dated: 01-08-2024

Sincerely Yours

4846
18/8/24


Masood Khan
Ex-SDEO (M) Wana
South Waziristan Lower



GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Phone No. 091-9223588

No. SO (MC)E&SED/4-16/2024/Dept. Appeal/Masood Khan


Dated: 27th September, 2024

To

Mr. Masood Khan,
Ex-SDEO (M) Wana
Waziristan Lower

Subject: - **DEPARTMENTAL APPEAL FOR CANCELLATION OF NOTIFICATION
DATED 22.07.2024**

I am directed to refer to your appeal, on the subject noted above and to state that your appeal has been examined and is regretted by the Competent Authority being devoid of merit.


(JANBAZ AHMED)
SECTION OFFICER (SMC)

Copy for information to the: -

PS to Secretary E&SE Department, Khyber Pakhtunkhwa.

SECTION OFFICER (SMC)



-15-

"I" (with a signature)

(with a signature)

**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 posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) 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

²While 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 (Thaana) 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.

1
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.
2
Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

(with a 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.

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-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.

18-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. /2024

Masood Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Edn deff

(RESPONDENT)
(DEFENDANT)

I/we Masood Khan

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. 01 / 10 / 2024




CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**


WALEED ADNAN


UMAR FAROOQ MOHMAND

&


**KHANZAD GUL
ADVOCATES**

OFFICE:

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(0311-9314232)