

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

Appeal No. 1620/2024


Bakht Zaman      ...V/S...      Secretary LG&RDD etc.

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**RESPONDENT NO. 5**

Through

  
Barrister Saqib Raza

Advocate Supreme Court of Pakistan

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

Appeal No. 1620/2024

Bakht Zaman . . . V/S . . . Secretary LG&RDD etc.

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**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 5**

**RESPECTFULLY SHEWETH**

**Preliminary Objections**

- a. The Appellant has no legal cause of action.
- b. The Appellant lacks the bonafide to institute the present appeal. The Appellant has moved the present appeal with unclean hands and hence denuded of all equities in his favour. The present appeal is clearly a manifestation of misrepresentation and concealment of true and correct facts. Hence liable to be dismissed on this score lone.
- c. The appeal is not competent in its present form as it is bad for mis-joinder and non-joinder of parties.
- d. That the appellant has no vested rights for the posting against the impugned post.

**ON FACTS**

1. The contents of the para under reply do not relate to the answering respondent, hence, needs no comments.
2. The contents of the para under reply pertains to record, hence, needs no comments. However, it is pertinent to mention that the answering respondent belongs to village Kayal, Tehsil Pattan, District Kohistan Lower. The answering respondent, despite being a resident of village Kayal, Tehsil Pattan was recommended for the post of Village Secretary (BPS-07) Bar Masham UC Bataira on account of a vacant post at the afore-mentioned UC.

(Copy of the CNIC, domicile, Office order dated 18/1/2016 and order dated 8/11/2018 are annexed herewith marked as "A" to "D" respectively")

Khyber Pakhtunkhwa  
Service Tribunal  
Distry No. 16947  
Date 21-10-24

3-4 **Incorrect, hence denied.**

The transfers of the appellant were done in accordance with law. Furthermore, it is also pertinent to mention that due to the additional district and establishment of officers of AD LG&RDD in the newly notified district/tehsil, the department made such arrangements to meet the challenges. Moreover, the appellant has no vested rights for the posting against the impugned post.

5. **Incorrect, hence denied.**

The transfer order of the answering respondent has been done in accordance with law. The answering respondent vide office order dated 6-9-2024 was transferred from VC Qilla Koi Tehsil Battaria to the Office of AD (Senior) LG&RDD. Further, the answering respondent being a permanent resident of Village Kayal, Tehsil Pattan was further transferred to VC Kayal Village vide order dated 13/9/2024. The answering respondent duly assumed the charge of the said post on 17/9/2024. Moreover, it has been held by the Superior Court in a number of judgments that the transfer of a government official from one place or post to another was within the exclusive domain and competence of the competent authorities. Similarly, it is also a settled principal of law that an official has no vested right to claim to be posted/transferred to any particular place of his choice, nor is there a vested right to continue to hold a particular post at a particular place. Since, the transfer/posting of the appellant has been done in accordance with law, thus, he cannot now challenge his transfer order and make false claims without establishing any wrong doing on part of the respondents nor can he claim a vested right to claim to be posted/transferred to any particular place of his choice.

Needless to mention, the appellant's assertion that answering respondent has been transferred just to facilitate him is not maintainable. The appellant has been serving against the said post for over a period of 8 years and since several complaints were received from different stakeholders against the appellant, therefore, the competent authority transferred the appellant from the said post. The answering respondent was posted as Village Secretary, Village Kayal on account of the post being vacant and since the answering respondent belongs to the same village council being a permanent resident, therefore, his services were placed against the said post.

**(Copy of the order dated 6-9-2024, 12/9/2024, 13-9-2024 and charge assumption report are annexed herewith marked as "E" to "H" respectively)**

6. Incorrect, hence denied as laid. A detailed reply has been given in the preceding paras.
7. Correct to the extent that the departmental appeal of the appellant was rejected being not tenable.
8. Incorrect, hence denied. The appellant has filed the instant appeal with mala fide intention and has absolutely no cause of action, thus, the appeal is liable to be dismissed.

## GROUND S

- A. Denied as laid. The office orders impugned in the instant appeal have been done in accordance with law.
- B. Denied as laid. The appellant has been treated in accordance with law and no violation of any provisions of the constitution has been done.
- C. The contents of the para under reply are misleading, hence denied. The posting and transfer order were done after taking ban relaxation from the competent authority and are in accordance with the letter dated 16-5-2024 issued by Respondent no. 1.

**(Copy of the letter dated 16-5-2024 is annexed herewith marked as "I")**

- D. Denied as laid. The transfer orders have been done in accordance with the laws available on the subject.
- E. Absolutely incorrect, hence denied. The appellant in his desperation is making false and baseless accusations. The transfer order of the answering respondent has been done in accordance with law. Had the transfer orders been made "just to facilitate" the answering respondent then the same would have been done on 25/7/2024 when the appellant was transferred from VC Kayal Village to the office of AD LG&RDD, Pattan and not after more than 2 months. The transfer order of the answering respondent was made on account of the post of Secretary VC Kayal Village being vacant, thus, the bald assertions of the appellant are vehemently denied. Even otherwise, a detailed reply has been given in the preceding paras to the absolutely baseless and frivolous claim of the appellant.
- F. Incorrect, hence, denied. The transfer orders have been passed in the best public interest and are in accordance with law.

G. Incorrect, hence, denied. A detail reply has been given in the preceding paras.

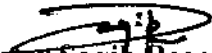
H. No Comments.

It is, therefore, most respectfully prayed that the appeal being incompetent, based on suppression of true facts be dismissed with cost.



**RESPONDENT NO. 5**

Through



**Barrister Saqib Raza**

**Advocate Supreme Court of Pakistan**

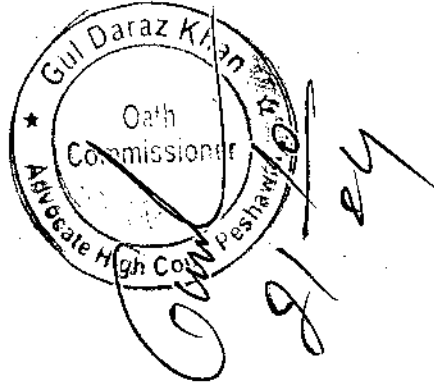
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Appeal No. 1620/2024

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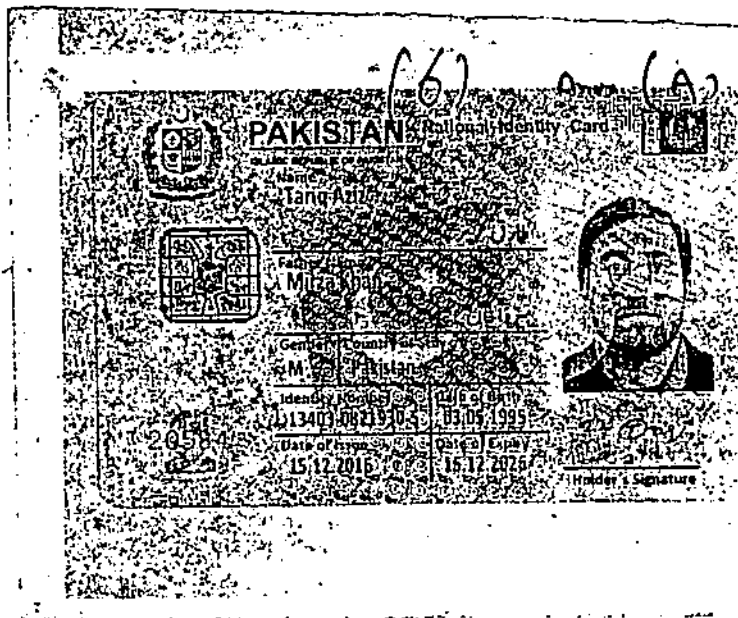
**AFFIDAVIT**

I, Tariq Aziz S/O Mirza Khan, R/O Post Office Pattan, Kayal, Tehsil Pattan, District Kohistan lower, presently posted as Village Secretary Kayal Village Tehsil Pattan, District Kohistan lower do hereby solemnly affirm and declare that the contents of the attached comments are true and correct to the best of my knowledge and belief and that nothing has been concealed or with held from this Honourable Tribunal.

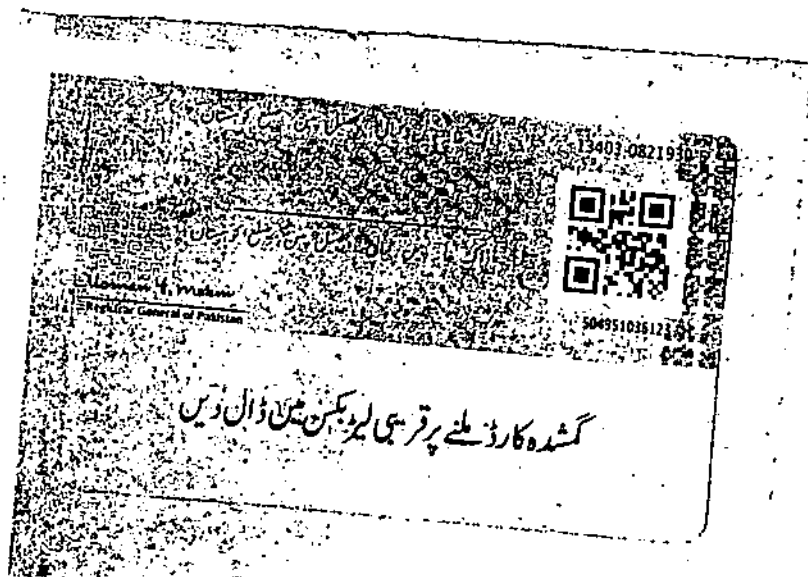


*Tariq Aziz*  
**DEPONENT**

CNIC No. 13403-0821930-5



  
**ATTESTED**





ANZA (7)  
(B)

# DOMICILE CERTIFICATE



# DISTRICT KOHISTAN

I Tariq Aziz declare that I was born of parents who are permanently domiciled in K.P.K having belonged to it by birth / settled in it. I belonged by birth to village / Mohalla Kayal P/o Pattan  
Tehsil Pattan District Kohistan

Tariq Aziz  
Signature of the applicant  
Dated 06-04-2011

Pursuance to the declaration dated \_\_\_\_\_ filled by Tariq Aziz Son / Daughter of Mirza Khan domiciled in the K.P.K it is hereby certified that the said

Tariq Aziz is born of parents who are permanent residents of the K.P.K having belonged to it by birth / settled in.

I have satisfied myself from personal / my knowledge verification that the above declaration is true and certify.

This 2007 day of 04/06/2011  
No 172

Abdullah  
Deputy District Officer  
Revenue & Estate  
Dassu / Pattan / Pattan

COUNTERSIGNED  
Capal  
District Officer  
Revenue & Estate  
KOHISTAN

No 710 / DAR - 68

Dated 4/7/11

**TESTED**





OFFICE OF THE <sup>Annex (e) (8)</sup>  
DEPUTY COMMISSIONER KOHISTAN,  
LOWER AT PATTAN  
Dated Kohistan Pattan the 18/01/2016

## OFFICE ORDER:-

Based on the recommendations of the Departmental Selection & Recruitment Committee in its meeting held on 15/01/2016, Mr. Tariq Aziz S/O Mirza Khan R/O Gaon Keyal, Tehsil, Pattan, District Kohistan Lower is hereby appointed as Secretary BPS-07 against the vacant post in Village Bar Masham UC Bataira with immediate effect in the best public interest.

### The terms and conditions are as under:-

1. Production of health and age certificate from the District Health Officer- Kohistan at Dassu.
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 rules/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 verifications. If any document found bogus, fake, the services of the said candidate shall be terminated.

SD/-  
(Inamullah Khan)  
Deputy Commissioner/  
Chairman Recruitment Committee  
Kohistan Lower

455-60

No.      /AD.LG/Recruit/2015-16/V/NCs (KII)

Dated 18 /01/2016

Copy of the above is forwarded for information to:

1. The Director General Govt: of Khyber Pakhtunkhwa Local Govt: Elections & RDD Peshawar.
2. The District Accounts Officer, Kohistan at Dassu.
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.

*EA*  
**ATTESTED**

(Ghulam Yousaf)  
Assistant Director  
Local Govt: Elections & RD Deptt:  
Kohistan Lower

# OFFICE OF THE

Annex (10) (9)

## ASSISTANT DIRECTOR LOCAL GOVERNMENT ELECTION & RURAL DEVELOPMENT DEPARTMENT KOHISTAN LOWER

No. 135-42/ADRDD (KL)

Date: 08/11/2018

### OFFICE ORDER

In implementation of the judgment of the Honorable Peshawar High Court Abbottabad Bench of dated 16.05.2018 in writ petition No. 1230-A/2017 (Muhammad Uzair & others VS Government of KPK) followed by the recommendation of the inquiry report of dated 13.09.2018 (under intimation No. AD(LG-II)/1-13/Inquiry Kohistan/2018/1832 dated 24.09.2018 and on order sheet of the Peshawar High Court Abbottabad Bench on COC No 70-A/2018 of dated 25.10.2018, the following petitioners of Writ petition No. 1230-A/2017 are hereby reinstated as Village Secretaries (BPS-09) from the date of the solicitation of the Judgment of the Honorable Peshawar High Court Abbottabad Bench (dated 16.05.2018).

Sr	Name	Father Name	Residence	Placement VC	Remarks
1	Abdul Aziz	Mulvi Ameer	Qila Singayyan Teh: Pattan	V/C Singayyan (Pattan)	
2	Abulullah	Ameer Khan	Galgan Teh: Pattan	V/C Dubair Hala (Pattan)	
3	Nareem Khan	Saliab Khan	Chala Abad Teh: Pattan	V/C Baneeel (Pattan)	
4	Ghani UK Rehman	Haji Jamroz Khan	Haidar Gawon Teh: Pattan	V/C Bar Kuli Kowalia (Pattan)	
5	Abdul Haqeeem	Jumdad	Itango Teh: Pattan	V/C Bankod No.2 (Pattan)	
6	Sher Alam	Sarbuland	Jijal Teh: Pattan	V/C Village Dahnir (Pattan)	
7	Muhammad Akbar	Lajbar	Dag Pattan Teh: Pattan	V/C Khor Bahadar Khud (Pattan)	
8	Shams Ud Din	Mehtab Khan	Bunkheel Teh: Pattan	V/C Yaujool (Pattan)	
9	Gul Muhammad	Samsundar Khan	Jijal Teh: Pattan	V/C Shalkai Dubair (Pattan)	
10	Naveed Ul Hassan	Said Malook	Haidar Gawon Teh: Pattan	V/C Pawaal Sair, Kotai Palas	
11	Luter Gul	Alam Sher	Dag, Teh: Pattan	V/C Yaujool Kotai Palas	
12	Said Muhammad	Mirza Khan	Seeri Teh: Pattan	V/C Makhda Kuli Kotai Palas	
13	Juram Sher	Sher Bahadar	Sikandar Abad Teh: Pattan	V/C Bankod Kotai Palas	
14	Tariq Aziz	Mirza Khan	Gawon Keyal Teh: Pattan	V/C Jaba Maib Khull Kotai Palas	
15	Usaidullah	Salam Geer	Dag Teh: Pattan	V/C Shalkai Abad -2 Kotai Palas	
16	Niaz Ahmad	Sher Dad	Bankel Teh: Pattan	V/C Mehreen Kuli Palas	
17	Muhammad Uzair	Gul Bugh	Ganbeer Teh: Pattan	V/C Bar Mashum Kotai Palas	

#### TERMS AND CONDITIONS: -

- The service of each one of the above will be governed by the rules and regulations of the provincial Government and order as may be issued by the provincial Government from time to time.

*[Signature]*  
**ATTESTED**

**OFFICE OF THE  
ASSISTANT DIRECTOR LOCAL GOVERNMENT ELECTION  
& RURAL DEVELOPMENT DEPARTMENT KOHISTAN LOWER**

- 2. Service will be liable to be terminated on one-month notice in advance from either side. But in case of resignation without notice, two months' pay shall be refunded forwards Government
- 3. The service of either of the above will be terminable at any time in case his performance is found in unsatisfactory. In case of misconduct, by either of them, he will be proceeded under the rules framed by the Government of Khyber Pakhtunkhwa from time to time and E&D rules 2011.
- 4. All of them are bound to join the post within 15 days of the issuance of this order
- 5. All rules/policies relating to Government Servant will be applicable on them.
- 6. If at any time during his service, it is revealed that his academic documents are fake, he will be liable to be terminated.

*[Signature]*  
Assistant Director  
LGE&RDD Kohistan Lower

Copy forwarded to: -

- 1. The Deputy Commissioner Kohistan Lower/Deputy Commissioner Kohistan.
- 2. Assistant Registrar Peshawar High Court Abbottabad Bench.
- 3. Additional Advocate General Peshawar High Court Abbottabad Bench
- 4. PA to Director General LGE&RDD Pakhtunkhwa Peshawa.
- 5. Assistant Director Litigation LGE&RDD Khyber Pakhtunkhwa Peshawar.
- 6. District Account Officer Kohistan
- 7. Official concerned.
- 8. Office file.

*[Signature]*  
Assistant Director  
LGE&RDD Kohistan Lower

**A**  
**ATTESTED**



Annex (B) (11)

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

Dated Peshawar, the 06<sup>th</sup> September, 2024

**OFFICE ORDER**

o. Director(LG)3-4/Posting/Transfer/2024/11519. The services of Mr. Tariq Aziz, Village Secretary (BPS-09), Village Council Qilla Koi Tehsil Battaira District Kohistan are hereby placed at the disposal of Assistant Director (Senior) LG & RDD Headquarter Pattan District Kohistan Lower, in best public interest, with immediate effect.

-sd/-

**DIRECTOR GENERAL  
LG & RDD**

ndst. Of even 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.

  
**ASSISTANT DIRECTOR (ADMIN)  
LG&RDD**

  
**ATTESTED**



OFFICE OF THE  
ASSISTANT DIRECTOR (SENIOR)  
LG&RDD KOLAI PALLAS KOHISTAN

Annex (F) (12)

No. 595-98 / AD/LG/KP-KH

Dated: 12/09/2024

**OFFICER ORDER:-**

Consequent upon office order No. Director (LG)3-4/Posting/Transfer/2024/11519 dated 06-09-2024, the following Village Secretaries are hereby transferred/posted in the best public interest with immediate effect.

S#	Name & Designation	From	To
1	Mr. Tariq Aziz Village Secretary (BPS-09)	Village Council Qalla Kolai Tehsil Battaira.	Services is hereby placed at the disposal of Assistant Director (senior) LG&RDD Kohistan Lower.
2	Muhammad Uzair Village Secretary (BPS-09) Village Council Soray Kunsher Tehsil Pallas.	He is hereby directed to hold additional charge of Village Council Qalla Kolai Tehsil Battaira till further order.	

Charges relinquish/ assumption report after proper handing taking of assets and office record and detailed report may be furnish in the office of the undersigned.

ASSISTANT DIRECTOR (Senior)  
LG&RDD Kolai Pallas Kohistan

Copy forwarded to:-

1. The Assistant Director (Admin/HR) LG&RDD Khyber Pakhtunkhwa, Peshawar.
2. The Assistant Director (Senior) LG&RDD Kohistan Lower.
3. The District Accounts Officer, Kolai Pallas Kohistan/Kohistan Lower.
4. PA to Director General, LG&RDD Khyber Pakhtunkhwa, Peshawar.
5. Official concerns.

ASSISTANT DIRECTOR (Senior)  
LG&RDD Kolai Pallas Kohistan

EA  
ATTESTED

**OFFICE ORDER**

(13)

Consequent upon the office order No. Director (LG) 3-4/Posting/Transfer /2024/11519 dated 06-09-2024 Mr. Tariq Aziz Secretary Village Council BPS-09 (Personal No.794196) Village Council Qalla Kolai Tehsil Battaira is hereby relieved from his duties today on 12-09-2024 (F/N).

**ASSISTANT DIRECTOR (Sr)**  
**LG&RDD KOLAI PALLAS KOHISTAN**

No. 399-402 /AD/LG/KP KH, Dated: 12/09/2024

Copy forwarded to the:-

1. The Assistant Director (Admin/HR), LG, E & RDD, Khyber Pakhtunkhwa Peshawar.
2. PA to Director General, LG, E & RDD, Khyber Pakhtunkhwa.
3. The Assistant Director, LG&RDD Kohistan Lower.
4. The District Accounts Officer, Kolai Pallas Kohistan.
5. Official concerned.

**ASSISTANT DIRECTOR (Sr)**  
**LG&RDD KOLAI PALLAS KOHISTAN**

**ATTESTED**

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

Email: adl@kohistanlower.gov.pk

Annex (A)

(14)

Date: 13/09/2024

OFFICE ORDER No. 1564 /1-4/ADRDD (KL). The following transfer/Postings of Secretaries VC's 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	Under transfer to VC Harigah Kayal	Retained at AD LG&RDD, office Pattan
2.	Mr. Saddam Hussain	Under Transfer to VC Kayal Village	Retained at VC Harigah Kayal
3.	Mr. Tariq Aziz	On arrival from Kolai Palus	VC Kayal Village

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

*weirue* - 12/6

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.

*SA*

ATTESTED

*weirue* - 12/6

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

ATTESTED

Received  
7/9/2024  
Wahid AD

Haji Mirza Khan  
Chairman LC Kaya  
District Kohistan Lower

قاری محمد رفیع  
مدرسہ اسلامیہ

(7) میرزا

قاری محمد رفیع  
مدرسہ اسلامیہ

مدرسہ اسلامیہ قاری محمد رفیع

کراچی

بجانب سے مندرجہ ذیل کے طلبہ کو قبول کیا گیا ہے۔  
16/09/2024 مورخہ 13/9/2024 کو  
1564/1-4/ADPOD (K2) کے تحت  
مدرسہ اسلامیہ قاری محمد رفیع  
مدرسہ اسلامیہ قاری محمد رفیع

قاری محمد رفیع

(15)



Annex (I) (16)

MOST IMMEDIATE



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LOCAL GOVERNMENT, ELECTIONS & RURAL  
DEVELOPMENT DEPARTMENT

No: SOG/LG/7-1/Miscellaneous/2024 / 1358,  
Dated Peshawar the 16<sup>th</sup> May, 2024

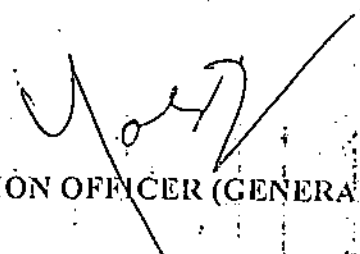
1. The Director General, LG&RD, Khyber Pakhtunkhwa.
2. The Director General, Peshawar Development Authority, Peshawar.
3. The Secretary, Local Council Board, Khyber Pakhtunkhwa.
4. All the Directors, UADAs in Khyber Pakhtunkhwa.
5. All Chief Executive Officers, WSSCs in Khyber Pakhtunkhwa.

Subject: BAN ON POSTINGS AND TRANSFERS

I am directed to refer to the subject noted above and to state that the Competent Authority (i.e. Secretary, LGE&RDD in consultation with Minister for LGE&RD) has been pleased to impose complete ban on all kind of postings/transfers in Local Government Department and its field formations with immediate effect, till further orders, with the exception of the following:

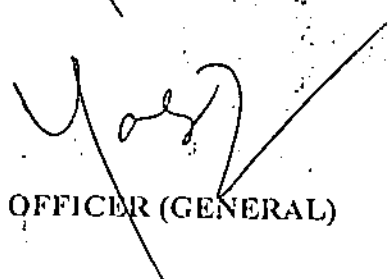
- i. Posting / transfer under directions of Honourable Courts,
- ii. Posting / transfer on Administrative grounds,
- iii. For adjustment of any new recruitment and in case of promotion etc.
- (iv) Posting/transfer/adjustment against vacant posts.


02. The above directions/instructions of the competent authority shall be followed in letter and spirit.

  
SECTION OFFICER (GENERAL)

Copy forwarded to:

1. Section Officers (E-I, -II & -III), LGE&RD Department.
2. PS to Secretary, LGE&RD Department.

  
SECTION OFFICER (GENERAL)

  
ATTESTED