

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1904/2024

Muhammad Rafique Khan Son of Faiz Muhammad Khan

R/o Shahi Payan, P.O Shahi Bala,

Tehsil and District Peshawar

Senior Clerk(BPS-14), Public Health Engineering Department, Peshawar

.....Appellant


V E R S U S

1. Secretary Public Health Engineering Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Chief Engineer (Center), Public Health Engineering Department Peshawar.
3. Executive Engineer, Public Health Engineering Division Khyber.
4. Hamid Khan, Junior Clerk, SDA PHE Sub Division Bara, PHE Khyber.

.....Respondent

I N D E X

S. No.	Description of Documents	Annex	Pages
1	Joint Para wise Comments		1-3
2	Authority Letter		4
3	Affidavit		5
4	Copy of Departmental Promotion Committee (DPC) notification / Transfer / Posting of appellant	A	6-8
5	Copy of office order dated 09.07.2024	B	9
6	Copy of updated version KP Posting Transfer policy	C	10
7	Judgment of Service Appeal No.1424/2022	D	11-15
8	Judgment of Service Appeal No.765/2024, 766/2024 & 767/2024	E	16-23
9	Copy of office order / corrigendum	F	24-26


DEPONENT
0333-9111069.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1904/2024

Muhammad Rafique Khan Son of Faiz Muhammad Khan
R/o Shahi Payan, P.O Shahi Bala,
Tehsil and District Peshawar
Senior Clerk(BPS-14), Public Health Engineering Department, Peshawar

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17989

Dated 18-11-24

.....Appellant.

V E R S U S

1. Secretary Public Health Engineering Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Chief Engineer (Center), Public Health Engineering Department Peshawar.
3. Executive Engineer, Public Health Engineering Division Khyber.
4. Hamid Khan, Junior Clerk, SDA PHE Sub Division Bara, PHE Khyber.

.....Respondent.

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 & 3.

RESPECTFULLY SHEWETH,

PRELIMINARY OBJECTIONS:

1. The Appellant has no cause of action nor locus standi.
2. The Appellant has not come to this honorable Tribunal with clean hands.
3. The instant appeal is hit by "laches" and as such not maintainable.
4. The present appeal is liable to be dismissed for miss joinder / non-joinder of necessary parties.
5. The Appellant has filed the instant appeal on malafide motives.
6. The instant appeal is against the prevailing laws and rules.
7. The Appellant is estopped by his own conduct to file the present appeal.
8. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.

ON FACTS:

1. Incorrect and misconceived. The appellant is misleading this Honorable Tribunal and concealed material facts. The appellant was promoted from the post of Junior Clerk (BPS-11) to the post of Senior Clerk (BPS-14) on regular basis vide Chief Engineer (Center) PHE Department vide office order No. 32/CE-9/PHE dated 25.07.2022 before promotion the appellant was serving as Junior Clerk (BPS-11) in PHE Circle Peshawar, vide the above mention promotion order of the appellant, he was posted against the post of Sub Divisional Accountant (SDA)/Senior Clerk to PHE Sub Division Khyber (Copy of Departmental

Promotion Committee (DPC) notification / Transfer / Posting of appellant is attached as Annexure-A).

2. Incorrect and misconceived. It is clarified that the appellant was transferred from the post of SDA PHE Sub Division Khyber to SDA PHE Sub Division Bara in the same office of the Executive Engineer PHE Division Khyber (Copy of office order is attached as Annexure-B).

The posting and transfer of the subordinate is the exclusive domain of the competent authority i.e. Chief Engineer(Center) PHE Department under section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, which is to be made in the public interest (Copy of updated KP posting transfer policy is attached as Annexure-C).

It is also prerogative of the authority to assign any duty to the subordinate for better service delivery. There is no question of hardship as all the postings appeared to be in one office under one roof.

In this regard plethora of judgments of this honorable Tribunal having identical nature are decided in favour of the respondent departments, wherein, service appeal No.1424/2022 titled "Wahid Zaman SDA PHE Sub Division Bannu Versus Chief Engineer (Center) and 03 others" against the respondent department has been decided by the worthy Chairman Khyber Pakhtunkhwa Service Tribunal Peshawar on 03.05.2023 (Copy of judgment is attached as Annexure-D). Another judgment of this honorable Tribunal of the identical nature cases in service appeals No.765/2024, 766/2024 & 767/2024 titled "Shafi Raza & 02 others versus Chief Engineer (Center) and 01 other" has been decided in favour of the respondent department on 13.09.2024 (Copy of the judgment is attached as Annexure-E).

3. Incorrect and misconceived. The appellant has been treated as per rule and policy and no discrimination is made on part of the respondent department despite the fact that the appellant concealed material facts from this honorable tribunal by not mentioning his normal tenure on the post in the office of the Executive Engineer PHE Division Khyber.

GROUNDS:

- a) Incorrect and misconceived. The appellant has been treated in light of posting and transfer policy of the Provincial Government as discussed in the preceding paras.

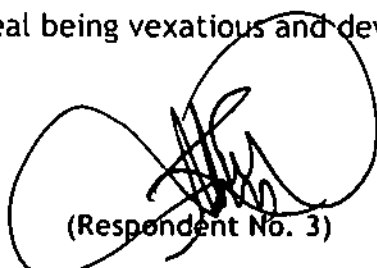
- b) No comment.
- c) Incorrect and misconceived. The burden lies upon the appellant to prove the same before this Honorable Tribunal. It is also added that the appellant leveled baseless allegations against the respondent department as he completed his normal tenure on the same post and in the same office of the Executive Engineer PHE Division Khyber. The respondent No.2 on 27.08.2024 posted the appellant on the post of SDA/Senior Clerk (BPS-14) in PHE Sub Division Pishtakhara in PHE Division Peshawar-II, however, the appellant verbally requested to retain him on the post of Senior Scale Stenographer (OPS) in PHE Circle Peshawar, hence his younger brother Muhammad Tariq was posted SDA/Senior Clerk (BPS-14) PHE Sub Division Pishtakhara in PHE Division Peshawar-II (Copy of office order / corrigendum is attached as Annexure-F).

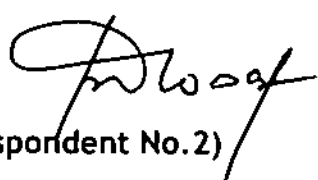
It is pertinent to mention here that the appellant is serving in home district of Peshawar and he has no cause of action to file the present appeal.


- d) Incorrect and misconceived. As discussed in the preceding paras.
- e) The respondent department seek permission of this honorable tribunal to raise additional grounds at the time of arguments, please.

Prayers:

It is, therefore, most humbly prayed before this Honorable Tribunal that the present appeal being vexatious and devoid of merit may please be dismissed with cost.


(Respondent No. 3)
Engr. Abrar Hussain
Executive Engineer
Public Health Engg: Division
Khyber


(Respondent No.2)
Muhammad Yousaf
Chief Engineer(Center)
Public Health Engg: Department


(Respondent No.1)
Khayyam Hassan Khan
Secretary
Public Health Engineering Department



OFFICE OF THE CHIEF ENGINEER (CENTER)

PUBLIC HEALTH ENGG:DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR
Ph: 091-9217528 E-mail:centrephe@gmail.com, Plot No. 40, Sector B-II, Phase-V, Hayatabad, Peshawar

No. _____ / _____ / PHE,

Dated Peshawar, The _____ / _____ / 2024.

AUTHORITY LETTER

It is certified that Mr. Kamran Shahid, Assistant Social Organizer of Public Health Engineering Department is hereby authorized to attend the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar in in Service Appeal No.1904 /2024 titled as "Muhammad Rafique Khan VS Government of Khyber Pakhtunkhwa through Secretary PHED & 03 Others" on behalf of all the official respondents of Public Health Engineering Department.

Chief Engineer (Center)
Public Health Engg: Department

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1904/2024

Muhammad Rafique Khan Son of Faiz Muhammad Khan

R/o Shahi Payan, P.O Shahi Bala,

Tehsil and District Peshawar

Senior Clerk(BPS-14), Public Health Engineering Department, Peshawar

.....Appellant

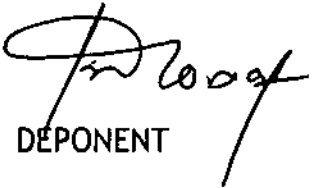
V E R S U S

1. Secretary Public Health Engineering Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Chief Engineer (Center), Public Health Engineering Department Peshawar.
3. Executive Engineer, Public Health Engineering Division Khyber.
4. Hamid Khan, Junior Clerk, SDA PHE Sub Division Bara, PHE Khyber.

.....Respondent

AFFIDAVIT

I, Muhammad Yousaf, Chief Engineer (Center) Public Health Engineering Department Peshawar being official respondent No.2 do hereby solemnly affirm and declare on oath that the contents of accompanying Joint Para wise comments on behalf of respondents No. 1,2 & 3 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off *least*.


DEPONENT

CNIC #: 12101-0926179-3





Annexure- A (6)

OFFICE OF THE CHIEF ENGINEER (CENTER)
PUBLIC HEALTH ENGG: DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR
Ph #091-9217528, E-mail: centrephed@gmail.com, Plot#40, Sector-B-II, Phase-V, Hayatabad, Peshawar (Azad)

No. 321 CE-9 /PHE,
Dated Peshawar, the 25/07/2022

OFFICE ORDER

On the recommendation of the Departmental Promotion Committee (DPC) in its meeting held on 29.06.2022, at 10:00 AM under the Chairmanship of Chief Engineer (Center) PHED, the competent authority is pleased to promote the following 23-Nos Junior Clerks (BPS-11) to the post of Senior Clerks (BPS-14), on regular basis, in the best interest of public.

1.	Faheem Ullah	9.	Altaf Khan	17.	Asim Khan
2.	Beena Rani	10.	Asmat Ullah	18.	Shafi Raz Khan
3.	Aamir Saleem	11.	Aminullah	19.	Shafqat Ullah
4.	Tahir Ali Khan	12.	Syed Adnan Ali Shah	20.	Syed Azmat Shah
5.	Irfan Anwar	13.	Farhan Ullah	21.	Muhammad Rafiq Khan
6.	Abbas Rahim	14.	Adnan Ali	22.	Muhammad Tariq
7.	Naveed Ullah	15.	M. Azhar ud Din	23.	Farzand Ali
8.	Wahid Zaman	16.	Muhammad Javed		

Consequent upon their regular promotion to the next rank, they will remain on probation for a period of one year, as per Civil Servants act 1973, read with appointment/promotion and transfer rules 1989, as such the following posting/transfer are hereby ordered, with immediate effect.

#	Name	From	To	Remarks
1.	Faheem Ullah	Junior Clerk, PHE Division Lakki Marwat	Senior Clerk, PHE Division Lakki Marwat	Against the existing vacancy
2.	Beena Rani	Junior Clerk, O/o Chief Engineer (Center) PHED	Senior Clerk, O/o Chief Engineer (East) PHED	Against the existing vacancy
3.	Aamir Saleem	Junior Clerk, PHE Division South Waziristan	Senior Clerk, PHE Division South Waziristan at Tank	Against the existing vacancy
4.	Tahir Ali Khan	Junior Clerk, PHE Division Mardan	Senior Clerk/SDA, PHE S/Division Swabi	Vice item No.33
5.	Irfan Anwar	Junior Clerk, PHE Circle D.I.Khan	Senior Clerk, PHE Circle D.I.Khan	Against the existing vacancy
6.	Abbas Rahim	Junior Clerk, PHE Circle Malakand	Senior Clerk/SDA PHE S/Division Saidu Sharif-I District Swat-I	Against the existing vacancy
7.	Naveed Ullah	Junior Clerk, PHE Division D.I.Khan	Senior Clerk/SDA, PHE Sub Division Banda Daud Shah, Karak-I	Vice item No.35
8.	Wahid Zaman	Junior Clerk, PHE Division Bannu	Senior Clerk/SDA, PHE S/Division Bannu-I, Bannu	Vice item No.36
9.	Altaf Khan	Junior Clerk, PHE Circle Bannu	Senior Clerk, PHE Circle Bannu	Against the existing vacancy
10.	Asmat Ullah	Junior Clerk, PHE Division Lakki Marwat	Senior Clerk/SDA, PHE S/Division Kolachi, D.I.Khan	Vice item No.37
11.	Aminullah	Junior Clerk, PHE Division Malakand at Batkhela	Senior Clerk/SDA, PHE S/Division Dargai, Batkhela	Vice item No.27
12.	Syed Adnan Ali Shah	Junior Clerk, PHE Division Peshawar-I	Senior Clerk, O/o Chief Engineer (North) PHED	Against the existing vacancy
13.	Farhan Ullah	Junior Clerk, PHE Circle Peshawar	Senior Clerk, PHE Circle Peshawar	Against the existing vacancy
14.	Adnan Ali	Junior Clerk, O/o Chief Engineer (East) PHED	Senior Clerk, O/o Chief Engineer (South) PHED	Against the existing vacancy

Page 1 of 3

Attested

Wahid Zaman
Administrative Officer,
O/o the Chief Engineer (Center)
Public Health Engineering, Deptt:
Khyber Pakhtunkhwa, Peshawar

15.	M. Azhar ud Din	Junior Clerk, PHE Division Peshawar-II	Senior Clerk/SDA No. II, PHE Division Peshawar-I	Against the existing vacancy
16.	Muhammad Javed	Junior Clerk, PHE Division Lakki Marwat	Senior Clerk/SDA, PHE S/Division No.2, L/Marwat	Against the existing vacancy
17.	Asim Khan	Junior Clerk, PHE Division North Waziristan	Senior Clerk/SDA, PHE S/Division No-1, Kurram	Vice item No.24
18.	Shafi Raz Khan	Junior Clerk, PHE Division North Waziristan	Senior Clerk/SDA, PHE S/Division Miranshah, North Waziristan	Vice item No.42
19.	Shafqat Ullah	Junior Clerk, PHE Division Bannu	Senior Clerk, PHE Division Bannu	Against the existing vacancy
20.	Syed Azmat Shah	Junior Clerk, PHE Division Bannu	Senior Clerk/SDA, PHE S/Division Kohat, Kohat	Against the existing vacancy
21.	Muhammad Rafiq Khan	Junior Clerk, PHE Circle Peshawar	Senior Clerk/SDA, PHE S/Division Khyber	Against the existing vacancy
22.	Muhammad Tariq	Junior Clerk, O/o Chief Engineer (Center) PHED	Senior Clerk, O/o Chief Engineer (Center) PHED	Against the existing vacancy
23.	Farzand Ali	Junior Clerk, PHE Division Shangla	Senior Clerk/SDA, PHE S/Division Alpuri, Shangla	Against the existing vacancy
24.	Riaz Hussain	Senior Clerk/SDA No.-1, PHE Division Kurram	Account Clerk (OPS) PHE Division Kurram	Against the existing vacancy
25.	Saeed Khan	Senior Clerk/SDA No.2 PHE Division Kurram	Junior Scale Stenographer (OPS) PHE Division Kurram	Against the existing vacancy
26.	Bashir Nawaz	Senior Clerk, PHE Division Kohat	Junior Scale Stenographer (OPS) PHE Division Kohat	Against the existing vacancy
27.	Waqar Anjum	Senior Clerk/SDA, PHE S/Division Dargai, Batkhela	Senior Clerk, PHE Circle Swat	Against the existing vacancy
28.	Qazi Muhammad Tariq	Senior Clerk, PHE Division Charsadda	Accounts Clerk (OPS) PHE Division Nowshera	Vice item No.32
29.	Abdul Waheed	Senior Clerk/SDA PHE S/Division-2, Bannu	Junior Scale Stenographer (OPS) PHE Division Bannu	Against the existing vacancy
30.	Ubaid Us Salam	Senior Clerk/SDA, PHE S/Division No.1, Abbottabad	Accounts Clerk (OPS), PHE Circle Abbottabad	Against the existing vacancy
31.	Tehsil Khan	Senior Clerk PHE Division Karak-I	Senior Clerk, PHE Circle Kohat	Against the existing vacancy
32.	Yousaf Khan Senior Clerk	Accounts Clerk (OPS) PHE Division Nowshera	Senior Clerk, PHE Division Charsadda	Vice item No.28
33.	Ijaz Hussain	Senior Clerk/SDA PHE S/Division Swabi	Junior Scale Stenographer (OPS), PHE Division Swabi	Against the existing vacancy
34.	Noor Hadi	Senior Clerk/SDA PHE S/Division Lahore,	Senior Clerk (Rev), PHE Division Swabi	Against the existing vacancy
35.	Hafiz-ur-Rehman	Senior Clerk/SDA, PHE Sub Division Banda Daud Shah, Karak-I	Senior Clerk PHE Division Karak-II	Against the existing vacancy
36.	Javed Ali Shah	Senior Clerk/SDA PHE S/Division No. I, Bannu	Junior Scale Stenographer (OPS) PHE Division Bannu	Against the existing vacancy
37.	Mohammad Shafiq	Senior Clerk/SDA PHE S/Division Kolachi, D.I.Khan	Assistant Research Officer (OPS), PHE Circle D.I.Khan	Against the existing vacancy
38.	Muhammad Haroon	Senior Clerk/SDA PHE S/Division Dir, Upper Dir	Senior Clerk (Rev), PHE Division Dir Upper	Against the existing vacancy
39.	M. Ejaz Khan	Senior Clerk/SDA PHE S/Division No.II, Abbottabad	Accounts Clerk (OPS), PHE Division Abbottabad	Vice item No.40
40.	Muhammad Munir Senior Clerk	Accounts Clerk (OPS), PHE Division Abbottabad	Senior Clerk/SDA PHE S/Division No.II, Abbottabad	Vice item No.39

Page 2 of 3

Attested

[Signature]
 Administrative Officer,
 O/O the Chief Engineer (Center)
 Public Health Engineering Deptt.
 Khyber Pakhtunkhwa, Peshawar

Page 3 of 3

41.	Abdas Salam	Senior Clerk/SDA PHE S/Division Battagram	Senior Clerk (Rev), PHE Division Battagram	Against the existing vacancy
42.	Syed Ali Shah	Senior Clerk/SDA, PHE S/Division Miranshah, North Waziristan	Senior Clerk/SDA PHE S/Division-2, Bannu	Vice item No.29
43.	Muhammad Imran Senior Clerk	PHE Division Bannu	Senior Clerk/SDA PHE S/Division Pahar Pur, District D.I.Khan	Against the existing vacancy
44.	Shakil Ahmad Senior Clerk	Accounts Clerk (OPS), PHE Division Charsadda	Senior Clerk/SDA, PHE Sub Division Charsadda	Vice item No.45
45.	Sajjad Hussain Senior Clerk	Senior Clerk/SDA, PHE Sub Division Charsadda	Accounts Clerk (OPS), PHE Division Charsadda	Vice item No.44
46.	Shafi Raza Junior Clerk	PHE Division Mardan	Senior Clerk/SDA (OPS) PHE Sub Division Mardan	Against the existing vacancy
47.	Amin Ullah Junior Clerk	PHE Division Khyber	Senior Clerk/SDA (OPS), PHE S/Division Bajaur	Against the existing vacancy
48.	Mumtaz Ali Junior Clerk	PHE Division Swabi	Senior Clerk/SDA (OPS), PHE S/Division Samarbagh, Dir Lower	Against the existing vacancy
49.	Hamid Khan Junior Clerk	PHE Division Hangu	PHE Circle Peshawar	Against the existing vacancy
50.	Miss Shaista Junior Clerk	PHE Division Swabi	PHE Division Mardan	Vice item No.4
51.	Najeeb Ullah Junior Clerk	PHE Division Karak-I	PHE Circle Bannu	Vice item No.9
52.	Mst. Madiha Waheed	Junior Clerk, PHE Division D.I.Khan	Junior Clerk, PHE Circle D.I.Khan	Vice item No.5
53.	Habib Ullah Junior Clerk	PHE Division Kohistan Upper	PHE Division Shangla	Vice item No.23

Chief Engineer (Center)

Endstt: No. 32/CE-2/PHE,

Dated Peshawar, the 25/07/2022

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Chief Engineer (North/South/East) PHE Department Peshawar.
3. All Superintending Engineers PHE Circle South/North/East/Center Khyber Pakhtunkhwa.
4. All Executive Engineers PHE Division South/North/East/Center Khyber Pakhtunkhwa.
5. The Section Officer (Estt) PHE Department Peshawar.
6. The Research Officer (W/Q) PHE Central Lab Peshawar.
7. The District Accounts Officer Concerned.
8. The official concerned.

Chief Engineer (Center)

Attested

 Administrative Officer,
 Office of the Chief Engineer (Center)
 Public Health Engineering Deptt.
 Khyber Pakhtunkhwa, Peshawar

Annexure- B (9)

OFFICE OF THE CHIEF ENGINEER (CENTER)
PUBLIC HEALTH ENGG: DEPT: KHYBER PAKHTUNKHWA, PESHAWAR
Ph: (091) 9217528, E-mail: ce@phec.kp.gov.pk, Plot#46, Sector-G-II, Phase-V, Jinnahabad, Peshawar (Aiz)

No. 04/CE-9 /PHE,

Dated Peshawar, the 09/07/2024.

OFFICE ORDER

The following posting/transfer of the officials are hereby ordered with immediate effect, in the best public interest.

#	Name	From	To	Remarks
1.	Muhammad Rafiq Khan Senior Clerk	SDA PHE Sub Divn: Bara, PHE Khyber	PHE Circle Peshawar	Salary will draw against the post of Senior Scale Stenographer (OPS)
2.	Hamid Khan Junior Clerk	PHE Division Khyber	SDA PHE Sub Divn: Bara (OPS), PHE Khyber	Vice item No.1

Chief Engineer (Center)

Endstt: No. 04/CE-2 /PHE.

Dated 09/07/2024

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Superintending Engineers PHE Circle Khyber/Peshawar.
3. The Executive Engineer PHE Division Khyber.
4. The Sub Divisional Officer PHE Sub Division Bara.
5. The District Accounts Officer Khyber.
6. The official concerned.

Chief Engineer (Center)

Attested
Fadullah

**UPDATED VERSION OF THE KHYBER PAKHTUNKHWA
POSTING / TRANSFER POLICY
(UPTO 31.1.2018)**

Statutory Provision.

Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973.

Posting and Transfer. Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

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) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.

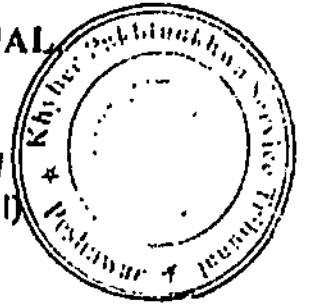
v) 71[]

71 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.

Attested
[Signature]
Administrative Officer
O/O the Chief Engineer (Center)
Public Health Engineering Deptt:
Khyber Pakhtunkhwa, Peshawar

Service Appeal No. 1424/2022 filed "Wahid Zaman vs. Chief Engineer (Centre) Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar" decided on 03.05.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Salah-ud-Din, Member, Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**



BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
SALAH-UD-DIN ... MEMBER (Judicial)

Service Appeal No. 1424/2022

Date of presentation of appeal03.10.2022
Dates of Hearing.....30.03.2023
Date of Decision.....03.05.2023

Wahid Zaman S/o Umer Niaz. Senior Clerk/SDA Public Health Sub-Division, Bannu.
.....(Appellant)

Versus

1. Chief Engineer (Centre) Public Health Engineering Department, Khyber Pakhtunkhwa Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa Public Health Engineering Department, Peshawar.
3. The Section Officer (Estt) Public Health Engineering Department, Peshawar.
4. Mr. Javid Ali Shah, Senior Clerk Public Health Engineering Department, Sub-Division, Bannu.

.....(Respondent)

Present:

Mr. Abdur Rauf Khan, Advocate.....For appellant.

Mr. Asad Ali Khan,
Assistant Advocate GeneralFor official respondents.

Syed Noman Ali Bukhari,
AdvocateFor private respondent.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

SERVICE APPEAL UNDER SECTION 10 OF THE SERVICE TRIBUNAL ACT, WITH OTHER RELEVANT PROVISIONS AGAINST THE IMPUGNED ORDER DATED 21.09.2022 PASSED BY RESPONDENT NO. 1 (APPELLATE AUTHORITY) WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED/DISMISSED.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: According to the facts gathered from the record are that the appellant while working as Junior
Administrative Officer
O/O the Chief Engineer (Center)
Public Health Engineering Deptt:
Khyber Pakhtunkhwa, Peshawar

Attested

Administrative Officer
O/O the Chief Engineer (Center)
Public Health Engineering Deptt:
Khyber Pakhtunkhwa, Peshawar

Service Appeal No. 1474/2022 titled "Wahid Zaman vs. Chief Engineer (Centre) Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar" decided on 03.05.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Salah-ud-Din, Member, Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Clerk in the office of the Chief Engineer (Centre) Public Health Engineering Division Bannu was promoted to the post of Senior Clerk (BPS-14) vide order dated 25.07.2022 and was retained in the Public Health Engineering Sub-Division Bannu. Vide order dated 15.09.2022, the appellant was transferred to the Public Health Engineering Division Lakki Marwat and private respondent No. 4 was posted in place of the appellant in Public Health Engineering Division Bannu, however, the said order was cancelled vide order dated 16.09.2022. Vide order dated 21.09.2022, the appellant was posted as Accounts Clerk (OPS) Public Health Engineering Division Bannu.

2. Feeling aggrieved from the order dated 21.09.2022, the appellant preferred departmental appeal on 26.09.2022 which was rejected on 27.09.2022 and hence this appeal.

3. On receipt of the appeal and admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeal by filing written replies raising therein numerous legal and factual objections.

4. Arguments have already been heard and record perused.

5. Learned counsel for the appellant argued that the appellant upon

promotion of the appellant from the post of Junior Clerk to the post of Senior Clerk, he was posted as SDA in the office of Public Health Engineering Sub-Division Bannu-I vide order dated 25.07.2022. He next argued that vide order dated 15.09.2022, the appellant was again

transferred from the post where he was posted to the post of Senior Clerk (Revenue) Public Health Engineering Sub-Division, Lakki Marwat and

on the next day i.e 16.09.2022, the order dated 15.09.2022 was

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Attested
Administrative Officer
Chief Engineer (Centre)
Public Health Engineering Deptt.
Khyber Pakhtunkhwa, Peshawar

Service Appeal No.1424/2022 titled "Wahtd Zaman-wo Chief Engineer (Centre) Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar" decided on 03.05.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Salah-ud-Din, Member, Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

withdrawn. He further argued that just after 05 days, the appellant was again transferred from the post of SDA Public Health Engineering Sub-Division Bannu to the post of Accounts Clerk (OPS) Public Health Engineering Sub-Division Bannu vide order dated 21.09.2022 without completing his normal tenure. He further argued that the impugned transfer order is against Clause I and IV of Transfer/Posting Policy. In the last, he argued that the appellant has not been treated by the respondent-department in accordance with law and rules on the subject as such the respondents have violated Articles 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973, therefore, the impugned transfer/posting order of the appellant is liable to be set-aside.

6. On the other hand, learned Assistant Advocate General for official respondents has argued that the transfer order of the appellant was made in public interest and the allegations of the appellant regarding mala-fide are wrong and baseless. He next argued that in view of Section-10 of Khyber Pakhtunkhwa Civil Servants Act, 1973, the appellant is bound to serve anywhere in the province, therefore, his appeal being devoid of any merit may be dismissed with cost.

7. Syed Noman Ali Bukhari, Advocate representing private respondent No. 4 adopted the arguments advanced by learned Assistant Advocate General for official respondents.

8. The matter was heard on 30.03.2023 and was fixed for announcement to be made on 10.04.2023 but nobody put appearance on behalf of the appellant, therefore, notices were directed to be issued to the appellant and his counsel for 03.05.2023 for announcement. The office has reported that on 19.04.2023 learned counsel for the appellant

ATTESTED

ADMINISTRATIVE OFFICER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Attested
Administrative Officer
O/O the Chief Engineer (Center)
Public Health Engineering Deptt:
Khyber Pakhtunkhwa, Peshawar

was telephonically informed for the date fixed but today neither the appellant nor private respondent are in attendance.

9. The record reflects that the appellant was posted as Senior Clerk/SDA Public Health Engineering Sub-Division Bannu-I vide order dated 25.07.2022. Vide order dated 15.09.2022, he was further transferred as Senior Clerk (Revenue) PHE Division Lakki Marwat and vide order dated 16.09.2022, the order of 15.09.2022 was cancelled, retaining the appellant as SDA Public Health Engineering Sub-Division Bannu-I. Thereafter vide order dated 21.09.2022 the appellant was transferred to the post of Accounts Clerk (OPS) Public Health Engineering Division Bannu. Aggrieved of the order dated 21.09.2022, the appellant preferred departmental appeal on 26.09.2022, which was rejected on 27.09.2022 and, hence, this appeal. It was agitated by the learned counsel for the appellant that the transfer of the appellant was frequent and unusual having been made at the behest of one Javed Ali Shah, therefore, the same was tainted with mala-fide. This allegation of mala-fide could not be supported by any documentary evidence. During the course of hearing, the learned counsel for private respondent referred to an office order dated 03.01.2023, whereby the appellant had further been transferred to the post of Senior Clerk Public Health Engineering Bannu Division. The posting and transfer of the subordinate is the exclusive domain of the competent Authority under Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, which is to be made in the public interest, any exigency or maintaining discipline within the department. It is also the prerogative of the Authority to assign any duty to the subordinate for better service delivery. In the case in hand, the

ATTENDED

CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING
DEPARTMENT
(General)
Peshawar
Khyber Pakhtunkhwa

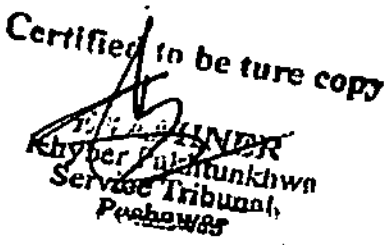
Service Appeal No.1424/2022 titled "Walid Zaman vs- Chief Engineer (Center) Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar" decided on 03.05.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Salah-ud-Din, Member, Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

order dated 21.09.2022 shows that the appellant was under transfer as Senior Clerk (Revenue) Public Health Engineering Division Lakki Marwat, from where he was transferred to the post of Accounts Clerk (OPS) Public Health Engineering Division Bannu while previously, he was working as Senior Clerk SDA Public Health Engineering Sub-Division Bannu-I. Except one posting in Lakki Marwat, where too the appellant had not even assumed the charge, all the postings appear to be in one office i.e under one roof, therefore, the question of hardship is excluded/ruled out and does not arise. The appellant could not point out any mala-fide, illwill or grudge of the department except that within shortest span of time he was transferred from one seat to another but, as the aforesaid, in the same office. The post of the appellant is clerical in nature and he is not dealing with any administrative power so as to consider his case from that aspect that in case he is not allowed to complete tenure at the seat, which would disturb the working of the department. This being so we don't find any merit in this appeal, therefore, it is dismissed. Costs shall follow the event. Consign.


10. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 03rd day of May, 2023.*



KALIM ARSHAD KHAN
Chairman

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar


SALAH UD DIN
Member (Judicial)

Assisted

Administrative Officer
OIO the Chief Engineer (Center)
Public Health Engineering Deptt:
Khyber Pakhtunkhwa, Peshawar

Service Appeal No. 765/2024 titled "Shafi Raza Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and 01 another", Service Appeal No. 766/2024 titled "Mukamil Khan Versus Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and 01 another" and Service Appeal No. 767/2024 titled "Zulfiqar Ahmad Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and 01 another, decided on 13.09.2024 by Division Bench comprising of Mr. Aurangzeb Khanak, Member Judicial and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

BEFORE: AURANGZEB KHATTAK ... MEMBER (Judicial)
MUHAMMAD AKBAR KHAN ... MEMBER (Executive)

Service Appeal No. 765/2024

Shafi Raza, Senior Clerk (BPS-14), PHE Sub-Division Mardan, PHE Mardan.Appellant

Service Appeal No. 766/2024

Mukamil Khan, Senior Clerk (BPS-14), PHE Circle Mardan, PHE Mardan.Appellant

Service Appeal No. 767/2024

Zulfiqar Ahmad, Senior Clerk (BPS-14) PHE Division Mardan.Appellant

Versus

1. The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Engineer (Centre), Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.

.....(Respondents)

Date of presentation of Appeals.....07.06.2024

Date of Hearing.....13.09.2024

Date of Decision.....13.09.2024

Present:

Mr. Khushdil Khan, AdvocateFor appellants.

Mr. Asif Masood Ali Shah, Deputy District AttorneyFor respondents

CONSOLIDATED JUDGMENT

AURANGZEB KHATTAK, MEMBER (JUDICIAL): This

consolidated judgment is directed to dispose of all the three service appeals captioned above, as common questions of law and facts are

involved in all the three appeals.

The appellants, Shafi Raza, Mukamil Khan and Zulfiqar Ahmad, were initially appointed as Junior Clerks in the respondent-department

Handwritten signature and date: 13/09/2024

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
Chief Engineer (Centre)
Public Health Engineering Deptt.
Khyber Pakhtunkhwa, Peshawar

Service Appeal No. 765/2024 titled "Shaji Razo, Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and 01 another", Service Appeal No. 766/2024 titled "Muzamil Khan Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and 01 another" and Service Appeal No. 767/2024 titled "Zulfqar Ahmad Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and 01 another, decided on 13.09.2024 by Division Bench comprising of Mr. Aurangzeb Khan, Member Judicial and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

and were subsequently promoted to the posts of Senior Clerks/Sub Divisional Accountants (SDAs) (BPS-14) vide order dated 01.12.2023. They were posted at PHE Sub Division Mardan. However, after a period of five months, the appellants were administratively transferred to PHE Division Karak-II, PHE Division Lakki Marwat and PHE Sub-Division Nawagai, Bajaur, respectively. Feeling aggrieved, the appellants filed separate departmental appeals regarding their transfers on 31.05.2024, which were subsequently rejected vide order dated 03.06.2024. The appellants have now approached this Tribunal through filing of above-mentioned captioned service appeals for redressal of their grievance.

10/10/2024

3. The respondents were summoned, who contested all the above-captioned 03 appeals by way of filing their respective written replies/comments.

4. The learned counsel for the appellants contended that the impugned transfer order is not only contrary to established legal principles but also in violation of the transfer/posting policy of the Government. He next contended that the transfer order of the appellants is in direct contravention of the explicit posting and transfer policy, which stipulates a normal tenure of two years. He further argued that the appellants have been unjustly transferred after only five months, which constitutes a clear breach of the transfer/posting policy stipulation. He also referred to the Supreme Court of Pakistan's ruling in the Anita Turab case (dated 27.02.2013), which establishes that any

Page 2
Administered
O/O the
Public Health
Khyber Pakhtunkhwa
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
10/10/2024

specified tenure must be respected unless there are compelling reasons documented in writing for deviation, therefore, the lack of such documentation in the present case illustrates a failure to adhere to legal standards. He next argued that the transfer order lacks clarity regarding the purported "administrative grounds" cited for the transfers, thus, this vagueness contravenes established norms. He further argued that the transfer order of the appellants was executed without the necessary prior approval, which is a procedural requirement outlined in the transfer/posting policy. He argued that assigning the appellants the posts of Head Clerk at PHE Division Karak-II, PHE Division Lakki Marwat, and PHE Sub-Division Nawagai, Bajaur, is improper because the appellants hold the designation of Senior Clerks and have been posted to incorrect positions as Head Clerks. He added that the transfer of the appellants has resulted in a detrimental impact on the smooth operation of the PHE Sub-Division Mardan, the absence of substitutes for their roles has created unfilled vacancies, thereby disrupting functional workflow. He contended that the transfer of the appellants to distant areas, lack justifiable grounds and fail to demonstrate evidence of serving the public interest. In the last, he argued that the impugned orders may be set aside.

5. Conversely, the learned Deputy District Attorney for the respondents contended that the appellants were transferred in

accordance with the authority vested in the Chief Engineer, as per

Section 10 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 and

13/09/2024

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Page 3
Attested
Administrative Officer,
O/o the Chief Engineer (Crnter)
Public Health Engineering Deptt.
Khyber Pakhtunkhwa, Peshawar

Service Appeal No. 765/2024 titled "Shafi Raza, Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and OI another". Service Appeal No. 766/2024 titled "Mukamil Khan Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and OI another" and Service Appeal No. 767/2024 titled "Zulfiqar Ahmad Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and OI another, decided on 13.09.2024 by Division Bench comprising of Mr. Aurangzeb Khattak, Member Judicial and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

that the transfer was made in the public interest. He next contended that the tenures of the appellants were incorrectly assessed, thereby undermining the appellant's claim regarding the completion of their normal tenure and referencing a prior transfer order dated September 16, 2022, which was not executed. He further argued that the transfer was necessary for organizational efficiency and fell within the discretion of the competent authority. He next argued that the judgment cited by the learned counsel for the appellants is distinguishable, the facts and circumstances differ significantly from those in the current matter. He further argued that as employees, the appellants were, by law, required to serve in any district within the province. In the last, he argued that the appeal in hand may be dismissed with costs.

13/09/2024

6. We have heard the arguments of learned counsel for the parties and have perused the record.

7. The perusal of the record reveals that the appellants, while serving as Junior Clerks, were promoted to the posts of Senior Clerks/SDAs (BPS-14) vide order dated 01.12.2023 and they were assigned work at the PHE Sub-Division Mardan. However, vide order dated 30.05.2024, appellants Shafi Raza, Mukamil Khan, and Zulfiqar Ahmad were transferred to PHE Division Karak-II, PHE Division Lakki Marwat, and PHE Sub-Division Nawagai, Bajaur, respectively.

In all three appeals, the appellants have argued that they have been transferred on administrative grounds, which are vague, contravene

ACCEPTED

KHAWANZA
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Attested
[Signature]

Administrative Officer,
O/O the Chief Engineer (Center)
Public Health Engineering Deptt.
Khyber Pakhtunkhwa, Peshawar

established norms and fail to meet the requisite standards. However, Supreme Court of Pakistan, in its judgment reported as 2018 PLC (C.S) Note 35, held as below:-

"13. Appellant cannot claim to be posted at one place as a right, he has to serve anywhere against the post to whom he is transferred. Transfer and posting orders are made for administrative reasons, in public interest which normally cannot be interfered under the constitutional jurisdiction, unless grave illegality or violation of statutory rule has been committed. It is for the administration to take appropriate decisions regarding the posting and transfer of an employee. Grounds of mala fide and political pressure urged by the appellant relates to the factual aspect of the case which cannot be looked into by this Court. Impugned order is well-reasoned and is result of proper appreciation of law and facts of the case which does not call for any interference by this Court. Reliance is placed on "Zaka Ullah Bajwa v. Chief Secretary, Government of Punjab Lahore and 2 others"(2005 PSC 1250)."

13/09/2024

8. The appellants do not possess an inherent right to be stationed at a specific location. Government employees are subject to transfers based on administrative needs and considerations of public interest. Such decisions fall within the discretion of the relevant administrative authorities. Transfer and posting orders, being matters of administrative policy, are typically beyond the scope of judicial review under constitutional jurisdiction, except in situations where there is evidence of significant illegality or violation of statutory rules. In this

ACCEPTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Accepted
Page 4

Administrative Officer
O/O the Chief Engineer (Center)
Public Health Engineering Deptt:
Khyber Pakhtunkhwa, Peshawar

Service Appeal No 763/2024 titled "Shafi Raza Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and 01 another". Service Appeal No 766/2024 titled "Afakamil Khan Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and 01 another" and Service Appeal No 767/2024 titled "Zulfqar Ahmad Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and 01 another, decided on 13.09.2024 by Division Bench comprising of Mr. Aurangzeb Akhmal, Member Judicial and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal Peshawar.

91

instance, no such illegality or violation has been substantiated. The claims of malicious intent or political pressure are factual allegations. The Tribunal's jurisdiction does not extend to examining such factual disputes unless there is concrete evidence demonstrating that the actions were taken mala-fidely or were unlawful. If the respondents had any ill will or mala-fide against the appellants, they would have not been promoted. The decision in these cases aligns with the precedent set in "Zaka Ullah Bajwa v. Chief Secretary, Government of Punjab Lahore and 2 others" (2005 PSC 1250), which emphasizes that administrative decisions related to transfer and posting should not be interfered with by the courts unless there is clear evidence of misuse of power or violation of law. The impugned transfer order is found to be well-reasoned and based on a proper appreciation of both the legal framework and the factual context. Therefore, the Tribunal finds no grounds to interfere with the administrative decision.

13/09/2024

9. In the matter concerning the premature transfer of the appellants, the Supreme Court of Pakistan addressed this issue in the judgment reported as 2017 SCMR 798, titled "Fida Hussain Shah and others Versus Government of Sindh and others." The Court held as below:-

"15. We believe that the term 'transfer' has been used with posting in section 10 of the Civil Servants Act, 1973, which is reproduced as under:

"10. Posting and transfer: - Every civil servant shall be liable to serve anywhere within or outside Pakistan, in any [equivalent or higher] post under the Federal Government, or any Provincial

ACCEPTED

Secretary, Public Health Engineering Department, Peshawar

ACCEPTED
Administrative Officer
Chief Engineer (Center)
Public Health Engineering Dept
Khyber Pakhtunkhwa, Peshawar

99

Government of local authority or a corporation or body set up or established by any such Government; Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region; Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favorable than those to which he would have been entitled if he had not been required to serve."

Amir
13/09/2024

10. In conclusion, the interpretation of the term 'transfer' as used alongside 'posting' in Section 10 of the Civil Servants Act, 1973, necessitates a careful understanding of legislative intent and administrative functionality. The provision clearly establishes that every civil servant is liable to serve at any location. The inclusion of clauses specifying conditions for service outside one's cadre ensures the protection of civil servants' rights and maintains equity in terms of pay and service conditions. This reflects an attempt to balance administrative efficiency with career stability and fairness for the servants of the state. Therefore, the conjoint use of 'posting' and 'transfer' embodies the legislative aim of facilitating operational flexibility while safeguarding employee entitlements. Consequently, this duality should be interpreted as a means to promote seamless governance without compromising the welfare of civil servants.

ACCEPTED

EX. MINKER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Accepted

Administrative Officer,
O.C. & Chief Engineer (Center),
Public Health Engineering Deptt,
Khyber Pakhtunkhwa, Peshawar

Through this interpretation, Section 10 of the Civil Servants Act, 1973,

Service Appeal No.765/2024 titled "Shafi Raza, Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and 01 another", Service Appeal No. 766/2024 titled "Mukamil Khan Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and 01 another" and Service Appeal No. 767/2024 titled "Zulfiqar Ahmad Versus The Secretary, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar and 01 another, decided on 13.09.2024 by Division Bench comprising of Mr. Aurangzeb Khattak, Member Judicial and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

stands as a testament to the harmonization of state imperatives with individual rights in public administration.

11. In light of the above, all the above captioned 03 service appeals stand dismissed, being meritless. Parties are left to bear their own costs. File be consigned to the record room.

12. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 13th day of September, 2024.

[Signature]
AURANGZEB KHATTAK 13/9/2024
Member (Judicial)

[Signature]
MUHAMMAD AKBAR KHAN
Member (Executive)

Certified to be true copy
[Signature]
JUNIOR MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Nasem Amin

Accepted
[Signature]
Administrative Officer,
OIO the Chief Engineer (Center)
Public Health Engineering Deptt.
Khyber Pakhtunkhwa, Peshawar

Date of Presentation of Application	13-09-2024
Number of Words	8-P
Printing Fee	40/-
	40/-
Date of Closing	20-09-2024
Date of Delivery of Court	23-09-2024



OFFICE OF THE CHIEF ENGINEER (CENTER)
PUBLIC HEALTH ENGG. DEPT. KHYBER PAKHTUNKHWA, PESHAWAR
Ph: 021-9217328, E-mail: ce@pheedpeshawar.com, PHE440, Sector-D-II, Phase-V, Hayatabad, Peshawar (Arb)

No. 19 / CE-9 /PHE,

Dated Peshawar, the 27/08/2024

OFFICE ORDER

On the recommendation of the Departmental Promotion Committee (DPC) in its meeting held on 10.07.2024 at 11:00 AM under the Chairmanship of Chief Engineer (Center) PHED, the competent authority is pleased to promote the following 19 Nos Junior Clerk (BPS-11) to the post of Senior Clerk (BPS-14) on regular basis, with immediate effect in the best interest of public.

1.	Syed Yousaf Ali Shah	11.	Muhammad Ijaz Khan
2.	Zahir Ullah	12.	Ayub Khan
3.	Muhammad Nafees	13.	Shafiq ur Rehman
4.	Qaisar Rahman	14.	Inam Ullah
5.	Adnan Khan	15.	Muhammad Humayun
6.	Saqib Jan	16.	Shakeel Ahmad
7.	Tanweer Irshad	17.	Qaisar Ali
8.	Nadim Khan	18.	Khuram Shahzad
9.	Syed Alam	19.	Asad Sarwar
10.	Muhammad Iqbal		

2. The officials on regular promotion to the post of Senior Clerk (BPS-14), they will remain on probation for a period of one year, as per Civil Servants Act 1973, read with Rules-15 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and as such the following posting/transfer and adjustment are hereby ordered, with immediate effect.

#	Name	From	To	Remarks
1.	Syed Yousaf Ali Shah	Junior Clerk, O/o Chief Engineer (Center) PHED Peshawar	Senior Clerk, PHE Division Shangla	Against the existing vacancy
2.	Zahir Ullah	Junior Clerk, PHE Division Bannu	Senior Clerk/SDA, PHE S/Divn: B,D,Shah, Karak-I	-do-
3.	Muhammad Nafees	Junior Clerk, PHE Circle Mardan	Senior Clerk, PHE Division Swabi	-do-
4.	Qaisar Rahman	Junior Clerk, PHE Division Dir Lower	Senior Clerk, PHE Division Dir Upper	-do-
5.	Adnan Khan	Junior Clerk, PHE Division Swat-I	Senior Clerk/SDA PHE S/Divn: Matta-I, Swat-II	Vice item No.9
6.	Saqib Jan	Junior Clerk, PHE Division Nowshera	Senior Clerk, O/o Chief Engineer (Center) PHED Peshawar	Vice item No.23
7.	Tanweer Irshad	Junior Clerk, PHE Division Nowshera	Senior Clerk, O/o Chief Engineer (Center) PHED Peshawar	Against the existing vacancy
8.	Nadim Khan	Junior Clerk, PHE Division Dir Lower	Senior Clerk/SDA, PHE S/Divn: Timergara, Dir Lower	Against the existing vacancy
9.	Syed Alam	SDA (OPS) PHE S/Divn: Matta-I, Swat-II	Senior Clerk/SDA PHE S/Divn: Saidu Sharif-I, Swat-I	Vice item No.17
10.	Muhammad Iqbal	Junior Clerk, PHE Division Dir Lower	Senior Clerk, PHE Circle Malakand at Timergara	Against the existing vacancy
11.	Muhammad Ijaz Khan	Junior Clerk, PHE Division Dir Lower	Senior Clerk/SDA PHE S/Divn: Chakdara, Dir Lower	Vice item No.22
12.	Ayub Khan	Junior Clerk, PHE Division Baitkhal	Senior Clerk/SDA PHE S/Divn: Matta-II, Swat-II	Against the existing vacancy

Page 1 of 2

Attested

Administrative Officer,
O/o Chief Engineer (Center)
Public Health Engineering Deptt
Khyber Pakhtunkhwa, Peshawar

95

13.	Shafiq ur Rehman	Junior Clerk, PHE Division Chitral Upper	Senior Clerk, PHE Division Chitral Upper	Against the existing vacancy
14.	Inam Ullah	Junior Clerk, PHE Division Dir Lower	Senior Clerk, PHE Division Dir Upper	-do-
15.	Muhammad Hanayun	Junior Clerk, PHE Division Daktela	Senior Clerk, PHE Division Swat-II	Vice item No.21
16.	Shakeel Ahmad	Junior Clerk, PHE Division Charsadda	Senior Clerk/SDA, PHE S/Divn: Ekka Ghund, Mohmand	Vice item No.20
17.	Qaisar Ali	SDA (OPS) PHE S/Divn: Sakhi Sharif-I, Swat-I	Senior Clerk, PHE Division Swat-I	Against the existing vacancy
18.	Khuram Shahzad	Junior Clerk, PHE Division Mansehra	Senior Clerk PHE Division Bulk Gravity Mansehra	Against the existing vacancy
19.	Asad Sarwar	Junior Clerk, PHE Division Mansehra	Senior Clerk, PHE Circle Mansehra	-do-
20.	Abbas Durrani Junior Clerk	Senior Clerk/SDA (OPS), PHE S/Divn: Ekka Ghund, Mohmand	Junior Clerk, PHE Division Mohmand	-do-
21.	Zaheer ud Din	Senior Clerk/SDA, PHE S/Divn: Peshkhara, Peshawar-II	Senior Clerk/SDA, PHE S/Divn: Hassan Khel, Peshawar-II	-do-
22.	Aizaz Ahmad Senior Clerk	Senior Clerk/SDA PHE S/Divn: Chakdara, Dir Lower	PHE Division Charsadda	Salary will draw against the post Junior Scale Stenographer (OPS)
23.	Muhammad Rafiq Senior Clerk	Senior Scale Stenographer (OPS), PHE Circle Peshawar	Senior Clerk/SDA, PHE S/Divn: Peshkhara, Peshawar-II	Vice item No.21
24.	Majeed Ullah Sub Engineer	Senior Clerk (OPS), PHE Division Swat-II	Divisional Head Draftsman (OPS), PHE Division Swat-II	Adjusted for the purpose of salary
25.	Ahmad Ali Jan Junior Clerk	O/o Chief Engineer (East) PHED Peshawar	PHE Division Nowshera	Against the existing vacancy
26.	Waqas Ur Rehman	Junior Clerk, PHE Division South Waziristan	Senior Clerk/SDA (OPS), PHE Sub Division Laddah, South Waziristan	As additional charge
27.	Muhammad Tariq Senior Clerk	O/o Chief Engineer (Center) PHED Peshawar	Senior Scale Stenographer (OPS), PHE Circle Peshawar	Vice item No.23

[Signature]
Chief Engineer (Center)

Endstt: No. 19 RE-2 PHE.

Dated Peshawar, the 27/08/2024

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Chief Engineer (North/South/East) PHE Department Peshawar.
3. All Superintending Engineers PHE Department, Khyber Pakhtunkhwa.
4. All Executive Engineers PHE Department, Khyber Pakhtunkhwa.
5. The Section Officer (Estt) PHE Department Peshawar.
6. The District Accounts Officers Concerned.
7. The official concerned.

[Signature]
Chief Engineer (Center)

Attested
[Signature]
Administrative Officer
O/o the Chief Engineer (Center)
Public Health Engineering Deptt.
Khyber Pakhtunkhwa, Peshawar



OFFICE OF THE CHIEF ENGINEER (CENTER)
PUBLIC HEALTH ENG. DEPTT. KHYBER PAKHTUNKHWA, PESHAWAR
Ph: (091-9212328, E-mail: centerhcd@gmail.com, Plot#40, Sector-II-II, Phase-V, Hayatabad, Peshawar, (P.K.)

Annex- F (26)

No. 011 CE-9 /PHE,

Dated Peshawar, the 30/08/2024.

OFFICE ORDER/CORRIGENDUM.

In partial modification of this office promotion order of Junior Clerks to the post of Senior Clerk/SDA issued vide order No.19/CE-9/PHE dated 27.08.2024, the following posting/transfer of Senior Clerk (BPS-14) are hereby ordered with immediate effect, in the best public interest.

#	Name	From	To	Remarks
1.	Mr. Muhammad Tariq	Under transfer as Senior Scale Stenographer (OPS), PHE Circle Peshawar	Senior Clerk/SDA PHE S/Divns: Pishtakhara, PHE Division Peshawar-II	Vice item No.2
2.	Mr. Muhammad Rafiq	Under transfer as Senior Clerk/SDA PHE S/Divns: Pishtakhara, PHE Division Peshawar-II	Senior Scale Stenographer (OPS), PHE Circle Peshawar	Vice item No.1

Chief Engineer (Center)

Endstt: No. 011 CE-2 /PHE,

Dated 30/08/2024

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Superintendent Engineer PHE Circle Peshawar.
3. The Executive Engineers PHE Division Peshawar-II.
4. The official concerned.

Chief Engineer (Center)

Attested

Administrative Officer,
Office of the Chief Engineer (Center)
Public Health Engineering Deptt.
Khyber Pakhtunkhwa, Peshawar