


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. 2469/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/11/2024	<p>The appeal of Mr. Safiullah Khan presented today by Mr. Inayat Ullah Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 21.11.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

S.A.No. 2469/2024

**Safiullah Khan** ..... Appellant

Versus

Secretary Public Health Engineering Department  
Khyber Pakhtunkhwa and others..... Respondents

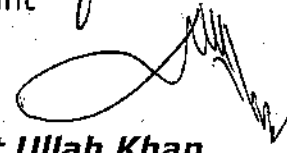
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Dated: 16.11.2024

  
Appellant

through

  
**Inayat Ullah Khan**  
Advocate Supreme Court  
LL.M (U.K)  
Cell: 0333-9227736

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

S.A.No.\_\_\_\_/2024

**Safiullah Khan** ..... Appellant

Versus

Secretary Public Health Engineering Department  
Khyber Pakhtunkhwa and others..... Respondents

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APPLICATION FOR HEARING OF THE  
ABOVE TITLED APPEAL AT PRINCIPAL  
SEAT, PESHAWAR.

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***Respectfully Sheweth;***

- 1) That the titled appeal is being filed before this Hon'ble Tribunal at principal seat, Peshawar.
- 2) That the Appellant has engaged the counsel at principal seat, Peshawar and also paid the agreed fee and cannot afford travelling expenses from Peshawar to Bannu, which may be calculated at Rs.20,000/- to Rs.25,000/- per trip.
- 3) That the counsel for the appellant is practicing at principal seat Peshawar and also frequently appearing before the August Supreme Court of Pakistan, therefore, it is also inconvenient for the counsel to appear in the instant appeal at Bannu on each and every date.

Keeping in view, what has been stated above, it is, therefore, humbly prayed that the titled appeal may kindly be heard at principal seat, Peshawar in the best interest of just and equity.

Dated: 16.11.2024

  
Appellant/ Applicant  
Through

**Inayat Ullah Khan**  
Advocate Supreme Court  
LL. M (U.K)

(1)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. 2469 /2024

**Safiullah Khan son of Abdul Waheed Khan**  
R/o Village Hassani Kalan, Post Office Nezam Bazar,  
Tehsil and District, Bannu,  
Junior Clerk (BPS-11), Office of Executive Engineer,  
Public Health Engineering Department, Bannu..... Appellant

**Versus**

- 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 Division, Bannu.

..... Respondents

Appeal u/s 4 of the K.P Service Tribunal Act, 1974 r/w Clause i), ii), iv), xiv) of Posting/ Transfer Policy of the Provincial Government against the impugned Transfer Order/Notification No.10/CE-9/PHE DATED 16.08.2024 whereby the appellant was prematurely transferred from the post of Junior Clerk , Executive Engineer, PHE, Divn: Bannu to the Office of Executive Engineer PHE Divn: Kohistan Upper against which the departmental appeal dated 17.08.2024 was filed but the same has not been responded despite lapse of statutory period of 90 days, hence presents the instant service appeal before this Hon'ble Tribunal within 30 days which is well within time.

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**PRAYER:**

**On acceptance of this Service appeal, the impugned Transfer Order/Notification No.10/CE-9/PHE DATED 16.08.2024 kindly be set-aside and office order No.05/CE-9/PHE dated 11.12.2023 may kindly be restored by allowing the appellant to complete his normal tenure of two years at the Office of Executive Engineer, PHE Divn. Bannu in the light of reported judgments 1997 TD (Service) pg 56, 2005 SCMR Page 17, PLD 1995 Supreme Court 530, 2009 PLC (CS) 891, 2003 SCMR 325, PLJ 2009 Lahore 983, PLD 2013 SC-195.**

***Respectfully Sheweth;***

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

- 1) That vide order dated office order **No.05/CE-9/PHE dated 11.12.2023**, the appellant was posted as junior clerk (BPS-11) in the Office of Executive Engineer, PHE Division, Bannu.

**(Copy of posting order dated 11.12.2023 is Annex: "A").**

- 2) That vide impugned order No.10/CE-9/PHE, dated 16.08.2024 the appellant was prematurely transferred from the office of Executive Engineer PHE Division Bannu and posted in the office Executive Engineer PHE Division Kohistan Upper by violating the mandatory provisions of Posting & Transfer Policy, promulgated by the Provincial Government wherein normal tenure of two years is provided, which has not been completed.

NOTE. It is pertinent to mention that the appellant is still drawing his salary at the office of Executive Engineer, PHE Division, Bannu.

(Copy of impugned order dated 16.08.2024 is annexure "B").

- 3) That the appellant filed departmental appeal dated 17.8.2024 to respondent No.1 but the same has not been responded despite lapse of statutory period of (90) days hence, presents the instant appeal for setting aside the impugned order dated 16.8.2024 on the following amongst other grounds:-

(Copy of departmental appeal is Annex: "C")

NOTE. That the departmental appeal preferred by appellant was referred to the Chief Engineer (Central) Public Health Engineering Department, Peshawar for further necessary action as per posting transfer policy, however, despite lapse of statutory period of (90) days no remedial action was taken in the matter in hand.

(Copy of letter dated 30.8.2024 is attached as annexure "D")

GROUND FOR APPEAL:

- a) That the impugned order dated 16.08.2024 is violative of the provision of statutory posting and transfer policy promulgated by the provincial Government besides violative of Article 2-A, 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- b) That the appellant was prematurely transferred from the office of Executive Engineer PHE Division Bannu to the office of Executive Engineer PHE Division Upper Kohistan in less than 9 months without letting him to complete the normal tenure of two years, therefore, seeks indulgence of this Hon'ble Tribunal to intervene in the matter on the touchstone of mandatory provision of posting and transfer policy with prayer to set aside the impugned order dated 16.08.2024 and

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allow the appellant to complete his tenure in the office Executive Engineer PHE Bannu Division.

- c) That the impugned order dated 16.08.2024 smack of malafide, ill will and purely influenced on the basis of political consideration and the concept of good administration in government departments viz-a-viz posting and transfer of its employees had been seriously eroded on the one hand while the public confidence would be shaken on the other.
- d) That this Hon'ble tribunal has already declared in a recent judgment in case titled Mst.Nilofar Kamran.VS.The Chief Secretary Khyber Pakhtunkhwa in Appeal No.1490/2019 decided on 16.01.2020, wherein it was held that;

**" In addition to this the appellant was prematurely transferred in sheer violation of Posting/ Transfer Policy notified by the Provincial Government".**

It is pertinent to mention that this Hon'ble Tribunal further observed in an authoritative manner;

**"Another funny thing that would expose high handedness, favouritism and misuse of authority is notification dated 03.05.2019 and 17.07.2019"**

**(Judgments will be produced at the time of hearing).**

Keeping in view, what has been stated above, it is, therefore, humbly prayed that on acceptance of this appeal, the impugned premature posting transfer order dated 16.08.2024 may kindly be set aside by restoring the appellant

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as Junior Clerk (BPS 11) to complete his normal tenure of two years in the office of Executive Engineer PHE Division Bannu in the public interest.

Any other relief, which has not been specifically asked for and to whom the appellant found entitled may be granted



Appellant

Through



**Inayat Ullah Khan**  
Advocate  
Supreme Court of Pakistan  
(LLM UK)

Dated: 16.11.2024



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BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

C.M No. \_\_\_\_\_/2024

IN

S.A.No. \_\_\_\_\_/2024

**Safiullah Khan** ..... Appellant


Versus

Secretary Public Health Engineering Department

Khyber Pakhtunkhwa and others..... Respondents

**AFFIDAVIT**

I, **Safiullah Khan** son of **Abdul Waheed Khan** R/o Village Hassani Kalan, Post Office Nazam Bazar, Tehsil and District, Bannu, Junior Clerk (BPS-11), Office of Executive Engineer, Public Health Engineering Department, Bannu do hereby affirm and declare on oath that the contents of the **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent

CNIC No.11101-6087910-9

7

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

C.M No. \_\_\_\_\_/2024

IN

S.A.No. \_\_\_\_/2024

**Safiullah Khan** ..... Appellant

Versus

Secretary Public Health Engineering Department  
Khyber Pakhtunkhwa and others..... Respondents

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**APPLICATION FOR SUSPENSION OF  
IMPUGNED ORIGINAL TRANSFER DATED  
16.08.2024 TILL THE FINAL DISPOSAL  
OF ACCOMPANYING APPEAL.**


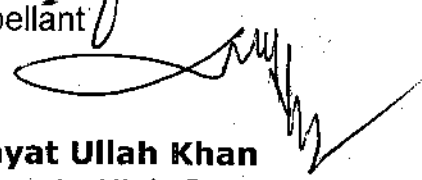
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**Respectfully Sheweth:-**

1. That the above titled is being filed before this Honorable Tribunal which has not been fixed for hearing.
2. That the accompanying service appeal may kindly be treated as part and parcel of this application.
3. That balance of convenience also lies in favour of appellant having a good prima facie case and appellant is sanguine about its success.
4. That if the operation of impugned order is not suspended, petitioner/ appellant will face disciplinary proceedings.

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It is therefore humbly prayed that on acceptance of this application, impugned original transfer notification dated 16.08.2024 may kindly be suspended till final disposal of accompanying appeal.

  
Appellant  
Through   
**Inayat Ullah Khan**  
Advocate High Court  
LL. M (U.K)

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BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

C.M No. \_\_\_\_\_/2024

IN

S.A.No. \_\_\_\_\_/2024

**Safiullah Khan** ..... Appellant

Versus

Secretary Public Health Engineering Department

Khyber Pakhtunkhwa and others..... Respondents

**AFFIDAVIT**

I, **Safiullah Khan son of Abdul Waheed Khan R/o Village Hassani Kalan, Post Office Nazam Bazar, Tehsil and District, Bannu, Junior Clerk (BPS-11), Office of Executive Engineer, Public Health Engineering Department, Bannu** do hereby affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent

CNIC No.11101-6087910-9

10

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

S.A.No.\_\_\_\_/2024

**Safiullah Khan** ..... Appellant

Versus

Secretary Public Health Engineering Department  
Khyber Pakhtunkhwa and others ..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

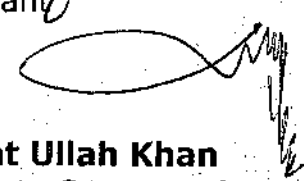
**Safiullah Khan son of Abdul Waheed Khan**  
R/o Village Hassani Kalan, Post Office Nazam Bazar,  
Tehsil and District, Bannu,  
Junior Clerk (BPS-11), Office of Executive Engineer,  
Public Health Engineering Department, Bannu

RESPONDENTS:

- 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 Division, Bannu.

  
Appellant

through

  
**Inayat Ullah Khan**  
Advocate Supreme Court  
LL.M (U.K)



11

A

**OFFICE OF THE CHIEF ENGINEER (CENTER)**  
**PUBLIC HEALTH ENGG. DEPT. KHYBER PAKHTUNKHWA, PESHAWAR**

Ph #091-9217528, E-mail: centrephe@gmail.com, Plot#40, Sector-B-II, Phase-V, Havatabad, Peshawar (aziz)

No. 05 / CE-9 /PHE,

Dated Peshawar, the 11 /12/2023.

**OFFICE ORDER**

Mr. Safiullah Khan, Junior Clerk (BPS-11), working in the office of Executive Engineer PHE Division North Waziristan is hereby transferred and posted in the office of Executive Engineer PHE Division Bannu against the existing vacant post of Junior Clerk with immediate effect, in the best public interest.

Chief Engineer (Center)

Endstt: No. 05 / CE-2 /PHE,

Dated 11 /12/2023

Copy forwarded to:

1. The Chief Engineer (South) PHE Department Peshawar.
2. The Superintendent Engineer PHE Circle Bannu.
3. The Executive Engineers PHE Division North Waziristan/Bannu.
4. The District Accounts Officer North Waziristan/Bannu.
5. The official concerned.

Chief Engineer (Center)



(12) B

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

No. 101 CE-9 /PHE,  
Dated Peshawar, the 16/08/2024.

**OFFICE ORDER**

Mr. Safi Ullah Khan, Junior Clerk (BPS-11), working in the office of Executive Engineer PHE Division Bannu is hereby transferred and posted in the office of Executive Engineer PHE Division Kohistan Upper against the existing vacant post of Junior Clerk with immediate effect, in the best public interest.

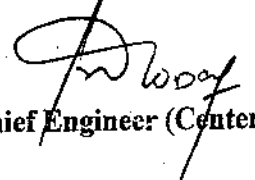
**Chief Engineer (Center)**

Endstt: No. 101 CE-9 /PHE,

Dated Peshawar the, 16.08.2024

Copy forwarded to

1. The Chief Engineer (East/South) PHE Department Peshawar.
2. The Superintending Engineers PHE Circle Bannu/Mansehra.
3. The Executive Engineers PHE Division Bannu/Kohistan Upper.
4. The District Accounts Officer Bannu/Kohistan.
5. The Official Concerned.

  
**Chief Engineer (Center)**

Secretary Public Health Department,  
Civil Secretariat, Peshawar.

3665  
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Subject: **Departmental appeal against premature posting transfer order No.10/CE-9/PHE, dated 16.08.2024.**

PRAYER:

On acceptance of this appeal, the impugned premature posting transfer order dated 16.08.2024 may kindly be set aside by restoring the appellant as Junior Clerk (BPS 11) in the office of Executive Engineer PHE Division Bannu in the public interest.

It is further prayed that no adverse action shall be taken against the appellant till disposal of the instant departmental appeal and allow me to work in the office of Executive Engineer PHE Division Bannu.

Brief facts giving rise to the instant Appeal are as under:-

- 1) That the appellant was serving as Junior Clerk (BPS-11) in the office of Executive Engineer, PHE Division Bannu to the entire satisfaction of my immediate seniors without any complaint.
- 2) That the appellant vide order No.5/CE-9/ PHE dated 11.012.2023 was transferred as Junior Clerk (BPS-11) from the office of Executive Engineer PHE Division North Waziristan and posted in the office Executive Engineer PHE Division Bannu.

Copy of order dated 11/12/2023 is enclosed.

- 3) That vide impugned order No.10/CE-9/PHE, dated 16.08.2024 the appellant was prematurely transferred from the office of Executive Engineer PHE Division Bannu and posted in the



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office Executive Engineer PHE Division Kohistan Upper by violating the mandatory provisions of Posting & Transfer Policy, promulgated by the Provincial Government wherein normal tenure of two years is provided, which has not been completed.

(Copy of impugned order dated 16.08.2024 is enclosed).

- 4) That as per posting and transfer policy promulgated by the Provincial Government, the right of departmental appeal is provided in case of premature posting and transfer order, which need to be decided by the Appellate authority **within 15 days**, therefore, feeling aggrieved, hence constrained to file this departmental appeal to set aside the impugned premature posting and transfer order dated 16.08.2024, on the following amongst other grounds;

**GROUND FOR APPEAL:**

- a) That the impugned order dated 16.08.2024 is violative of statutory posting and transfer policy promulgated by the provincial Government besides violative of Article 2-A, 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- b) That the appellant was prematurely transferred from the office of Executive Engineer PHE Division Bannu to the **office of Executive Engineer PHE Division Upper Kohistan in less than 9 months without letting me to complete the normal tenure of two years**, therefore, seeks indulgence of the Appellate authority to intervene in the matter on the touchstone of mandatory provision of posting and transfer policy with prayer to set aside the impugned order dated 16.08.2024 and allow me to work in the office Executive Engineer PHE Bannu Division.
- c) That the impugned order dated 16.08.2024 smack of malafide, ill will and purely influenced on the basis of political

14/1


consideration and the concept of good administration in government departments viz-a-viz posting and transfer of its employees had been seriously eroded on the one hand while the public confidence would be shaken on the other.

Keeping in view, what has been stated above, it is, therefore, humbly prayed that on acceptance of this appeal, the impugned premature posting transfer order dated 16.08.2024 may kindly be set aside by restoring the appellant as Junior Clerk (BPS 11) in the office of Executive Engineer PHE Division Bannu in the public interest.

It is further prayed that no adverse action shall be taken against the appellant till disposal of the instant departmental appeal and allow me to work in the office of Executive Engineer PHE Division Bannu.

Any other relief, which has not been specifically asked for and to whom the appellant found entitled may be granted.

Appellant

  
**Safi Ullah Khan**  
Junior clerk  
Office of Executive Engineer  
PHE Division Bannu

Dated: 17.08.2024

Copy to:

Chief Engineer (Center)  
Public Health Engineering Department  
Khyber Pakhtunkhwa, plot 40 Sector B-II  
Phase-V Hayatabad. Peshawar.



(15) D  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/24-58/2024  
Dated Peshawar, the August 30, 2024

To

The Chief Engineer (Center),  
Public Health Engg: Department Peshawar

Subject: **DEPARTMENTAL APPEAL AGAINST PREMATURE POSTING TRANSFER  
ORDER NO. 10/CE-9/PHE DATED 16.08.2024.**

I am directed to refer to the subject noted above and to forward herewith a copy of appeal filed by Mr. Saif Ullah Khan, Junior Clerk PHE Division, Bannu along with its enclosures, which are self-explanatory, for necessary action at your end, as per Provincial Posting/Transfer Policy.

  
(KIFAYAT ULLAH)  
SECTION OFFICER (ESTT)

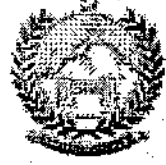
**ENDST: NO & DATE AS ABOVE:**

Copy forwarded for information to PS to Secretary Public Health Engg: Department Peshawar.

  
(KIFAYAT ULLAH)  
SECTION OFFICER (ESTT)

Government of Khyber Pakhtunkhwa  
District Accounts Office Bannu  
Monthly Salary Statement (October-2024)

15/1



**Personal Information of Mr SAFIULLAH KHAN d/w/s of ABDUL WAHEED KHAN**

Personnel Number: 00698566 CNIC: 1110160879109 NTN:  
Date of Birth: 24.04.1994 Entry into Govt. Service: 14.05.2013 Length of Service: 11 Years 05 Months 019 Days

**Employment Category: Active Temporary**

Designation: JUNIOR CLERK 80689482-GOVERNMENT OF KHYBER PAKH  
DDO Code: BU7021-  
Payroll Section: 001 GPF Section: 001 Cash Center:  
GPF A/C No: P45V08 GPF Interest applied GPF Balance: 132,816.00 (provisional)  
Vendor Number: 30601302 - SAFIULLAH KHAN  
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 11 Pay Stage: 4

Wage type		Amount	Wage type		Amount
0001	Basic Pay	23,890.00	1001	House Rent Allowance 45%	2,778.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	263.00	2199	Adhoc Relief Allow @10%	183.00
2315	Special Allowance 2021	3,500.00	2341	Dispr. Red All 15% 2022KP	1,968.00
2347	Adhoc Rel AI 15% 22(PS17)	1,968.00	2378	Adhoc Relief All 2023 35%	7,021.00
2393	Adhoc Relief All 2024 25%	5,972.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3011	GPF Subscription	-1,920.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-95.00	4004	R. Benefits & Death Comp:	-600.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	70,000.00	-2,000.00	26,000.00

**Deductions - Income Tax**

Payable: 1,139.55 Recovered till OCT-2024: 380.00 Exempted: 0.05 Recoverable: 759.60

Gross Pay (Rs.): 51,899.00 Deductions: (Rs.): -5,815.00 Net Pay: (Rs.): 46,084.00

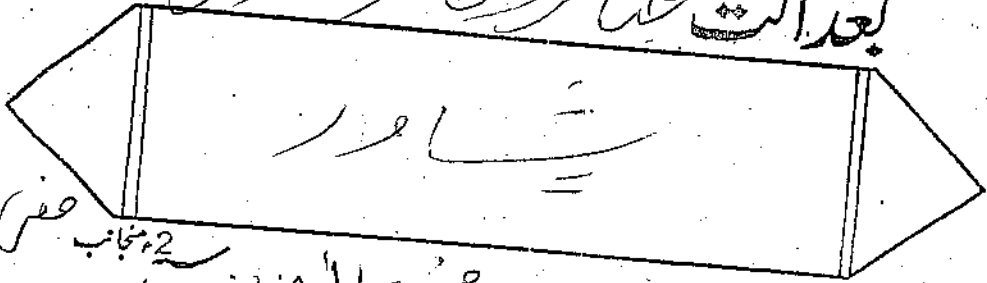
Payee Name: SAFIULLAH KHAN  
Account Number: 82010103014799  
Bank Details: MEEZAN BANK LIMITED, 428201 HOSPITAL ROAD BANNU BR. HOSPITAL ROAD BANNU BR., BANNU

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: City: BANNU Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official  
Temp. Address: City: Email: safikhan010@gmail.com

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# بعدالت حد سروی کے سبب سے



حضرت اللہ خان  
2 جناب حضرت اللہ خان  
حضرت اللہ خان بنام

مورخہ  
مقدمہ  
دعویٰ  
جرم

سید علی احمد  
ڈیپارٹمنٹ سیکریٹری

## باعث تحریر آنگہ

مختارہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
Inayat Ullah Inayat Service Tribunal

آن مقام  
مقرر کر کے رکھا گیا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
ASC (UK) Peshawar

ذیل صاحب وراثتی نامہ کرنے و تقرر رعالت ہ فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک در و پیدار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا ایبل کی برآمدگی اور منسوخی

نیز دائرہ کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران ہفتہ۔ اس جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکورہ کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سندر ہے۔

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Inayat Ullah (UK)

حضرت اللہ خان  
ASC قائم  
Inayat Ullah

03339227736

B.C. 10-7560  
M.C. 17301-9957870-2