

نمبر شمار	سوال	محکمہ جواب
(ا)	آیا یہ درست ہے کہ پختونخوا ہاؤس اسلام آباد میں ڈپٹی ڈائریکٹر پی ایس 18 میں 14-06-2013 سے بطور کمپٹر ولر اضافی پوسٹ پر عرصہ ساڑھے چھ سال سے تعینات ہے جبکہ اس پوسٹ کا حقدار 14-12-2017 سے او ایس ڈی ہے اور گھر پر تنخواہ لے رہا ہے؟	اس کیس کی حقیقی صورتحال یہ ہے کہ مسمی نادر خان، کے خلاف کمروں کی غیر قانونی الاٹمنٹ کا ایک محکمہ کیس دائر ہوا جس کے نتیجے میں اُن کو مورخہ 21-11-2013 سے سروس سے برخاست کیا گیا۔ تاہم عدالتی احکامات کی روشنی میں مورخہ 14-12-2013 کو مذکورہ آفیسر کو دوبارہ سروس پر بحال کیا گیا، (کاپی لف ہے۔ مزید یہ کہ مسمی نادر خان، کمپٹر ولر BS-18، کو OSD نہیں بنایا گیا تھا بلکہ اُس کی خدمات کسی اور مناسب جگہ تعیناتی کے لیے اسٹیبلشمنٹ ڈیپارٹمنٹ کے سپرد کی گئیں۔ اس ضمن میں نوٹیفیکیشن مورخہ 15-06-2020 (کی کاپی لف ہے)۔ یہ بھی واضح رہے کہ مسمی نادر خان مورخہ 10-05-2021 کو ساٹھ سال عمر مکمل ہونے پر ریٹائرڈ ہو رہے ہیں۔ یہ امر بھی قابل ذکر ہے کہ نعیم خان آفریدی مورخہ 30-11-2020 کو ساٹھ سالہ عمر پانے پر سروس سے ریٹائرڈ ہو چکے ہیں۔ اور اُن کی جگہ مورخہ 18-02-2021 کو مسمی تیمور علی شاہ (سینئر کمپٹر ولر چیف منسٹر سکریٹریٹ) کو پختونخوا ہاؤس اسلام آباد کے کمپٹر ولر (امور دیکھ بھال) کا اضافی چارج دیا گیا ہے۔ (آرڈر کی کاپی لف ہے)۔
(ب)	اگر الف کا جواب اثبات میں ہو تو کیا یہ تعیناتی غیر قانونی نہیں ہے؟ او ایس ڈی آفیسر گھر پر تنخواہ لے رہا ہے کیا یہ حکومتی خزانہ پر بوجھ نہیں ہے؟ اس پورے معاملے کی مکمل تفصیل فراہم کی جائے۔	اس کیس کی مکمل تفصیل اوپر بیان کر دی گئی ہے۔ خیبر پختونخوا اسول سرونٹ ایکٹ 1973 کے شق نمبر 10 کے مطابق مجاز حاکم کو یہ اختیار حاصل ہے کہ اپنے ماتحت سرکاری ملازم کو صوبے کے اندر یا باہر کسی بھی جگہ پر تعینات کر سکتا ہے۔ (کاپی لف ہے)۔ مزید یہ کہ مسمی نادر خان، کمپٹر ولر BS-18 کو OSD نہیں بنایا گیا تھا بلکہ اُس کی خدمات کسی اور مناسب جگہ تعیناتی کیلئے اسٹیبلشمنٹ ڈیپارٹمنٹ کے سپرد کی گئیں تھیں۔ مزید یہ کہ یہ کیس عدالت عالیہ میں بھی زیر سماعت رہا ہے۔



14-JUL-2013 14:20

Annex - I

Annex - IV

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(Signature)

(10)



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

Dated 14.06.2013

NOTIFICATION

No.E&A(AD)3(82)/2013.- The Competent Authority has been pleased to order the postings/transfers of the following officers with immediate effect, in the public interest.

S#	Name & Designation	From	To
1	Mr. Nadir Khan, Comptroller (BPS-18)	Pakhtunkhwa House, Islamabad	Report to Establishment Department
2	Mr. Abdur Razaq, Assistant Comptroller (BPS-17)	Pakhtunkhwa House, Islamabad	Report to Establishment Department

2. Consequent upon the above, the following officers of Administration Department are authorized to look after the affairs of the posts mentioned against each in addition to their own duties till further orders:

S#	Name & Designation	Nomenclature of the post
1	Mr. Naeem Afridi, Deputy Director (Protocol BPS-18)	Comptroller, Pakhtunkhwa House, Islamabad.
2	Mr. Aimal Jehangir, Protocol Officer (BPS-17)	Assistant Comptroller, Pakhtunkhwa House, Islamabad.

3. Besides the above, Director (Protocol), Administration Department is authorized to supervise the Management of the House.

4. The officers are directed to effectuate handing/taking over charge of the posts today positively.

Secretary, Administration,  
Administration Department

Cont..Page-2



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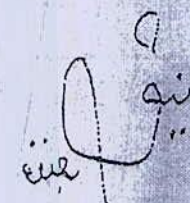
GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

ENDST.NO. E&A(AD)3(82)/2013

DATED 14.06.2013

Copy forwarded to the

- 1) Principal Secretary to Governor, Khyber Pakhtunkhwa
- 2) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
- 3) All Administrative Secretaries to Government of Khyber Pakhtunkhwa
- 4) All Divisional Commissioners in Khyber Pakhtunkhwa.
- 5) MS to Governor, Khyber Pakhtunkhwa.
- 6) Accountant General, Khyber Pakhtunkhwa.
- 7) PSO to Chief Minister, Khyber Pakhtunkhwa
- 8) Estate Officer, Administration Department, Khyber Pakhtunkhwa
- 9) Officers Concerned.
- 10) PS to Chief Secretary, Khyber Pakhtunkhwa.
- 11) PSs to All Provincial Ministers, Khyber Pakhtunkhwa
- 12) PS to Additional Chief Secretary (P&D), Khyber Pakhtunkhwa.
- 13) PS to Secretary Administration, Khyber Pakhtunkhwa
- 14) PA to Director (Protocol), Administration Department.
- 15) PA to Deputy Secretary (Admin), Administration Department.

  
MAQBOOL HUSSAIN  
Estate Officer (Admin)





GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar, the December 14, 2017

P.S. Administration Deptt.  
Diary No. 768

**NOTIFICATION**

NO.SO(E-I)E&AD/9-128/2017. In pursuance of Khyber Pakhtunkhwa Service Tribunal judgment dated 13.04.2017 in Service Appeal No. 81/2014 titled Nadir Khan versus Chief Minister, Khyber Pakhtunkhwa and others; the Competent Authority is pleased to reinstate Mr. Nadir Khan (BS-18) Ex-Comptroller, Khyber Pakhtunkhwa House, Islamabad, in service w.e.f 21.11.2013 (from the date of dismissal from service).

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. & date even

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt of Khyber Pakhtunkhwa, Administration Department.
4. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa.
6. Comptroller, Khyber Pakhtunkhwa House, Islamabad
7. Director Information & Public Relations Department.
8. PSO to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA, AS(HRD)/AS(E)/DS(E)/D.S(HRD Wing) SO(E.II), SC(HRD.I) SO(HRD.II) E&AD.
11. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Administration Department.
12. Officer concerned.
13. Manager, Govt. Printing Press Peshawar.

(ISHTIAQ AHMAD)  
SECTION OFFICER (ESTT. I)  
PHONE & FAX # 091-9210529

Sec. Administration

*Pl. discuss*

DS(A)

Sol. A

31-12-17  
SECY ADMINI

*Please review details of the case and give me a report. If the government is cleared*

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F/M 2

ANNEX - II

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S.O. (Minister)  
Diary No.  
Date





GOVERNMENT OF  
ADMINISTRATION

Area

KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

7  
8  
13

Dated: 15-06-2020

**NOTIFICATION**

No.E&A(AD)1(658)/1995/Vol-II. The Competent Authority is pleased to transfer Mr. Nadir Khan Comptroller (BS-18) from Administration Department and place his services at the disposal of Establishment Department for his further posting against a suitable post in the public interest.

SECRETARY ADMINISTRATION

ENDST: OF EVEN NO. & DATE  
Copy forwarded to the -

- 1) The Accountant General Khyber Pakhtunkhwa
- 2) The Secretary Establishment Department
- 3) The Comptroller Pakhtunkhwa House, Islamabad
- 4) The Officer Concerned
- 5) PS to Secretary Administration Department
- 6) PA to Additional Secretary-I, Administration Department
- 7) PA to Deputy Secretary Administration Department
- 8) Personal File.
- 9) Master File.

SECTION OFFICER (ADMIN)



(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or <sup>1</sup>[cadre] whether serving the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, <sup>2</sup>[cadre] or post shall be determined as may be prescribed.

<sup>3</sup>(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;

~~Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se-seniority as in the lower post.~~

<sup>4</sup>(5) The seniority lists prepared under sub-section(1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

9. Promotion:- (1) A civil servant possessing such minimum qualifications as may be prescribed, shall be eligible for promotion to a <sup>5</sup>[higher] post for the time being reserved under the rule for departmental promotion in <sup>6</sup>[ ] the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non selection post to which promotion shall be made as may be prescribed-

(a) in the case of a selection post, on the basis of selection on merit; and

(b) in the case of non-selection post, on the basis of seniority-cum-fitness.

10. 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 his 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.

11. Termination of service:- (1) The service of a civil servant may be terminated without notice-

(i) During the initial or extended period of his probation:

<sup>1</sup> The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.  
<sup>2</sup> The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.  
<sup>3</sup> Sub section (4) of Sec-8 substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.  
<sup>4</sup> Sub section (5) of Sec-8 added by Khyber Pakhtunkhwa Act No. I of 1989  
<sup>5</sup> The word "higher" inserted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.  
<sup>6</sup> The words "the higher grade of" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

*Annex IV*