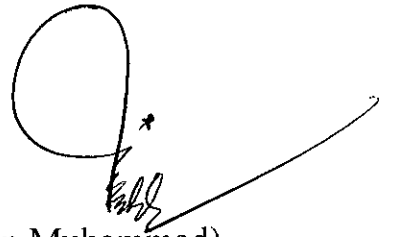


10.11.2022

Appellant alongwith her counsel present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 4 present. Mr. Umer Farooq Mohmand, Advocate present and submitted Wakaltnama in favor of private respondent No. 5 which is place on file.

Reply/comments on behalf of official respondents No. 1 to 4 as well as private respondent No. 5 not submitted. Learned Additional Advocate General as well as learned counsel for private respondent No. 5 requested for time to submit reply/comments. To come up for reply/comments before the S.B on 21.11.2022.



(Mian Muhammad)  
Member (E)


06.10.2022

Mr. Inayatullah Khan, Advocate/counsel for the appellant present and argued the case on preliminary.

Learned counsel for the appellant argued the case taking the plea that the appellant is aggrieved of the impugned Notification dated 29.08.2022, whereby she was prematurely transferred from GGHS Subhan Khwar District Mohmand to GGHS Dab Kor District Mohmand. The impugned transfer order has been issued in disregard to and violation of the posting/transfer policy of the Provincial Government particularly clause (iv) which allows a Government servant to serve at a station for a normal tenure of two years. However, on the contrary, the appellant has been disturbed before completion of her normal tenure at GGHS Subhan Khwar District Mohmand where she had earlier been posted on 11.01.2022 and as such she served only for over seven months there. Moreover, the impugned transfer notification has not been issued strictly in public interest as per clause (i) of the Posting/Transfer Policy. He also relied on PLD 2013 Supreme Court 195 wherein the august Supreme Court of Pakistan has laid down that "when the ordinary tenure for a posting had been specified in the law or rules made there-under, such tenure must be respected and could not be varied, except for compelling reasons, which should be recorded in writing and were judicially reviewable." Departmental appeal of the appellant against the impugned notification was declined vide letter addressed to the appellant on 19.09.2022 where-after she filed the instant service appeal on 30.09.2022 for redressal of her grievance.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notice be issued to the respondents for submission of reply/comments. Adjourned. To come up for reply/comments before the S.B on 10.11.2022.

Alongwith the appeal, there is an application submitted for interim relief/suspension of the impugned Notification dated 29.08.2022. Notice of the application be also given to the respondents for the date fixed. In the meanwhile, the operation of impugned order dated 29.08.2022 is suspended, if not already acted upon, till the date fixed.

  
(Mian Muhammad)  
Member (E)

Rs-100/-  
Appellant Deposited  
Security & Process Fee  
A. J. J. 10/10/22

Form- A

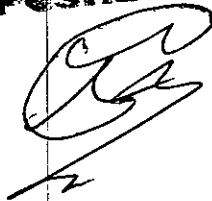
# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1413/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/09/2022	<p>The appeal of Mst. Neelam resubmitted today by Mr. Inayat Ullah Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>6-10-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p>

SCANNED  
KPST  
Peshawar



By the order of Chairman

REGISTRAR

