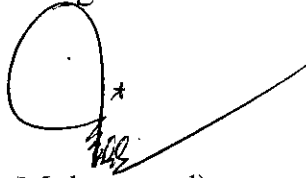


04.11.2022

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 21.11.2022.



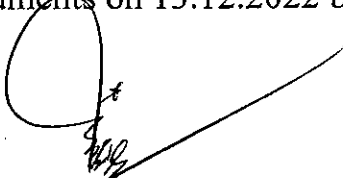
(Mian Muhammad)
Member (E)

(Salah-ud-Din)
Member (J)

21.11.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 13.12.2022 before the D.B.



(Mian Muhammad)
Member (E)




(Salah-Ud-Din)
Member (J)

18.07.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Syed Naseer-ud-Din, S.O for the respondents present.

On perusal of case file, it was found that learned counsel for the appellant had submitted an application to the effect to include/implead . Mst. Sabreena Fayyaz (SDEO) Tangi (2) District Accounts Officer Charsadda, on 21.06.2022 which has no mention in the order sheet dated 29.04.2022. The same is taken into account and allowed. Office is directed to include name of Mst. Sabreena Fayyaz (SDEO) Tangi (2) District Accounts Officer Charsadda, as necessary party and make entry to this effect in the list of respondents with red ink. Notice be issued to the newly impeaded respondents for submission of reply/comments. In the meanwhile, the impugned order dated 19.04.2022 shall remain suspended as per order sheet dated 13.06.2022, till next date. To come up for reply/comments on 19.10.2022 before S.B.



(Mian Muhammad)
Member (E)

19.10.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Naseer Ud Din Shah Section Officer for respondents present.

Representative of respondents submitted written reply/comments. Copy of the same was handed over to the learned counsel for appellant. To come up for rejoinder, if any, and arguments on 04.11.2022 before D.B.


(Rozina Rehman)
Member (J)

29.06.2022

Zahoor Khan, Advocate present on behalf of the appellant and submitted application for adjournment. Request accepted.

Kabir Ullah Khattak, Additional Advocate General for respondents present and seeks time for submission of written reply/comments. Allowed. To come up for written reply/comments on 18.07.2022 before S.B.



(Fareeha Paul)
Member (E)

13th June, 2022

Appellant in person present and on her application for early hearing alongwith notification No. SO(MC) E&SED/4-16/2022/PT/D-Appeal dated 09.06.2022 whereby her departmental appeal has been rejected by the appellate authority, the matter was fixed for today. Appellant is directed to furnish copies for the spare sets of appeal.

Appellant argued the case by herself and submitted that vide impugned notification bearing Endorsement No. SO(MC) E&SED/4-16/2022/Posting/Transfer/MC dated 19.04.2022 she was transferred from the post of SDEO (F) Tangi Charsadda and was directed to report to the office of the Directorate of E&SE, Khyber Pakhtunkhwa. Against the said order she filed departmental appeal on 27.04.2022, which was rejected on 09.06.2022. She contended that the impugned transfer order was pre-mature and against the posting transfer policy of the Provincial Government. Since the departmental representation submitted by the appellant has been rejected, therefore, this appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee and security within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 29.06.2022 before S.B.

Alongwith the appeal, the appellant has also submitted an application for temporary injunction/suspension of operation of the impugned notification. Notice of application be issued to the respondents for the date fixed. As the appellant has been transferred without completion of her normal tenure, therefore, the operation of the impugned transfer notification bearing Endorsement No. SO(MC) E&SED/4-16/2022/Posting/Transfer/MC dated 19.04.2022 is suspended till the date fixed subject to notice.



(Kalim Arshad Khan)
Chairman

Rs-500/-
Appellant appointed
Security & Process Fee

A. H. Khan
13/6/22

30.05.2022

Learned counsel for the appellant present and heard. Against the impugned order dated 30.05.2022, the appellant preferred departmental appeal/representation on 27.04.2022. There is no order of departmental appellate authority on the departmental appeal nor ninety days statutory period has elapsed. Learned counsel for the appellant requests for some time to get order on the departmental appeal or ninety days period elapsed to pursue the appeal before this Tribunal. Adjourned. To come up for further proceedings on 29.06.2020 before this S.B.



Chairman


This is an appeal filed by Mst. Shahida perveen today on 30/05/2022 against the order dated 19.04.2022 against which she preferred/made departmental appeal/representation on 27.04.2022 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority report as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action with also removing the following deficiencies.

1- Copy of order dated 26.10.2021 mentioned in para-1 of the memo of appeal(Annexure-A) is not attached with the appeal which may be placed on

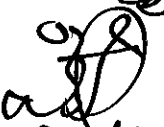
it.
No. 1195/ST,

Dt. 30/5/2022.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zamir Muhammad Khan Adv.

Re Submitted the file in the
Special Request with the reason
that Sectsery education to
Pass order on my Application
which was submitted for
Suspension transfer order
of the petitioner with
this reason I approach
to this honorable court
humble Request for
further proceses. This case
may please be put up the
honorable chairman.


30/5/2022