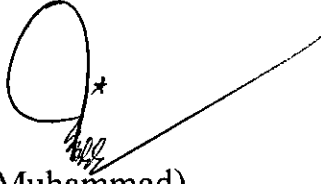


21.11.2022

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

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a long horizontal stroke extending to the right.

(Mian Muhammad)
Member (E)

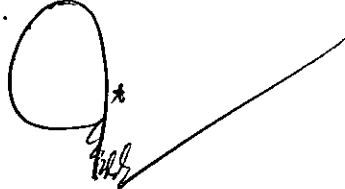
A handwritten signature in black ink, featuring a large, stylized 'S' followed by a horizontal line and a small flourish.

(Salah-Ud-Din)
Member (J)

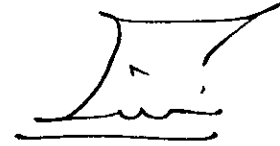
21.10.2022

Appellant in person present. Mr. Muhammad Jan, District Attorney for official respondents No. 1 to 3 present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 04.11.2022.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

04.11.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents No. 1 to 3 present.

Appellant requested for adjournment on the ground that his counsel 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)

26.08.2022

Learned counsel for the appellant present. Mr. Fahim Khan Assistant alongwith Mr. Muhammad Adeel Butt, learned Additional Advocate General for official respondents No.1 to 3 present. Husband of private respondent No.4 present.

Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 21p.09.2022 before the D.B.

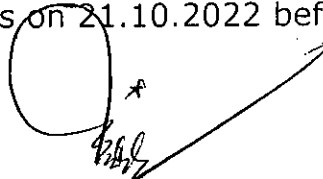


(Salah-Ud-Din)
Member(J)

21.09.2022

Mr. Umer Farooq, Advocate, junior of learned counsel for the appellant present. Mr. Sultan Younis, Superintendent alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 to 3 present. Husband of private respondent No. 4 also present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is indisposed today. Adjourned. To come up for arguments on 21.10.2022 before the D.B.



(Mian Muhammad)
Member (Executive)



(Salah-Ud-Din)
Member (Judicial)

16th June 2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for respondents No.1 to 03 and Fahimullah, counsel for private respondent No.4 present.

Respondents have not submitted written reply/comments. Learned AAG seeks time for submission of written reply/comments. Last chance is giveⁿ To come up for written reply/comments on 01.07.2022 before S.B.



(Kalim Arshad Khan)
Chairman

01.07.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Naseer Ud Din, S.O Litigation for official respondents present. Syed Haider Khan Advocate for private respondent No. 4 present.

written reply/comments on behalf of respondent No. 1 to 4 submitted which is placed on file. A copy of the same is handed over to the learned counsel of the appellant.

To come up for rejoinder/arguments on 22.07.2022 before D.B.



(Fareeha Paul)
Member (E)


22.07.2022

Appellant alongwith his counsel present.

Mr. Asif Masood Ali Shah, learned Deputy District Attorney for respondents present.

Former made a request for adjournment in order to prepare the brief of the case. Adjourned. To come up for arguments on 26.08.2022 before D.B.


(Fareeha Paul)
Member (E)

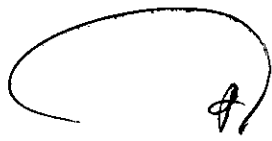

(Rozina Rehman)
Member (J)

12.05.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents No.1 to 3 present. Counsel for private respondent No.4 present.

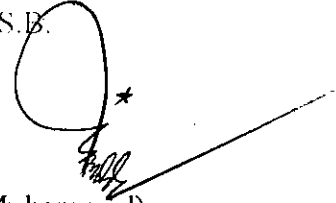
Reply on behalf of respondents was not submitted. Request for adjournment was made on behalf of respondents in order to submit reply/comments. Opportunity is granted. To come up for written reply/comments on 25.05.2022 before S.B.


(Rozina Rehman)
Member (J)

25.05.2022

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for official respondents No. 1 to 3 present. Mr. Sher Haider Khan, Advocate for private respondent No. 4 present.

Written reply/comments on behalf of official respondents No. 1 to 3 as well as private respondent No. 4 not submitted. Learned counsel for private respondent No. 4 committed at the Bar that written reply/comments on behalf of private respondent No. 4 will be submitted on next date. Learned counsel for the appellant did not object. Respondent department is also directed to submit written reply/comments on the next date positively. Adjourned. To come up for written reply/comments on 16.06.2022 before S.B.


(Mian Muhammad)
Member (E)

Appeal No. 506/2022
Mehrun Nisa vs Govt

11.04.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant is aggrieved of the impugned order dated 08.02.2022, whereby she was transferred from the post of DEO (OPS) (Female) District Lower Chitral to Directorate of Elementary and Secondary Education. Departmental appeal of the appellant dated 09.02.2022 was regretted on 07.04.2022. As the Service Tribunal was non-functional, writ petition was instituted in Honorable Peshawar High Court which was disposed off on the ground of jurisdiction under Article-212 of the Constitution. Moreover, the impugned order dated 08.02.2022 being violative of Posting/Transfer Policy may be set aside and the respondents be directed not to transfer the appellant from the post of DEO (Female) District Lower Chitral. The point raised in the service appeal is that private respondent No.4 belongs to teaching cadre, has been posted against the post reserved for Management Cadre Officers in violation of the service rules, Posting/Transfer Policy and judgement of the august High Court, Peshawar on cross cadre Posting/Transfer.

It was further argued that the appellant has been working as DEO since 10th April 2020 who has not completed normal tenure. It is however, observed that the requirement under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 is not fulfilled and the instant service appeal has been filed with reference to Posting/Transfer Policy of the Provincial Government. As such the Act shall always prevail over the policy.

The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 12.05.2022 before S.B.

Additionally, an application for suspension of the impugned order has been submitted alongwith memorandum of appeal which cannot be entertained on the ground that the appellant was posted as DEO(Female) District Lower Chitral in Own Pay Scale i.e BS-19 and allowing her to stay would tantamount to the violation of judgements of Apex court discouraging the Posting on OPS basis.

(Mian Muhammad)
Member(E)

Rs - 600/-
Appellant Deposited
Security & Process Fee
A. M. M. M.
12/4/22