

1646/2022

28th Nov. 2022

SCANNED
KPST
Peshawar

Learned counsel for the appellant sent an application for adjournment due to his engagement of Honourable Peshawar High Court today. Granted. To come up for preliminary hearing on 03.01.2023 before S.B.

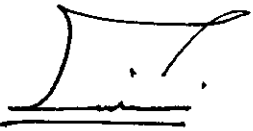


(Kalim Arshad Khan)
Chairman

03.01.2023

Appellant alongwith his counsel present. Preliminary arguments heard.

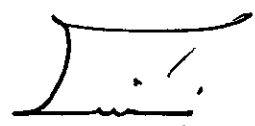
Learned counsel for the appellant has argued that the appellant was previously transferred to GGHSS Allah Dand Dehri Malakand, which was located in her home district but due to ulterior motive, she was not allowed to take charge in the said school and her transfer order was withdrawn without any reason; that vide the impugned transfer order dated 18.08.2022 the appellant has been transferred from GGHSS Badwan Dir Lower to GGHSS Panikhel Kotkay Dir Lower, which is situated at far flung area and the appellant being a female will face extreme hardship in performing her duties at GGHSS Panikhel Kotkay Dir Lower; that the husband of the appellant is serving as SCT (BPS-16) and is posted in GSASHS No. 1 Thana District Malakand, therefore, the impugned transfer order of the appellant is also against the spouse policy; that the husband of the appellant is a heart patient, while the appellant is also diabetic, which fact has not been



considered by the competent Authority, while making the impugned transfer order of the appellant; that the impugned transfer order of the appellant is against the law as well as posting/transfer policy of the Provincial Government; that the departmental appeal of the appellant was not responded constraining the appellant to file instant service appeal; that the impugned order of the appellant could not be considered as one in interest of public for the reason that the post of the appellant has been left vacant and due to the said reason, the Principal GGHSS Badwan Dir Lower has addressed letter No. 961 dated 03.09.2022 to the Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar requesting therein that transfer order of the appellant may be cancelled.

Points raised need consideration, hence the appeal in hand is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security fee within 10 days. Respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for submission of written reply/comments on 18.01.2023 before the S.B.

Alongwith her appeal, the appellant has submitted an application for suspension of the impugned order dated 18.08.2022 till final decision of this appeal. Notice of the same also be issued to the respondents for the date fixed and in the meanwhile, operation of impugned posting/transfer order dated 18.08.2022 shall remain suspended till the date fixed, if not already acted upon.


(Salah-Ud-Din)
Member (J)