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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**SERVICE APPEAL NO.1797/2020**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 2975

Dated 16-1-2023

**ENGR FAIZA SANA**

**V/S**

**GOVT. OF KP & OTHERS**

**APPLICATION FOR SUSPENSION OF THE OPERATION OF**  
**NOTIFICATION DATED 11-01-2023 TILL THE FINAL**  
**DISPOSAL OF THE APPEAL.**

**Respectfully Sheweth;**

1. That the above title appeal pending before this Honourable Tribunal and fixed for 16-01-2023.
2. That the appellant has challenged the impugned transfer order dated 09-12-2022 before this Hon`ble Tribunal alongwith an application for interim relief whereby the operation of impugned order dated 09-12-2022 was suspended with the following directions **"Along with the service appeal, an application for suspension of operation of impugned order dated 09-12-2022 has been annexed. The operation of impugned transfer Notification dated 09-12-2022 is suspended, if already not acted upon."** Copy of the order dated 19-12-2022 is attached as annexure.....**A.**
3. That the respondents has mis interpreted the direction/order the direction/ order of this august tribunal dated 19-12-2022 cancelling/withdrawn the notification dated 9-12-2022 vide impugned notification dated 11.01.2023. copy of notification dated 11.1.2023 is attached as annexure.....**B**

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4. That if the impugned notification dated 11.1.2023 has not been suspended then the very purpose of the instant service appeal would become infructuous.
5. That if the impugned notification dated 11.1.2023 has not been suspended then the private respondent/applicant would suffer irreparable loss.

It is, therefore, most humbly prayed that on acceptance of this application the impugned notification dated 11.1.2023 may very kindly be suspended till the disposal of main appeal.

*Dated: 16/1/23*

**APPLICANT/PRIVATE RESPONDENT  
ZAHID HUSSAIN**

**Through:**

  
**NOOR MOHAMMAD KHATTAK,  
ADVOCATE  
SUPREME COURT OF PAKISTAN**

**AFFIDAVIT**

I Zahid Hussain the applicant/Private respondent, do hereby solemnly affirm that the contents of this COC Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

  
**DEPONENT**



19.12.2022

Appellant alongwith his counsel Mr. Akhtar Ilyas,

Advocate present. Preliminary arguments heard:

Learned counsel for the appellant contended that the appellant is aggrieved of the impugned Notification dated 09.12.2022 whereby she was transferred from the post of XEN PHE Division Charsadda to Design Engineer office of the Chief Engineer (Central) PHED Peshawar and private respondent No. 4 was replaced and posted there. He next argued that the appellant had hardly served as XEN PHE Division Charsadda for a short span of about 07 months since earlier Notification dated 1<sup>st</sup> July, 2022. It was further argued that the appellant submitted departmental appeal against the impugned order to respondent No. 2 on 12.12.2022 which was turned down vide correspondence communicated to her on 15.12.2022, whereafter the instant service appeal was instituted on 15.12.2022. Learned counsel for the appellant referred to Article 4 and 25 of the constitution to have been violated by the respondents. Moreover, the respondents have violated normal tenure of 02 years by not adhering to the Posting Transfer Policy of the Provincial Government (2007). The impugned transfer Notification has also been issued in violation of PLD 2013 SC 195 and 2018 SCMR 1411(b).

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 and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 03.01.2023 before S.B.

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



'A' Appeal No. 1787/2022  
Engg. Farja Sana vs Govt

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Handwritten signature or initials.

(4)

Alongwith the service appeal, an application for suspension of impugned transfer Notification dated 09.12.2022 has been annexed. The operation of impugned transfer Notification dated 09.12.2022 is suspended, if not already acted upon.

(Mian Muhammad)  
Member (E)

Certified true copy

20/12/22

800

10/-

4/-

14/-

20/12/22

20/12/22

Service Tribunal  
Peshawar



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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT**

Dated Peshawar, the January 11, 2023

**NOTIFICATION**


**No.SO(Estt)/PHED/1-45/2022:** Consequent upon the decision of Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal No. 1797/2022 vide judgment dated 19.12.2022 and 03.01.2023 the competent authority is pleased to cancel/withdraw this department notification of even No. dated 09.12.2022 with effect from the date of its issuance.

**SECRETARY  
PHE DEPARTMENT**

**No.SO(ESTT)/PHED/1-45/2022:** **Dated Peshawar, the January 11, 2023**

Copy forwarded for information & necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Chief Engineer (Center) PHE Department, Khyber Pakhtunkhwa
3. Superintending Engineer PHE Circle, Peshawar.
4. Director Technical PHE Department Peshawar
5. Executive Engineer PHE Division Charsadda.
6. District Accounts Officer Charsadda.
7. All Section Officers PHE Department Peshawar
8. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
10. PA to Additonal Secretary PHE Department Khyber Pakhtunkhwa Peshawar
11. Officers concerned.
12. Office Order / Personal Files.

  
11/11/23  
**(SHER AZAM KHAN)**  
**SECTION OFFICER (ESTT)**