

27.01.2023


Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant has contended that vide order dated 14.07.2021, the appellant was transferred from the GHSS No. 1 Mardan and adjusted in the office of District Education Officer (Female) Mardan, however vide office order dated 20.08.2021 he was transferred to GHS Jhanga Mardan, which order was also then withdrawn vide order dated 03.09.2021 issued from the office of Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar; that vide letter No. 9126 dated 07.12.2022 addressed by the then District Education Officer (Female) Mardan to the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, it was conveyed that she was fully satisfied with the performance of the appellant in discharging his duties, however even then vide impugned order dated 04.01.2023, the present District Education Officer (Female) Mardan placed the services of the appellant at the disposal of Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar on administrative ground without any legal justification; that vide impugned order dated 11.01.2023 issued from the office of Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, the appellant was transferred from the office of District Education Officer (Female) Mardan to GHSS Khanano Dherai Buner on administrative ground and not in the interest of public, therefore, the impugned order dated 11.01.2023 is having no legal sanctity in the eye of law; that vide impugned transfer order, the appellant has been transferred on administrative ground, which is a stigma and the order regarding transfer on such ground should reveal cogent reasons but

no such reason has been mentioned in the impugned transfer order dated 11.01.2023; that the impugned transfer order of the appellant is premature and also against the wedlock policy as the wife of the appellant is serving as PST in GGPS Qasim (Toru) No. 1 District Mardan; that the impugned transfer order of the appellant is in contravention of clauses I, IV, IX and XIII of the Posting/Transfer Policy of Provincial Government as well as Article 35 of the Constitution of Islamic Republic of Pakistan, 1973, therefore, the same is liable to be set-aside.

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 08.02.2023 before the S.B.

Alongwith appeal, the appellant has also submitted an application for suspension of operation of impugned office order dated 04.01.2023 as well as transfer order dated 11.01.2023 and show-cause notice dated 21.01.2023 issued to the appellant. Notice of the same also be issued to the respondents and in the meanwhile operation of impugned office order bearing endorsement No. 33-36 dated 04.01.2023 as well as the impugned transfer order dated 11.01.2023 shall remain suspended to the extent of the appellant till the date fixed, if not already acted upon.


(Salah-Ud-Din)
Member (J)