

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

3202

Service Appeal No. 1147/2022

Dated 27-1-2023

Mr. Nisar Ahmad,Appellant

VERSUS

Secretary E&SE Department & others.....Respondents.

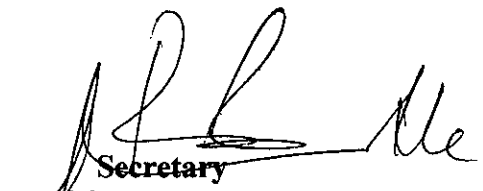
**APPLICATION FOR VACATION OF SUSPENSION ORDER DATED 15.10.2022
AGAINST THE NOTIFICATION DATED 15-04-2022.**

Respectfully Sheweth,

The applicant submitted as under:

1. No comments.
2. Incorrect. The applicant has got no cause of action and the order dated 15.10.2022 has been issued with the approval of competent authority. Besides posting/ transfer is part of service and can any time be made by the competent authority in public interest.
3. Incorrect. No irreparable loss has been sustained by the appellant rather he has to obey the orders of the competent authority.
4. Incorrect. Balance of convenience lies in favor of the respondent.

In view of the above, it is therefore requested that the application for suspension of order dated 15.04.2022 having no weight is liable to be dismissed.


Secretary
E&SE Department.
(Respondents No.01 to 03)

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal #1147/2022

Mr Nisar Ahmad..... Petitioner

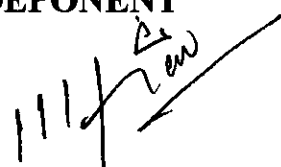
VERSUS

Govt. of Khyber Pakhtunkhwa & others..... Respondents

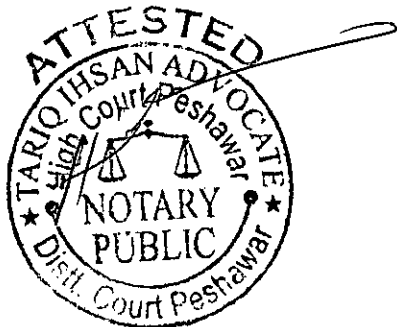
AFFIDAVIT

I, Muhammad Imran Zaman, Section Officer (Litigation-II) Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying parawise comments, submitted by the respondents on stay application, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

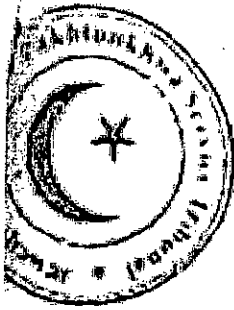
DEPONENT



MUHAMMAD IMRAN ZAMAN
Section Officer (Lit-II)
E&SE PESHAWAR



5.10.2022



Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that no prior approval of the competent Authority was obtained before Issuing of Impugned transfer Notification dated 15.04.2022, therefore, the same is against law and rules. He further argued that the appellant is serving in GHSS Munjal Dir Lower, where 13 posts of Principal BPS-19 are still lying vacant and even no one has been transferred in place of the appellant, which clearly shows that the Impugned transfer notification has not been issued in the interest of public. He next contended that transfer of the appellant from GHSS Munjal Dir Lower to GHSS Garam Chashma Chitral Lower is outcome of mala-fide and political victimization. He further argued that the appellant is having an ailing mother aged about 98 years and in case of performing his duty at GHSS Garam Chashma Chitral Lower, the appellant would be unable to make look-after of his ailing mother.

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 and process fee within 07 days. Out district 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 07.11.2022 before the S.B at Camp Court Swat.

The appellant alongwith his appeal has also filed an application for suspension of operation of Impugned Notification dated 15.04.2022. Notice of the said application also be issued to the respondents and meanwhile the operation of the impugned notification of transfer of the appellant shall remain suspended till the date fixed, if already not acted upon.

Date of Presentation of Application 05/10/22

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Camp Court Swat

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