

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.**

Service Appeal No. 7824/2021

Date of Institution ... 03.12.2021

Date of Decision... 03.02.2023

Muhammad Sher Ali S/O Kobad Khan, Forester, Block Officer,  
Khawazakhela Block, Fatehpur Range, Swat.

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary, Forest  
Peshawar and 02 others.

... (Respondents)

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MR. MUHAMMAD ZAFAR TAHIRKHELI,  
Advocate

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For appellant.

MR. UMAIR AZAM KHAN,  
Additional Advocate General

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For respondents.

SALAH-UD-DIN  
FAREEHA PAUL

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MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)

**JUDGMENT:**

SALAH-UD-DIN, MEMBER:- Precisely stated the  
averments as raised by the appellant in his appeal are that vide  
order dated 15.06.2020 he was posted as Forester in Khawzakhela  
Block of Fatehpur Range and after serving for almost 01 year and  
05 month, he was premature transferred to Shin Block of Fatehpur  
Range vide impugned order dated 08.11.2021. The appellant filed  
departmental appeal on 11.11.2021, which was not responded



within the statutory period of 90 days, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their reply, wherein they refuted the assertions raised by the appellant in his appeal.

3. Learned counsel for the appellant has addressed his arguments supporting the grounds agitated by the appellant in his service appeal. On the other hand, learned Additional Advocate General has controverted the arguments of learned counsel for the appellant and has supported the comments submitted by the respondents.



4. Arguments have already been heard and record perused.


5. A perusal of the record would show that the appellant, while serving as Forester was posted as Block Officer Khawzakhela Block of Fatehpur Range, who vide impugned order dated 08.11.2021 was transferred to Shin Block of Fatehpur Range. The appellant has challenged the aforementioned order through filing of instant appeal and vide order dated 22.12.2021 passed by this Tribunal, the operation of the impugned order was suspended. The appellant is thus still working on the post of Block Officer Khawzakhela Block of Fatehpur Range. The appellant has himself mentioned in the appeal that he was transferred to Khawzakhela Block of Fatehpur Range vide order dated 15.06.2020, therefore, he has thus spent more than 02 years period on the

existing place of his posting, whereas according to Posting/Transfer Policy of the Provincial Government, the normal tenure of posting is 02 years. The main ground taken by the appellant in his appeal is that his transfer from Khawzakhela Block of Fatehpur Range to Shin Block Fatehpur Range was premature, however the said ground is no more available to him, as mentioned above, he has now spent more than 02 years period as Block Officer Khawzakhela Block of Fatehpur Range.

6. In view of the above, we hold that the competent Authority is now at liberty either to keep intact the impugned order or transfer the appellant to some other place, however the transfer order of the appellant shall be in the best interest of public. With these observations, the appeal in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
03.02.2023

  
(FAREEHA PAUL)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)