
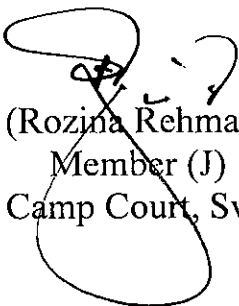


of Miss Salma CT (BS-15) GGHS Dargai. The crux of the claim of the appellant is that her transfer through impugned order was passed on malafide, discrimination, favoritism and nepotism. There is nothing on file which could show that the issue in respect of transfer was motivated by any political reason or nepotism as purported by the appellant. Therefore, we do not find any viable reason to interfere in the impugned order. Even otherwise, both the ladies were transferred in the territorial limits of their district. Resultantly, this appeal having no substance is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
06.03.2023


(Farceha Paul)
Member (E)
Camp Court, Swat


(Rozina Rehman)
Member (J)
Camp Court, Swat

5. Conversely, learned District Attorney submitted that appellant was transferred to GGHS Dargai near her home town; that the respondent No. 4 being surplus at GGHS Dargai was transferred on 03.11.2021 to GGHSS Sakhakot as CT (BPS-15), but when the case was examined again, it was found that private respondent No. 4 was meritorious with a score of 112.92 at Sr. No. 40 while the appellant having a score of 102.81 at Sr. No. 134 in the initial appointment order, while both the females were on the same distance from the school i.e. GGHS Dargai.

6. From the record it is evident that on the recommendation of Departmental Selection Committee, District Malakand appellant and private respondent No. 4 namely Salma were appointed alongwith others against the post of CT school based in (BPS-15) vide appointment order dated 15.05.2017. Appellant was posted at GGHS No.1 Batkhela, while Salma at GGHS Dargai against the vacant post of CT. It was on 08.12.2018 when the appellant Naghma Noreen CT was transferred from GGHS Batkhela to GGHS Dargai against a vacant post of CT. Private respondent No.4 Miss Salma was already serving in GGHS Dargai and it was on 06.07.2021 when an office order was issued vide which 19 teachers who had wrongly occupied the posts were adjusted against their actual posts. As such, the appellant was adjusted at GGHS Sakhakot being a surplus CT post. She filed an application in this regard and vide office order dated 07.07.2021 one Mst. Tahira CT GGHS Dargai was posted at GGHS Sakhakot by replacing the appellant. Again, private respondent No.4 Miss Salma was adjusted at GGHS Sakhakot against vacant post of CT vide office order dated 03.11.2021 but soon, a corrigendum was issued on 16.11.2021 vide which the appellant was adjusted at Sakhakot instead

dated 08.12.2018 and in response she submitted her charge report. It was on 06.07.2021 when she was transferred and posted at GGHSS Sakhakot. Feeling aggrieved she filed departmental appeal and resultantly her appeal was accepted and transfer/posting order of the appellant was cancelled vide office order dated 07.07.2021. The private respondents No. 4 being surplus at GGHS Dargai was transferred and posted as CT (BPS-15) from GGHS Dargai to GGHSS Sakhakot against vacant post but she cancelled her transfer order vide impugned order dated 16.11.2021 and the appellant was transferred to GGHSS Sakhakot. Feeling aggrieved she filed departmental appeal which was not responded to, hence the present service appeal.

3. We have heard Noor Muhammad Khattak Advocate for appellant and Muhammad Jan learned District Attorney for the respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Noor Muhammad Khattak Advocate learned counsel appearing on behalf of the appellant contended that she was not treated in accordance with law and rules on the subject and respondents violated Article 4 & 25 of the Constitution of Islamic of Republic of Pakistan. He further submitted that impugned transfer order was never issued in the best interest of public service, hence not tenable and liable to be set aside. He contended that the impugned transfer order is violative of the posting/transfer policy of the government of Khyber Pakhtunkhwa and that tenure of the private respondent No. 4 at GGHS Dargai was more than the appellant but despite the fact, appellant was transferred he, therefore, requested for acceptance of the present service appeal.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR
AT CAMP COURT, SWAT

Service Appeal No.356/2022

Date of Institution ... 08.03.2022
Date of Decision ... 06.03.2023

Mst. Naghma Noreen, Certified Teacher (BPS-15), GGHS Dargai,
District Malakand under transfer to GGHSS Sakhakot, District
Malakand.

... (Appellant)

VERSUS

The Secretary (E&S) Education Department, Khyber Pakhtunkhwa,
Peshawar and three others.

... (Respondents)

Noor Muhammad Khattak
Advocate

... For appellant

Muhammad Jan
District Attorney

... For respondents

Mrs. Rozina Rehman
Miss Fareeha Paul

... Member (J)
... Member (E)

JUDGMENT

Rozina Rehman, Member (J): The appellant has invoked the jurisdiction of
this Tribunal through above titled appeal with the prayer as copied below:

**“That on acceptance of this appeal the impugned order
dated 16.11.2021 may very kindly be set aside and the
respondents may kindly be directed not to transfer the
appellant from GGHS Dargai, District Malakand.”**

2. Brief facts of the case are that the appellant was appointed as Certified
Teacher vide order dated 15.05.2017 and was posted at GGHS No.1
Batkhela. During service she was transferred to GGHS Dargai vide order