


10.04.2023

Appellant alongwith his counsel present. Preliminary arguments heard.

Learned counsel for the appellant contended that vide impugned Notification dated 11.11.2022 the appellant was transferred from Naseer Ullah Khan Babar Memorial Hospital Peshawar and was directed to report to the Directorate General Health Service Peshawar. It was further contended that the rights of the appellant guaranteed under Articles 4 & 25 of the constitution of Islamic Republic of Pakistan were badly violated by the respondents through the impugned order. He next argued that the impugned Notification dated 11.11.2022 is also against clause-I of transfer/posting policy of the provincial government on the subject. He further argued that the impugned transfer Notification dated 11.11.2022 has not been issued in the public interest, therefore, the same is liable to be set-aside. The appellant filed departmental appeal, however the same was not responded within the statutory period of 90 days, hence the instant service appeal.

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 27.04.2023 before the S.B. Parcha Peshi given to the appellant as well as his counsel.

Alongwith memorandum of appeal, the appellant has also filed an application for suspension of operation of the impugned Notification dated 11.11.2022 to the extent of appellant. Notice of the same also be issued to the respondents for the date fixed.


(Salah Ud Din)
Member (Judicial)