

10.04.2023

Appellant alongwith his counsel present. The appeal in hand is fixed for arguments on office objections as well as preliminary hearing. Arguments of learned counsel for the appellant on office objection heard and available record perused.

2. Through the instant appeal, the appellant Mian Gul Khan has impugned Notification bearing No. SO (Estt)/PHED/1-45/2022 dated 27.03.2023, whereby he has been transferred from the post of Executive Engineer PHE Division Tank to the vacant post of Deputy Director Lab/Projects PHE Department. The appeal in hand was submitted on 04.04.2023, however the same was returned by the Registrar of this Tribunal by raising office objection that the appellant had preferred departmental appeal/representation on 29.03.2023 and as period of 90 days as prescribed in Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 had not elapsed, therefore, the appeal is premature. Learned counsel for the appellant re-submitted the appeal on the same date i.e 04.04.2023 by mentioning therein that the departmental appeal of the appellant has been dismissed on 29.03.2023. The aforementioned order dated 29.03.2023, referred to by learned counsel for the appellant is available on the record, which would show that the same is actually a note for Minister PHE and not rejection order of departmental appeal of the appellant. In these circumstances, the appeal being premature be returned to the appellant/counsel for the appellant for its re-submission after maturity of the cause of action.

ANNOUNCED

10.04.2023



(Salah-Ud-Din)  
Member (Judicial )