

11.04.2023

Appellant alongwith his counsel present.

Preliminary arguments heard.


2. During course of arguments, learned counsel for the appellant contended that the appellant was posted as Drawing Master in GHS Gumbati Meena Khel and through a mutual transfer order, he was transferred to GMS Jattan Banda, while one Zain Ullah was transferred from GMS Jattan Banda to GHS Gumbati Meena Khel vide order dated 18.03.2023; that the appellant took over the charge of his post at GMS Jattan Banda and was performing his duty with full devotion but vide impugned order dated 29.03.2023, the transfer order of the appellant dated 18.03.2023 was withdrawn without assigning any cogent reason and vide another impugned order of the date i.e 29.03.2023, private respondent No. 5 namely Bilal Anwar was transferred to GMS Jattan Banda; that posting/transfer orders are required to be made in the interest of public, however in case of the appellant, the said criteria of public interest does not exist; that the impugned order dated 29.03.2023 is violative of clauses I, IV and XIII of the transfer/posting policy of the government of Khyber Pakhtunkhwa; that the impugned orders are result of nepotism and the same have violated the rights of the appellant guaranteed under Articles 4 & 25 of the Constitution of Islamic Republic of Pakistan; that the departmental appeal of the appellant was rejected vide



# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - 803/2023


S. No.	Date of order, proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/04/2023	<p>The appeal of Mst. Shamim Akhtar presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 11.04.2023.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

SCANNED  
KFST  
Peshawar

order dated 07.04.2023 without assigning any reason for its rejection.

3. 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 shall be deposited by the appellant within three days. To come up for submission of written reply/comments on 28.04.2023 before the S.B.

4. Alongwith memorandum of appeal, the appellant has also filed an application for suspension of operation of the impugned orders dated 29.03.2023. Notice of the same also be issued to the respondents for the date fixed. In the meanwhile, operation of impugned order bearing endorsement No. 1716-21 dated 29.03.2023 as well as order bearing endorsement No. 1723-31/Transfer/ADEO Secy: dated 29.03.2023 shall remain suspended, if not already acted upon, till the date fixed.

  
(Salah-Ud-Din)  
Member (J)