

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

**BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN
SALAH-UD-DIN ... MEMBER (Judicial)**

Service Appeal No. 1425/2022

Date of presentation of appeal03.10.2022
Dates of Hearing.....05.05.2023
Date of Decision.....05.05.2023

Irshad Ullah, Village Secretary (BPS-09), Village Council Jandri,
District Karak.

.....(*Appellant*)

Versus

1. The Director General Local Government & Rural Development
Deptment, Khyber Pakhtunkhwa, Peshawar.
2. The Assistant Director, Local Government & Rural Development
Department, District Karak.
3. Mr. Muhammad Atif, Village Secretary, O/O the Assistant Director
LG&RD, District Karak.

.....(*Respondent*)

Present:

Mr. Noor Muhammad Khattak, Advocate.....For appellant.

Mr. Asif Masood Ali Shah,
Deputy District AttorneyFor official respondents.

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**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED TRANSFER ORDER DATED 26.09.2022
WHEREBY THE APPELLANT HAS BEEN TRANSFERRED
FROM VC JANDRI AND AGAINST THE APPELLATE ORDER
DATED 28.09.2022 WHEREBY THE DEPARTMENTAL APPEAL
OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD
GROUNDS.**

ORDER



KALIM ARSHAD KHAN CHAIRMAN: This appeal is against
the transfer order dated 26.09.2022 whereby the appellant Irshad Ullah
was transferred from V.C Jandri Karak to AD Office Karak. It is also

against the appellate order dated 28.09.2022 whereby the departmental appeal of the appellant was rejected.

2. The appellant was appointed as Village Secretary Village Council Jandri (BPS-07) vide order dated 23.12.2015 and had been serving there when he was transferred vide impugned order dated 26.09.2022 to the office of the Assistant Director Local Government and Rural Development Department Karak. Feeling aggrieved from the said order, he filed departmental appeal, which was dismissed on 28.09.2022 and, hence, this appeal on the ground that the impugned order was against law, facts and record as well as against Clauses I, VI & XI of the posting/transfer policy of the Provincial Government.

3. On receipt of appeal, the respondents were summoned but they did not put appearance and were placed ex-parte.

4. Ex-parte arguments heard.

5. During the course of arguments, learned counsel for the appellant produced copy of order dated 03.08.2022 passed by the Hon'ble Peshawar High Court, Abbottabad Bench in Writ Petition No. 930-A/2022 whereby almost a similar matter was taken up by the Hon'ble Peshawar High Court and was decided in the following manner:-

"After arguing the case for a while, learned counsel for the petitioner agreed that let the matter be sent to respondent No. 1 (Secretary Local Government and Rural Development Department, Peshawar), for consideration of grievances of the petitioner. He shall see whether the transfer and posting of Village Secretary of village council from place of posting to other village council was legal and justified. He shall also see that when appointments of persons are made on the basis of locality i.e from same village council then making said posting transferrable would not carry any potential to prejudice rights of some localities; whether such powers are not open to misuse and

abuse. He shall also see the regular duration with which petitioner has constantly been transferred from one place to another.

2. In view of the above, the instant petition is disposed of accordingly. Learned Additional AG, present in court, is directed to convey order of this Court to Secretary Local Government for consideration and necessary action."

6. We would like to follow the Hon'ble Peshawar High Court and would send the matter to the Secretary Local Government and Rural Development to see this order in the above perspective. The Secretary Local Government and Rural Development shall decide the matter within 30 days of receipt of copy of this order under intimation to the Tribunal through its Registrar. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 05th day of May, 2023.*



KALIM ARSHAD KHAN
Chairman



SALAH UD DIN
Member (Judicial)