

ORDER

11th May, 2023

1. Learned counsel for appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

2. Vide our detailed judgment of today of this Tribunal placed on file, the impugned transfer order is not maintainable and is set aside. However, the department is at liberty to conduct regular inquiry into the allegations leveled against the appellant and may proceed against, if so required. In case the competent authority is of the view that the appellant had committed misconduct, which disturbed the discipline of service, then the same could have been enquired through an inquiry and transferring the appellant before any such inquiry, was not a proper procedure covered under the Provincial Government, Posting/Transfer Policy. Consign.

3. *Pronounced in open Court at Peshawar under our hands and the seal of the Tribunal on this 11th of May, 2023.*



(Salah Ud Din)
Member (J)



(Kalim Arshad Khan)
Chairman

Mutazem Shah