

24.05.2023

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant was serving as Senior Clerk (BPS-14) in GHSS Thakot, however vide impugned posting/transfer order dated 31.03.2023, he was transferred to GHS Khanis Pur Abbottabad in contravention of the posting/transfer policy of the Provincial Government; that upon retirement of the Director Elementary & Secondary Education Khyber Pakhtunkhwa on 15.03.2023, Additional Director (Estab) Directorate of Elementary & Secondary Education Peshawar was assigned the duty to also look-after the charge of the office of Directorate of Elementary & Secondary Education Peshawar, however on 27.03.2023, advisor to Chief Minister for Elementary & Secondary Education submitted two lists of employees of the Education Department for their posting/transfer and it was in wake of the same, that the impugned posting/transfer order was wrongly and illegally issued by Additional Director (Estab) Directorate of Elementary & Secondary Education Peshawar; that posting/transfer orders are issued in exigency of service or in the interest of public but the impugned posting/transfer order was made on the basis of political intervention, which fact is supported by documentary proof; that the appellant had preferred departmental appeal before the Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, who was appellate Authority but the same was rejected by Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, who was the Authority that had issued the impugned posting/transfer order; that the impugned posting/transfer order was

issued in violation of ban on transfer/posting of the civil servant, which also makes the impugned posting/transfer order as wrong and illegal .

Points raised need consideration, hence the appeal is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security fee within seven days. Respondents be summoned through TCS and to come up for submission of written reply/comments on 06.06.2023 before the S.B at Principal Seat Peshawar. Appellant shall deposit expenses of TCS with seven days.

Alongwith memorandum of appeal, the appellant has also filed an application for suspension of operation of the impugned order dated 31.03.2023 till final decision of the instant appeal. Notice of the same also be issued to the respondents for the date fixed. In the meanwhile, operation of impugned posting/transfer order shall remain suspended to the extent of appellant till the date fixed, if not already acted upon.



(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad