


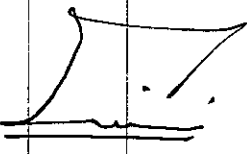
FORM OF ORDER SHEET

Court of _____

Appeal No. 1269/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/06/2023	<p>The appeal of Mrs. Hurmat is presented to law by Mr. Abdul Nasir Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 09-06-2023.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>
09.06.2023		<p>Learned counsel for the appellant present. Preliminary arguments heard.</p> <p>Learned counsel for the appellant has contended that the appellant was appointed as LHV (BPS-9) and later on after confirmation as PHC Tech (MCH) LHV is performing her duty in BHU Qamber Swat; that vide impugned office order dated 17.05.2023, the appellant was transferred from BHU Qamber to BHU Bishban and private respondent No. 5 namely Mrs. Ruqia was transferred at the place of the appellant; that the impugned posting/transfer date 17.05.2023 was passed on the recommendation of inquiry report, which is a stigma and the order regarding transfer on such ground is not sustainable in the eye of law; that posting/transfer orders are required to be issued in exigency of service or in the interest of public but the impugned posting/transfer order was made on the basis of</p>

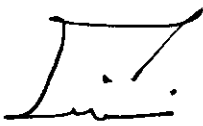
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 Peshawar



political influence; that the impugned order dated 17.05.2023 was a result of nepotism and the same has 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 dismissed vide order dated 29.05.2023 without assigning any legal reason for its rejection.

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 03 days. Respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for submission of written reply/comments on 22.06.2023 before the S.B. Parcha Peshi given to learned counsel for the appellant.

Alongwith appeal, the appellant has also submitted an application for temporary injunction to the effect that operation of the impugned transfer order bearing Endorsement No. 6355-61 dated 17.05.2023 passed by respondent No. 1 may be suspended till disposal of the instant appeal. Notice of the same also be issued to the respondents and in the meanwhile operation of the impugned order shall remain suspended till the date fixed, if not already acted upon.


(Salah-Ud-Din)
Member (J)