

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.**

Service Appeal No. 138/2022

Date of Institution ... 31.01.2022

Date of Decision... 30.05.2023

Mst. Nosheen, Librarian (BPS-17), Government Girls Degree College No. 1, Charsadda under Transfer to Government Girls Degree College Zaida Swabi.

... (Appellant)

**VERSUS**

The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar and 03 others. ... (Respondents)

MR. KAMRAN KHAN,  
Advocate

--- For appellant.

MR. ASIF MASOOD ALI SHAH,  
Deputy District Attorney

--- For official respondents.

MR. SALAH-UD-DIN  
MR. MUHAMMAD AKBAR KHAN

--- MEMBER (JUDICIAL)  
--- MEMBER (EXECUTIVE)

**JUDGMENT:**

SALAH-UD-DIN, MEMBER:- Precise facts as alleged by the appellant in her appeal are that she was serving as Librarian (BPS-17) at Government Girls Degree College No. 1 Charsadda since 30.09.2019; that previously the appellant had spent 06 years in Government Girls Degree College Jolagram Batkhela and was then transferred to her home District Charsadda; that the appellant is unmarried and is having many domestic issues but vide Notification dated 24.12.2021, she was transferred to Government Girls Degree College Zaida Swabi, which is located in a far flung area of District Swabi; that the appellant challenged her transfer through filing of



departmental appeal ,which was not responded within the statutory period hence the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Official respondents put appearance through their representative and contested the appeal by filing their respective written replies raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant. Private respondent No. 4 failed to appear despite being summoned through registered A.D, therefore, she was placed ex-parte.

3. Learned counsel for the appellant has addressed his arguments supporting the grounds agitated by the appellant in his service appeal. On the other hand, learned Deputy District Attorney for the respondents has controverted the arguments of learned counsel for the appellant and has supported the comments submitted by the respondents.

4. Arguments have already been heard and record perused.

5. The appellant has herself stated in her appeal that she was serving in Government Girls Degree College No. 1 Charsadda since 30.09.2019, impugned posting/transfer Notification was issued on 24.12.2021. Normal tenure of posting as prescribed under transfer/posting Policy of the Provincial Government is 02 years and the appellant had thus already completed her normal tenure of posting at Government Girls Degree College Charsadda. Admittedly, the appellant is a civil servant and is governed by the terms and condition of a civil servant as mentioned in the Civil Servant Act, 1973 and

section 10 of the ibid Act being the main ingredient that pertains to the posting and transfers of the civil servant is hereby reproduced as below for ready reference:-

*"10. Posting and transfers.--- Every civil servant shall be liable to serve anywhere within or outside the Province in any post under the Federal Government, or any Provincial Government or local authority, or a corporation or body set up or established by any such Government:*


*Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:*


*Provided further that where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve."*

6. According to section 10, desired posting is not an inherent right of a civil servant and the department concerned can transfer any civil servant to serve at the given place as mentioned in the transfer/posting order.

7. Consequently, the appeal in hand being without any force stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
30.05.2023

  
(MUHAMMAD AKBAR KHAN)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)