


6. Perusal of the record reveals that the appellant was transferred from GGHS, Nowshera Kalan District Nowshera to GGHSS Shah Dand, Par Hoti Mardan vide order dated 09.09.2020. After 20 days, on 29.09.2020, the transfer order was withdrawn. The order of 09.09.2020 was restored on 09.06.2021 but the restored order was withdrawn after 13 days, on 22.06.2021 and the same has been impugned before us. The repeated withdrawal of transfer orders of the appellant by the respondents indicates that they are completely confused and lack clarity in the decision making. Moreover this is an utter violation of their own Transfer/Posting Policy, which clearly defines the tenure of posting. In this case the respondents are not allowing the appellant to complete her normal tenure of posting at one place.

7. In view of the foregoing, the appeal in hand is allowed and order dated 22.06.2021 is set aside with the directions to the respondents to allow the appellant to complete her normal tenure of posting at GGHSS Nowshera Kalan, District Nowshera. Costs to follow the event. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 14th day of June, 2023.*

  
(FAREEHA PAUL)  
Member (E)

*\*Fazal Subhan PS\**

  
(KALIM ARSHAD KHAN)  
Chairman

3. Respondents were put on notice. Despite last chance, written reply on behalf of the official respondents was not submitted and hence their right for submission of written reply stood struck off vide order dated 04.11.2022. Private respondent No. 5, despite proper service neither submitted a reply nor appeared before the Tribunal; hence was placed ex-parte vide order 02.06.2023. We have heard the learned counsel for the appellant as well as the learned Additional Advocate General for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant after presenting the case in detail argued that the order dated 22.06.2021 was against the law, facts and norms of justice. He further argued that the appellant had not been treated in accordance with law and was condemned unheard. He said that the impugned transfer order of the appellant was issued without completion of normal posting period of two years, which was the violation of the posting/transfer policy framed by the provincial government. He requested that the appeal might be accepted as prayed for.

5. Learned Additional Advocate General, while rebutting the arguments of learned counsel for the appellant, argued that under Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, every civil servant was obligated to serve at any place where he/she was posted by the competent authority in the provincial government. He requested that the appeal might be dismissed.



departmental appeal of the appellant within the statutory period of ninety days. It has been prayed that on acceptance of the appeal, the impugned order might be set aside and the order dated 09.09.2020 be restored. It has also been prayed that the respondent department might further be directed not to transfer the appellant prematurely and in violation of posting/transfer policy, alongwith any other remedy, which the Tribunal deemed fit and appropriate.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was serving in the Government of Khyber Pakhtunkhwa Higher Education Department as Lab. Superintendent (BPS-16). She was transferred from GGISS Nowshera Kalan and placed at the disposal of District Education Officer (Female) Mardan for further adjustment vide order dated 12.07.2019. Through office order dated 23.09.2019, the appellant was adjusted against the vacant post of Assistant Programmer at the office of DIO (Female) Mardan. Lastly, vide order dated 09.09.2020 she was transferred from GGISS Nowshera Kalan District Nowshera to GGISS Shah Dand Par Hoti, Mardan. The transfer order of the appellant was withdrawn without showing any reason vide order dated 29.09.2020, just after twenty days. The transfer order dated 09.09.2020 was restored vide order dated 09.06.2021 but quite astonishingly the same was withdrawn again vide order dated 22.06.2021, just after 13 days. The appellant, feeling aggrieved, submitted departmental appeal on 12.09.2021 but no action was taken within the statutory period of ninety days; hence the instant appeal.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 7739/2021

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN  
MISS FAREEHA PAUL ... MEMBER(E)

Aisha Gul Lab. Superintendent (BPS-16) GGHSS Nowshera Kalan  
District Nowshera. .... (*Appellant*)

Versus

1. The Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female) Mardan.
4. The District Education Officer (Female) Nowshera.
5. Mst. Samina Gul Lab. Superintendent (BPS-16) GGHSS Shahdand, Mardan. .... (*Respondents*)

Syed Numan Ali Bukhari,  
Advocate ... For appellant

Mr. Fazal Shah Mohmand,  
Additional Advocate General ... For respondents

Date of Institution.....05.11.2021  
Date of Hearing.....14.06.2023  
Date of Decision..... 14.06.2023

**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 22.06.2021, whereby restoration order dated 09.06.2021 was withdrawn and also against not deciding the

