

23.06.2023


Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant while serving as SST (G), was posted against the newly created post of ASDEO (F) SDW Bannu vide Notification dated 11.02.2021, however vide Notification dated 07.04.2023, the services of the appellant were wrongly and illegally placed at the disposal of DEO (F) Bannu. He further contended that posting/transfer are made in exigency of service or in the interest of public, however the order dated 07.04.2023 was result of political intervention, therefore, the appellant challenged the same by way of filing of departmental appeal, which was accepted vide Notification dated 18.05.2023 and the posting/transfer Notification dated 07.04.2023 was withdrawn. He next argued that just after one day, the Notification dated 18.05.2023 was withdrawn vide impugned Notification dated 19.05.2023 and the appellant was left in hanging position without any post. He also argued that the impugned Notification dated 19.05.2023 is wrong and illegal, therefore, not tenable in the eye of law and is liable to be struck down.

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 11.07.2023 before the S.B.

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 operation of Notification dated 19.05.2023 till final decision of the instant appeal. Notice of the same also be issued to the respondents for the date fixed.


(Salah-Ud-Din)
Member (J)