

21<sup>th</sup> July, 2023

1. Learned counsel for the appellant present and argued that impugned order was passed on 16.05.2022 against which appellant filed departmental appeal which was refused by order dated 05.06.2023. Feeling aggrieved he filed instant service appeal under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 on 07.07.2023. He argued that appellant was posted to GGHSS Teri Karak vide order dated 15.03.2023 against which appellant filed departmental representation for issuance of corrigendum and her posting to any school at Peshawar, which was accepted by the authority on 15.05.2023. Appellant was posted at GGHSS Mathra w.e.f 31.05.2023 after retirement of Mst. Riffat Naseem, Principal. As a result of the same appellant assumed charge on 01.06.2023. Consequently, pay of appellant was released as Principal (BPS-19) which is available on page 14 and performed her duties during the month of June in the said school. He further argued that impugned corrigendum notification dated 15.05.2022 was mala fide shown to be withdrawn ab-initio on 16.05.2022 by back dating it. If impugned order was issued in fact on 16.05.2022. A copy of which was also addressed to Accountant General then in such a situation salary of the appellant for the month of June 2020 had not been released by the Accountant General Office. Points raised during the course of arguments needs consideration. Therefore, appeal in hand is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 27.07.2023 before S.B. P.P given to learned counsel for the appellant.



2. Annexed with the appeal there is an application for suspension of operation of impugned order dated 16.05.2022. In the meanwhile, operation of impugned order shall remain suspended till the date fixed, if already not acted upon.

  
(Rashida Bano)  
Member(J)

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. 1443/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/07/2023	<p>The appeal of Mst. Bibi Amina presented by Mr. Farman Ullah Khattak Advocate. It is on preliminary hearing before Single Bench at Peshawar.</p> <p>By the order of Chairman  REGISTRAR</p>
	11.07.2023	<p>Junior of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for preliminary hearing on 21.07.2023 before S.B. Parcha Peshi given to junior of learned counsel for the appellant.</p> <p> (Muhammad Akbar Khan) Member (E)</p>

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Peshawar

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