

FORM OF ORDER SHEET

Court of

Appeal No. 1710/2023

S.No. 1 Date of order proceedings 2

21/08/2023

Order or other proceedings with signature of judge

The appeal of Mr. Abbass Khan is presented today by Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 24-08-2023

By the order of Chairman

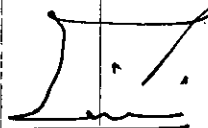
  
REGISTRAR

24.08.2023

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended the appellant was transferred from the office of Food Directorate Peshawar to DFC Office Abbottabad vide order dated 22.12.2022, however vide the impugned office order No. ET-378/1733 dated 24.05.2023, the appellant was prematurely transferred from the office of DFC Abbottabad to the office of DFC Mansehra and private respondent No. 5 namely Miss. Nabila Khan was transferred at the place of appellant. He next argued that as per transfer/posting policy of the provincial government, normal tenure of posting is two years but the appellant was transferred from the office of DFC Abbottabad to the office of DFC Mansehra just after about five months, therefore, the impugned transfer order dated 24.05.2023 of the appellant is illegal and liable to be set-aside. He next argued that the impugned order

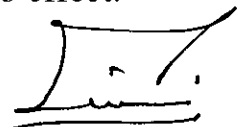
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dated 24.05.2023 was result of nepotism as private respondent No. 5 had previously served in the office of District Food Controller Abbottabad for about 05 years. He next argued that the impugned order dated 24.05.2023 of the appellant was not passed in the interest of public rather the same was passed on political basis, hence the same is liable to be set-aside. The appellant filed departmental appeal, however the same was not responded within the statutory period of 90 days, hence the instant appeal.

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 07.09.2023 before the S.B at Peshawar.

Alongwith memorandum of appeal, the appellant has also filed an application for suspension of impugned transfer order No. ET-378/1733 dated 24.05.2023. Notice of the same also be issued to the respondents for the date fixed. In the meanwhile, operation of impugned transfer order dated 24.05.2023 shall remain suspended to the extent of appellant till the date fixed, if not already acted upon. In case the appellant failed to deposit the expenses of TCS within 03 days, suspension order will have no effect.



(Salah Ud Din)  
Member (Judicial)