

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
SALAH UD DIN ... MEMBER (Judicial)

Service Appeal No.1294/2023

Date of presentation of Appeal.....08.06.2023
Date of Hearing.....21.08.2023
Date of Decision.....28.08.2023

Muhammad Nawab S/O Muhammad Yousaf Gadon Amazai
Principal GTVC, Gadoon, Amazai.....(*Appellant*)

Versus

1. **The Government** of Khyber Pakhtunkhwa Peshawar through Chief Secretary, Civil Secretariat, Peshawar.
2. **Secretary to Government of Khyber Pakhtunkhwa, Commerce, & Industries, Peshawar.**
3. **Managing Director,** Technical Education & Vocational Training Authority, Khyber Pakhtunkhwa, Peshawar.
4. **Director Human Resource,** Khyber Pakhtunkhwa, Peshawar.....(*Respondents*)

Present:

Mr. Yasir Salim, AdvoateFor the appellant
Mr. Muhammad Jan, District AttorneyFor respondents No.1 & 2
Mr. Shahab Khattak, Legal Advisor.....For respondents No.3 & 4

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Facts gleaned out from the memorandum of appeal are that appellant was appointed in Technical Education in the year 1999. During service, he was posted on deputation as Principal Government Technical & Vocational Centre Gadon Amazai, Swabi, where, he again took charge of the said post and started performing



duty, when in the meanwhile, the authorities ordered shifting of one bus to GPI Hayatabad on 10.04.2023. Accordingly, the appellant made arrangements for shifting of the said official vehicle and visit of the team was also made but later on, the said shifting was canceled. Resultantly, the impugned transfer order was made on 11.04.2023, wherein, the appellant was transferred from GCT Swabi to GTVC Samar Bagh, Dir Lower. Feeling aggrieved, he filed departmental appeal on 17.04.2023 which was not responded to, therefore, the appellant preferred petition before the Hon'ble Peshawar High Court, and the Hon'ble Peshawar High Court opted the same as Service Appeal which was transmitted to the Tribunal in shape of appeal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellant, learned District Attorney for the respondents No.1 & 2 and Legal Advisor of respondents No.3 & 4.

04. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney assisted by the Legal Advisor of respondents No.3 & 4 controverted the same by supporting the impugned order(s).

05. The appellant alleges that his transfer was made as a punishment on an issue of shifting of an official bus. As against that the contention of the

respondents is that the appellant was temporarily deputed to look after the administrative affairs of the Government Technical & Vocational Centre (B), Gadoon Amazai, Swabi till further orders. This fact is evident from the office order dated 23.11.2021. While the appellant himself says in ground-D of the appeal (then writ petition) that he was posted on deputation as Principal Government Technical & Vocational Centre Gadoon Amazai in the year 2021. The above state of affairs does not constitute proper posting of the appellant against the post of Principal Technical & Vocational Center for Boys, Gadoon Amazai, District Swabi, therefore, mere assigning the duties of Drawing & Disbursing Officer and then relieving of the appellant of such assignment would not be said to be a transfer against the posting/transfer policy of the Government.

06. In view of the above, we find no merit in this appeal and it is thus dismissed. Cost shall follow the event. Consign.

07. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 8th Day of August, 2023.*



KALIM ARSHAD KHAN
Chairman



SALAH-UD-DIN
Member (Judicial)