


20.09.2023

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that false charges of embezzlement against the appellant were made, however in the inquiry proceedings, the said charges were not proved and he was exonerated; that vide impugned transfer order dated 05.06.2023, the appellant was transferred from GMS Mian Essa Lund Khwar to GHSS Khadi Killi Mardan on administrative ground, which is not tenable in the eye of law; that the appellant has not been treated by the respondent-department in accordance with law and rules on the subject and as such the respondents have violated Articles 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973; that the impugned order is violative of Clause I, IV, IX and XIII of Transfer/Posting Policy; that the impugned order was challenged by the appellant through filing of departmental appeal, however the same was not responded within the statutory period, hence the instant service 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 10 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 05.10.2023 before the S.B.

Alongwith appeal, the appellant has also submitted an application for suspension of operation of impugned transfer order dated 05.06.2023. Notice of the same also be issued to the respondents for the date fixed.


(Salah-Ud-Din)
Member (J)