

Ph: 9220581.

REGISTERED/AD

C. P.No.724-P/2023-SCJ

Supreme Court of Pakistan

Islamabad, the 14th November, 2023

From

The Registrar
Supreme Court of Pakistan
Islamabad.

To

The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar C/o Assistant Registrar(Peshawar).

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9198

Dated 17-11-2023

Subject:- **CIVIL PETITION NOS. 724-P AND 3676 OF 2023.**
Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Peshawar and others

...Petitioner(s)

VERSUS

Prof. Khurshid Ahmad and another

...Respondent(s)

(on appeal from the judgment of the Khyber
Pakhtunkhwa Service Tribunal, Peshawar dated
22.09.2023 passed in Service Appeal No.1474/2023)✓

Dear Sir,

I am directed to enclose herewith a certified copy of the
order dated **08.11.2023** passed in the above cited Civil Petition for
information and necessary action.

Kindly acknowledge receipt of this letter along with its
enclosure.

Yours faithfully

Encl:- As Above


(NOOR MUSTAFA SHAH)
ASSISTANT REGISTRAR (CIVIL-II)
FOR REGISTRAR

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mrs. Justice Ayesha A. Malik
Mr. Justice Syed Hasan Azhar Rizvi

Civil Petitions No.724-P and 3676 of 2023

Government of Khyber Pakhtunkhwa through
Chief Secretary, Civil Secretariat, Peshawar and
others
(in CP.724-P of 2023)

Professor Dr. Faridullah Shah ... Petitioner(s)
(in CP.3676 of 2023)

Versus

Professor Khurshid Ahmad and another
(in CP.724-P of 2023)

The Government of Khyber Pakhtunkhwa
through Chief Secretary, Government of Khyber
Pakhtunkhwa, Civil Secretariat, Peshawar and
others ...Respondent(s)
(in CP.3676 of 2023)

For the Petitioner(s) : Mr. Sultan Mazhar Sher Khan,
(in CP.724-P of 2023) Additional Advocate General,
Khyber Pakhtunkhwa

For the Petitioner(s) : Syed Qalb-i-Hasan, ASC
(in CP.3676 of 2023) Ch. Akhtar Ali, AOR


Respondent(s) : N.R.

Date of Hearing : 08.11.2023

ORDER

These Petitions challenge the same impugned judgment dated 22.09.2023 passed in Service Appeal No.1474 of 2023 by the Khyber Pakhtunkhwa Service Tribunal, Peshawar (**the Tribunal**). The fundamental ground raised in these petitions is that the Tribunal lacked jurisdiction to interfere in the matter pertaining to posting and transfer of the civil servants in terms of Section 4(b) of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. The learned Additional Advocate General while placing reliance on the cases reported as Ehsan Elahi Cheema v. Secretary Health and 2 others (1999 SCMR 2482), Dr. Surraya Javed v. Director-General, Health Service and another (2000 SCMR 141) and Muhammad Sajjad v. Federation of Pakistan and others [2023 PLC (C.S) 292] contends that this is a settled proposition of law that the Tribunal is not vested with

ATTESTED


Senior Court Associate
Supreme Court of Pakistan
Islamabad

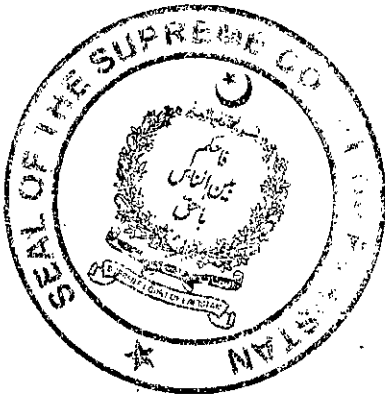
jurisdiction to entertain an appeal against the order of departmental authority determining the posting, transfer, or promotion of the a civil servant. Notice.

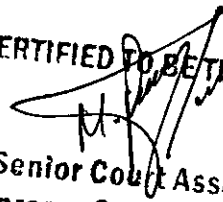
CMA.1124-P and 8621 of 2023:

2. Till the next date of hearing *status quo* is directed to be maintained.

Sd/-HJ
Sd/-HJ

Bench-V
Islamabad
08.11.2023
NOT APPROVED FOR REPORTING
Rabbani*/



CERTIFIED TO BE TRUE COPY

Senior Court Associate
Supreme Court of Pakistan
Islamabad