

Service Appeal No. 1876/2023 titled "Naseer Ahmed Versus Secretary (E&SE) Education Department, Khyber Pakhtunkhwa Peshawar and others"

ORDER
06.11.2023

MUHAMMAD AKBAR KHAN, MEMBER (E):- Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. The appellant was basically appointed as SST (BS-16) against disable persons quota. Upon the compliant in the citizen portal an inquiry was initiated against the appellant in which the allegations leveled against him were not proved, however the appellant was transferred on the ground of compliant from local community against him. The posting transfer is a routine matter and the impugned order does not violate any provision of the Civil Servants Act, 1973, the Khyber Pakhtunkhwa Government Servants (Appointment, Promotion & Transfer) Rules, 1989 and the posting transfer policy of the Provincial Government. However, we observe that the reasons advanced for transfer of the appellant do not hold good as the allegations against him were not proved in the inquiry conducted against him. Moreover, the appellant is a disable person and at the verge of retirement. The present station of duty is stated to be more than 30 kilometers away from his home which is not convenient for a disable person to commute on daily basis. We, therefore, direct the respondents to facilitate the appellant by posting him in the same



school from where he was transferred out or near to his home. The appeal in hand is disposed of accordingly. Consign.

03. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 06th day of November, 2023.*



(Rashida Bano)
Member (J)



(Muhammad Akbar Khan)
Member (E)