

Service Appeal No. 749/2023 titled "Saif-ur-Rehman Versus Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others"

ORDER
08.12.2023

MUHAMMAD AKBAR KHAN, MEMBER (E):- Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments heard and record perused.

02. The appellant was basically appointed as Chowkidar against disable persons quota. Upon the complaint of Mr. Bakht Zamin father of class 4th student namely Javeria on 22.09.2022 an inquiry was initiated against the appellant and resultantly he was transferred from GGPS Afsar Abad to GGHS Deolai on administrative grounds. 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. The present station of duty is stated to be more than 25 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

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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 camp court Swat and given under our hands and seal of the Tribunal on this 08th day of December, 2023.*



(Rashida Bano)
Member (J)
Camp Court Swat



(Muhammad Akbar Khan)
Member (E)
Camp Court Swat