

15.01.2024


1. Learned counsel for the appellant present and heard.
2. The appellant is a domicile holder of District Malakand as per his CNIC available on record. The appellant will superannuate on 02.03.2024. He was posted as Assistant Director Industries/CPC District Malakand vide order dated 04.05.2023 and just after one and half month he was transferred out from the post of Assistant Director Industries/CPC, Malakand and posted as Assistant Director, Statistic, Office of Dy. Director, Industries, Commerce & Trade Malakand Region vide order dated 27.06.2023. As per Posting/Transfer Policy of the Provincial Government *"the normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government."*

Moreover, clause XI of the policy ibid provides that *"Officers/officials except DCOs and DPOs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement."*

Furthermore, the post of Assistant Director Industries/CPC District Malakand is still vacant and the appellant has not yet relinquished the charge there. The respondents is therefore, directed to allow the appellant to complete his service on existing post till 02.03.2024 the date on which he will superannuate.

3. The appeal in hand is disposed off on the above terms.

4. *Pronounced in open court at Peshawar and given under my hand and seal of the Tribunal on this 15th day of January, 2024.*


(Muhammad Akbar Khan)
Member (E)

Kamranullah