

24.01.2024

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant while serving as PSHT (BPS-15) in GPS No. 2 Spin Kani Kalan was transferred to GPS No. 2 Taru Jabba Pabbi Nowshera vide order dated 30.03.2023 in his own grade and pay with the direction to take over the charge after the retirement of Malik Hidayat Ullah PSHT, however vide the impugned order dated 12.06.2023 private respondent No. 5 Fazli Malik PSHT (BPS-15) was transferred to GPS No. 2 Taru Jabba Pabbi Nowshera. He next contended that posting/transfer are made in exigency of service or in the interest of public, however the order dated 12.06.2023 was result of political intervention just to accommodate of private respondent No. 5. He also argued that the impugned Notification dated 19.05.2023 is wrong and illegal, therefore, not tenable in the eye of law and is liable to be struck down. The appellant filed departmental appeal, however the same was not responded within the statutory period of 90 days, hence the instant appeal.

Points raised need consideration, hence the appeal in hand is admitted to regular hearing subject to all legal and valid objections including the question of limitation. 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 07.02.2024 before the S.B. Parcha Peshi given to the parties.



Alongwith memorandum of appeal, the appellant has also filed an application for suspension of operation of impugned order dated 12.06.2023 and restoration of earlier order dated 30.03.2023 till final decision of the instant appeal. Notice of the same also be issued to the respondents for the date fixed.


(Salahud-Din)
Member (J)

FORM OF ORDER SHEET

Court of _____

Appeal No. 65/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	03/01/2024	<p>The appeal of Mr. Ajmal Khan resubmitted today by Mr. Meher Gul Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>09-01-24</u>. Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>
09.01.2024		<p>Appellant in person present and requested for adjournment on the ground that his counsel is unable to appear before the Tribunal today due to strike of lawyers. Adjourned. To come up for preliminary hearing on 24.01.2024 before the S.B. Parcha Peshi given to the appellant.</p> <p> (Salah-ud-Din) Member (J)</p>

Naeem Amin