


01.02.2024

1. Learned counsel for the appellant present and argued that appellant vide impugned order transferred to Dir Upper on 07.12.2023 as a punishment because due to her illness he was not in a position to receive call of the brother of the then Chief Minister. He further argued that appellant is the only Assistant in the respondent department that's why appellant was not relieved. He further argued that due to serious illness travelling from Swat to Dir Upper is dangerous to his health as doctor also advise him from travelling. He further argued that Director General Health Services Khyber Pakhtunkhwa, Peshawar is not the competent authority to issue posting/transfer order as vide notification dated 12.11.2021 Regional Director will be the relevant authority who can issue posting/transfer order of BPS-1 to BPS-16. Appellant filed departmental appeal, which was rejected vide order dated 09.01.2024. Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 13.02.2024 before S.B. P.P given to learned counsel for the appellant.

1. Alongwith the appeal there is an application for suspension of operation of impugned orders dated 17.12.2023 and 09.01.2024. Notice of this application be issued to the respondents. In the meanwhile, operation of impugned order shall remain suspended, if not acted upon earlier.


(Rashida Bano)
Member (J)