

till date. Order to his effect has been passed by the respondent No. 2 vide Notification dated 12th July, 2023.

03. We, therefore, deem it appropriate that instead of passing any order it would be fair to direct the respondents to give proper posting to the appellant in accordance with his Pay & Scale. The appeal in hand is disposed off on the above terms. Consign.

04. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 29th day of January, 2024.*



(Rashida Bano)
Member (J)



(Muhammad Akbar Khan)
Member (E)

Service Appeal No. 1766/2023 titled "Syed Hasnain Kazmi Versus Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa Peshawar and others"

ORDERS

29.01.2024

MUHAMMAD AKBAR KHAN, MEMBER (E):- Appellant in person present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present. Arguments heard and record perused.

02. The appellant has come up with the instant service appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal, Act, 1974 against the impugned order dated 05.05.2023 whereby the appellant was transferred from the post of Assistant Director (Senior) LG&RD, Headquarter, Tehsil Haripur and directed to report to Director General LG&RD. In the same order one Mr. Gohar Ali, (BPS-17) has been posted as Assistant Director (Senior) LG&RD, Headquarter, Tehsil Haripur in his own Pay & Scale against the post which was being held by the appellant who is in BPS-18. Although in his appeal the appellant has advanced ground of tenure Policy of the Provincial Government but we do not intervene in the matter of Posting Transfer of the appellant as the appellant served about 15 months against the post of Assistant Director (Senior) Headquarter, Tehsil Haripur. However, we observe that no proper posting of the appellant have been made for quite longer period which is not justifiable given the fact that the appellant on one hand receiving salary and on the other hand not performing duty which is burden over the public exchequer for no fault of the public but only because of inaction of the respondents. The appellant has been allowed to draw his salary from District Accounts Officer, Haripur against the same post from which he was transferred

