

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN** ...CHAIRMAN
MUHAMMAD AKBAR KHAN ...MEMBER (Executive)

Service Appeal No.216/2024

Date of presentation of appeal.....29.01.2024

Date of Hearing.....19.04.2024

Date of Decision.....19.04.2024

Asghar Khan, Office Assistant, Saidu Group of Teaching Hospitals,
Swat.....(*Appellant*)

Versus

1. **The Government of Khyber Pakhtunkhwa**, through Secretary Health, Civil Secretariat, Peshawar.
2. **The Director General Health Services**, Khyber Pakhtunkhwa, Peshawar.....(*Respondents*)

Present:

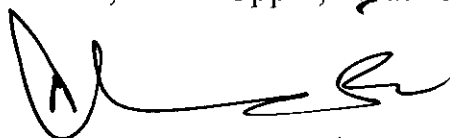
Mr. Muhammad Ghazanfar Ali, Advocate.....For appellant

Mr. Muhammad Jan, District AttorneyFor respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED ORDER DATED
07.12.2023 WHEREBY THE APPELLANT WAS
TRANSFERRED FROM SAIDU GROUP OF TEACHING
HOSPITAL, SWAT TO THE OFFICE OF THE DHO DIR
UPPER AGAINST WHICH HE PREFERRED A
DEPARTMENTAL REPRESENTATION ON 14.12.2023
WHICH WAS REGRETTEED VIDE IMPUGNED ORDER
DATED 09.01.2024.**

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: According to the memorandum and grounds of appeal, appellant was serving in the Saidu Group of Teaching Hospital, Swat as Office Assistant; that due to some grudges, he was transferred as punishment vide impugned transfer order dated 07.12.2023 from Saidu Group of Teaching Hospital to the office of the District Health Officer, Dir Upper; that feeling aggrieved he filed



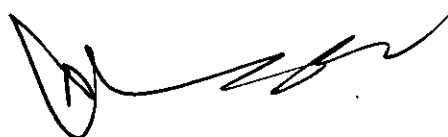
departmental representation but the same was rejected, hence, the instant service appeal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance through representative, however, failed to submit reply/comments. Therefore, they were placed ex-parte.

03. We have heard learned counsel for the appellant and learned District Attorney.

04. From the record, it is evident that vide impugned transfer order dated 07.12.2023, the appellant was transferred from Saidu Group of Teaching Hospital, Saidu Sharif, Swat to the office of the District Health Officer Dir Upper. The operation of impugned order was suspended vide order dated 01.02.2024 by the Tribunal, however, vide another transfer order dated 23.02.2024, the appellant was transferred to the office of District Health Officer Mardan. The said impugned order was also suspended by this Tribunal, however, another order dated 08.03.2024 was passed, whereby, the appellant's services were placed at the disposal of the District Health Officer, Swat.

05. Through last transfer order in line dated 08.03.2024, the appellant has been transferred back to District Swat and his services have been placed at the disposal of the DHO Swat. The representative of respondents namely Mr. Yousaf Jamal, Assistant, stated that as the services of the appellant were at the disposal of the DHO Swat, therefore, he would soon be posted in the



Service Appeal No.216/2024 titled "Aghar Khan -vs-The Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar and others", decided on 19.04.2024 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal Peshawar.

said District, as per his designation. Order accordingly. Costs shall follow the event. Consign.

06. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 19th day of April, 2024.*



KALIM ARSHAD KHAN

Chairman



MUHAMMAD AKBAR KHAN

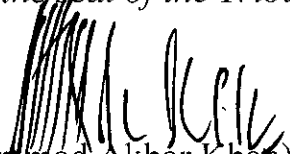
Member (Executive)

Mutazem Shah

S.A #.216/2024

ORDER

- 19th Apr. 2024
1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Jamal Yousaf Assistant for the respondents present.
 2. Vide our detailed judgment of today placed on file, the appeal is ordered in terms of statement of representative of the respondents that the appellant would soon be posted at District Swat as per his designation. Costs shall follow the event. Consign.
 3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 19th day of April, 2024.*


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah