

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

BEFORE: **AURANGZEB KHATTAK** ... MEMBER (Judicial)  
**RASHIDA BANO** ... MEMBER (Judicial)

**Service Appeal No. 1016/2024**

Date of presentation of Appeal.....12.07.2024  
Date of Hearing.....24.09.2024  
Date of Decision.....24.09.2024

**Muhammad Tariq**, Senior Clerk BPS-14, Govt. Girls Higher Secondary School, Dabli Lawaghar, District Karak (under instruction to perform at office of DEO (Female) karak as Litigation Officer (Presently at the disposal of District Education Officer (Male) Lakki Marwat).. .....**Appellant**

Versus

1. Director, Directorate of Elementary & Secondary Education, Peshawar.
  2. District Education Officer (Female), District Karak.
  3. District Education Officer (Male), District Lakki Marwat.
- .....(**Respondents**)

Present:

Mr. Jehan Afsar Painsa Khel, Advocate.....For appellant  
Mr. Muhammad Jan, District Attorney.....For respondents  
.....

**JUDGMENT**

**AURANGZEB KHATTAK, MEMBER (JUDICIAL):** Facts of the case, as presented by the appellant in his memorandum of appeal, indicate that he was posted as a Senior Clerk (BPS-14) in Elementary and Secondary Education Department at the Government Girls Higher Secondary School in Dabli Lawaghar, District Karak. On December 14, 2023, respondent No. 2 instructed him to assume duties at the office of the District Education Officer (Female) in Karak, with an additional role as Litigation Officer. However, vide

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order dated June 13, 2024, issued by Respondent No. 1, his services were placed at the disposal of District Education Officer (Male) in District Lakki Marwat for further adjustment. In response to this, the appellant filed a departmental appeal before respondent No. 1 on June 20, 2024, raising concerns regarding his transfers and requesting the cancellation of the transfer order. After submitting the arrival report to respondent No. 3, he was informed that the post of Senior Clerk is not available in District Lakki Marwat. Nevertheless, on July 1, 2024, respondent No. 1 directed respondent No. 3 to adjust the appellant to any available post, which suggested that the departmental appeal had been implicitly denied. Consequently, the appellant has now approached this Tribunal by filing the instant appeal for redressal of his grievance.

2. The respondents were summoned, who contested the appeal by way of filing their respective written reply/comments.

3. The learned counsel for the appellant contended that the transfer order dated June 13, 2024, is unlawful and should be annulled as it violates established laws and policies pertaining to civil servant transfers. He next contended that the transfer orders were passed without adherence to principles of fairness, transparency, and necessary procedural guidelines. He further contended that the appellant has been subjected to unjustified and frequent transfers, infringing upon his rights under the Constitution of the Islamic Republic of Pakistan, 1973. He next argued that the departmental appeal submitted by the appellant was not sufficiently

*Amir  
24/09/2024.*

addressed or adjudicated, effectively denying him the right to a fair hearing, which raises concerns of malafide intentions by the respondents. He further argued that the transfer orders are fraught with irregularities, mala-fide intentions and political intervention. In the last, he urged that the impugned orders dated June 13, 2024, and July 1, 2024, may be set aside.

4. On the other hand, the learned District Attorney for the respondents opposed the contention of the learned counsel for the appellant and contended that transfer and subsequent postings orders of the appellant were passed legally under Section 10 of the Civil Servants Act, 1973, which allows for administrative transfers without specific limitations on frequency. He next contended that the appellant filed departmental appeal before respondent No. 2, which is incompetent and thus remained unaddressed with no implications on the legal validity of the transfer order. He also contended that the appellant was adjusted to a suitable post as Lab Supervisor under the control of respondent No. 3, implying that the transfer process was concluded to the appellant's benefit. He contended that allegations of discrimination, favoritism, or any violations of constitutional rights, are baseless and that the actions taken were lawful and justified. In the last, he argued that the appeal in hand being meritless may be dismissed.

5. We have heard the arguments of learned counsel for the parties and have perused the record.


6. The examination of the case file related to the appellant's transfer and adjustment within the education department reveals a series of decisions made by the competent authority that adhere to the established legal framework. The appellant, who served as a Senior Clerk (BPS-14) at the Government Girls Higher Secondary School in Dabli Lawaghar, District Karak, finds himself aggrieved by the orders issued on June 13, 2024 and July 1, 2024. These orders, which facilitated his transfer to the District Education Officer in Lakki Marwat, were challenged on the basis that they were unjustified and the product of mala-fide intentions. However, the appellant's assertions lack the necessary substantiation. It is critical to reiterate that allegations of mala-fides must be supported by credible evidence — a requirement that the appellant has not met. Despite the claims of frequent and unusual transfers, there is no documentation presented that proves any ill motives or personal animosity on the part of the authorities involved. The regulation of postings and transfers falls under the purview of the competent authority as laid out in Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. Such authority is vested with the discretion to manage staffing in the interest of public service, ensuring that operational exigencies and departmental discipline are maintained. Moreover, it is imperative to note that the nature of the appellant's clerical role does not endow him with administrative powers that would necessitate long tenures at any single post. Transfers within such a position are routine and in this case, align with the responsibility of the

*Ms. Rashida Bano*  
*24/09/2024*


administration to optimize service delivery. The appellant's failure to provide any substantial evidence to demonstrate that these transfers disrupted departmental operations further weakens his claims.

7. In light of the foregoing considerations, the lack of demonstrable mala-fides, adherence to statutory authority in administering transfers, we conclude that the appeal lacks merit. Therefore, the appeal is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 24<sup>th</sup> day of September, 2024.*

  
AURANGZEB KHATTAK  
Member (Judicial)

24/09  
2024


  
RASHIDA BANO  
Member (Judicial)


*\*Naeem Amin\**

**ORDER**

24<sup>th</sup> Sept, 2024

1. Appellant alongwith his counsel present. Mr. Atiq Ullah, Superintendent and Mr. Asif Munir, Litigation Officer alongwith Mr. Muhammad Jan, District Attorney for the respondents present. Arguments heard and record perused.
2. Vide our judgment of today placed on file, we conclude that the appeal lacks merit. Therefore, the appeal is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.
3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 24<sup>th</sup> day of September, 2024.*

  
(Rashida Bano)  
Member (Judicial)

  
(Aurangzeb Khattak) 24/09  
Member (Judicial) 2024