

4. The prayer of the appellant is regarding declaration of order dated 05.06.2024 to be illegal which is placed on file. Perusal of which reveals that the same pertains to other SSTs, having nothing to do with the terms and conditions of service of the appellant. Similarly, direction to respondents adjust/post the appellant at nearest school on the vacant post of SST in GHSS No.3, GCMIS No.2 and GHS Dhamtour is against the Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. Besides there is no original or appellate order enabling the appellant to file appeal before this Tribunal which is requirement of to file appeal before this Tribunal under section 4 of Khyber Pakhtunkhwa Service Act, 1974, relevant section is reproduced as under:

Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him, prefer an appeal of the appeal having jurisdiction in the matter.

5. In view of the above, the appeal in hand is dismissed in *limine* being not maintainable. Consign.

6. *Pronounced in open court at Abbottabad and given under my hand and seal of the Tribunal on this 30th day of October, 2024.*


(RASHIDA BANO)
Member (J)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1829/2024

Tufail Shakeel

Versus

Government of Khyber Pakhtunkhwa

S.No. of Order & Date of proceeding	Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary
Order-02 30 th October, 2024.	<p>Tufail Shakeel SST (Bio/Chemistry), Government High School Samundar Katha, Abbottabad..... (Appellant)</p> <p align="center"><u>Versus</u></p> <ol style="list-style-type: none">The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.District Education Officer (Male) Abbottabad.....(Respondents) <p><u>ORDER</u></p> <p><u>RASHIDA BANO, MEMBER (J):-</u> Learned counsel for the appellant present and has been heard.</p> <p>02. This appeal has been filed with the prayer copied as below:-</p> <p align="center"><i>“On acceptance of the instant appeal the act and action of the respondent by not considering the application dated 03.06.2024 and appeal dated 06.06.2024 may kindly be declared null and void and respondent may kindly be directed to issue posting transfer order of the appellant from GHS Samandar Katha (hard area) The impugned action and inaction of the respondents may kindly be declared as illegal, unlawful and ineffective upon the rights of the appellant.”</i></p> <p>03. Perusal of record reveal that appellant submitted an application for his transfer from GHS Samandar Katta to any other school but respondents paid no heed to his application and issued transfer order of other SSTs on 05.06.2024 wherein name of the appellant was ignored. Feeling aggrieved, he filed department appeal, which was not responded within statutory period of 90 days.</p>