

**Execution Petition 359/2021**

14<sup>th</sup> Oct, 2022

1. None for the petitioner present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

2. On the last date petitioner was present and had stated at the bar that the department had informed him that notification in compliance of the judgment under execution had been issued and the same would be produced before the Tribunal. Today neither the petitioner nor anybody from respondents side is present before the Tribunal, therefore, it appears that the grievance of the petitioner had been redressed thus this execution petition is filed. The petitioner is at liberty to make an application again in case he thinks that the judgment under execution had not been completely implemented. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 14<sup>th</sup> day of Oct, 2022.*



(Kalim Arshad Khan)  
Chairman

D.F.A

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and her services were regularized on 10.03.2018; that on 22.02.2019, the appellant, after getting knowledge that a post of PET is laying vacant at GGMS Wanda Mochianwala, D.I.Khan filed an application for her transfer from GGMS Khutti to GGMS Wanda Mochianwala but respondent No.3 did not accept the application of the appellant with the remarks that there is Ban on transfer of teacher and the request of appellant will be entertained after removing of ban; that respondent No.3 went to Saudi Arabia to perform Hajj and respondent No.4 took charge of respondent No.3; that respondent No.4 vide impugned order dated 31.07.2019, transferred private respondent No.5 to the post of PET at GGMS Wanda Mochianwala for which the appellant was entitled to be transferred; that feeling aggrieved from the order dated 31.07.2019, the appellant filed writ petitioner No. 830-D/2019 before the Hon'ble Peshawar High Court, D.I.Khan Bench which was converted into departmental appeal and sent the same to the respondent No.4; that the departmental appeal of the appellant was not responded within ninety days, the appellant then filed this appeal in this Tribunal.

3. We have heard learned counsel for the appellant and learned Additional Advocate General for the respondents.

5. Learned counsel for the appellant argued that impugned transfer order made by respondent No.4 is against the Constitution, law, rules and departmental policy. That according to Khyber Pakhtunkhwa