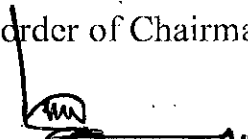



FORM OF ORDER SHEET

Court of _____

Case No.- 1607/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/11/2022	<p>The appeal of Mr. Ghulam Raza presented today by Mr. Irkram-ul-Qayum Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on <u>14.11.2022</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;"> REGISTRAR</p>
14.11.2022		<p>Learned counsel for the appellant present and requested for short adjournment for preparation of preliminary hearing. Adjourned. To come up for preliminary hearing on 15.11.2022 before the S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> (Salah-Ud-Din) Member (J) Camp Court Abbottabad</p>

SCANNED
KPPT
Peshawar

15.11.2022

Appellant alongwith his counsel present.


After hearing arguments at certain length, it was observed that reference of letter No. LR-V/SO/Man/2407-12 dated 27.10.2022 of Director Land Records/Chief Settlement Officer, Khyber Pakhtunkhwa, has been mentioned in the impugned order, however copy of the said letter has not been annexed, therefore, the appellant shall produce the same and to come up for preliminary hearing on 16.11.2022 before the S.B at Camp Court Abbottabad.



(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

expenses of which be deposited by the appellant within three days. To come up for submission of written reply/comments on 24.11.2022 before the S.B at Principal Seat Peshawar.

Alongwith memorandum of appeal, the appellant has submitted an application for suspension of operation of impugned order bearing No. 4171-78/SO(M) dated 28.10.2022 to the extent of the appellant. Notice of the said application also be issued to the respondents for the date fixed and meanwhile operation of the impugned notification shall remain suspended to the extent of appellant, if not already acted upon.


(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

16.11.2022

Appellant alongwith his counsel present. Preliminary arguments heard.

Learned counsel for the appellant has argued that the appellant is serving as Revenue Patwari in Revenue Department, who has been transferred from Mouza Mansehra-III to Mouza Chikia, while private respondent No. 4 has been transferred at the place of the appellant vide the impugned transfer/posting order dated 28.10.2022; that process of preparation of *Jamabandi* for the year 2009-2010 is in final stage of completion and the impugned transfer of the appellant would cause hindrance in completion of the said *Jamabandi*; that private respondent No. 4 is settlement Patwari and his transfer to Mouza Mansehra-III could not be considered to have been made in public interest for the reason that there is no probability of starting of settlement process in Mansehra City in the near future; that the impugned transfer order was challenged by the appellant through filing of departmental appeal, however the same was declined in a cursory manner without giving any cogent reasons; that the appellant is serving as Revenue Patwari, while his transfer order has been made by settlement officer, Mansehra, who was not the Authority competent to transfer the appellant, therefore, the impugned order is coram-non-judice and is liable to be set-aside.

Points raised need consideration, hence the appeal in hand is admitted to regular hearing subject to all legal and valid objections.

The appellant is directed to deposit security and process fee within 10 days. Out district respondents be summoned through TCS, the