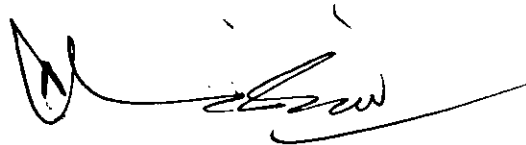


2<sup>nd</sup> May, 2023

1. Learned counsel for the petitioner present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. During the pendency of this application one Muslim Khan, Senior Clerk had filed an application for his impleadment in this matter on the grounds that the petitioner had challenged the order dated 20.10.2022 in which the interest of Muslim Khan (petitioner) was also involved. The petitioner has filed this application in this application under Section 12(2) CPC for seeking his impleadment but he is neither necessary nor proper party because he is claiming to be aggrieved from the order whereby he was posted on 20.10.2022 against the post of the petitioner. When the department has already withdrawn the said order, therefore, the petitioner ought to have challenged the same through a separate representation, which according to him, had already been done, therefore, he may file separate appeal for seeking redressal of his grievances, if he so desires and, which, if moved, will be decided on its own merits.

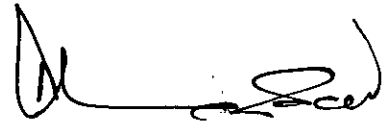
3. Coming to this petition we find that vide order dated 11.11.2022 appeal No. 1524/2022 of the petitioner was dismissed as withdrawn on the ground that the petitioner had been transferred back to the Public Health Engineering Division, Mardan from the Public Health Engineering Division, Tangi. Charsadda, thereby, redressing his grievances but soon thereafter vide order dated 04.01.2023 the petitioner was again transferred compelling him to file this application under Section 12(2). C.P.C 1908 to get restored his appeal. On receipt of this application, a Single Bench of this Tribunal had suspended the order dated. Today the respondents produced copy of an order dated 20.01.2023.



whereby the order dated 04.01.2023 from which the petitioner is aggrieved, was cancelled/withdrawn. When confronted with the situation, the learned counsel for the petitioner submitted that he would not press this petition if a direction is given to the respondents to allow the petitioner to complete his normal tenure. Order accordingly. Consign.

4. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 2<sup>nd</sup> day of May, 2023.*

2



(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, PA\*