
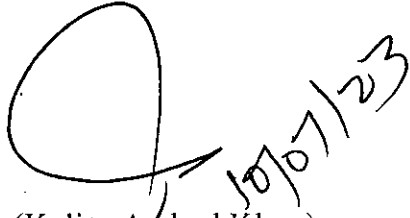


3. As the factum of the order dated 12.08.2022 pertaining to posting of the petitioner Mst. Saima against the post of Principal, GGHSS Malogo, Peshawar could not be discussed or taken notice by the Tribunal at the relevant point of time i.e. on 13.03.2023 and because of that some disturbance has been created, compelling the petitioner to file this petition, therefore, let the appeal be decided on merits and while allowing this application we set aside the order 13.03.2023 direct the appellant of the main appeal to array the petitioner as party, similarly the applicant Sughra Sadaf, whose right may also be affected because of the transfer orders, shall also be arrayed as respondent. To come up on 14.07.2023 before D.B. Notice be issued to Sughra Sadaf. The appellant Salma Sami shall file amended appeal within two days. P.P given to the parties. The learned counsel for the petitioner made a further request that till the disposal of appeal, the operation of orders shown to have been passed in compliance with the order dated 13.03.2023 might be suspended as there are anomalies created because of the order dated 14.09.2022. In this respect the respondents representative present in the court is directed to resolve the matter and submit report on the next date.


(Fareeha Paul)
Member (Executive)


(Kalim Arshad Khan)
Chairman

Adnan Shah

Petition No. 257/2023U/S 12(2) CPC

10th July, 2023

1. Learned counsel for the petitioner present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Mr. Fahim Khan, Assistant for official respondents No. 2, 3 and 4 and counsel for private respondent No. 1 present while private respondent No.5 and 6 have already been placed ex-parte.

2. When confronted with the situation that the order dated 14.09.2022 produced before the Tribunal on 13.03.2023, the learned counsel for the appellant in the main appeal had submitted that if a direction was given to the respondents to actualize posting/transfer notification dated 14.09.2022, he would not press the appeal and the appeal was accordingly decided. While the notification dated 14.09.2022, showed the post of Principal, GGHSS Malogo Peshawar as vacant and Dr. Salma Sami was posted there-against but the petitioner, Mst. Saima, contended that she had already been occupying the post of the Principal, GGHSS Malogo Peshawar vide notification dated 12.08.2022 and that was not vacant as wrongly shown by the department, to which learned counsel for private respondent has very fairly and frankly submitted that the notification of the petitioner Mst. Saima was already on the file and the factum of her posting was also brought in the notice of Tribunal at that time but that was not somehow or the other properly taken notice of at that time. The learned counsel for private respondent has further informed that there was another lady named Sughra Sadaf whose impleadment application was on the file and the mention of such fact was also found in the order sheet dated 13.03.2023 but she has not been made party so far. He submitted that if the application under 12(2) of the CPC was accepted and order dated 13.03.2023 was set aside then Sughra Sadaf also needed to be impleaded.

