


submitted that as the operation of the impugned order was suspended, therefore, the department deemed it appropriate to issue this notification of transfer. It is observed that the Tribunal had not made any direction to reverse the impugned posting/transfer order, rather the impugned transfer order was only suspended through the interim order. It is in the interest of the department, especially the competent authority that they should take care while passing any orders in the matters which are pending or have been decided by the Tribunal and to avoid using words in pursuance of the judgment/order of the Tribunal as we have seen in a number of cases that no directions/orders are passed by the Tribunal but the orders are shown to have been issued in compliance/in pursuance of any order of the Tribunal. Copy of this order sheet be sent to the Worthy Chief Secretary Khyber Pakhtunkhwa and all Worthy Secretaries in the Khyber Pakhtunkhwa through the office of the learned AAG, who shall ensure placing this order before the Worthy Chief Secretary and all the Secretaries with the request to the Worthy Chief Secretary and Worthy Secretaries to circulate this order amongst their respective attached departments/functionaries to avoid passing orders in pursuance/compliance with the directions of the Tribunal, in the case, wherein, no such direction is given by this Tribunal. Since it has been withdrawn. Dismissed as withdrawn. Consign.

3. *Pronounced in the open Court at Peshawar and given under our hands and seal of the Tribunal on this 26<sup>th</sup> day of July, 2023.*


  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

21<sup>th</sup> July, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate General for the respondents present. Mr. Taimoor Ali Khan, Advocate present and submitted Wakalatnam on behalf of respondent No. 4 and sought time for submission of reply.

2. Written reply on behalf of official respondents have already been submitted. Private respondent No. 4 is directed to submit reply within 3 working days. Adjourned. To come up for arguments on 26.07.2023 before D.B. P.P given to the parties.

  
(Rashida Bano)  
Member (J)

\*KaleemUllah

S.A #1433/2023

26<sup>th</sup> July, 2023

1. Learned counsel for the appellant and Mr. Fazal Shah Mohmand, Additional Advocate General alongwith M/S Riaz Gul, Administrative Officer and Zahoor Shah, Section Officer for the respondents present.

2. Learned counsel for the appellant has requested for withdrawal of this appeal. As a token of admission of his submission he signed the margin of order sheet. According to the note put on the order sheet, the learned counsel for appellant stated that the grievance of the appellant had been redressed. Therefore, he intended to withdraw the appeal. The learned counsel for the private respondent produced copy of Notification bearing No.SOE/C&WD/24-60/2023 A O/B&AO dated 24.07.2023, shown to have been issued in pursuance of order sheet dated 06.07.2023. Mr. Zahoor Shah, Section Officer, Establishment of the C&W department is present and has

*The grievances of the appellant has been redressed therefore I want to withdraw the instant Appeal.*

*Fazal Shah*



appellant. In the appellant failed to deposit the expenses for TCS, within three days, the suspension order will have no effect.

SCANNED  
KPST  
Peshawar



(Kalim Arshad Khan)  
Chairman

*\*Mutazem Shah\**

13<sup>th</sup> July, 2023

1. Learned counsel for the appellant and Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.
2. Reply on behalf of the respondents submitted. One Mehboob Ali, Administrative Officer submitted an application for impleadment in the instant case as respondent. The same was not objected to, hence, accepted. Mr. Meboob Ali is impleaded as respondent. Office is directed to make necessary entries accordingly. To come up for reply/comments on behalf of newly impleaded respondent on 21.07.2023 before S.B. P.P given to the parties.




(Kalim Arshad Khan)  
Chairman

*\*Mutazem Shah\**

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 1433/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	05/07/2023	<p style="text-align: center;">The appeal of Mr. Zahid Habib presented by Mr. Zartaj Anwar Advocate. It is fixed for hearing before Single Bench at Peshawar on <b>06/07/2023</b>.</p> <p style="text-align: center;">By the order of Chairman                        REGISTRAR</p> <p>6<sup>th</sup> July, 2023</p> <ol style="list-style-type: none"> <li>1. Learned counsel for appellant present and heard.</li> <li>2. Against the impugned transfer order dated 20.03.2023, the appellant preferred departmental appeal on 30.03.2023 which was not responded, hence, this appeal on 05.07.2023. The appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fees within 10 days. The respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for reply/comments on 13.07.2023 before S.B. P.P given to the appellant.</li> <li>3. As to the application for suspension of the operation of the impugned order dated 20.03.2023, it is directed that the operation of the impugned order shall stand suspended to the extent of appellant if not already complied by the</li> </ol>

**SCANNED  
KPST  
Peshawar**