



04.08.2023 1. Clerk of counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for official respondents present. Private respondent No. 3 alongwith his counsel present.

2. It is pertinent to mention here that official respondents misinterpreted order dated 30.05.2023 of this Tribunal and in the grab of the said order, transfer/posting order dated 25.07.2023 was issued by mentioning "in pursuance of Service Tribunal order dated 30.05.2023" whereas this Tribunal had not directed for transfer/posting of appellant as Halqa Patwari Wadpaga, rather vide order dated 30.05.2023, operation of the order dated 27.01.2023 was suspended subject to the condition that if had not already been acted upon. It came into our notice that order dated 27.01.2023, impugned in the Service Appeal by the appellant, was already acted upon on 18.02.2023, much before passing of order dated 31.05.2023 by this Tribunal. In this respect charge report is annexed with the written reply/comments of respondent No.3 and also the same fact is mentioned in para-5 of factual grounds, and at para-4 of factual objection of parawise comments of respondent No. 1 & 2. When order was already acted upon, then in such a situation there was no need to reverse the order by using the name of this Tribunal, therefore, in our view, order dated 25.07.2023 is not in accordance with direction of this Tribunal. The department is, therefore, directed to be careful while passing any order using the name of the Service Tribunal in such cases. Attention is invited to an order dated 26.07.2023 of this Tribunal in Service Appeal No. 1433/2023 in this regard. Copy of this order sheet be sent to the Worthy Chief Secretary Khyber Pakhtunkhwa Peshawar as well as the Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar. Adjourned. To come up on 07.08.2023 before the D.B. P.P given to the parties.



(Fareeha Paul)
Member (E)



(Rashida Bano)
Member (J)

31st July 2023

Counsel for private respondent No. 3 submitted two applications one for early hearing and another for suspension the operation of order dated 05.07.2023 till the decision of the case. So far as the application of early hearing is concerned the appeal has already been fixed for 04.08.2023 and there is no need for early fixation. However, notice of application for suspension be issued to appellant/counsel as well as official respondents for the date already fixed in the main appeal.

Noted
9/8/23
2/8/23


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

20.7.23

Due to public holiday on account
of 1st Moharram ul Haram - To come up
for the same on 26.7.2023

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26th July, 2023

1. Junior to counsel for the appellant and Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Mr. Muhammad Aslam, District Kanungo for the respondents present.
2. COC in this matter is fixed for 04.08.2023 before the S.B, that is directed to be fixed before the D.B. Junior to counsel for the appellant stated that senior counsel for the appellant is indisposed and the case might be adjourned. Adjourned. To come up for arguments on 04.08.2023 before the D.B.P.P given to the parties.

SCANNED
BY
PSC

Muhammad Shah

[Handwritten signature]
(Farecha Paul)
Member (E)

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(Kalim Arshad Khan)
Chairman