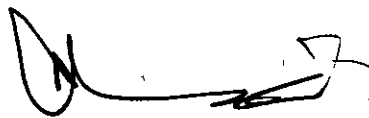


Ishaq i.e. private respondent, was transferred against the post of SDEO (Male) Parova in own pay & scale, the suspension of which has also been sought through a C.M.

3. As regards the order/notification of 23.10.2023, there is no mention of the name of the appellant in the said transfer order while, the order dated 19.10.2023 has given fresh cause of action to the appellant, therefore, learned counsel says that he would advise his client either to challenge that properly or to file another COC before the Peshawar High Court. As regards this appeal, it has rendered fruitless and is thus disposed of. Consign.

4. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 3rd day of November, 2023.*



(Kalim Arshad Khan)
Chairman

Mutazem Shah

Service Appeal No.1796/2023 titled "Muhammad Hamayoon Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and others"

ORDER

3rd Nov. 2023

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for official respondents No.1 to 4 present. Private respondent No.5 present through counsel.

2. Learned counsel for the appellant submitted that the appellant had filed appeal against transfer order dated 25.05.2023 before this Tribunal, relying on the judgment of the Peshawar High Court dated 18.11.2009 passed in Writ Petition No.2937/2009. Learned counsel further submitted that the appellant had simultaneously filed a contempt petition No.283-P of 2023 before the Peshawar High Court and on presentation of order dated 21.09.2023, vide which the impugned order dated 25.05.2023 was withdrawn. The Peshawar High Court was pleased to dispose of the COC on the ground that the grievance of the petitioner in the COC, had been redressed. There is no denial of the fact that the same grievance has been urged in this appeal and in view of order dated 21.09.2023, this appeal has rendered fruitless. However, the learned counsel for the appellant contends that, after the order passed on 21.09.2021, withdrawing the earlier order on 25.05.2023, the respondents had again transferred the appellant vide order dated 19.10.2023 from the post of SDEO Parova to the post of SDEO Darazinda. During the course of arguments, learned counsel for the appellant produced yet another Notification of transfer dated 23.10.2023, whereby, one Muhammad

