


FORM OF ORDER SHEET

Court of _____

12(2) CPC Application No. 804/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01/11/2023	<p>The application U/S 12(2) CPC in appeal no. 368/2023 submitted by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>10-11-2023</u>. Original file be requisitioned. Parcha peshi is given to counsel for the applicant.</p> <p style="text-align: right;">By the order of Registrar  REGISTRAR</p>
10.11.2023	1.	<p>Learned counsel for the petitioner present. Mr. Syed Asif Ali Shah learned Deputy District Attorney for respondents present.</p> <p>2. Learned counsel for the petitioner argued that petitioner posted vide transfer order dated 09.05.2022 to GGHS Jalala against vacant post and later on it was withdrawn on 16.06.2022 and subsequent order issue. Petitioner submitted an application on the basis of which inquiry was conducted upon and recommendation committee, order dated 13.06.2022 was withdrawn and original order dated 09.05.2022 was restored. He further argued that that at the time of filing of appeal, petitioner was posted at GGHS Jalala and respondent No. 4 given wrong address of the petitioner as GGHS Kar karani Khar, therefore, appellant was not served besides factum of departmental inquiry was also concealed by the respondent No.4 as well as official respondents during the course of arguments in service appeal bearing No. 368/23 filed by respondent No.4. He further argued</p>

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the impugned judgment was obtain by giving wrong address of the petitioner, misrepresentation and as well as result of concealment of facts. Notices be issued to the respondents through TCS, for submission of written reply/comments. To come up for written reply/comments on petition on 20.11.2023 before D.B.

Alongwith the petition, there is an application for suspension of the operation on the impugned judgment dated 03.10.2023 passed by this Tribunal in service appeal No. 368/23till final disposal of the instant petition. Notice of this application be issued to the respondents. In the meanwhile, suspension of operation of impugned judgment shall remain suspended till the date fixed, if not acted upon earlier.



(Muhammad Akbar Khan)
Member (E)



(Rashida Bano)
Member (J)