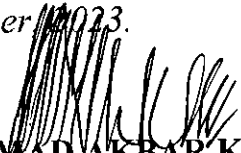



COC No. 751/2023

07.11.2023 1. Learned counsel for the petitioner present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. Petitioner seek initiation of proceeding against the respondent due to disobedience of this court order dated 15.09.2023. Brief facts of the case are that petitioner was transferred and posted out to District Nowshera vide order 11.09.2023 against which appeal bearing No. 1859/23 was filed and this Tribunal suspended operation of order dated 11.09.2023 but said order of the Tribunal was not complied with by the respondent till the institution of instant application. Learned AAG on behalf of respondents argued that new promoted Personal Assistant (BPS-16) was posted to the post who had already obtain charge of the post on 12.09.2023 and petitioner was relived on 11.09.2023 and his salary was also stopped, which is also mentioned in implementation report submitted by the respondent in execution petition bearing 658/23 fixed for today. When appellant was relieved and new incumbents of the post obtain/assumed charge before issuance of order dated 15.09.2023 by this Tribunal. Hence in such a situation it is held that order dated 11.09.2023 was already acted upon, so no disobedience of this Tribunal order was committed by respondents, therefore, petition in hand is dismissed. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 7th day of November 2023.*


(MUHAMMAD AKBAR KHAN)
Member (E)


(RASHIDA BANO)
Member (J)