

Service Appeal No. 298/2023 titled "Noor Ul Amin versus the Government of Khyber Pakhtunkhwa through Local Government, Election and Rural Development Department, Peshawar and others".

ORDER

01st April, 2024 **Kalim Arshad Khan, Chairman**: Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Ghulam Shabir, Assistant Secretary for the respondents present.

2. Learned counsel for the appellant had produced copy of an order dated 25.08.2023, whereby, the appellant was again posted as Reader to AAC-III Mardan. Therefore, the learned counsel says that his appeal to the extent of transfer has rendered fruitless. As regard his prayer in the appeal that the appellant might be regularly adjusted in the office of the Deputy Commissioner Mardan, he referred to an order dated 25.01.2011, whereby, the erstwhile District Coordination Officer Mardan had posted the appellant permanently in the office of the DCO Mardan. The learned counsel for the appellant says that because of this order of permanent transfer of the appellant to the office of DCO Mardan he became employee of the said establishment and was also promoted by the Deputy Commissioner Mardan. In such a situation, he requests that the matter might be sent to the respondents for its resolution as to where he would be permanently absolved, whether in the office of Deputy Commissioner Mardan or in the TMA in view of the order of DCO passed in the year 2011. Appeal to the extent of transfer order is rendered fruitless, while the request of the learned counsel for the appellant appears to us to be justified because the transfer of the appellant to TMA impugned before us has created a confusion which could only be



resolved by the competent authority by passing a detailed order.

Disposed of accordingly. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 01st day of April, 2024.*



(Rashida Bano)
Member (Judicial)



(Kalim Arshad Khan)
Chairman

Naeem Amin