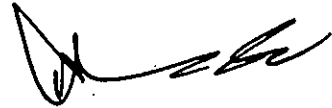


3. When confronted with the situation, learned counsel for the appellant as well as learned Deputy District Attorney agreed that while setting aside the joint appellate order passed by respondents No.1 to 3, let it be sent to the appellate authority i.e. the DG Local Government & Rural Development Department Khyber Pakhtunkhwa, Peshawar for decision in accordance with law. Learned counsel for the appellant further requests that the appellate authority might be directed to provide opportunity of hearing to the appellant. Order accordingly. The exercise should be completed within 60 days of the receipt of this order. Consign.

4. *Pronounced in open Court at Abbottabad under our hands and seal of the Tribunal on this 24<sup>th</sup> day of April, 2024.*



(Muhammad Akbar Khan)  
Member (E)  
Camp Court, Abbottabad



(Kalim Arshad Khan)  
Chairman  
Camp Court, Abbottabad

\*Mutazem Shah\*

Service Appeal No.7852/2021 titled "Qazi Hassan Nisar Vs. Government of Khyber Pakhtunkhwa through Secretary Local Government and Rural Development Department, Civil Secretariat, Peshawar others"

ORDER

24<sup>th</sup> Apr. 2024 **Kalim Arshad Khan, Chairman.** Learned counsel for the appellant present. Mr. Shoaib Ali, Assistant Advocate General for the respondents present.

2. Original impugned order dated 10.07.2019 was passed by the Assistant Director Sr. Local Government & Rural Development Department, Haripur against which the appellant opted to file Writ Petition No. 1535 of 2019 before the Peshawar High Court, Abbottabad Bench. Vide order dated 23.02.2021, the Peshawar High Court treated the petition as representation and sent the same to the respondents for consideration in accordance with law. The Secretary to Government of Khyber Pakhtunkhwa Local Government, Elections & Rural Development Department, Peshawar, Director General Local Government & Rural Development Department Khyber Pakhtunkhwa, Peshawar and Assistant Director Local Government & Rural Development Department Haripur jointly decided the departmental appeal filed which was earlier treated to be representation against the order of the AD Local Government & Rural Development Department, Haripur vide order dated 23.02.2021 of the Peshawar High Court, therefore, the impugned appellate order is not at the very outset sustainable, because the representation is/was to be decided by the appellate authority alone, which, in this case, seems to be the DG Local Government & Rural Development Khyber Pakhtunkhwa, Peshawar.

