

Application No.358/2024 U/S 12(2) CPC 1908 titled "Director Education & others Vs. Naimat Ullah" in Service Appeal No.391/2023

ORDER

7th June. 2024

Kalim Arshad Khan, Chairman: Mr. Arshad Azam, Assistant Advocate General. alongwith Mr. Dilawar Khan, District Education Officer for the petitioners present. Counsel for the petitioner present.

2. This application under Section 12(2) of the CPC, 1908 has been filed to get the order of the Tribunal dated 06.06.2023 set aside. The order of the Tribunal is as under:

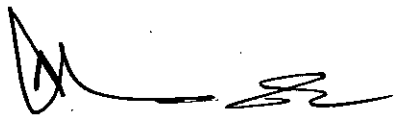
"Learned counsel for the appellant present and submitted copy of letter No.35016-21/DEO/NWTD dated 19.12.2022 and stated that in view of the said letter, the desired relief has otherwise been granted to the appellant, therefore, this appeal has outlived its utility. Disposed of accordingly. File be consigned to the record room."

3. Vide the above order, the appeal was disposed of on the statement of learned counsel for the petitioner that the desired relief had otherwise been granted to the appellant, therefore, the appeal had outlived its utility. The above order shows that the appeal was disposed of and no direction in any shape has been passed to anybody. Therefore, there is no question of fraud or misrepresentation. The apprehension of the petitioners that execution petition was filed for implementation of the order dated 06.06.2023, is also misconceived because there is no question of implementation of the order dated 06.06.2023, for the above sole reason coupled with the fact

that no matter or even a small issue was resolved by the Tribunal vide order dated 06.06.2023.

4. Therefore, instant petition is misconceived and is dismissed accordingly. Consign.

5. *Pronounced in open Court at Peshawar given under my hand and seal of the Tribunal on this 7th days of June, 2024.*


(Kalim Arshad Khan)
Chairman

*Mutazem Shah *