

E.P No. 294/2024

ORDER

28.06.2024 MRS. RASHIDA BANO, MEMBER (J): Learned counsel for the

petitioner present. Mr. Arshad Azam, Assistant Advocate General alongwith Mr. Faheem Khan, Assistant for the respondents present.

2. The petitioner filed instant Execution Petition on the basis of judgment dated 07.08.2019 delivered in service appeal No. 409/2019 titled "*Muhammad Usman Vs. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education*" wherein the petitioner was not a party. The relevant portion of the judgment is reproduced as follows:

*"Respondent department was directed to appoint suitable officer belonging to management cadre as ADEO (Sports) District Tank. The posting orders of both the appellant and private respondent No. 7 against the administrative cadre post of ADEO (Sports) Tank shall be treated as cancelled. The respondent department is also directed to forthwith recall, all the transfer orders of the teachers against the administrative post. The present service appeal is disposed of in the above terms."*

3. Perusal of judgment dated 07.08.2019 reveals that respondent department was directed to forthwith recall all the transfer orders of teachers made against the administrative posts. It means that all the previous orders of teachers posted upon the administration cadre posts issued before the judgment dated 07.08.2019 were recalled and there is no mention about future orders. Petitioner is aggrieved from order issued on 21.03.2024 after the judgment dated 07.08.2019. He filed departmental appeal in representative capacity instead of filing of



separate departmental appeal and if department refuses it, then he could come to this Tribunal for redressal of his grievance through a separate service appeal and not the instant execution petition.

4. For what has discussed above, the instant execution petition is dismissed being not maintainable. File be consign to record room.

5. *Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 28<sup>th</sup> day of June, 2024.*

  
(Rashida Bano)  
Member (J)

\*Kaleemullah\*