


ORDER

09.10.2024 1. Learned counsel for the petitioner present. Mr. Naseer Uddin

Shah, Assistant Advocate General alongwith Dr. Khalid Saeed, Litigation officer for the respondents present.

2. Petitioner through instant petition seeks implementation of the judgment dated 12.02.2024 passed in service appeal No. 2586/2023. Perusal of judgment reveals that appeal of the appellant (present private respondent) was dismissed with observation that appellant be posted on position of Principal. For execution of judgment there must be decree in favour of the petitioner but in the instant case no such order was passed in favour of the petitioner, rather appeal of the appellant was dismissed and no relief was granted to any of the parties. Under Section 10 of a civil servants Act 1973, posting of such a civil servant to post is the prerogative of the authority, who after considering all the factors and suitability of the civil servant post him to a post upon which he can perform efficiently in the large public interest. Therefore, in my humble view, the petitioner has no *locus standi* to file present application for implementation of the judgment, wherein no executable order has been passed by this Tribunal, hence the same is hereby dismissed. File be consign to record room.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 9th day of October, 2024.*


Rashida Bano
Member (J)