

26.05.2022

None for the petitioner present. Mr. Shahab Khattak, Advocate for respondents No.4 present.

Respondents are directed to appear in person alongwith implementation report on ~~28~~06.2022 before S.B. Original appeal also be requisitioned.



Kalim Arshad Khan  
Chairman

28.06.2022

Petitioner present in person. Mr. Kabir Ullah Khattak, Additional Advocate General present.

Ali Gohar Khan, Legal Advisor on behalf of respondent No. 4 present and seeks time for submission of implementation report. Request accepted with strict direction to submit the same on or before the date fixed. To come up for implementation on 26.07.2022 before S.B.



(Fareeha Paul)  
Member (E)

26<sup>th</sup> July, 2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Shahab Khattak, Legal Advisor for respondents present.

Learned AAG has assured that he will coordinate with the respondents to get the judgment implemented and submit implementation report on the next date. To come up for implementation report on 27.09.2022 before S.B.

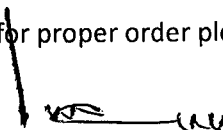


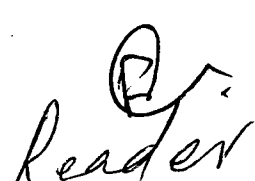


(Kalim Arshad Khan)  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Execution Petition No. 357/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.11.2021	<p>The execution petition submitted by Mr. Fazle Rahim Khattak through Syed Noman Ali Bukhari Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	14.01.2022	<p>This execution petition be put up before S. Bench on <u>14/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Learned counsel for the petitioner present. Notices be issued to the respondents for submission of implementation report on 02.03.2022 before the S.B.</p> <p style="text-align: right;"> (Salah-Ud-Din) Member (J)</p>
	2-3-2022	<p>Due to retirement of the Honable Chairman the case is adjourned to come up for the same as before on 26-5-2022</p> <p style="text-align: right;"> Reader</p>

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

Execution Petition No. 357 /2021  
In Service Appeal No.240/2013

Mr. Fazal Raheem Khattak,

V/S

Govt Of KP

-----  
**INDEX**

S.NO	Documents	Annexure	Page No.
1.	Memo of execution	-----	01-02
2.	Copy of judgment	--A--	03-09
3.	Vakalat nama	----	10

**APPELLANT**

THROUGH



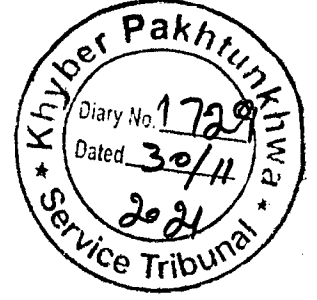
**(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT,**

①

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.**

Execution Petition No. 357 /2021  
In Service Appeal No.240/2013

Mr. Fazal Raheem Khattak,  
Ex- Instructor/Lecturer,  
GTVC, Gulbahar Peshawar.



**PETITIONER**

VERSUS

1. The Govt of KP through Chief Secretary, KPK, civil Secretariat Peshawar.
2. The Secretary to Govt KP, Industries, Commerce, Min: Development. Labour & Technical Education department, civil Secretariat Peshawar.
3. The Secretary to Govt KP, Finance deptt: civil Secretariat Peshawar.
4. The Director General, Technical Education and Manpower Training KP attached Deptt: Complex Khyber Road, Peshawar.

**RESPONDENTS**

.....

**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED: 20.10.2021 OF THIS  
HONOURABLE TRIBUNAL IN LETTER AND  
SPIRIT.**

.....

**RESPECTFULLY SHEWETH:**

1. That the applicant/Petitioner filed Service Appeal No.240/2013 for notional promotion.
2. That the said appeal was finally heard by the Honorable Tribunal on 20.10.2021. The Honorable Tribunal is kind enough to accept the appeal and declared the appellant promoted to the post of instructor from the date, his junior along with all back benefits. And granted pro-forma promotion with all back benefits from the

date, his juniors were promoted. (Copy of judgment is attached as Annexure-A).

3. That the respondents were totally failed in taking any action regarded the Hon'able Tribunal Judgment dated 20.10.2021.
4. That in-action and not fulfilling formal requirements by the respondent after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to pass formal appropriate order.
6. That the petitioner has having no other remedy to file this Execution Petition.

It is, therefore, most humbly prayed that the respondents may be directed to obey the judgment dated 20.10.2021 of this august Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favor of applicant/appellant.

  
**PETITIONER**  
Fazal-e-Raheem

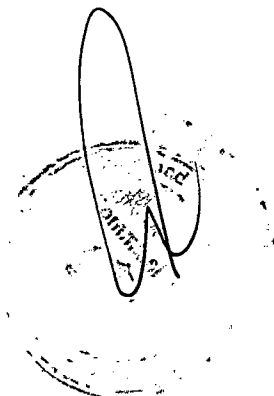
**THROUGH:**

  
**(SYED NOMAN ALI BUKHARI)**  
ADVOCATE HIGH COURT.

**AFFIDAVIT:**

It is affirmed and declared that the contents of the above Execution Petition are true and correct to the best of my knowledge and belief.

  
**DEPONENT**



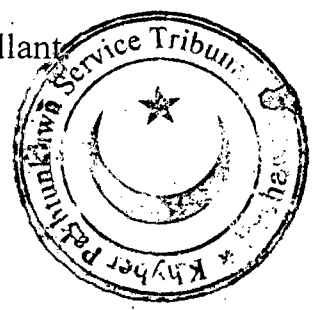
A 1 (3)

Service Appeal No. 240 /2013

N.W.F. Board  
No. 93  
Dated 08-1-2013

Fazal Raheem Khattak,  
Ex-Instructor/Lecturer,  
GTVC, Gulbahar, Peshawar.....Appellant

Versus



1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
  2. The Secretary to Govt. of Khyber Pakhtunkhwa, Industries, Commerce, Min: Development, Labour & Tech: Education Department, Civil Secretariat, Peshawar.
  3. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.
  4. The Director General, Technical Education and Manpower Training, Khyber Pakhtunkhwa, Attached Department Complex, Khyber Road, Peshawar.
- .....Respondents

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SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 09.07.2011 WHEREBY APPELLANT WAS ALTHOUGH PROMOTED TO THE POST OF INSTRUCTOR/LECTURER (RELATED STUDIES) (BPS-17) BUT W.E.F. 07.06.2011 INSTEAD OF 31.05.2002 AND THAT TOO WITHOUT ARREARS OF PAY AND OTHER ATTACHED SERVICE BENEFITS FOR WHICH APPELLANT FILED DEPARTMENTAL REPRESENTATION BUT THE

8/1/2013

as submitted to and filed.

Registrar, 28/1/13

[Signature]

REGISTRAR  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

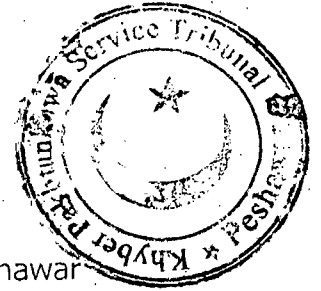
4

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 240/2013

Date of Institution ... 08.01.2013

Date of Decision ... 20.10.2021



Fazal Raheem Khattak, Ex-Instructor/Lecturer, GTVC, Gulbahar, Peshawar  
... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat,  
Peshawar and three others. ... (Respondents)

MR. SYED NOMAN ALI BUKHAR  
Advocate

... For Appellant

MR. RIAZ KHAN PAINDAKHEIL,  
Assistant Advocate General

... For Respondents No. 1 to 3

MR. ALI GOHAR DURRANI,  
Advocate

... For Respondent No. 4

ROZINA REHMAN  
ATIQU-UR-REHMAN WAZIR

MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the case are

that the appellant was appointed as Junior Instructor (BPS-14) against the post of senior instructor (BPS-17) on 17-06-1980. Later on, the appellant was re-appointed on regular basis in BPS-14 on 24-10-1987. The appellant spent most of his service tenure in litigation on various issues pertaining to his service. Since the appellant was serving against the post of senior instructor (BPS-17), hence he approached this tribunal for grant of BPS-17 ever since his appointment and

regularization as such, but did not find favor vide judgment of this tribunal dated

EXAMINED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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27-07-1994, thereafter the appellant approached the apex court in Civil Appeal No. 129/1995, which was partially allowed vide judgment dated 11-06-1998 and the appellant was allowed benefits of BPS-17 from the date of appointment till passing of the judgment. The appellant was removed from service on the allegations of absence from duty vide order dated 04-04-2000, which order was challenged by the appellant in this tribunal in service appeal No 2188/2000 and which was decided in favor of the appellant vide judgment dated 11-06-2000. Once again the appellant was dismissed from service order dated 06-02-2003, which too was challenged by the appellant before this tribunal in service appeal No 400/2003 and the same was also allowed vide judgment dated 26-04-2007 and the appellant was re-instated in service. In the meanwhile, juniors to the appellant were promoted to the next grade, therefore after re-instatement into service, the appellant made series of applications to the department for his promotion to the post of instructor (BPS-17) with effect from the date his juniors were promoted, which was not acceded to. The respondents at a belated stage promoted the appellant on 07-06-2011, but by the time the appellant retired on 16-06-2011 and his promotion notification was issued on 09-07-2011. Feeling aggrieved, the appellant filed departmental appeal for antedation of his promotion with effect from 31-05-2002, but the same was not decided within statutory period, hence the appellant filed service appeal in this tribunal in service appeal No 240-2013, which was allowed vide judgment dated 16-10-2017, against which the respondents filed CPLA in the Supreme Court of Pakistan in CA No. 16/2020. The supreme court of Pakistan set aside judgment dated 16-10-2017 of this tribunal and remand the matter back to this tribunal for deciding the appeal afresh, in accordance with law and to consider the time limitation as well as the documents (ACRs) pertaining to his fitness for promotion at that particular time vide judgment dated 23-04-2020.

02. Learned counsel for the appellant has confined his arguments to the extent of time limitation and fitness of the appellant for promotion with respect to

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



6

ACRs of the appellant. On the question of limitation, the learned counsel have referred to the judgments of the apex court and argued that in cases of promotion, pay and other emoluments, limitation would not foreclose rights of the appellant already accrued to him. Reliance was placed on judgments reported as 2007 PLC (CS) 1267 and 2002 PLC (CS) 1388; that in light of the above-referred judgments, the issue of limitation was undisputed before this tribunal in judgment dated 16-10-2017, hence was not touched. On the question of service record pertaining to his ACRs, the learned counsel added that as per law and rule, ACRs containing bad entries are mandated to be communicated to the civil servant, but in case of the appellant, no such communication was made with the appellant; that respondents had delayed promotion of appellant without any justification, which they had already conceded in their comments and for which the appellant shall not suffer. Reliance was placed on 1979 SCMR 515; that otherwise, case of the appellant is based on genuine reasons, which was already allowed by this tribunal on merit, hence keeping in consideration this aspect, the appellant may be allowed ante-dated promotion.

03. Learned Assistant Advocate General for the respondents assisted by counsel for respondent No.4 contended that promotion of the appellant vide order dated 09-07-2011 was made with immediate effect in light of provincial government promotion policy 2009, where promotions are always made with immediate effect and not with retrospective effect; that promotion is not a vested right of employee, rather it is required to be earned in a prescribed manner; that promotion of the appellant was delayed due to his dismal service record and such cases having bad entries in record are usually not deem fit for presenting before the departmental promotion committee; that the appellant had adverse entries in his annual reports, hence his case had not earned from the promotion committee; that the appellant preferred departmental appeal with delay of 18 months and it is

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

a well settled legal proposition that when departmental appeal before appellate authority is barred by time, the service appeal before this tribunal is incompetent.

04. We have heard learned counsel for the parties and have perused the record.

05. Arguments of the learned counsel for the appellant with regard to the question of limitation hold force, as the Judgments so referred have very clearly demarcated such limits and declared that no limitation would run in case of promotion, hence we assume that departmental appeal of the appellant though late, but in light of the judgments of the apex court, limitation would not hit the instant case. The question of adverse remarks in his annual reports was placed before the respondents, but they fail to prove that any adverse remarks were ever communicated to the appellant. The Supreme Court of Pakistan in its judgment reported as 1996 SCMR 850 have held that non communication of adverse remarks made authenticity of such remarks completely ineffective and on the basis of such un-communicated remarks civil servant could not be subjected to any adverse order. We have observed that respondents on one hand claims adverse entries in ACRs of the appellant and on the other hand, had promoted him with the same adverse entries and the respondents, when confronted with such question, as to what happened to such entries, when he was promoted to next grade, were unable to respond. The respondents were also confronted to the minutes of departmental promotion committee with respect to promotion case of the appellant, wherein it has been conceded that the delay occurred purely due to indifferent behavior on part of the respondents. Relevant portion of the minutes is reproduced as under:

TESTED  
EXAMINER  
(Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar)

*"That the promotion case of Mr. Fazal Rahim Khattak, Junior Instructor (Related Studies) BPS-14 could not be timely placed before the departmental promotion committee and the official is now reaching the age of superannuation on 16-06-2011. It could be a inadvertent omission or typical example of human apathy and indifferent behavior on part of staff of DG/TE office. As per provincial*

*government policy contained in circular No SOR-I (S&GAD) I-29/75 Dated 13-04-1987, cases of inadvertent omission due to clerical error or plain negligence are to be considered for promotion as soon as the mistake comes to notice."*

06. In the minutes so recorded, there is no mention of any adverse remarks, or any other deficiency, rather the committee had admitted that injustice is done to the appellant. We have observed that since his appointment, the appellant is on legal battle with the respondents and from 2000 onward, the appellant was twice dismissed from service and due to prolong litigation, the respondents developed grudge against the appellant, hence was kept deprived of promotion at the relevant time and finally when they realized that something wrong were done to the appellant, they promoted him but by the time, the appellant retired from service a few days before promotion. The delay in making promotion had occurred entirely due to slackness of respondents, for which the appellant shall not suffer. Reliance is placed on 1997 SCMR 515 and 2007 SCMR 1355. Withholding or delaying the process of promotion would neither entitle the respondents to agitate the plea of limitation nor such delay could deprive the appellant from claiming his right for consideration for promotion, as they themselves have committed delay, hence having no justification to blame the appellant for delay. Contention of the appellant to the effect that he may be granted pro-forma promotion from the date, his juniors were promoted, hold force, as the Supreme Court of Pakistan in its judgment reported as 2010 PLC (C.S) 760 has held that civil servant would be eligible to be considered for promotion, when substantive vacancy in promotion quota was available. Supreme court of Pakistan in another judgment reported as 1996 SCMR has held that where a civil servant who was not considered for promotion subject to any order made by competent authority in that behalf for purpose of inter se seniority in the higher grade, would be deemed to have been promoted in the same batch as his juniors, thus maintaining seniority of his batch-mates. On the same analogy, the appellant is also entitled to be promoted from the date, his juniors were promoted.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

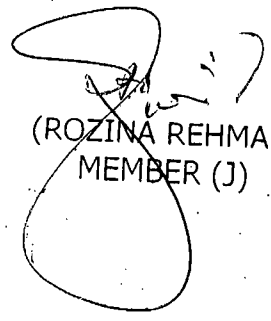
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07. We are of the considered opinion that delay in promotion of the appellant was intentional showing malafide on part of the respondents. The appellant as per law deserve to be promoted from the date, his juniors were promoted. In view of the foregoing discussion, the instant appeal is accepted, the appellant stands promoted to the post of Instructor (BPS-17) with effect from the date, his juniors were promoted alongwith all back benefits. Since the appellant is retired from service, hence, he is granted pro-forma promotion with all back benefits from the date, his juniors were promoted. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
20.10.2021

Certified to be true copy.

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

  
(ROZINA REHMAN)  
MEMBER (J)

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (E)

Date of presentation of application 29/11/21  
 Number of 3200  
 Class 34 -  
 Grade 34 -  
 No. 30/11/21  
 Date 30/11/21  
 Date of delivery of copy 30/11/21

**VAKALAT NAMA**

NO. \_\_\_\_\_/20

In  
Execution Petition No 246/13-

IN THE COURT OF KP Service Tribunal, Peshawar

Fazle-Rahim Khattak.

(Appellant)  
(Petitioner)  
(Plaintiff)

**VERSUS**

Technical Education

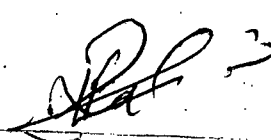
(Respondent)  
(Defendant)

I/We, Fazle-Rahim Khattak.

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

  
\_\_\_\_\_  
(CLIENT)

ACCEPTED

  
**SYED NOMAN ALI BUKHARI**  
Advocate High Court Peshawar.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

EP No 357/21 SIB  
Appeal No. of 20

240

13

Fazil Raiman Kh Appellant/Petitioner

Imtiaz Chaf Respondent  
Seyy: 4  
Respondent No.

Notice to: —

Director General T-Education and  
Main Power Training KP Attached Deptt Pesh.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration; in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....  
Day of.....20

24  
1 22  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

No.

Appel No. 357/21

of 20

210

13

Appellant/Petitioner

Fuzal Rahim Khatkhat

Respondent

Union Chief Jany

Respondent No.

2

Notice to:

Govt of KPIC Secretary Industries

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration; in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 02-3-2022 at 8.00 A.M. If you wish to urge anything against the appeal/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this ..... Day of ..... 20 .....

25-01-22  
Anwar

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No. *EP NO 357/21* *S.B*  
Appeal No. *240* of 20 *13*  
*Fazal Ram Khan Khattak* Appellant/Petitioner.

*Through Chief Secy. Pesh* Respondent  
Respondent No. *1*

Notice to: *Govt of KPK Through Chief Secretary Peshawar*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on *25-3-22* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Given under my hand and the seal of this Court, at Peshawar this *24*.....

Day of..... *1* 20 *22*

TSSE  
CHIEF  
Govt of  
Peshawar  
*PAXXAB*  
*25-3-22*

*[Signature]*  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
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**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No. *EP No 357/21 S.B*

Appeal No. *240* of 20 *21*

*Fazal Rubina Ichtak* Appellant/Petitioner

Versus

*Threat Chief Secys* Respondent

Respondent No. *3*

Notice to: - *Secretary Finance Deptt Peshawar*

**WHEREAS** an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on *2-3-2022* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *24* Day of..... *1* 20 *22*

*925-1*

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing \_\_\_\_\_ -p/20 \_\_\_\_\_

In case No. 357 -p/2021

Fazli Rahim Khattak vs Sey. Industries

Presented by Fazli Rahim Khattak on behalf of \_\_\_\_\_ Entered  
in the relevant register.

Put up alongwith main case

  
REGISTRAR

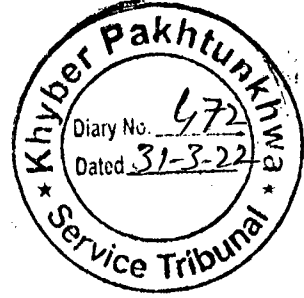
Last date fixed	<u>02-03-2022</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>Service Tribunal Defunct.</u>
Date(s) fixed in the similar matter by the Branch Incharge	<u>-</u>
Available dates Readers/Assistant Registrar branch	<u>NFA</u>

  
Assistant Registrar

REGISTRAR

**BEFORE THE KHYBER PAKHTUNKHWASERVICE TRIBUNAL,**  
**PESHAWAR.**

Execution Petition No 357/2021



Fazli Rahim Khattak

Put up to the Masterly chairman.  
With app. aff. Execution Petition

VERSUS

Technical Education

31/3/2022

Subject:

**APPLICATION FOR EARLY HEARING IN ABOVE**  
**MENTIONED EXECUTION PETITION**

**Respectfully Sheweth:**

1. That the above mentioned Execution Petition is pending before this Hon' able Court.
2. That previous date was adjourned due to retirement of Ex-Chairman Khyber Pakhtunkhwa Service Tribunal Peshawar, as tribunal was defunct.
3. That next date was given as 26/05/2022 which is too long which need to be accelerated to any early date in interest of justice because the age of applicant is above 71 years and retired person.

It is, therefore, most humbly requested that kindly allowed this application, the Execution Petition may be accelerated to an early date instead of 26/05/2022.

Date: 31/03/2022

Your obediently ,

Fazli Rahim Khattak

**"B"**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.

Appeal No. F.P. No. 357 of 20 21.

Fazal Rahman Khattak Appellant/Petitioner

Versus

The Govt. of KPK through Chief Secy Respondent

Respondent No. 4

Recd

Notice to: —

and the Director General Technical Education  
and Manpower Training UP Deptt. Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 28/6/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance, on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of F.P. appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 30th

Day of Monday 20 22

(for Implementation Report)

[Signature]

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. S.B

Appeal No. EP P. No. 357 of 20 21

Fazal Raheem Khattar Appellant/Petitioner

Versus

The Govt. of KPK Chief Secy Respondent

Respondent No. 1

Notice to: —

The Govt. of KPK through Chief Secretary KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 28/6/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 30th

Day of.....May 2022

*for Implementation Report*

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.

*[Signature]*  
SECRETARY  
Peshawar

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,  
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B  
PESHAWAR.**

No.

Appeal No. E.P. No. 357 of 20 21

Fazal Raheem Khattak Appellant/Petitioner

Versus

The Govt. of KPN Chief Secy. Respondent

Respondent No. 3

Notice to: The Secretary to Govt. of KPN  
Finance Deptt. Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 28/6/22 at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal E.P. is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 30th .....

Day of May 20 22

*(for Implementation Report)*

*[Signature]*

**Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.**

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.

Secy. Finance KPN  
Duty No. ....  
Date 7-6 .....

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.**

No.

Appeal No. 12.P. No. 357 of 20 21  
Fazal Raheem Khattak Appellant/Petitioner

The Govt. of KPK Chief Secy: Respondent

Respondent No. 2  
The Secretary to Govt. of KPK Industries  
Commerce Secretariat Peshawar.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 28/6/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Given under my hand and the seal of this Court, at Peshawar this.....

Day of..... May 20 22

for Implementation  
Report

[Signature]  
7/6

[Signature]

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
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