05.09.2022

Counsel for the petitioner present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Muhammad Shehriyar Khan, Assistant Director for respondents present.

Representative of the respondent department submitted copy of letter dated 02.09.2022, which is placed on file and sought time for submission of implementation report. To come up for proper implementation report on 05.10.2022 before S.B.

(Fareeha Paul)
Member (E)

23.05.2022 Counsel for the petitioner present. Mr. Naseer-Ud-Din Shah, Assistant Advocate General alongwith Mr. Naveed SDO for the respondents present.

File to come up alongwith connected execution petition No. 199/2022 "titled Momin Khan Versus Assistant Director, Local Government & Rural Development, Lakki Marwat and others" on 05.07.2022 before S.B.

(MIAN MUHAMMAD)
MEMBER (E)

5th July, 2022 Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Muhammad Sheheryar Khan, Asst: Director Lakki Marwat and Mr. Rashid Khan, Supdt: for respondents present.

Mr. Taimoor Ali Khan, Advocate present and submitted an application for impleadment of applicant as respondents in the instant execution petition. Let the parties argue the case on the next date. To come up for further proceedings on 05.09.2022 before S.B.

(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 207/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.04.2022	The execution petition of Mr. Hamid Usman submitted today by Mr. Matiullah Khan Marwat Advocate may be entered in the relevant register and put up to the Court for proper order please. REGISTRAR
2-		This execution petition be put up before to Single Bench at Peshawar on 23-05-2022. Original file be requisitioned. Notices to the appellant and his counsel be also issued for the date fixed. Notices be issued to the ~~appellant~~ Respondents for I/R CHAIRMAN

BEFORE THE HON'BLE KPK SERVICE TRIBUNAL, PESHAWAR.

E.P. NO. 207 / 2022

Implementation Petition / 2022

Hamid Usman S/O Muhammad Noor, R/O Nuttu Khel, Lakki Marwat, Ex- Naib Qasid, Village Council Ghazi Khel, Lakki Marwat.

.....PETITIONER

VERSUS

1) Assistant Director, Local Government & Rural Development Department, Lakki Marwat.
2) Director General, Local Government & Rural Department, Peshawar.
3) Secretary, Local Government & Rural Development Peshawar.

.....RESPONDENTS

PETITION FOR IMPLEMENTATION OF CONSOLIDATED JUDGMENT DATED: 27/01/2022 PASSED BY THIS HONORABLE SERVICE TRIBUNAL, PESHAWAR WHEREBY THE PETITIONER NAMED ABOVE WAS REINSTATED AGAINST his RESPECTIVE POSITION BUT RESPONDENT NO.1 NAMED ABOVE IS STILL RELUCTANT TO IMPLEMENT THE ABOVE MENTIONED CONSOLIDATED JUDGMENT.

RESPECTFULLY SHEWETH;

1) That, the Petitioner is law abiding citizen and entitled for all fundamental rights enshrined under the constitution of 1973.

2) That, earlier the Petitioner was terminated by Respondent No.1 named above, who had been appointed after fulfilling all legal formalities.

3) That, against the termination order / office order of the Respondent No. 1, the present Petitioner / the then Appellant filled appeal before This Honorable Service Tribunal in the year 2018.

4) That, this Honorable Service Tribunal after going through / Perusal of entire record and hearing arguments advanced by the counsel for Present Petitioner / the then Appellant passed consolidated Judgment on dated: 27/01/22 for reinstatement of present Petitioner. ***(Copy of consolidated judgment is attached).***

5) That, after getting attested copies of consolidated Judgment Dated: 27/01/2022, the present Petitioner / the then Appellant approached to the office of Respondent No. 1 for his arrival against his respective position in concerned Village Council but Respondent No.1 is using delaying tactics.

6) That, the Petitioner time and again approached to the office of Respondent No.1 for his arrival against his respective position in concerned Village Council but Respondent No.1 is reluctant to allow the Petitioner for his arrival against his respective position in concerned Village Council.

7) That, feeling aggrieved with the conduct of the Respondent No.1, the present Petitioner / the then Appellant has no other remedy but to move instant implementation Petition against consolidated Judgment dated: 27/01/2022 passed by this Honorable KPK, Service Tribunal.

8) That, since the day of termination from service, the Petitioner / the then Appellant is jobless having no source of income and living from hand to mount bearing huge burden of loans upon his shoulders which has badly affected the life standard of the present Petitioner / the then Appellant as well as Education of the present Petitioner's children.

9) That, it is well settled principle of law that justice should not only be done but appears to be done, therefore, strict directions may kindly be given to the Respondent No. 1 to ensure the reinstatement of present Petitioner / the then Appellant against his respective Position in concerned Village Council to meet the ends of justice.

10) That, any other ground would be agitated at the time of arguments with prior permission of this Honorable court.

It is therefore, most humbly prayed that on acceptance of instant implementation Petition, consolidated Judgment of dated 27/01/22 may kindly be implemented in letter and spirit, so that, the Petitioner may earn bread and butter for his families with Honor.

Dated: 08/04/2022

PETITIONER

Through

Matiullah Khan Marwat

&

M.Siraj Advocates (HC)

Affidavit:

It is, stated on oath that contents of instant application are true and correct to the best of our knowledge and nothing has been concealed from this Honorable Court.

DEPONENT

Hamid. U-

ATTESTED
IRFAN ULLAH
Oath Commissioner
Advocate High Court

BEFORE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1089 /2018

Hamid Usman S/O Muhammad Noor,
R/O Nuttu Khel, Lakki Marwat,
Ex-Naib Qaisd, Village Council
Ghazi Khel, Lakki Marwart . . . . . Appellant

VERSUS

1. Assistant Director, Local Government
& Rural Development Department,
Lakki Marwat.

2. Director General, Local Government
& Rural Development Department, Peshawar.

3. Secretary, Govt. of KP, Local Government
& Rural Development Department, Peshawar.

4. Abdul Haseeb S/O Akbar Ali Khan,
Naib Qasid, Village Council Warat Khel
Ghazi Khel, Lakki Marwat . . . . . .Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE ORDER NO. 5186-91, DATED 18-04-2018 OF RESPONDENT NO. 1 WHEREBY SERVICES OF APPELLANT WERE TERMINATED AND R. NO. 04 WAS APPOINTED AS NAIB QASID FOR NO LEGAL REASON:

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That on 04-07-2015, R. No. 01 floated advertisement in daily Newspapers for appointment of Class-IV servants in their respective Village Council. (Copy as annex "A")

ORDER
27.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondent No. 1 to 3 present. Counsel for private respondent No. 4 present. Arguments heard and record perused.

Vide our detailed judgment of today, passed in service appeal bearing No. 1225/2019 "titled Momin Khan Versus Assistant Director, Local Government & Rural Development, Lakki Marwat and three others" is accepted, the impugned order of his termination from service is set aside and appellant is reinstated into service against his respective position with all back benefits with further direction that private respondent also shall not suffer for lapses of the respondents, hence he also be accommodated. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
27.01.2022

(AHMAD SULTAN TAREEN)
CHAIRMAN

(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Date of Presentation of Application 3/3/22
Number of Words 800
Copying Fee 10/-
Urgent -
Total 10/-
Name of Copyiest
Date of Completion of Copy 08/4/22
Date of Delivery of Copy 08/4/22

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1225/2019

Date of Institution ... 19.09.2019

Date of Decision ... 27.01.2022

Momin Khan S/O Muhammad Amin, R/O Mohallah Mena Khel, Lakki Marwat Ex-Naib Qasid Village Council Abdul Khel, Lakki Marwat.

... (Appellant)

VERSUS

Assistant Director, Local Government & Rural Development, Lakki Marwat and three others.

... (Respondents)

Arbab Saiful Kamal,
Advocate ... For Appellant

Muhammad Adeel Butt,
Additional Advocate General ... For official respondents

Mr. Taimur Ali Khan,
Advocate ... For private respondent No. 4.

AHMAD SULTAN TAREEN ... CHAIRMAN
ATIQ-UR-REHMAN WAZIR ... MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- This judgment shall dispose of the instant service appeal as well as the following connected service appeals as common question of law and facts are involved therein:-

1. 1078/2018 titled Ihsan Ullah
2. 1079/2018 titled Tahir Khan
3. 1080/2018 titled Farooq Khan
4. 1081/2018 titled Mumtaz Khan
5. 1082/2018 titled Imtiaz Ahmad

ATTESTED

EXAMINER
Khyber Pakhtukhwa
Service Tribunal
Peshawar

6. 1083/2018 titled Haroon Khan
7. 1084/2018 titled Sabz Ali Khan
8. 1085/2018 titled Dil Jan
9. 1086/2018 titled Altaf-ur-Rehman
10. 1087/2018 titled Yousaf Jamal Shah
11. 1088/2018 titled Tanveer Khan
12. 1089/2018 titled Hamid Usman
13. 1090/2018 titled Muhammad Ismail
14. 1147/2018 titled Farman Ullah

02. Brief facts of the case are that on 04-07-2015, respondents advertised some posts of Class-IV servants for Village Councils. After going through the prescribed procedure of selection and upon recommendation of Selection & Recruitment Committee, the appellant was appointed as Naib Qasid on regular basis vide order dated 15-03-2016. The appellant assumed charge of the post and started performing duty against the said post. Private respondent No. 4 filed Writ Petition before the Hon'ble High Court, Bannu Bench to declare the order of appointment of the appellant as illegal and prayed for his appointment against the said post. The said Petition alongwith other connected Writ Petitions on the same point came up for hearing which were disposed of on 28.02.2018 and the case was remanded to respondent No. 1 to re-examine the issue. After receipt of the judgment, respondent No. 1, summoned the appellant on 07.11.2018 alongwith documents and the appellant duly attended his office, but respondent No. 1 vide impugned order dated 16.01.2019, terminated services of the appellant with immediate effect and respondent No. 4 was appointed in his place vide order dated 19.04.2018. Feeling aggrieved, the appellant submitted representation before respondent No. 02, which elicited no response within the stipulated time, hence the present appeal with

prayers that the impugned orders may be set aside and the appellant may be reinstated in service with all consequential benefits.

03. Learned counsel for the appellant has contended that the appellant had applied for the post of Naib Qasid against his own Village Council and it was incumbent upon the competent authority to appoint him in his own Village Council, but the appellant was posted against another Village Council, which was not illegal, as the appellant was selected against his own village counsel on merit; that the respondents selected the appellant after due process of advertisement, recommendation of Selection Committee headed by deputy commissioner Lakki Marwat; that upon recommendation of the committee, the appellant was appointed vide order dated 15.03.2016; that the appellant had gone through the process of medical fitness, proper arrival and construction of his service book and served against the post for almost three years and valuable rights have been accrued to him, which cannot be taken back from him. In support of his arguments learned counsel relied upon judgment reported as 2013-PLC (C.S) 712; that the appellant having no nexus with the mode of selection process and he could not be blamed or punished for the laxities on part of the respondents; that numerous other candidates having been appointed in similar situation have been left untouched while the appellant has been discriminated; that the appellant was terminated from service and the word "termination" nowhere exists in the service laws.

04. On the other hand, learned counsel appearing on behalf of private respondent No. 4 argued that the post in question was lying vacant in Village Council Abba Khel-IV while the appellant belongs to Village Council Mela Shahab Khel Lakki Marwat; that respondent No. 4 was rightly appointed in place of the appellant as respondent No. 4 was resident of that particular Village Council and not the appellant; that respondent No. 4

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

was appointed according to law and spirit of the judgment of Hon'ble Peshawar High Court, Bannu Bench referred to above; that private respondents has also developed vested rights over their respective post, which cannot be taken back as per verdict of the apex court.

05. Learned Addl. Advocate General mainly relied on the arguments of learned counsel for private respondent No. 4 with addition that no malafide could be pointed out by the appellant on part of official respondents rather the termination was in compliance with the Judgment of Hon'ble Peshawar High Court, Bannu Bench.

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

07. Record reveals that the Local Government Department had advertised certain Class-IV vacancies vide advertisement dated 04-07-2015. Such Class-IV vacancies were meant for village/neighborhood councils. It had been specifically mentioned in the advertisement that preference will be given to the candidates belonging to the same Village Council, which means that candidates from adjoining villages can also be considered but preference will be given to candidate of the same Village Council. The appellant was also one of the candidates, who had applied for his own Village Council. After due process of selection, the appellant was appointed as Naib Qasid vide order dated 15-03-2016, but was posted against another Village Council. In a similar manner, rest of the appellants in the connected cases were also selected but were appointed against Village Councils other than their own. One of the un-successful candidates filed a writ petition No 432-B/2018 with the contention that candidate of other Village Council had been appointed against his Village Council. The Honorable Peshawar High Court, Bannu Bench remanded the case to respondent No. 1 vide judgment dated 18-09-2018. Operative part of the judgment is reproduced as under:

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".....this case is send back to the Assistant Director, Local Government and Rural Development Lakki Marwat to re-examine the appointments of the private respondents (present appellants), merit position of the petitioners (present respondents) and pass an appropriate order keeping in mind the rules, policy and the terms and conditions incorporated in the advertisement for appointment as Class-IV employees, after providing the parties an opportunity of hearing....."

In pursuance of the judgment, respondents No. 1 terminated all those including the appellant, who were appointed against villages other than their own. The appellant was terminated vide order dated 16-01-2019 under the pretext that he had provided wrong information regarding his Village Council, but in the meantime, the appellant had served against the post for almost three years and developed a vest right over such post. It however was the statutory duty of the appointing authority to check their documents in a specified time period which however was not done by the respondents well in time and to this effect, the Supreme Court of Pakistan in its judgment reported as 1996 SCMR 1350 has held that authority having itself appointed civil servant could not be allowed to take benefit of its lapses in order to terminate service of civil servant merely because it had itself committed an irregularity in violating procedure governing appointment. Appointment of the appellant was made by competent authority by following the prescribed procedure, petitioners were having no nexus with the mode of selection process and they could not be blamed or punished for the laxities on part of the respondents. The order affecting the rights of a person had to be made in accordance with the principle of natural justice; order taking away the rights of a person without complying with the principles of natural justice had been held to be illegal. Government was not vested with the authority to withdraw or rescind an order if the same had taken legal effect and created certain legal rights in

favor of the appellant. Reliance is place on 2017 PLC (CS) 585. It was also astonishing to note that the same office, which had issued appointment order of the appellant, had declared such order as illegal. It would be beneficial to refer to the judgment reported as 2006 SCMR 678, which have held "that it has been noted in a number of cases that departmental authorities do show haste at the time of making such appointments when directives are issued to them by the persons who are in helm of the affairs without daring to point out to them that the directions are not implementable being contrary to law as well as prevalent rules and regulations. In fact such obedience is demonstrated by the concerned officers of the department to please the authorities governing the country just to earn their time being pleasure but on the change of regime and due to their such illegal acts the employees who were appointed suffer badly without any fault on their part and then even nobody bothers for their further career and in such a scenario, the appointing authority is required to be taken to task and not the civil servant. The instant case is a classical example of the case referred by the apex court in the above mentioned judgment. Not only this, we have noted that the candidates selected in place of the appellants are not 100% residents of their respective Village Councils, but there are cases available on record, which would suggest that the appellants have been discriminated, so much so that son of the then incumbent Assistant Director Local Government (respondent No. 1) was also one of the successful candidate in subsequent appointments, who might be a deserving candidate, but it certainly raises suspicion about the credibility of the subsequent appointments. It was also observed that subsequent appointments were not conducted upon recommendations of recruitment committee, but since we have referred to the judgment of Supreme Court reported as 2017 PLC (CS) 585 and the private respondents have also developed vested rights over their posts, hence it would not be

appropriate to open another Pandora box, hence we are constrained not to touch the private respondents

In pursuance of the judgment of the Honorable High Court, the respondent No. 1 accommodated the appellants but did not afford appropriate opportunity to respondents (the present appellants), as by every definition, they were civil servants and they were not supposed to be terminated by a single stroke of pen, as proper procedure is available for dealing with such cases, where the authority was required to conduct a detailed inquiry against respondent No. 1 for the lapses and action if any was required against the appellants, was supposed to be under the disciplinary rules, where proper opportunity was required to be afforded to them, as they are also of the same domicile and having valid reasons to show that their appointments were legal, which however was not done by the respondents. Respondent No. 1 in his comments have clarified that domicile holder of the said Tehsil were eligible for the said vacant posts and all the appellants belong to the same Tehsil, hence there were enough grounds for the appellants to defend their case in their favor.

08. The Tribunal observed that appointment of an employee, if made illegally, could not be withdrawn or rescinded instead action must be taken against the appointing authority for committing a misconduct by making illegal appointments as per his own admission. In the instant case, the appointments so made were not illegal, hence the appellants has made out a good case for indulgence of the Tribunal.

09. We are of the considered opinion that the appellants have not been treated in accordance with law and they were illegally removed from service. In view of the foregoing discussion, the instant appeal as well as all other connected appeals are accepted, the impugned orders of their termination from service are set aside and they are reinstated into service

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

against their respective positions with all back benefits with further direction that private respondents also shall not suffer for lapses of the respondents, hence they also be accommodated. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
27.01.2022

(AHMAD SULTAN TAREEN)
CHAIRMAN

(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 30/3/22
Number of Words 3200
Copying Fee 34/-
Urgent -
Total 34/-
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BEFORE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1087 /2018

Hamid Usman S/O Muhammad Noor,
R/O Nuttu Khel, Lakki Marwat,
Ex-Naib Qaisd, Village Council
Ghazi Khel, Lakki Marwart . . . . . Appellant

VERSUS

1. Assistant Director, Local Government
& Rural Development Department,
Lakki Marwat.

2. Director General, Local Government
& Rural Development Department, Peshawar.

3. Secretary, Govt. of KP, Local Government
& Rural Development Department, Peshawar.

4. Abdul Haseeb S/O Akbar Ali Khan,
Naib Qasid, Village Council Warat Khel
Ghazi Khel, Lakki Marwat . . . . . .Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE ORDER NO. 5186-91, DATED 18-04-2018 OF RESPONDENT NO. 1 WHEREBY SERVICES OF APPELLANT WERE TERMINATED AND R. NO. 04 WAS APPOINTED AS NAIB QASID FOR NO LEGAL REASON.

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That on 04-07-2015, R. No. 01 floated advertisement in daily Newspapers for appointment of Class-IV servants in their respective Village Council. (Copy as annex "A").

That after going through the prescribed procedure of selection, appellant was appointed as Naib Qasid on regular basis on the recommendations of Selection and Recruitment Committee vide order dated 15-03-2016 and assumed the charge of the said assignment on 23-09-2016. (Copies as annex "B")

3. That on 31-05-2016, R. No. 04 filed W. P. before the Peshawar High Court, Circuit Bench Bannu to declare the order of appointment of appellant as illegal and he be appointed as such, which petition came up for hearing on 28-02-2018 along with other connected Writ Petitions on the same point and then the hon'ble court was pleased to hold that:-

"All the cases are remitted back to R. No. 01 to re-examine the appointments of the private respondents and passed an appropriate order in light of Rules and Policy after providing the parties an opportunity of hearing. The entire process shall be completed within two (02) months positively. The Writ Petitions were disposed off accordingly". (Copy as annex "C")

4. That after remitting of the said judgment to R. No. 01 for compliance, Show Cause Notice was issued on 30-03-2018 to appellant to explain his position which was replied on 13-04-2018. (Copies as annex "D" & "E").

5. That on 18-04-2018, R. No. 01 terminated services of appellant with immediate effect on the score that he was not the appointee of his own Village Council. (Copy as annex "F")

Here it would be not out of place to mention that R. No. 01 appointed numerous other candidates not in their own Village Council but in others i.e. Umair Ahmad Village Council Khero Khel Pakka appointed at Serai Naurang-III, Faheem Ullah VC Khero Khel Pakka appointed at VC Gerzai, Washeeullah VC Wanda Aurangzeb appointed at VC Attashi Mechan Khel, Ezat Khan VC Wanda Saeed Khel appointed at VC Kalin, Sher Nawaz VC Issik Khel appointed at VC Wanda Baru, Siffat Ullah VC Khokidad Khel Lakki City appointed at VC Jung Khel, Momin Khan VC Lakki City appointed at VC Abdul Khel, etc their services are still retained till date, so appellant was not treated alike and discriminated.

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

6. That on 19-04-2018, R. No. 04 was appointed as such by R. No. 01 on the post of appellant. In the judgment, the hon'ble court never directed the authority to appoint R. No. 04 as Naib Qasid and to terminate services of appellant. (Copy as annex "G")

7. That on 11-05-2018, appellant submitted representation before R. No. 02 for reinstatement in service which met dead response till date. (Copy as annex "H")

Hence this appeal, inter alia, on the following grounds:-

GROUNDS:

a. That appellant has in his credit the educational qualification of

b. That appellant applied to the said post of his own Village Council to appoint him as such and it was incumbent upon the department to appoint him in his own Village Council and not in any other. He could not be held responsible for the lapses of the respondents which illegality was committed by the authority.

c. That when the matter taken to the court, the department was legally bound to transfer appellant even other incumbents to their own Village Council to save their skins.

d. That as and when Show Cause Notice was issued to appellant regarding appointment in other Village Council, then he should rectify the mistake, if any, because the lapses were on the part of the authority and not of the appellant and in such situation, he could not be made responsible for the same.

e. That appellant was appointed as per prescribed manner after observing the due codal formalities.

f. That as per law and rules, appellant is liable to serve anywhere in District, outside District / Province even outside Country, then he can be appointed anywhere for the purpose, being citizen of the country.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

g. That it is to be ascertained as to whether R. No. 04 has applied to the said post or otherwise. In such a situation the department was legally bound to advertise the said post.

h. That R. No. 04 was never gone through the process of selection, so at such a belated stage when his name was not recommended by the Departmental Selection / Recruitment Committee, he could not be appointed straight away as such.

i. That in the aforesaid circumstances, order of appointment of R. No. 04 was not only illegal but was ab-initio void. The same was based on favoritism.

j. That service law is alien to the word "Termination", so on this score alone, order of termination of appellant is / was illegal.

k. That order of appointment of appellant was acted upon, effected and got finality, the same was made by the competent authority and cannot be rescinded in the manner taken.

l. That appellant was paid Monthly Salaries for about 02 Years and 02 Months which gave vested right to him.

m. That order of termination of appellant from service is based on malafide. On the same score, the services of the incumbents mentioned above were retained, thus discriminated.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 18-04-2018 of R. No. 01, and appointing R. No. 04 as Village Council be set aside and appellant be reinstated in service with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Hamid-U

Appellant

Through

Saadullah Khan Marwat

Amjad Nawaz

Advocates.

Dated:29.08.2018

Certified to be ture copy

ENER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 30/3/22

Number of Pages 1600

Court Fee 18/-

Urgent

Total 18/-

Name of Applicant

Date of Completion of Copy 08/4/22

Date of Delivery of Copy 08/4/22

بعدالت جناب سیشن جج / ڈسٹرکٹ جج صاحب پشاور

مورخہ 2022ء منجانب
مقدمہ حامد عثمان بنام ...
دعویٰ Implementation
جرم Petition

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ آن مقام ... کیلئے ... مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کومقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کوراضی نامہ کرنے وتقرر ثالث وفیصلہ پر حلف دیئے جواب دہی اوراقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک وروپیہ ارعرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظرثانی وپیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور وقبول ہوگا دوران مقدمہ میں جوخرچہ ہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہوتو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہٰذا وکالت نامہ لکھدیا کہ سند رہے۔

المرقوم 11 ماہ اپریل 20ء

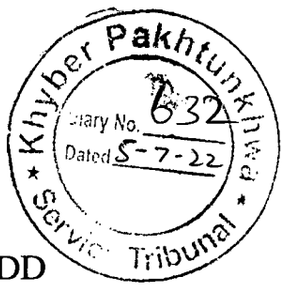
Accepted

العبد 11201-6269267-1 گواہ العبد

مقام حامد عثمان Hamid

کے لئے منظور ہے۔ 11/4/022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.



Execution Petition No.207/2022

Hamid Usman **VERSUS** LG&RDD

APPLICATION FOR IMPLEADMENT OF APPLICANT IN THE PENAL OF RESPONDENTS IN THE INSTANT EXECUTION PETITION BEING NECESSARY PARTY.

RESPECTFULLY SHEWETH:

1. That the petitioner has filed the service appeal No.1089/2018 against the order dated 18.04.2018, whereby the service of the petitioner was terminated and private respondent (Abdul Haseeb) was appointed as Naib Qasid.

2. That the said appeal of the petitioner was decided on 27.01.2022 along with other connected appeals. The Honorable Service Tribunal accepted the appeal of the petitioner. The impugned order of termination was set aside and the petitioner was reinstated into service with back benefits with further direction that private respondent also shall not suffer for the lapses of the respondents hence he shall also be accommodated.

3. That the petitioner has filed the instant execution petition for implementation of judgment dated 27.01.2022 of this Honorable Service Tribunal and if the department effect the private respondent (Abdul Haseeb) by implementing the judgment dated 27.01.2022, then certainly it also violation of judgment dated 27.01.2022 of this Honorable Tribunal as the Honorable Tribunal clearly mentioned in its judgment dated 27.01.2022 that private respondent (Abdul Haseeb) also shall not suffer for the lapses of the respondents hence he shall also be accommodated.

4. That the applicant has legal right to defend his legal right in the instant execution petition being a necessary party.

5. That in the prevailing circumstances, it is necessary to implead the applicant as respondent in the instant execution petition to meet the ends of justice. His name and address is as under,

Abdul Haseeb S/O Akbar Ali Khan,
Naib Qasid, Village Council Warat Khelm Ghazi Khel, Lakki Marwat.

It is most therefore, humbly prayed that on acceptance of this application, the applicant mentioned in Para-5, may kindly be implead as respondent in the panel of respondents in the instant execution petition in order to defend his legal right being necessary party.

APPLICANT
Abdul Haseeb

THROUGH:

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT.

AFFIDAVIT:

It is solemnly affirm that the contents of application are true and correct and thing has been concealed from this Honorable Tribunal.

DEPONENT

05 JUL 2022

ATTESTED
Muhammad Raza Shah
Oath Commissioner
Peshawar
05 JUL 2022

VAKALAT NAMA

NO._____/2021

IN THE COURT OF KP Service Tribunal Peshawar

Hamid Usman (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

LG&RDD (Respondent)
(Defendant)

I/We, Abdul Haseeb

Do hereby appoint and constitute ***Taimur Ali Khan, 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 _____/2021

(CLIENT)

ACCEPTED

TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:
Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
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