

08.02.2021

Petitioner present through counsel. Mr. Kabirullah Khattak learned Addl. AG for respondents present.

At the very outset, it was brought in to the knowledge of Tribunal that petitioner has been reinstated in view of the order of this Tribunal, he, therefore, requested for filing of the instant execution petition. To this effect, statement of Zia-Ur-Rehman Tajik Advocate, learned counsel for petitioner was recorded and his signature was obtained thereon.

As the petitioner has been reinstated conditionally, therefore, the proceedings stand adjourned sine-die till the decision by the Apex Court.

  
(Rozina Rehman)  
Member (J)

01.08.2022

Counsel for petitioner present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Mr. Hamdullah, Assistant Director for respondents present.

Representative of the respondent department submitted a final seniority list of officials of Provincial Transport Authority (PTA) and Regional Transport Authorities (RTAs) vide its letter No. 534-44/PTA dated 20.07.2022, that the Secretary PTA had forwarded to all the Secretaries RTAs, whereby the petitioner has been conditionally reinstated w.e.f. 18.01.2022 subject to the outcome of CPLA in august Supreme Court of Pakistan.

In view of the above, instant petition is disposed off. File be consigned to record room.

Announced  
01.08.2022

  
(Faveeha Paul)  
Member (E)

Statement of Zia ur Rehman Tajik Advocate, counsel for petitioner, on oath:

Stated that the petitioner is satisfied from the said order of reinstatement as per the order of this Hon'ble Tribunal, they are reinstated conditionally. Therefore, the instant proceedings may be adjourned sine die.

Zia ur Rehman Tajik Advocate

R.O & A.C

Dated: 08.02.2021

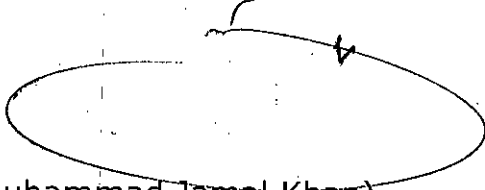
(Rozina Rehman)  
Member (J)

~~that learned Addl. AC for respondent's present  
was satisfied it was by order of this Tribunal  
Tribunal that petitioner has been reinstated in view of the  
order of this Tribunal. Hence, therefore, reinstated from  
the instant vacation petition in this effect statement of  
Zia-Ur-Rehman Tajik Advocate (counsel for  
petitioner) ordered and the same is hereby  
thereby  
the petitioner has been reinstated conditionally  
and the proceedings stand adjourned sine die  
[Signature]~~

03.11.2020

Nemo for petitioner. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Muhammad Arif Wazir, A.D (Litigation), are present.

Implementation report on behalf of respondents not submitted. Representative of the department requests for time. File to come up for implementation report on 24.12.2020 before S.B.

  
(Muhammad Jamal Khan)  
Member (Judicial)

24.12.2020

Counsel for the petitioner and Mr. Noor Zaman Khattak, District Attorney alongwith Muhammad Arif Khan Wazir, AD for the respondents present.

Representative of respondents states that a CPLA has been moved before the Apex Court against the order under execution. An application for its early fixation has also been submitted, however, no date of hearing is fixed in CPLA as yet.

The respondents are required to implement the judgment at the earliest and submit a report to that effect on next date of hearing in case the judgment under execution has not been suspended or set aside by the Apex Court till then.




Adjourned to 08.02.2021 before S.B.

  
Chairman

FORM OF ORDER SHEET

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

Execution Petition No. 123/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.08.2020	<p>The Execution Petition submitted by Mr. Hayat Wali Shah through Mr. Zia Ur Rahman Tajik 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-	18.09.2020	<p>This Execution Petition be put up before S. Bench on <u>18/09/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Petitioner alongwith counsel. Notices be issued to the respondents for submission of implementation report on 03.11.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

In Re: Execution Petition NO. \_\_\_\_\_/2020  
In S.A No.1102/2019 decided on 22.06.2020

*Hayat Wli Shah*

Vs.

Government of Khyber Pakhtunkhwa.

**INDEX**

S.No	Description of Documents	Annex	Pages
1.	Application		1-3
2.	Copies of Service appeal and Judgment/Order dated 22.06.2020	<b>"A" &amp; "A/I"</b>	4-14
3.	Copy of the arrival report	<b>"B"</b>	15
4.	WakalatNama		16

Applicant

through

*Zia Ur Rehman Tajik*

**Zia Ur Rehman Tajik**

LLB, LL.M, Sharia Law,

Advocate,

Supreme Court of Pakistan.

1912

①

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

In Re: Execution Petition NO. \_\_\_\_\_/2020  
In S.A No.1102/2019 decided on 22.06.2020



Hayat Ali Shah s/o Sher Wali Shah  
r/o Shah Bronze Owir,  
Tehsil Mastuj, District Chitral.

-----Appellant

**Versus**

1. Government of Khyber Pakhtunkhwa  
through Secretary Transport and Mass Transit Department,  
Civil Secretariat Peshawar.
2. Director Transport and Mass Transit Department,  
Benevolent Fund Building,  
Peshawar Cantt.
3. Secretary,  
Regional Transport Authority,  
*malakand* Division, *malakand*

-----Respondents.

**APPLICATION UNDER SECTION 7(2)(e) OF KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 FOR/ON BEHALF OF APPLICANT FOR EXECUTION OF JUDGMENT/ORDER DATED 22.06.2020 PASSED IN SERVICE APPEAL NO.1102/2019 BY THIS HON'BLE TRIBUNAL WHEREBY THE RESPONDENTS ARE DIRECTED TO RE-INSTA TE THE APPLICANT'S SERVICES WITH ALL BACK BENEFITS.**

London

1871



**Respectfully Sheweth:**

1. That the applicant was removed from service by the respondents vide order dated 29.04.2019 which order was assailed by the applicant in Service Appeal No.1102/2019. Furthermore, the said removal order was set aside by this Hon'ble Tribunal vide its Judgment/Order dated 22.06.2020. (Copies of Service appeal and Judgment/Order dated 22.06.2020 are enclosed as annexure "A" and "A/1".)
2. That subsequently the applicant submitted his arrival report to the respondents but to his dismay the respondents neither re-instated the applicant nor accepted his arrival report what to say of extending all back benefits to applicant by the respondents. (Copy of the arrival report is enclosed as annexure "B".)

Now feeling aggrieved of the respondents' discriminate, illegal, unlawful treatment and willful/deliberate defiance of the Judgment/Order dated 22.06.2020 of this Hon'ble Tribunal the applicants approaches this Hon'ble Tribunal for his re-instatement in service with all back benefits in execution of the Judgment/Order dated 22.06.2020 passed by this Hon'ble Tribunal inter-alia amongst other:

**GROUNDS:**

- A. That the respondents are bound to implement and execute the Judgment/Order dated 22.06.2020 of this Hon'ble Tribunal.
- B. That non execution of the aforesaid Judgment/Order is not only illegal, incorrect, irrational but have rendered the respondents to gross willful disobedience of the Judgment of this Hon'ble Tribunal also.
- C. That the respondents are bound by law to re-instate the applicant with all back benefits.
- D. That the respondents are also under an obligation as per Article 4 and 5 of the Constitution of Islamic Republic of Pakistan, 1973 to execute and implement Judgment/Order dated 22.06.2020 of this Hon'ble Tribunal. In addition to, non execution of the Judgment by the respondents and not treating the applicant in accordance with law is not supported by any provision of law and amounts to gross defiance of the Judgment of this Hon'ble Tribunal also.


E. That any other ground may kindly be adduced with the prior permission of this Hon'ble Tribunal at the time of arguments.

3

It is, therefore, respectfully prayed that on acceptance of instant Application the Judgment/Order dated 22.06.2020 may kindly be implemented in letter and spirit and respondents may kindly be directed to re-instate the applicant with all back benefits.

Applicant

through



**Zia-Ur-Rehman Tajik**

LLB, LL.M, Sharia Law,

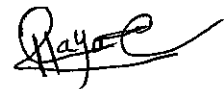
Advocate,

Supreme Court of Pakistan.

**AFFIDAVIT**

I, Hayat Wali Shah s/o Sher Wali Shah r/o Shah Bronze Owir, Tehsil Mastuj, District Chitral, do hereby solemnly affirm and declare on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

**ATTESTED**



DEPONENT



26-08-2020

ALTERED



BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

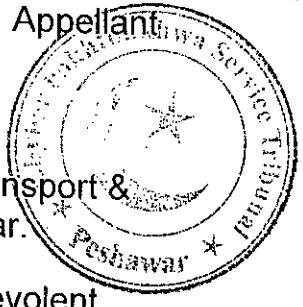
S.A.No. 1102 /2019

Khyber Pakhtunkhwa Service Tribunal

Diary No. 1192

Date 23/8/2019

Hayat Wali Shah S/o Sher Wali Shah  
R/o Shah Bronze Owir, Tehsil Mastuj, District Chitral.



Appellant

Versus

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Transport & Mass Transit Department, Civil Secretariat, Peshawar.
- 2) Director Transport & Mass Transit Department, Benevolent Fund Building Peshawar Cantt.
- 3) Secretary Regional Transport Authority, Malakand Division, Malakand.

Respondents

***Appeal u/s 4 of the KP Service Tribunal Act, 1974 against the termination order of removal from service dated 29.04.2019 and appellate order dated 01.08.2019 upon departmental appeal, wherein departmental appeal has been dismissed be declared as illegal, against the law and facts.***

Filed to-day  
Registrar  
23/8/19

**PRAYER**

***On acceptance of this appeal the impugned termination order of removal from service dated 29.04.2019 and appellate order***

Re-submitted to-day  
and filed  
Registrar  
29/8/19

**ATTESTED**  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

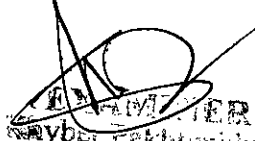
*dated 01.08.2019 may please be set-aside and the appellant may please be reinstated in to the service with all back benefits.*

**RESPECTFULLY SHEWETH;**

Appellant humbly submits as under:

- 1) That the appellant being eligible and highly qualified applied for the post of Assistant (BPS-14) and after fulfilling all the cordial formalities i.e. Test and Interview was appointed as Assistant (BPS-14) vide appointment order dated 09.07.2013. It may be mentioned here that the Assistant's post was later on upgraded to BPS-16. (Copies of educational documents, appointment order dated 09.07.2013, medical Certificate, and Arrival report are Annex "A")
- 2) That the appellant is a permanent Civil Servant as the department is keeping/ maintaining the seniority list of the appellant and his other colleagues. (Copies of seniority lists and of pay roll are Annex "B")
- 3) That in the year 2014, the respondent department issued charge sheet not only to the appellant, but other seven colleagues, wherein the allegations were that he was appointed by the department illegally and without fulfilling the appointment criteria. (Copy of charge sheet dated 09.05.2014 is Annex "C")

**ATTESTED**

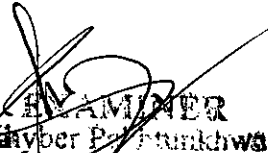
  
MEMBER  
Nyabari Peshawar  
Service Tribunal,  
Peshawar

- 4) That the appellant duly replied to the above mentioned charge sheet dated 09.05.2014 vide reply dated 19.05.2014, which is hereby annexed as Annex "D".
- 5) That the department vide order dated 09.05.2014 appointed one Mr. Sami Ullah Section Officer (Dev) Transport & Mass Transit Department, Govt. of KPK as Inquiry Officer. (Copy of office order dated 09.05.2014 is Annex "E")
- 6) That the appellant and others participated in the Inquiry proceedings and later on he alongwith other colleagues were informed by respondents verbally that the allegations against them were dropped and the case was filed.

It may be mentioned here that time and again the appellant requested the respondents to provide him the copies of proceedings conducted against him in 2014, but till date the respondents are turning deaf ear to the requests of appellant.

- 7) That the respondents conducted inquiry against the appellant again in 2018, the report of which is Annexed herewith as Annex "F".
- 8) That the respondents started disciplinary proceedings by issuing charge sheet and statement of allegations to the appellant vide letter dated 21.01.2019, which was duly replied by the appellant. (Copy of charge sheet and statement of allegations alongwith reply are Annex "G")
- 9) That the respondents vide letter dated 22.01.2019 nominated inquiry panel to conduct an inquiry

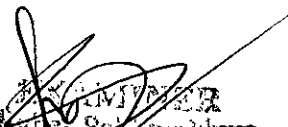
**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

about the allegations. (Copy of letter dated 22.01.2019 is Annex "H")

- 10) That the appellant appeared before the Inquiry Committee and thus after the inquiry proceedings the report was submitted wherein, imposition of major penalty was recommended. (Copy of inquiry report is Annex "I")
- 11) That astonishingly the appellant was again served with show cause notice dated 13.03.2019 on the same allegation, which were leveled against him in the year 2014, but this time only to 4 persons. (Copy of letter and show cause notice dated 13.03.2019 are Annex "J")
- 12) That the appellant submitted reply to the show cause notice dated 13.03.2019. (Copy of the reply to the show cause notice is Annex "K")
- 13) That vide impugned office order dated 29.04.2019 the competent authority imposed major penalty of removal from service on the appellant illegally and without lawful authority. (Copy of impugned office order dated 29.04.2019 is Annex "L")
- 14) That the appellant prefer departmental appeal against the above mentioned impugned office order of removed from service, which was dismissed vide order dated 01.08.2019. (Copy of departmental appeal alongwith its dismissal order dated 01.08.2019 are Annex "M")
- 15) That the appellant is aggrieved of the impugned termination order of removal from service and dismissal of departmental appeal and thus prefer this appeal for the following amongst other grounds:-


ATTESTED

  
Kalyan Patil  
Service Tribunal,  
Peshwar

GROUNDS:

- a. That the appellant was duly appointed by respondents department after due process and thus the impugned dismissal order is against the law and facts.
- b. That since the appointment the appellant was receiving his salaries for more than six years and being permanent employees valuable rights accrued to him and thus the dismissal order is against the natural justice.
- c. That the superior Courts also held time and again that once an employee has been appointed after due process he cannot be removed from service rather actions must be initiated against the appointing authority and thus on this principle too the appellant is entitled to be reinstated into service with all back benefits.
- d. That the respondents in 2014 already conducted inquiry on the same allegations and the appellant was cleared from all the charges, but now again they conducted inquiry on the same allegations, which is against the law and thus the appellant deserve to be reinstated into service.
- e. That the appellant was never associated or given chance to properly participated in the inquiry proceedings and thus he has been condemned unheard, which needs to be declared against the law by this Hon'ble Tribunal.
- f. That in 2014 the respondents conducted inquiry against eight persons, which culminated into filing

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



the inquiry, but now the respondents singled out four persons including the appellant and removed them from service, which shows the malafide of respondents to condemned the appellant for no fault on his part and thus all the proceedings including inquiry process needs to be declared null and void.

- g. That the malafide of the respondents can be seen from the fact that in 2014 inquiry was initiated against eight persons, but the recent proceedings were initiated against four persons and the rest of four persons were given promotion being blue eyed persons of respondents. (Copy of promotion orders are Annex *M*)

It is, therefore, prayed by accepting the instant appeal, the impugned termination order of removal from service dated 29.04.2019 and the appellate order dated 01.08.2019 may please be set-aside and the appellant may please be reinstated in to service with all back benefits.

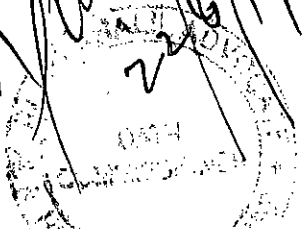
Dated: 21-8-2019

*heya*  
 Appellant  
 Through  
*KQ*

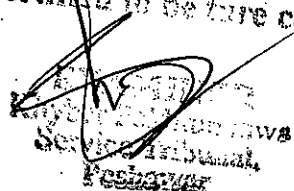
**Barrister Kamran Qaisar**  
Advocate High Court,

VERIFICATION

It is verified that, the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.

*Asser*  
*22/8/19*  


*heya*  
 Deponent

Certified to be true copy  


10



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service appeal No. 1102/2019

Date of institution ... 23.08.2019  
Date of decision .... 22.06.2020

Hayat Wali Shah S/O Sher Wali Shah, R/O Shah Bronze Owir, Tehsil Mastuj,  
District Chitral. ... (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Secretary Transport &  
Mass Transit Department, Civil Secretariat, Peshawar and Two (02)  
others.

... (Respondents)

Present

Mr. Zia-ur-Rehman Tajik,  
Advocate ... For appellant.

Mr. Riaz Paindakhel,  
Assistant Advocate General ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN  
MR. MIAN MUHAMMAD, ... MEMBER(E).

**ATTESTED**  
  
CHAIRMAN  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

Instant judgment is proposed to decide also Service Appeals No. 1103/2019 (Adnan Naz Vs Government of Khyber Pakhtunkhwa Peshawar & others), Service appeal No. 1104/2019 (Bilal Vs Government of Khyber Pakhtunkhwa Peshawar & others) and Service appeal No. 1105/2019 (Zahid Alam Vs Government of Khyber Pakhtunkhwa Peshawar & others), as similar proposition is involved in all the appeals. Besides, all the appellants are aggrieved of Office Orders issued on 29.04.2019 by Director Transport & Mass Transit Department Peshawar/respondent No.2. The appellants were proceeded against

purportedly under Khyber Pakhtunkhwa Civil Servant (Efficiency & Disciplinary) Rules, 2011 and were awarded major penalty of removal from service. The departmental representations/appeals of all the appellants were rejected through a single order on 01.08.2019.

2. In order to recapitulate the facts involved in the appeals, it is useful to note that the appellants Hayat wali Shah, Adnan Naz & Bilal were appointed as Office Assistant (then BS-14) by respondent No. 1 on 09.07.2013, 11.11.2013 and 18.07.2013, respectively. The appellant Zahid Alam was promoted as such on 04.05.2012. The appellants duly took charge of their respective positions and started performing duties as Assistant for a formidable period when in the year 2019, the respondent No.1 was pleased to order departmental proceedings against them. Inquiry was conducted and the recruitment/promotion of the appellants was regarded as void abinitio. They were recommended for penalty. On 13.03.2019, Show Cause Notices were issued to all the appellants which were duly replied by them. Ultimately, on 29.04.2019 the impugned orders of removal from service were passed against the appellant.

3. We have heard learned counsel for the appellants, learned Asst. AG on behalf of the respondents and have also gone through the available record.

4. Learned counsel for the appellants vehemently argued that the appellants were awarded major penalty and were deprived of the service for no fault on their part. He emphatically relied on judgments reported as 1996 SCMR 8413, 2006 SCMR 678, 2004 SCMR 1077, 2009 SCMR 663 and 2004 SCMR 203 and contended that, if at all, any irregularity was committed during the process of appointment/promotion of appellants, it

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*[Signature]*


was on the part of respondents. The appellants were duly qualified for the post at the relevant time and had also under-gone the necessary procedure. It was also the argument of learned counsel that the appellants could not be removed under the principle of locus-poenitentiae after having put in many years of service. In that regard he relied on 2015 SCMR 1418.

5. Learned Asst. AG, on the other hand, argued that the appointment/promotion of appellants was void abinitio, therefore, there accrued no right in their favor to have prayed for their reinstatement in service. He also referred to the inquiry report dated 20.02.2019 and contended that all the charges were duly proved against the appellants.

6. Before proceeding further, it is useful to provide here-under the gist of allegations against the appellants;-

- a) *As per law (BS-14) were required to be recruited on the recommendation of Khyber Pakhtunkhwa Public Service Commission.*
- b) *Recruitment record/documents i.e. Advertisement, short listing procedure, call letters to the candidate for interview, interview papers, merit lists, requisition to the Public Service Commission and recommendation by the PSC are not available in the Department.*
- c) *Since no prescribed procedure was followed therefore, the appointment of appellants was illegal/ fake and void-abinitio.*

**ATTESTED**

  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

The allegations, even if proved, would clearly suggest that those pertained to a period before appointment/ promotion of appellants. Similarly, the same could not be attributed as misdeed/wrong doing on the part of appellants for proceedings against them on account of misconduct. Throughout the record it could not be brought forth by the respondents


that any of the appellants was ever instrumental in the irregularities as detailed in the statement of allegations as well as Show Cause Notice. The charges essentially suggested that the respondents department, more particularly the respondent No.1 was to be dubbed as defaulter. It is however ironical that no proceedings were ever under taken against the delinquent officer(s).

7. From the record, it also appears that in the year 2014 an inquiry was initiated against the appellants on the grounds similar to the inquiry in 2018. The claim of appellants is that they were exonerated and the previous inquiry was filed, on the other hand the respondents could not deny the exoneration of appellants and in the relevant Para of their replies provided evasive contents. In the circumstances, the vexing of appellants twice for the same alleged act could not be ruled out.


8. It is evident from the record that each of the appellant had put in more than five (05) years of service as Assistant (BS-16) after his appointment/promotion. It is also not denied that any of the appellants lacked qualification for disputed appointment. In the circumstances, initiation of departmental proceedings against them and passing of order of removal from service at such belated stage would not be justifiable. In other words, instead of taking action against the appellants it was more appropriate to have taken the appointing authorities to task who, prima facie, committed the act of misconduct.

9. For what has been discussed above we are of the firm view that the impugned orders dated 29.04.2019 as well as dated 01.08.2019 are not legally sustainable. Resultantly, the appeals are hereby allowed as prayed for.

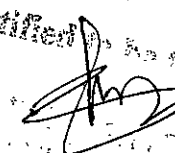
**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

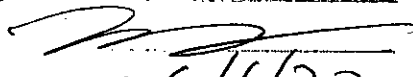
Parties are left to bear their own costs. File be consigned to the record room.

  
(Mian Muhammad)  
Member (E)

  
(Hamid Farooq Durrani)  
Chairman

Certified true copy  
  
Secretary  
Peshawar

ANNOUNCED  
22.06.2020

Date of Presentation of Application 23/6/2020  
Number of Copies 2000  
Copying Fee 22  
Urgent —  
Total 22  
Name of Copy   
Date of Completion of Copy 26/6/2020  
Date of Delivery of Copy 26/6/2020

(15)

To.

Diary No. 237  
Dated 13.8.20  
P.S To Secretary Transport  
Deptt Khyber Pakhtunkhwa

The Worthy Secretary,  
Transport & Mass Transit,  
Govt. of Khyber Pakhtunkhwa Peshawar.

**SUBJECT:- ARRIVAL REPORT**

Respected Sir,

Please refer to the judgment of Hon'ble Service Tribunal Khyber Pakhtunkhwa Peshawar dated 22.06.2020 (copy enclosed) I, Hayat Wali Shah, Office Assistant Regional Transport Authority Malakand Division do hereby submit my arrival report for duty on 13.08.2020 f/n.

*Hayat Wali Shah*  
13/08/2020

**Hayat Wali Shah**  
**Office Assistant**  
Regional Transport Authority  
Malakand Division

C.C to:

*Amal* 13/8/2020

- ✓ 1. Director Transport & Mass Transit Khyber Pakhtunkhwa Peshawar.  
2. Secretary Regional Transport Authority Malakand Division.

**DISPATCHER**  
**Directorate of Transport**  
**And Mass Transit, KPK**

# WAKALAT NAMA

16

IN THE COURT OF

Services Tribunal Peshawar.

Hayat Ali Shah (Petitioner) (Plaintiff), (Appellant), (Complainant)

VERSUS

Govt and other (Respondent), (Defendant), (Accused)

Case FIR No

Dated

/ /

Police Station

Charge u/s

I/We,

Hayat Ali Shah

The above noted

Appellant

do hereby appoint

and Authorize **Zia-ur-Rehman Tajik Advocate, Supreme Court of Pakistan** to

compromise, withdraw or refer to arbitration for me/us as my/our counsel in the above

noted matter, I/we also authorized the said Counsel to file appeal, revision, review

application for restoration, compromise, withdraw, refer the matter for arbitration. And

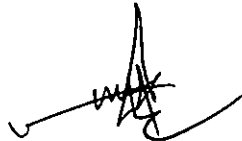
make any miscellaneous application in the matter or arising out of matter and to withdraw


and receive in my/our behalf all sums and amount deposited in my/our account in the

above noted matter.

ACCEPTED





  
CLIENT

**Zia-ur-Rehman Tajik**

L.L.B, L.L.M, Diploma in Sharia Law

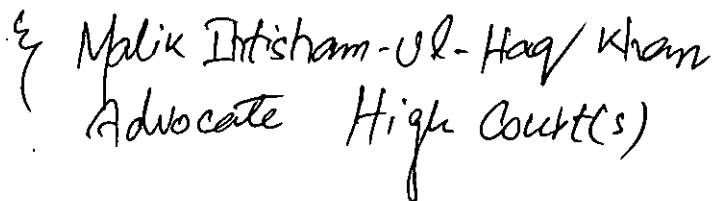
Advocate Supreme Court of Pakistan

Office: 26-A, Nasir Mansion

2-Railway Road, Peshawar.

Phone:091-2564272

Cell: 0300-9357932

  
Malik Irtisham-ul-Haq Khan  
Advocate High Court(s)





**PROVINCIAL TRANSPORT AUTHORITY  
KHYBER PAKHTUNKHWA**

Hall No; 310, Benevolent Fund Building, Peshawar Cantt.  
Phone No: 091-9211913

No 535-44 /PTA  
Date 20/07/2022

To

All the Secretaries  
Regional Transport Authorities  
in Khyber Pakhtunkhwa.

Malakand (swat).

**SUBJECT: PREPARATION/ISSUANCE OF SENIORITY LIST OF GOVERNMENT  
SERVANTS-CHECK LIST.**

Memo,

Enclosed please find herewith copies of Final Seniority List of officials of Provincial Transport Authority (PTA) and Regional Transport Authorities (RTAs) in Khyber Pakhtunkhwa for compliance and further necessary action.

Secretary

Provincial Transport Authority  
Khyber Pakhtunkhwa

**Endst: No. & Date of Even:-**

Copy forwarded to the:

1. PS to Chairman PTA/Secretary Transport & Mass Transit Department Khyber Pakhtunkhwa.
2. PA to Director Transport & Mass Transport Transit Khyber Pakhtunkhwa.
3. All Concerned Official.

Secretary

Provincial Transport Authority  
Khyber Pakhtunkhwa



# PROVINCIAL TRANSPORT AUTHORITY KHYBER PAKHTUNKHWA

## Notification

No. PTA/1-19/2022/SLPTA&RTAS- 559-83/PTA In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rules 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, Final Seniority list of Assistants (BPS-16) in the PTA/RTAs in Khyber Pakhtunkhwa is notified as stood on January 2022 :-

### FINAL SENIORITY LIST OF ASSISTANTS (BPS-16) OF PROVINCIAL TRANSPORT AUTHORITY (PTA) AND REGIONAL TRANSPORT AUTHORITIES (RTAs)

S. No.	Authority	Name of official	Academic Qualification	Date of Birth	Domicile	Date of 1 <sup>st</sup> entry into Govt. service	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of promotion/appointment as Senior Clerk (BS-14)	Date of promotion/appointment as Assistant (BS-16)	Method of Recruitment	Presently on the payroll of	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
1	RTA Hazara	Mr. Zahid Alam	BA	12/06/1984	Mansehra	28/11/2011 as J/C (BPS-07)	Commissioner Office Hazara	-	04/05/2012	Initial	RTA Hazara	<i>They were conditionally reinstate w-e-f 18-01-2022 till the final outcome of CPLA filed before August Supreme Court of Pakistan vide Director TPT order No.Dir/TPT/1-82/P&amp;T/1712-18 dated 18-01-2021.</i>
2	RTA Malakand	Mr.Hayat Wali Shah	MA	22/02/1986	Chitral	09/07/2013 as Assistant (BPS-14)	RTA Mardan	-	09/07/2013	Initial	RTA Malakand	
3	RTA Hazara	Mr.Bilal	BA	01/05/1989	Charsadda	18/07/2013 as Assistant (BPS-14)	RTA Mardan	-	18/07/2013	Initial	RTA Hazara	
4	RTA Kohat	Mr.Adnan Naz	MA	02/03/1989	Kohat	11/11/2013 as Assistant (BPS-14)	RTA Kohat	-	11/11/2013	Initial	RTA Kohat	
5	RTA Malakand	Khush Bakth	BBA	20/04/1990	Peshawar	01/01/2010 as Stenographer	RTA Peshawar		20/06/2016	By Promotion	RTA Malakand	
6	RTA Peshawar	Zubair Hussain	FA	11.01.1970	Peshawar	20.11.1990 as J/C (BS-05)	RTA Peshawar	09/09/2014	20/06/2016	By Promotion	RTA Peshawar	
7	RTA Mardan	Ameer Baz	MA	06/09/1968	Mardan	25.07.1993 as J/C (BS-05)	RTA Mardan	09/09/2014	20/06/2016	By Promotion	RTA Mardan	
8	RTA Malakand	Mohammad Ibrahim	Matric	03.03.1963	Swat	14.01.1986 as J/C (BS-05)	RTA Malakand	06/08/2015	20/06/2016	By Promotion	RTA Malakand	

S. No.	Authority	Name of official	Academic Qualification	Date of Birth	Domicile	Date of 1 <sup>st</sup> entry into Govt. service	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of promotion/appointment as Senior Clerk (BS-14)	Date of promotion/appointment as Assistant (BPS-16)	Method of Recruitment	Presently on the payroll of	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
9	RTA Peshawar	Muhammad Kazim Khan	BSC(4-years)	03/07/1991	Peshawar	25/01/2019	RTA Swat	-	25/01/2019	Initial	RTA Peshawar	
10	RTA D I Khan	Mr. Zafar Ayub Khan	M.com	01/05/1993	FR.Bannu	25/01/2019	RTA-Bannu	-	25/01/2019	Initial	RTA D I Khan	
11	RTA Hazara	Ms. Taskeen Hayat	BS Electric Engineering	14/08/1990	Tank	25/01/2019	RTA DIKhan	-	25/01/2019	Initial	RTA Hazara	
12	RTA Mardan	Mr. Amir Khayam Khattak	BS Telecom	27/07/1991	Nowshehra	25/01/2019	RTA Kohat	-	25/01/2019	Initial	RTA Mardan	
13	RTA D.I.Khan	Mr. Kaleem Ullah	MBA/M. Phil	06/04/1990	SWDT	07/03/2019	RTA DIKhan	-	07/03/2019	Initial	RTA D.I.Khan	
14	RTA Peshawar	Mr. Tahir Jan	BA	12/07/1968	Peshawar	23/10/1990 as J/C (BS-05)	PTA KP	20/06/2005	12/06/2019	By Promotion	RTA Peshawar	
15	RTA Peshawar	Mr. Raees Khan	D.Com	15.9.1973	Peshawar	13/11/1994 J/C (BS-05)	PTA KP	06/08/2015	27/06/2019	By Promotion	RTA Peshawar	
16	PTA KP	Mr. Mazullah Khan	FA	10/01/1970	Peshawar	31/03/1995 as J/C (BS-05)	RTA Peshawar	06/08/2015	27/06/2019	By Promotion	PTA KP	
17	PTA KP	Mr. Muhammad Alam	D.Com	12/4/1974	Charsadda	13/07/1995 as J/C (BS-05)	PTA KP	06/08/2015	27/06/2019	By Promotion	PTA KP	
18	RTA Bannu	Mr. Abidullah	F.A	14/04/1978	Peshawar	16/09/2005 as J/C (BS-05)	PTA KP	20/06/2016	27/06/2019	By Promotion	RTA Bannu	

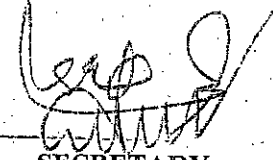
  
SECRETARY

PROVINCIAL TRANSPORT AUTHORITY  
KHYBER PAKHTUNKHWA

**Endst No. & Date of Even:-**

Copy is forwarded to the:-

1. All the Secretaries Regional Transport Authorities in Khyber Pakhtunkhwa.
2. PS to Secretary Transport & Mass Transit, Department Government of Khyber Pakhtunkhwa.
3. PA to Director Transport & Mass Transit Khyber Pakhtunkhwa.
4. Officials Concerned
5. Master File.



SECRETARY

PROVINCIAL TRANSPORT AUTHORITY  
KHYBER PAKHTUNKHWA



GOVERNMENT OF KHYBER PAKHTUNKHWA  
TRANSPORT & MASS TRANSIT DEPARTMENT

Ph: 091-9211782

No. SO(E)/TD/2-56/Promotion/2020-21/844-48  
Dated Peshawar: 15-06-2022

To

The Director,  
Transport & Mass Transit,  
Khyber Pakhtunkhwa.

Diary No. 1716

Date 17/06/2022

Directorate of Transport  
& Mass Transit, KPK

Subject: BEFORE THE HON'ABLE SECRETARY TRANSPORT AND MASS  
TRANSIT DEPARTMENT, CIVIL SECRETARIAT PESHAWAR.

I am directed to refer to the subject noted above and to state that Mr. Hayat Wali Shah Assistant RTA/Swat, Zahid Alam Assistant RTA/Hazara and Mr. Bilal Assistant RTA/Hazara have filed an appeal before the worthy Secretary, Transport & Mass Transit Department for inclusion of their names in the final seniority list of Assistant as per their appointment record.

In sequel to the above, the competent authority has accepted their appeal and directed to include their names in the final seniority list of Assistants conditionally, subject to the final outcome of CPLA filed before the Hon'able Supreme Court of Pakistan, please.

  
SECTION OFFICER (Asstt.)

Endst. No. & Date Even.

Copy for information to the:

1. Mr. Hayat Wali Shah Assistant Regional Transport Authority, Swat for information w/r to your appeal.
2. Mr. Zahid Alam Assistant Regional Transport Authority, Hazara for information w/r to your appeal.
3. Mr. Bilal Assistant Regional Transport Authority, Hazara for information w/r to your appeal.
4. PS to Secretary, Transport & Mass Transit Department.
5. Master File.

  
SECTION OFFICER (Asstt.)

26.04.2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Hamdullah, AD for respondents present.

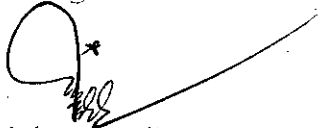
The respondent-department submitted reply on execution petition which is placed on file and a copy thereof handed over to the learned counsel for the petitioner. Learned AAG stated at the bar that all back benefits have been granted to the petitioner and the case is pending before the august Supreme Court of Pakistan in CPLA. The execution petition is therefore, liable to be adjourned sine-die. Contrary to the view point of learned AAG, learned counsel for the petition did not agree and contended that the issue of seniority is inalienable right and falls in the ambit of consequential benefits. There is however, no mention of the name of the petitioner on the seniority list <sup>of Assistants (BS-16)</sup> issued on 27.07.2021. Since it is the main contention of learned counsel for the petitioner, therefore, proper reply is required to be submitted on this point. Adjourned. To come up for further proceedings on 21.06.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER(E)

21.06.2022

Learned counsel for the petitioner present. Kabirullah Khattak, Additional Advocate General for the respondents present.

As per order sheet dated 26.04.2022, the department was categorically/specifically directed to submit proper reply on the point raised by learned counsel for the petitioner. Last opportunity is granted to the respondent department. Copy of the order sheet dated 26.04.2022 as well as of today, be provided to respondent department to submit proper reply in the execution petition. To come up for further proceedings on 01.08.2022 before S.B.

  
(Mian Muhammad)  
Member (E)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
TRANSPORT & MASS TRANSIT DEPARTMENT

Ph: 091-9211782

No. SO(E)/TD/2-56/Promotion/2020-21

844-48

Dated Peshawar: 15-06-2022

To

The Director,  
Transport & Mass Transit,  
Khyber Pakhtunkhwa.

Diary No. 1716

Date 17/06/2022

Directorate of Transport  
And Mass Transit, KPK

Subject:

BEFORE THE HON'ABLE SECRETARY TRANSPORT AND MASS  
TRANSIT DEPARTMENT, CIVIL SECRETARIAT PESHAWAR.

I am directed to refer to the subject noted above and to state that Mr. Hayat Wali Shah Assistant RTA/Swat, Zahid Alam Assistant RTA/Hazara and Mr. Bilal Assistant RTA/Hazara have filed an appeal before the worthy Secretary, Transport & Mass Transit Department for inclusion of their names in the final seniority list of Assistant as per their appointment record.

In sequel to the above, the competent authority has accepted their appeal and directed to include their names in the final seniority list of Assistants conditionally, subject to the final outcome of CPLA filed before the Hon'able Supreme Court of Pakistan; please.

*Fuza*  
SECTION OFFICER (stt:)

Endst. No. & Date Even.

Copy for information to the:

1. Mr. Hayat Wali Shah Assistant Regional Transport Authority, Swat for information w/r to your appeal.
2. Mr. Zahid Alam Assistant Regional Transport Authority, Hazara for information w/r to your appeal.
3. Mr. Bilal Assistant Regional Transport Authority, Hazara for information w/r to your appeal.
4. PS to Secretary, Transport & Mass Transit Department.
5. Master File.

*Fuza*  
SECTION OFFICER (stt:)

24.01.2022

Applicant with counsel present.

Through this application, the applicant seeks restoration of the Execution Petition adjourned sine-die vide order dated 08.02.2021. The certified copy of the said order as annexed with the application has been perused. Accordingly, the proceedings in the execution petition were adjourned sine-die till the decision by the Apex Court. The applicant purports through present application that the promotion to the post of Superintendent BPS-17 is also expected on the basis of seniority and if the name of the appellant is not included in the seniority list dated 31.07.2014, it will result into multiplicity of proceedings. Having the judgment of this Tribunal at his credit allowing his appeal as prayed for, the applicant may pursue for consequential benefits of reinstatement. Therefore, this application is accepted and Execution Petition No.123/2020 adjourned sine-die on 08.02.2021 is restored to its original number. Notices be issued to the respondents for implementation of the judgment in letter and spirit subject to decision of the CPLA after obtaining affidavit from the petitioner. Case to come up on 21.02.2022 before S.B.

  
Chairman

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 26.04.2022 for the same as before.



  
Reader.



Form-A  
FORM OF ORDER SHEET

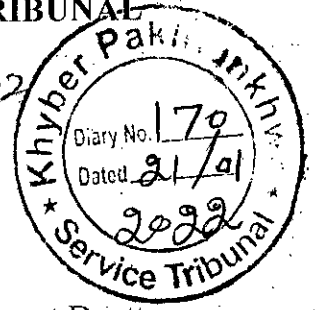
Court of \_\_\_\_\_

Restoration Application No. 62/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	21.01.2022	<p style="text-align: center;">The application for restoration/revival of Execution Petition No.123/2020 submitted today by Mr. Taimur Ali Khan 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		<p style="text-align: center;">This restoration application is entrusted to S. Bench to be put up there on <u>24/01/2022</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

*Restoration Application No 62/2022*  
Execution Petition No. 123/2020



Hayat Wali Shah

VS

Transport Deptt:

APPLICATION FOR RESTORATION OF INSTANT EXECUTION  
PETITION.

RESPECTFULLY SHEWETH:

1. That the applicant has filed the instant execution petition for implementation of dated 22.06.2020 of this Honorable Tribunal, whereby the Honorable Tribunal has allowed the appeal No. 1102/2019 of the applicant as prayed for, wherein the applicant has prayed for set asiding the impugned orders dated 29.04.2019 and 01.08.2019 with all back benefits.
2. That the instant execution petition was consigned on 08.02.2021 due to the reason that the applicant was conditionally reinstated till outcome of CPLA filed before the august Supreme Court of Pakistan. **(Copy of order sheet dated 08.02.2021 is attached as Annexure-A)**
3. That the respondent department has issued the seniority list of Assistant (BPS-16) issued on 27.07.2021, wherein the name of applicant is not mentioned in that seniority list.
4. That as applicant was reinstated by this Hon'ble Tribunal with all back benefits in judgment dated 22.06.2020 and as such the applicant is also entitled for his restoration of seniority. The promotion to the post of Superintendent (BPS-17) is also nearby expected on the basis seniority and if the name of the applicant is not included in the seniority list issued on 27.07.2021 and if respondent department make promotion on that seniority list issued on 27.07.2021, it will compel the applicant for further litigation for his right of promotion. **(Copy of seniority list is attached as Annexure-B)**

It is therefore most humbly prayed that on the acceptance of this application the instant Execution Petition may kindly be restored on the basis of above submission.

*Hayat*  
APPLICANT

THROUGH:

*Ali*  
TAIMUR ALI KHAN  
ADVOCATE HIGH COURT

**AFFIDAVIT**

It is affirmed and declared that the contents of this application are true and correct and nothing has been concealed from this august Tribunal.

*haya*  
**DEPONENT**



BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

1

PESHAWAR.

In Re: Execution Petition NO. 123 /2020  
In S.A No.1102/2019 decided on 22.06.2020



Hayat Wali Shah s/o Sher Wali Shah  
r/o Shah Bronze Owir,  
Tehsil Mastuj, District Chitral.

-----Appellant

Versus

1. Government of Khyber Pakhtunkhwa  
through Secretary Transport and Mass Transit Department,  
Civil Secretariat Peshawar.
2. Director Transport and Mass Transit Department,  
Benevolent Fund Building,  
Peshawar Cantt.
3. Secretary,  
Regional Transport Authority,  
*malakand* Division, *malakand*

-----Respondents.

APPLICATION UNDER SECTION 7(2)(e) OF KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 FOR/ON BEHALF OF APPLICANT FOR EXECUTION OF JUDGMENT/ORDER DATED 22.06.2020 PASSED IN SERVICE APPEAL NO.1102/2019 BY THIS HON'BLE TRIBUNAL WHEREBY THE RESPONDENTS ARE DIRECTED TO RE-INSTA TE THE APPLICANT'S SERVICES WITH ALL BACK BENEFITS.

Certified to be true copy

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

08.02.2021

E.P. No. 123/2020  
Haqmat wali Sheh is Gurt

Petitioner present through counsel. Mr. Kabirullah  
Khattak learned Addl. AG for respondents present.



At the very outset, it was brought in to the knowledge of the Tribunal that petitioner has been reinstated in view of the order of this Tribunal, he, therefore, requested for filing of the instant execution petition. To this effect, statement of Zia-Ur-Rehman Tajik Advocate, learned counsel for petitioner was recorded and his signature was obtained thereon.

As the petitioner has been reinstated conditionally, therefore, the proceedings stand adjourned sine-die till the decision by the Apex Court.

(Rozina Rehman)  
Member (J)

Certified to be true copy

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 21/01/22  
Number of Warrants 800  
Copying Fee 20/-  
Urgent 3/-  
Total 15/-  
Name of Applicant Haqmat Wali Sheh is Gurt  
Date of Issuance of Copy 21/01/22  
Date of Delivery of Copy 21/01/22



DIRECTORATE OF TRANSPORT AND MASS TRANSIT DEPARTMENT  
GOVERNMENT OF KHYBER PAKHTUNKHWA

13

Dated Peshawar the, 15.8.2014

**NOTIFICATION:**

**NO.DIR/TPT/1-16/2014/SLPTA&RTAs-2014:** In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, final seniority list of Assistants (BPS-16) in the Directorate of Transport & Mass Transit as stood on 31.7.2014 is notified/Circulated:-

**SENIORITY LIST OF ASSISTANT (BS-16) OF PROVINCIAL TRANSPORT AUTHORITY (PTA) AND  
REGIONAL TRANSPORT AUTHORITIES (RTAs) AS STOOD ON 31-7-2014.**

S #	Authority	Name of Official	Academic Qualification	Date of Birth	Domicile	Date & Designation/BPS of 1 <sup>st</sup> entry into Govt. service on regular basis	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of regular promotion/appointment as Assistant (BS-14)	Method of recruitment	Presently on the payroll of	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
1	RTA Malakand	Fazal Wahid	BA	15-02-1956	Swat	22-05-1974 as J/C (BS-5)	RTA Malakand	01-07-1987	By promotion	RTA Malakand	
2	RTA DI Khan	Siraj Ahmad Niazi	B.A	05.04.1957	DIKhan	01.12.1980 as Senior Clerk (BS-7)	RTA DI Khan	01.10.1988	By promotion	RTA DI Khan	
3	RTA Peshawar	Fazal ur Rehman	MA Islamiat	1-3-1968	Peshawar	18-11-1989 as assistant (BS-11)	RTA Peshawar	18-11-1989	Initial	RTA Peshawar	
4	RTA Hazara	Abdul Qayyum	Metric	15-06-1958	Abotabad	01-10-1977 as J/C (BS-5)	Commissioner office Kohat	21-04-1996	By promotion	RTA Hazara	
5	RTA Kohat	Shoukat Zaman	Matric	01-05-1968	Kohat	18-03-1987 (J/C) (BS-5)	Commissioner office Kohat	2002	By promotion	RTA Kohat	
6	PTA Peshawar	Mr. Abdul Qayyum	BA	24/4/1960	Mardan	Junior Clerk 26/6/1982 (BS-5)	PTA Peshawar	30/4/2005	By promotion	PTA Peshawar	
7	RTA Bannu	Javed Khan	FA	19-09-1970	Bannu	12-02-1992 (BS-5)	RTA Bannu	31-05-2008	By promotion	RTA Bannu	

*[Handwritten signature]*



No. SO(G)16-8/2012/VOL-II/5393-94

of Promotion to  
ent rank

Basic  
Pay  
Scale

Method of  
recruitment

S #	Authority	Name of Official	Academic Qualification	Date of Birth	Domicile	Date & Designation/BPS of 1 <sup>st</sup> entry into Govt. service on regular basis	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of regular promotion/appointment as Assistant (BS-14)	Method of recruitment	Presently on the payroll of	Remarks
8	PTA Peshawar	Mr. Haji Shah Zaman	BA	15/9/1960	Peshawar	Junior Clerk 27/6/1982 (BS-5)	PTA Peshawar	25/6/2011	By promotion	PTA Peshawar	
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10	RTA Mardan	Hayat Wali Shah	MA	22-02-1986	Chitral	09-07-2013 Assistant (BS-14)	RTA Mardan	09-07-2013	Initial	RTA Mardan	
11	RTA Mardan	Bilal	BA	01-05-1989	Charsadda	18-07-2013 Assistant (BS-14)	RTA Mardan	18-07-2013	Initial	RTA Mardan	
12	RTA Kohat	Adnan Naz	BA	02-03-1989	Kohat	11-11-2013 as Assistant (BS-14)	RTA Kohat	11-11-2013	Initial	RTA Kohat	

**Endst. No. & Date Even/** 9872-93

Copy is forwarded to the:-

1. Secretary Provincial Transport Authority, Peshawar.
2. All Secretaries Regional Transport Authorities in Khyber Pakhtunkhwa.
3. PS to Secretary Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
4. Officials concerned.
5. Master file.

**DIRECTOR**

**DIRECTORATE OF TRANSPORT & MASS TRANSIT**



13  
DIRECTORATE OF TRANSPORT AND MASS TRANSIT DEPARTMENT  
GOVERNMENT OF KHYBER PAKHTUNKHWA

**Notification**

**No. DIR/Tpt/1-16/2014/SLPTA&RTAS-2014:** In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rules 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1980, Final Seniority list of Assistants (BPS-16) in the Directorate of Transport & Mass Transit as Stood on 30/07/2015 is notified/Circulated:-

**SENIORITY LIST OF ASSISTANT (BPS-16) OF PROVINCIAL TRANSPORT AUTHORITY (PTA) AND  
REGIONAL TRANSPORT AUTHORITIES (RTAs) AS STOOD ON 30/07/2015.**

S. No.	Authority	Name of official	Academic Qualification	Date of Birth	Domicile	Date of Designation/BPS of 1 <sup>st</sup> entry into Govt. service on regular basis	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of regular promotion/appointment as Assistant (BS-16)	Method of Recruitment	Presently on the payroll of	Remarks
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4	RTA Hazara	Abdul Qayyum	Matric	15/6/1958	Abbottabad	01/10/1977 as J/C (BS-05)	Commissioner office Kohat	21.04.1996	By Promotion	RTA Hazara	
5	RTA Kohat	Shoukat Zaman	Matric	01/5/1968	Kohat	18/03/1987 (J/C) (BS-05)	Commissioner Office Kohat	26.07.2002	By Promotion	RTA Kohat	
6	PTA Peshawar	Mr. Abdul Qayyum	BA	24/04/1960	Mardan	Junior Clerk 26/6/1982 (Bs-05)	PTA Peshawar	30.4.2005	By Promotion	RTA Peshawar	
7	RTA Bannu	Mr. Javed Khan	FA	19/09/1970	Bannu	12/02/1992 J/C (BS-05)	RTA Bannu	31.05.2008	By Promotion	RTA Bannu	



S. No.	Authority	Name of official	Academic Qualification	Date of Birth	Domicile	Date of Designation/BPS of 1 <sup>st</sup> entry into Govt. service on regular basis	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of regular promotion/appointment as Assistant (BS-16)	Method of Recruitment	Presently on the payroll of	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
8	PTA Peshawar	Haji Shah Zaman	BA	15/9/1960	Peshawar	27/6/1982 Junior Clerk (BS-05)	PTA Peshawar	26.6.2011	By Promotion	PTA Peshawar	
9	RTA Hazara	Zahid Alam	BA	12/6/1984	Mansehra	31/12/2011 As JC (BS-07)	Commissioner Office	04.05.2012	Initial	RTA Hazara	
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11	RTA Mardan	Mr. Bilal	BA	01/05/1989	Charsadda	18/7/2013 as Assistant (BS-14)	RTA Mardan	18.07.2013	Initial	RTA Mardan	
12	RTA Kohat	Mr. Adnan Naz	BA	02/03/1989	Kohat	11/11/2013 as Assistant (BS-14)	RTA Kohat	11.11.2013	Initial	RTA Kohat	
13	RTA Peshawar	Mr. Shakirullah	Matric	12/12/1957	Peshawar	01/06/1979 as Peon (BS-01)	RTA Peshawar	09.09.2014	By Promotion	RTA Peshawar	

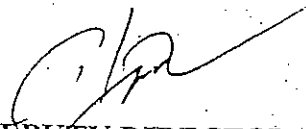
Sd/-

DIRECTOR TRANSPORT & MASS TRANSIT  
KHYBER PAKHTUNKHWA

Endst No. & Date of Even :-

Copy is forwarded to the:-

1. PS to Secretary Transport & Mass Transit, Department Government of Khyber Pakhtunkhwa.
2. Secretary Provincial Transport Authority, Peshawar.
3. All the Secretaries Regional Transport Authorities in Khyber Pakhtunkhwa.
4. Officials Concerned.
5. Master File.

  
DEPUTY DIRECTOR  
Directorate of Transport & Mass Transit  
Khyber Pakhtunkhwa



**OFFICE OF THE  
SECRETARY PROVINCIAL TRANSPORT AUTHORITY  
KHYBER PAKHTUNKHWA**

**Notification**

**No. PTA/1-19/2021/SLPTA&RTAS:- 2092 - 2102** In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rules 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, Final/revised Seniority list of Assistants-(BPS-16) in the PTA/RTAs in Khyber Pakhtunkhwa is notified as stood on January 2021 :-

**FINAL SENIORITY LIST OF ASSISTANTS (BPS-16) OF PROVINCIAL TRANSPORT AUTHORITY (PTA) AND  
REGIONAL TRANSPORT AUTHORITIES (RTAs)**

S. No.	Authority	Name of official	Academic Qualification	Date of Birth	Domicile	Date of 1 <sup>st</sup> entry into Govt. service	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of promotion/appointment as Senior Clerk (BS-14)	Date of promotion/appointment as Assistant (BS-16)	Method of Recruitment	Presently on the payroll of	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
1	RTA Peshawar	Khush Bakth	BBA	20/04/1990	Peshawar	01/01/2010 as Stenographer.	RTA Peshawar		20/06/2016	By Promotion	Education Deptt	
2	PTA KP	Zubair Hussain	FA	11.01.1970	Peshawar	20.11.1990 as J/C (BS-05)	RTA Peshawar	09/09/2014	20/06/2016	By Promotion	PTA KP	
3	RTA Abbottabad	Ameer Baz	MA	06/09/1968	Mardan	25.07.1993 as J/C (BS-05)	RTA Mardan	09/09/2014	20/06/2016	By Promotion	RTA Abbottabad	
4	RTA Malakand	Mohammad Ibrahim	Matric	03.03.1963	Swat	14.01.1986 as J/C (BS-05)	RTA Malakand	06/08/2015	20/06/2016	By Promotion	RTA Malakand	
5	RTA Peshawar	Muhammad Kazim	BSC(4-years)	03/07/1991	Peshawar	25/01/2019	RTA Swat		25/01/2019	Initial	RTA Peshawar	
6	RTA Kohat	Mr. Zafar Ayub	M.com	01/05/1993	FR.Bannu	25/01/2019	RTA Bannu		25/01/2019	Initial	RTA Kohat	
7	RTA Hazara	Ms. Taskeen Hayat	BS Electric Engineering	14/08/1990	Tank	25/01/2019	RTA DIKhan		25/01/2019	Initial	RTA Hazara	

S. No.	Authority	Name of official	Academic Qualification	Date of Birth	Domicile	Date of 1 <sup>st</sup> entry into Govt. service.	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of promotion/appointment as Senior Clerk (BS-14)	Date of promotion/appointment as Assistant (BPS-16)	Method of Recruitment	Presently on the payroll of	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
8	RTA Mardan	Mr. Amir Khayam Khattak	BS Telecom	27/07/1991	Nowshehra	25/01/2019	RTA Kohat		25/01/2019	Initial	RTA Mardan	
9	RTA D.I.Khan	Mr. Kaleem Ullah	MBA/M. Phil	06/04/1990	SWAT	07/03/2019	RTA DIKhan		07/03/2019	Initial	RTA D.I.Khan	
10	PTA KP	Mr. Tahir Jani	BA	12/07/1968	Peshawar	23/10/1990 as J/C (BS-05)	PTA KP	20/06/2005	12/06/2019	By Promotion	PTA KP	
11	RTA Peshawar	Mr. Raees Khan	D.Com	15.9.1973	Peshawar	13/11/1994 J/C (BS-05)	PTA KP	06/08/2015	27/06/2019	By Promotion	RTA Peshawar	
12	RTA DI Khan	Mr. Mazullah Khan	FA	10/01/1970	Peshawar	31/03/1995 as J/C (BS-05)	RTA Peshawar	06/08/2015	27/06/2019	By Promotion	RTA DI Khan	
13	RTA Peshawar	Mr. Muhammad Alam	D.Com	12/4/1974	Charsadda	13/07/1995 as J/C (BS-05)	PTA KP	06/08/2015	27/06/2019	By Promotion	RTA Peshawar	
14	RTA Bannu	Mr. Abidullah	F.A	14/04/1978	Peshawar	16/09/2005 as J/C (BS-05)	PTA KP	20/06/2016	27/06/2019	By Promotion	RTA Bannu	

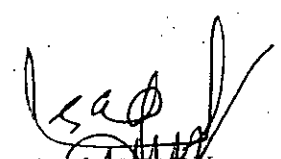
- 5 d -  
DIRECTOR TRANSPORT & MASS TRANSIT  
KHYBER PAKHTUNKHWA

**Endst No. & Date of Even :-**

2092-2102 dte, 27-07-2021

Copy is forwarded to the:-

1. All the Secretaries Regional Transport Authorities in Khyber Pakhtunkhwa.
2. PS to Secretary Transport & Mass Transit, Department Government of Khyber Pakhtunkhwa.
3. PA to Director Transport & Mass Transit Khyber Pakhtunkhwa.
4. Officials Concerned
5. Master File.

  
SECRETARY  
PROVINCIAL TRANSPORT AUTHORITY  
KHYBER PAKHTUNKHWA  
PESHAWAR



# Directorate of Transport & Mass Transit Khyber Pakhtunkhwa

Ground Floor, Government Building, Peshawar Cantt.  
Tel: 011-3512212334

Dir/TPT/Seniority List/2-6/  
Dated: 20.07.2017

To,

- 1) Mr. Shoukat Zaman (Assistant Regional Transport Authority Bannu)
- 2) Mr. Abdul Qayyum (Assistant Provincial Transport Authority Peshawar)
- 3) Mr. Javed Khan (Assistant Regional Transport Authority Kohat)
- 4) Mr. Shah Zaman (Assistant Provincial Transport Authority Peshawar)
- 5) Mr. Shakir Ullah (Assistant Regional Transport Authority Peshawar)
- 6) Mr. Arab Khan (Assistant Regional Transport Authority Peshawar)
- 7) Mr. Hayat Muhammad (Assistant Regional Transport Authority Swat)
- 8) Mr. Hamd Ullah (Assistant Regional Transport Authority Swat)
- 9) Mr. Javed Akhter (Assistant Regional Transport Authority Peshawar)
- 10) Mr. Zahid Alam (Assistant Regional Transport Authority Abbotabad)
- 11) Mr. Hayat Wali Shah (Assistant Regional Transport Authority Abbotabad)
- 12) Mr. Bilal (Assistant Regional Transport Authority Mardan)
- 13) Mr. Adnan Naz (Assistant Regional Transport Authority Kohat)
- 14) Miss. Khush Bakht (Assistant Regional Transport Authority Abbotabad)
- 15) Mr. Aftikhar Ahmad (Assistant Directorate of Transport & Mass Transit)
- 16) Mr. Zubair Hussain (Assistant Regional Transport Authority D.I Khan)
- 17) Mr. Amir Baz (Assistant Regional Transport Authority Mardan)
- 18) Mr. Muhammad Ibrahim (Assistant Regional Transport Authority Swat)

Subject: - SENIORITY LIST

I am directed to refer to the subject noted above and to enclose herewith a copy of seniority list of Assistants of Provincial Transport Authority and Regional Transport Authorities in Khyber Pakhtunkhwa for information and Perusal. Objection (if any) shall be reached to this office within three days positively, otherwise the same shall be considered as final and shall be notified accordingly.

  
SALMAN NISAR  
DEPUTY DIRECTOR

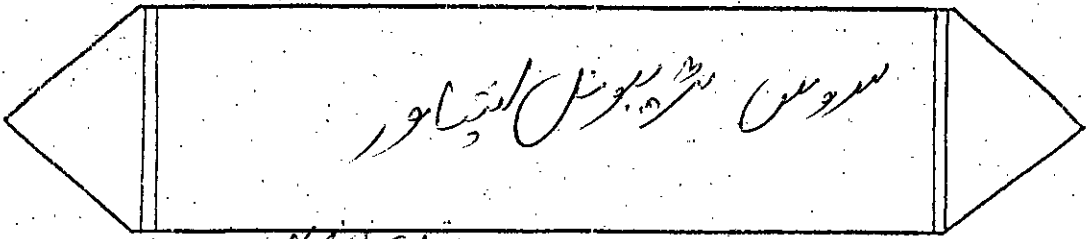
Endst: No. & Date Even:

A copy is forwarded for information to the: -

1. P.S to Secretary Transport and Mass Transit Department, Government of Khyber Pakhtunkhwa.
2. P.A to Director Transport & Mass Transit, Khyber Pakhtunkhwa.

DEPUTY DIRECTOR

## بعد الت



صاحب دلی صاحبہ 2، پنجاب

بنام

مورخہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی و جواب دہی و کل کاروائی متعلقہ  
آن مقام لہور کیلئے ڈپٹی کمشنر لہور

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخ

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا اختیار 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 باختیارات حاصل ہوں گے اور اس کا معاخذہ

پر واخذہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائد التوائے مقدمہ کے سب سے دہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردی

مذکور کریں۔ لہذا اوکالت نامہ لکھ دیا کہ مندر ہے۔

Accepted  
&  
Attested

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

بمقام \_\_\_\_\_ واہ العب

کے لئے منظور ہے۔

haya

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

*In Re: Execution Petition No. 62 /2022*  
*In Service Appeal No. 1102/2019 decided on 22.06.2020*

*Hayat Wali Shah etc*

*.....(Appellant)*

**VERSUS**

*Government of Khyber Pakhtunkhwa through Secretary Transport & others*

*..... (Respondents)*

**REPLY TO APPLICATION UNDER SECTION 7(2)(E) OF KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 ON BEHALF OF**  
**RESPONDENTS.**

*Respectfully Sheweth,*

**Preliminary Objections;**

1. That the appellant has got no cause of action to file the present Execution Petition.
2. That the appellant is estopped by his own conduct to file the instant Execution Petition.
3. That the Execution Petition is bad in its present shape and is not maintainable in its present form.
4. That with utmost respect this Honorable Court has got no jurisdiction to entertain the Execution Petition.
5. That the Execution Petition is bad for mis-joinder and non-joinder of necessary parties.
6. That the appellant has got no locus standi to file the instant Execution Petition
7. That the application is barred by law.

**ON FACTS:**

- 1) Para 1 of the Execution Petition is correct to the extent that the petitioners were reinstated but the C.P.L.A against the said judgment of this Honorable Service Tribunal which is still pending .

2) In reply to para 2 of the Execution Petition, it is stated that in the order sheet dated: 08/02/2021 this Honorable Service Tribunal has ordered as reproduced,

**“As the petitioner has been reinstated conditionally, therefore, the proceedings stand adjourned sine-die till the decision by the Apex Court”**

3) In reply to para 3 of the Execution Petition, it is correct that Seniority List of the Assistants issued on 27-07-2021 for promotion to the post of Superintendent RTAs. It is further stated that the petitioners has also filed an application for inclusion of their names in the Seniority List of Assistant of this Department. They were informed accordingly vide Letter No: Dir/TPT/2-19/promotion/1018-19, dated: 30/12/2021 that C.P.L.A has been filed against them before the August Supreme Court of Pakistan. The matter is subjudice, therefore, the application is hereby filed till the decision of the Apex Court (Annex-A).

4) In reply to para 4 of the Execution Petition, is correct to the extent that this Honorable Service Tribunal has passed orders for reinstatement with all back benefits but C.P.L.A was filled before the August Supreme Court therefore, as mentioned and directed in the order sheet dated: 08-02-2021 that the proceedings stand adjourned sine-die till the decision by the Apex Court. It is further stated that in other order passed by this Honorable Service Tribunal dated: 08-07-2021 directed that

**“The present execution is filed and considered to record room. The petitioner is at liberty to apply for restoration of execution petition, after final decision of the August Supreme Court of Pakistan, if so advised”**

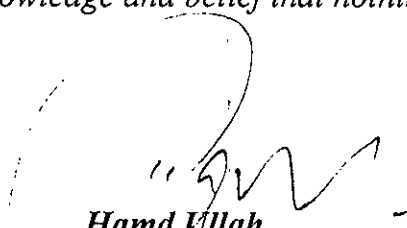
Hence, the names of the applicants/petitioners cannot be included in the Seniority list till the final decision of August Supreme Court of Pakistan.

*It is, therefore, most humbly prayed that on acceptance of the instant reply, the instant Execution Petition may kindly be dismissed accordingly and any other remedy which the Hon'ble Court deemed fit may graciously be granted in favor of answering Respondents.*

  
**Director**  
**Transport & Mass Transit,**  
**Khyber Pakhtunkhwa**  
**Director Transport & Mass Transit**  
**Khyber Pakhtunkhwa**

**Verification:**

*It is hereby solemnly affirmed and declared on oath that the contents of the instant reply are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Service Tribunal.*



**Hamd Ullah**

**Assistant Director Legal  
Transport & Mass Transit, Khyber Pakhtunkhwa**



04

Annex: 'A'

No.DIR/TPT/2-19/Promotion/  
Dated: 22-12-2021 1018-18

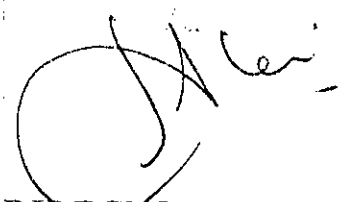
To,

1. Mr. Hayat Wali Shah Assistant,  
Regional Transport Authority,  
Malakand.
2. Mr. Zahid Alam Assistant,  
Regional Transport Authority,  
Hazara.

Subject: - FINAL SENIORITY LIST OF ASSISTANT (BPS-16) OF  
PROVINCIAL TRANSPORT AUTHORITY (PTA) AND  
REGIONAL TRANSPORT AUTHORITIES (RTAs).

I am to refer to your application No. Nil dated: 22-12-2021 on the subject noted above and to inform that CPLA have been filed against you before the August supreme court of Pakistan. The matter is subjudice, therefore your application is hereby filed till the decision of the apex Court please.

OK



**DIRECTOR**  
Transport & Mass Transit  
Khyber Pakhtunkhwa

Khyber Pakhtunkhwa

05

The Director,  
Transport & Mass Transit,  
Khyber Pakhtunkhwa Peshawar

**Directorate of Transport  
And Mass Transit, KPK**

**Subject: FINAL SENIORITY LIST OF ASSISTANTS (BPS-16) OF PROVINCIAL  
TRANSPORT AUTHORITY (PTA) AND REGIONAL TRANSPORT  
AUTHORITIES (RTAs)**

**Memorandum:**

Kindly refer to the subject noted above

It is stated that we undersigned to request you that the subject final seniority list of Assistant (BPS-16) of Transport & Mass Transit Department received vide notification No.PTA/1-19/2021/SLPTA&RTAs/2092-2102 dated 27-07-2021 was peruse and found that our names have not been included in the final seniority list of Assistant.

It is therefore requested, that the subject final seniority list may be revised and our names may be included in the appropriate place please.

Names of the undersigned Assistant is listed below:

S#	Name of Undersign	Designation	Department	Signature of undersign
1.	Hayat Wali Shah	Assistant(BPS-16)	RTA, Malakand	<i>[Signature]</i> 6/2/2
2.	Zahid Alam	Assistant(BPS-16)	RTA, Hazara	<i>[Signature]</i> 6/2/2

**ENDST: NO & DATE EVEN.**

A Copy is forwarded for information to the:

1. Secretary, Provincial Transport Authority, Peshawar vide his letter No, quoted above.
2. PS to Secretary, Transport & Mass Transit Department Government of Khyber Pakhtunkhwa Peshawar.

*Reason?*

*[Handwritten mark]* 6/2/2

*DD*

*[Handwritten mark]*

*ADDC  
ASKP  
6/2/2*

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

*In Re: Execution Petition No. 62 /2022*  
*In Service Appeal No. 1102/2019 decided on 22.06.2020*

*Hayat Wali Shah etc*

.....(Appellant)

**VERSUS**

*Government of Khyber Pakhtunkhwa through Secretary Transport & others*

..... (Respondents)

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**RESPONDENTS.**

*Respectfully Sheweth,*

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2. That the appellant is estopped by his own conduct to file the instant Execution Petition.
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**ON FACTS:**

- 1) Para 1 of the Execution Petition is correct to the extent that the petitioners were reinstated but the C.P.L.A against the said judgment of this Honorable Service Tribunal which is still pending .

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3) In reply to para 3 of the Execution Petition, it is correct that Seniority List of the Assistants issued on 27-07-2021 for promotion to the post of Superintendent RTAs. It is further stated that the petitioners has also filed an application for inclusion of their names in the Seniority List of Assistant of this Department. They were informed accordingly vide Letter No: Dir/TPT/2-19/promotion/1018-19, dated: 30/12/2021 that **C.P.L.A has been filed against them before the August Supreme Court of Pakistan. The matter is subjudice, therefore, the application is hereby filed till the decision of the Apex Court (Annex-A).**

4) In reply to para 4 of the Execution Petition, is correct to the extent that this Honorable Service Tribunal has passed orders for reinstatement with all back benefits but C.P.L.A was filled before the August Supreme Court therefore, as mentioned and directed in the order sheet dated: 08-02-2021 that **the proceedings stand adjourned sine-die till the decision by the Apex Court.** It is further stated that in other order passed by this Honorable Service Tribunal dated: 08-07-2021 directed that

**“The present execution is filed and considered to record room. The petitioner is at liberty to apply for restoration of execution petition, after final decision of the August Supreme Court of Pakistan, if so advised”**

Hence, the names of the applicants/petitioners cannot be included in the Seniority list till the final decision of August Supreme Court of Pakistan.

*It is, therefore, most humbly prayed that on acceptance of the instant reply, the instant Execution Petition may kindly be dismissed accordingly and any other remedy which the Hon'ble Court deemed fit may graciously be granted in favor of answering Respondents.*

  
**Director**  
**Transport & Mass Transit,**  
**Khyber Pakhtunkhwa**

Director Transport & Mass Transit  
Khyber Pakhtunkhwa

**Verification:**

*It is hereby solemnly affirmed and declared on oath that the contents of the instant reply are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Service Tribunal.*



**Hamd Ullah**  
**Assistant Director Legal**  
**Transport & Mass Transit, Khyber Pakhtunkhwa**

Assistant Director (Legal)  
Transport & Mass Transit  
Khyber Pakhtunkhwa Peshawar



**DIRECTORATE OF TRANSPORT & MASS TRANSIT  
KHYBER PAKHTUNKHWA**

091- 9214185

Ground Floor Benevolent Fund Building, Peshawar Cantt. E-mail: [director.legal2002@gmail.com](mailto:director.legal2002@gmail.com)

**AUTHORITY LETTER**

Certified that Hamdullah, Assistant Director Legal, Directorate of Transport & Mass Transit Khyber Pakhtunkhwa is hereby authorized to attend & file parawise comments/written statement/written reply, in all the Courts cases as well as in Supreme Court of Pakistan, on behalf of Transport & Mass Transit Department Khyber Pakhtunkhwa.

**DIRECTOR  
TRANSPORT AND MASS TRANSIT  
KHYBER PAKHTUNKHWA**  
Director Transport & Mass Transit  
Khyber Pakhtunkhwa



**DIRECTORATE OF TRANSPORT & MASS TRANSIT**  
**KHYBER PAKHTUNKHWA** Annex: A

Ground Floor Benevolent Fund Building, Peshawar Cantt ☎: 091-9214185/9212061 04

No.DIR/TPT/2-19/Promotion/

Dated: 30-12-2021 10/18-19

To,

1. Mr. Hayat Wali Shah Assistant,  
Regional Transport Authority,  
Malakand.
2. Mr. Zahid Alam Assistant,  
Regional Transport Authority,  
Hazara.

**Subject: - FINAL SENIORITY LIST OF ASSISTANT (BPS-16) OF  
PROVINCIAL TRANSPORT AUTHORITY (PTA) AND  
REGIONAL TRANSPORT AUTHORITIES (RTAs).**

I am to refer to your application No. Nil dated: 22-12-2021 on the subject noted above and to inform that CPLA have been filed against you before the August supreme court of Pakistan. The matter is subjudice, therefore your application is hereby filed till the decision of the apex Court please.

014

**DIRECTOR**  
**Transport & Mass Transit**  
**Khyber Pakhtunkhwa**

Khyber Pakhtunkhwa

The Director,  
Transport & Mass Transit,  
Khyber Pakhtunkhwa Peshawar

OS  
**Directorate of Transport  
And Mass Transit, KPK**

**Subject: FINAL SENIORITY LIST OF ASSISTANTS (BPS-16) OF PROVINCIAL  
TRANSPORT AUTHORITY (PTA) AND REGIONAL TRANSPORT  
AUTHORITIES (RTAs)**

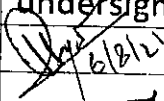
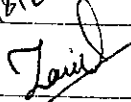
**Memorandum:**

Kindly refer to the subject noted above

It is stated that we undersigned to request you that the subject final seniority list of Assistant (BPS-16) of Transport & Mass Transit Department received vide notification No.PTA/1-19/2021/SLPTA&RTAs/2092-2102 dated 27-07-2021 was peruse and found that our names have not been included in the final seniority list of Assistant.

It is therefore requested, that the subject final seniority list may be revised and our names may be included in the appropriate place please.

Names of the undersigned Assistant is listed below:


S#	Name of Undersign	Designation	Department	Signature of undersign
1.	Hayat Wali Shah	Assistant(BPS-16)	RTA, Malakand	
2.	Zahid Alam	Assistant(BPS-16)	RTA, Hazara	

**ENDST: NO & DATE EVEN.**

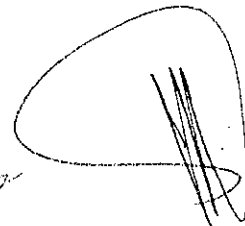
A Copy is forwarded for information to the:

1. Secretary, Provincial Transport Authority, Peshawar vide his letter No, quoted above.
2. PS to Secretary, Transport & Mass Transit Department Government of Khyber Pakhtunkhwa Peshawar.

Reason?

 6/8/21





ADCS  
ASKC  
PTA



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

*In Re: Execution Petition No. 63 /2022*  
*In Service Appeal No. 1102/2019 decided on 22.06.2020*

~~Muzat Wali Shah, etc.~~

Zahid Alam

.....(Appellant)

VERSUS

*Government of Khyber Pakhtunkhwa through Secretary Transport & others*

..... (Respondents)

**REPLY TO APPLICATION UNDER SECTION 7(2)(E) OF KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 ON BEHALF OF**  
**RESPONDENTS.**

*Respectfully Sheweth,*

**Preliminary Objections:**

1. That the appellant has got no cause of action to file the present Execution Petition.
2. That the appellant is estopped by his own conduct to file the instant Execution Petition.
3. That the Execution Petition is bad in its present shape and is not maintainable in its present form.
4. That with utmost respect this Honorable Court has got no jurisdiction to entertain the Execution Petition.
5. That the Execution Petition is bad for mis-joinder and non-joinder of necessary parties.
6. That the appellant has got no locus standi to file the instant Execution Petition
7. That the application is barred by law.

**ON FACTS:**

- 1) Para 1 of the Execution Petition is correct to the extent that the petitioners were reinstated but the C.P.L.A against the said judgment of this Honorable Service Tribunal which is still pending .

2) In reply to para 2 of the Execution Petition, it is stated that in the order sheet dated: 08/02/2021 this Honorable Service Tribunal has ordered as reproduced,

**“As the petitioner has been reinstated conditionally, therefore, the proceedings stand adjourned sine-die till the decision by the Apex Court”**


3) In reply to para 3 of the Execution Petition, it is correct that Seniority List of the Assistants issued on 27-07-2021 for promotion to the post of Superintendent RTAs. It is further stated that the petitioners has also filed an application for inclusion of their names in the Seniority List of Assistant of this Department. They were informed accordingly vide Letter No: Dir/TPT/2-19/promotion/1018-19, dated: 30/12/2021 that C.P.L.A has been filed against them before the August Supreme Court of Pakistan. The matter is subjudice, therefore, the application is hereby filed till the decision of the Apex Court (Annex-A).

4) In reply to para 4 of the Execution Petition, is correct to the extent that this Honorable Service Tribunal has passed orders for reinstatement with all back benefits but C.P.L.A was filled before the August Supreme Court therefore, as mentioned and directed in the order sheet dated: 08-02-2021 that **the proceedings stand adjourned sine-die till the decision by the Apex Court.** It is further stated that in other order passed by this Honorable Service Tribunal dated: 08-07-2021 directed that

**“The present execution is filed and considered to record room. The petitioner is at liberty to apply for restoration of execution petition, after final decision of the August Supreme Court of Pakistan, if so advised”**

Hence, the names of the applicants/petitioners cannot be included in the Seniority list till the final decision of August Supreme Court of Pakistan.

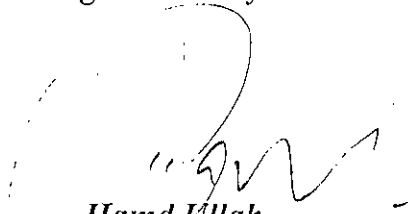
*It is, therefore, most humbly prayed that on acceptance of the instant reply, the instant Execution Petition may kindly be dismissed accordingly and any other remedy which the Hon'ble Court deemed fit may graciously be granted in favor of answering Respondents.*

  
Director  
Transport & Mass Transit,  
Khyber Pakhtunkhwa

Director Transport & Mass Transit  
Khyber Pakhtunkhwa

Verification:

*It is hereby solemnly affirmed and declared on oath that the contents of the instant reply are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Service Tribunal.*

  
Hamd Ullah

Assistant Director Legal  
Transport & Mass Transit, Khyber Pakhtunkhwa

Assistant Director (Legal)  
Transport & Mass Transit  
Khyber Pakhtunkhwa Peshawar

Amex: A 09

No.DIR/TPI/2-19/Promotion/  
Dated: 30-12-2021 1018-19

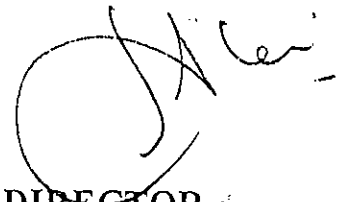
To,

1. Mr. Hayat Wali Shah Assistant,  
Regional Transport Authority,  
Malakand.
2. Mr. Zahid Alam Assistant,  
Regional Transport Authority,  
Hazara.

Subject: - FINAL SENIORITY LIST OF ASSISTANT (BPS-16) OF  
PROVINCIAL TRANSPORT AUTHORITY (PTA) AND  
REGIONAL TRANSPORT AUTHORITIES (RTAs).

I am to refer to your application No. Nil dated: 22-12-2021 on the subject noted above and to inform that CPLA have been filed against you before the August supreme court of Pakistan. The matter is subjudice, therefore your application is hereby filed till the decision of the apex Court please.

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DIRECTOR  
Transport & Mass Transit  
Khyber Pakhtunkhwa

Khyber Pakhtunkhwa

The Director,  
Transport & Mass Transit,  
Khyber Pakhtunkhwa Peshawar

05  
**Directorate of Transport  
And Mass Transit, KPK**

**Subject: FINAL SENIORITY LIST OF ASSISTANTS (BPS-16) OF PROVINCIAL  
TRANSPORT AUTHORITY (PTA) AND REGIONAL TRANSPORT  
AUTHORITIES (RTAs)**

**Memorandum:**

Kindly refer to the subject noted above

It is stated that we undersigned to request you that the subject final seniority list of Assistant (BPS-16) of Transport & Mass Transit Department received vide notification No.PTA/1-19/2021/SLPTA&RTAs/2092-2102 dated 27-07-2021 was peruse and found that our names have not been included in the final seniority list of Assistant.

It is therefore requested, that the subject final seniority list may be revised and our names may be included in the appropriate place please.

Names of the undersigned Assistant is listed below:

S#	Name of Undersign	Designation	Department	Signature of undersign
1.	Hayat Wali Shah	Assistant(BPS-16)	RTA, Malakand	<i>[Signature]</i> 6/3/21
2.	Zahid Alam	Assistant(BPS-16)	RTA, Hazara	<i>[Signature]</i> 6/3/21

**ENDST: NO & DATE EVEN.**

A Copy is forwarded for information to the:

1. Secretary, Provincial Transport Authority, Peshawar vide his letter No, quoted above.
2. PS to Secretary, Transport & Mass Transit Department Government of Khyber Pakhtunkhwa Peshawar.

Reason?

*[Handwritten mark]*  
6/3/21

*[Handwritten mark]*  
DD

*[Handwritten mark]*

*[Handwritten mark]*  
ADC  
ASK  
6/3/21