

01.08.2022

Junior to counsel for the petitioner present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

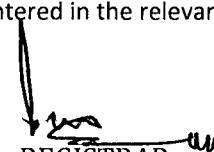


Learned Additional Advocate General sought time for submission of implementation report. Adjourned. To come up for implementation report on 17.09.2022 before S.B.


(Fareeha Paul)
Member (E)

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _____ 291/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.05.2022	<p>The execution petition of Mr. Muhammad Wali submitted today by Mr. Noor Muhammad Khattak 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>25-8-22</p> <p><i>Noted</i> Noor Muhammad Khattak 25/5/22</p>	<p>This execution petition be put up before Single Bench at Peshawar on <u>16.6.22</u>. Original file be requisitioned. Notices to the parties be also issued for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	16 th June, 2022	<p>Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present.</p> <p>Respondents are directed to submit proper implementation report. To come up for implementation report on 01.08.2022 before S.B.</p> <p style="text-align: right;"> (Kalim Arshad Khan) Chairman</p>

(2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

EXECUTION PETITION NO. 291 /2022

IN

APPEAL NO: 449/2022

MUHAMMAD WALI

V/S

FOREST DEPTT:

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Dated: ____ .05.2022

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE
0345-9383141

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. 291 / 2022

In

Appeal No. 449/2022



MUHAMMAD WALI, Forest Ranger (BPS-16)
Presently Serving as Range Forest Officer,
Katlang Forest Division, Khyber Pakhtukhawa.

.....**PETITIONER**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary Forest Department Khyber Pakhtunkhwa Peshawar.
- 3- The Chief Conservator of Forests Central Southern Forest Region-I, Khyber Pakhtunkhwa Peshawar.
- 4- The Secretary Finance Department, Khyber Pakhtunkhwa Peshawar.
- 5- The Conservator of Forests Southern Circle, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

IMPLEMENTATION PETITION FOR DIRECTING THE
RESPONDENTS TO OBEY THE ORDER DATED 11-
04-2022.

R/SHEWETH:

- 1- That the petitioner filed service appeal bearing No. 449/2022 before this august Service Tribunal against the impugned Order dated 14-02-2022.
- 2- That the applicant/petitioner filed the service appeal by challenging the transfer order dated 14-02-2022 which is now fixed for hearing in reply on 02-06-2022.

3- That the appeal of the petitioner was fixed before Single Bench of this Honourable Tribunal on 11-04-2022 and the single bench of this Honourable Tribunal very graciously granted status quo vide its Order Sheet dated 11-04-2022. The operative part is under:

"Annexed with memo of appeal is an application for suspension of operation of the impugned order dated 14.04.2022. Notice of this application be served upon respondents. In the meanwhile, operation of the impugned order shall remain suspended, if not acted upon earlier."

Copy of the Order Sheet dated 11-04-2022 is attached as annexure **A.**

4- That after obtaining attested copy of the order sheet dated 11-04-2022 the petitioner/appellant applied to the Department for its implementation but the respondent Department turned deaf ear to the request of the petitioner. Copy of the application is attached as **Annexure** **B.**

5- That since the passage of more than 30 days time the department has neither implemented nor obeyed the Order dated 11-04-2022 passed by this Honourable Tribunal.

6- That the petitioner has no any other remedy but to file this implementation petition.

It is therefore, most humbly prayed that the respondents may be directed to implement the judgment dated **11-04-2022** in letter and spirit.

3

Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

Petitioner


MUHAMMAD WALI

Through:


Noor Mohammad Khattak

&



HAIDER ALI

Advocates, Peshawar

AFFIDAVIT

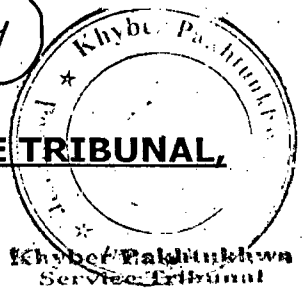
The contents of the above implementation are true and correct to the best of my knowledge of belief and nothing has been concealed from this Honourable Court.


DEPONENT



ANNEX A

4



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

APPEAL NO. 449 /2022

Diary No. 523

Dated 29-3-2022

Mr. Muhammad Wali, Forest Ranger (BPS-16),
Presently Serving as Range Forest Officer,
Katlang Forest Division

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Forest Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Chief Conservator of Forests Central Southern Forest Region-I, Khyber Pakhtunkhwa, Peshawar.
- 4- The Conservator of Forests Southern Circle, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 14.2.2022 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED IN VIOLATION OF TRANSFER/POSTING POLICY AND AGAINST THE APPELLATE ORDER DATED 25.2.2022 WHEREBY THE DEPARTMENTAL APPEAL HAS BEEN REJECTED BY THE APPELLATE AUTHORITY ON NO GOOD GROUNDS

PRAYER:

It is therefore, most humbly prayed that on acceptance of this service appeal the impugned order dated 14.2.2022 and appellate order dated 25.2.2022 may very kindly be set aside and the respondents may kindly be directed that not to transfer the appellant from the post of Range Forest Officer (BPS-16), Katlang till his superannuation i.e. 3.4.2023 Or the respondents may kindly be directed to transfer the appellant to his home station i.e. Dargai, Malakand. Any other remedy which this august service Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day
29/3/2022
Registrar

R/SHEWETH:
ON FACTS:

ACCEPTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

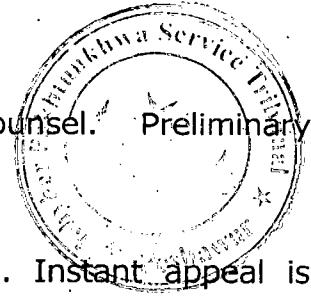
Brief facts giving rise to the present writ petition are as under:-

- 1- That appellant is the employee of respondent Department and is serving as Rang Forest Officer (BPS-16) Katlang, Mardan. That right from appointment till date the appellant has served the respondent

5

11.04.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.



Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 09.05.2022 before S.B.

Annexed with the memo of appeal is an application for suspension of operation of the impugned order dated 14.02.2022. Notice of this application be served upon respondents. In the meanwhile, operation of the impugned order shall remain suspended, if not acted upon earlier.

An application has been filed by one Javed Iqbal through Safdar Iqbal Khattak Advocate for impleadment as private respondent. Upon which, learned counsel for appellant showed no objection, hence, accepted and the applicant namely Javed Iqbal is impleaded as private respondent No.5. Office is directed to make necessary entries in the panel of respondents as well as in the relevant register.

Certified to be true copy
J. J. J. J.
J. J. J. J.
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Rozina Rehman)
Member (J)

ANNEX B

6

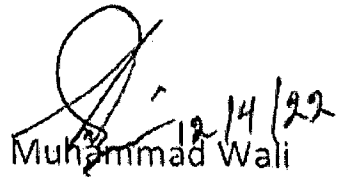
To

The Divisional Forest Officer
Mardan Forest Division
Mardan

Subject: APPEAL No. 449/2022

Memo:

In pursuance with the decision of Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar announce on 11-4-2021 (copy enclosed) I beg to resume my duty of USC Forest Sub Division Katlang in the forenoon of 12-4-2022


Muhammad Wali

Range Forest Officer

I/C USC Forest Sub Division Katlang

~~ORIGINAL~~

7

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2022

Muhammad Wali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

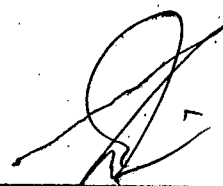
Forest Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Muhammad Wali

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, 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 cost. 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.

Dated. ____/____/2022



CLIENTS



ACCEPTED

NOOR MUHAMMAD KHATTAK



UMER FAROOQ MOHMAND




KAMRAN KHAN



HAIDER ALI

&



KHANZAD GUL
ADVOCATES

“B”

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

No.

SB

~~Appeal No.~~ E.P No. 291 of 2022.

Muhammad Woli

Appellant/Petitioner

Through Chief Secy KPK ^{Versus} Peshawar

Respondent

Respondent No. (1)

Notice to: Govt of KPK through Chief Secy KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 16/06/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement along with any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

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

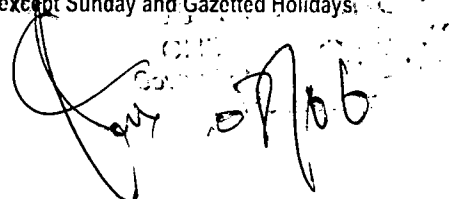
Given under my hand and the seal of this Court, at Peshawar this.....02.....

Day of.....June.....2022.



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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



"B"

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

No.

SB

E.P No. 291
 Appeal No. of 20 *22*
Muhammad Wali
 Appellant/Petitioner

Through Chief Secy KPK Peshawar
 Respondent

Respondent No. *(5)*

Notice to: — *Conservator of Forests Southern Circle KPK
Peshawar*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *16/06/2022* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this *02*

Day of *June* 20 *22*

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

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“B”

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

No.

SB

Appeal No. E.P.No. 291 of 20 22

..... Muhammad Wali Appellant/Petitioner
 Versus

Through Chief Secy KPK Peshawar Respondent
 Respondent No. (2)

Notice to: - Secy Forest Deptt: KPK Peshawar

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

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

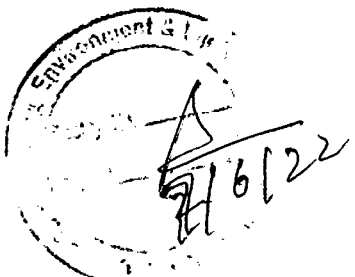
Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20

June

22

02



[Signature]

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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Always quote Case No. While making any correspondence
 The points of attendance in the court are presented and other matters referred to should be clearly stated

PROVINCE SERVICE TRIBUNAL
 KHYBER

Date of ^{7/11/16} 2016

Given under my hand and the seal of this Court at Peshawar this 05

Office Notice No.
 Copy of ~~the~~ ^{the} appeal is attached. Copy of notice has already been sent to you vide this
 this appeal petition.
 notice posted to this address by registered post will be deemed sufficient for the purpose.
 address given in the appeal petition will be deemed to be your correct address and further
 address. If you fail to furnish such address your address contained in this notice shall be
 given to you by registered post. You should inform the Registrar of any change in your
 Notice of any alteration in the date fixed for hearing of this appeal petition will be
 appeal petition will be heard and decided in your absence.
 default of your appearance on the date fixed and in the manner forementioned as
 alongwith any other documents upon which you rely. Please also take notice that in
 this Court at least seven days before the date of hearing 4 copies of written statement
 Advocate duly subscribed by you, power of attorney, you are therefore required to file in
 the case may be postponed either in person or by authorized representative or by any
 appealant ~~or~~ ^{you} are at liberty to do so on the date fixed or any other day to which
 * on 08.11.16 A.M. If you wish to urge anything against the
 hereby informed that the said appeal petition is fixed for hearing before the Tribunal
 the above case by the petitioner in this Court and notice has been ordered to issue. You are
 Province Service Tribunal Act, 1974, has been presented registered for consideration in
 WHEREAS an appeal petition under the provision of the Khyber Pakhtunkhwa

Notice to: — Adv. Farid Durrani
 Respondent No.
 Respondent
 Respondent
 Respondent

Appeal No. E-3/16 2016

PESHAWAR
 JUDICIAL COMPLEX (OGD), KHYBER ROAD,
 KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

“B”

"B"

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

No.

SB

Appeal No. E.P.No. 291 of 2022

Muhammad Wali Appellant/Petitioner

Versus

Through Chief Secy KPK Peshawar Respondent

Respondent No. (3)

Notice to: — Chief Conservator of Forests Central Southern
Forest Region-I, KPK Peshawar

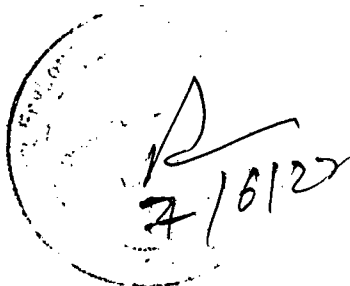
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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....02.....

Day of.....June.....20 22





Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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“B”

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

No.

SB

Appeal No..... *E.P.No. 291* of 20 *22*

..... *Muhammad Wali* Appellant/Petitioner

Versus

..... *Through Chief Secy KPK Peshawar* Respondent
 Respondent No..... *(4)*

Notice to: —

Secy Finance Deptt: KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... *16/06/2022* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Given under my hand and the seal of this Court, at Peshawar this..... *02*

Day of..... *June* 20 *22*

[Signature]

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

SECY: Finance, KPK
 Dairy No. *2*
 Date *7.6*