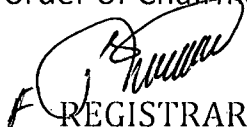


FORM OF ORDER SHEET

Court of _____

C.O.C application No. 618/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17/10/2022	<p>The C.O.C application of Mr. Muneer Ahmad submitted today by Mr. Noor Muhammad Khattak Advocate. Original file be requisitioned. It is fixed for hearing before Single Bench at Peshawar on _____ . Notices be issued to appellant and his counsel.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

COC NO. 608 /2022

IN

SERVICE APPEAL NO. 1301/2022

MUNIR AHMAD

VS

HEALTH DEPARTMENT

I N D E X

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1	Memo of CoC Petition with affidavit	-----	1-3
2	Order dated 09-09-2022	A	4
3	Copies of the COC No. 594/2022, letter dated 10.10.2022 and order sheet dated 11.10.22	B	5-8
4	Vakalatnama	9



PETITIONER

Through:

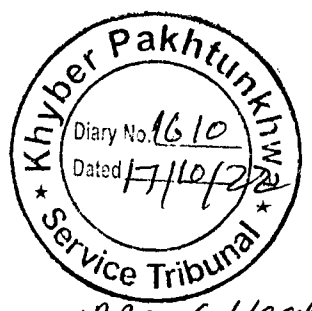

NOOR MOHAMMAD KHATTAK,
ADVOCATE
SUPREME COURT OF PAKISTAN

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

COC NO. 608 /2022

IN

SERVICE APPEAL NO. 1301/2022



Mr. Muneer Ahmad, District Monitoring Officer (BPS-17), *IMU (Health)*
District Karak.

..... **PETITIONER**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa, through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director Independent Monitoring Unit (IMU) Health, Health Department, House No.3, 4 North Canal Road, Peshawar

..... **RESPONDENTS**

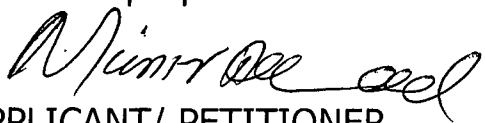
APPLICATION UNDER ARTICLE- 204 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973 READ WITH SECTION 3 & 4 OF THE CONTEMPT OF COURT ORDINANCE, 2004 FOR INITIATING CONTEMPT OF COURT PROCEEDINGS AGAINST THE RESPONDENTS/CONTEMNORS

RESPECTFULLY SHEWETH:

- 1- That the appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the legal and fundamental rights guaranteed under the constitution of Islamic Republic of Pakistan, 1973.
- 2- That the appellant filed the Service Appeal No.1301/2022 before this Hon'ble Court along with an application for interim relief whereby the operation of impugned order dated 26.04.2022 was suspended with the following observation ***"Annexed with the memorandum of appeal, is an application for interim relief. Notice of this application be issued to the respondents. In the mean while operation of the impugned order dated 26.04.2022 shall remain suspended, if not acted upon earlier."*** Copy of the order dated 09.09.2022 is attached as annexure.....**A.**

- 3- The applicant/appellant after obtaining the attested copy of the order dated 09.09.2022, submitted the said order before the respondents/contemnors which was not complied in its true spirit.
- 4- That by not complying the order dated 09.09.2022 the appellant/ applicant preferred a execution/ COC No 594/2022 but during pendency of that another order/ letter dated 10.10.2022 was issued to the appellant/ applicant whereby he was directed to report to his duty station i.e. District Karak with immediate effect till the final disposal of the appeal. That due to the mentioned letter the appellant/ applicant report to that station and on 11.10.2022 the appellant withdrawn his execution petition/ coc but after the withdrawal the respondents contemnor are again not willing to allow the appellant/ applicant to perform his duty at District Karak. Copies of the COC No. 594/2022, letter dated 10.10.2022 and order sheet dated 11.10.2022 are attached as annexure **B, C&D.**
- 5- That the acts and actions of the Respondents/Contemnors squarely fall within the ambit of Section 3, 4 of **The Contempt of Court Act, 2003** and as such they are liable to be proceeded for the Contempt and for the punishment under the law.
- 6- That the subject act of the respondents/ contemnor falls contempt by contempt which is utter violation of the decorum of this Honorable tribunal as well as ridiculing the tribunal.
- 7- That other grounds will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, respectfully prayed that by accepting this COC petition, proceeding under Section 3, 4 of the Contempt of Court Act, 1976 may be initiated against the respondents, they may be awarded exemplary punishment and the order of this august court may be implemented in letter and spirit OR any other order deemed proper in the matter may be passed.


APPLICANT/ PETITIONER

MUNIR AHMAD

Through:


**NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

VERIFICATION:

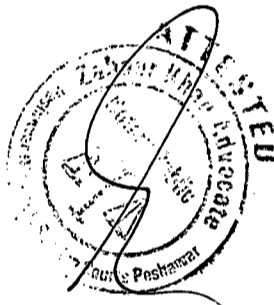
It is certified that the instant CoC is the ~~2nd~~ CoC on the subject matter and no other such like Contempt of Court petition is pending between the parties.

[Signature]
ADVOCATE

AFFIDAVIT

I Munir Ahamd, District Monitoring Officer (BPS-17), District Karak do hereby solemnly affirm that the contents of this COC Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

[Signature]
DEPONENT

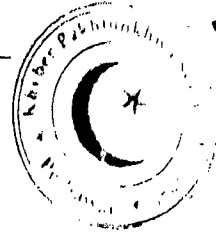


"A" - 4 -

Form-A

FORM OF ORDER SHEET

Court of _____
Case No. 1301/2022



S.No. _____
Date of order proceedings _____

Order or other proceedings with signature of judge _____

06/09/2022

SCANNED
KPST
Peshawar

Noted
H. H. H.
Clock 2/9/22

The appeal of Mr. Muneer Ahmad resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing, before Single Bench at Peshawar on 9.9.22. Notices be issued to appellant and his counsel for the date fixed.

By the order of Chairman

REGISTRAR

09.09.2022

Appellant present through counsel.

Preliminary arguments heard and record perused.

Points raised need consideration. The 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, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 29.09.2022 before S.B.

Annexed with the memorandum of appeal, is an application for interim relief. Notice of this application be issued to the respondents. In the meanwhile operation of impugned order dated 26.04.2022 shall remain suspended, if not acted upon earlier.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Rozina Rehman)
Member (J)

Attested

Date of Presentation of Application _____
Number of Words _____
Number of Pages _____
Date of Decision of App. _____
13/5/22
13/5/22



2
3

"B" - 1 - 5-

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

COC NO. 594 /2022

IN

SERVICE APPEAL NO. 1301/2022

Mr. Muneer Ahmad, District Monitoring Officer (BPS-17),
District Karak.

..... **PETITIONER**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa, through Secretary Health Department, Khyber Pakhtukhwa, Peshawar.
- 2- The Director General Health Services, Khyber Pakhtukhwa, Peshawar.
- 3- The Director Independent Monitoring Unit (IMU) Health, Health Department, House No.3, 4 North Canal Road, Pawaka, Peshawar

..... **RESPONDENTS**

**APPLICATION UNDER ARTICLE- 204 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF
PAKISTAN, 1973 READ WITH SECTION 3 & 4 OF THE
CONTEMPT OF COURT ORDINANCE, 2004 FOR
INITIATING CONTEMPT OF COURT PROCEEDINGS
AGAINST THE RESPONDENTS/CONTEMNORS**

RESPECTFULLY SHEWETH:

- 1- That the appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the legal and fundamental rights guaranteed under the constitution of Islamic Republic of Pakistan, 1973.
- 2- That the appellant filed the Service Appeal No.1301/2022 before this Hon'ble Court alongwith an application for interim relief whereby the operation of impugned order dated 26.04.2022 was suspended with the following observation "***Annexed with the memorandum of appeal, is an application for interim relief. Notice of this application be issued to the respondents. In the mean while operation of the impugned order dated 26.04.2022 shall remain suspended, if not acted upon earlier.***" Copy of the order dated 09.09.2022 is attached as annexure.....A.


As per

- 2-6'
- 3- The applicant/appellant after obtaining the attested copy of the order dated 09.09.2022, submitted the said order before the respondents/contemnors which was not complied in its true spirit.
 - 4- That the acts and actions of the Respondents/Contemnors squarely fall within the ambit of Section 3, 4 of **The Contempt of Court Act, 2003** and as such they are liable to be proceeded for the Contempt and for the punishment under the law.
 - 5- That the petitioner time and again approached the respondents and produced order of Honorable Court, and requested for compliance, but they refused and in this way brought disregard to order of August court and thereby committed contempt of court.
 - 6- That other grounds will be raised at the time of arguments with prior permission of this Hon'ble Court.

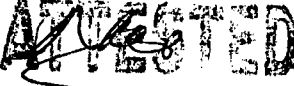
It is, therefore, respectfully prayed that by accepting this COC petition, proceeding under Section 3, 4 of the Contempt of Court Act, 1976 may be initiated against the respondents, they may be awarded exemplary punishment and the order of this august court may be implemented in letter and spirit OR any other order deemed proper in the matter may be passed.


APPLICANT/ PETITIONER
MUNIR AHMAD

Through:


NOOR MUHAMMAD KHATTAK
ADVOCATE
SUPREME COURT OF PAKISTAN

AFFIDAVIT
I Munir Ahamd, District Monitoring Officer (BPS-17), District Karak do hereby solemnly affirm that the contents of this COC Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

ATTESTED



DEPONENT



INDEPENDENT MONITORING UNIT
HEALTH DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA
H # 3-4, Safi Homes, University Town, Peshawar, Ph # 091-5710717

-7-

No.IMU/2022-23/

302

Dated: 10-10-2022

To

Mr. Munir Ahmad
District Monitoring Officer, karak

Subject:- Joining of Official Duty

Reference to the posting order No. SOG/HD/1-36-Gen.office order/2022/4467, Dated 15th April 2022, you were transferred as **District Monitoring Officer Karak**, however the same posting order was withdrawn on 26^h April 2022 via posting order no. SOG/HD/1-36/Gen.Office orders/2022. Moreover Order Sheet of Khyber Pakhtunkhwa Services Tribunal case No. 1301/2022, Dated 9th September 2022 has suspended the transfer order of 26th April 2022.



So in light of the order sheet of Khyber Pakhtunkhwa Service Tribunal you are directed to report to your duty station i.e. district karak with immediate effect in the best public interest till the final decision and submit arrival report to this office.


Director IMU
Health Department

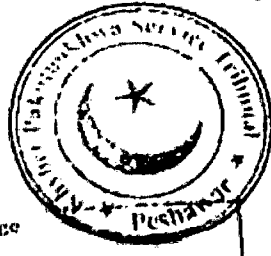
Copy for information to:

1. Divisional Monitoring Officer, IMU Health, DI Khan
2. Divisional Monitoring Officer, IMU Health, Kohat
3. PS to the Secretary to the Government of Khyber Pakhtunkhwa, Health Department.
4. Office Record.


Director IMU
Health Department

ATTACHED



Form - A
FORM OF ORDER SHEET



Court of _____
Execution Petition No. 594/2022

S No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
3	06.10.2022	The execution petition of Mr. Mundeer Ahmad submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>18-10-22</u> . Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.

SCANNED
KPST
Peshawar

By the order of Chairman

REGISTRAR

sted
4/11/22
10/22

Since the grievances of the appellant have been resolved under instructions from the appellant the court is hereby requested to be withdrawn.

Muhammad Ayub Advocate
17301-1192443-9
Ayub

11th October 2021.

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

2. Learned counsel for the appellant submits that grievance of the appellant has been redressed and he wants to withdraw the instant execution petition. As a token of admission of his submission he signed the margin of the order sheet. Dismissed as withdrawn. Consign.

3. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 11th day of October, 2022.

(Farzeha Paul)
Member (E)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

9-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Coc NO: _____ OF 2022

Muhammad Ahmad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt

(RESPONDENT)
(DEFENDANT)

I/We Muhammad Ahmad

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate, Supreme Court** 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. ____/____/202

Muhammad Ahmad
CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
UMAR FAROOQ BC:10-0853

Waleed Adnan
WALEED ADNAN

Muhammad Ayub
MUHAMMAD AYUB

& Khanzad Gul
KHANZAD GUL
ADVOCATES