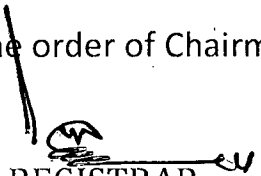


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 638/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	25.10.2022	<p>The application for restoration of Execution Petition no. 326/2019 submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Single Bench at Peshawar on .Original file be requisitioned. Notices be issued to applicant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Restoration Appli. no. 638/2022

C.M. No. _____/2022

IN

IMPLEMENTATION PETITION No. 326/2019

APPEAL No. 644/2017

HAMEED UR REHMAN

VS

HEALTH DEPT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Application with Affidavit	1-2
2.	Copy of the order dated 19.09.2022	A	3
3.	Copy of the order dated 06.9.2022	B	4-6
4.	Vakalatnama		7

Hameed Ur Rehman
APPLICANT

Through:

Noor Mohammad Khattak
**NOOR MOHAMMAD KHATTAK
ADVOCATE
SUPREME COURT OF PAKISTAN**

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Restoration Appli. No. 638/2022
C.M. No. _____/2022

IN

IMPLEMENTATION PETITION No. 326/2019 Khyber Pakhtunkhwa Service Tribunal

APPEAL No. 644/2017

Entry No. 1699

Dated 25/10/22

HAMEED UR REHMAN

VS

HEALTH DEPT:

APPLICATION FOR RESTORATION OF THE ABOVE TITLE IMPLEMENTATION PETITION

R/SHEWETH:

- 1- That, the above title Implementation Petition was pending adjudication before this Honorable Court which the respondents produce order dated 19.09.2022 in response to the implementation petition of the applicant. Copy of the order dated 19.09.2022 is attached as annexure**A**
- 2- That on production of the above ibid order this honorable tribunal vide order dated 06.09.2022 disposed of the said implementation petition consign the same. Copy of the order dated 06.9.2022 is attached as Annexure**B**
- 3- That in the ibid implementation order of the respondent, the appellant/applicant was directed to perform their duties as Ward Ordali while they will draw their salaries against the original post i.e. Sweepers the said order of the respondent was not fulfilling the vary purpose of the judgment dated 13.12.2018 delivered in favor of the applicant and by producing such order will infructuous the purpose of the said judgment.

- 4- That valuable rights of the petitioner are involved in the instant implementation petition.

It is therefore, most humbly prayed that on acceptance of the instant application the above title implementation petition may kindly be restored.

Dated: 19-10-2022

APPLICANT

HAMEED UR REHMAN

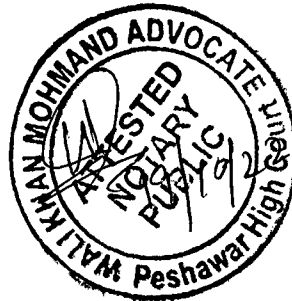
THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE
SUPREME COURT OF PAKISTAN

AFFIDAVIT

I, **Hameed Ur Rehman** (the Applicant), do hereby solemnly affirm and declare on Oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.


DEPONENT



"A"
-3-

OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ HOSPITAL TIMERGARA LOWER DIR.
Phone # 0945-9250099.

OFFICE ORDER.

With compliance to the order of honorable Khyber Pakhtunkhwa service Tribunal decision Execution Petition No. 325/2019 Dated 06/09/2022 & Regional Director Health Services Malakand Division Office Order bearing endorsement No. 360-64/RD/MKD Dated 03/09/2022 the following officials are hereby directed to perform their duties as ward Attendant & they will draw their salary against their original posts i.e. Sweepers till the creation of posts by the Finance Department Khyber Pakhtunkhwa.

S #	Name	Place of new assigned duty.
1	Mr. Akhtar Rasool	As Supervisor of Sweepers
2	Mr. Lutfe Hakim	As helper with Supervisor
3	Mr. Dilawar Khan	MS Office (Morning shift)
4	Mr. Abdur Rehman	Emergency (Evening Shift)
5	Mr. Sadiq Jan	MS Office (Morning shift)
6	Mr. Muhammad Haq	Children-B Ward Morning Shift.
7	Mr. Sahib Ullah	Echo Room Morning shift.
8	Mr. Hamid ur Rehman	MS Office Evening shift.
9	Mr. Siraj ud Din	Emergency Evening shift.
10	Mr. Khial Muhammad	Dental Block Morning shift
11	Mr. Shah Khalid	CT Scan Evening shift.
12	Mr. Kifayat Ullah	Ultra sound Morning shift.
13	Mr. Aftab ud Dir	Neuro Ward Night Shift.
14	Mr. Rab Nawaz	Children-A Ward Morning shift.
15	Mr. Bakht Shah Zeb	Electricity Morning shift.
16	Mr. Bakhtiar	MS Office Morning shift.

Sd/-x-x-x-x-x

Medical Superintendent
DHQ Hospital Timergara.

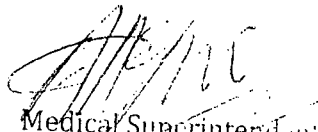
No. 1163-69

Dated Timergara the 19/09/2022.

Copy is forwarded to :-

1. Member (E) Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
3. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar.
4. Director General Health Services Khyber Pakhtunkhwa Peshawar.
5. Regional Director Health Services Malakand Division.
6. Incharge Concerned Units.
7. Officials concerned

For information and necessary action.


Medical Superintendent
DHQ Hospital Timergara.

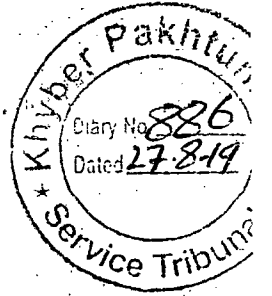
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Implementation petition No. 326 /2019

In appeal No. 644/2017

Mr. Hameed Ur Rehman, Muslim Sweeper (BPS-1),
DHQ Hospital Taimergara, District Dir Lower.

.....Petitioner



VERSUS

- 1- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Health Officer, District Dir Lower.
- 4- The Medical Superintendent DHQ Hospital Taimergara, District Dir Lower.

**IMPLEMENTATION PETITION FOR DIRECTING THE
RESPONDENT DEPARTMENT TO IMPLEMENT THE
JUDGMENT DATED 13.12.2018 IN APPEAL
NO.639/2017 IN LETTER AND SPIRIT**

R/SHEWETH:

- 1- That the above mentioned appeal has been decided by this august Service Tribunal vide judgment dated 13-12-2018 in favor of the Petitioner. Copy of the judgment is attached as annexure.....A.
- 2- That the Petitioner filed the above mentioned appeal against the impugned Notification dated 16.02.2017 whereby the petitioner has been ignored/excluded from promotion/adjustment against any other class-iv post.
- 3- That after final arguments this august Service Tribunal decided the appeal in favor of the Petitioner with the directions that:-

"impugned order dated 16.02.2017 has the effect of depriving the appellant from his adjustment against other class-iv post just for the reason that he was appointed as muslim sweeper after 12.7.2006. This Tribunal is therefore, of the opinion that discriminatory treatment was met out to the appellant. Resultantly this Tribunal holds that the cut off date i.e. 12.07.2006 as mentioned in the impugned order dated

-5-

16.02.2017 shall be treated as expunged. The present service appeal alongwith connected service appeals as mentioned in Para-2 of this judgment are accepted in the above terms".

4- That Petitioner after obtaining attested copy of the judgment 13.12.2018 submitted before the respondents alongwith application which was properly forwarded vide letter dated 29.03.2019 but the respondents are not willing to implement the judgment passed by this august Service Tribunal. Copy of the application alongwith other record are attached as annexure.....**B.**

It is therefore, most humbly prayed that on acceptance of this implementation petition the respondents may be directed to implement the above mentioned judgment passed by this august Service Tribunal in letter and spirit.

Dated: 25.06.2019.



PETITIONER

[Handwritten Signature]
HAMEED UR REHMAN

THROUGH:

NOOR MOHAMMAD KHATTAK

&

[Handwritten Signature]
**MIR ZAMAN SAFI
ADVOCATES**

[Handwritten Signature]

6th September, 2022

1. Learned counsel for the appellant present. Muhammad Adeel Butt. Addl: AG alongwith Dr. Irshad Ali, DHO, Dir Lower and Dr. Ali Asghar, MS DHQ, Timergara, Dir Lower.

2. Respondents produced copy of an order made in compliance of the judgment of this Tribunal, whereby petitioner was adjusted as Ward Orderly. Learned counsel for the petitioner objected that the arrangement was temporary as the petitioner would get salary of Sweeper but would work as Ward Orderly. The DIIO present in the court produced copy of letter No. SOB-II/HID/3-1/SNI/Dir Lower dated 04.02.2022 wherein SNI for creation of the posts of Ward Orderly has been sent and further submitted that the case was pending in the Finance Department. It was also submitted that as soon as the vacancies were created by the Finance department, the petitioner would properly be given assignment of Ward Orderly. In view of the statement made at the bar by the DIIO, the petition is disposed of.

3. In view of the implementation of the judgment, the District Accounts Officer, Dir Lower is directed to release salaries District Health Officer, District Dir Lower and Medical Superintendent DHQ Hospital Taimergara. District Dir Lower. forthwith. Consign.

4. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 6th day of September, 2022.*

(Kalim Arshad Khan)
Chairman

20-9-22

1200
162/41-181-

20-9-22
20-9-22

-7-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

CM
APPEAL NO: _____ OF 20

Hameed ur Rehman (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Deptt (RESPONDENT)
(DEFENDANT)

I/We (Appellant)

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


CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
(BC-10-0853)
15401-0705985-5


UMAR FAROOQ


WALEED ADNAN

&


MUHAMMAD AYUB
ADVOCATES

OFFICE:
Flat No.(TF) 291-292 3rd floor
Deans trade centre Peshawar cantt:
Mobile No. 0334-5277323