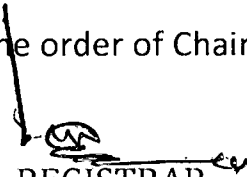


Form-A  
FORM OF ORDER SHEET

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

Restoration Application No. 637/2022

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. 327/2019 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 style="text-align: right;">By the order of Chairman  REGISTRAR</p>

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

*Restoration Appli. 637/2022*

C.M. No. \_\_\_\_\_/2022

IN

IMPLEMENTATION PETITION No. 327/2019

IN

APPEAL No. 656/2017

ABDUR REHMAN

VS

HEALTH DEPTT:

**I N D E X**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Application with Affidavit	.....	1 - 2
2.	Copy of the order dated 19.09.2022	A	3
3.	Copy of the order dated 06.09.2022 and order dated 03.09.2022	B & C	4-6
4.	Vakalatnama		7

*AR*  
**APPELLANT**

Through:

*N*  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**  
**SUPREME COURT OF PAKISTAN**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

R. Appli-no. 637/2022  
C.M. No. \_\_\_\_\_/2022

**IN**

**IMPLEMENTATION PETITION No. 327/2019**

**IN**

**APPEAL No. 656/2017**

Case No. 1698  
Date 25/10/22

**ABDUR REHMAN**

**VS**

**HEALTH DEPTT:**

**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 06.09.2022 and order dated 03.09.20222 is attached as Annexure .....**B & C.**
- 3- That in the ibid implementation order of the respondent, the appellant/applicant was directed to perform their duties as Ward Orderli 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

**PETITIONER**

*Ar*  
**ABDUR REHMAN**

**THROUGH:**

*Ar*  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**  
**SUPREME COURT OF PAKISTAN**

**AFFIDAVIT**

I **ABDUR REHMAN** (the applicant), do hereby solemnly affirm that the contents of this **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

*Ar*  
**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 official 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. Lutfu 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.

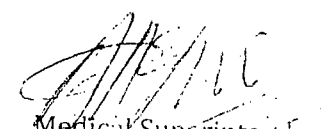
No. 1163-69

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



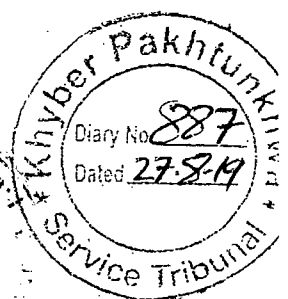
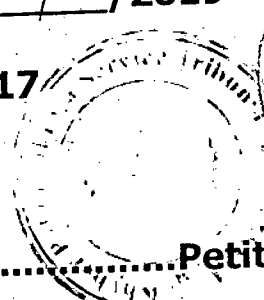
"B" 4-

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

Implementation petition No. 327 /2019

In appeal No. 656/2017

Mr. Abdur 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**

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

  
ABDUR REHMAN

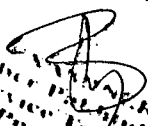
THROUGH:

  
NOOR MOHAMMAD KHATTAK

&

  
MIR ZAMAN SAFI  
ADVOCATES

ATTESTED

  
Attesting Officer  
Service Tribunal

6<sup>th</sup> September, 2022

1. Learned counsel for the appellant present. Muhammad Adcel 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 DHO present in the court produced copy of letter No. SOB-II/IHD/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 DHO, 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 6<sup>th</sup> day of September, 2022.*

(Kalim Arshad Khan)  
Chairman

20-9-22

1200  
14/9/22  
(2)

20-9-22  
20-9-22



7-

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

CM  
APPEAL NO: \_\_\_\_\_ OF 20

Abdur 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**