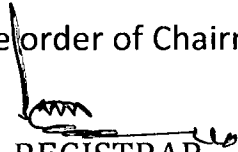


Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. 700/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.11.2022	<p>The execution petition of Mr. Muhammad Kafeel submitted today by Mr. Muhammad Aslam Tanoli Advocate. It is fixed for implementation report before touring Single Bench at A.Abad on _____.</p> <p>Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Execution Petition No.....700/22.....

AA9

Muhammad Kafeel, Head Vernacular Clerk (Revenue), Office of the Commissioner Hazara Division Abbottabad.

.....(Petitioner)

**VERSUS**

1. Government of KPK through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of KpK, Revenue & Estate Department Peshawar.
3. Commissioner, Hazara Division, Abbottabad.

**EXECUTION PETITION IN SERVICE APPEAL NO. 6041/20**

**INDEX**

S/No.	Description of documents.	Annexure	Page No.
1.	Execution Petition		01-04
2.	Decision dated 21-09-2022 of KPK Service Tribunal Peshawar	"A"	05-07
3.	Wakalatnama		

THROUGH

**PETITIONER**

(MUHAMMAD ASLAM TANOLI)  
ADVOCATE HIGH COURT  
AT PESHAWAR

Dated: 30-11-2022

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Execution Petition No. 700/22

Muhammad Kafeel, Head Vernacular Clerk (Revenue), Office of the Commissioner Hazara Division Abbottabad.

.....(Petitioner)

**VERSUS**

1. Government of KPK through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of KpK, Revenue & Estate Department Peshawar.
3. Commissioner, Hazara Division, Abbottabad.

**EXECUTION PETITION IN SERVICE APPEAL NO. 6041/2020 FOR IMPLEMENTATION OF JUDGMENT/DECISION DATED 21-09-2022 OF THIS HONOURABLE SERVICE TRIBUNAL.**

**PRAYER: ON ACCEPTANCE OF INSTANT EXECUTION PETITION THE RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO IMPLEMENT THE JUDGMENT/DECISION DATED 21-09-2022 OF THIS HONOURABLE SERVICE TRIBUNAL PROVISIONALLY/CONDITIONALLY SUBJECT TO OUTCOME OF CPLA BEING FILED BY THE RESPONDENTS.**

Respectfully Sheweth:

1. That petitioner/appellant filed subject titled service appeal before this Honorable Service Tribunal against the order of Respondents whereby petitioner/appellant's departmental appeal for fixation of seniority was rejected.
2. That this Honorable Tribunal on acceptance subject service appeal issued judgment/decision dated 21-09-2022 that **"as the appellant is satisfied on the above situation and assurance of the representative of the**

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Commissioner Office that the list will be finalized as soon as possible but not later than fifteen days from today, therefore, the appeal is disposed of accordingly in the above terms".

**(Copy of judgment/decision dated 21-09-2022 is attached as Annexure-"A").**

3. That on receipt of attested copy of the judgment/decision dated 21-09-2022 of this Honorable Tribunal; the appellant has requested the respondents time and again for implementation of judgment/decision. But respondents instead of implementing the judgment/decision of this Honorable Tribunal taking the plea that they are going to file CPLA with stay application against the judgment/decision dated 21-09-2022 of this Honorable KPK Service Tribunal before the Supreme Court of Pakistan Islamabad.
4. That despite petitioner's incessant approaches to respondents, the petitioner/appellant has not been granted his decided rights/benefits of service.
5. That there is no stay order from the Apex Supreme Court of Pakistan against the judgment/decision dated 21-09-2022 of this Honorable Tribunal and in such a condition respondents are legally bound to implement the said judgment/decision in its letter and spirit. Hence this Execution Petition on the following:

## GROUNDS

3

- A) That as this Honorable Service Tribunal in its judgment/decision dated 21-09-2022 has decided that "as the appellant is satisfied on the above situation and assurance of the representative of the Commissioner Office that the list will be finalized as soon as possible but not later than fifteen days from today, therefore, the appeal is disposed of accordingly in the above terms".
- B) That there is no stay order from the Apex Supreme Court of Pakistan against the Judgment/decision dated 21-09-2022 of this Honorable Tribunal and the same is in field. Respondents are legally bound to comply with the said judgment/decision.
- C) That departmental authorities/respondents are reluctant to pay any heed to the judgment/decision dated 21-09-2022 of this Honorable Tribunal hence instant execution petition.
- D) That petitioner is still suffering for his seniority due to non-implementation of judgment/ decision of this Honorable Tribunal.
- E) That instant Execution Petition is well within time and this Honorable Tribunal has got every jurisdiction to entertain and adjudicate upon the same.

**PRAYER:**

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It is, therefore, humbly prayed that this Honorable Tribunal may graciously be pleased to accept this Execution Petition and issue necessary orders/directions to the respondents to implement the judgment/decision dated 21-09-2022 of this Honorable Tribunal in its true letter and spirit.

*Muhammad Kafeel*  
**PETITIONER**

THROUGH

*M. Aslam Tanoli*  
**(MUHAMMAD ASLAM TANOLI)**  
**ADVOCATE HIGH COURT**  
**AT PESHAWAR**

Dated: 30-11-2022

**AFFIDAVIT**

I, Muhammad Kafeel petitioner do hereby undertake/solemnly affirm that the contents of foregoing petition are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.

Dated 30-11-2022

*Muhammad Kafeel*  
**DEPONENT**



Annex - A

(5)

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No..... 6047/20

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 2641

Date 23-4-2020

Mohammad Kafeel, Head Vernacular Clerk (Revenue), Office  
of the Commissioner Hazara Division, Abbottabad.

(Appellant)

VERSUS

1. Government of KPK through Chief Secretary, Civil  
Secretariat, Peshawar.
2. Secretary to Government of KPK, Revenue & Estate &  
Estate Department, Peshawar.

(Respondents)

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL  
ACT 1974 AGAINST THE ORDER DATED 12-02-2020 OF BOARD OF  
REVENUE KPK, PESHAWAR DELIVERED VIDE ENDORSEMENT  
NO.CHAD/Estab/1/2/3520-22 DATED 06-03-2020 WHEREBY  
APPELLANT'S DEPARTMENTAL APPEAL WAS REJECTED.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL ORDER  
DATED 12-02-2020 MAY GRACIOUSLY BE SET ASIDE AND  
AMENDMENT DATED 13-05-2019 IN TEHSILDARI/NAIB TEHSILDARI/  
DIVISIONAL MINISTERIAL SERVICE RULES BE TREATED AS VOID,  
ILLEGAL AND INEFFECTIVE TO THE EXTENT OF APPELLANT AND 3%  
QUOTA BE RESERVED FOR HVC (REVENUE) BPS-15 FOR  
PROMOTION TO THE POST OF TEHSILDAR OR ITS SENIORITY BE  
FIXED WITH NAIB TEHSILDAR FOR PROMOTION AS TEHSILDAR OR  
ADJUSTED HIM AS ASSISTANT BPS-16 FROM THE DATE OF  
APPOINTMENT WITH ALL SERVICE BACK BENEFITS TO GIVE HIM A  
CHAIN OF PROMOTION.

Respectfully sheweth,

1. That in the year 2008-09 a publication for appointment  
against 10 posts of Assistant and 02 posts of Head Clerk  
both the cadres in BPS-14 requiring same educational  
qualifications was made in the newspaper by the

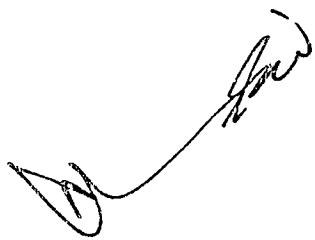
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21<sup>st</sup> Sept 2022

1. Appellant along with his counsel present: Mr. Kabir Ullah Khattak, Additional AG along with Ajmal Khan, Sr. Assistant Secretary for respondents present.

2. Arguments heard at some length. During the course of arguments it was pointed out by Mr. Ajmal Khan, representative of the Respondents that fixation of seniority and issuance of the seniority list was the job of the Commissioner Hazara Division, it was then felt that the Commissioner Hazara Division be arrayed as respondent, therefore, Commissioner Hazara Division be arrayed as respondent in this appeal and be summoned to apprise the Tribunal about the seniority position of the appellant. The office is directed to make entries in the memorandum and grounds of appeal as well as in the relevant register.

3. Ms Farah Naz, Superintendent office of the Commissioner Hazara Division put appearance along with a tentative seniority list, which is already placed on file as annexure-H. The learned counsel and appellant himself present in the court say that the appellant would be satisfied if the tentative list (annexure-H) is finalized by the Commissioner office within a fortnight. Mr. Muhammad Ajmal, Senior Assistant Secretary present on behalf of the respondents and Ms. Farah Naz representative of Commissioner Hazara Division have also expressed no objection if the seniority list is finalized by the Commissioner office in accordance with law. As the appellant is satisfied on the above situation and assurance of the representative of the Commissioner office that the list will be finalized as soon as possible but not later than fifteen days from today, therefore, the appeal is disposed of accordingly in the above terms.







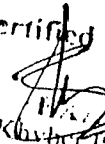
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Needless to say that the appellant may again approach the proper forum in case he feels himself aggrieved of the final seniority list issued by the Commissioner office. Consign.

4. Pronounced in open court in Camp Court Abbottabad and given under our hands and seal of the Tribunal on this 21<sup>st</sup> day of September, 2022.

  
(Farzeha Paul)  
Member(E)

  
(Kaiim Arshad Khan)  
Chairman  
Camp Court Abbottabad

Certified to be true copy  
  
W. D. DINER  
Khyber Pakhtunkhwa  
Service Tribunal.  
Peshawar

Date of Presentation of Application 06/10/22  
Number of Words 1200  
Copying Fee 14/-  
Urgent -  
Total 14/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 07/10/22  
Date of Delivery of Copy 07/10/22

# وکالت نامہ

کورٹ فیس

قیمتی

بعدالت جناب جسٹس منیر احمد  
منجانب پٹیشنر Petitioner

نمبر ۱۰۰ S.M.B.R. ۲۰۲۰

دعویٰ یا جرم Execution Petition

باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام ایڈووکیٹ بدین شرط وکیل مقرر کیا۔ کہ میں ہر پیشگی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشگی پر منظر حاضر نہ ہوں۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقرر اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ ساعت ہونے یا بروز پکھری کے اوقات کے آگیا یا پیچھے ہونے پر منظر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپروٹاشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعویٰ کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ایگی علیحدہ پیروی مختار نامہ کر نیکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو۔ پوری فیس تاریخ پیشگی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سند ہے مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

Accepted  
M. Ashraf

مورخہ: ۲۰۲۰-۱۱-۳۰

العبد العبد العبد

Muhammad