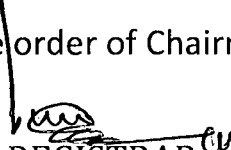


Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. 708/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.12.2022	<p>The execution petition of Mr. Jan Muhammad submitted today by Roeeda Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. 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>

DEPONENT

**BEFORE THE KHYBER PAKHTUNKHWASERVICE TRIBUNAL,**  
**PESHAWAR.**

Execution Petition No. 708 /2022

In

In Service Appeal: 1375/2011

Jan Muhammad, PTC GPS Nawa Keli Kangra, Charsadda

..... Appellant

VERSUS

1. The DCO Charsadda.
2. The EDO (E&SE) Charsadda.
3. The Secretary Finance Department, KPK Peshawar.

..... Respondents

Index

S.No.	Description of documents	Annexure	Pages
1.	Copy of petition		1-2
2.	Copy of Judgment	A	3-7
3.	Wakalat Nama		

Dated 01/12/2022

*Jed*

Appellant/Petitioners

Through

*P*  
Rooeda Khan

&

Afshan Manzoor *Afshan*

Advocates High Court,  
Peshawar.

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

Execution Petition No. 708 /2022

In Service Appeal: 1375/2011

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 2100

Dated 01-12-2022

Jan Muhammad, PTC  
GPS Nawa Keli Kangra, Charsadda

..... Appellant

VERSUS

1. The DCO Charsadda.
2. The EDO (E&SE) Charsadda.
3. The Secretary Finance Department, KPK Peshawar.

..... Respondents

.....

**EXECUTION PETITION FOR DIRECTING THE**  
**RESPONDENTS TO IMPLEMENT THE**  
**JUDGMENT DATED: 14/01/2022 OF THIS**  
**HONOURABLE TRIBUNAL IN LETTER AND**  
**SPIRIT.**

.....

**Respectfully Sheweth:**

1. That the appellant/Petitioners filed Service Appeal No. 1375/2011 before this Hon' able Tribunal which has been accepted by this Hon' able Tribunal vide Judgment dated 14/01/2022. (Copy of Judgment is annexed as Annexure-A).

2. That the Petitioner after getting of the attested copy approached to the respondents several times and properly moved an application for implementation of the above mention Judgment. However they using delaying and reluctant to implement the Judgment of this Hon' able Tribunal.
3. That the Petitioners has no other option but to file the instant petition for implementation of the Judgment of this Hon' able Tribunal.
4. That the respondent Department is bound to obey the order of this Hon' able Tribunal by implementing the said Judgment.

It is therefore requested that on acceptance of this Petition the respondents may kindly be directed to implement the Judgment of this Hon' able Tribunal In letter and spirit.

Dated 01/12/2022

*Jd*

**Appellant/Petitioners**

**Through**

*R*

**Rooeda Khan**

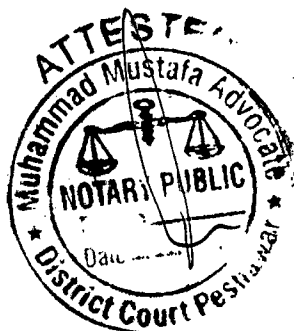
**&**

**Afshan Manzoor**

**Advocates High Court Peshawar**

**AFFIDAVIT**

I, Jan Muhammad, PTC GPS Nawa Keli Kangra, Charsadda do here by solemnly affirm and declare on oath that all the contents of the above petition are true and correct to the best of my knowledge and belief and nothing has been misstated or concealed from this Hon' able Tribunal.



*Jd*

**DEPONENT**

**12 DEC 2022**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1427/2011

Date of Institution ... 05.08.2011

Date of Decision ... 14.01.2022



Mr. Manzoor Elahi, Headmaster (BPS-17), GHS Kag, District Haripur  
... (Appellant)

**VERSUS**

The Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber  
Pakhtunkhwa Peshawar and others.  
... (Respondents)

Noor Muhammad,  
Advocate

... For Appellant

Muhammad Adeel Butt,  
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN  
ATIQU-UR-REHMAN WAZIR


...  
...

CHAIRMAN  
MEMBER (EXECUTIVE)

**JUDGMENT**


**ATIQU-UR-REHMAN WAZIR MEMBER (E):-** This single judgment shall dispose of the instant service appeal as well as the following connected service appeals as common question of law and facts are involved therein.

1. Service Appeal No. 679/2012 titled Abdus Samad
2. Service Appeal No. 680/2012 titled Hamdullah
3. Service Appeal No. 681/2012 titled Rahim Shah
4. Service Appeal No. 406/2013 titled Gul Chaman
5. Service Appeal No. 407/2013 titled Javid Khan
6. Service Appeal No. 408/2013 titled Anwar Saeed
7. Service Appeal No. 409/2013 titled Khaliq Dad

ATTESTED  
  
 CHAIRMAN  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

8. Service Appeal No. 410/2013 titled Abdur Rashid
9. Service Appeal No. 411/2013 titled Mohammad Dawood
10. Service Appeal No. 412/2013 titled Mohammad Humayun
11. Service Appeal No. 413/2013 titled Mian Fareed
12. Service Appeal No. 463/2013 titled Suleman Shah
13. Service Appeal No. 483/2013 titled Fazal Akbar
14. Service Appeal No. 1058/2014 titled Mumtaz Khan
15. Service Appeal No. 1107/2016 titled Attaullah Jan
16. Service Appeal No. 1375/2011 titled Jan Muhammad
17. Service Appeal No. 1428/2011 titled Fida Mohammad
18. Service Appeal No. 1429/2011 titled Faiz Mohammad
19. Service Appeal No. 1430/2011 titled Shafqat Zaman
20. Service Appeal No. 1431/2011 titled Mohammad Arif
21. Service Appeal No. 1432/2011 titled Ahsan Shah
22. Service Appeal No. 1441/2011 titled Mohammad Riaz
23. Service Appeal No. 1442/2011 titled Haq Nawaz

02. Brief facts of the case are that the appellant was appointed as SET in Education Department vide order dated 22-10-1987. Later on the appellant as well as his other colleagues (Technical & General) were adjusted against the post of SET vide order 25-03-1989 enjoying the same cadre and equal benefits. A joint seniority of SET General and Technical was drawn according to seniority position of the occupants. Later on a separate seniority list of SET Technical was issued, who availed the benefits of move-over and selection grade vide order dated 16-01-2008 and 21-03-2009, but the SET General with separate seniority list, were kept deprived of such benefits. On the request of SET Technical, the seniority already separated was again clubbed and joint seniority list was issued. Though the SET General and Technical belong to one cadre but due to move over and

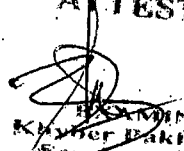
**ATTESTED**  
  
**EXAMINER**  
 Khuzdar Pakhtunkhwa  
 Service Tribunal  
 Peshawar

selection grade granted to SET Technical, some of the teachers elevated to BPS-18 but the appellant, being SET General, was recently promoted to BPS-17. Feeling aggrieved, the appellant filed departmental appeal, which was not responded within the statutory period, hence the present appeal with prayers that the appellant may be granted the benefits of move-over by treating him at par with his other colleagues.

03. Learned counsel for the appellant has contended that not granting the benefits of move-over and selection grade to the appellant is against law and norms of natural justice; that the same benefits were allowed to other colleagues (SET Technical) of the appellant, but the same was not granted to the appellant, which amounts to discrimination; that the appellant has not been treated in accordance with law and rules on the subject and the respondents acted in violation of Article-4 and 25 of the Constitution; that the appellant was duly entitled for the benefits of move-over and selection grade but the appellant has been unlawfully deprived of his due right.


04. Learned Additional Advocate General for the respondents has contended that SET Technical and SET General being separate cadres were holding separate seniority list and on the basis of separate seniority list, the SET Technical availed the benefits of move-over and selection grade; that joint seniority list of SET Technical and SET General was issued 02-07-2010; that the SET Technical availed such benefits until 1991, whereas the SET General availed such benefits until 1986, while the government has discontinued selection grade with effect from 01-12-2001; that the appellant is not entitled to move-over or selection grade according to law and norms of natural justice.

05. We have heard learned counsel for the parties and have perused the record.

ATTESTED  
  
 EXAMINER  
 Khayr Bakhtulwa  
 Service Tribunal  
 Peshawar

06. Record reveals that vide order dated 22-10-1987, the appellant as well as his other colleagues i.e. SET Technical were appointed through a joint order. Record would suggest that SET Technical and General belong to one cadre and initially a joint seniority list was maintained, but later on due to reasons best known to the respondents, the respondents issued separate seniority lists, thus making them separate cadres. Record is silent as to what were the grounds for maintaining separate seniority, either in compliance of service rules or any administrative order, but it otherwise was illegal keeping two lists in one cadre. The last separate seniority list in respect of SET Technical was issued in 2007 and based on such seniority list, SET Technical were granted selection grade from BPS-16 to 17 with effect from the dates of their appointments vide order dated 16-01-2008, including the names of those SET Technical, who were appointed alongwith the appellant in a joint appointment order dated 22-10-1987. Similarly ~~vide another order dated 21-03-2009, move over was granted from BPS-16 to 17 and BPS-17 to 18 to SET Technical with effect from the dates of their appointments, containing the names of officials, who were junior to the appellant.~~ In the meanwhile, joint seniority list of SET Technical and General was issued on 30-06-2010 upon intervention of the High Court in writ petition No 870/2010 vide judgment dated 05-03-2010, which would show that separate seniority lists issued so far, were illegal. Record would suggest that SET Technical, who were colleagues or junior of the appellant had availed the benefits selection grade and move-over but the same benefits were refused to the appellant, thus discriminated him, which however was not warranted. The respondents were required to treat them equally being one cadre, but making separate seniority lists and extending benefits to one group, while depriving the other groups from such benefits is not allowable under the law.

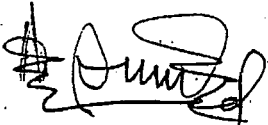
ATTESTED

  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

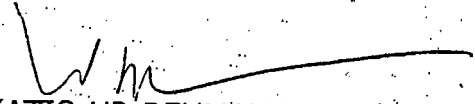


07. In view of the foregoing discussion, the instant appeal as well as the connecting service appeals are accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
14.01.2022




(AHMAD SULTAN TAREEN)  
CHAIRMAN



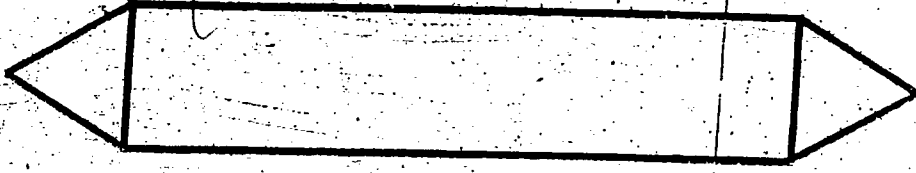
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

**Certified to be true copy**

  
Khayal Hachtmawaz  
Service Tribunal,  
Peshawar

Date of Presentation of Application 04-03-22  
Number of Words 2000  
Copying Fee 22/-  
Urgent 4/-  
Total 26/-  
Name of Applicant \_\_\_\_\_  
Date of Completion of Copy 04-03-22  
Date of Delivery of Copy 04-03-22

قلمی عدالت سروس فیڈرل پنہامیا  
Judicial Service Tribunal Panama



سہ 2 منجانب  
بنام

مقدمہ  
دعویٰ  
جرم  
Execution Petition  
Jan Mohamed v/s Gow

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل کاروائی متعلقہ

آن مقام اور کیلئے ڈوٹس، افسان

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب وہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برابری  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے  
سب ہے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔  
کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2022ء

دسمبر ماہ

1

المرقوم

واہ العبد

العبد

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Jan Mohamed s/o Awan Jan

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