

10.07.2020

Counsel for petitioner present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Arguments heard and record perused.

Vide judgment of this Tribunal dated 21.06.2019, appeal filed by the present petitioner alongwith connected service appeals were disposed of with direction that copy of departmental appeals be sent to the appellate authority with direction to decide the same through speaking order within 30 days of the receipt of judgment.

Now the department has decided the departmental appeal of the petitioner and he was accordingly informed, therefore, the present proceedings having become infructuous, stand dismissed. File be consigned to the record room.


(Rozina Rehman)
Member (J)

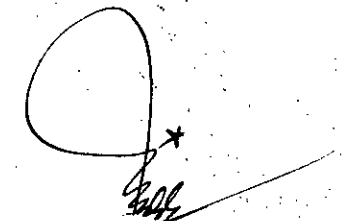
25.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.06.2020 before S.B.


Reader

17.06.2020



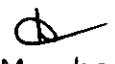
Counsel for the petitioner and Asst: AG for respondents present. Notices be issued to the respondents for submission of implementation report on 10.07.2020 before S.B.


MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 14/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	16.01.2020	<p>The execution petition of Mr. Mashal Khan submitted today by Mr. Jawad Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2	20/01/20	<p>This execution petition be put up before S. Bench on <u>07/02/2020</u>.</p> <p> CHAIRMAN</p>
	07.02.2020	<p>Counsel for the petitioner present. Addl: AG for respondents present. Notice be issued to the respondents for submission of implementation report. To come up for further proceedings on 25.03.2020 before S.B.</p> <p> Member</p>

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

COC No 14 /2020
In Re:
Service Appeal No 1488/2018

Mashal Khan.....(Petitioner)

VERSUS

Mr. Shahab Khattak and another.....(Respondents)

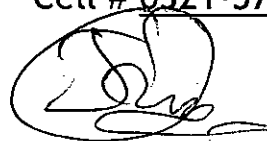
I N D E X

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Application for contempt of Court	-	01 - 02
2.	Affidavit	-	03
3.	Copy of the order dated 21-06-2019	'A'	04 - 07
4.	Wakalat Nama (in original)	-	08

Applicant/Appellant
Through:

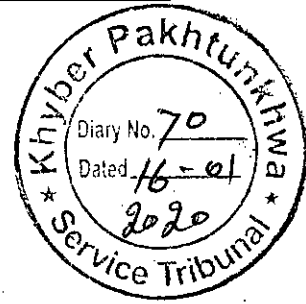
(JAWAD KHAN)
Advocate,
High Court, Peshawar
Cell # 0321-5778557

Dated: -16-01-2020



(1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR



COC No 14 /2020
In Re:
Service Appeal No 1488/2018

Mashal Khan S/O Sarwar Khan R/O Gambera Tehsil and District
Lakki Marwat.....(Applicant/Appellant)

V E R S U S

1. Mr. Shahab Khattak, Secretary C&W Department Civil Secretariat, Peshawar
2. Director PMU, C&W Department, Khyber Pakhtunkhwa, Peshawar.....(Respondents)

Application for initiating contempt of
Court proceedings against the Respondents
for violating the order dated 21st June,
2019 passed by this Honourable Tribunal.

Respectfully Sheweth: -

The Applicant/Appellant humbly submits as under:-

- 1) That the Applicant/Appellant filed a Service Appeal No 1487/2018 before this Honourable Tribunal against the Respondents, in which this Honourable Court accepted the service appeal vide order dated 21-06-2019. (Copy of the order dated 21-06-2019 is as Annex 'A').

(2)

- 2) That after passing the order, the Petitioner visited the Respondents office for implementation of this Honourable Tribunal order, but the same was deaf ear.
- 3) That despite having knowledge about the above referred order, the Respondents hurriedly did not considering the Applicant/Appellant and in this way flagrantly violated the order of this Honourable Tribunal.
- 4) That the Respondents have intentionally committed the contempt of Tribunal by violating the order passed by this Honourable Tribunal, therefore, they are liable to awarded exemplary punishment.
- 5) That any other ground will be raised at the time of arguments with the permission of this Honourable Court.

It is, therefore, respectfully prayed that on acceptance of this Application, contempt of Court proceedings may be initiated against the Respondents and they may be awarded exemplary punishment in violation of order of this Honourable Tribunal.


Applicant/Petitioner

Through:

(JAWAD KHAN)
Advocate,
High Court, Peshawar

Dated: -16-01-2020



3

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Mashal Khan.....(Petitioner)

VERSUS

Mr. Shahab Khattak and another.....(Respondents)

AFFIDAVIT

I, Mashal Khan S/O Sarwar Khan R/O Gambera Tehsil and District Lakki Marwat, do hereby solemnly affirm and declare on oath that the contents of the accompanying Contempt of Court Petition are true and correct and nothing has been concealed from this Honourable Court.

DEPONENT _____
CNIC # 11201-0403600-7

شمال خان

Identified by:-

(JAWAD KHAN)
Advocate
High Court, Peshawar





16-01-2020



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/3-442/2019
Dated Peshawar, the Nov 08, 2019

To

The Secretary to
Govt of Khyber Pakhtunkhwa
Law Department, Peshawar

Subject: SERVICE APPEAL NO.1487/2018 SARFARAZ KHAN, SERVICE APPEAL
NO.1488/2018 MASHAL KHAN, SERVICE APPEAL NO.1489 FAYAZ
MUHAMMAD GOVT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY
C&W AND OTHERS

Dear Sir,

I am directed to refer the Law Department letter No.SO (Lit)/AD/9-26(4-6) C&W/2019/17741-44 dated 18.09.2019, whereby minutes of the Scrutiny Committee meeting held on 11.09.2019 for necessary action (**copy enclosed**). The case was processed and approached Establishment Department with request that the matter may be placed before Redressal Anomaly Committee of Establishment Department for consideration (**copy enclosed**). In response, the Establishment Department has advised that the Law Department may be consulted for interpretation of the court judgment (**copy enclosed**).

2. It is, therefore, requested to furnish the interpretation of the Khyber Pakhtunkhwa Service Tribunal judgment dated 21.06.2019, please.

Yours' faithfully

(ABDUR RASHID KHAN)
SECTION OFFICER (Estb)

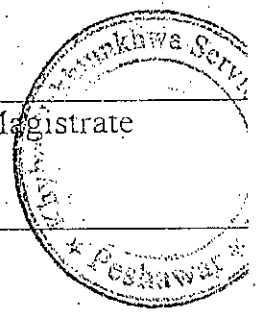
Endst even No. & date

Copy forwarded to PS to Secretary C&W Department, Peshawar

SECTION OFFICER (Estb)

(S)

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245



Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
Service Appeal No. 1487/2018

Date of Institution 23.11.2018
Date of Decision 21.06.2019

Sarfaraz Khan S/o Haji Shahzada R/o Mohallah Tarikhel Village
Adizai Tehsil and District Peshawar.

Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary
Communication & Works Department Peshawar.
2. Deputy Director (Coordination) PMU C&W Department Peshawar.
3. Project Director PMU, C&W Department Peshawar.

Respondents

Mr. Muhammad Hamid Mughal-----Member(J)
Mr. Hussain Shah-----Member(E)

21.06.2019

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Learned

counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney present.

2. This Single/common judgment/order in the above captioned service appeal shall also dispose of appeal bearing No.1488/2018 filed by Mashal Khan (Ex-Naib Qasid) and appeal bearing No. 1489/2018 filed by Fayaz Muhammad (Ex-Naib Qasid) being identical in nature in that similar questions of law and facts are involved therein.

3. The appellant (Ex-Driver) has filed the present appeal against the

TESTED

[Handwritten signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

order dated 03.08.2018 whereby his services were terminated w.e.f 31.08.2018 on the ground that he was adjusted and having drawn salary in the project "JICA Assisted Khyber Pakhtunkhwa Emergency Rural Roads Rehabilitation Project Loan No. PK-P-62" and most of the road projects have been completed, therefore, his services were no more required.

4. Arguments of Learned counsel for the appellant and learned Deputy District Attorney heard. File perused.

5. Needless to mention that the Hon'ble Peshawar High Court Peshawar vide its judgment dated 07.11.2018 passed in Writ Petition No.5163-P/2018 filed by the appellants, observed that by virtue of Section 4 of Khyber Pakhtunkhwa Act No.10 of 2018, the services of all project employees stand regularized w.e.f the date of commencement of the said Act i.e. 07.03.2018.

6. Learned counsel for the appellant pleaded that against the original impugned order of termination of services, the appellant filed departmental appeal but the same was not responded. On the other hand in their joint reply the respondents have pleaded that the appellant has not preferred departmental appeal to the higher authority but annexed the copy only to fill up the formalities.

7. In view of the above scenario, copy of departmental appeals of the appellants available on files be sent to the appellate authority i.e. respondent No.1 who is directed to decide the same through speaking order within 30 days of the receipt of this judgment.

8. The present service appeal and the connected service appeals as

2019

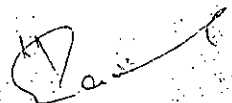
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2019

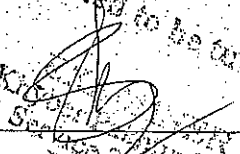
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mentioned in para-2 of this judgment are disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED
21.06.2019

Certified to be true copy

Khatim-e-Munshwa
Services Tribunal,
Peshawar

Date of Presentation of Application 24-6-19
Number of Words 1200
Copying Fee 16-00
Urgent
Total 16-00
Name of Copy
Date of Completion of Copy 25-7-19
Date of Delivery of Copy 25-7-19

8

قیمت 50 روپے	جواد فان 25155	  
ایڈوکیٹ: جواد فان / عمر علی شاہ آئی اے ایل	بار کونسل / ایسوسی ایشن نمبر: 3553	
رابطہ نمبر: 0332-9808066	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	

بجالت جناب: سروس ٹری بیورل پشاور

منجانب: منشا فان ولد سید محمد علی	دعویٰ: 202
صشا فان	علت نمبر:
بنام	مورخہ:
مشاہد حیدر وغیرہ	جرم:
	تھانہ:

باعث تحریر آنکہ

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

آن مقام لکھنؤ کے لیے جواد فان / عمر علی شاہ آئی اے ایل کو وکیل 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 و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 2020-01-05

_____ گواہ شد _____

مقام لکھنؤ کے لیے منظور ہے۔

(Signature)

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

منشا فان ولد سید محمد علی
11201-0403600-2