

16.09.2021

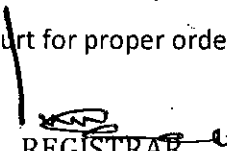


Petitioner in person and Mr. Muhammad Adeel Butt,
Addl. AG for the respondents present.

Learned Addl. AG states that order dated 02.08.2021
has been complied with by the department. The
petitioner expressed his satisfaction. The petition at hand
is consigned to the record room.


Chairman

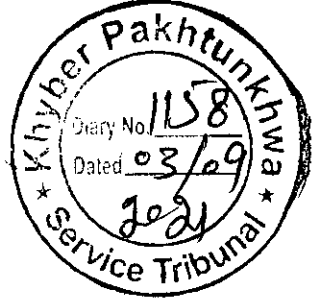
Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 159 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	03.09.2021	<p>The execution petition of Mr. Muhammad Dawood submitted today by Mr. Syed Noman Ali Bukhari Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	08.09.2021	<p>This execution petition be put up before S. Bench at Peshawar on <u>08/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Petitioner in person present.</p> <p>Mr. Muhammad Adeel Butt, Addl. AG present before the court in other cases taken notice of instant petition and assured submission of compliance report on next date positively. Case to come up for compliance report on 16.09.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 159 /2021
In Service Appeal No.7123/2021



Mr. Muhammad Dawood Settlement Tehsildar,
Tehsil and district Nowshera.

PETITIONER

VERSUS

- Recd up to Mr
Caret. 12/08/21
02/08/21
31/9/21*
1. The Assistant Commissioner District Nowshera.
 2. The Deputy Commissioner District Nowshera.
 3. The Settlement Officer District Nowshera.
 4. The Director Land Record, Kp Peshawar.

RESPONDENTS

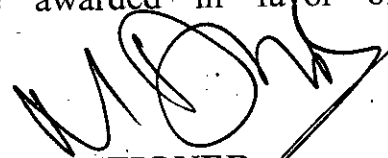
**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE ORDER
DATED: 02.08.2021 OF THIS HONORABLE
TRIBUNAL IN LETTER AND SPIRIT.**

RESPECTFULLY SHEWETH:

1. That the applicant/Petitioner filed Service Appeal No.7123/2021 against the Transfer order.
2. That the said appeal was heard by the Honorable Tribunal on 02.08.2021. The Honorable Tribunal is kind enough to admit the appeal for regular hearing and suspend the order dated 16.07.2021. **(Copy of order is attached as Annexure-A).**
3. That the respondents were totally failed in taking any action regarded the Hon'able Tribunal order dated 02.08.2021.
4. That in-action and not fulfilling formal requirements by the respondent after passing the order of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.

5. That the applicant filed applications for implementation of suspension order but in vain. Therefore, the petitioner has having no other remedy constraint to file this Execution Petition. (Copy of applications Attached).

It is, therefore, most humbly prayed that the respondents may be directed to obey the order dated 02.08.2021 of this august Tribunal in letter and spirit and allowed the applicant to performed his duties. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favor of applicant/appellant.



PETITIONER
Muhammad Dawood

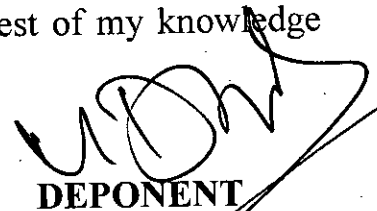
THROUGH:



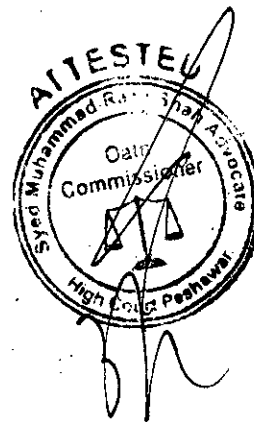
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT.

AFFIDAVIT:

It is affirmed and declared that the contents of the above Execution Petition are true and correct to the best of my knowledge and belief.



DEPONENT



**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**



Service Appeal No- 959 /2021

Diary No. 7387

Dated 08-8-2021

Muhammad Dawood, Settlement Tehsildaar,
Tehsil & District Nowshera.

..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa at Civil Secretariat, Peshawar.
2. Board of Revenue Khyber Pakhtunkhwa through Senior Member Board of Revenue at Civil Secretariat, Peshawar.
3. Senior Member, Board of Revenue at Civil Secretariat, Peshawar.
4. Commissioner, Peshawar Division Peshawar.
5. Director Land Record, Chief Settlement Officer, R&E Department.
6. Commissioner, Mardan Division.
7. Assistant Secretary Establishment, Board of Revenue & Estate Department, Peshawar.
8. Gohar Ali, Tehsildar Safi Mohmand, District Mohmand.

..... Respondents

Filed to-day

Registrar

21/8/2021

ATTESTED

Registrar
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

**APPEAL UNDER SECTION 4 OF THE KP SERVICE
TRIBUNALS ACT, 1974 READ WITH CLAUSE XIV OF
POSTING TRANSFER POLICY AGAINST THE
IMPUGNED TRANSFER Order No. LR-V/Settlement
P&T/1757-65 Dated 16-07-2021, WHEREBY THE
APPELLANT HAS BEEN TRANSFERRED IN UTTER
VIOLATION TO THE TRANSFER & POSTING POLICY
AS WELL AS SAME AMOUNTS TO PERSISTENT
TRANSFER AND POSTING, WHICH UNDER THE LAW**

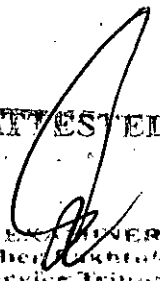
7123/2021

02.08.2021

Appellant alongwith counsel present. Preliminary arguments heard.

The appellant is aggrieved from his transfer order dated 16.07.2021 and having no response from the Appellate Authority within fifteen days, he has approached this Tribunal by appeal at hand. Needless to say that the normal waiting period within meaning of Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 is ninety days for presumption as to rejection of departmental appeal, if no such decision is made by the appellate authority. After expiry of ninety days, the appellant is supposed to prefer service appeal before the Tribunal within thirty days on presumption of rejection of his departmental appeal on 90th day from the date of his departmental appeal; however, there is a policy of the Government in place relating to posting/transfer of the Government Servants in Khyber Pakhtunkhwa. Accordingly, a Government Servant has been given right of departmental appeal to the next higher authority, which has to decide appeal within fifteen days. Obviously, the limitation provided for decision of departmental appeal, in posting/transfer policy, 2009 is a special provision, therefore, the general period of ninety

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

days as provided under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act will not prevail over special provision of the said policy. Accordingly, if the Appellate Authority does not pass any order in respect of departmental appeal against transfer within fifteen days, the aggrieved government servant becomes entitled to file service appeal on the presumption of rejection of his departmental appeal having regard to the limitation of thirty days provided for filing of service appeal. With the given view as to legal requirement of the waiting period for decision of departmental appeal, this appeal is maintainable notwithstanding the fact that Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 provides otherwise. As far as the factual account is concerned, copies of orders of successive transfers of the appellant not meeting with the requirement of the tenure have been annexed with memorandum of appeal. Lastly, the appellant was transferred vide order dated 26.02.2021 from the post of Tehsildar Karak for posting as Tehsildar Settlement Operation Nowshera but now he has again been transferred from the said post vide impugned order dated 16.07.2021 and posted as Tehsildar Safi Mohmand. The given account of the fact is apt to give right to arguable points. This appeal is

admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 03.09.2021 before the D.B.

An application has been filed alongwith the appeal seeking interim relief for suspension of operation of the impugned order till disposal of the main appeal. Notice of this application be also given to the respondents alongwith notice of appeal. The operation of the impugned order is suspended till date fixed.

Applicant Deposited
Security Process Fee
3/9/21

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


Chairman

Date of Presentation of Application 3/9/21
Number of Words 1600
Copying Fee 18/-
Urgent U
Total 22/-
Name of Applicant [Signature]
Date of Completion of Copy 3-9-2021
Date of Delivery of Copy 3-9-2021

از دفتر سمنڈ کنڈلار نوٹسڈ

کے ذریعہ طلبہ کی فہرست طلبہ نوٹسڈ
کے ذریعہ سمنڈ کنڈلار نوٹسڈ

عنوان: Suspended of Posting Transfer order
Dated 16/7/21.

جو علی: عرفی ہے اس کے لئے بحال حکم فرمایا
LAVI Settlement/PET/1957/65

Dated 16/7/21

نوٹسڈ کنڈلار نوٹسڈ سے کنڈلار ہائی اسکول سمنڈ کنڈلار نوٹسڈ کے تحت ہے۔
لیکن سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔ اور سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔

ناراضگی کا صورت میں سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔ اور سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔
اسل فری 21/23/21 کے لئے جس پر سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔ اور سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔

فاضل جی علی نے سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔ اور سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔
سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔ اور سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔

سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔ اور سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔
سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔ اور سمنڈ کنڈلار نوٹسڈ کے ذریعہ جاری ہے۔

18/8/21

سمنڈ کنڈلار نوٹسڈ

سمنڈ کنڈلار نوٹسڈ

DER
DY No = 774
Dated - 4-8-21
Govt of N.P.K

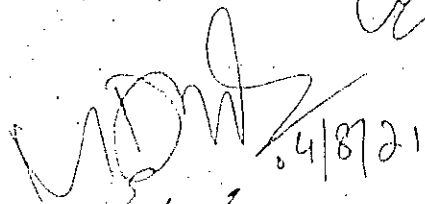
کریڈٹ ڈیپازٹ کے لئے ایکٹو ہونا

ضلعی: گزرائش کے لئے سٹیٹ بینک کے قیام، نوٹس نمبر 26 2/21 کو لغت نمبر
مابعد سٹیٹ کوئڈرنگ آرڈر نمبر LA-V/Settlement PET/1757-65 کے تحت 16 7/21 کو
سٹیٹ بینک کے نوٹس نمبر کے قیام، صافی نمبر کے لئے سٹیٹ بینک کے نوٹس
نمبر 26 2/21 کے تحت اور نہ ہی صلیب نمبر میں جاری کیا گیا۔
جس کا سٹیٹ کوئڈرنگ PRE-mature کا دورانیہ صرف اولہ کا سٹیٹ
سال 2020 میں لوڈ آن ایونٹ کے نوٹس کے قیام کے لئے ڈیپازٹ
پر ایونٹ میں صلیب نمبر ہے۔ صلیب نمبر کے قیام کے لئے نوٹس
تعلق رکھتا ہے اور نہ ہی نوٹس نمبر LA-V/Settlement PET/1757-65
نمبر 16 7/21 کے لئے سٹیٹ بینک کے نوٹس کے قیام کے لئے
جس کے تحت ایک اور نوٹس نمبر 7123/21 اور سٹیٹ کوئڈرنگ
کیا اور سٹیٹ کوئڈرنگ کے لئے صلیب نمبر 2/81/21 کو صلیب نمبر کے لئے
سٹیٹ بینک کے لئے صلیب نمبر 3/81/21 کے لئے سٹیٹ بینک کے لئے
اور سٹیٹ بینک کے لئے سٹیٹ بینک کے لئے سٹیٹ بینک کے لئے
آگاہ کیا۔ اس دوران کوئڈرنگ کے لئے سٹیٹ بینک کے لئے
کے لئے سٹیٹ بینک کے لئے سٹیٹ بینک کے لئے سٹیٹ بینک کے لئے
مکمل کیا اور سٹیٹ بینک کے لئے سٹیٹ بینک کے لئے سٹیٹ بینک کے لئے
کے لئے سٹیٹ بینک کے لئے سٹیٹ بینک کے لئے سٹیٹ بینک کے لئے
کی جس پر صلیب نمبر 50 کے لئے سٹیٹ بینک کے لئے سٹیٹ بینک کے لئے

جو نام حاصل ہو گا وہ سب سے پہلے اور اس کو سب سے پہلے، الزامات کا ایک نمبر ہے
 اور عموماً حضور نے مذکورہ حکم کو سuspend کر دیا ہے۔ کسی نمبر کو
 اور گورنر کی کتب خانہ نہ ماننا تھا۔ اور جی کے ساتھ سے نوکر رہتا تھا۔
 اور اگر کوئی کام نہ کر رہا تھا۔ جو کام تھا تو عموماً وہ So کے ساتھ کو
 دیکھتا تھا۔

لہذا اگر کسی کو گورنر کی کتب خانہ (انڈیا کونسل) کے دفتر میں کام کرنے
 کوئی کمزوری تھی اور اس وقت میں وہ کسی اور جگہ کو بھیج دیا
 لیکن گورنر کی کتب خانہ کے کاموں کے ساتھ ساتھ عموماً ان کے ہاتھ سے
 بعد اس کے آفسروں کے ہاتھ سے کام لیا جاتا تھا۔
 اور سب سے پہلے مذکورہ حکم کو ہی عمل میں لایا گیا تھا۔
 (حکم عموماً حضور نے ہی لیا تھا)

اس کے ساتھ


 4/8/21

محمد زاہد
 سیکریٹری، گورنر کی کتب خانہ

VAKALATNAMA

NO. _____/20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

Dawood Khan

Appellant
Petitioner
Plaintiff

VERSUS

S MBR

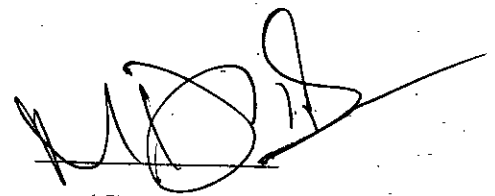
Respondent (s)
Defendants (s)

I /WE

Dawood Khan

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE _____/20


(CLIENT)

ACCEPTED

**SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT**

CELL NO: 0306-5109438