

12<sup>th</sup> Oct, 2022

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Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Imran, Assistant for respondents present.

Proper implementation report has not been submitted. Therefore, let the salaries of the judgment debtors are attached. The Accountant General Khyber Pakhtunkhwa, District Account Officer, Bannu and District Account Officer, Lakki Marwat are directed to attach salaries of respondents No. 1 to 4 till further orders of this Tribunal. Respondents are directed to appear in person alongwith the proper implementation report on the next date.

To come up on 28.10.2022 for further proceedings.



(Kalim Arshad Khan)  
Chairman

28<sup>th</sup> Oct., 2022

Petitioner alongwith counsel present. Mr. Muhammad Adeel Butt, Addl. Advocate General alongwith Mr. Muhammad Ajmal, Deputy Secretary for the respondents present.

Departmental representative submitted reply to the execution petition, which is placed on file and a copy whereof is handed over to learned counsel for the petitioner. To come up for objections/ arguments on 09.11.2022 before S.B.



(Fareeha Paul)  
Member(E)

9-11-22

Since 9th November has been  
Declared as Public Holy Day therefore  
case is adjourned to 14-11-22 for the same

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KPST  
Peshawar

14.11.2022 Nemo for the petitioner. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Irfan Akbar Assistant for the respondents present.

Learned Additional Advocate General requested for time to submit proper implementation report. Respondents are directed to submit proper implementation report on the judgement of Service Tribunal dated 09.01.2019 on the next date positively and in case of failure, coercive measures shall be initiated against the respondents at fault in addition to attachment of salary already ordered by the Tribunal on 12.10.2022.

Previous date was changed on the strength of Reader's Note, therefore, notice be issued to the appellant and his counsel to attend and apprise the court on the next date. Adjourned. To come up for implementation report before the S.B on 02.12.2022.

SCANNED  
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Peshawar

(Mian Muhammad)  
Member (E)

Dr. Nadeem  
2-12-22  
[Signature]

2<sup>nd</sup> Dec, 2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Hafiz Atta Ul Munim, Secretary-I, Board of Revenue on behalf of respondent No.1, Mr. Nasim Ullah Shah, Assistant Commissioner on behalf of respondent No. 2 and Mr. Farman Ullah, Superintendent on behalf of respondent No. 4 present.

Learned counsel for the petitioner referred to the reply of the respondents and notification dated 13.05.2019 and contended that vide the notification the rules were amended with malafide intention to not to grant the relief to the petitioner which was otherwise granted to him by the Tribunal. Learned counsel was confronted with the operative part of the judgment which was in the following manner:

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**The respondents are directed that whenever the appellant fulfills the criteria and right is vested in him for promotion, his case be considered, in the prescribed manner for promotion to the post of Naib Tehsildar. The present service appeal is partially accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.**




In view of the above findings of the Tribunal in the judgment of the petitioner, the learned counsel shall assist the Tribunal that the petitioner was fulfilling the criteria and had a vested right in him for promotion to be considered in the prescribed manner but after the date of judgment before the notifying of the amended rules. To come up on 12.01.2023 before S.B.



(Kalim Arshad Khan)  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Execution Petition No. 128 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.07.2021	<p>The execution petition of Mr. Amir Bayan submitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench on <u>06/08/21</u>. Notice be given to the respondents for the date fixed,</p> <p> CHAIRMAN</p>
	06.08.2021	<p>Petitioner in person present.</p> <p>Let the comments be sought from the respondents, therefore, notices be issued to them. Case to come up on 06.10.2021 before S.B.</p> <p> Chairman</p>

06.10.2021

Appellant alongwith Ms. Uzma Syed, Advocate, present. Mr. Muhammad Haroon, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and requested for some time for submission of reply/comments on the ground that SMBR is on official trip to Islamabad. Adjourned. To come up for submission of reply/implementation report before the S.B on 09.11.2021.



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

09.11.2021

Petitioner alongwith counsel and Mr. Kabirullah Khattak, Addl. AG alongwith Asif Khan, Assistant for the respondents present.

Representative of the respondents has submitted reply. Copy handed over to learned counsel for the petitioner. To come up for objection on behalf of the petitioner on 01.12.2021 before S.B.

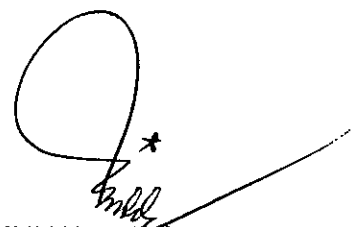


Chairman

01.12.2021

Petitioner alongwith his counsel present. Mr. Kabirullah, Addl: AG respondents present.

Learned counsel for the petitioner requested for adjournment on the ground that they will submit their counter reply/affidavit in the court on next date. Adjourned. To come up for further proceedings on 24.01.2022 before S.B.




(MIAN MUHAMMAD)  
MEMBER (E)

24.01.2022

Petitioner with counsel present. Mr. Muhammad Adeel Butt,  
Addl AG for respondents present.

Learned counsel for the petitioner seeks adjournment to  
submit their counter reply/affidavit on the next date. Adjourned.  
To come up for further proceedings on 10.03.2022 before S.B.

  
(Mian Muhammad)  
Member(E)

10.03.2022

Due to retirement of the Hon'able Chairman, the  
case is adjourned to 07.06.2022 for the same as before.

  
Reader


07.06.2022

Petitioner in person present.

Muhammad Adeel Butt, learned Additional Advocate  
General alongwith Imran Akbar, Assistant for respondents  
present.

It was on 24.01.2022 when parawise reply to the  
execution petition was submitted by the respondents and a  
request was made for adjournment on behalf of the petitioner  
to submit counter reply/affidavit but today, lawyers are on  
strike.

Keeping in view the judgment of this Tribunal coupled  
with the material available on file, representative of  
respondents is strictly directed to make sure submission of  
implementation report. Moreover, respondent No.3 be also put  
on notice with direction to attend this Tribunal in person in  
order to apprise this Tribunal in respect of implementation of  
the judgment. To come up for implementation report on  
18.07.2022 before S.B.


  
(Rozina Rehman)  
Member (J)

18.07.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muhammad Ajmal Assistant Secretary and Noor Khan, Assistant Secretary for the respondents present.

Representative of the respondent submitted minutes of the Departmental Promotion Committee meeting held on 13.07.2022 wherein case of the petitioner was considered in the light of Service Tribunal judgement dated 09.01.2019. Copy of the same is placed on file as well as provided to learned counsel for the petitioner. Adjourned. To come up for further proceedings on 19.09.2022 before S.B.

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(Mian Muhammad)  
Member (E)

19.09.2022

Learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, the case is adjourned to 12.10.2022 before S.B.

  
Reader