

E.P. No: 100/2020

Waseem Khan vs Govt

22.09.2021

Counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG alongwith Ijaz Muhammad, Superintendent for the respondents present.

Learned counsel for the petitioner states that in view of the subsequent events, there remains no useful purpose to pursue the present Execution Petition. However, the petitioner reserved the right to pursue the remedy in light of change circumstances, if so advised. This Execution Petition in view of the said statement be consigned to record room.



Chairman

EP 100/20

29.07.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Ijaz Muhammad, Superintendent for the respondents.

According to copy of minutes of meeting of DPC held on 14.07.2021, which is produced today and placed on file, it appears that the department has taken further steps in progress of implementation of the judgment of this Tribunal. Let the department submit complete implementation report on 02.09.2021 before S.B.


Chairman

02.09.2021

Nemo for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Ijaz Muhammad, Supdt for respondents present.

Representative of the respondents submitted implementation report which is placed on file. Notice be issued to the petitioner and his counsel. Adjourned. To come up for further proceedings before the S.B on 22.09.2021.


(MIAN MUHAMMAD)
MEMBER (E)

08.06.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Ijaz Muhammad Superintendent for the respondents present.

Attention of the learned AAG has been diverted to the operative part of the judgment dated 10.03.2021 of this Tribunal. Accordingly two reliefs were granted. Firstly the promotion challenged by the petitioner was set aside and secondly the respondents were directed to fill up the vacancies of Junior Clerk in the Provincial/Regional Transport Authority, in accordance with the relevant recruitment, promotion rules/criteria. Obviously, the respondents have challenged the judgment before the August Supreme Court of Pakistan through CPLA which was dismissed. It is the contention of the petitioner that judgment of this Tribunal has got finality and it needs compliance in letter and spirit. The copy of notification dated 07.01.2021 meant as withdrawal of the promotion of respondent No. 3 consequent upon the judgment passed by the August Supreme Court of Pakistan in CPLA which disclose compliance with first part but in respect of the second relief regarding filling up the vacancies of Junior Clerks, action is still awaited on the part of the respondents. The respondents are directed to ensure the compliance of the judgment to the extent of latter part of the relief as discussed above before the next date. The Registrar of this Office will send copy of this order sheet to the respondents, requiring them to initiate process in compliance with this order in the meantime and finalize the same before the date fixed. Adjourned to 29.07.2021 for compliance report before the S.B.


Chairman

E.P.No. 100/2020
Waseem Khan vs Govt

27.01.2021

Petitioner is present alongwith his counsel. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Arif Wazir, A.D and Mr. Niaz Ali, Assistant, for the respondents are also present.

The attested copy of CPLA has not been provided so far for perusal and appropriate order, the representatives of respondents are directed to ensure that the judgment of the apex court is produced on the next date till then the execution petition is adjourned to 29.03.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

29.03.2021

Counsel for the petitioner and Addl. AG for the respondents present.

Learned AAG requested for time to provide attested copy of CPLA and order passed by the Apex Court.

Respondents are expected to make sure the production of CPLA filed against the judgment under implementation and order of the Apex Court on or before the next date.

Adjourned to 08.06.2021 for further proceedings before the S.B.


(Atiq-ur-Rehman Wazir)
Member(E)

26.10.2020

Petitioner present through representative.

Kabir Ullah Khattak learned Additional Advocate General alongwith Niaz Ali Assistant for respondents present.

Representative of respondents states that CPLA has been preferred before the Apex Court against the judgment under implementation. No date of hearing has been fixed in the matter. The respondents are directed to produce implementation report on 07.12.2020 before S.B, in case judgment of the Tribunal is not suspended or set aside by the Apex Court.



(Rozina Rehman)
Member (J)

07.12.2020

Petitioner present through junior counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Arif Wazir A.D for respondents present.

Reportedly, CPLA has been disposed of by the Apex Court but copy of the order is still awaited. Representative of respondents is directed to make sure the production of order of the Apex Court and its implementation report before 27.01.2021.

Adjourned accordingly.


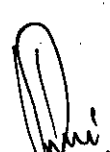



(Rozina Rehman)
Member (J)

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _____ 100/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.07.2020	<p>The execution petition of Mr. Wasim Khan submitted today by Mr. Yousaf Ali 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> <p>This execution petition be put up before S. Bench on <u>21/08/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>21.08.2020</p> <p>Due to public holiday on account of 1st Moharram, the case is adjourned to 26.10.2020 for the same as before.</p> <p style="text-align: right;"> Reader</p>

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

Misc. Petition No. 100 /2020

In

S. A. No. 798/2017

Decided on 10.03.2020

Wasim Khan

..... Appellant

VERSUS

Secretary Transport and another

..... Respondents

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S.No	Description of Documents	Annex	Pages
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2.	Copy of Order dated 10.03.2020	A	4-9
3.	Copy of Application dated 11.06.2020	B	10
4.	Vakalat Nama		

Appellant

Through

Dated: 06.07.2020

Yousaf Ali

&

Akhtar Ilyas

Advocate High Court.

Off. 24-The Mall, Behind Hong

Kong Restaurant,

Peshawar Cantt.

Cell # 0333-9417974

(1)

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



Misc. Petition No. 100/2020

In

S. A. No. 798/2017

Decided on 10.03.2020

Wasim Khan S/o Gul Dad R/o Mohalalh Balu Khel Payan P/O
Bada Bher Tehsil and District Peshawar.

..... Appellant

VERSUS

1. Secretary Transport, Secretariat, Peshawar.
2. Director, Transport & Mass Transit, Khyber Pakhtunkhwa,
Peshawar.

..... Respondents

**PETITION FOR DIRECTION TO
RESPONDENTS TO IMPLEMENT THE
ORDER DATED 10.03.2020 PASSED IN
APPEAL NO. 798/2017 BY THIS HON'BLE
TRIBUNAL; TO INITIATE CONTEMPT OF
COURT PROCEEDINGS AGAINST THE
RESPONDENTS FOR NOT HONORING THE
ORDER OF THIS HON'BLE TRIBUNAL.**

Respectfully Sheweth:

1. That the appellant filed Service Appeal No. 798/2017, the same has been accepted vide Order dated 10.03.2020. (Copy Annex "A"); The operative part whereof reads as under:
"10. In the light of above, the impugned promotion order dated 01.03.2017 is set aside and the official respondents are directed to fill up the vacancies of Junior Clerks in the Provincial / Regional Transport Authority, in accordance with the relevant recruitment, promotion rules/criteria. Since the private respondents ere not found at fault in procuring their appointments as Junior Clerk, thus the salaries of the post of Junior Clerks already paid to them could not be recovered (2020 SCMR 88)".
2. That it will be not out of place to mention here that the respondents have not assailed the same before the Supreme Court of Pakistan, as such, the judgment has got finality.
3. That the stated judgment has remitted to the respondents through an application dated 11.06.2020. (Annexed "B"), of course, for compliance and implementation in letter and spirit; the letter for implementation and compliance has also been sent by the worthy Registrar, KP Service Tribunal, Peshawar.

3

4. That the respondents are under legal obligation to implement the judgment of this Hon'ble Tribunal in letter and spirit but they failed to do so, hence this petition.
5. That appellant seeks leave of this Hon'ble Tribunal to urge additional grounds at the time of arguments.

It is, therefore, prayed that the Judgment dated 10.03.2020 of this Hon'ble Tribunal be implemented in letter and spirit without any further delay.



OR

In the alternative; Contempt of Court proceedings be initiated against the respondents for non compliance of Order and they be punished under the law in vague.

Appellant

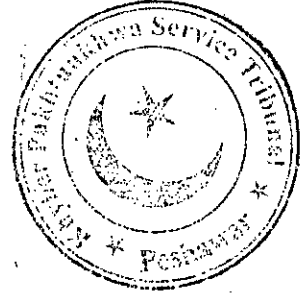
Through

Dated: 06.07.2020


Yousaf Ali
& 
Akhtar Hya
Advocate High Court.
Off. 24-The Mall, Behind Hong
Kong Restaurant,
Peshawar Cantt.
Cell # 0333-9417974

Annex-A (4)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR



Service Appeal No. 798 /2017

Wasim Khan S/o Gul Dad
R/o Mohallah Balu Khel Payan P/o Bada ber
Tehsil & District, Peshawar.

.....Appellant


VERSUS

- 1) The Govt. of Khyber Pakhtunkhwa through Secretary Transport *Peshawar*
- 2) Director Transport & Mass Transit, Khyber Pakhtunkhwa *Peshawar*
- 3) Mr. Saqib Khan Junior Clerk RTA, Department, Khyber Pakhtunkhwa *Peshawar*
- 4) Mr. Inamullah Junior Clerk RTA, Department, Khyber Pakhtunkhwa *Peshawar*

.....Respondents

SERVICE APPEAL U/S 4 OF
SERVICE TRIBUNAL ACT, 1974 AS
AMENDED UPTO DATE

Re-submitted to -day
and filed.



Registrar

11/7/17 **Respectfully Sheweth:-**

Appellant most humbly submits as under:-

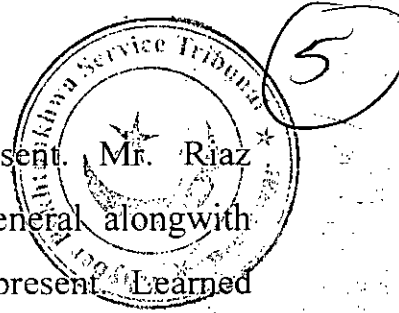
- 1) That the appellant is the bonafide resident of District Peshawar (Copy of CNIC is Annexure "A")
- 2) That the appellant was appointed as Chowkidar on 10.03.2014 in RTA Department Peshawar.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

10.03.2020

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General along with Arif Wazir AD for official respondents present. Learned counsel for private respondents present.



Vide our separate/common judgment of today of this Tribunal placed on file of connected Service Appeal No.718/2017 filed by Abbas Akbar, the impugned promotion order dated 01.03.2017 is set aside and the official respondents are directed to fill up the vacancies of Junior Clerks in the Provincial/Regional Transport Authority, in accordance with the relevant recruitment, promotion rules/criteria. Since the private respondents were not found at fault in procuring their appointments as Junior Clerk, thus the salaries of the post of Junior Clerks already paid to them could not be recovered (2020 SCMR 188). The present service appeal is partially accepted to the extent as noted above. Parties are left to bear their own costs. File be consigned to the record room.

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

ANNOUNCED.

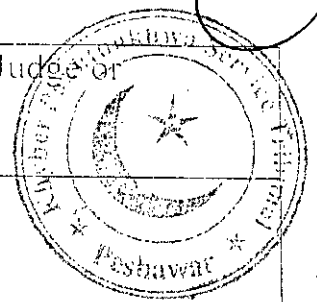
10.03.2020

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 20-5-2020
Number of Words 800
Copying Fee 10-00
Urgent —
Total 10-00
Name of Copyist [Signature]
Date of Completion of Copy 01-6-2020
Date of Delivery of Copy 01-6-2020

6



Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 718/2017</p> <p style="text-align: right;">Date of Institution 11.07.2017 Date of Decision 10.03.2020</p> <p>Abbas Akbar son of Zahid Akbar resident of Jamal Ghari Mardan.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <p>1. The Government of Khyber Pakhtunkhwa through Secretary Transport. 2. Director Transport & Mass Transit, Khyber Pakhtunkhwa. 3. Mr. Saqib Khan Junior Clerk RTA Department Khyber Pakhtunkhwa. 4. Mr. Inamullah Junior Clerk RTA Department Khyber Pakhtunkhwa</p> <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Hussain Shah -----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD HAMID MUGHAL, MEMBER: -</u></p> <p>Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General along with Arif Wazir AD for official respondents present. Learned counsel for the private respondents present.</p> <p>2. This single/common judgment in the above captioned</p>		

10.03.2020

10.3.2020

ATTESTED

[Signature]

MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

7

service appeal shall also dispose of service appeal bearing No.798/2017 filed by Wasim Khan, being identical in nature having arisen from the similar facts and circumstances.

3. The appellant (Chowkidar) has filed the present service appeal being aggrieved against the order dated 01.03.2017 whereby Saqib Khan Naib Qasid and Inam Ullah Naib Qasids (private respondents) were promoted to the post of Junior Clerk.

4. Learned counsel for the appellant argued that the appellant was appointed as Chowkidar in RTA Department Mardan on 19.11.2013; that vide impugned order dated 01.03.2017, two Class-IV (Naqib Qasids) namely Saqib Khan and Inam Ullah (private respondents) who were junior to the appellant were promoted as Junior Clerks while ignoring the appellant, hence the impugned order is illegal and against the norms of justice; that feeling aggrieved against the impugned promotion order the appellant filed departmental appeal but to no avail. Further argued that the impugned promotion order is against the settled law hence liable to be reversed; that the impugned promotion order is the result of political motivation.

5. As against that learned AAG assisted by learned counsel for private respondents, defended, the impugned promotion order on the ground that under the general rules of Establishment & Administration Department, 33% quota by promotion is reserved for Class-IV Staff against the post of

10.3.2010

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

AAG and learned counsel for the private respondents therefore could not defend the impugned promotion order in view of the relevant recruitment/promotion criteria of the Provincial/Regional Transport Authority, available on file.



10. In the light of above, the impugned promotion order dated 01.03.2017 is set aside and the official respondents are directed to fill up the vacancies of Junior Clerks in the Provincial/Regional Transport Authority, in accordance with the relevant recruitment, promotion rules/criteria. Since the private respondents were not found at fault in procuring their appointments as Junior Clerk, thus the salaries of the post of Junior Clerks already paid to them could not be recovered (2020 SCMR 188).

11. The captioned service appeal and the connected service appeal as mentioned in Para-02 of this judgment are partially accepted to the extent as noted above. Parties are left to bear their own costs. File be consigned to the record room.

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

ANNOUNCED.
10.03.2020

Certified to be true copy

Khaydar Ghaffar Khattak
Service Tribunal,
Peshawar

Date of Presentation of Application: 20.5.2020
Number of Words: 2100
Copy No: 26-02
Urgent: 26-02
Name of the Officer:
Date of Completion of Copy: 01-06-2020
Date of Delivery of Copy: 01-06-2020

To

The Secretary
Transport, Govt of Khyber Pakhtunkhwa

SUBJECT: Application for implementation of the order dated 10.03.2020 in S.A No.718/2017 by Honorable Khyber Pakhtunkhwa Services Tribunal.

Respected Sir,


The applicant submits as under:

1. That the applicant challenged the promotion order dated 1.3.2017 before the Honorable Khyber Pakhtunkhwa Services Tribunal through Service Appeal No. 718/2017, which has been allowed vide order and judgment dated 10.03.2020. (Copy of the order is annexed).
2. That the judgment and order dated 10.003.2020 may please be implemented according to law.
3. That there is no legal bar in implementation of the judgment dated 10.03.2020.

Therefore, it is humbly requested that judgment dated 10.03.2020 may please be implemented according to law.

Thanking in anticipation.

Dated 06.05.2020


Yours faithfully

Wasim Khan S/o Gul Dad
R/o Mohallah Balu Khel Payan
P/O Bada Bher Tehsil & District Peshawar.

قیمت
50 روپے

35055

ایڈوکیٹ: _____

بار کونسل ایسوسی ایشن نمبر: BC-10-5567

رابطہ نمبر: 03339052089



پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: _____

مخانب: صومعی	دعویٰ:
وسیم خان	علت نمبر:
بنام	مورخہ:
سید سہیل علی	جرم:
	تھانہ:

باعت تحریر آئکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام لیکچرار کیلئے راجد علی - الیکشن کمیشن کے فیصلے کے تحت مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف 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
کارروائی 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانبہ 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: 06-7-2020

العبد _____ واہ شد _____ العبد

مقام لیکچرار _____ کے لیے منظور ہے۔

Accepted

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

Misc. Petition No. _____/2020

In

S. A. No. 798/2017

Decided on 10.03.2020

Wasim Khan Appellant

VERSUS

Secretary Transport and another Respondents

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4.	Vakalat Nama		

Appellant

Through

Dated: 06.07.2020

Yousaf Ali

&

Akhtar Ilyas

Advocate High Court.

Off. 24-The Mall, Behind Hong

Kong Restaurant,

Peshawar Cantt.

Cell # 0333-9417974

(1)

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

Misc. Petition No. _____/2020

In

S. A. No. 798/2017

Decided on 10.03.2020

Wasim Khan S/o Gul Dad R/o Mohalalh Balu Khel Payan P/O
Bada Bher Tehsil and District Peshawar.

..... Appellant

VERSUS

1. Secretary Transport, Secretariat, Peshawar.
2. Director, Transport & Mass Transit, Khyber Pakhtunkhwa,
Peshawar.

..... Respondents

**PETITION FOR DIRECTION TO
RESPONDENTS TO IMPLEMENT THE
ORDER DATED 10.03.2020 PASSED IN
APPEAL NO. 798/2017 BY THIS HON'BLE
TRIBUNAL; TO INITIATE CONTEMPT OF
COURT PROCEEDINGS AGAINST THE
RESPONDENTS FOR NOT HONORING THE
ORDER OF THIS HON'BLE TRIBUNAL.**

Respectfully Sheweth:

1. That the appellant filed Service Appeal No. 798/2017, the same has been accepted vide Order dated 10.03.2020. (Copy Annex "A"); The operative part whereof reads as under:
"10. In the light of above, the impugned promotion order dated 01.03.2017 is set aside and the official respondents are directed to fill up the vacancies of Junior Clerks in the Provincial / Regional Transport Authority, in accordance with the relevant recruitment, promotion rules/criteria. Since the private respondents are not found at fault in procuring their appointments as Junior Clerk, thus the salaries of the post of Junior Clerks already paid to them could not be recovered (2020 SCMR 88)".
2. That it will be not out of place to mention here that the respondents have not assailed the same before the Supreme Court of Pakistan, as such, the judgment has got finality.
3. That the stated judgment has remitted to the respondents through an application dated 11.06.2020. (Annexed "B"), of course, for compliance and implementation in letter and spirit; the letter for implementation and compliance has also been sent by the worthy Registrar, KP Service Tribunal, Peshawar.

(3)

4. That the respondents are under legal obligation to implement the judgment of this Hon'ble Tribunal in letter and spirit but they failed to do so, hence this petition.
5. That appellant seeks leave of this Hon'ble Tribunal to urge additional grounds at the time of arguments.

It is, therefore, prayed that the Judgment dated 10.03.2020 of this Hon'ble Tribunal be implemented in letter and spirit without any further delay.

OR

In the alternative; Contempt of Court proceedings be initiated against the respondents for non compliance of Order and they be punished under the law in vague.

Appellant

Through

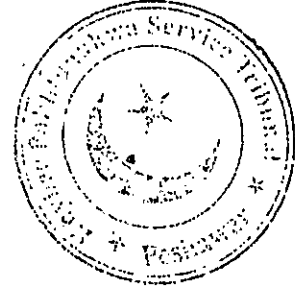
Dated: 06.07.2020

Am
Yousaf Ali
& *Hyas*
Akhtar Hyas
Advocate High Court.
Off. 24-The Mall, Behind Hong
Kong Restaurant,
Peshawar Cantt.
Cell # 0333-9417974

Annex - A (4)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 798 /2017



Wasim Khan S/o Gul Dad
R/o Mohallah Balu Khel Payan P/o Bada ber
Tehsil & District, Peshawar.

.....Appellant

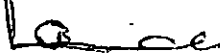
VERSUS

- 1) The Govt. of Khyber Pakhtunkhwa through Secretary Transport Peshawar.
- 2) Director Transport & Mass Transit, Khyber Pakhtunkhwa Peshawar
- 3) Mr. Saqib Khan Junior Clerk RTA, Department, Khyber Pakhtunkhwa Peshawar.
- 4) Mr. Inamullah Junior Clerk RTA, Department, Khyber Pakhtunkhwa Peshawar.

.....Respondents

SERVICE APPEAL U/S 4 OF
SERVICE TRIBUNAL ACT, 1974 AS
AMENDED UPTO DATE

Re-submitted to-day
and filed.


Registrar

11/7/17 **Respectfully Sheweth:-**

Appellant most humbly submits as under:-

- 1) That the appellant is the bonafide resident of.

COPY of CNIC is Annexure "1"

Annex - A (4)

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

Service Appeal No. 798 /2017



Wasim Khan S/o Gul Dad
R/o Mohallah Balu Khel Payan P/o Bada ber
Tehsil & District, Peshawar.

.....Appellant

VERSUS

- 1) The Govt. of Khyber Pakhtunkhwa through Secretary Transport *Peshawar*
- 2) Director Transport & Mass Transit, Khyber Pakhtunkhwa *Peshawar*
- 3) Mr. Saqib Khan Junior Clerk RTA, Department, Khyber Pakhtunkhwa *Peshawar*
- 4) Mr. Inamullah Junior Clerk RTA, Department, Khyber Pakhtunkhwa *Peshawar*

.....Respondents

**SERVICE APPEAL U/S 4 OF
SERVICE TRIBUNAL ACT, 1974 AS
AMENDED UPTO DATE**

Re-submitted to -day
and filed.

[Signature]
Registrar

11/7/17 **Respectfully Sheweth:-**

Appellant most humbly submits as under:-

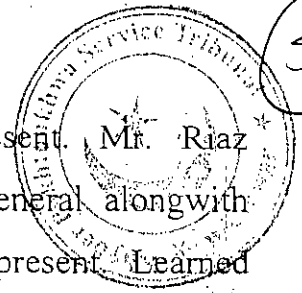
- 1) That the appellant is the bonafide resident of District Peshawar (Copy of CNIC is Annexure "A")
- 2) That the appellant was appointed as Chowkidar on 10.03.2014 in RTA Department Peshawar.

ATTESTED

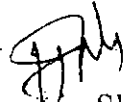
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

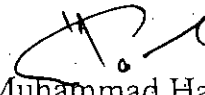
10.03.2020

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General along with Arif Wazir AD for official respondents present. Learned counsel for private respondents present.



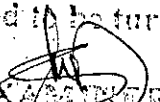
Vide our separate/common judgment of today of this Tribunal placed on file of connected Service Appeal No.718/2017 filed by Abbas Akbar, the impugned promotion order dated 01.03.2017 is set aside and the official respondents are directed to fill up the vacancies of Junior Clerks in the Provincial/Regional Transport Authority, in accordance with the relevant recruitment, promotion rules/criteria. Since the private respondents were not found at fault in procuring their appointments as Junior Clerk, thus the salaries of the post of Junior Clerks already paid to them could not be recovered (2020 SCMR 188). The present service appeal is partially accepted to the extent as noted above. Parties are left to bear their own costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

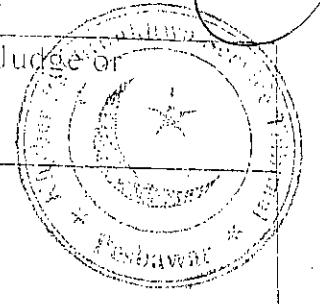
ANNOUNCED.
10.03.2020

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Preparation of Application 20-5-2020
Number of Words 800
Copying Fee 10-00
Urgent -
Total 10-00
Name of Copylet [Signature]
Date of Completion of Copy 01-6-2020
Date of Delivery of Copy 01-6-2020

6



Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
		<p align="center">BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</p> <p align="center">Service Appeal No. 718/2017</p> <p align="right">Date of Institution 11.07.2017 Date of Decision 10.03.2020</p> <p>Abbas Akbar son of Zahid Akbar resident of Jamal Ghari Mardan.</p> <p align="right">Appellant</p> <p align="center">Versus</p> <ol style="list-style-type: none"> The Government of Khyber Pakhtunkhwa through Secretary Transport. Director Transport & Mass Transit, Khyber Pakhtunkhwa. Mr. Saqib Khan Junior Clerk RTA Department Khyber Pakhtunkhwa. Mr. Inamullah Junior Clerk RTA Department Khyber Pakhtunkhwa <p align="right">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Hussain Shah -----Member(E)</p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></p> <p>Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Arif Wazir AD for official respondents present. Learned counsel for the private respondents present.</p> <ol style="list-style-type: none"> This single/common judgment in the above captioned

10.03.2020

10.3.2020

ATTESTED

[Signature]

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

To

The Secretary
Transport, Govt of Khyber Pakhtunkhwa

SUBJECT: Application for implementation of the order dated 10.03.2020 in S.A No.718/2017 by Honorable Khyber Pakhtunkhwa Services Tribunal.

Respected Sir,

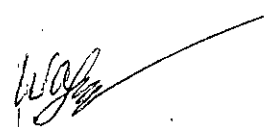
The applicant submits as under:

1. That the applicant challenged the promotion order dated 1.3.2017 before the Honorable Khyber Pakhtunkhwa Services Tribunal through Service Appeal No. 718/2017, which has been allowed vide order and judgment dated 10.03.2020. (Copy of the order is annexed).
2. That the judgment and order dated 10.003.2020 may please be implemented according to law.
3. That there is no legal bar in implementation of the judgment dated 10.03.2020.

Therefore, it is humbly requested that judgment dated 10.03.2020 may please be implemented according to law.

Thanking in anticipation.

Dated ~~06.06~~ 2020


Yours faithfully

Wasim Khan S/o Gul Dad
R/o Mohallah Balu Khel Payan
P/O Bada Bher Tehsil & District Peshawar.



**DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA**

Ground Floor Benevolent Fund Building, Peshawar Cantt. ☎ 091-9214185/9212061

Dated: /7 -08- 2021

ORDER:

No.Dir/TPT/1-58/Promotion/6715-25. On the recommendation of Departmental Promotion Committee (DPC) meeting held on 14-07-2021, the following officials of Provincial Transport Authority, Regional Transport Authorities Khyber Pakhtunkhwa are hereby promoted to the post of Junior Clerk (BPS-11) on regular basis with immediate effect:-

They will be on probation for a period of one year extendable for another one year in terms of Rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989.

S.	Name	From	Promoted To
1.	Mr. Abbas Akbar	Chowkidar (BPS-03)	Junior Clerk (BPS-11)
2.	Mr. Wasim Khan	-do-	-do-
3.	Mr. Saqib Khan	Naib Qasid (BPS-03)	-do-
4.	Mr. Inam Ullah	-do-	-do-

Consequent upon their promotion, the following posting/transfer have been ordered with immediate effect:-

S.	Name	Posted
1.	Mr. Abbas Akbar	Regional Transport Authority, Mardan
2.	Mr. Wasim Khan	Regional Transport Authority, Kohat
3.	Mr. Saqib Khan	Regional Transport Authority, Kohat
4.	Mr. Inam Ullah	Regional Transport Authority, Malakand

OK

DIRECTOR
Transport & Mass Transit
Khyber Pakhtunkhwa

Endst: No & Date Even:

A copy is forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. PS to Secretary, Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.
3. District Account Officer, Mardan, Malakand, Kohat.
4. Provincial Transport Authority, Khyber Pakhtunkhwa.
5. Regional Transport Authorities, Mardan, Kohat, Malakand.
6. Office order file.

OK

DIRECTOR
Transport & Mass Transit
Khyber Pakhtunkhwa