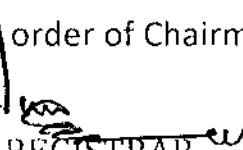


Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. 02/2023

| S.No | Date of order proceedings | Order or other proceedings with signature of judge   |
|------|---------------------------|--|
| 1    | 2                         | 3  |
| 1    | 03.01.2023                | <p>The execution petition of Mr. Dad Muhammad Khan submitted today by Mr. Javed Iqbal Gulbela 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<br/><br/>REGISTRAR</p> |

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

Implementation Petition No. 2 /2023

In Service Appeal No. 10006/2020

**Dad Muhammad Khan**

**VERSUS**

**Goyt. of Khyber Pakhtunkhwa, Peshawar.**

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Dated: 02-01-2023

Appellant/Petitioner

Through

**Javed Iqbal Gulbela**  
Advocate Supreme Court  
Pakistan.

D

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

Implementation Petition No. 2 /2023

In Service Appeal No. 10006/2020

Case No. 2693

Diary No. 2693

Date 03/01/2023

**Dad Muhammad Khan** S/o Fazal Muhammad R/o Gulbela Kochian,  
Peshawar.

.....*Petitioner*

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat, Peshawar.
2. Provincial Police Officer, Khyber Pakhtunkhwa at Central Police Office at Civil Secretariat, Peshawar.
3. Additional Inspector General of Police (Establishment) Khyber Pakhtunkhwa at Central Police Office at Civil Secretariat, Peshawar.
4. Chief Capital City Police Officer, Peshawar.

.....*Respondents*

**PETITION FOR IMPLEMENTATION OF  
THE JUDGMENT AND ORDER DATED  
04-10-2022 PASSED IN S.A.NO.10006/2020**

***Respectfully Sheweth,***

1. That the petitioner /appellant had earlier filed a Service Appeal No. 10006/2020 which was allowed by this Hon'ble Tribunal vide judgment and order dated 04-10-2022. **(Copies of Service Appeal and judgment dated 26.04.2022 are annexed as Annexure "A" & "B" respectively)**
2. That this Hon'ble Tribunal vide judgment and order dated 04-10-2022 directed the respondents:

*"That the learned counsel for the Appellant referred to the judgments of the august Supreme Court of Pakistan passed in civil appeals no. 537 to 539 of 2013 on 31-07-2013. In paragraph No. 5 of which it was observed that the persons (Police Officers) though confirmed subsequently but their seniority had to be reckoned from the date of their appointment. It was further observed that they could not be treated differently when seniority of many other employees similarly placed had been reckoned from the date of their appointment. When confronted*

with the situation the learned AAG as well as learned counsel for the Appellant greed that the matter might be remitted to the department for reconsideration of the case of the Appellant in the light of the judgment of the Supreme Court of Pakistan after providing him opportunity of hearing and then pass a speaking order in accordance with law rules and judgments of the Supreme Court of Pakistan within sixty days of receipt of this order under intimation to this Tribunal through its Registrar. The appeal stands disposed un the above terms."

3. That the petitioner/appellant have provided the attested copy to the respondents, for the implementation of order dated 04-10-2022 in its letter and spirit but till date the adamant respondents have taken no step in the said direction.
4. That despite the clear-cut directions of this Hon'ble Tribunal, the respondent intentionally violated the orders of this Hon'ble Tribunal and now the respondent department is reluctant to endorse the same orders of this Hon'ble tribunal.
5. That this lethargic and candid approach on part of the respondent towards the highly reverent order and judgment of this August Tribunal, which is in other words amounts to contempt of court.
6. That act of non-implementing the order/judgment of this Hon'ble Tribunal, constrained the petitioner/appellant to move the instant petition.

*It is therefore, most humbly prayed that on acceptance of the instant petition, the Respondents be directed to implement the judgment and order dated 04-10-2022 in S.A.No.10006/2020 in its true spirit and it further prayed that the responsible respondents be punished accordingly for this loathsome attitude and violative approach towards the reverent judgment and order of this Hon'ble Tribunal.*

*It is further prayed that the impugned illegal transfer order, may very graciously be set aside to meet the ends of justice.*

Dated: 02-01-2023

Appellant/Petitioner

Through

Javed Iqbal Gulbela  
Advocate Supreme Court  
Pakistan.

3

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

Implementation in: \_\_\_\_\_ 2023

In S.A 10006/2020

Dad Muhammad

**Versus**

Govt of Khyber Pakhtunkhwa & Others

**AFFIDAVIT**

I, the Appellant, do hereby solemnly affirm and declare that all the contents of the accompanied implementation Petition are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Dated: 02/01/2023

**DEPONENT**

**CNIC:**

**Cell No.**

**Identified By:**

*Javed Iqbal Gulbela*  
Javed Iqbal Gulbela  
ASC



4

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa Service Tribunal

In Re S.A 10006 /2020

Diary No. 9403  
Dated 01/09/2020

Dad Muhammad Khan S/O Fazal Muhammad  
R/O Gulbela Kochian Peshawar.



-----**(Appellant)**

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat Peshawar.
2. Provincial Police Officer Khyber Pakhtunkhwa at Central Police Office at Civil Secretariat Peshawar.
3. Additional Inspector General of Police (Establishment) Khyber Pakhtunkhwa at Central Police Office at Civil Secretariat Peshawar.
4. Chief Capital City Police Officer Peshawar.

-----**(Respondents)**

Service Appeal u/s 4 of the Khyber Pakhtunkhwa Services Tribunal Act -1974 against the impugned Seniority of the Appellant and for rectification of the Seniority list and ante-dated promotion as D.S.P with effect from 29-11-2018 with all back benefit and due placement in the Seniority list kept and maintained for D.S.P

filed-to-day  
Registrar  
01/09/2020

**Respectfully Sheweth;**

1. That the Appellant is a naturally born bonafide citizen of the Islamic Republic of

Certified to be true copy

ENCLAVE  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

5




Service Appeal No. 10006/2020

4<sup>th</sup> October 2022 1. Learned counsel for the appellant present: Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

2. The learned counsel for the appellant referred to the judgments of the august Supreme Court of Pakistan passed in civil appeals No. 537 to 539 of 2013 on 31.07.2013. In paragraph-5 of which it was observed that the persons (Police officers) though confirmed subsequently but their seniority had to be reckoned from the date of their appointment. It was further observed that they could not be treated differently when seniority of many other employees similarly placed had been reckoned from the date of their appointment. When confronted with the situation the learned AAG as well as learned counsel for the appellant agreed that the matter might be remitted to the department for reconsideration of the case of the appellant in the light of the judgment of the august Supreme Court of Pakistan after providing him opportunity of hearing and then pass a speaking order in accordance with law rules and judgments of the august Supreme Court of Pakistan within sixty days from the receipt of this order under intimation to this Tribunal through its Registrar. The appeal is disposed in the above terms. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 4<sup>th</sup> day of October, 2022.

  
(Fareeha Path)  
Member(Executive)



(Kalim Arshad Khan)  
Chairman

**Certified to be true copy**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 05/10/22  
Number of Words 820  
Copying Fee 10/-  
Urgent 10/-  
Total 10/-  
Name of Copy \_\_\_\_\_  
Date of Completion of Copy 13/10/22  
Date of Delivery of Copy 13/10/22

## وکالت نامہ

عدالت: سروس ٹریڈنگ  
 داد محمد بنام صاحب  
 منجانب ریسٹنٹ دعویٰ  
 تاریخ 02/01/2023

بابت تحریر آنکھ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جملہ

بمقام ایڈووکیٹ جاوید اقبال گل بیلہ ایڈووکیٹ سپریم کورٹ آف پاکستان انڈیا

کو بدین شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگہ مختار خاص رو برو عدالت حاضر ہوتا کرونگا۔ اور بوقت پکار جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کرونگا، اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و مگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزوی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا پیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر دینی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔

مورخ 02/01/2023 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted by

Bc - 10 - 2924 -

Cell = 034518405501

Attn = 17301-1496065-2