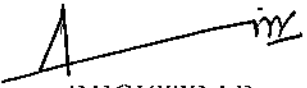


Form- A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 48/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	24.01.2023	<p>The execution petition of Mr. Haseeb Akbar received today by post through Mr. Gul Tiaz Khan Marwat Advocate. It is fixed for implementation report before touring Single Bench at D.I.Khan 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  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

E.P. no. 48/2023
CMA No. _____/2023

AA9

Haseeb Akbar

.....Petitioner

VERSUS

Government of KPK through Chief Secretary Civil Secretariat
Peshawar and others.Respondents

INDEX

S.No	Description	Annexure	Page No
1	Grounds of Petition		1-4
2	Copy of order dated 28.09.2022	A	5-6
3	Copy of Application	B	7
4	Vakalatnama		8

Dated: 13/01/2023

Your Humble Petitioner

Haseeb Akbar

Haseeb Akbar

Through Counsel

Gul Tiaz Khan Marwat
GUL TIAZ KHAN MARWAT
Advocate High Court
DIKhan

I

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

CMA No. F.P. no. 48/2023

Haseeb Akbar S/O Muhammad Akbar UDC office of the
Additional Deputy Commissioner (Finance & Planning) South
Waziristan Tribal District Tank.**Petitioner**

VERSUS

1. Government of KPK through Chief Secretary Civil Secretariat Peshawar.
2. Secretary Home Department Government of KPK Civil Secretariat Peshawar.
3. The Senior Member Board of Revenue Peshawar.
4. The Commissioner D.I.Khan Division, D.I.Khan
5. The Deputy Commissioner South Waziristan Tribal District at Tank.**Respondents**

PETITION CONTAINING THE REQUEST FOR IMPLEMENTATION OF ORDER OF THIS LEARNED TRIBUNAL CAMP COURT D.I.KHAN DATED 28.09.2022 PASSED IN SERVICE APPEAL NO. 4986/2021 TITLED AS "HASEEB AKBAR V/S GOVT. OF KPK THROUGH CHIEF SECRETARY AND OTHERS".

Respected Sir,

1. That the Petitioner is serving as UDC in the office of Respondent No. 5.
2. That the name of petitioner was not included in the common seniority list in the establishment of South Waziristan Tribal District against which the subject cited appeal was filed by the Petitioner in the KPK Service Tribunal Peshawar vide Appeal No. 4986/2021.
3. That the Appeal came up for hearing before the Honourable Division Bench of KPK Service Tribunal Peshawar Camp Court D.I.Khan on 28.09.2022 and

Ans

2

the Honourable Tribunal was pleased to disposed-off on the undertaking of representative of respondent No 5 namely Mr. Sher Bahadar Additional Assistant Commissioner Ladha South Waziristan Tribal District with observation that the department will provide seniority list to the petitioner containing his name within 10 days from the date of passing of the order.

Copy of order is enclosed as **Annexure - A.**

4. That the order referred to above, was passed in the presence of representative of respondent No. 5 and the petitioner also approached respondent No. 5 through written application dated 15.11.2022 containing the request to implement the order of this honourable Tribunal and to provide a copy of the seniority list.

Copy of application is enclosed as **Annexure - B.**

5. That sufficient long time/period has been expired but the order of this honourable Tribunal has not so far been implemented by the respondents, therefore, the Petitioner having no other remedy seeks the indulgence of this learned tribunal for implementation of its order under its inherent jurisdiction inter alia on the following grounds.

GROUND:-

- A. That it is/was the legal, statutory and moral obligations of respondents to implement the order of this learned Tribunal but they have failed to do so.
- Just*

which is shocking for the petitioner and also amounts contempt of Court.

- B. That the actions/inactions, conduct and modus operandi of Respondents to disobey and violate the order is tantamount to abuse and obstruct the process of Court to disobey the order of Court of law/tribunal which is a visible contempt of Court for which he is liable to be proceeded under the law.
- C. That the Petitioner has no other remedy for implementation of order of the Honourable Tribunal except to knock the door of this Honourable Tribunal for implementation of order.
- J. That the Honourable Tribunal got powers and jurisdiction to take cognizance in the matter and to implement the order so passed by this Honourable Tribunal.
- K. That Counsel for the Petitioner may please be allowed to raise additional ground during the course of arguments.

It is, therefore, humbly prayed on acceptance this Petition, this Honorable Tribunal may very graciously be pleased to issue direction to respondents to implement the order of this Honourable Tribunal in letter and sprit so as to meet the ends of justice.

Your humble Petitioner,
Haseeb
Haseeb Akbar
Through Counsel

Dated: 13/01/2023

Amir
Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

CMA No. _____/2023

Haseeb Akbar

.....**Petitioner.**

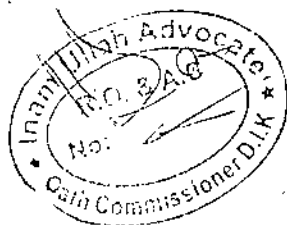
VERSUS

Government of KPK through Chief Secretary Civil Secretariat
Peshawar and others.**Respondents**

AFFIDAVIT

I, Haseeb Akbar S/O Muhammad Akbar UDC office of the Additional Deputy Commissioner (Finance & Planning) South Waziristan Tribal District Tank, do hereby solemnly affirm and declare on Oath that the contents of Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Haseeb
DEPONENT



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

5 A

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No 4986 / 2021

Diary No. 4872

Dated 14/4/2021

Haseeb Akbar S/O Muhammad Akbar UDC office of the Additional

Deputy Commissioner (Finance & Planning) South Waziristan Tribal

District Tank. 03377504948Appellant

VERSUS



1. Government of KPK through Chief Secretary Civil Secretariat Peshawar.
2. Secretary Home Department Government of KPK Civil Secretariat Peshawar.
3. The Senior Member Board of Revenue Peshawar.
4. The Commissioner D.I.Khan Division, D.I.Khan
5. The Deputy Commissioner South Waziristan Tribal District at Tank. Respondents

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER OF WITHHOLDING AND NON-DISPOSAL OF DEPARTMENTAL APPEAL OF THE APPELLANT BY RESPONDENT NO. 5 WITHIN THE STATUTORY PERIOD.

Respectfully Sheweth:

Service Tribunal
Peshawar

- (1) That the addresses of the parties given above are sufficient for the purpose of service of the parties.
- (2) That the appellant is a citizen of Islamic Republic of Pakistan and is a permanent resident of SWTD and being a citizen of the Country has the rights and obligation under the constitution.
- (3) That the Appellant was appointed as UDC BPS-C9 in the office of Additional Political Agent South Waziristan Agency vide order

September, 2022

Learned counsel for the appellant present, Mr. Asif Masood Ali Shah, Deputy District Attorney, alongwith Mr. Sher Bahadar Khan, Additional Assistant Commissioner Latha for official respondents and learned counsel for private respondents also present.



2. After hearing learned counsel for the appellant and learned Deputy District Attorney, the only grievance of the appellant appears to be that he is not being provided seniority list containing his name. Mr. Sher Bahadar Khan, Additional Assistant Commissioner Latha is present on behalf of official respondents and undertakes that the department will provide seniority list to the appellant containing his name within 10 days from today. The appellant is at liberty to challenge the same subject to limitation and exception if he feels himself aggrieved from the same. Disposed of accordingly. Consign.

3. Pronounced in open court in D.I.Khan and given under our hands and seal of the Tribunal this 28th day of September, 2022.

sdf

(Salah Ud Din)
Member (Judicial)
Camp Court D.I.Khan

(K) sdf

(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

certified to be true copy

(Signature)
Khalid Ahmad Khan
Service Tribunal
Peshawar

Date of Presentation of Application 19-10-22

Number of Pages 800

Copies of 10/-

10/-

Date of Copy 03-11-22

Date of Delivery of Copy 03-11-22

To,

The Deputy Commissioner,
South Waziristan Tribal District
At Tank.

7

B

Through: PROPER CHANNEL.

Subject: REQUEST FOR IMPLEMENTATION OF ORDER
DATED 28.09.2022 OF HONOURABLE KPK
SERVICE TRIBUNAL CAMP COURT D.I.KHAN IN
SERVICE APPEAL NO. 4986/2021.

Sir,

The Applicant submits the following few lines
for your sympathetic consideration please:-

- (1) That the Applicant filed the subject cited service appeal in the KPK Service Tribunal Peshawar.
- (2) That the Service Appeal came up for hearing before the Honourable Service Tribunal camp Court D.I.Khan on 28.09.2022 and the Honourable Service Tribunal was pleased to observe that seniority list be provided to the applicant within 10 days. Copy of order is enclosed for perusal.

In view of the above submission, it is therefore, humbly prayed that the subject cited order of the Honourable Service Tribunal may please be implemented in letter and spirit and the Applicant may please be provided the seniority list within the stipulated period as ordered by the honourable Tribunal.

Dated: 15/11/2022

Your Humble Applicant


Haseeb Akbar,
UDC

Office of the Additional Deputy
Commissioner (Finance & Planning)
SWTD at Tank.

KHYBER PAKHTUNKHWA BAR COUNCIL
ADVOCATE HIGH COURT

GUL TIAZ KHAN
 Advocate
 No: 11-2787
 Date of Issue: June 2020
 Valid upto: June 2023

Gul Tiaz Khan
 KP Bar Council

Father's Name: MUHAMMAD NAWAZ KHAN
 Address: E-27, COMMISSIONERS COLONY NORTH, CIRCULAR ROAD D.I. KHAN
 Contact No:
 Enrolment Date: L.O.03-July-2008
 Enrolment Date: H.C.08-November-2010
 Place of Practice: D.I. KHAN
 Date of Birth: 01-November-1981
 Blood Group: B+ VE
 C.NIC No: 12101-5311190-1

KHYBER PAKHTUNKHWA BAR COUNCIL

VAKALATNAMA

IN THE COURT OF *Before The KPK Service Tribunal Peshawar*

Haseeb Akhtar VERSUS *Govt. of KPK STZ*

Title *CMA*

I/we *Haseeb Akhtar*

The above named *Petitioner* herby appoint Gul Tiaz Khan Marwat Advocate High Court D.I.Khan, in the above mentioned case to all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
 2. To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.
 3. To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the proceeding.
 To do all other acts and things, which may deemed necessary or advisable during the course of proceedings.
- AND hereby agree:
- a. To ratify whatever advocates may do the proceedings.
 - b. Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence from the court when it is called for hearing.
 - c. That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains un-paid.
 - d. That advocates may be permitted to argue any other point at the time of arguments.

In witness whereof I/we have signed this vakalatnama here under the contents of which have been read/explained to me/us which is fully understood by me/us.

Date: *18/11/2023*

Haseeb
 Signature of Executants (s)

Attested & Accepted:
Gul Tiaz Khan
 Gul Tiaz Khan Marwat
 Advocate High Court D.I.Khan (KPK)
 Cell No. 0300-9092488 / 0345-9853488

(Haseeb Akhtar)