

02.03.2020

Petitioner absent. Learned counsel for the petitioner absent. However clerk to counsel for the petitioner present and seeks adjournment. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Zaheer ud Din Private Secretary present and seeks time to furnish reply/implementation report. Adjourn. To come up for reply/implementation report on 06.04.2020 before S.B at Camp Court, Swat.

Member
Camp Court, Swat.

Due to corona virus
court to camp court Swat
has been cancelled. To
come up for the same
on 01/06/2020


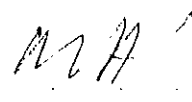
03.06.2020

Due to Covid-19, the case is adjourned. To come up for the same on 06.07.2020 before SB at camp court Swat.

Reader

Form - A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 411/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.11.2019	<p>The execution petition of Mr. Kashif Hameed submitted today by Mr. Shamsul Hadi 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 04/11/19</p>
2-		<p>This execution petition be put up before touring S. Bench at Swat on <u>07-01-2020</u></p> <p style="text-align: right;">CHAIRMAN</p> <p style="text-align: right;"></p>

-BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL CAMP COURT AT SWAT.

C.M No: _____ /2019. **E.P. No. 411/2019**

In Service Appeal No. 652/2016

Akhtar WaqasAppellant

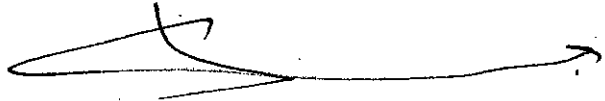
V/S

Advocate General KPK etcRespondents.

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4	Copy of application to the respondent No.1		7
5	wakalat Nama		8

Appellant through Counsel



Shams-ul-Hadi
Advocate High Court

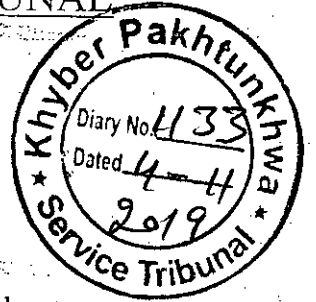
①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
CAMP COURT AT SWAT.

C.M No: 411 / 2019.

In Service Appeal No. 652/2016

Akhtar WaqasAppellant



V/S

Advocate General KPK etcRespondents

APPLICATION FOR IMPLEMENTATION OF ORDER DATED:
03.09.2019 OF THIS HONORABLE TRIBUNAL

Respectfully Sheweth,

The Appellant submit as under:

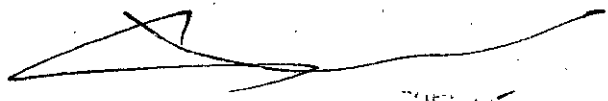
1. That the titled Service Appeal was pending before this Honorable Tribunal, which was decided in favour of the appellant vide order dated: 03-09-2019.
(Copy of order dated: 03-09-2019 is annexed as annexure " A ").
2. That vide order aforesaid the respondent department was directed to consider the case of the appellant in the prescribed manner for promotion to the post of junior Clerk from the date when his erstwhile Junior Class-IV colleagues were promoted.
3. That after the order Dated: 03-09-2019 in the titled Service Appeal, the appellant submitted an application on 28-09-2019, before the respondent No.1 to comply with order of this Honorable Tribunal, but in vain.

4. That the appellant have no other adequate remedy, hence the instant application.

In view of the above, it is very humbly prayed that on acceptance of the instant application, the respondent No. 1 may kindly be directed to comply with the order Dated: 03-09-2019 of this Honorable Tribunal.

Any other relief that has not been specifically prayed for, may also be granted.

Appellant through Counsel



Shams-ul-Hadi
Advocate High Court

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
CAMP COURT AT SWAT.

C.M No: _____ / 2019.

In Service Appeal No. 652/2016

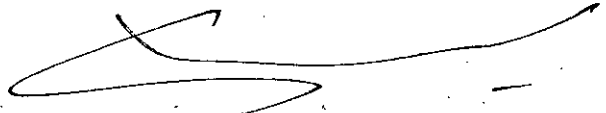
Akhtar WaqasAppellant

V/S


Advocate General KPK etcRespondents

AFFIDAVIT

I Shams-ul-Hadi, Advocate High Court, do hereby solemnly affirm and declare on oath, that the contents of this application is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.



Shams-ul-Hadi
Advocate High Court

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1.	2	<p style="text-align: center;">3</p> <p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>At Camp Court, Swat.</u></p> <p style="text-align: center;">Service Appeal No. 652/2016</p> <p style="text-align: center;">Date of Institution 08.06.2016 Date of Decision 03.09.2019</p> <div style="text-align: right;">  </div> <p>Akhtar Waqas Naib Qasid Additional Advocate General Office at Peshawar High Court, Mingora Bench/Dar-ul-Qaza, Swat. Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. Advocate General Khyber Pakhtunkhwa, Peshawar. 2. Mohsin Kamal Junior Clerk Additional Advocate General Office, at Peshawar High Court, Mingora Bench/Dar-ul-Qaza, Swat. 3. Arshid Iqbal Junior Clerk Additional Advocate General Office, at Peshawar High Court, Mingora Bench/Dar-ul-Qaza, Swat. <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan-----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Learned counsel for appellant present. Mr. Mian Amir Qadir learned Deputy District Attorney present.</p> <p>2. This Single/common judgment in the above captioned service appeal shall also dispose of service appeal bearing No.653/2016 filed by Kashif Hameed being identical in nature having arisen from the same facts and circumstances.</p>

03.09.2019

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

3. The appellant (Naib Qasid) has filed the present service appeal being aggrieved against the promotion order dated 14.07.2014 in relation to promotion of Class-IV Officials as Junior Clerks. Prayer of the appellant is for his promotion as Junior Clerk according to his seniority position by maintaining correct seniority list.

4. Arguments heard. File Perused.

5. Learned counsel for the appellant argued that the appellant was appointed as Naib Qasid vide order dated 30.11.2010 and posted at the office of Additional Advocate General, at Peshawar High Court, Mingora Bench/Dar-ul-Qaza, Swat.; that the appellant has been performing his duties honestly and efficiently; that vide order dated 14.07.2014, respondent No.1 promoted Class-IV officials, junior to the appellant, to the post of Junior Clerk while ignoring the appellant; that again on 17.07.2014 Class-IV officials, junior to the appellant, were promoted as Junior Clerk and similarly on 02.08.2014 one Class-IV official, junior to the appellant, was promoted; that feeling aggrieved the appellant filed departmental appeal for his promotion to the post of Junior Clerk but the same was not answered. Learned counsel for the appellant stressed that the appellant is entitled for promotion to the post of Junior Clerk according to his seniority position by maintaining correct seniority list.

6. Learned Deputy District Attorney though resisted the present service appeal however he could not give any plausible explanation that as to how and in what manner promotions of Class-IV officials were made by the respondent department. Minutes of the meetings of DPC to

2019
 ATTENDED

2019
 JUDGE
 Peshawar High Court
 Service Tribunal
 Peshawar

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that effect were not made available on the record to determine that as to whether the promotions were made in the prescribed manner and that whether the appellants were also considered for promotion or otherwise.

7. In view of above the present service appeal and the connected service appeal are accepted and the respondent department is directed to consider the case of the appellants in the prescribed manner for promotion to the post of Junior Clerk from the date when their erstwhile junior Class-IV colleagues were promoted. Parties are left to bear their own costs. File be consigned to the record room.

(Ahmad Hassan)
Member

(Muhammad Hamid Mughal)
Member
Camp Court, Swat.

ANNOUNCED.
03.09.2019

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Petition 18-09-19

Number of Witnesses 1200

Copying Fee 14-00

Urgent _____

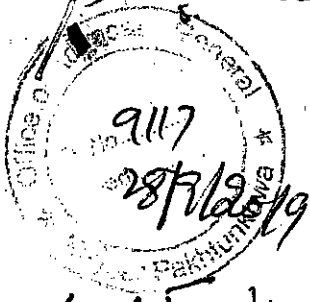
Total 14-00

Name of Copyist _____

Date of Completion of Copy 20-09-19

Date of Delivery of Copy 20-09-19

خدمت جناب ریڈ وکیٹ جنرل صاحب خیر سخونخواہ پشاور پانڈی کورٹ مشاوری



عنوان: درخواست بھراؤ ترقی نائب قاصد تا جو شہر کلرک

جناب عالی ا

مودبانہ گزارش لکھو یوں ہے کہ سائل خ 23-11-2010 سے نائب قاصد کے عہدے پر ایڈیشنل ریڈ وکیٹ جنرل آفس منگورہ پنج درالقضاء سوات پرفائٹری ہے اور اپنی ذمہ داریاں بخوبی انجام دے رہا ہے۔

سائل نے (Seniority list) کے مطابق ریڈ وکیٹ جنرل آفس پشاور میں ترقی لینے لپٹے ڈیپارٹمنٹل اپیل جمع کی جس پر غور و فکر نہ ہو سکا لہذا سائل کے پاس کوئی درجہ ترقی نہ تھا اور خیر سخونخواہ سروس ٹریبونل پشاور میں سروس اپیل نمبر 652/2016 جمع کیا۔

چونکہ اب مندر عدالت کا فیصلہ 2016-09-03 کو سائل کے حق میں ہوا اور مندر عدالت نے ہدایات دی ہیں کہ سائل کو جو شہر کلرک کے پوسٹ پر ترقی دیا جائے (فیصلہ لفظی)

لہذا بذریعہ درخواست استدعا ہے کہ سائل کو مندر عدالت خیر سخونخواہ سروس ٹریبونل پشاور کے فیصلے کے رو سے جو شہر کلرک پوسٹ پر ترقی دیا جائے تو سائل تا زندگی دعا گو اور مشکور رہے گا۔

العارض 28-09-2019

اختر وقاص (نائب قاصد)
ایڈیشنل ریڈ وکیٹ جنرل آفس
دارالقضاء سوات

مورخہ: 28 ستمبر 2019ء

بعدالت محالہ
سروس ٹریڈنگ کمپنی کے لوگ کو اس کے

کوٹ فیس	قیمت ایک روپیہ
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مورخہ
مقدمہ
دعویٰ
جرم

۲۰ منجانب

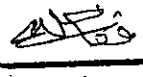

احتراماً و خاص بنام ایڈووکیٹ صاحب

باعث تحریر آنکہ

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ آن مقام منگورن کمپنی کے لئے جسٹس ایڈووکیٹ کے لئے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہا گا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند ہے

احتراماً و خاص بنام ایڈووکیٹ صاحب

المقوم ۵۴ ماہ نومبر ۲۰۱۸

العبد  گواہ شدہ العبد
 بمقام محیب کوہ 
 کے لئے منظور ہے
 A Hasnood
 my Shams ul Haq