

11.09.2019

Petitioner alongwith counsel and Mr. Ziaullah, DDA for the respondents present.

In view of office order dated 06.07.2019 issued by Senior Civil Judge Peshawar instant proceedings are consigned to record room. The petitioner may apply for restoration of proceedings in case any portion of relief granted to him remain unsatisfied.



Chairman

02.05.2019

Counsel for the petitioner and Mr. Usman Ghani, District Attorney for the respondents present.

Learned counsel for the petitioner states that due to non-availability of petitioner she has not received fresh instructions in the matter. On the other hand, learned District Attorney states that no representative of the respondents has contacted him in the matter.

Notice be issued to the respondents for submission of implementation report on the next date of hearing.

Adjourned to 20.06.2019 before S.B.


Chairman

20.06.2019

Petitioner alongwith counsel and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned to 02.08.2019 for further proceeding before S.B.


(Muhammad Amin Khan Kundi)
Member

02.08.2019

Counsel for the petitioner and Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the petitioner requests for adjournment.

Adjourned to 11.09.2019 before S.B.


(Ahmad Hassan)
Member

E.P No. 173/2018

10.12.2018

Petitioner alongwith her counsel present. Mr. Kabirullah Khattak, Additional for the respondents present and requested for adjournment. Adjourned. To come up for further proceedings on 23.01.2019 before S.B.


Muhammad Amin Khan Kundi
Member

23.01.2019

Petitioner in person present. Fresh notice be issued to the respondent department for 08.03.2019. Adjourn. To come up for further proceedings on 08.03.2019 before S.B.


Member

08.03.2019

Petitioner in person present Mr. Kabirullah Khattak, Additional AG for the respondents present and seeks adjournment. Adjourned to 01.04.2019 for further proceedings before S.B.


(Muhammad Amin Khan Kundi)
Member

01.04.2019

Petitioner in person present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Petitioner seeks adjournment as his counsel is not available today. Adjourned. Case to come up for further proceedings on 02.05.2019 before S.B.


(Ahmad Hassan)
Member

11.09.2018

Petitioner Habib Ur Rehman in person alongwith his counsel Miss. Naila Jan, Advocate present. Mr. Kabirullah Khattak, Addl: AG for respondents present: The petitioner produced appointment order passed by the competent authority but he is aggrieved from the same. As per his version he was appointed as Naib Qasid but in the reinstatement order he has been shown as Chowkidar, so the record of original appeal was summoned wherein in para-7 of the body of appeal he was mentioned as Chowkidar and for that matter truly speaking the competent authority implemented the judgment of this Tribunal in letter and spirit. However, at this stage the learned counsel for the petitioner requested for adjournment to produce such law on the above mentioned point. Case to come up for further proceedings on 23.10.2018 before S.B.


Chairman

23.10.2018





Due to retirement of Hon'ble Chairman, the tribunal is defunct. Therefore, the case is adjourned. To come up on 10.12.2018


READER

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _173/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07.06.2018	<p>The execution petition submitted by Mst. Habib-ur-Rehman through Naila Jan 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>
2-		<p>This execution petition be put before S. Bench on <u>12/6/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	12.06.2018	<p>Petitioner with counsel present. Notice be issued to the respondents for implementation report for 30.07.2018 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>
	30.07.2018	<p>Neither petitioner nor his counsel present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Case to come up for further proceedings on 11.09.2018 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Execution petition No. 173 /2018

In

Service Appeal No: 552/2014

Habib Ur Rehman

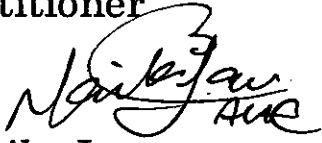
VERSUS

District and Session Judge Peshawar AND OTHERS

INDEX

S#	Description of Documents	Annex	Pages
1.	Execution Petition with Affidavit.		1-3
2.	Addresses of Parties		4
3.	Copy of Judgment		5-8
4.	Wakalat Nama.		

Dated: 07-06-2018

Petitioner
Through 
Naila Jan
Advocate, High Court
Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Execution petition No. 173 /2018

In

Service Appeal No: 552/2014

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 651

Dated 07/06/2018

Habib Ur Rehman S/o Khanadan R/o Baghica, Safaid
Sang, Peshawar.

.....*Petitioner*

Versus

1. District and Session Judge Peshawar.
2. Senior Civil Judge Peshawar.

.....*Respondents*

EXECUTION PETITION FOR
IMPLEMENTATION OF THE
JUDGMENT OF THIS HON'BLE
TRIBUNAL IN APPEAL No.
552/2014 DECIDED ON
19/03/2018

Respectfully Sheweth,

1. That the above mention appeal was decided by
this Hon'ble Tribunal vide Judgment dated

19/03/2018. (Copy of the judgment is annexed as annexure "A")

2. That the relevant portion of the judgment is reproduced present appeal is consequently the present appeal is accepted in terms that the major punishment of compulsory retirement from service is modified and converted to withholding of three (03) annual increments for a period of three (3) years. Absence period and intervening period shall be treated as extraordinary leave without pay. Parties are left to bear their own costs. File be consigned to the record room.


3. That the Petitioner after getting of the attested copy of same approached the Respondent several times for implementation of the above mentioned judgment. However they are using delaying tactics and reluctant to implement the judgment of this Hon'ble Tribunal.

4. That the Petitioner has ⁽³⁾ no other option but to file the instant petition implementation of the judgment of this Hon'ble Tribunal

5. That there is nothing which may prevent this Hon'ble Tribunal from implementing of its own judgment.

It is, therefore, requested that on acceptance of this petition the Respondents may directed to implement the judgment of this Hon'ble Tribunal by reinstating the Petitioner with all back benefits.

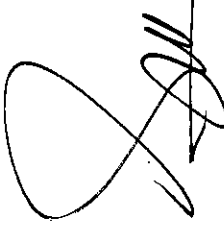
Dated: 07/06/2018

Petitioner
Through 
Naila Jan
Advocate, High Court
Peshawar

AFFIDAVIT:-

I, Habib Ur Rehman S/o Khanadan R/o Baghica, Safaid Sang, Peshawar, do hereby solemnly affirm and declare on oath that all the contents of above application are true and correct to the best of my knowledge and belief and nothing has been misstated or concealed from this Hon'ble Court.

Deponent


8/06/2018
ATTESTED
IRFAN ULLAH ADVOCATE
NOTARY PUBLIC

4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Execution petition No. _____/2018

In

Service Appeal No: 552/2014

Habib Ur Rehman

VERSUS

District and Session Judge Peshawar AND OTHERS

ADDRESSES OF PARTIES

PETITIONER

Habib Ur Rehman S/o Khanadan R/o Baghica, Safaid Sang, Peshawar.


RESPONDENTS

1. District and Session judge Peshawar.
2. Senior Civil Judge Peshawar.

Dated: 07/06/2018

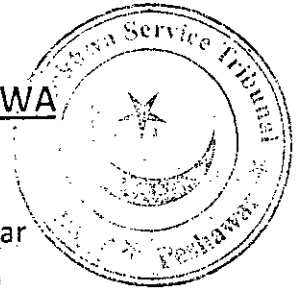
PETITIONER

Through


Naila Jan
Advocate High Court
Peshawar

(5)

IN THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR



Habib Ur Rehan S/o Khanadan R/o Baghica, Safaid Sang, Peshawar

Appeal no. 552/14

Appellant

VERSUS

1. District and Session Judge Peshawar
2. Senior Civil Judge Peshawar

Respondents

560
14-4-2014

4/5-4 of Service Tribunal Act-1974

APPEAL AGAINST THE IMPUGNED JUDGMENT AND ORDER DATED THE 11-04-2014 OF THE LEARNED DISTRICT AND SESSION JUDGE PESHAWAR, WHEREBY, THE DEPARTMENTAL APPEAL AGAINST THE IMPUGNED JUDGMENT DATED 12-03-214 OF THE LEARNED SENIOR CIVIL JUDGE PESHAWAR, WHEREBY THE APPELLANT WAS COMPULSORY RETIRED ON ALLEGED LEAVE WITHOUT PRIOR PROPER APPROVAL WAS DISMISSED IN A CLASSICALLY CURSORY MANNER.

RESPECTFULLY SHEWETH,

1. That the appellant has been a class-IV employee in the capacity of been a chokidar, in the District Courts Peshawar.
2. That the appellant was served an explanation No. 717 of Dated 19-08-2013 issued from the office of learned Senior Civil Judge Peshawar (Copy is annexed here as Ann "A").
3. That it was called upon the appellant that due explanation be furnished for the alleged leave without proper approval. It was vide the same explanation notification that the inquiry in case of the appellant was dispensed off, but at the same time was asked to submit reply.
4. That proper reply was submitted and quit cogent and solid reasons were detailed therein, but even then the same was turned down vide the impugned judgment and order dated 10-03-2014 (Copy of the reply and impugned Order Dated 10-03-2014 are annexed here with as Ann-"B & C" respectively).
5. That at last office order No. 8(DAS) 2369-71 Dated 12-03-2014 was communicated to the appellant whereby the appellant was compulsory retired from service (copy is annexed here with as

ATTESTED

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Signature]
14/4/14

re-submitted to court and filed.

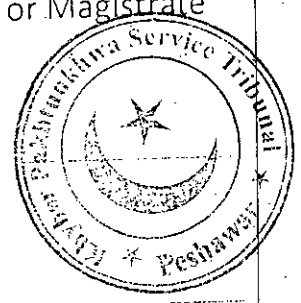
[Signature]

(6)

no of
of
proceedings

Order or other proceedings with signature of Judge or Magistrate

3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 552/2014

Date of Institution ... 14.04.2014
Date of Decision ... 19.03.2018

Habib.Ur Rehman son of Khanadan resident of Baghica, Safaid Sang, Peshawar.

Appellant

1. District & Session Judge Peshawar.
2. Senior Civil Judge Peshawar.

Respondents

03.2018

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Learned counsel for the appellant present. Learned Deputy District Attorney for the respondents present.

2. The appellant (Ex-Chowkidar District Courts Peshawar) has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 12.03.2014 whereby he was compulsory retired from service on the ground of absence from duty w.e.f 03.08.2013 to 13.08.2013 and against the order dated 11.04.2014 whereby departmental appeal of the appellant against the original order dated 12.03.2014 was dismissed.

3. Learned Counsel for the appellant while assailing the impugned orders argued that the appellant remained absent from duty only for a few days for the reasons beyond his control. Further argued that the appellant could not attend to his duties due to army operation against miscreants in the FATA and its suburbs as no one

Handwritten signature/initials

ATTESTED

Handwritten signature
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

was allowed/able to come out from their houses for performing duties. Further argued that the impugned punishment is excessive and harsh and the appellant does not deserve the same.

4. As against that Learned Deputy District Attorney resisted the present appeal and argued that the appellant remained willfully absent from his duties without any permission. Further argued that the impugned orders were issued after adhering to all the legal requirements and as such do not deserve any interference.


5. Arguments heard. File perused.

6. From perusal of letter for explanation dated 19.08.2013, Show Cause Notice dated 07.09.2013 and original impugned order dated 12.03.2014, it is evident that the appellant was awarded punishment of compulsory retirement on the ground that he remained absent from duty for a period of 11 days i.e. w.e.f 03.08.2013 to 13.08.2013. On the other hand the appellant in his reply to letter for explanation, reply to Show Cause Notice, Departmental Appeal and in the present service appeal has taken the stance that the appellant could not attend to his duties due to army operation in FATA and suburbs and which fact is an open secret. In this backdrop particularly keeping in view the absence period, the punishment of compulsory retirement appears to be excessive and harsh.

7. Consequently the present appeal is accepted in terms that the major punishment of compulsory retirement from service is modified and converted to withholding of three (03) annual increments for a period of three (03) years. Absence period and

Lawyer

ATTESTED


 Deputy District Attorney
 Service Appeal
 Peshawar

intervening period shall be treated as extraordinary leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
19.03.2018

Sd/- M. Hamed Mughal
Member

Sd/- M. Amn Khan Kundh
Member

Certified to be true copy
E. M. KHAN
KINERVA
SERVICES PROGRAM
Peshawar

Date of Presentation of Application: 03-04-18
Number of Words: 1600
Copying Fee: 10.00
Urgent: 10.00
Name of Copyist: [Signature]
Date of Completion: 04-04-18
Date of Delivery of Copy: 04-04-18

(8)

قیمت
50 روپے



40826

ایڈوکیٹ: Naila Jan

بار کونسل ایسوسی ایشن نمبر:

رابطہ نمبر: 03129215471

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: محکمہ سروس ٹریڈ یونین گنجانہ

مخائب: <u>Petitioner</u>	دعویٰ:
<u>Habib ur Rehman</u>	علت نمبر: <u>E.P. No. 173/18</u>
بنام	مورخہ:
<u>Sessio Judge</u>	جرم:
<u>Peshawar</u>	تھانہ:

بامث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ

آن مقام Peshawar کیلئے Naila Jan کو وکیل 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 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 کاروائی 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 باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ 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: 07/06/2018

العبد Wahid العبد

مقام Peshawar کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونکاپی ناقابل قبول ہوگی۔

Attested

Accepted by

Naila Jan

Habib ur Rehman

Habib ur Rehman

DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Phone: 091-9213534

eMail: scjpesawar@gmail.com

Web: www.SessionsCourtPeshawar.gov.pk

No. 50

Dated Peshawar 03-09-18

OFFICE OF THE SENIOR CIVIL JUDGE^(ADMIN), PESHAWAR.

03, SEPTEMBER, 2018.

OFFICE ORDER

In view of the internal arrangement, for removing difficulties and effective functioning of the administration, following transfer and posting is hereby ordered, with immediate effect:

S. No.	NAME OF OFFICIAL	FROM	To
1.	Mr. Habib ur Rehman Chowkidar	Process Serving Agency of Civil Courts, new Judicial Complex, Peshawar	Gate 02 of Old Judicial Complex Peshawar
2.	Mr. Sajid Ullah, Chowkidar	Night Duty, Old Judicial Complex, Peshawar	High Court Gate in New Judicial Complex, Peshawar
3.	Mr. Muhammad Irfan Naib Qasid	High Court Gate in New Judicial Complex, Peshawar	Court of Mr. Zia ul Hassan, Rent Controller-I, Peshawar
1.	Mr. Gul Wahab Chowkidar	Court of Mr. Zia ul Hassan, Rent Controller-I, Peshawar	Night Duty, Old Judicial Complex Peshawar


Alamgir Shah

Senior Civil Judge^(Admin)
Peshawar

ENDST: No. 50 / SCJ Dated Peshawar the 03/09/2018.

COPY FORWARDED TO:

1. Hon'ble the District & Sessions Judge, Peshawar, for information.
2. The Official concerned.

- sd -
Senior Civil Judge^(Admin)
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 173/2018

In

Service Appeal No. 552/2014

Habib Ur Rehman S/O Khandadan R/O Baghica,
Safaid Sang, Peshawar

VS

District and Session Judge, Peshawar and other.

Subject: **EXECUTION PETITION NO. 173/2018, TITLED "HABIB ULLAH
VS JUDICIARY"**

Respectfully Sheweth,

Reference your letter No. 127-30 dated 08/05/2019, on the subject cited above, it is submitted that the order dated 19/03/2018 of worthy Khyber Pakhtunkhwa Service Tribunal, Peshawar has been complied with and the petitioner Habib Ullah has been reinstated in service as Chowkidar vide this Office Order bearing endorsement No. 591-96 dated 06/07/2018, and posted at Gate No. 02 of Old Judicial Complex Peshawar vide Transfer/Posting Order bearing endorsement No. 575-80 dated 03/09/2018.

Encl: AS ABOVE

No: 44/SCJ(Admin)
22-5-19.

Respondent No. 2
Senior Civil Judge (Admn),
Peshawar
SHABIB MUHAMMAD DURRANI
Senior Civil Judge, (ADMIN)
Peshawar.

DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Phone: 091-9213534

eMail: scjpesawar@gmail.com

Web: www.SessionsCourtPeshawar.gov.pk

No. 575-80

Dated Peshawar 03-08-18

OFFICE OF THE SENIOR CIVIL JUDGE^(ADMN), PESHAWAR.

03, SEPTEMBER, 2018.

OFFICE ORDER

In view of the internal arrangement, for removing difficulties and effective functioning of the administration, following transfer and posting is hereby ordered, with immediate effect:

S. No.	NAME OF OFFICIAL	FROM	To
1.	Mr. Habib ur Rehman Chowkidar	Process Serving Agency of Civil Courts, new Judicial Complex, Peshawar	Gate 02 of Old Judicial Complex Peshawar
2.	Mr. Sajid Ullah, Chowkidar	Night Duty, Old Judicial Complex, Peshawar	High Court Gate in New Judicial Complex, Peshawar
3.	Mr. Muhammad Irfan Naib Qasid	High Court Gate in New Judicial Complex, Peshawar	Court of Mr. Zia ul Hassan, Rent Controller-I, Peshawar
4.	Mr. Gul Wahab Chowkidar	Court of Mr. Zia ul Hassan, Rent-Controller-I, Peshawar	Night Duty, Old Judicial Complex Peshawar

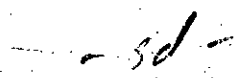

Alamgir Shah

Senior Civil Judge^(Admn)
Peshawar.

ENDST: No. 575-80 /SCJ Dated Peshawar the 03/08/2018.

COPY FORWARDED TO:

1. Hon'ble the District & Sessions Judge, Peshawar, for information.
2. The Official concerned.


Senior Civil Judge^(Admn)
Peshawar.

DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Phone: 091-9213534
E-mail: scjpeshtawar@gmail.com
Web: www.SessionsCourtPeshawar.gov.pk

No. 591-96
Dated Peshawar 06-07-18

OFFICE ORDER

Consequent upon the decision of Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 19.03.2018 passed in appeal No.552/14 and implementation petition No.173/18, wherein the major penalty of compulsory retirement from service was modified and converted to withholding of 3 annual increments for a period of 03 years.

Consequent upon the above verdict of the Service Tribunal, Peshawar, Mr. Habib ur Rehman Chowkidar is reinstated on the vacant post of Chowkidar w.e.f. 19.03.2018. He is liable to the punishment of withholding 03 annual increments for a period of 03 years. The absence and intervening period shall be treated as extraordinary leave without pay prior to the judgment of Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Necessary entries to this effect be made in his service book.

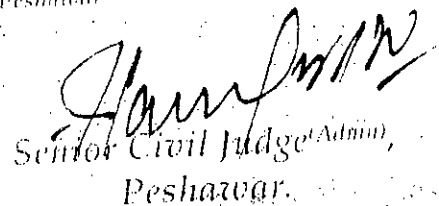


ALAMGIR SHAH,
Senior Civil Judge^{Admin},
Peshawar.

No. 591-96 Peshawar Dated 06/07/2018.

Copy forwarded for Information/Compliance to:

1. The Hon'ble District & Sessions Judge, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Clerk of Court, Senior Civil Judge, Peshawar.
4. Civil Nazir, Senior Civil Judge, Peshawar.
5. Official concerned by name.
6. Office Copy.



Senior Civil Judge^{Admin},
Peshawar.