

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

Misc application No. \_\_\_\_\_

In

Execution petition No. 365/2019

In

In Service Appeal No. 979/2013

Dr. Muzaffar Iqbal VS Health Department

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 4067

Dated 6/3/2023

**APPLICATION FOR RESTORATION OF EXECUTION PETITION NO. 365/2019**

**Respectfully Sheweth,**

1. That the above tilted execution was pending before this Honorable Service Tribunal which was fixed for 13/02/2023. However the petitioner and his counsel have noted 14/02/2023 as date of hearing inadvertently.
2. That the this Honorable Service Tribunal vide order dated 13/02/2023 consigned the titled execution petition on the ground that compliance of the judgment has been made.
3. That the judgment dated 29/06/2015 has not been implement in letter and spirit and the respondent department are still reluctant to process the case of the petitioner for pensionary benefits.

It is therefore, requested that the execution petition may kindly be restored

*M. Iqbal*  
Petitioner

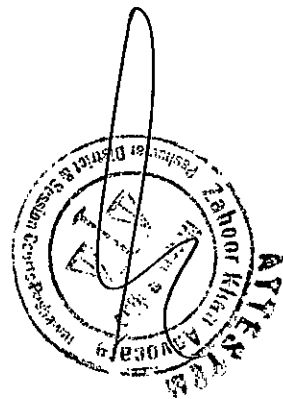
Through

*Taimoor Ali Khan*  
Taimoor Ali Khan  
Advocate

**AFFIDAVIT**

Stated on oath that the content of instant application are correct to the best of my knowledge and belief and nothing has been concealed.

*M. Iqbal*  
Deponent

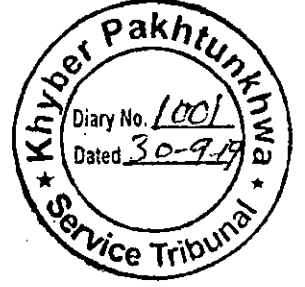


## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Application No. 365 /2019

IN

Service Appeal No. 979 /2013



Dr. Muzaffar Iqbal,  
Ex- Senior Registrar (Ophthalmology),  
DHQ Hospital, D.I. Khan ..... Applicant / Petitioner

Versus

1. The Govt. of Khyber Pakhtunkhwa,  
through Chief Secretary,  
Civil Secretariat, Peshawar.
2. The Secretary,  
Govt of Khyber Pakhtunkhwa,  
Health Department,  
Civil Secretariat Peshawar.
3. The Director General,  
Health Services,  
Govt of Khyber Pakhtunkhwa,  
Civil Secretariat Peshawar.
- ✓ 4. The Chief Executive, *Hospital Peshawar*  
DHQ Hospital / Mufti Mehmood Teaching Hospital,  
D.I. Khan
5. The Account General Office,  
The Mall Road, Peshawar Cantt.
- ✓ 6. The District Account Officer,  
D.I. Khan..... Respondents

APPLICATION UNDER CLAUSE (d) OF SUB-SECTION 2 OF THE SECTION 7 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR EXECUTION OF THE DECISION/ORDER PASSED ON 29-06-2015 BY THE LEARNED BENCH OF THIS TRIBUNAL IN SERVICE APPEAL NO. 979/2013 THEREBY THE IMPUGNED ORDER DATED 21-12-2012 OF REMOVAL FROM SERVICE WAS SET ASIDE AND CONVERTED INTO COMPULSORY RETIREMENT.

ATTESTED

*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

+



13<sup>th</sup> Feb, 2023

1. Neither the petitioner nor his counsel is present. Mr. Muhammad Jan, District Attorney alongwith Mr. Mehran Saeed, Accountant for respondents present.

2. Neither the petitioner nor his counsel is appearing before the Tribunal after 28.09.2022. Whereas it was found in the order sheet dated 27.10.2022 that the judgment of the Tribunal was implemented as that had converted the major penalty of removal from service awarded to the petitioner to one of compulsory retirement in pursuance of the judgment notification bearing Endst: No. SOH-I/HD/5-75/06 dated 11.03.2016 was duly passed. It appears that the compliance of the judgment has been made that is why the petitioner is not putting appearance before the Tribunal. This petition is thus filed. The petitioner may make an application if he still thinks that any part of the judgment was not complied with but within thirty days from today. Consign.

4. *Pronounced in open court in D.I.Khan and given under my hand and seal of the Tribunal on this 13<sup>th</sup> day of February, 2023.*

*Certified to be true copy*  
*(Signature)*  
Secretary  
Service Tribunal  
Peshawar

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

Date of Presentation of Application 23/2/2023  
Number of Page 4  
Copying Fee 20/-  
Urgent Slr  
Total 25/-  
Name \_\_\_\_\_  
Date of Court 23/2/23  
Date of Delivery of Copy 23/2/23

# بعدالت

سروس ٹریڈ ہونٹل کیشاور

ڈاکٹر مظفر اقبال 2 منجانب

ڈاکٹر مظفر اقبال کو نام گورنمنٹ آف پی کے

مورخہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آ نکا

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

آن مقام کیشاور کیلئے مضمون علی خان

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 ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی بزمادگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت

مقدمہ مذکور 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 بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں

سب سے و ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے

کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted  
Attest  
[Signature]

20 23

ماہ

[Signature]

المرقوم

العبد د گ واه العبد

M. J. P. 1962