

23.07.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Attaur Rahman, S.I (Legal) for the respondents present.

The representative of respondents has provided copy of notification dated 11.01.2019 whereby the officials mentioned therein were brought on List "F".

Learned counsel for the petitioner requests for time to go through the notification and submit objections on behalf of the petitioner, if any.

Adjourned to 28.08.2019 for further proceedings before S.B.



Chairman

28.08.2019

Counsel for the petitioner and Mr. Usman Ghani, District Attorney alongwith Attau Rahman, Inspector (Legal) for the respondents present.

Learned counsel for petitioner states that although the name of petitioner has been included in List "E", however, consequential benefits have not been extended to him. The petitioner, therefore, intends to avail his legal remedy in that regard, both at departmental level and through further proceedings, if need be. At present he has no cavil with the consignment of instant proceedings to the record room. Order accordingly.

File be consigned to the record room.



Chairman

16.04.2019

Learned counsel for the petitioner and Mr. Muhammad Jan learned Deputy District Attorney alongwith Atta ur Rehman SI present. Implementation report not submitted. Adjournment requested. Adjourn. To come up for further proceedings/implementation report on 22.05.219 before S.B.


Member

02.05:2019


Nemo for the petitioner. District Attorney for the respondents present.

Learned District Attorney requests for time to instruct the respondents regarding submission of implementation report. Adjourned to 18.06.2019 before S.B.


Chairman

18.06.2019

Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Atta-ur-Rehman, Inspector (Legal) for the respondents present. Representative of the department submitted revised seniority list of Inspectors & Sub-Inspectors on list "F" of Khyber Pakhtunkhwa Police as it stood on 22.06.2018. The same is placed on record of connected Execution Petition No. 48/2019. Learned counsel for the petitioner requested for adjournment to examine the same. Adjourned to 23.07.2019 for further proceedings before S.B.

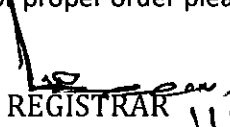
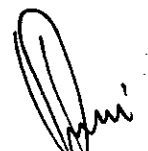


(Muhammad Amin Khan Kundi)
Member

Form- A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 52/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.2.2019	<p>The execution petition of Mr. Darwaish Hassan submitted by Mr. Muhammad Asif Yousafzai 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 11-2-19</p>
2-		<p>This execution petition be put up before S. Bench on <u>8-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	08.03.2019	<p>Learned counsel for the petitioner present. Notice of the present execution petition be issued to the respondent department. To come up for implementation report on 16.04.2019 before S.B.</p> <p style="text-align: right;"> Member</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 166

Dated 1-2-2019

Execution Petition No. 52 /2019
In Service Appeal No 131 /2015

Mr. Dawood Hassan, ASI No. 105
Elite Force, District Mardan.

PETITIONER

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The Regional Police Officer, Mardan, Region, Mardan.

RESPONDENTS

.....

**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED: 30.10.2017 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**

.....

RESPECTFULLY SHEWETH:

1. That the applicant/Petitioner filed Service Appeal No.132/2015 and challenge some alleged secret Seniority list on which department going to make promotion.
2. That the said appeal was finally heard by the Honorable Tribunal on 30.10.2017. The Honorable Tribunal disposed of the appeal and remands the case back to department to decide the appeal of the appellant. (Copy of judgment is attached as Annexure-A).
3. That the respondents were totally failed in taking any action regarded the Hon'able Tribunal Judgment dated 30.10.2017.
4. That in-action and not fulfilling formal requirements by the respondent after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.

5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to pass formal appropriate order.
6. That the petitioner has having no other remedy to file this Execution Petition.

It is, therefore, most humbly prayed that the respondents may be directed to obey the judgment dated 30.10.2017 of this august Tribunal in letter and spirit and decide the case positively in one month due to as urgent matter of seniority disputed and further promotion. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favor of applicant/appellant.

Dawood Hossain
PETITIONER

THROUGH:

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)
&
Syed Noman Ali Bukhari
(SYED NOMAN ALI BUKHARI)
ADVOCATES, PESHAWAR.

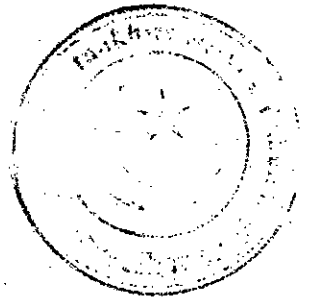
AFFIDAVIT:

It is affirmed and declared that the contents of the above Execution Petition are true and correct to the best of my knowledge and belief.

[Signature]
DEPONENT



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



Appeal No. 131/2015

Mr. Darwaish Hassan, ASI, No.105,
Elite Force, Peshawar HQ.

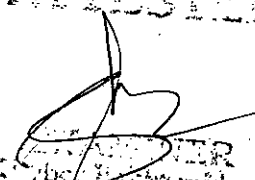
Mr. Darwaish Hassan
Elite Force
Appeal No. 131
Dated 17-2-15

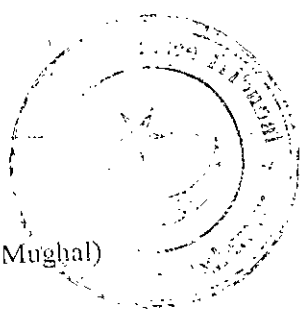
APPELLANT

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Mardan Region, Mardan.
3. Offg: ASI Muhammad Kashwar No.150/MR
4. Offg ASI Ali Rehman No.75/MR
5. ASI Muhammad Zaman No.108/MR
6. ASI Ghulam Badshah No.36/MR
7. ASI Said Ghazan No.04/MR
8. Offg ASI Alam Taj No.222/MR
9. Offg: ASI Muhammad Irfan No.78/MR
10. ASI Zahir Shah No.121/MR
11. Offg; ASI Muhammad Akbar No.178/MR
12. ASI Said Laiq Shah No.111/MR
13. Offg: ASI Nameer Khan No.195/MR
14. Offg: ASI Mir Azam No.76/MR
15. ASI Ahmad Ali No.05/MR
16. Offg: ASI Abdullah No.1464 FRP/MR
17. ASI Abdul Mateen No.107/MR
18. Offg ASI Abdul Hakeem No.25/MR
19. Offg: ASI Manzoor Ahmad No.3457/FRP/MR
20. Offg: ASI Javed Iqbal No.1097/MR
21. Offg: ASI Jamshid No.186/MR
22. Offg: ASI Sana Khawan No.335/MR
23. ASI Sher Ali No.294/MR
24. ASI Muhammad Hussain No.128/MR
25. Offg: ASI Ghulam Nabi No.238/MR
26. Offg: ASI Nisar Muhammad No.358/MR
27. Offg: ASI Fazal Amin No.240/MR
28. Offg: ASI Ajmal Hayat No.308/MR
29. Offg: ASI Khalid Sher No.436/MR
30. Offg: ASI Itbar Shah No.242/MR
31. Offg: ASI Tilawat Khan No.241/MR
32. Offg: ASI Noorul Wahab No.94/MR

ATTESTED


Secretary
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



(Signature)
(Muhammad Hamid Mughal)
Member

(Gul Zeb Khan)
Member

30.10.2017

Counsel for the appellant, Mr. Kabeerullah Khattak, Addl. Advocate General alongwith Muhammad Shafique, Inspector (Legal) for the official respondents and counsel for private respondents present. Arguments heard and record perused.

This appeal is also disposed of in the terms as spelled out in our detailed judgment of today in connected service appeal No. 132/2015, entitled "Chaman Gul Versus the Provincial Police Officer, Mardan Region, Mardan and others". Parties are left to bear their own costs. File be consigned to the record room.

(Signature)
Member

(Signature)
Chairman

ANNOUNCED
30.10.2017

Certified
(Signature)

Number of	6800	29-1-17
Pages	25	
Cost	8	
Total		
Number of		29-1-17
Date of		29-1-17
Date of		

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



Appeal No. 132 / 2015

S. W. P. Provincial
Service Tribunal
Diary No. 126
Dated. 17-8-15

Mr. Chaman Gul, No.183/MR,
Elite Force, District Mardan.

APPELLANT

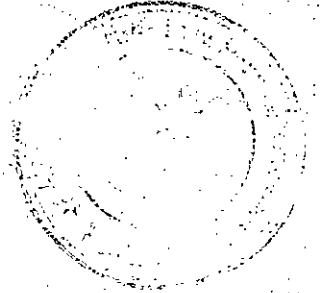
VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Mardan Region, Mardan.
3. Offg: ASI Muhammad Kashwar No.150/MR
4. Offg ASI Ali Rehman No.75/MR
5. ASI Muhammad Zaman No.108/MR
6. ASI Ghulam Badshah No.36/MR
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16. Offg: ASI Abdullah No.1464 FRP/MR
17. ASI Abdul Mateen No.107/MR
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22. Offg: ASI Sana Khawan No.335/MR
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24. ASI Muhammad Hussain No.128/MR
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27. Offg: ASI Fazal Amin No.240/MR
28. Offg: ASI Ajmal Hayat No.308/MR
29. Offg: ASI Khalid Sher No.436/MR
30. Offg: ASI Itbar Shah No.242/MR
31. Offg: ASI Tilawat Khan No.241/MR
32. Offg: ASI Noorul Wahab No.94/MR

ATTACHED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

30.10.2017




Counsel for the appellant, Mr. Kabeerullah Khattak, Addl. Advocate General alongwith Muhammad Shafique, Inspector (Legal) for the official respondents and counsel for private respondents present. Arguments heard and record perused.

2. This order shall dispose of the instant service appeal as well as connected service appeals No. 124/2015 Shakeel Khan, No. 125/20-15 Niaz Ali, No. 126/2015 Shaukat Ali, No. 128/2015 Faqar Qayum, No. 129/2015 Liaqat Shah, No. 130/2015 Lal Nawaz, No. 131/2015 Darwaish Hassan and No. 133/2015 Imran Khan.

3. Both the learned counsel for the appellants as well as private respondents agreed that since the similar matters are pending before the department and it would be proper to remit these case to the department.

4. Since in the present appeals the appellants have challenged some alleged secret seniority list, therefore, it would be better if the department is left to decide the matter independently and

ATTESTED


Kabeer Fakhrukhwa
Service Tribunal,
Peshawar

thereafter the parties shall have their legal right to challenge the decision of the departmental authority in accordance with the law.

5. All the aforementioned service appeals are disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

Muhammad Amin (Muhammad Amin Khan Kundi)
Member

Niaz Muhammad Khan (Niaz Muhammad Khan)
Chairman

ANNOUNCED
30.10.2017

[Signature]
Secretary

Number of 29-1-19
Coping Fee 1200
Migrant 8
Total 2
Name of 10
Date of 29-1-19
Date of Delivery of 29-1-19

VAKALAT NAMA

NO. _____/20

IN THE COURT OF K.Pok Service Tribunal, Peshawar

Darwesh Hassan

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt.

(Respondent)
(Defendant)

I/We Darwesh Hassan

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Darwesh Hassan
(CLIENT)

ACCEPTED

M. ASIF YOUSAFZAI
Advocate

Syed Noman Ali Bukhari
Advocate
Attested

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

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