

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. 49/2019

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. Niaz Ali 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 12/1/19</p>
2	08.03.2019	<p>This execution petition be put up before S. Bench on <u>8-3-19.</u></p> <p style="text-align: right;"> CHAIRMAN</p> <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.

Diary No. 169

Dated 1-2-2019

Execution Petition No. 49 /2019

In Service Appeal No 962 /2014

Mr. Niaz Ali, ASI, No. 232/MR,
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 appellent. **(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.

Niaz Ali
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.

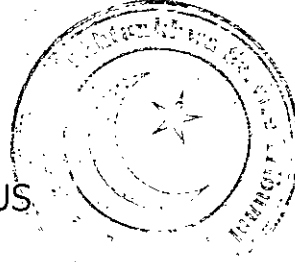
[Signature]
DEPONENT



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

Amended Appeal No.962/2014

Mr. Niaz Ali, ASI, No.232/MR,
Police Line, Swabi.



APPELLANT


VERSUS

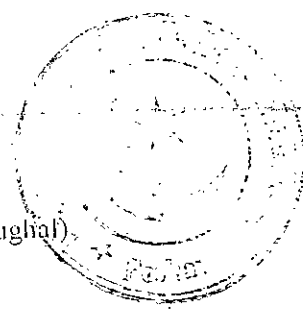
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Mardan Region, Mardan
3. Offg: ASI Muhammad Kashwar No.150/MR
4. Offg ASI Ali Rehman No.75/MR
5. ASI Muhammad Zaman No.108/MR
6. ASI Ghulam Badshah No.36/MR
7. ASI Said Ghazan No.04/MR
8. Offg ASI Alam Taj 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

Filed to 339

Registrar

ATTESTED


REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



(Signature)
(Muhammad Hamid Mughal)
Member

(Gul Zeh 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

Certified to be a true copy 30.10.2017

(Signature)
K...
Peshawar

Date of ... 29/10/15
Number of ... 800
Copying ... 6
Urgent ...
Total ...
Name of ...
Date of ... 29/10/15
Date of ... 29-10-15

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



Appeal No. 132 | 2015


S.W.P. Provincial
Service Tribunal
Distry No. 126
Dated 17-2-15

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
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

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 Faisal 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

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Kabeerullah Khattak
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

Certified to be a true copy
10/11/17
Secretary
Peshawar

List of cases
Number of cases
Copying Fee
Urgent
Total
Name of the applicant
Date of filing
Date of disposal

29/11/17
1200
5
2
10
29/11/17
29/11/17

VAKALAT NAMA

NO. _____/20

IN THE COURT OF K.P.C Service Tribunal, Peshawar

Niaz Ali Khan

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Dept.

(Respondent)
(Defendant)

I/we Niaz Ali Khan

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

Niaz Ali

(CLIENT)

• ACCEPTED

M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

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Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

Syed Noman Ali Bukh adv.
Advocate
Attested