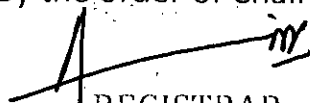


Form- A
FORM OF ORDER SHEET

Court of _____

Emlementation Petition No. 157/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	09.03.2023	<p>The execution petition Dr. Niaz Ali Khan submitted today by Mr. Nasir Mahmood Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p>By the order of Chairman  REGISTRAR</p>

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

Execution Petition

CM No. _____/2023

No = 157/2023

In the matter of

Service Appeal No. 150/2023

Dr Niaz Ali Khan.....Applicant / Appellant

VERSUS

Govt of KPK & others..... Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for implementation		1-3
2.	Affidavit		4
3.	Copy of the Judgment and Order dated 01.02.2023	A	

Suudli
Appellant / Applicant

Through

Dated: 07.03.2023

Nasir Mahmood
**NASIR MAHMOOD
Advocate, Supreme Court
Of Pakistan**

①

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

Execution Petition

No 157/2023

Khyber Pakhtunkhwa
Service Tribunal

Case No.

4184

Dated

9/3/2023

CM No. _____/2023

In the matter of

Service Appeal No. 150/2023

Dr Niaz Ali Khan, Deputy District Health Officer Karak.

..... **Applicant / Appellant**

VERSUS

1. Govt of KPK through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar
2. Govt of Khyber Pakhtunkhwa, Secretary Health Khyber Pakhtunkhwa, Peshawar.
3. Director General, Khyber Pakhtunkhwa, Peshawar.

..... **Respondents**

**APPLICATION FOR THE IMPLEMENTATION OF
THE JUDGMENT AND ORDER DATED
01.02.2023 IN THE CAPTIONED SERVICE
APPEAL OF THIS HON'BLE TRIBUNAL.**

2

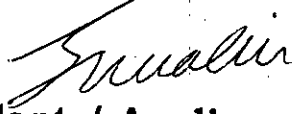
Respectfully Sheweth:

1. That the above noted Service Appeal is pending adjudication before this Hon'ble Tribunal and is fixed for 16.03.2023.
2. That the appellant while serving as Deputy District Health Officer was transferred vide order dated 06.10.2022 against which the appellant filed departmental Appeal but that was not responded, hence the appellant filed the captioned Appeal before this Hon'ble Tribunal.
3. That the instant Service Appeal came up for hearing before this Hon'ble Tribunal on 01.02.2023 and this Hon'ble Tribunal was pleased to suspend the Transfer Order of the Appellant dated 06.10.2022. It may be noted here that the Appellant has not relieved his post and is serving as Deputy Health Officer Karak.
4. That although this Hon'ble Tribunal has suspended the transfer order of the Appellant but the respondents are not releasing the salaries of the Appellant, thus they may be proceeded for violating the Order of this Hon'ble Court and necessary directions may be issued to release the salaries of the Appellant.
5. That the valuable rights of the Appellant are involved in the instant case and the Respondents are violating the legal and fundamental rights of the Appellant.

(3)

6. That other grounds will be raised at the time of arguments with prior permission of this Hon'ble Tribunal.

On acceptance of this Application, the Order and Judgment dated 01.02.2023 of this Hon'ble Tribunal may Kindly be implemented in its true letter and spirit and directions may be issued to the respondents to release the salaries of the Appellant.



Appellant / Applicant

Through

Dated: 07.03.2023



**NASIR MAHMOOD
Advocate, Supreme Court
Of Pakistan**

4

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

CM No. ____/2023

In the matter of

Service Appeal No. 150/2023

Dr Niaz Ali Khan.....Applicant / Appellant

VERSUS

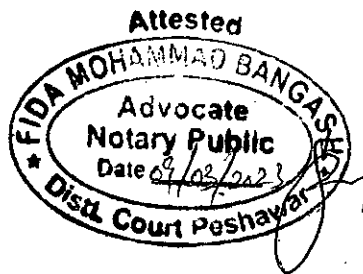
Govt of KPK & others..... Respondents

AFFIDAVIT

I, Dr Niaz Ali Khan, Deputy District Health Officer Karak, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Niaz Ali Khan

DEPONENT



Annex A
①

⑤

**BEFORE THE COURT OF HON'BLE SERVICE
TRIBUNAL, KHYBER PAKHTUNKHWA
PESHAWAR**



Appeal No. 150 /2023

Dr Niaz Ali Khan Deputy District Health Officer Karak.
.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
 2. Government of Khyber Pakhtunkhwa, through Secretary Health Khyber Pakhtunkhwa, Peshawar.
 3. Director General, Khyber Pakhtunkhwa, Peshawar.
- Respondents

**APPEAL UNDER SECTION 4 OF
KP SERVICES TRIBUNAL ACT
1974 AGAINST THE TRANSFER
ORDER DATED 06.10.2022
VIDE WHICH THE APPELLANT
WAS TRANSFERRED FROM POST
OF DEPUTY DHO KARAK
WHEREBY THE APPELLANT
FILED DEPARTMENTAL APPEAL
BEFORE THE RESPONDENT NO
2 ON 07.10.2022, WHICH WAS
NOT RESPONDED TILL DATE
HENCE THE INSTANT APPEAL.**

Certified to be true copy

Niaz Ali Khan
Deputy District Health Officer
Karak

D/16/101
03-02-2023

01.02.2023

6



Counsel for the appellant present.

Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 24.02.2023 before S.B. The operation of impugned order dated 06.10.2022 shall remain suspended, if not ^{acted} upon earlier.

(Rozina Rehman)
Member (J)

Certified *[Signature]* true copy
KIA MEMBER
Peshawar Bench
Service Tribunal,
Peshawar

Date of Presentation of Application 01-2-23
Number of *pages* 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of _____
Date of Cert. 01-2-23
Date of Delivery of Copy 01-2-23