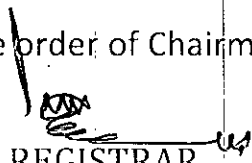


Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 162/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.03.2023	<p>The execution petition of Muhammad Zubair submitted today by Mr. M.Saleem Khan Marwat 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 HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Implementation Petition 162 /2023

In Service Appeal No: 276/2023
Pending Adjudication

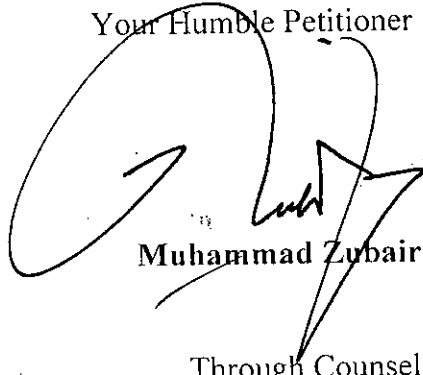
Muhamamd Zubair Vs Govt. of KPK etc

INDEX

S.No	Description of Document	Annexure	Pages
1.	Implementation Petition with affidavit	--	1-3
2	Copies of the order sheet and application & reminder	I to III	

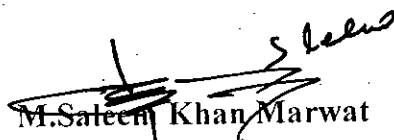
Dated: 14 /03/ 2023

Your Humble Petitioner



Muhammad Zubair

Through Counsel



M. Saleem Khan Marwat
Advocate High Court

①

11/15

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Implementation Petition -----/2023

In Service Appeal No: 276/2023
Pending Adjudication

Engineer Muhamamd Zubair , Executive Engineer
Highway Division, District Khyber
..... (Petitioner /Appellant)

VERSUS

Mr. Imtiaz Ali Shah , Secretary to Govt. Of Khyber Pakhtunkhwa,
Communication & Works Department Peshawar

.....
Respondents

IMPLEMENTATION PETITION OF THE ORDER DATED
06/02/2023 UNDER ORDER 39 RULE 2(3) CPC

Respectfully Shewith,

That the petitioner /appellant humbly submits as under ,

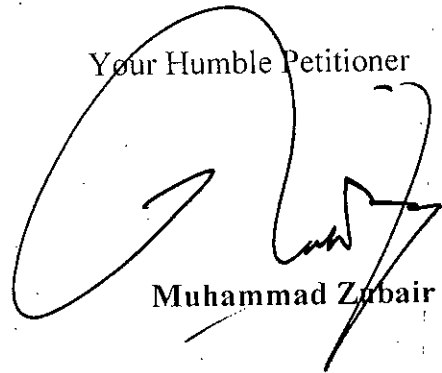
1. That the petitioner/appellant instituted a Service Appeal No. 276/2023 titled "Engr: Muhamamd Zubair Vs Govt. of KPK etc" in this Honorable Tribunal which is pending adjudication.
 2. That On 06/02/2023 this Honorable Tribunal issued suspension order of the impugned notification dated: 20/12/2022 which was duly communicated to the respondents and in this regard an application for implementation of the order of this Honorable Tribunal was also made to the respondent on 11/02/2023 as well as a reminder on 27/02/2023 but in-vain. Copies of the order sheet and application & reminder are annexed as **Annexure-I.II & III.**
- B

3. That the respondents flatly refused to obey the order dated 06/02/2023 and directed the petitioner to relieve the post immediately.
4. That the respondent has been violating the order dated 06/02/2023 passed by this learned Tribunal .
5. That the act of respondent is not only against the law but amounts to willful defiance of the order of this Tribunal.
6. That the respondent is liable to be proceeded in accordance with law and also be ordered not to create hurdles in the implementation of order of this Honorable Tribunal.
7. That respondent has been guilty of disobedience of the lawful orders passed by this Honorable Tribunal .

It is therefore , respectfully prayed that the order dated: 06/02/2023 may be implemented in its true spirit and respondent may be proceeded for defiance of the court order as required by law.

Dated: 14 / 03 / 2023

Your Humble Petitioner



Muhammad Zubair

Through Counsel



M. Saleem Khan Marwat

Advocate High Court

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

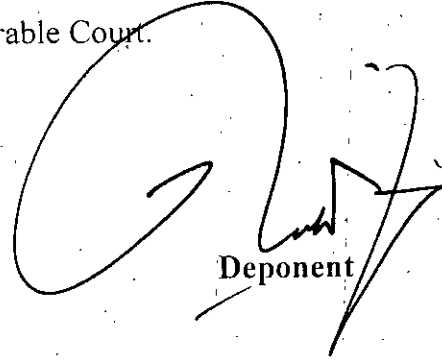
Implementation Petition -----/2023

In Service Appeal No: 276/2023
Pending Adjudication

Muhamamd Zubair Vs Govt. of KPK etc

AFFIDAVIT

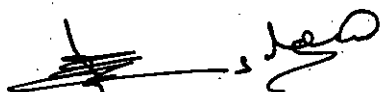
I Engineer Muhamamd Zubair , the petitioner . do hereby solemnly affirm and declare on oath that contents of the accompanying petition are true and correct and nothing has been deliberately concealed from This Honorable Court.



Deponent

Dated: -----/03/2023

Identified by:



M. Saleem Khan Marwat
Advocate High court

To

(Reminder-I)

The Honorable Secretary,
Communication and Works Deptt: Khyber Pakhtunkhwa.

Subject: Application For Implementation Of Order Dated: 06/02/2022 Passed By The Learned Khyber Pakhtunkhwa Service Tribunal Peshawar In Service Appeal No 276 Of 2023 Titled " Engr: Muhamamd Zubair Vs Govt: Of KPK Etc "

Ref: (My Earlier Application Regarding the Subject Matter Dated: 11/02/2023 Copy Attached for ready reference)

Respected Sir,

The applicant Engr: Muhammad Zubair Executive Engineer (BPS-18) humbly submits as under:

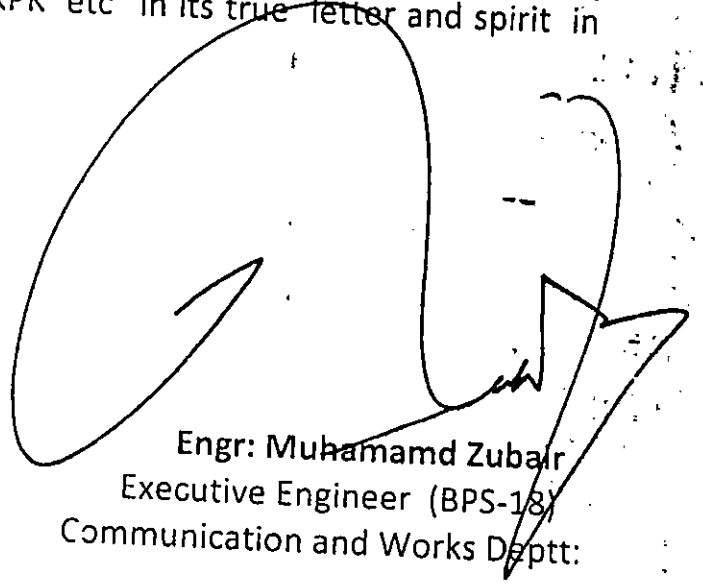
- 1- That the applicant is serving as Executive Engineer in C & W Deptt: Khyber Pakhtunkhwa and has always performed my duties with honesty, zeal and zest.
- 2- That due to political victimization and interference by the then political figures of the Khyber transferred the applicant from Highway Division District Khyber for which the applicant submitted proper departmental representation/appeal.
- 3- That thereafter the applicant preferred a service appeal u/s 4 of the KPK Service Tribunal Act 1974 before the Honorable KPK Service Tribunal against the political motivated transfer order No : SOE/C & WD/3-1/2022 Dated: 20/12/2022.
- 4- That the learned Service Tribunal was pleased to accept the genuine plea of the applicant and accepted the appeal by suspending the operation impugned transfer order till further orders vide order dated: 06/02/2023 (Copy attached for ready reference).

Secretary C&W Deptt:

D.N.: 1774/ dt: 27/2/23

It is therefore, your good self is humbly requested to please implement the order dated: 06/02/2023 passed by the learned Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal no 276 of 2023 titled "Engr. Muhammad Zubair Vs Govt. Of KPK etc" in its true letter and spirit in the interest of justice .

Dated: 27/02/2022



Engr: Muhamamd Zubair
Executive Engineer (BPS-18)
Communication and Works Deptt:

To

The Honorable Secretary,
Communication and Works Deptt: Khyber Pakhtunkhwa

Subject: Application For Implementation Of Order Dated: 06/02/2022
Passed By The Learned Khyber Pakhtunkhwa Service Tribunal Peshawar In
Service Appeal No 276 Of 2023 Titled " Engr: Muhamamd Zubair Vs Govt. Of
KPK Etc "

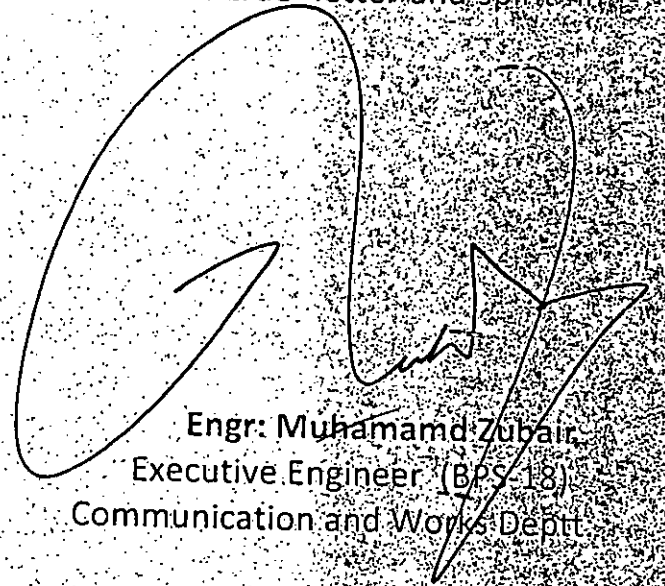
Respected Sir,

The applicant Engr: Muhammad Zubair Executive Engineer (BPS-18) humbly submits as under:

- 1- That the applicant is serving as Executive Engineer in C & W Deptt: Khyber Pakhtunkhwa and has always performed my duties with honesty, zeal and zest.
- 2- That due to political victimization and interference by the then political figures of the Khyber transferred the applicant from Highway Division District Khyber for which the applicant submitted proper departmental representation/appeal.
- 3- That thereafter the applicant preferred a service appeal u/s 4 of the KPK Service Tribunal Act 1974 before the Honorable KPK Service Tribunal against the political motivated transfer order No: SOE/C & WD/3-1/2022 Dated: 20/12/2022.
- 4- That the learned Service Tribunal was pleased to accept the genuine plea of the applicant and accepted the appeal by suspending the operation impugned transfer order till further orders vide order dated 06/02/2023 (Copy attached for ready reference).

It is therefore, your good self is humbly requested to, please implement the order dated: 06/02/2023 passed by the learned Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal no 276 of 2023 titled "Engr.Muhammad Zubair Vs Govt. Of KPK etc" in its true letter and spirit in the interest of justice

Dated: 11/02/2022



Engr: Muhammad Zubair
Executive Engineer (BPS-18)
Communication and Works Deptt



1

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

Service Appeal No. 276 of ~~2022~~ 2023

Khyber Pakhtunkhwa
Service Tribunal

Case No. 2668

Dated 23/12/2022

Engr. Muhammad Zubair, Executive Engineer, Highway Division,
District Khyber.

APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary, Govt of Khyber Pakhtunkhwa, Peshawar.
3. Secretary to Govt of Khyber Pakhtunkhwa, Communication &
Works Department, Peshawar.
4. Chief Engineer (Centre), Communication & Works Department,
Khyber Pakhtunkhwa, Peshawar.
5. Chief Engineer (South-I), Communication & Works Department,
Khyber Pakhtunkhwa, Peshawar.
6. Superintending Engineer, Communication & Works Circle
Khyber, District Khyber.
7. Engineer Shahzad Naseer, XEN Mega Projects, C&W, Mardan.

RESPONDENTS

Submitted to Registrar
23/12/2022

**SERVICE APPEAL UNDER SECTION 4 OF THE K.P.
SERVICE TRIBUNALS ACT, 1974, AGAINST THE
NOTIFICATION BEARING NO. SOE/C&WD/3-
1/2022 DATED 20.12.2022 ISSUED BY THE
RESPONDENT NO.3.**

PRAYER:

Submitted to Registrar
06/01/2023

On acceptance of present Service Appeal and by
setting aside/cancelling Notification bearing

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

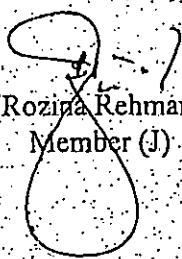


06.02.2023

Counsel for the appellant present.

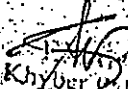
Preliminary arguments heard. Record perused.

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. Annexed with the appeal there is an application seeking suspension of operation of impugned notification dated 20.12.2022. The operation of impugned notifications dated 20.12.2022 shall remain suspended till further orders, if not acted upon earlier.


(Rozina Rehman)
Member (J)

Date of Presentation of Application 10/2/23
Number of copies 2
Copying Fee 70/-
Urgent Yes
Total 70/-
Name of _____
Date of Expiry of Application 10/2/23
Date of Delivery of Copy 10/2/23

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar