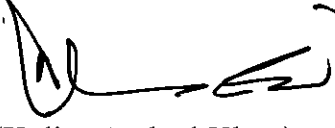


rather the above order dated 09.05.2023, at the most, be giving a cause of action to the applicant to challenge that under the relevant law. Even otherwise admittedly an implementation application is pending while the main service appeal had already been decided. The Tribunal exercises powers to execute its judgment under Section-7 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 and while executing the judgment/order, the executing court cannot go beyond the terms of the judgment/order, what to talk about a totally different order, even if, passed during the pendency of execution application. Therefore, this application is misconceived and is dismissed with costs. Consign.

5. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 12<sup>th</sup> day of May, 2023.*

  
(Kalim Arshad Khan)  
Chairman


\*Adnan Ali Shah, PA\*

FORM OF ORDERSHEET

SCANNED  
KPST  
Peshawar

Court of \_\_\_\_\_

Misc. application No. 295 /2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12/05/2023	<p>The Misc. application in Execution Petition no. 154/2022 submitted today by Mr. Nazir Ahmad Advocate. It is fixed for hearing before Single Bench at Peshawar on <u>12/05/23</u>. Original file be requisitioned.</p> <p>By the order of Chairman  For REGISTRAR</p>

**Misc. Application No. 295/2023  
In Execution Application No. 154/2022  
In Service Appeal No. 12438/2020**

**Furqan Javed-vs- Government of Khyber Pakhtunkhwa through  
Secretary Home and Tribal Affairs Department, Peshawar.**

**ORDER**

12<sup>th</sup> May, 2023

1. **Kalim Arshad Khan, Chairman:** Applicant alongwith his counsel present.
2. This application has been made in implementation application No. 154/2022 in service appeal No. 12438/2020 titled "Furqan Javed-vs- Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Department, Peshawar" with a prayer to set aside the order No. 635/E-iii dated 09.05.2023, issued during the pendency of execution application and is alleged to be passed in retaliation of order of this Tribunal, whereby salary of the Provincial Police Officer, Khyber Pakhtunkhwa was attached for non-compliance of the judgment of the Tribunal. Interim relief seeking suspension of the order dated 09.05.2023 has also been made in the application.
3. I have heard the learned counsel for the applicant.
4. Having heard the learned counsel for the applicant and perusal of the record, annexed with the application, reflect that vide order dated 09.05.2023, the applicant, ASI Mr. Furqan Javed No. 15/B of Bannu Region was repatriated from Anti-Corruption Establishment Khyber Pakhtunkhwa to his parent region with immediate effect. The matter pending before the Tribunal pertains to implementation of the judgment of the Tribunal passed in service appeal No. 12438/2020. In the service appeal, seniority issue of the applicant was decided whereas the order dated 09.05.2023 is a repatriation order having no nexus with the seniority issue

