

Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 304/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	16.05.2023	<p>The execution petition of Mr. Muhammad Irshad submitted today Mr. Babar Hayat Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman <i>Amy</i> For REGISTRAR</p>

(4)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL

Misc; Application in

Execution petition no. 304/23

Service Appeal No.1002/2023

With Interim Relief

Muhammad Irshad. Appellant

Versus

Govt of KP & others Respondents

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1.	Application		1,2
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Dated: 16.05.2023

Through

Applicant

BH
BABAR HAYAT KHAN
ADVOCATE HIGH COURT

①

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5338

Dated 16/5/2023

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1002/2023
With Interim Relief

Muhammad Irshad S/O Niaz Khan (Sub-Divisional Education Officer) R/O Aimal Kala, PO Azeem Kala, Khandar Khankhel, Tehsil Domel, District Bannu.

..... Applicant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariate, Peshawar
2. Secretary Elementary and Secondary Education, Civil Secretariate, Peshawar.
3. Mr. Riaz Khan (Management Cadre) (BS-17), SDEO, (Serial No. 02) Elementary and Secondary Education, Civil Secretariate, Peshawar

..... Respondents

APPLICATION FOR IMPLIMENTATION/EXECUTION

OF ORDER DATED 10.05.2023 IN THE ABOVE TITLED

PENDIND APPEAL

Respectfully Sheweth,

1. That the titled appeal is pending before this honourable Tribunal wherein dated 24.05.2023 is fixed as the next hearing.
2. That on dated 10.05.2023, the honourable Tribunal has suspended the operation of the impugned notification to the

(2)

extent of the applicant/appellant. (Copy of the order is attached as Annexure A)

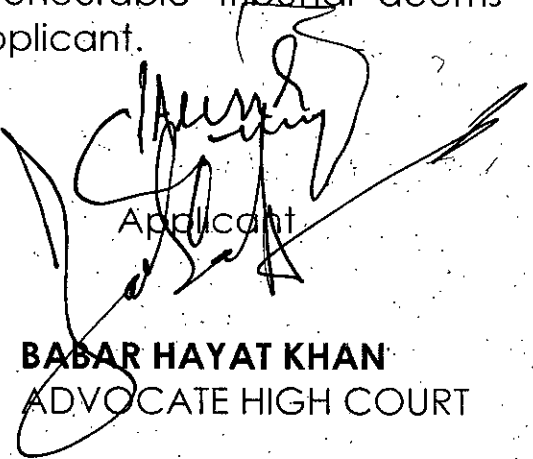
3. That it is pertinent to mention here that the appellant/applicant has not relinquished the charge of the post, but astonishingly, the respondent no. 3 is claiming otherwise and has threatened me with dire consequences despite the fact that the appellant/applicant has produced the attested copy of the order of this honourable Tribunal.
4. That the applicant/appellant then approached the respondent no. 2 for implementation of the order of this honourable Tribunal through verbal and written request but no heed was paid to the application of the appellant/applicant. (Copy of the application is attached as Annexure B)
5. That the applicant/appellant has now having no other remedy but to implement/execute the order dated 10.05.2023 through this honourable Tribunal.

It is therefore, most humbly requested to implement the order dated 10.05.2023 of this honourable Tribunal in letter and spirit in order to secure the ends of justice.

Any other relief which this honourable Tribunal deems appropriate in favour of the applicant.

Dated: 16.05.2023

Through


Applicant
BABAR HAYAT KHAN
ADVOCATE HIGH COURT

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

Misc; Application in

Service Appeal No.1002/2023
With Interim Relief

Muhammad Irshad..... Appellant

Versus

Govt of KP & others Respondents

AFFIDAVIT

I, Muhammad Irshad S/O Niaz Khan (Sub-Divisional Education Officer) R/O Aimal Kala, PO Azeem Kala, Khandar Khankhel, Tehsil Domel, District Bannu; do hereby solemnly affirm and declare on oath that the contents of the accompanying **Execution Application** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

Muhammad Irshad

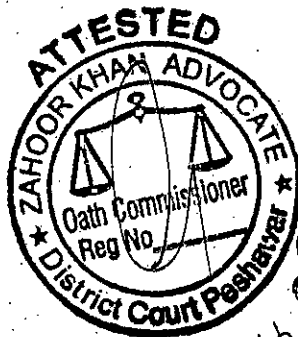
DEPONENT

CNIC #:11101-6968144-5

Identified by:

Babar Hayat Khan

BABAR HAYAT KHAN
Advocate, High Court

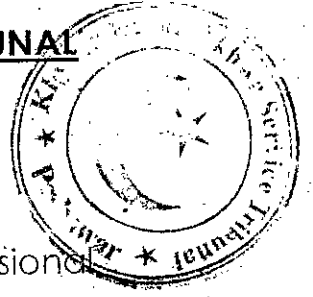


16/05/23

(4)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL

Service Appeal No. 1002/2023
With Interim Relief



Muhammad Irshad S/O. Niaz Khan (Sub-Divisional Education Officer). R/O Aimal Kala, PO Azeem Kala, Khandar Khankhel, Tehsil Domel, District Bannu.

Appellant

Diary No. 5070

Versus

Dated 3/5/2022

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariate, Peshawar
2. Secretary Elementary and Secondary Education, Civil Secretariate, Peshawar.
3. Mr. Riaz Khan (Management Cadre) (BS-17), SDEO, (Male) Bannu, District Education office (Male) Outside, Miryan Gate Bannu Civil Secretariate, Peshawar
4. Section Officer (Management Cadre). Elementary and Secondary Education. Civil Secretariate, Peshawar.

Respondents

Handwritten signature
Registrar
3/5/2022

**SERVICE APPEAL U/S 4 OF THE KPK
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED NOTIFICATION
BEARING NO. SO(MC)E&SED/4-
16/2022/Posting/ Transfer/MC/: DATED
14.03.2023, WHEREBY THE APPELLANT
HAS BEEN ILLEGALLY TRANSFERRED
WITHOUT OBSERVING THE RULES /
REGULATIONS / POLICY**

Certified to be true copy
Handwritten signature
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

FORM OF ORDER SHEET

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Court of _____

Case No:- _____

1002/2023

S No.	Date of order proceedings
1	05/05/2023
1	10 th May, 2023

Order or other proceedings with signature of judge

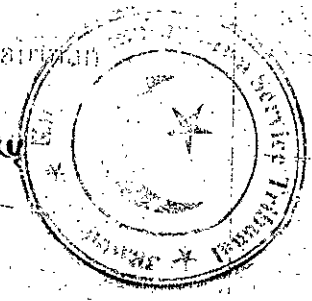
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The appeal of Mr. Muhammad Irshad resubmitted today by Mr. Babar Hayat Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 16/05/23.

SCANNED
UPST
Peshawar

By the order of Chairman

REGISTRAR



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1. Appellant alongwith his counsel present.
2. The appellant was posted as SDEO (M) Bannu from where he was transferred on 14.03.2023 without allowing him to complete normal tenure of two years, he was transferred from the post of SDEO (M) Bannu to the post of SDEO (M) Bankad Lower Kohistan. The appellant filed a writ petition No. 1102-P/2023 before the Hon'ble Peshawar High Court, Peshawar, which was decided on 28.03.2023 directing the respondent No. 1 to decide departmental appeal of the appellant within seven days. It was then the departmental representation of the appellant, filed against notification dated 14.03.2023, was regretted, hence, this appeal. This appeal is thus admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within 10 days. The district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for written reply/comments on 24.05.2023 before S.B.
3. As to the application for suspension of the operation of the impugned order dated 14.03.2023, it is directed that the

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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operation of the impugned order shall stand suspended to the extent of appellant, if not already acted upon. In case the appellant failed to deposit the expenses of TCS, within three days, the suspension order will have no effect.

SCANNED
KEST
Peshawar

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(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A.

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 10/5/23
Number of Words 3-2
Copying Fee 15/-
Urgent 5/-
Total 20/-
Date of 10/5/23
Date of Delivery of Copy 10/5/23

(7)

The Secretary Elementary/Secondary Education K.P. Peshawar.

Subject: Request for suspension of the ~~impounded~~ operation of the ~~impounded~~ order dated 14/03/2023 in R/o Muhammad Ishaq GOED male (MC) Sub Division Panam in the light of the relief granted by KP Service Tribunal in Service Appeal No: 1002/2023 (copy attached)

Respected Sirs

Attested

It is stated that the applicant was transferred from sub division Panam to sub division Bankal Kohistan vide Notification No. 50 (MC) ES SED/4-16/2022/2023 Formlet dated 14/03/2023 and in this regard the applicant resort to ~~the~~ Honorable Service Tribunal KP Peshawar through Service Appeal No: 1002/2023 and whereby the operation of the impounded order has been suspended on 10/05/2023. (copy attached)

Therefore, requested to restore me as GOED (MC) post of sub division Panam.

Thanks
Yours obediently
Muhammad Ishaq
GOED Male (MC)

Date: 10/05/2023

SECRETARY UDC
No. 1219
Dated 10/5/23