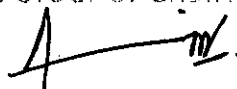


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 296 /2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.05.2023	<p>The execution petition of Mr. Raees Khan submitted today by Mr. Gul Tiaz Khan Marwat Advocate. It is fixed for implementation report before touring Single Bench at D.I.Khan on _____. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  for REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

E.P. No. - 296/2023
CMA No. _____/2023

Raees Khan

..... **Petitioner**

VERSUS

The Secretary Health Department Govt: of KPK Civil
Secretariat Peshawar and others. **Respondents**

APPLICATION FOR EARLY HEARING.

Respected Sir,

1. That the accompanied CMA for implementation of order of this honourable Tribunal is being filed before this honourable Tribunal.
2. That a Bench of this Honourable Tribunal will be on tour to D.I.Khan from 15th instant, therefore it will be in the interest of justice that the appeal is listed for hearing before the Camp Court at D.I.Khan during the forthcoming tour being an urgent matter.

It is, therefore, prayed that on acceptance this application, this Honourable Tribunal may very graciously be please to pass an order directing the fixation of the subject cited CMA at Camp Court D.I.Khan in the touring week to be commenced from 15th May, 2023.

Dated: 10.05.2023

Your Humble Petitioner,

Through Counsel


GUL TIAZ KHAN MARWAT,

Advocate High Court,
D.I.Khan

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: Raees Khan vs Govt CHECK LIST

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?		
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?		
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	✓	
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?		
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Signature: _____

Dated: _____

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

E.P. No. 296/2023

CMA No. _____/2023

Raees Khan

..... **Petitioner**

VERSUS

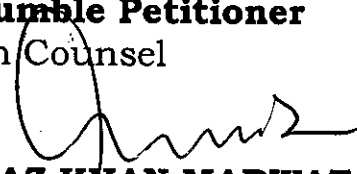
The Secretary Health Department Govt: of KPK Civil
Secretariat Peshawar and others. **Respondents**

INDEX

S.No	Description	Annexure	Page No
1	Grounds of Petition		1-4
2	Copy of order 14.02.2023	A	5-7
3	Copy of Application dated 17.03.2023	B	8
8	Vakalatnama		9

Dated: 10.05.2023

Your Humble Petitioner
Through Counsel


GUL TIAZ KHAN MARWAT
Advocate High Court
DIKhan

I

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

CMA No. E.P. No. 246/2023

Raees Khan S/O Juma Khan X-Ray Attendant Rural Health Center Gul Iman Tehsil & District Tank

..... **Petitioner**

VERSUS

1. The Secretary Health Department Govt: of KPK Civil Secretariat Peshawar.
2. The Director General Health Services Govt: of KPK Peshawar.
3. The Accountant General KPK Peshawar.
4. The District Health Officer Tank.
5. The District Accounts Officer Tank. **Respondents**

Secretary Peshawar
Service Tribunal
Entry No. 5304
Dated 12/5/23

PETITION CONTAINING THE REQUEST FOR IMPLEMENTATION OF JUDGMENT / ORDER OF THIS LEARNED TRIBUNAL CAMP COURT D.I.KHAN DATED 14.02.2023 PASSED IN SERVICE APPEAL NO. 1581/2019 TITLED AS "RAEES KHAN V/S GOVT. OF KPK AND OTHERS".

Respected Sir,

1. That the Petitioner is serving as X-Ray Attendant in the RHC Gul Imam Tehsil & District Tank.
2. That the Petitioner filed the subject cited appeal before this Learned Tribunal vide Appeal No. 1581/2019 against the non-payment of arrears of salary/pay with effect from 01.10.2007 to 30.09.2013.
3. That the Appeal came up for hearing before the Honourable Division Bench of KPK Service Tribunal

Jan

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Peshawar Camp Court D.I.Khan on 14.02.2023 and the Honourable Tribunal was pleased to accept the Appeal with observations that the Director General Health Services shall decide the request of the Appellant for arrears of the break-up period as already directed by Peshawar High Court within 30 days after of receipt of this order and decision shall be communicated to the Registrar of this honourable Tribunal on 20.03.2023 positively. This honourable Tribunal further pleased to direct the DHO Tank to verify the record about the allegations of Appellant/ Petitioner that he was not paid salary/ Pay from 08.02.2012 to 31.10.2013 and if the allegation is found genius the appellant shall be paid his dues for this period. Copy of order is enclosed as **Annexure - A** respectively.

4. That besides the directions of this learned Tribunal, the petitioner also submitted an application accompanied by order of this learned Tribunal before the Respondent No.4 for implementation of the order of this honourable Tribunal. Copy of application is enclosed as **Annexure - B**.
5. That the respondents have not taken any action in the matter and no report of implementation has been sent to the Registrar of this learned Tribunal to be placed before a Bench of this honourable Tribunal on the date

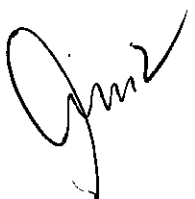
Amir

fixed/ given i.e. 20.03.2023 which amounts visible contempt of Court of this learned Tribunal as the order of this honourable Tribunal has not been implemented so far till today.

6. That the judgment/ order of this honourable Court has not so far been implemented by the respondents, therefore, the Petitioner having no other remedy seeks the indulgence of this learned tribunal for implementation of its judgment / order under its inherent jurisdiction inter alia on the following grounds.

GROUND:-

- A. That it is/was the legal, statutory and moral obligations of respondents to implement the judgment / order of this learned Tribunal but they have failed to do so which is shocking for the petitioner and also amounts contempt of Court.
- B. That the actions/in actions, conduct and modus operandi of Respondents to disobey and violate the judgment/ order is tantamount to abuse and obstruct the process of Court to disobey the order of Court of law/tribunal which is a visible contempt of Court for which he is liable to be proceeded under the law.
- C. That the Petitioner has no other remedy for implementation of judgment of the Honourable



Tribunal except to knock the door of this Honourable Tribunal for implementation of judgment.

J. That the Honourable Tribunal got powers and jurisdiction to take cognizance in the matter and to implement the judgment and order so passed by this Honourable Tribunal.

K. That counsel for the Petitioner may please be allowed to raise additional ground during the course of arguments.

It is, therefore, humbly prayed on acceptance this Petition, this Honorable Tribunal may very graciously be pleased to issue direction to respondents to implement the judgment/ order of this Honourable Tribunal in letter and sprit so as to meet the ends of justice.

Your humble Petitioner,



Raees Khan
Through Counsel

Dated: 10/05/2023

Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

AFFIDAVIT

I, Raees Khan S/O Juma Khan X-Ray Attendant Rural Health Center Gul Iman Tehsil & District Tank, do hereby solemnly affirm and declare on Oath that the contents of Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



DEPONENT



I A S



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No 1581 /2019

Races Khan S/O Juma Khan X-Ray Attendant Rural Health
Center Gul Iman Tehsil & District Tank

..... **Appellant**

VERSUS

1. The Secretary Health Department Govt: of KPK Civil Secretariat Peshawar.
2. The Director General Health Services Govt: of KPK Peshawar.
3. The Accountant General KPK Peshawar.
4. The District Health Officer Tank.
5. The District Accounts Officer Tank. **Respondents**

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER, ACTION/INACTION OF
RESPONDENT NO. 2 VIDE WHICH DEPARTMENTAL
APPEAL AGAINST THE IMPUGNED ORDER OF HOLDING
/ NON-PAYMENT OF ARREARS OF SALARY / PAY TO
THE APPELLANT WITH EFFECT FROM 01.10.2007 TO
30.09.2013 APPELLANT HAS NOT BEEN DECIDED
WITHIN THE STATUTORY PERIOD OF 90 DAYS.

Respected Sir,

1. That the addresses of the parties given above are sufficient for the purpose of the service of parties.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Juma

Service Appeal No. 1581/2019



14th Feb, 2023 1. Appellant alongwith his counsel present. Mr. Muhammad Jan, District

Attorney alongwith Mr. Riaz Hussain Shah, Technologist for respondents present.

2. The matter was heard at length. It is the case of the appellant that he was appointed as X-Ray Attendant at RHC Gul Imam, District Tank on 05.07.2007 which appointment order was withdrawn on 01.11.2007 and one Saif Ullah was appointed against his post. The said Saif Ullah was terminated on 04.02.2009 again appointing the appellant against the said post. Mr. Saifullah filed a civil suit, which was dismissed. He then preferred an appeal, which also met the same fate. He then preferred civil revision petition before the Hon'ble Peshawar High Court, Bench D.I.Khan and the Hon'ble Peshawar High Court, D.I.Khan Bench treated the suit of the Saifullah as representation vide order dated 27.05.2011, sending that back to the Secretary to the Government of Khyber Pakhtunkhwa, Health Department. for decision of the same within fifteen days. Learned counsel pointed out that the appeal/departamental presentation of Saif Ullah was rejected and he filed appeal No. 460/2012 before this Tribunal, which was also disposed of, remitting the matter to the departmental authority to provide opportunity of hearing to Saif Ullah and passage of speaking order. It was then the appellant was reinstated in service vide order dated 18.02.2012 but with immediate effect. It is not disputed that the appellant was reinstated in service. The only concern of the appellant appears to be that since his initial appointment in the year 2007 till reinstatement on 18.02.2012, he was kept away from the duty for none of his fault and has not been paid any salary for this period. In this regard he had also filed writ petition 10-D/2018 which was disposed by the Hon'ble Peshawar High Court on 17.06.2019 with the directions to the Director General Health Services to decide the matter of arrears for the breakup period within sixty days. But the

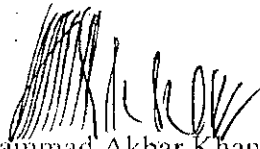
Certified to be true copy

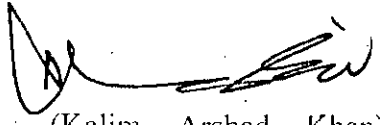
ADJUDICATOR
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

learned counsel states that the said matter was not so decided and the appellant resorted this appeal. After hearing the learned counsel for the appellant, representative of the respondents and learned District Attorney it was also alleged by the appellant that even he was not paid salary from the date of his reinstatement on 18.02.2012 till 31.10.2013.

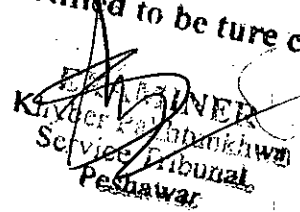
3. In the circumstances above stated, we also deem it appropriate that the Director General Health Services shall decide the request of the appellant for arrears of the break up period as directed by the Hon'ble Peshawar High Court within thirty days after receipt of this order and decision shall be communicated to the Registrar of the Tribunal positively on 20.03.2023 ^{and} of the same be also placed before the Tribunal ~~on~~ during the next camp court on 20.03.2023. We also direct that the District Health Officer, Tank shall verify from the record about the allegation of the appellant that he was not paid from 18.02.2012 to 31.10.2013 and if the allegation is found genuine the appellant shall be paid his due for this period. Disposed of accordingly. Consign.

4. Pronounced in open court in D.I.Khan and given under our hands and seal of the Tribunal on this 14th day of February, 2023.


(Muhammad Akbar Khan)
Member(Executive)
Camp Court D.I.Khan


(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 01/3/23
Number of ~~Pages~~ Pages 3
Copying Fee 15/-
Urgent _____
Total 15/-
Name of _____
Date of Completion of Copy 15/3/23
Date of Delivery of Copy 15/3/23

B A B

دربند ۵۵ - ۵۴۷ - ۵۵۵ - ۵۵۵ - ۵۵۵ - ۵۵۵

درخواست برآورد که برخواست نزل من سائل انجیر است
مقام محل نام RCC بینناں نامت کو نام
بقا با بنخوا ہیں وچے مانند کہ حکیم ہمارے

مدیر عالی

مورد مانند گدازن کو در سائل حکیم در نزل ہوتے

۱۔ عودہ ۲۰ بار محال ہوتے ہیں اور نوزی سر ہنگام
۲۔ مقبضہ حکیم مذکورہ میں شہو ہیں اور آگے نہ کہ
۳۔ کبیرہ اور کبیرہ سے سائل کو اپنی بقا بنجو ہوتے
۴۔ حسب کی سائل کو آتند ضرورت ہے کہ حکیم ہمارے
کی اور ہے

اس بابیت آن جناب کو سچ تراختار است

سند ابرو ہیکے کہ جو ہوتے نام سائل کو اپنی بقا بنجو ہوتے
جاری کرنے کے احکامات ہمارے ہوتے ہیں

۰۳۰۲۳

سائل یہ رئیس خان ولد لود خان سکند نزل ہوتے

مقام محل نام
۱۲۲۵۱-۰۲۲۶۵۵۰-۳

Alteer
Gur

بخدمت جناب DHO صاحب ڈسٹرکٹ ٹانک

درخواست بمراد کہ بوجوہات ذیل من سائل سائل "ایکسرے اینڈنٹ" بمقام گل امام
R.C.C ہسپتال ٹانک کو اپنی بقایا تنخواہیں دینے کا حکم صادر فرمائیں

جناب عالی!

- 1- مؤدبانہ گزارش ہے کہ من سائل بحکم سروس ٹریبونل مورخہ 14.02.2023 بحال ہو کر اپنی
ڈیوٹی سرانجام دے رہا ہوں جبکہ حکم مذکورہ میں تنخواہیں بھی ادا کرنے کے احکامات ہیں۔
- 2- یہ کہ ابھی تک من سائل کو اپنی بقایا تنخواہ نہیں ملی ہے جس کی سائل کو اشد ضرورت ہے جبکہ ماہ
رمضان کی آمد ہے۔

اس بابت آنجناب کو وسیع تر اختیارات حاصل ہیں۔

لہذا استدعا ہے کہ بوجوہات بالا سائل کو اپنی بقایا تنخواہیں جاری کرنے کے احکامات صادر فرما کر مشکور
فرمائیں۔

17.03.2023

العارض

سائل رئیس خان ولد جمعہ خان سکنہ نزد بڑی مسجد گل امام۔ ٹانک

CNIC #:12201-0226050-3

Attested
Jamil
Adv



KHYBER PAKHTUNKHWA
BAR COUNCIL

ADVOCATE HIGH COURT

GUL TIAZ KHAN
Advocate
bc-11-2787
Date of Issue: June 2023
Valid upto: June 2023



Secretary
KP Bar Council

Father's Name: MUHAMMAD NAWAZ KHAN
Address: E-27, COMMISSIONERS COLONY NORTH
CIRCULAR ROAD D.I. KHAN
Contact No:
Enrolment Date LCD3-July-2008
Enrolment Date HLC08-November-2010
Place of Practice: D.I. KHAN
Date of Birth: 01-November-1961
Blood Group: B+ VE
C.NIC No: 12101-5311190-1
KHYBER PAKHTUNKHWA BAR COUNCIL
Bar Council Building, Khyber Road, Peshawar, PH 011-2211272, 2211161, Fax 011-2212211
E-mail: support@kpbarkouncil.com, www.kpbarkouncil.com

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar D.I. Khan

Raees Khan VERSUS Govt. of KPK etc

Title Execution Petition

I/we Raees Khan

The above named petitioner hereby appoint Gul Tiaz Khan Marwat Advocate High Court D.I.Khan, in the above mentioned case to all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
 2. To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.
 3. To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the proceeding.
- To do all other acts and things, which may deemed necessary or advisable during the course of proceedings.

AND hereby agree:

- a. To ratify whatever advocates may do the proceedings.
- b. Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence from the court when it is called for hearing.
- c. That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains un-paid.
- d. That advocates may be permitted to argue any other point at the time of arguments:

In witness whereof I/we have signed this vakalatnama here under the contents of which have been read/explained to me/us which is fully understood by me/us.

Date: 10/5/2023



Signature of Executants (s)

Attested & Accepted: [Signature]

(Raees Khan)

Gul Tiaz Khan Marwat
Advocate High Court D.I.Khan (KPK)
Cell No. 0300-9092488 / 0345-9853488