


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 361/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06.06.2023	<p>The execution petition of Mr. Shahid Mohmood submitted today by Mr. Hidayat Ullah Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>12-06-2023</u>. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Implementation Pétition No. _____/2023

IN

Service Appeal No: 229/2022

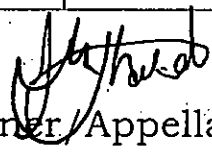
Shahid Mehmood.....Petitioner/Appellant

V E R S U S


Govt. of KPK and othersRespondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of Petition & affidavit	*	1-4
2.	Copy of judgment / order dated 11/04/2023	A	5-8
3.	Wakalat Nama	*	9


Petitioner/Appellant

Through


Hidayat Ullah Khattak
Advocate, High Court
Peshawar
Cell# 0300-9357757

Date: 05/06/2023

**BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Implementation Petition No. _____/2023

IN

Service Appeal No. 229/2022

Shahid Mehmood S/o Noor Muhammad

Ex-Jr. Scale Stenographer (BPS-14), Office of the Deputy
Commissioner, Hangu

Presently Naib Tehsildar (Acting Charge Basis) Board of
Revenue, Khyber Pakhtunkhwa, Peshawar

.....**Petitioner/Appellant**

V E R S U S

1. Government of Khyber Pakhtunkhwa, through Chief
Secretary, Civil Secretariat, Peshawar
2. Senior Member Board of Revenue, Peshawar.
3. Security to Government of Khyber Pakhtunkhwa
Revenue Department, Peshawar

.....**Respondents**

IMPLEMENTATION PETITION
UNDER SECTION 7 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 FOR THE
IMPLEMENTATION OF JUDGMENT
/ORDER DATED 11/04/2023
PASSED BY THIS HON'BLE
TRIBUNAL IN THE ABOVE TITLE
SERVICE APPEAL NO. 229/2022

②

**TITLED "SHAHID MEHMOOD VS
GOVT. OF KPK AND OTHERS"**

Respectfully Sheweth:

1. That the petitioner/appellant earlier filed Service Appeal No. 229/2022, before this Hon'ble Tribunal for his promotion in service, which was accepted vide consolidated judgment dated 11/04/2023 and the respondents were directed to promote the appellant in service vide order/judgment dated 11/04/2023. (Copy of the order/judgment dated 11/04/2023 is attached as Annexure-A)
2. That the respondents are not ready to implement the order/judgment of this Hon'ble Tribunal in its true spirit for no legal and valid reasons, this act of the respondents is unlawful, unconstitutional and are against the judgment and order dated 11/04/2023 of this Hon'ble Tribunal.
3. That non-compliance of the order of this Hon'ble Tribunal, speaks malafide on part of the respondents and they are bent upon to lower the position of the judiciary in the eyes of the public at large.

(3)

It is, therefore most humbly requested that on acceptance of this application/petition, respondents may kindly be directed to implement the judgment/order of this Hon'ble Tribunal dated 11/04/2023 passed in Service Appeal No. 229/2022.



Petitioner/Appellant

Through



Hidayat Ullah Khattak
Advocate, High Court
Peshawar.

Date: 05/06/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Implementation Petition No _____/2023

In

Service Appeal No 229/2022

Shahid Mehmood

.....Petitioner/ Appellant

V E R S U S

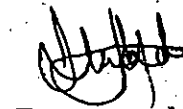
Government Khyber Pakhtunkhwa, through Chief Secretary

.....Respondents

AFFIDAVIT

I, Shahid Mehmood S/o Noor Muhammad R/o Gul Bagh Kalay, District Hangu, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Implementation Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by



DEPONENT

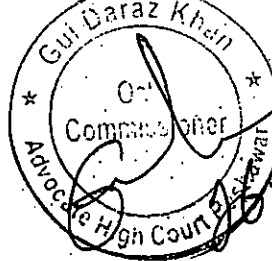
CNIC # 14101-07955165

Cell # 0333-9683638

Hidayat Ullah Khattak

Advocate Peshawar

ATTESTED



Annex A

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 229 /2022



Shahid Mehmood Son of Noor Muhammad
Jr. Scale Stenographer BPS-14)
Office of the Deputy Commissioner Hangu

.....Appellant

V E R S U S

- 1) Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
- 2) Senior Member Board of Revenue Peshawar
- 3) Secretary to Govt. of Khyber Pakhtunkhwa Revenue Department Peshawar

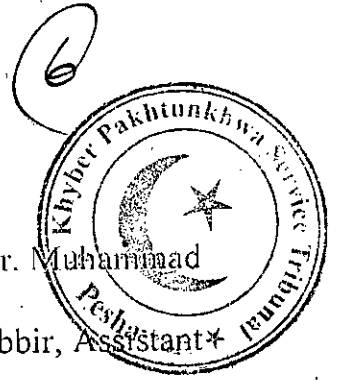
.....Respondents

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE NON-PROMOTION OF
THE APPELLANT IN VIEW OF THE JUDGMENT
OF THIS HON'BLE TRIBUNAL IN SERVICE
APPEAL NO.1021-2019 TITLED ABDUL
QAYUM TAHIR VS GOVT. OF KPK & OTHERS
DATED 22.09.2021 AND IN THE LIGHT OF
THE JUDGMENTS OF THE AUGUST SUPREME
COURT OF PAKISTAN REPORTED AS 2009
SCMR 1 AND FOR WHICH APPELLANT FILED
DEPARTMENTAL REPRESENTATION ON**

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

15th March, 2023



Appellant alongwith his counsel present. Mr. Muhammad Jan, District Attorney alongwith Mr. Ghulam Shabbir, Assistant Secretary for the respondents present.

Arguments heard. To come up for consideration and order on 11.04.2023 before the D.B. Parcha Peshi given to the parties.

(Salah-ud-Din)
Member (J)

(Kalim Arshad Khan)
Chairman

SCANNED
POST

ORDER

11th April, 2023

1. Appellant alongwith his counsel present. Mr. Muhammad Jan, District Attorney alongwith Mr. Ghulam Shabbir, Assistant Secretary for the respondents present.
2. Vide our detailed order of today placed in service appeal No. 4305/2020 titled "Naseer Abbas-vs-Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and others" (copy placed in this file), this appeal is also disposed of. Costs shall follow the event. Consign.
3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 11th day of April, 2023.*

Date of Presentation of Application 05/6/23
 Number of Words Page 7
 Copying Fee 10/-
 Urgent 5/6/23
 Total 15/-
 Name of Copy stayed
 Date of Completion 05/6/23
 Date of Delivery of 05/6/23

 (Kalim Arshad Khan)
 Chairman

 (Salah Ud Din)
 Member(Judicial)

**Adnan Shah, PA

Certified to be true copy
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar



Service Appeal No. 4305/2020

Titled "Naseer Abbas-vs-Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and others"

ORDER

11th April, 2023

KALIM ARSHAD KHAN, CHAIRMAN: Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

02. Through this single order this appeal and connected appeal No. 229/2022 titled "Shahid Mehmood-vs-Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and others" as well as Appeal No. 547/2022 titled "Muhammad Idrees-vs-Provincial Government through Chief Secretary Khyber Pakhtunkhwa Peshawar are going to be disposed of as all are almost regarding the same issue.

03. In the appeal in hand as well as connected appeal No 229/2022 titled "Shahid Mehmood" the learned counsel for the appellant produced copy of order No. Estt:V/DPC/NT/2023/2125-34 dated 20.01.2023, whereby the appellants namely Shahid Mehmood and Naseer Abbas have been promoted to the post of Naib Tehsildar (BS-14) on acting charge basis subject to outcome of the CPLA preferred by the department against the judgment rendered by this Tribunal in service appeal No. 1022/2019 titled "Munir Akhtar -vs- Senior Member Board Of Revenue, Khyber Pakhtunkhwa". The respective counsel for the appellants namely Naseer Abbas and Shahid Mehmood stated at the bar that they would be satisfied if directions are issued to the respondents that in case of dismissal of the CPLA preferred by the department against the judgment dated 22.09.2021 passed by this Tribunal in service appeal No. 1022-2019 of Munir Akhtar,

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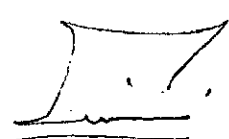
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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

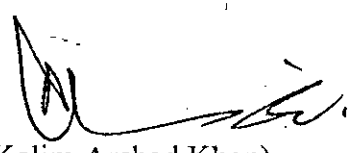
the order of promotion of the appellants Naseer Abbas and Shahid Mehmood on acting charge basis may be reconsider as regular promotion w.e.f the date of their entitlement to promotion as Naib Tehsildar on regular basis. Learned District Attorney is having no objection on this request of learned counsel for the appellants, therefore, these appeals are disposed of accordingly.

04. So far as the appeal of appellant Mr. Muhammad Idrees is concerned, the same is remitted to the competent authority to constitute departmental promotion committee for considering the case of the appellant in light of the judgment dated 22.09.2021 rendered by this Tribunal in service appeal No. 1022/2019 filed by Minir Akhtar. In case the appellant Muhammad Idrees is aggrieved of any order passed in view of recommendations of Departmental Promotion Committee so constituted, he may avail remedy in accordance with law and rules. Consign.

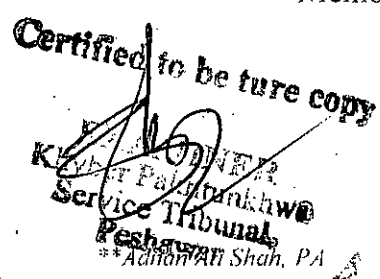
05. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 11th day of April, 2023.*



(Salah Ud Din)
Member(Judicial)



(Kalim Arshad Khan)
Chairman

Certified to be true copy

 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar
 Adnan Ali Shah, PA

Date of Presentation of Application 05/4/23
 Number of ~~Words~~ Page 2
 Copying Fee 10/0
 Urgent 5/1
 Total 15/0
 Name of Copy Shahid
 Date of Completion 05/6/23
 Date of Delivery of Copy 05/6/23



ایڈویٹ:
بار کونسل ایسوسی ایشن نمبر: BL-10-9845
رابطہ نمبر: 03009357757

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: محترم جی ایم ایس سرگولہ کی مکالمہ

منجانب: <u>سید محمد عظیم</u>	دعویٰ:
 <p>بنام</p>	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واپس پیردی و جواب دہی کارروائی متعلقہ
آن مقام کی مکالمہ کیلئے یہاں اٹارنی کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر حالت و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیردی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیردی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم:

العبد سید محمد عظیم العبد
مقام کی مکالمہ کے لیے منظور ہے۔