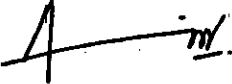


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 378/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.06.2023	<p>The petition for non-compliance of Court order submitted today by Muhammad Aslam Tanoli Advocate. It is fixed for implementation report before touring Single Bench at A.Abad on _____. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution Petition No...378/2023.....

Muhammad Kafeel, Head Vernacular Clerk (Revenue) Office of the
Commissioner Hazara Division Abbottabad.

.....(Petitioner)

VERSUS

1. Government of KPK through Chief Secretary, Civil Secretariat,
Peshawar.
2. Secretary to Government of KPK Revenue & Estate Department,
Peshawar.
3. Commissioner, Hazara Division, Abbottabad.

EXECUTION PETITION IN SERVICE APPEAL NO. 6041/20.

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S/No.	Description of documents.	Annexure	Page No.
1.	Petition		01-03
2.	Order dated 22-02-2023	"A"	03
3.	Copy of letter dated 09-03-2023	"B"	04
4.	Wakalatnama		


PETITIONER

THROUGH


(MUHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT PESHAWAR

Dated: 13-06-2023

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Execution Petition No. 378/2023

Diary No. 5978

Dated 14/6/2023

Muhammad Kafeel, Head Vernacular Clerk (Revenue) Office of the
Commissioner Hazara Division Abbottabad.....(Petitioner)

VERSUS

1. Government of KPK through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of KPK Revenue & Estate Department, Peshawar.
3. Commissioner, Hazara Division, Abbottabad.

EXECUTION PETITION IN SERVICE APPEAL NO. 6041/20.

**PRAYER: ON ACCEPTANCE OF INSTANT PETITION ORDER DATED 21-09-2022 OF
THIS HONOURABLE TRIBUNAL IN EXECUTION PETITION NO. 700/20 MAY
GRACIOUSLY BE GOT IMPLEMENTED IN ITS TRUE LETTER AND SPIRIT.**

Respectfully Sheweth:

1. That petitioner/appellant filed an Execution Petition No. 700/ 2022 dated 30-11-2022 in service appeal No. 6041/20.
2. That this Honorable Tribunal in above Execution Petition No. 700/2022 passed the following order on 22-02-2023:-

"Representative of respondents present and submitted copy of letter No. Estt:II/HVC/V /II/M.Kafeel/2715-17 dated 20-02-2023 of the Board of Revenue addressed to the Secretary to Government of Khyber Pakhtunkhwa, Establishment Department with the request to place the case of petitioner before the SSRC for inclusion of his name in the joint seniority list of Naib-Tehsildar/DRA's/DKs/Sub-Registrar for further promotion to the post of Tehsildar as there was no further structure of HVC nor was there any opportunity of career progression of the only HVC of the province posted in the office of Commissioner Hazara Division. The petitioner says that he would be satisfied if a direction is given to the respondents to pursue the letter of SMBR sent to the Secretary Establishment so that the grievance of the petitioner will be redressed. Order accordingly. Consign." **(Copy of Order dated 22-02-2023 of this Tribunal is attached as Annex-"A")**

3. That though a letter dated 09-03-2023 in this respect has also been submitted to the Secretary to Govt. of KPK, Establishment Department and the SMBR Estate & Revenue Department, Peshawar by the Secretary to Commissioner Hazara Division Abbottabad but order dated 22-02-2023 of this Honorable Tribunal has not been honored. **(Copy of the letter dated 09-03-2023 of Commissioner Hazara is attached as Annex-"B")**.
4. That despite petitioner's incessant approaches to respondents, judgment/order dated 22-02-203 of this Honorable Tribunal has not yet been implemented.

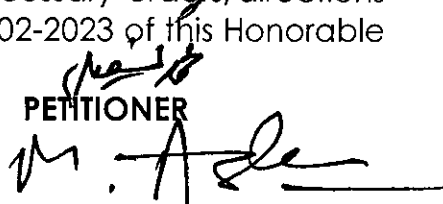
GROUND

- A) That departmental authorities/respondents are delaying the implementation of order dated 22-02-2023 of this Honorable Tribunal in execution petition No. 700/20²² without any reason.
- B) That petitioner is suffering his seniority due to non-implementation of order dated 22-02-2023 of this Honorable Tribunal.
- C) That this Honorable Tribunal has got every jurisdiction to entertain and adjudicate upon the instant petition.

PRAYER:

It is, therefore, humbly prayed that this Honorable Tribunal may graciously be pleased to accept this petition and issue necessary orders/directions to the respondents to implement order dated 22-02-2023 of this Honorable Tribunal in its true letter and spirit.

THROUGH

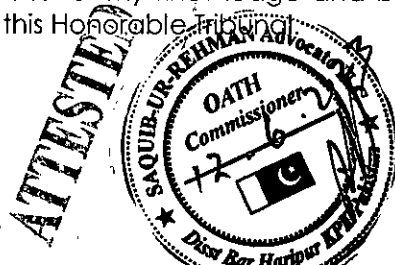

 PETITIONER
 (MUHAMMAD ASLAM TANOLI)
 ADVOCATE HIGH COURT
 ABBOTTABAD

Dated: 13-06-2023

AFFIDAVIT

I, Muhammad Kafeel petitioner do hereby solemnly affirm that the contents of foregoing petition are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.

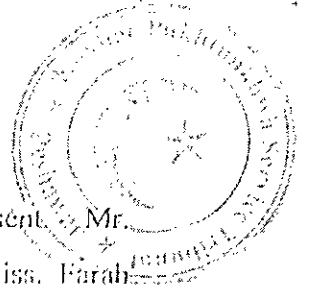
Dated 13-06-2023




 DEPONENT

3

Amus A



22nd Feb, 2023

1. Petitioner alongwith his counsel present, Mr. Muhammad Adeel Butt, Addl. AG alongwith Miss. Farah Naz, Superintendent Office of the Commissioner Hazara Division present.
2. Representative of respondents present and submitted copy of letter No. Estt./HVC/V/H/M, Kafcel/4715-17 dated 20.02.2023 of the Board Of Revenue addressed to the Secretary to Government of Khyber Pakhtunkhwa Establishment Department with the request to place the case of the petitioner before the SSRC for inclusion of his name in the joint seniority list of Naib Tehsildars/DRAs/DKs/Sub Registrars for further promotion to the post of Tehsildar as there was no further structure of HVC nor was there any opportunity of career progression of the only HVC of the province posted in the office of Commissioner Hazara Division. The petitioner says that he would be satisfied if a direction is given to the respondents to pursue the letter of SMBR sent to the Secretary Establishment so that the grievances of the petitioner will be redressed. Order accordingly. Consign.
3. *Pronounced in open court in Abbottabad and given under my hand and seal of the Tribunal this 22nd day of February, 2023.*

(Kalim Arshad Khan)
Chairman
Carns Court Abbottabad



UMS

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No: CHD / Estb / 2/3/2278-82
Dated 9/03/2023

To

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
2. The Senior Member, Board of Revenue, Revenue & Estate Department, Peshawar.

Subject: ORDER OF HONORABLE KHYBER PAKHTUNKHWA, PESHAWAR SERVICE TRIBUNAL IN EXECUTION PETITION NO. 700/22 DATED: 22/02/2023 TITLED MUHAMMAD KAFEEL V/S SMBR, BOARD OF REVENUE, KHYBER PAKHTUNKHWA ETC

Dear Sir,

I am directed to refer to the Board of Revenue, Peshawar letter No. Estt/HVC/V/II/M.Kafeel/4715-17 dated: 20/02/2023 (copy enclosed) on the subject noted above and to state that the judgment of the honorable Court dated: 22/02/2023 in execution petition No. 700/22 is reproduced below:

" Representative of respondents present and submitted copy of letter No. Estt:II/HVC/V/II/M.Kafeel/4715-17 dated: 20/02/2023 of the Board of Revenue addressed to the Secretary to Government of Khyber Pakhtunkhwa, Establishment Department with the request to place the case of petitioner before the SSRC for inclusion of his name in the joint seniority list of Naib-Tehsildar/DRAs/DKs/Sub-Registrars for further promotion to the post of Tehsildar as there was no further structure of HVC nor was there any opportunity of career progression of the only HVC of the province posted in the office of the Commissioner, Hazara Division. The petitioner says that he would be satisfied if directions is given to the respondents to pursue the letter of SMBR sent to the Secretary Establishment so that the grievances of petitioner will be redressed. Order accordingly consign".

In the light of the above, it is, therefore, requested that in compliance with the above order of the Honorable Court, Subject case may be placed before SSRC for inclusion the name of the appellant in the joint seniority list of NT/DRA/DK/Sub-Registrar for further promotion to the post of Tehsildar to avoid further litigation, please.

Matter may be treated as most important being court matter, please.

Encl: Copy of the judgment.

Secretary to Commissioner
Hazara Division Abbottabad

Endst: Even No & Date:

1. Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar with reference to above.
2. Assistant Secretary Litigation, Board of Revenue, Khyber Pakhtunkhwa, Peshawar
3. PS to Commissioner, Hazara Division.

Attested
[Signature]

