


## Form- A

## FORM OF ORDER SHEET

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

Implementation Petition No. 395/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	21.06.2023	<p>The implementation petition of Mr. Ghulam Dastagir submitted today by Syed Noman Ali Bukhari 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</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.

IMPLEMENTATION Petition No. 395 /2023

In

Service Appeal No.1217/2023

Ghulam Dastagir

V/S

Revenue Deptt:

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2.	Copy of order	- A -	03-05
3.	Vakalat Nama	-----	06

  
**PETITIONER**  
Ghulam Dastagir

THROUGH:

  
**(SYED NOMAN ALI BUKHARI)**  
ADVOCATE HIGH COURT

Cell No: 0311-9440376

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

IMPLEMENTATION Petition No. 395 /2023

In  
Service Appeal No.1217/2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6132

Date 21-6-2023

Ghulam Dastagir Patwari Halqa Wadpagga  
Peshawar.

Petitioner

**VERSUS**

1. The Deputy Commissioner, Peshawar.
2. The commissioner Peshawar Division Peshawar.

**RESPONDENTS**

.....

**IMPLEMENTATION PETITION UNDER CPC  
ORDER 39 RULE-2 FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE ORDER  
DATED 30.05.2023 OF THIS HONORABLE  
TRIBUNAL IN LETTER AND SPIRIT.**

**RESPECTFULLY SHEWETH:**

1. That the petitioner filed appeal No. 1217/2023 against the order dated 27/01/2023 and 14.03.2023 whereby the appellant was prematurely and politically motivated transfer.
2. That the said appeal was fixed in preliminary hearing on 30.05.2023 and Honorable Tribunal is kind enough to admit the appeal of the appellant to full hearing finally and also suspend the operation of the impugned order to the extent of appellant. **Copy of the order is attached as Annex-A.**
3. That the appellant also filed an application for implementation of order dated 30.05.2023. The respondents were totally failed in taking any action regarded the Hon'able Tribunal order dated 30.05.2023. **Copy of application is attached as Annex-B.**

- 4. That the petitioner has no other remedy except to file this implementation Petition.

It is, therefore, most humbly prayed that the respondents may be directed to obey the 30.05.2023 of this august Tribunal in letter and spirit and respondent may be directed to hand over the charge to appellatant of the post PH Wadpagga, Peshawar without any further delay. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favor of

*Ghulam Dastagir*  
**PETITIONER**  
 Ghulam Dastagir

**THROUGH:**

*7 June*  
**(SYED NOMAN ALI BUKHARI)**  
 ADVOCATE HIGH COURT  
*& UZMA SYED*  
**UZMA SYED**  
 Advocate High Court

**AFFIDAVIT:**

It is affirmed and declared that the contents of the above implementation Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able

*Ghulam Dastagir*  
**DEPONENT**



A (3)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1217 /2023



Ghulam Dastagir Patwari Halqa Wadpaga  
Peshawar.

..... Appellant

VERSUS

- 1- The Deputy Commissioner Peshawar
- 2- The commissioner Peshawar Division Peshawar.
- 3- Mr. Inwan Patwari Halqa wadpaga, Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE IMPUGNED TRANSFER ORDER DATED 27/01/2023 WHEREBY THE BLUE EYED PERSON WAS TRANSFERRED AGAINST THE POST OF APPELLANT IN UTTER VIOLATION TO THE TRANSFER & POSTING POLICY & 14/3/2023 (TO THE EXTENT OF REPORT TO KANUNGO OFFICE) AND NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS SERVICE APPEAL THE ORDER DATED 27/01/2023 AND TRANSFER ORDER DATED 27/01/2023 TO THE EXTENT OF S.NO:3 MAY PLEASE BE SET ASIDE BEING PASSED PREMATURELY AND VIOLATION OF POSTING/TRANSFER POLICY. AND DIRECTED THE RESPONDENTS NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.



Certified to be true copy

*[Signature]*  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

FORM-A  
FORM OF ORDERSHEET

(4)


Court of \_\_\_\_\_  
Case No. 1217/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.05.2023	<p>As per direction of the Worthy Chairman the present appeal is fixed for preliminary hearing before Single Bench at Peshawar on <u>30.05.2023</u></p> <p style="text-align: right;">                       REGISTRAR                 </p> <p style="text-align: right;">  </p> <p>20<sup>th</sup> May, 2023</p> <ol style="list-style-type: none"> <li>1. Learned counsel for the appellant present.</li> <li>2. Learned counsel for the appellant submits that as regards the office objection no representation has been filed, and against order dated 14.03.2023, the appellant was exonerated from the charges leveled against him and he was directed to report to the District Kanungo office immediately. He stated that the order dated 14.03.2023 did not need any representation because the appellant was exonerated vide the same and, since, originally the appellant was aggrieved of transfer order, therefore, the order dated 14.03.2023 was also made part of the claim in this appeal because the appellant was directed to report to the office of District Kanungo instead of his old posting. The office objection is removed in view of the submission of the learned counsel of the appellant.</li> <li>3. Against the impugned order dated 27.01.2023 the appellant filed departmental appeal on 09.02.2023 which was not responded within 90 days, where-after, the appellant has filed this appeal on 19.05.2023. Admitted to full hearing subject to all just and legal objections by the other side. Appellant is directed to deposit security fee within 10 days. Respondents shall be summonsed through registered/A.D post, the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written</li> </ol>

Peshawar  
 KPST  
 SCANNED

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29/5/23

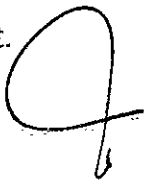
Certified to be true copy  
  
 CHAIRMAN  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

(5)

reply/comments on 09.06.2023 before S.B. P.P given to the appellant.

4. Alongwith with the main appeal there is an application for suspension of operation of order dated 27.01.2023 and 14.03.2023. Learned counsel for the appellant submits that just to post out the appellant, he was proceeded departmentally and was suspended in order to accommodate the blue-eyed person. Notice of this application be issued to the respondents. In the meanwhile, the operation of 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 register/A.D post, within three days, the suspension order will have no effect.


SCANNER  
KPST  
Peshawar

  
30/5/23  
(Kalim Arshad Khan)  
Chairman

\*Kaleem Ullah

09.06.2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 & 2 present and requested for further time for submission of reply/comments. Adjourned. To come up for reply/comments on 14.06.2023 before the S.B. Parcha Peshi given to the parties.

  
(Salah-Ud-Din)  
Member (J)

\*Naeem Amin\*

Certified to be true copy  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
30/5/23

# بعدالت

Kap Services Tribunal, Peshawar

مورخہ  
مقدمہ  
دعویٰ  
جرم

2 منجانب  
بنام

Ghulam Dastagir  
US  
Revenue Deptt

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام پیشاور کیلئے سید نعمان علی خان اور علی احمد

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے کی تفریق ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھ دیا کہ سند ہے۔

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ماہ

المرقوم

العبد د گ واہ العبد

Ghulam Dastagir