


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 542/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	26.07.2023	<p>The implementation petition of Engr. Mian Gul Khan submitted today by Mr. Rashid Rauf Swati Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>01-08-2023</u>. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE Khyber Pakhtunkhwa
Service Tribunal
TRIBUNAL, PESHAWAR

Implementation petition no. 542/23

Diary No. 6730

Dated 26/07/23

Engineer Mian Gul Khan, Executive Engineer Public Health
Engineering Division Tank.

(Petitioner)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Public Health Engineering Department, Peshawar.
3. Chief Engineer South, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.
4. Superintending Engineer, Public Health Engineering Department, D.I. Khan Circle, D.I. Khan.
5. Abdur Rehman, SDO Public Health Engineering Department, Sub-Division, Tank.

(Respondents)

APPLICATION FOR DIRECTIONS TO THE
RESPONDENT TO IMPLEMENT THE ORDER DATED
10/07/2023 PASSED BY THIS HON'BLE TRIBUNAL IN
SERVICE APPEAL NO. 1437 OF 2023.

Respectfully Submitted:

1. That the petitioner was posted as Executive Engineer Public Health Division Tank and he was transferred in utter disregard settled law vide Notification No. SO (Estt) PHED/1-452022 dated 27/03/2023.
2. That the appellant assailed the stated notification before this Tribunal by filing Service Appeal and vide order

(2)

dated 10/07/2023, this Hon'ble Tribunal suspended the transfer order of appellant.

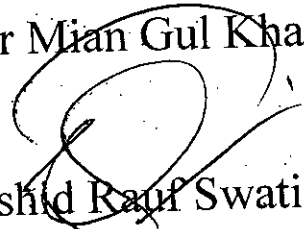
3. That respondent initially committed to implement the order passed by this Hon'ble Tribunal, however later verbally directed the petitioner not to perform his duties.
4. That act of the respondent is not only against the law but also amount to defiance of the order passed by this Hon'ble Tribunal.
5. That the respondent is under legal obligation to implement the orders of this Hon'ble Tribunal and not to create any hurdle in the same.
6. That petitioner repeatedly requested the respondent to implement the order of the Hon'ble Tribunal but of no use, hence the present petition.

Therefore, it is humbly prayed that directions may be issued to the respondent for implementation of the order of this Hon'ble Tribunal dated 10/07/2023 passed in Service Appeal No. 1437 of 2023.

Dated: 25/10/2023

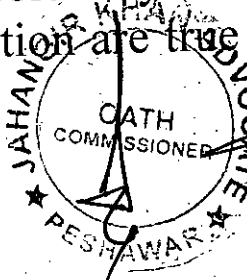
Engineer Mian Gul Khan (Petitioner)

Through


Rashid Rauf Swati
Advocate, High Court,
Peshawar.

AFFIDAVIT:

I, Engineer Mian Gul Khan, Executive Engineer Public Health Engineering Division Tank, do hereby solemnly affirm & declare on oath that all contents of instant petition are true & correct to the best of my knowledge and belief.


OATH
COMMISSIONER
PESHAWAR
DEPONENT

1 (3)

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

Service Appeal No. 1437 of 2023

Engr. Mian Gul Khan, Executive Engineer, Public Health Engineering
Division, Tank.

APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Public Health Engineering Department, Peshawar.
3. Chief Engineer South, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.
4. Superintending Engineer, Public Health Engineering Department, D.I.Khan Circle, D.I.Khan.
5. Abdur Rehman, SDO Public Health Engineering Department, sub-Division Tank.

RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF THE K.P.
SERVICE TRIBUNALS ACT, 1974, AGAINST THE
NOTIFICATION BEARING NO. SO(ESTT)/PHED/1-
45/2022 DATED 27.03.2023 ISSUED BY THE
RESPONDENT No.2.**

Admitted
H
26/7/2023

PRAYER:

On acceptance of present Service Appeal and by
setting aside/cancelling Notification bearing No.
SO(Estt)/PHED/1-45/2022 dated 27.03.2023, the

(12)

Appeal No. 1437/2023
Mian Gul is Civil

10th July, 2023



1. Learned counsel for the appellant present and heard.
2. Against the impugned order dated 27.03.2023, the appellant was transferred from the post of Executive Engineer PHE Division Tank to the post of Deputy Director Lab/Projects PHE department with immediate effect, the appellant filed departmental appeal on 31.03.2023, which was not responded within the statutory period, hence, this appeal on 05.07.2023. 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 respondents be summoned through TCS/LCS, the expenses of which be deposited by the appellant within three days. To come up for written reply/comments on 19.07.2023 before S.B.
3. As to the application for suspension of the operation of the impugned order dated 27.03.2023, it is directed that the 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/LCS, within three days, the suspension order will have no effect.

[Signature]

(Kalim Arshud Khan)
Chairman



Attended

11
26/7/2023

Certified to
[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application - *10/7/23*
 Number of - *02*
 Copying Fee - *1/-*
 - *5/-*
 - *2/-*
 - *10/7/23*
 Date of Delivery - *10/7/23*

(6)

قیمت 50 روپے	4281	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈووکیٹ Cashed Kaf Swati Advocate	بار کونسل ایسوسی ایشن نمبر 10-3792 BC	PESHAWAR BAR ASSOCIATION
رابطہ نمبر: 0333-9222243		 

بعدالت جناب: Khyber Pakhtun Khwa Service Tribunal

مخائب: سید	دعویٰ: Misc. Application
مدد گل خان بنام سیکرٹری پبلک ہیلتھ ڈویژن	علت نمبر: مورخہ: جرم: تھانہ:

بابت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام لینا و رسیدہ رائے (سید گل خان) ایڈووکیٹ کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقررات و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی 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 بالا اختیارات حاصل ہوں گے اور اس کا ساختہ اپنی داخست منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانب التوا کے مقدمہ کے سبب سے ہوگا۔ کوئی تاخیر پیشی مقام دوسرے یا حد سے
باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا تاکہ سند ہے
المرقوم: 07/2023

الع بد گواہ شد الع بد
مقام کے لیے منظور ہے۔

Public Health Division
Peshawar
Executive Engineer