

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNEL PESHAWAR.**

**Execution Petition No. \_\_\_\_\_/2023**

**In Service Appeal No.874/2018**

Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar  
& Others.

.....Petitioners

**VERSUS**

Mr. Muhammad Fayaz,

.....Respondent

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Deponents

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNEL PESHAWAR.

Execution Petition No. \_\_\_\_\_/2022

Khyber Pakhtunkhwa  
Service Tribunal

In Appeal No.874/2018

Diary No. 6900

Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar and Others. 07/08/23

.....Petitioners

VERSUS

Mr. Muhammad Fayaz,

..... Respondent

OBJECTION PETITION AGAINST THE ORDER DATED 24.05.2019 IN  
APPEAL NO. 874/2018.

Respectfully Sheweth:


Facts:

1. Para 1 of the execution petition is correct to the extent that the Hon'ble Service Tribunal has decided the instant appeal while rest of the Para is incorrect. That no judgment/order was passed in favor of the petitioner.

2. Para 2 of the execution petition is correct.

3. Para 3 of the execution petition is correct to the extent that the Hon'ble Service Tribunal issued direction to this Office for consideration of the request of the appellant to the extent of inclusion of his name in the relevant seniority list in case he has been regularized in to service while rest of the para is incorrect. That the judgment of Hon'ble Service Tribunal was taken into consideration by the Competent Authority wherein it transpired that notification regarding regularization of the appellant is not issued by the competent authority and his services are still temporary with this Office.

It is therefore, humbly prayed that on acceptance of the Reply/Objections, the execution petition may kindly be dismissed with cost.

  
Secretary

Government of Khyber Pakhtunkhwa,  
Sports & Youth Affairs Department 27/07  
(Petitioner No.01 & 03)



Secretary

Government of Khyber Pakhtunkhwa,  
Establishment Department  
(Petitioner No.2)

  
Secretary

Government of Khyber Pakhtunkhwa,  
Finance Department  
(Petitioner No.3)

Execution Petition No. \_\_\_\_\_/2023

In Service Appeal No.874/2018

Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar  
& Others.

.....Petitioners

VERSUS

Mr. Muhammad Fayaz,

.....Respondent

**AFFIDAVIT**

I Muhammad Wisal, Section Office(Litigation), Sports & Youth Affairs Department, do hereby solemnly affirm and declare on oath that the contents of this petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Service Tribunal Khyber Pakhtunkhwa, Peshawar.

  
DEPONENT  
CNIC No. 17301-8037228-3  
Cell No# 03339130998

*It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-Parte nor their defense has been struck off/court.*



874/2018

Muhammad Fayaz vs Govt

24.05.2019



Appellant alongwith his counsel (Haji Muhammad Zahir Shah Advocate) and Mr. Ziaullah DDA alongwith Mumtaz Qureshi, Junior Clerk for the respondents present.

The matter was argued at sufficient length. When learned counsel for the appellant was asked regarding the date of regularization of service of the appellant it was stated that throughout the record the said date was not available. The appellant also stated at the bar that the respondents were not handing him over any document pertaining to the date of regularization of his service although he has been in receipt of salary as a regular employee. In the circumstances, learned counsel stated that the appellant shall be satisfied at present in case his name is included in the seniority list from the date of his regularization in service in accordance with law and rules.

We consider that the request of appellant is allowable to the extent of inclusion of his name in the relevant seniority list in case he has been regularized into service. The respondents are, therefore, required to do the needful in accordance with law and rules. Instant appeal is disposed of in the said terms. The appellant may, however, approach the appropriate forum in case he is left with any other grievance against the respondents.

File be consigned to the record room.

  
Member

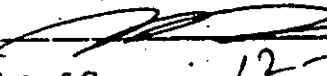
  
Chairman

Attested  


Announced  
24.05.2019

Certified to be true copy

  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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GOVERNMENT OF, KHYBER PAKHTUNKHWA,  
SPORTS & YOUTH AFFAIRS DEPARTMENT.

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091-9212535.



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NO. SO (LIT)/S&TD/1- 80/2001/ M.Fayaz  
Dated Peshawar the, \_\_\_ August , 2023.

**AUTHORITY LETTER**

Mr. Wisal Muhammad (BPS-17), Section Officer (Litigation), Sports & Youth Affairs Department is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Execution Petition titled "Muhammad Fayaz VS Government of Khyber Pakhtunkhwa through Chief Secretary and others on behalf of the undersigned till the final decision of the case.

  
Secretary to Govt. of Khyber Pakhtunkhwa,  
Sports, & Youth Affairs Department.

**SECRETARY**  
SPORTS AND YOUTH AFFAIRS  
DEPARTMENT, KHYBER PAKHTUNKHWA

Attested  
