


Form- A

FORM OF ORDER SHEET

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

Implementation Petition No. 694 /2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	
1	27.09.2023	<p>The implementation petition of Mr. Ameer Abdullah submitted today by Mr. Amjad Ali Mardan Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>28-09-23</u>. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

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

*Exception Petition No. 694/2023*

In Re:

Service Appeal No. 1833/2023

Ameer Abdullah .....Appellant

**VERSUS**

Govt. of KP, through Secretary Health and others

....Respondents

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Dated: 27.09.2023

*Ameer Abdullah*  
Appellant

through

*Amjad Ali*  
Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

*Execution Petition no. 694/2023*

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7943

Dated 27/09/23

In Re:

Service Appeal No. 1833/2023

Ameer Abdullah S/o Muhammad Jahangir R/o  
Shadman Colony Miryali, tehsil & District Dera  
Ismail Khan.

.....Appellant

**VERSUS**

- 1) Govt. of Khyber Pakhtunkhwa through  
Secretary Health, Civil Secretariat, Peshawar.
- 2) Secretary Health, Khyber Pakhtunkhwa, Civil  
Secretariat, Peshawar.
- 3) Director General, Health Services Khyber  
Pakhtunkhwa at Directorate of Health Services,  
Warsak road, Peshawar.
- 4) Regional Director General Health Services South at  
Directorate of Health Services, Warsak road,  
Peshawar.
- 5) District Health Officer (DHO) Dera Ismail Khan at  
DHO Office D.I.Khan.
- 6) District Account Officer, Dera Ismail Khan at DAO  
Office D.I.Khan.
- 7) Head Clerk, DHO Office D.I.Khan
- 8) Accounts Clerk, DHO Office D.I.Khan

...Respondents

(2)

APPLICATION/ CONTEMPT OF COURT FOR  
IMPLEMENTATION OF JUDGMENT DATED  
13.09.2023 OF THIS HON'BLE TRIBUNAL  
PASSED IN SERVICE APPEAL NO.1833/2023

Sir,

Appellant humbly submits as under:-

1. That the above titled appeal is pending adjudication before this Hon'ble Tribunal, which is fixed for 28.09.2023.
2. That alongwith titled appeal, the appellant also moved an application for the release of his salary from the month of February, 2023 till onward.
3. That during pendency of titled appeal, this hon'ble Court was pleased pass an interim order vide its order dated 13.09.2023 directed the respondents to release the current salaries of the appellant. (Copy of order dated 13.09.2023 is attached as Annexure "A")
4. That after announcement of judgment dated 13.09.2023, the respondents were approached by the appellant time and again for the release of his salary, but of no avail.
5. That omission of respondents not to act upon the order/ judgment of this Hon'ble Tribunal speaks of the fact that respondents has undermined the authority of this Hon'ble Tribunal and are not implementing the same will fully for which they are to be dealt with in accordance with law.

6. That this omission/ act of respondents squarely falls within the ambit of contempt of court as respondents have conveniently ignored the time frame provided by this Tribunal Court.

It is therefore, humbly requested to please direct respondents to implement the judgment & order dated 13.09.2023 in its letter and spirit and the respondents be directed to release the salary of the appellant forthwith without any delay or justification.

*M. Anis Abdullh*  
Appellant

through

*(Signature)*

**Amjad Ali (Mardan)**  
Advocate  
Supreme Court of Pakistan

**AFFIDAVIT**

I, do hereby affirm and declare on oath that the contents of accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

*M. Anis Abdullh*  
Deponent



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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No. 1833 /2023



Ameer Abdullah S/O Muhammad Jahangir R/O Shadman Colony,  
Miryali Tehsil and District Dera Ismail Khan

.....Appellant

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 7437

Dated 18/9/2023

VERSUS

1. Govt of KP through Secretary Health KP at Civil Secretariat Peshawar
2. Secretary Health KP at Civil Secretariat Peshawar
3. Director General, Health Services KP at Directorate of Health Services, Warsak Road, Peshawar
4. Regional Director General Health Services South, at Directorate of Health Services, Warsak Road, Peshawar
5. District Health Officer (DHO) Dera Ismail Khan at DHO Office DI Khan
6. District Account Officer, Dera Ismail Khan at DAO Office DI Khan
7. Head Clerk, DHO Office D.I Khan
8. Accounts Clerk, DHO Office D.I Khan

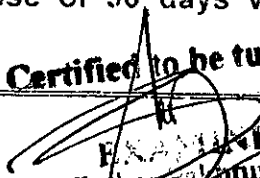
.....Respondents

Filed to-day

Registrar

Appeal under section 4 of Service Tribunal Act for inaction of the respondent no 5 to give effect to the appellate order dated 28.02.2023 passed by Director General Health Services KP, order dated 19.05.2023 passed by Director (HRM) Directorate General Health Services KP and orders dated 21<sup>st</sup> July 2023 & 1<sup>st</sup> August 2023 passed by Section Officer-III to worthy Secretary Health KP wherein appellant is not adjusted as Chief PHC Technician (MP) (BPS-16) in the Sanitation Unit in the office of DHO D.I Khan and non-release of salary of appellant since February 2023 till date and onwards inspite of promotion & posting order dated 11.11.2022 and adjustment order dated 28.02.2023 and thereafter departmental appeal dated 06.06.2023 for implementation of aforementioned orders remained un-responded even after lapse of 90 days which are illegal against law and facts.

Certified to be true copy

  
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

13.09.2023



Learned counsel for the appellant present and argued that vide notification dated 11.11.2022 appellant was promoted to the post of Chief PHC Technician (MP) (BPS-16) on regular basis and was posted at DHO D.I.Khan. He further argued that appellant submitted his arrival report on the same date. Special adjustment was made by Director General Health Service Khyber Pakhtunkhwa Peshawar on 28.02.2023. Adjustment was made against the post of Chief PHC Technician (MP) (BPS-16) in sanitation unit DHO D.I.Khan. As a result of which appellant submit his arrival report and certificate of transfer and charge to DHO D.I.Khan but he did not accept his arrival. Learned counsel submitted that Director General also directed DHO D.I.Khan for release of salary but he had not yet released salary of the appellant. He further submitted salary of the appellant is the only source of income for his entire family. Appellant filed departmental appeal on 06.06.2023 which was not responded within statutory period, therefore, he filed instant service appeal on 12.09.2023 under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. Points raised need consideration, therefore, appeal is admitted for regular hearing subject to all legal objections. Appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 22.09.2023 before S.B at camp court D.I.Khan. P.P given to learned counsel for the appellant.

2. Alongwith the appeal there is an application for release of salary from the month of February 2023. Respondents are directed to release current salaries of the appellant.

(Rashida Bano)  
Member (J)

*Certified to be true copy*  
*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**SCANNED**  
**KPST**  
**Peshawar**

To

6

District Health Officer,  
D.I.Khan.

.Subject: Application for implementation of services tribunal court order dated 13/09/2023 vide service tribunal appeal No. 1833/2023 through which court order for release of salary of petitioner till outstanding.

Respected Sir,

Petitioner humbly submitted as under:-

1. That petitioner is promoted to BPS-16 chief PHC Technician on 11/11/2022.
2. That instant of promotion orders of high officials including secretary health and DG health but petitioner was not adjusted by your honor in the said post nor issuing salaries of petitioner.
3. That petitioner submitted his case before the service tribunal KPK.
4. Whereas services tribunal order for release of salary of petitioner vide order dated 13-09-2023.

*Therefore, you are requested for implementation of court order dated 13-09-2023 in letter and spirit. Copy of court is annexed with application of petitioner.*

Dated: 14-09-2023

*Amir Ali*  
*AB*  
*Amir Ali*  
*ASC*

You're faithfully,

*M. Amir Abdullah*  
(Ameer Abdullah)

Chief PHC Technician BPS-16  
District TB Control Program Office  
D.I.Khan



ITN No. P2832053-7



(7)



CN: 1069154332

CASH

2023-09-15 12:02

ITE-DIK IPcs - 5  
Staff: 100317 Route: X24104

Name : AMER ABU LAD  
Phone : 03439360043  
Address : DISTRICT IB CONTROL OFFICE DHQ HOS  
PITAL DERA ISMAIL KHAN.

Name : DR. MAHMUD JAN  
Phone : 03343347800  
Address : DISTRICT HEALTH OFFICER DERA ISMAIL  
KHAN

DOCUMENTS

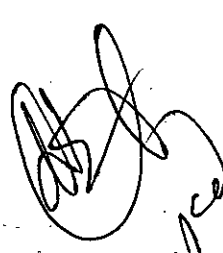
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Fuel Surcharge	26.0
Other Amount	0.0
VAS	8
Insurance CHG	0
PST	28
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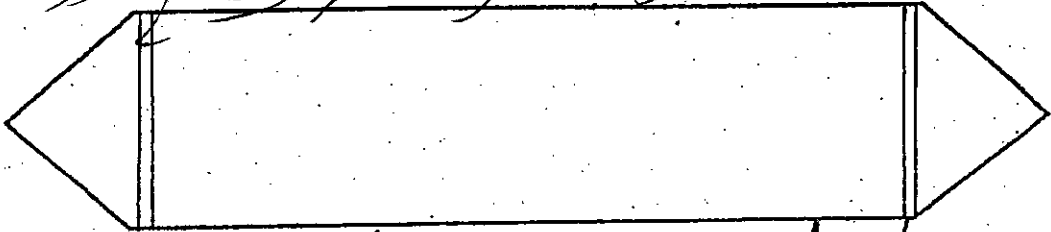
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*Amer*  
  
*Amir*  
*AS*

# بعدالت فریب روس ڈیویڈن لکھنؤ



2 مخانب

27 | 9 | 23

موزخه

مقدمه

دعوی

جرم

بنام  
امیر علی احمد علی  
بنام

## Implementation باعث تحریر آنکہ

مہر کو رکھنا

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کارروائی متعلقہ  
 آن مقام لکھنؤ کے لیے امیر علی احمد علی کے نام سے  
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کانس اختیار ہوگا۔ نیز  
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیا عرضی 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 اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
 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 کبھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ  
 پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔  
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
 مذکور کریں۔ لہذا ادکالت نامہ لکھد یا کہ سندر ہے۔

الرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

31/01/2023

Amr...  
Man

Amr...  
مقام

0343 936 0043

Man 0321 9882434