

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Misc: Application No. _____
In E.P No.601/2022
Service Appeal No.763/2018

Muhammad Bashir Khan

..... **Petitioner**

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat,
Peshawar & Others.

..... **Applicants/Respondents**

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Section Officer (Lit-II)
Planning and Development
Department

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BEFORE THE CHAIRMAN SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Misc: Application No. _____
In E.P No.601/2022
Service Appeal No.763/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8305

Dated 16-10-23

Muhammad Bashir Khan

..... **Petitioner**

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat,
Peshawar & Others.

..... **Applicants/Respondents**

APPLICATION FOR DECIDING / ENTERTAINING THE OBJECTION PETITION
NO. 5450/2023 AND SUSPENSION OF ORDER DATED: 18/09/2023 TILL
FINAL DISPOSAL OF THE OBJECTION PETITION

RESPECTFULLY SHEWETH:

1. That the caption Execution Petition is pending adjudication before this Hon'ble Tribunal in which dated 16/10/2023 is fixed for hearing.
2. That the respondent / P&D Department filed objection petition vide institution receipt No.5450 dated 19/05/2023 which was placed on file vide order sheet dated 20/06/2023 by the Hon'ble Member Service Tribunal Khyber Pakhtunkhwa and was fixed for arguments.

(Copy of inst: receipt & order sheet is attached as Annex-A & B)

3. That the Hon'ble Tribunal Khyber Pakhtunkhwa without entertaining/deciding the objection petition directing the respondents vide order sheet dated: 18/09/2023 for submitting implementation report on 06.10.2023.

(Copy of the order sheet is attached as Annex-C)

4. That the objection petition is prima-facia proof and there is great chance of it success.
5. That if the objection petition is not entertained, the same has become infructuous which is against the settled principle of law "No one should be condemned unheard".
6. That additional grounds if any will be raised at the time of arguments with the prior permission of this Hon,ble Tribunal.

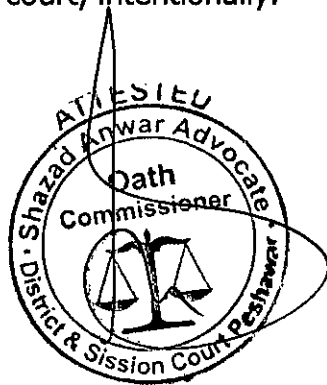
It is therefore humbly prayed that by accepting this application, objection petition may be entertained and also suspended the execution petition till final disposal of objection petition.

Mandh

**Section Officer (Lit-II)
Planning and Development
Department**

AFFIDAVIT

It is verified upon oath that the contents of the Misc: application are true and correct to the best of my knowledge & belief and nothing has been concealed from this hon'ble court, intentionally.



16.10.23

Mandh

Deponent

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Annex-A

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL

Inst No: 5450

Objection Petition

763/2018

Muhammad Bashir Khan

VS

Establishment

Advocate: No Advocate

19/08/2023

10:03:31


Section Officer (Lit)
Planning & Dev. Deptt
KPK

4 Ameen-B B

18.05.2023

Petitioner in person present. Mr. Muhammad Irshad, Deputy Secretary alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Representative of the respondents stated that meeting of the PSB has been held on 16th May 2023, therefore, some time may be granted for submission of implementation report. In this respect, he also produced copy of letter dated 15.05.2023 alongwith copy of Agenda of the PSB meeting, which was held on 16.05.2023. The same are placed on file. Adjourned. The execution petition in hand is pending adjudication since 19.10.2022, therefore, respondents shall positively produce implementation report on 20.06.2023 before the S.B. Parcha Peshi given to the parties.

SCANNED
KFST
Peshawar

Naeem Amin

(Salah-Ud-Din)
Member (J)

20th June, 2023

01. Petitioner in person present. Mr. Muhammad Jan, District Attorney alongwith Saaddullah, Addl. Secretary (Regulation), Arifullah, S.O (PSB) and Muhammad Riaz, Superintendent for the respondents present.

02. Representatives of the respondents submitted objection petition which is placed on file and a copy whereof provided to the petitioner. To come up for arguments on execution petition on 01.08.2023 before the S.B. Parcha Peshi given to the parties.

Section Officer (AO)
Planning & Dev. Deptt.
2023

(FAREEHA PAUL)
Member (E)

5 Annex-C

01.08.2023

Petitioner alongwith his counsel present. Mr. Asif Masood Ali Shah, District Attorney alongwith Mr. Adnan, Section Officer for the respondents present.

Learned counsel for the petitioner at bar presented latest precedent of conditional implementation of the judgment of this Tribunal dated 20th June, 2023 wherein Mr. Muhammad Hussain, Ex-Director General Outreach Agriculture Research Wing has been promoted for (proforma promotion) to BS-19 to BS-20 subject to the final outcome of CPI.A. Respondents are, therefore, directed to treat the present petitioner equally and implement the judgment of this Tribunal which is pending for implementation for two years. To come up for implementation report on 18.09.2023 before S.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (I)

Anonimlich

sep 2023

1. Junior to counsel for the petitioner present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Asad Ali Khan, Section Officer for the respondents present.

2. Implementation report not submitted. Representative of the respondents requested for time to submit implementation report on the next date. Adjourned. To come up for implementation report on 16.10.2023 before S.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (I)



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**GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT**

AUTHORITY LETTER

Mr. Meher Muhammad, Section Officer (Litigation) of Planning & Development Department is hereby authorized to pursue / defend court cases of Service Tribunal, Khyber Pakhtunkhwa and Civil / District Courts as well as submit Para-wise Comments / Replies in the cases duly sworn on affidavit in the courts on behalf of Additional Chief Secretary and Secretary P&D Department.


**DEPUTY SECRETARY
P&D Department**

**Deputy Secretary (Admin)
Planning & Development
Department**