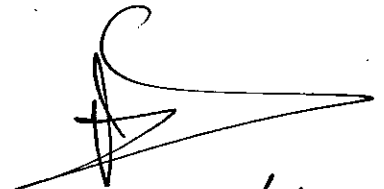


04.03.2016

Counsel for the petitioner and Mr. Muhammad Arshed, SO
alongwith Addl: A.G for respondents present. Representative
submitted letter dated 02nd March, 2016 according to which the
departmental appeal of the petitioner has been regretted.

In view of the afore-stated development, learned counsel for
the petitioner requested for disposal of the execution petition.
Disposed of accordingly. File be consigned to the record room.





Chairman
04 03 16.

ANNOUNCED
04.03.2016

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 143/2015

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25.11.2015	<p>The Execution Petition submitted by Mr. Muhammad Haroon through Mr. Ghulam Nabi Khan Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27-11-15	<p>This Execution Petition be put up before S. Bench on <u>30-11-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	30.11.2015	<p>None present for petitioner. Notices to parties be issued for 4.3.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Execution petition no. 143/2015

C.M. No. _____ / of 2015
IN RE:

Service Appeal No. 482 / of 2012

Muhammad Haroon *chief*
Primary Health Care, (Technician)
Basic Health Unit Chandoor District MansehraApplicant

VERSUS

Chief Secretary to Government of
Khyber Pakhtunkhwa, Peshawar and othersRespondents

INDEX

S.No	Description of documents	Annexure	Page
1.	Cr. Misc Application		1-2
2.	Affidavit		0-3
3.	Copy of the Order of the Honourable Service Tribunal	'A/1'	4-5
4.	Copy of the order/judgment dated 08.06.2015	'B/1'	6
5.	Vakalat Nama (on original file)		

Applicant

Through:

Ghulam Nabi Khan
(Ghulam Nabi Khan)
Advocate,
Supreme Court of Pakistan
B-17, Haroon Mansion
Khyber Bazar, Peshawar
Cell # 0300-5845943

Dated: *24*11.2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Execution Petition no. 143/15

C.M. No. _____ / of 2015

IN RE:

Service Appeal No. 482 / of 2012

E.W.F. PROVIDED
Service Tribunal
Diary No. 1351
Dated 25-11-15

Muhammad Haroon, *chief*
Primary Health Care, (Technician)
Basic Health Unit Chandoor District MansehraApplicant

VERSUS

1. Chief Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa Finance Department, Peshawar... .. Respondents

APPLICATION FOR THE IMPLEMENTATION OF
THE ORDER OF THIS HONOURABLE TRIBUNAL
DATED 08.06.2015.

Respectfully Sheweth:

1. That the appellant filed an appeal with regard to his promotion/upgradation to the post of Senior Primary Health Care Technologist BPS-18.
2. That the said appeal was disposed of on 08.06.2015 with the directions to the respondents that they should look into the matter of the applicant in the light of Notification dated 09.05.2012 read with Notification dated 10.05.2006. (Copy of the order/judgment of this Honourable Tribunal is attached as annexure 'A/1').
3. That the applicant filed an appeal before the august Supreme Court of Pakistan which was fixed before the bench on 07.10.2015, however, the applicant was advised to seek his remedy before the proper forum which is

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the Honourable Service Tribunal. (Copy of the judgment dated 07.10.2015 is attached herewith as annexure 'B/1').

4. That inspite of all the efforts and submissions before the department the respondent department is not ready to consider case of the applicant for his promotion/upgradation to the said post which is against the order/judgment of this Honourable Tribunal and the respondent department is bound by the above said order to consider case of the appellant for promotion/upgradation, as he is qualified by all means to be promoted/upgraded to the above said post.


It is, therefore, respectfully submitted that this Honourable Tribunal may please be kind enough to make direction to the respondent department to consider the applicant for promotion/upgradation to the above said post as advised by the Honourable Tribunal.


Applicant

Through:


(Ghulam Nabi Khan)
Advocate,
Supreme Court of Pakistan
B-17, Haroon Mansion
Khyber Bazar, Peshawar
Cell # 0300-5845943
And

Dated: 24/11.2015


(Mian Tajammal Shah)
Barrister, Peshawar.

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____ / of 2015

IN RE:

Service Appeal No. 482 / of 2012

Muhammad Haroon , *Chief*
Primary Health Care, (Technician)
Basic Health Unit Chandoor District Mansehra Applicant

VERSUS

Chief Secretary to Government of
Khyber Pakhtunkhwa, Peshawar and others Respondents

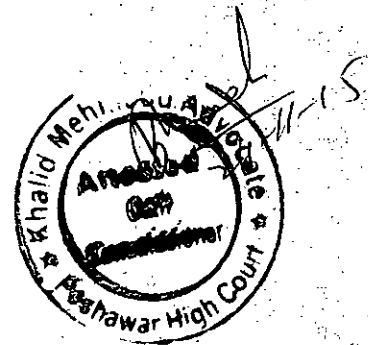
AFFIDAVIT

I, Muhammad Haroon, Chief Primary Health Care Technician (BPS-16) Basic Health Unit Chandoor District Mansehra, do hereby solemnly affirm and declare that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Haroon
Deponent

IDENTIFIED BY:

Ghulam Nabi Khan
(Ghulam Nabi Khan)
Advocate, Peshawar.



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A-1



Sr. No.	Date order/ proceedings	of Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	08.06.2015	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">Appeal No. 482/2012 ,</p> <p style="text-align: center;">Muhammad Haroon Versus Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH. MEMBER.-</u> Appellant with counsel (Mr. Ghulam Nabi, Advocate) and Mr. Ziaullah, Government Pleader with Yar Gul, Assistant for the respondents present.</p> <p>2. The appellant is aggrieved with notification dated 07.1.2008 whereby in the impugned order degree of Master of Public Health (MPH) has been excluded for promotion to the post of Senior Primary Health Care Technologist (Multi Purpose) BPS-18.</p> <p>3. During the course of arguments, the learned counsel for the appellant produced copy of notification dated 09.5.2012 and submitted that grievance of the appellant has been redressed in this notification as holders of the Master Degree in Public Health for promotion promotion/upgradation has been restored which was excluded by way of an earlier order of the department. He further submitted that in view of this notification, the respondent department may be directed to consider the case of the appellant for promotion to BPS-17/18</p>

ATTESTED

EX. MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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on the basis of having MPH Degree.

4. Learned Government Pleader has reservation to the extent that the Tribunal cannot direct the respondent department to promote the appellant to BPS-17/18, he however, could not dispute that the appellant is a degree holder of MPH. In the stated position of the case, the respondent department is advised to look into the matter of the appellant in the light of notification dated 09.5.2012 read with notification dated 10.5.2006. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

Sd/- Pir Bahar Ali, Member
Sd/- Abdul Latif, Member

ANNOUNCED
08.06.2015

Certified to be true
M. E. V.
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 24-11-2015

Number of Voids 300

Copy Fee 6

Urgent 2

Total 8

Name of Copy [Signature]

Date of Completion of Copy 24-11-2015

Date of Delivery of Copy 24-11-2015

B-1
6

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Sarmad Jalal Osmany
Mr. Justice Sh. Azmat Saeed

CIVIL PETITION NO. 2168 OF 2015

Against the judgment dated 8.6.2015 passed By Khyber
Pakhtunkhwa Service Tribunal Peshawar in Appeal No. 482 of 2012

Muhammad Haroon

Petitioner(s)

VERSUS

Chief Secy. Govt. KPK Peshawar & others

Respondent(s)

For the Petitioner(s): Mr. Ghulam Nabi Khan, ASC
Syed Safdar Hussain, AOR

For the Respondent(s): Not represented

Date of hearing: 07.10.2015

ORDER

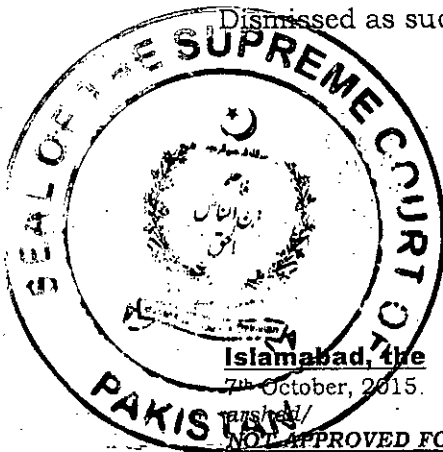
Sarmad Jalal Osmany, J. After having briefly argued the case, Learned ASC appearing for the Petitioner says that he would not like to press this Petition but would seek the remedy before the proper forum.

Dismissed as such.

Sd/- Sarmad Jalal Osmany, J
Sd/- Sh Azmat Saeed, J

Certified to be True Copy

Court Associate
Supreme Court of Pakistan
Islamabad



16/4685/11

CR No: _____ Civil/Criminal
Date of Presentation: 20-10-15
No. of Words: _____
No. of Follies: _____
Requisition Fee Rs: _____
Copy Fee in: 1.86
Court Fee stamps: 6.86
Date of Completion of Copy: _____
Date of delivery of Copy: 22-10-15
Compared by/Prepared by: _____
Received by: _____



GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT
No. SOH-III/8-60/2015(M. Haroon)
Dated the Peshawar 02nd March, 2016

To

Muhammad Haroon,
Chief Primary Health Care (Technician)
Basic Health Unit Chandoor District Mansehra.

SUBJECT: **AN EXECUTION PETITION NO. 143/2015 IN SERVICE APPEAL NO. 482/2012-MOHAMMAD HAROON V/S GOVT. OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT & OTHERS.**

I am directed to refer to the subject noted above and to state your case has been examined in light of decision of Hon'able Service Tribunal Khyber Pakhtunkhwa Dated: 08-06-2015 which is not covered under the rules. Therefore your appeal is hereby regretted.

(Muhammad Taric)
Section Officer-III

Endst: of even no & date.

Copy forwarded to:-

1. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
2. The Director General, Health Services Khyber Pakhtunkhwa, Peshawar.
3. The Section Officer (Lit.II), Health Department for information.
4. PS to Secretary Health, Khyber Pakhtunkhwa.

Section Officer-III