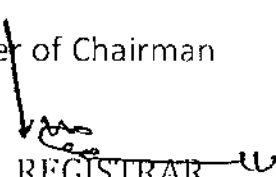


FORM OF ORDER SHEET

Court of _____

C.O.C application No. 81/2023

S No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17/02/2023	<p>The C.O.C application of Mr. Sher Hayat submitted today by Mr. Shams ul Hadi Advocate. Original file be requisitioned. It is fixed for hearing before touring Single Bench at Swat on _____. Parcha Peshi is given to appellant/ counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

AA G

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

COC No. 81 /2023
IN
Service Appeal No. 7231/2021

Sher Hayat Khan (C.T) **Appellant/Petitioner**

V E R S U S


Chief Secretary and others..... **Respondents**

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Contempt of Court application	*	1-4
2.	Affidavit	*	5
3.	Copy of order 01/11/2022	A	6-9
4.	Wakalatnama	*	10

Petitioner/Appellant

Through



Shams Ul Hadi
Advocate, Supreme Court
of Pakistan

& 
Irfan Ali Yousafzai

Advocate, High Court,
Peshawar
Cell# 0314-9070658

Date: 17/02/2023

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

COC No. _____/2023
IN
Service Appeal No. 7231/2021

Sher Hayat Khan (C.T) presently posted at GCHMS
Timergara, Dir Lower R/o Village Mira Banda Dir Lower.

.....**Petitioner/Appellant**

V E R S U S

- 1. Farid Khattak, Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 2. Mohtasim Billah, Secretary Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 3. Muftah Ud Din, DEO (Male) District Dir Lower
- 4. Mt. Ihtesham Ul Haq (C.T) Presently posted at GHS Lal Qila Dir Lower.....**Respondents**

PETITION FOR INITIATING
CONTEMPT OF COURT PROCEEDINGS
AGAINST THE RESPONDENTS FOR
NOT HONOURING ORDER DATED
01/11/2022 PASSED BY THIS
HON'BLE TRIBUNAL FOR THE
SENIORITY OF THE APPELLANT

Respectfully Sheweth:

That the petitioner/appellant humbly submits as under;

1. That above noted service appeal was filed by the petitioner/appellant before this Hon'ble Tribunal, which disposed of on 01/11/2022 with the observation that the appellant make application to the respondents department for supply of latest final/notified seniority. **(Copy of order dated 01/11/2022 is attached as Annexure-A)**
2. That according to the direction of this Hon'ble Tribunal, the applicant make application to the respondents department but no fruitful result.
3. That the respondents not honoring the order of this Hon'ble Tribunal and committed contempt of this Hon'ble Tribunal, the petitioner/appellant having no other remedy, approaches this Hon'ble Tribunal by filling instant contempt of court petition on the following grounds:

G R O U N D S:

- A. That non-compliance of the aforesaid order dated 01/11/2022 of this Hon'ble Tribunal by the respondents is illegal, without lawful authority, without jurisdiction, malafide and void ab-initio.

- B. That by not determination of the seniority of the appellant/petitioner, the respondents willfully and deliberately committing contempt of court.
- C. That thereafter the petitioner approached the Respondents for the implementation of the order of this Hon'ble Tribunal, but in vain.
- D. That every government functionary is under legal obligation to honour the order of the Court of competent jurisdiction, the respondents by not complying with the order, have not performed their duty in accordance with law.
- E. That non-compliance of the order of the Honourable Tribunal, speaks malafide on the part of respondents and to lower the position of the judiciary in the eye of public at large.
- F. That from the facts and grounds taken the said service appeal, it has become crystal clear that the respondents have committed contempt of court.
- G. That any other grounds will be raised at the time of arguments with prior permission of this Hon'ble Tribunal.

(4)

It is, therefore, most humbly prayed that on acceptance of this application, the contempt of court proceedings may please be initiated against the Respondents, they be summoned, proceeded against and be punished in accordance with law.

Petitioner/Appellant

Through


Shams Ul Hadi

Advocate, Supreme Court
of Pakistan

&


Irfan Ali Yousafzai

Advocate, High Court,
Peshawar

Date: 17/02/2023

3

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

COC No. _____/2023
IN
Service Appeal No. 7231/2021

Sher Hayat Khan (C.T) **Appellant/Petitioner**

V E R S U S

Chief Secretary and others..... **Respondents**

AFFIDAVIT

I, **Irfan Ali Yousafzai Advocate (Counsel for petitioner/appellant)**, do hereby solemnly 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 Honorable court.

Irfan Ali Yousafzai
ADVOCATE

ATTESTED
SHER HAYAT KHAN
COMMISSIONER
17/02/23

Annex (A)

6



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

Service Appeal No. 7231/2021

BEFORE: MR. KALIM ARSHAD KHAN, ... CHAIRMAN
MISS. FAREEHA PAUL, ... MEMBER(E)

Sher Hayat Khan (C.T) presently posted at GCHMS Timergara, Dir Lower,
R/O Village Miri Banda Dir Lower.
..... (Appellant)

Versus

1. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer (M), District Dir Lower.
3. The Secretary Education Khyber Pakhtunkhwa, Peshawar.
4. Mr. Ihtesham-ul-Haq (C.T) presently posted at GHS Lal Qila Dir Lower.
.....(Respondents)

Mr. Shamsul Hadi,
Advocate

For appellant

Mr. Kabirullah Khattak,
Addl. Advocate General

For respondents.

Date of Institution.....12.08.2020
Date of Hearing.....01.11.2022
Date of Decision..... 01.11.2022

ORDER.

KALIM ARSHAD KHAN, CHAIRMAN. Counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muhammad Usman, ADEO (Litigation) for the respondents present. Private respondents have already been placed ex-parte,

2. Through this single order shall dispose of the instant service appeal as well as connected Service Appeal No. 7212/2021, titled "Ghulam Dawood Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7214/2021, titled "Rahat Said Vs. the Secretary (E&SE)

ATTESTED.

KALIM ARSHAD KHAN
CHAIRMAN

Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7215/2021, titled "Abdul Hakim Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7218/2021, titled "Rahat Ullah Vs the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7219/2021, titled "Matiur Rahman Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7221/2021, titled "Ayaz Ur Rahman Vs. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7223/2021, titled "Sahib Ullah Vs. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7226/2021, titled "Bakht Alam Jan Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7227/2021, titled "Nikayat Khan Vs the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7228/2021, titled "Tahir Gul Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others". Service Appeal No. 7232/2021, titled "Gran Badshah Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7234/2021, titled "Jehan Zada Vs. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar", Service Appeal No. 7243/2021, titled "Bahramand Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7244/2021, titled "Akhtar Hussain Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7245/2022, titled "Azam Khan Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7247/2021, titled "Musafar Shah Vs.

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01/11/22

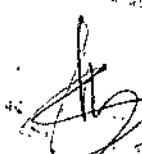
ATTESTED

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ATTESTER
Department Khyber Pakhtunkhwa

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the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others”, Service Appeal No. 7248/2021, Irfan Ullah Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others”. Service Appeal No. 7250/2021, titled “Khaliq ur-Rahman Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others”. Service Appeal No. 7251/2021 titled “Rashid Ahmad Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others” and Service Appeal No. 7252/2021, titled “Inayat Ullah Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others” as all the appeals are for the same relief.

3. Learned counsel for the appellants was fair enough to say that as despite making requests to the respondent department, seniority list was not provided to any of the appellants. Therefore, without knowing position of the appellant in the seniority list, there is every likelihood of failure of this appeal to the extent of promotion of the appellants. In the interest of justice if the appeals, to the extent of promotion, are adjourned sine-die and regarding second portion of the prayer i.e. grant of seniority, the appeals may be disposed of allowing the appellants to make an application to get copy of the latest/final seniority lists issued before and after the date of impugned promotion order till date. On supply of the copies of the seniority, if the appellants felt themselves aggrieved, they may recourse to the remedies provided under the law to them. In such eventuality and after final settlement of seniority of the appellants or otherwise the parties or any of them may be at liberty to get the appeal(s) restored and decided accordingly. Learned Addl. Advocate General did not controvert this situation. Disposed of accordingly.

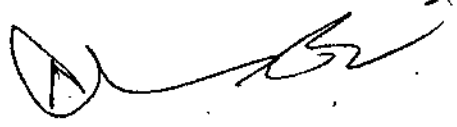
TESTED

 ADDL. ADVOCATE GENERAL
 KHYBER PAKHTUNKHWA


 01/11/22

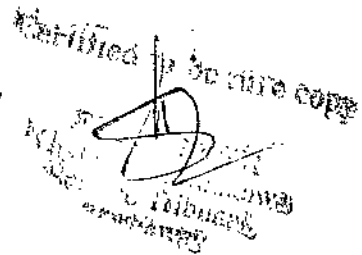
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Copy of this order be placed on all the connected files. Costs shall follow the event. Consign.

4. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 1st day of November, 2022.



(KALIM ARSHAD KHAN)
Chairman

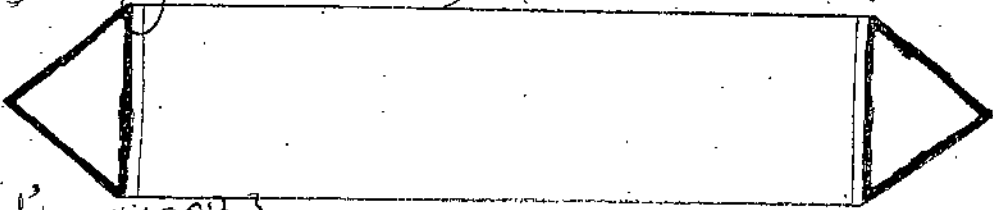
Verified to be true copy




(FAKEEHA PAUL)
Member (E)

Date of Presentation of Application 13/2/23
Number of Page 4
Copying Fee 20/-
Urgent SI/-
Total 25/-
Name _____
Date of _____ 13/2/23
Date of Delivery of Copy 13/2/23

بعد االت جناب مسروس مشربونفیل KPK لیسٹاورد



3 جناب مسائل
شیر حیات و غیر بنام جینف سیرٹھ

مورخہ
مقدمہ
دعوی
برم

باعث تحریر آنگہ

مقدمہ مشربونفیل عنوان بالا میں اپنی طرف سے واسطے پیروی ذجناب دی وکل کاروائی متعلقہ
آن مقام لیسٹاورد کیلئے مشربونفیل اور مشربونفیل کیلئے مشربونفیل اور مشربونفیل اور مشربونفیل
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیے جناب دی اور اقبال دعوی اور
بہ ورت ڈگری کرنے اجراء اور صولی چیک، روپیہ اور عرضی ڈگری اور درخواست ہر قسم کی تقدیر
زرائیں پر مستحکم کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل عمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سامنے
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ درجہ جانا تو اسے مقدمہ کے سبب سے دہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا اوکالت نامہ لکھ دیا کہ سند رہے۔

المترقوم 17 ماہ تصویب 2023

بہتمام لیسٹاورد
Accepted
Attested
Official
0314-9070658
6-00-1716

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