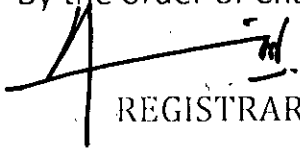


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 952/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.12.2023	<p>The implementation petition of Mr. Sadat Khan submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha Peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Execution NO. _____/2023

Sadat Khan VS GOVT OF KPK

APPLICATION FOR FIXATION OF THE ABOVE TITLED Execution AT
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned Execution is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellants/applicants meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application the appeal may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Appellant/Applicant

Dated: 06/12/23

Through

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No. 952 /2023
In
Appeal No. 973/2018

**SADAT KHAN VS THE DIRECTOR E&SE DEPARTMENT,
& OTHERS**

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
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2.	Judgment dated 20/09/2023	"A"	3-4
3.	Copy of application	"B"	5
4.	Vakalatnama		6

PETITIONER

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

- 1 -

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No. 952 / 2023

In

Appeal No. 973/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9746

Dated 07-12-2023

Mr. Sadat Khan, Chowkidar (BPS-01)
GPS Quratkani Sar, Khar, Barang, District Bajour

.....PETITIONER

VERSUS

1. The Director E&SE Department, Khyber Pakhtunkhwa, Peshawar
2. The District Education Officer (Male), District Bajour
3. The District Accounts Officer, District Bajour.

..... RESPONDENTS

**EXECUTION PETITION UNDER SECTION 7(2)(d) OF
THE KP SERVICE TRIBUNAL ACT 1974, RULE 27 OF
THE KP SERVICE TRIBUNAL RULES 1974 READ
WITH SECTIONS 36 AND 51 OF THE CIVIL
PROCEDURE CODE AND ALL ENABLING LAWS ON
THE SUBJECT FOR THE IMPLEMENTATION OF THE
JUDGMENT DATED 20/09/2023 IN LETTER AND
SPIRIT.**

R/SHEWETH:

- 1- That the petitioner filed service appeal bearing No. 973/2018 before this august Service Tribunal against the illegal stoppage of salaries w.e.f. December, 2017 till date.
- 2- That the appeal of the petitioner was finally heard, disposed of on 20/09/2023 and as such the ibid appeal was decided with the following terms by this august Service Tribunal:

"The District Education Officer produced a copy of letter dated 19/09/2023 issued to the District Information Khyber Pakhtunkhwa for publication of notice in two leading newspapers against the appellant and one other person. The respondents have also annexed copy of explanation, show cause notices issued against the appellant, which the learned counsel for the appellant denied to have received or communicated to the appellant. However, the learned counsel says that the appellant will properly respond to the show cause

notice and also explain his position on which the District Education Officer (M) Bajaur, present in the Tribunal, assures that if the appellant satisfactorily replies and explains his position they will not only release the arrears but also start paying him current salary. The appellant in the court is directed to join the proceedings by the responding within three days. Disposed off accordingly. Consign.

Copy of the judgment dated 20/09/2023 is attached as annexure..... **A**.

- 3-** That after obtaining copy of the judgment dated 20/09/2023 the same was submitted with the respondents for implementation of his grievance coupled with an application, but the respondents/ department failed to do so, which is the violation of the judgment supra. Copy of application is attached as annexure.....**B**
- 4-** That petitioner having no other remedy but to file this implementation petition.

It is therefore, most humbly prayed that on acceptance of the instant execution petition the respondents may kindly be directed to implement the Judgment dated 20/09/2023 passed in Appeal No. 973/2018 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

سید سادات خان
PETITIONER
SADAT KHAN

THROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I Mr. Sadat Khan Chowkidar, do hereby solemnly affirm that the contents of this Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



سید سادات خان
DEPONENT

"A" -3-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

APPEAL NO. 973 /2018

Mr. Sadat Khan, Chowkidar (BPS-01),
GPS Quratkani Sar, Khar Barang, District Bajaur.

..... Appellant

VERSUS

- 1- The Director E&SE Department, Khyber Pakhtunkhwa Peshawar.
- 2- The District Education Officer (Male), District Bajaur.
- 3- The District Account Officer, District Bajaur.

..... Respondents

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE ILLEGAL STOPPAGE OF SALARIES W.E.F
DECEMBER, 2017 TILL DATE AND AGAINST NOT
TAKING ACTION ON THE DEPARTMENTAL APPEAL OF
THE APPELLANT WITHIN THE STIPULATED PERIOD OF
NINETY DAYS

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed to release the salaries of the appellant w.e.f. December, 2017 till date with all other consequential benefits. Any other remedy which this august tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is the bonafide resident of District Bajaur and was appointed as Chowkidar (BPS-01) vide order dated 07/03/2007. Copies of the CNIC, service card, appointment order, medical certificate, charge report and service book are attached as annexure A, B, C, D, E and F.
- 2- That, the appellant took over the charge of the said post on 08/03/2007 and started performing his duty quite efficiently and up to the entire satisfaction of his superiors.

ATTESTED

Service Appeal No. 973/2018 titled "Sadat Khan Chowkidar (BPS-01) Versus Director (E&SE) Education Department, Khyber Pakhtunkhwa Peshawar and others."



ORDER

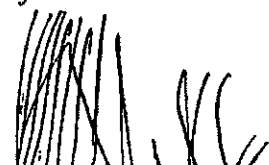
20th Sep, 2023

1. Mr. Noor Muhammad Khattak, Advocate for the appellant present.
Mr. Muhammad Jan, District Attorney present.

2. In compliance with direction of the Tribunal made on 23rd August, 2023 the Director (E&SE) and District Education Officer (Male) Bajaur are present in person

3. The District Education Officer produced copy of a letter dated 19.09.2023 issued to the Director Information Khyber Pakhtunkhwa for publication of notice in two leading newspapers against the appellant and one other person. The respondents have also annexed copy of explanation, show cause notices issued against the appellant, which the learned counsel for the appellant denied to have received or communicated to the appellant. However, the learned counsel says that the appellant will properly respond to the show cause notice and also explain his position on which the District Education Officer (M) Bajaur, present in the Tribunal, assures that if the appellant satisfactorily replies and explains his position they will not only release the arrears but also start paying him current salary. The appellant present in the court is directed to join the proceedings by responding within three days. Disposed off accordingly. *Consign.*

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 20th day of September, 2023.*


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

Kamranullah

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 04/12/23
Number of Words _____
Copying Fee 5/17 _____
Urgent ✓ _____
Total 16/ _____
Name of Copyist _____
Date of Copying 04/12/23 _____
Date of Delivery of Copy 04/12/23 _____

5- "B" DEO صاحب ضلع باجوڑ
مختص جناب

درخواست برائے عطائگی تنخواہ

جناب عالی

موردیہ گذارش یہ ہے کہ بندہ محنت
کلاس فور گورنمنٹ پرائمری سکول
قرط کانٹری سر تحصیل بزنڈ ضلع باجوڑ میں
سراجام دے رہا ہے۔

یہ کہ بندہ کا تنخواہ سال 2018 سے تنازعہ
گھریوں کی وجہ سے بند ہوا ہے۔

کہہ کہ عدالت ٹریبیونل شاہ آرڈر 20 ستمبر
2023 کے مطابق بندہ کا تنخواہ آزاد فرما کر
دینے کی احکامات فرمائیں۔

عدالت ٹریبیونل آرڈر درخواست کیس نمٹوانے کے
عین نواز نے ہوگی۔ مورخہ 28/9/23

الغرض ایک صالح فرمان سعادت خان ولد دو خان
کلاس فور جی ڈی ایس قرط کانٹری
تحصیل بزنڈ ضلع باجوڑ۔

ATTESTED

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Excation No /2023

Sadat Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Excavation Deptt

(RESPONDENT)
(DEFENDANT)

I/We Sadat Khan

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. / /2023

Signature

CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

Signature
WALEED ADNAN

Signature
UMAR FAROOQ MOHMAND

Signature
MUHAMMAD AYUB

&

Signature
**MAHMOOD JAN
ADVOCATES**

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)