


Form- A

FORM OF ORDER SHEET

Court of

Implementation Petition No. 968 /2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.12.2023	<p>The implementation petition of Mr. Waqar Saliheen submitted today by Mian Asif Aman Advocate. It is fixed for implementation report before Single Bench at Peshawar on 14.12.2023. 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 COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Implementation Petition No 968/2023

CM No. _____/2023

IN

Service Appeal No. 2320/2023

Mr. Waqas Saliheen **Appellant**

V E R S U S

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


I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Application for implementation	*	1-4
2.	Affidavit	*	5
3.	Copy of order dated 13/11/2023	A	6-10
4.	Copy of order dated 20/11/2023	B	11
5.	Copy of letter dated 04/12/2023	C	12

Petitioner

Through

Date: 7/12/2023


Mian Asif Aman
Advocate, Supreme Court
of Pakistan

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BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Implementation Petition No 968/2023

Appeal No. _____/2023

IN

Service Appeal No. 2320/2023

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 9885

Dated 13-12-2023

Mr. Waqas Saliheen, Business Development Officer
Directorate of Transport & Mass Transit Khyber
Pakhtunkhwa Peshawar**Appellant**

V E R S U S

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department Civil Secretariat Peshawar,
3. The Secretary to Govt. of Khyber Pakhtunkhwa Finance Department Civil Secretariat Peshawar.
4. The Secretary to Govt. of Khyber Pakhtunkhwa Transport & Mass Transit Department Civil Secretariat Peshawar.
5. The Director, Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa Ground Floor Benevolent Fund Building Peshawar Cantt.

.....**Respondents**

PETITION FOR IMPLEMENTATION OF
THE ORDERS DATED 13/11/2023

AND 20/11/2023 PASSED BY THIS
HON'BLE TRIBUNAL IN LETTER AND
SPIRIT AND ALSO INITIATING
CONTEMPT OF COURT PROCEEDINGS
AGAINST THE RESPONDENT NO.5
FOR NOT HONORING THE ORDERS
OF THIS HON'BLE TRIBUNAL

Respectfully Sheweth:

1. That the above titled appeal is pending adjudication before this Hon'ble Court which is fixed for 26/12/2023.
2. That on 13/11/2023, this Hon'ble Tribunal ordered to release the monthly salary of the applicant/appellant. **(Copy of order dated 13/11/2023 is attached as Annexure-A)**
3. That on next date of hearing i.e. 16/11/2023, this Hon'ble Court issued notice to the respondents for the interim relief application.
4. That on 20/11/2023, this Hon'ble Tribunal suspended the impugned notification dated 31/05/2023 and 31/05/2023 of the Director and Secretary Transport & Mass Transit Department, letter dated 05/07/2023 of the Secretary Finance and letter dated 07/07/2023 and status quo

maintained. **(Copy of order dated 20/11/2023 is attached as Annexure-B)**

5. That the request of the applicant/appellant for implementation of the orders along with the certified copies of orders was conveyed to the respondent No. 5 for compliance, but the orders of this Hon'ble Tribunal did not implement till today. **(Copy of applicant/appellant letter dated 04/12/2023 is attached as Annexure-C)**
6. That till date, the respondent No.5 did not release formal orders for the release of salary of the applicant/appellant and also did not handed over the office for performing his duties.
7. That every government functionary is under legal obligation to honour the orders of the Court/Tribunal of competent jurisdiction, the respondent No.5 by not complying with the orders, have not performed his duty in accordance with law.
8. That any other grounds will be raised at time of arguments with prior permission of this Hon'ble Court.

It is, therefore most humbly requested that on acceptance of this petition the respondent No.5 may kindly be directed to implement the orders dated 13/11/2023 and


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20/11/2023 passed by this Hon'ble Tribunal
in letter and spirit.

Any other relief which this Hon'ble Tribunal
deems appropriate may also be awarded to
the petitioner.

Petitioner

Through


Mian Asif Aman
Advocate, Supreme Court
of Pakistan

Date: 7/12/2023

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BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

CM No. _____/2023
IN
Service Appeal No. 2320/2023

Waqas Saliheen.....**Appellant**

V E R S U S

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

AFFIDAVIT

I, Mr. Waqas Saliheen, Business Development Officer Directorate of Transport & Mass Transit Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying **Appeal along with appellation** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

Identified by:

DEPONENT

CNIC# 14301-1928874-3
Cell# 0333-9616374

Mian Asif Aman
Advocate, Supreme Court
of Pakistan.



ANNEX A
6
①

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Case No. 8858
Date: 3-11-2023

Appeal No. 2320 /2023

Mr. Waqas Saliheen, Business Development Officer
Directorate of Transport & Mass Transit Khyber
Pakhtunkhwa Peshawar **Appellant**



V E R S U S

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department Civil Secretariat Peshawar,
3. The Secretary to Govt. of Khyber Pakhtunkhwa Finance Department Civil Secretariat Peshawar.
4. The Secretary to Govt. of Khyber Pakhtunkhwa Transport & Mass Transit Department Civil Secretariat Peshawar.
5. The Director, Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa Ground Floor Benevolent Fund Building Peshawar Cantt.

..... **Respondents**

APPEAL UNDER SECTION 4 OF
KP SERVICES TRIBUNAL ACT
1974

Mr. Waqas Saliheen
Business Development Officer
Directorate of Transport & Mass Transit
Khyber Pakhtunkhwa Peshawar

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

CM No. _____/2023

IN

Appeal No. _____/2023



Mr. Waqas Saliheen **Appellant**

V E R S U S

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

APPLICATION FOR SUSPENSION OF
OPERATION OF IMPUGNED LETTERS
DATED 31.05.2023, 05.07.2023 and
07.07.2023 AND TO RELEASE THE
SALARIES OF THE PETITIONER
/APPELLANT, TILL THE FINAL DECISION
OF THE SERVICE APPEAL.

Respectfully Sheweth:-

1. That the above noted service appeal is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That the facts and grounds of the service appeal may kindly be read as an integral part of this application.
3. That the applicant has got a good prima facie case in his favour, and is sanguine about its success.

ATTENDED


Mr. Waqas Saliheen
Appellant

- 8
4. That the balance of convenience also lies in favour of the applicant.
5. That if the operation of the impugned letters dated 31.05.2023, 05.07.2023 and 07.07.2023 are not suspended and not release the salaries of the petitioner /appellant, than the applicant would suffer irreparable loss, salary being livelihood for the family.

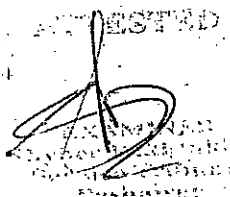
It is, therefore, respectfully prayed that on acceptance of this application, the interim relief as prayed in the heading of the application may kindly be granted in favour of the applicant, till the final decision of the main service appeal.


Applicant

Through


Mian Asif Aman
Advocate, Supreme Court
of Pakistan

Date: 02/11/2023

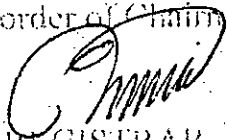
ATTESTED

ATTESTED

FORM OF ORDERSHEET

Court of _____

Appeal No. 2320/2023

9


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/11/2023	<p>The appeal of Mr. Waqas Saliheen resubmitted today by Mian Asif Aman Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>13-11-2023</u> Pareha Peshai is given to the counsel for the appellant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

**SCANNED
KPST
Peshawar**

13th Nov. 2023


1. Learned counsel for appellant present and heard.
2. Against the impugned orders/letters dated 13.06.2023, 14.06.2023, 07.07.2023 and 10.07.2023, the appellant filed departmental appeal on 19.07.2023, which was not responded and hence, this appeal. It is pertinent to mention here that before filing this appeal, the appellant had challenged the impugned orders in writ petition No. 3206-P/2023 which was decided by the Hon'ble Peshawar High Court, holding that the petitioners in the writ petition were civil servants and they were supposed to have approached this Tribunal in view of exclusive bar contained under article 212 of the Constitution. The writ petition was disposed of directing the Chief Secretary to decide the representations/appeals of the petitioners of the writ petition within a month, after receipt of the judgment of the Peshawar High Court, whereafter, the petitioners were left at liberty to have recourse for

ATTESTED

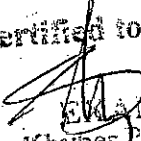

 EXAMINER
 Higher Peshawar
 Service Tribunal

redressal of their grievances before proper forum. The appeal is thus is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fees within 10 days. The respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for reply/comments on 18.12.2023 before S.B. P.P given to the counsel for the appellant.

3. Learned counsel for the appellant requested for suspension of the operation of the above orders/letters and further requested for release of salary of the appellant, which, according to him was also stopped. Mr. Naseeb Khan, SO is present as representative of the Finance Department and Mr. Khaliq Ur Rehman, Superintendent are present on behalf of Secretary Establishment in other cases are served with notices on behalf of their respective Secretaries. The Tribunal directs issuance of notices of the application to respondents No. 4 and 5 for 16.11.2023 before S.B. P.P given to the parties. The salaries of the appellants be released.


(Kalim Arshad Khan)
Chairman

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Adnan Shah

Date of Presentation of Application 16/11/23
Number of Words 250
Filing Fee 1200/-
Stamp 300/-
Copies 1301
Date of Collection of Copy 16/11/23
16/11/23

16th Oct. 2023

A. No. 2320/2023
Wasaf Salheen vs Govt

11
B
ANNEX



Mutazem Shah

1. Learned counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General for the respondents present.

2. Appellant has not deposited the expenses of TCS for summoning the respondents No.4 & 5, therefore, he is directed to deposit the same, by today. To come up for reply/comments on 20.11.2023 before S.B. P.P given to the learned counsel.

(Kalim Arshad Khan)
Chairman

20.11.2023 1. Learned counsel for the appellant present. Mr. Asad Ali Khan learned Assistant Advocate General alongwith Hashmat Ullah, Superintendent for the respondents present.

2. Written reply on behalf of respondents not submitted. Representative of respondents not sought time for submission of written reply. To come up for written reply comments on 30.11.2023 before S.B. P.P given to the parties.

3. Alongwith with the appeal there is an application for suspension of operation of impugned letters dated 13.06.2023, 14.06.2023, 07.07.2023 and 10.07.2023 till the final decision of service appeal. In the meanwhile, status quo be maintained till the date fixed.

(Rashida Bano)
Member (J)

Kaleem Ullah

Copy to the file copy

RECEIVED
Kaleem Ullah
Secretary
Service Tribunal
Peshawar



ANNEX: C (12)

**DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA**

Ground Floor, Benevolent Fund Building, Peshawar Cantt.

No. BDO/Appeal No. 2320/2023
Dated: 04-12-2023

2638

To:

Received Staff
The Director Transport
Khyber Pakhtunkhwa.

**Subject: IMPLEMENTATION OF HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ORDERS FOR RELEASE OF SALARY AND
PROVISION OF OFFICE OF BUSINESS DEVELOPMENT OFFICER**

Dear Sir,

Please refer to the Honorable Khyber Pakhtunkhwa Services Tribunal, Peshawar orders dated 13-11-2023 & dated 20-11-2023 in Appeal No. 2320/2023 (certified copies enclosed) wherein salary of appellant was released and status quo maintained as per the order sheet respectively.

In view of the above, it is requested that necessary orders for release of salary may be issued and BDO office along with staff may also be handed over to the undersigned for performing official duties in the Directorate of Transport in light of the ibid orders of Honorable Khyber Pakhtunkhwa Services Tribunal, please.

Waqas Saliheen
(Waqas Saliheen)
Business Development Officer

Endst. No. & Date Even:

A copy is forwarded for information to the: -

1. Mr. Mian Asif Aman, Advocate Supreme Court of Pakistan.
2. PS to Secretary, Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.

Waqas Saliheen
Business Development Officer