


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 967 /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. Muhammad Imran 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. 967/2023

CM No. _____/2023

IN

Service Appeal No. 2319/2023

Muhammad Imran.....**Appellant**

V E R S U S

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

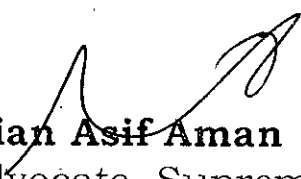
I N D E X

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 applicant/appellant 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. 967/2023

CM No. _____/2023

Khyber Pakhtunkhwa
Service Tribunal

IN

Service Appeal No. 2319/2023

Diary No. 9883

Dated 13-12-2023

Mr. Muhammad Imran, Deputy Director-IT/MIS
Manager, 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 notifications dated 13/06/2023 and 14/06/2023 of the Director and Secretary Transport & Mass Transit Department, letter dated 07/07/2023 of the Secretary Finance and letter dated 10.07.2023 (Wrongly written as 10/06/2023) and status quo be maintained. **(Copy**

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of order dated 20/11/2023 is attached as Annexure-B)

5. That the request of the applicant/appellant for implementation of orders along with the certified copy 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

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implement the orders dated 13/11/2023 and
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

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**

CM No. _____/2023
IN
Service Appeal No. 2319/2023

Muhammad Imran.....**Appellant**

V E R S U S

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


AFFIDAVIT

I, **Mr. Muhammad Imran, Deputy Director-IT/MIS Manager, Directorate of Transport & Mass Transit Khyber Pakhtunkhwa Peshawar**, 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.

Identified by:


DEPONENT

CNIC# 11101-5619703-9
Cell# 0333-9185827


Mian Asif Aman
Advocate, Supreme Court
of Pakistan.



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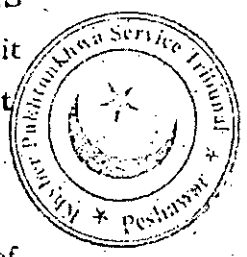
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BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Appeal No. 8319 /2023

8857
23-11-2023

Mr. Muhammad Imran, Deputy Director-IT/MIS
Manager, Directorate of Transport & Mass Transit
Khyber Pakhtunkhwa Peshawar.....Appellant



VERSUS

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

ATTESTED

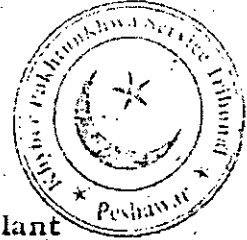
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

~~ATTESTED~~
[Signature]

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**BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR**

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



Muhammad Imran.....Appellant

V E R S U S

Chief Secretary and others:.....Respondents

**APPLICATION FOR SUSPENSION OF
OPERATION OF IMPUGNED LETTERS
DATED 13/06/2023, 14/06/2023,
07/07/2023 AND 10/07/2023 [WRONGLY
WRITTEN AS 10/06/2023] 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 her favour, and is sanguine about its success.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

APPELLANT

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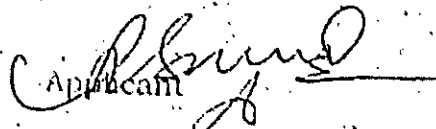
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4. That the balance of convenience also lies in favour of the applicant.
5. That if the operation of impugned letters dated 13/06/2023, 14/06/2023, 07/07/2023 and 10/07/2023 (wrongly written as 10/06/2023) are not suspended and not release the salaries 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.

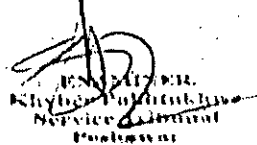
Through

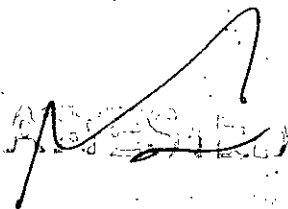

Applicant

Mian Asif Aman
Advocate, Supreme Court
of Pakistan.

Date: 02/11/2023

ATTESTED


Attestor
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

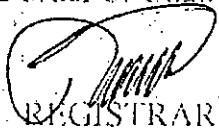


FORM OF ORDER SHEET

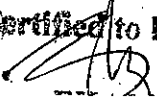
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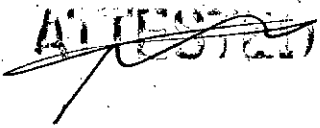
Court of _____

Appeal No. 2319/2023

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. Muhammad Imran resubmitted today by Mian Asif Aman Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>13.11.2023</u> Parcha Peshai is given to the counsel for the appellant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>
13 th Nov. 2023	1.	<p>Learned counsel for appellant present and heard.</p>
	2.	<p>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</p>

SCANNED
 K. J. Peshawar

Certified to be true copy


~~ATTESTED~~


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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

Adnan Shah

Certified to be true copy

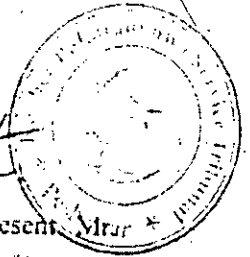
KALIM ARSHAD KHAN
Chairman
Service Tribunal
Peshawar

Date of Presentation 16/11/23
Number of Words 25/P
Copying Fee 128/-
Rent 5/-
Total 133/-
Name of Copyist
Date of Completion 16/11/23

ATTESTED

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A: No. 2319/2023
M. Imran is Grant



16th Oct. 2023

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.

Munir Singh

(Khalid 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 31.05.2023, 05.07.2023, 07.07.2023 and 07.07.2023 till the final decision of service appeal. In the meanwhile, status quo be maintained till the date fixed.

Kabeer Ullah

(Rashida Bano)
Member (J)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar.

~~ATTACHED~~



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DIRECTORATE OF TRANSPORT & MASS TRANSIT KHYBER PAKHTUNKHWA

Ground Floor Benevolent Fund Building, Peshawar Cantt.

No.MIS/Appeal No.2319/2023

Dated: 04-12-2023.

To

received
Smt. K
The Director Transport
Khyber Pakhtunkhwa.

2637

Subject: IMPLEMENTATION OF HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ORDERS FOR RELEASE OF SALARY AND
PROVISION OF MIS CELL/OFFICE OF DEPUTY DIRECTOR IT/MIS

Dear Sir,

Please refer to the Honorable Khyber Pakhtunkhwa Services Tribunal, Peshawar orders dated 13-11-2023 & dated 20-11-2023 in Appeal No.2319/2023 (certified copies enclosed) wherein salary of appellant was released and status que 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 MIS Cell/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.

[Signature]
(Muhammad Imran)
Deputy Director-IT/MIS

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.

[Signature]
Deputy Director-IT/MIS