


Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 73/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	16.01.2024	<p>The application for Execution Petition no. 745/2023 submitted today by Mr. Umar Farooq Advocate. It is fixed for hearing before Single Bench at Peshawar on _____. Original file be requisitioned. Parcha Peshi is given to the counsel for the applicant.</p> <p>By the order of Chairman  REGISTRAR</p>



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR.**

*Restoration Appli. no. 73/2024*

**CM. NO. \_\_\_\_\_/2024**

**IN**

**EXECUTION PETITION NO 745/2023**

**IN**

**APPEAL No. 517/2023**

**MR. SHERAZ AHMAD VS THE GOVT: OF KPK &  
OTHERS**

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**APPLICANT**

**THROUGH:**

  
**UMAR FAROOQ MOHMAND  
ADVOCATE HIGH COURT**



(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR.**

R.A - No. 73/2024

CM. NO. \_\_\_\_\_/2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10593

Dated 16-1-2024

IN

**EXECUTION PETITION NO 745/2023**

IN

**APPEAL No. 517/2023**

Mr. Sheraz Ahmad, District Education Officer (Male)  
Mohmand (BPS-19) Management Cadre, under Transfer to  
Directorate of Elementary & Secondary Education Khyber  
Pakhtunkhwa

..... **APPLICANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
- 2- The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 4- Liaqat Ali, Deputy District Education Officer, Dir Lower (BPS-18), under transfer to District Education Officer (Male) Mohmand.

..... **RESPONDENTS**

**APPLICATION UNDER SECTION 151 CPC AND OTHER ENABLING PROVISIONS FOR RESTORATION OF THE ABOVE MENTIONED EXECUTION PETITION NO. 745/2023 FOR THE PURPOSE OF IMPLEMENTATION OF THE JUDGMENT PASSED IN APPEAL NO. 517/2023 IN LETTER AND SPIRIT.**

**R/SHEWETH:**

- 1- That the above titled execution petition was pending adjudication before the this Honorable tribunal for the implementation of the judgment passed in appeal No.



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517/2023 which had been consigned vide order sheet dated 14/12/2023 with the direction to the petitioner/applicant to continue his duties on the post and assume the charge against the said post, but astonishingly the respondents are reluctant to relieve from the said post. Copy of the order sheet dated 14/12/2023 is attached as annexure .....A.

- 2- That the petitioner/applicant in response to the above mentioned order, submitted his charge report, but the post already occupied by the respondent No 4.
- 3- That it is pertinent to mention here that the judgment passed in appeal mentioned above had not been implemented in letter and spirit, whereafter this Honourable Tribunal vide order dated 14/12/2023 made direction for implementation of the judgment, but the judgment of this Honourable Tribunal was not implemented in letter and spirit till date, which needs to be restore for the purpose of proper implementation/execution to meets the ends of justice.
- 4- That the petitioner/applicant inspite the judgment in his favour, but till date no fruitful result avail to the applicant/petitioner and the salaries of the petitioner/applicant are not released against the said post.
- 5- That there is no legal bar in restoring the mentioned execution petition for its proper implementation/





execution as is envisaged in section 7 (2)(d) read with section 151 of the civil procedure code, 1908.

*It is therefore, most humbly prayed that on acceptance of this application the above mentioned execution petition may very kindly be restored so that the judgment be implemented in letter and spirit.*

**Dated: 12/01/2024**

**PETITIONER/APPLICANT**

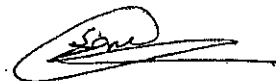
Through:



**UMAR FAROOQ MOHMAND  
ADVOCATE HIGH COURT**

**AFFIDAVIT**

I, Mr. Sheraz Ahmad, District Education Officer (Male) Mohmand (BPS-19) Management Cadre, do hereby solemnly affirm 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 Honorable Court.



**DEPONENT**

**ATTESTE**



12-01-2024



④ ⑧ ④

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

**APPEAL NO. \_\_\_\_\_/2023**

Mr. Sheraz Ahmad, District Education Officer Male (MC-19), *Mohmand*  
Under transfer to Directorate of Elementary & Secondary Education Khyber  
Pakhtunkhwa Peshawar.

.....**APPELLANT**

**VERSUS**

- 1- The Government of Khyber of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.
- 2- The Secretary (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
- 4- Mr. Liaqat Ali Deputy (DEO) Dir Lower (BPS-18), under transfer to District Education Officer Male Mohmand.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 04-11-2022 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM DISTRICT EDUCATION OFFICER MALE DISTRICT MOHMAND AND REPORT TO DIRECTORATE OF ELEMANTRY AND SECONDARY EDUCATION PESHAWAR AND AGAINST THE ORDER DATED 10.02.2023 TO THE EXTEND OF SERIAL NO.06 OF PRIVATE RESPONDENT WHERE BY THE PRIVATE RESPONDENT HAVE BEEN POSTED AGAIN THE APPELANT POST OF DEO MALE MOHMAND IN UTTER VIOLATION OF TRANSFER POSTING POLICY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD.**

**PRAYER:**



That on acceptance of this appeal the impugned order dated 04.11.2022 and order dated 10.02.2023 to the extent of



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

**Implementation Petition No. \_\_\_\_\_/2023**

**In**

**Appeal No. 517/2023**

Mr. Sheraz Ahmad District Education Officer (BPS-19),  
District Mohmand ..... **PETITIONER**

**VERSUS**

- 1- The Chief Secretary to the Government of Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary ( E&SE) , Khyber Pakhtunkhwa, Peshawar.
- 3- The Director ( E&SE), Khyber Pakhtunkhwa, Peshawar.
- 4- Mr. Liaqat Ali, deputy DEO, BPS-18, Dir Lower Under transfer to District Mohmand.

..... **RESPONDENTS**

**IMPLEMENTATION PETITION FOR DIRECTING THE**  
**RESPONDENTS TO IMPLEMENT THE JUDGMENT**  
**DATED 05/09/2023 PASSED IN APPEAL NO.**  
**517/2023 TITLED SHERAZ AHMAD VS EDUCATION**  
**DEPARTMENT & OTHERS IN LETTER AND SPIRIT**

**R/SHEWETH:**

- 1- That the petitioner filed service appeal bearing No. 517/2023 before this august Service Tribunal in which the petitioner/appellant impugned the transfer orders dated 4.11.2022 and dated 10-02-2023.
- 2- That the appeal of the petitioner was finally heard on 05.09.2023 and as such the ibid appeal was allowed in favour of the petitioner by this august Service Tribunal with the direction to the respondents:

***" In view of the discussion, the appeal in hand is allowed as prayed for and the orders dated 04.11.2022 and 10.02.2023 to the extent of privet respondent No.4, are set aside with the direction to the respondents to restore the posting of the appellant as DEO (M) and allow him to complete his normal tenure of posting. However in case of any exigencies of services, the respondnets would at liberty to transfer him from that position in best public interest. Copy of the judgment dated 05/09/2023 is attached as annexure .....***

**A.**

**ATTECTED**



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Execution Petition No.745/2023 titled "Sheraz Ahmad Vs. Government of Khyber Pakhtunkhwa"

ORDER

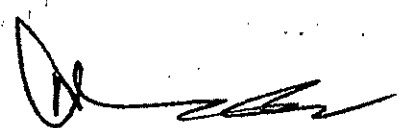
14<sup>th</sup> Dec. 2023

1. Learned counsel for the petitioner present. Mr. Asad Ali Khan, Assistant Advocate General for respondents present.
2. The judgment is self-executory, which need not further implementation. The transfer order was set aside by the Tribunal, whereby, the old posting of the petitioner automatically stood restored. He may continue working on the post till completion of his normal tenure as found in the judgment. Disposed of accordingly. Consign.
3. *Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 14<sup>th</sup> day of December, 2023.*

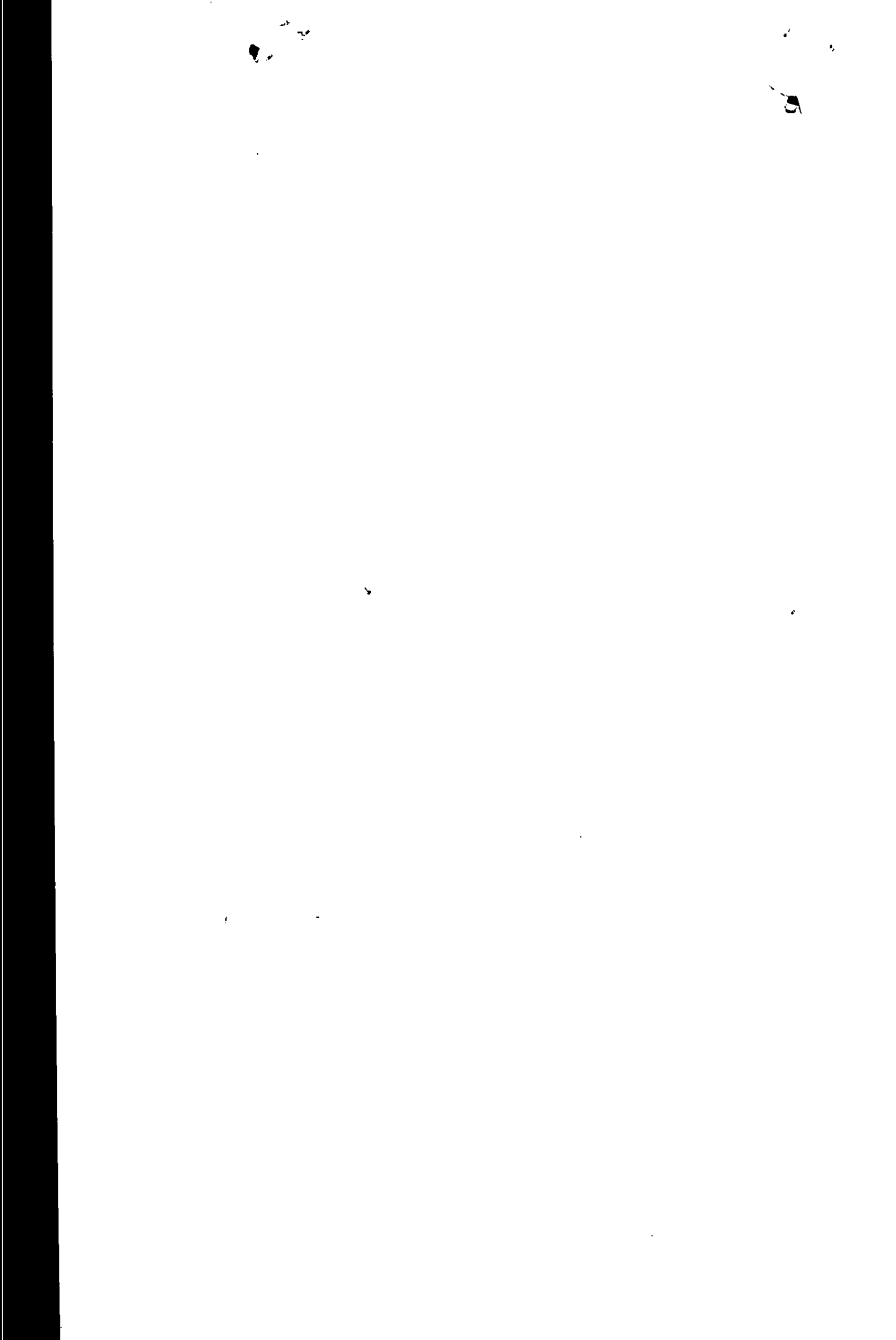
**Certified to be true copy**

\*Mutazem Shah\*

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
(Kalim Arshad Khan)  
Chairman

Date of Presentation of Application 12/01/24  
 Number of Words 119  
 Copying Fee 5/-  
 Urgent 5/-  
 Total 10/-  
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 Date of Completion of Copy 12/01/24  
 Date of Delivery of Copy 12/01/24





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بعدالت

Dr. P. Sana U  
Tomburi

سربراہ 2 انتخاب  
بنام انجمن

مورخہ  
مقدمہ  
دعوی  
جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
 آن مقام قلم سب سے سہولت کیلئے غرضاً  
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی  
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار 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 ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
 سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
 گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

سربراہ 2  
بنام انجمن

المرقوم 12 ماہ 1 2024ء

الع د گ واه الع د

مقام صبر سب سے سہولت کیلئے غرضاً کے لئے منظور ہے۔

Dr. P. Sana U  
Tomburi

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