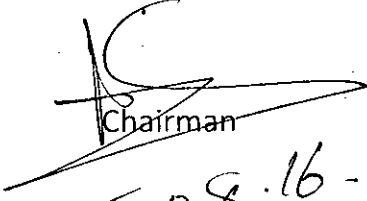


25.08.2016

Petitioner in person and Mr. Ziuallah GP for official respondents No. 1 to 5 and counsel for private respondent No. 6 present. Petitioner submitted application for withdrawal of contempt petition.

In the light of the application and submission of the petitioner, contempt petition is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
25.08.2016


Chairman

25.08.16

FORM OF ORDER SHEET

Court of _____

C.O.C Application No. 115/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/07/2016	<p style="text-align: center;">The C.O.C application submitted by Dr. Zakir Hussain through Amin-ur-Rehman Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>Lawyer</i> REGISTRAR</p>
2	<i>20-7-16</i>	<p style="text-align: center;">This C.O.C application be put up before S. Bench on <u>22.7.16</u></p> <p style="text-align: right;"><i>Chairman</i> CHAIRMAN / Member</p>
	22.07.2016	<p style="text-align: center;">Petitioner with counsel present. Notice be issued to respondents for 26.07.2016 before S.B.</p> <p style="text-align: right;"><i>Member</i> MEMBER</p>
	26.07.2016	<p style="text-align: center;">Junior to counsel for the applicant. Mr. Mahaz Khan, Assistant alongwith Addl. AG for the official respondents No. 1 to 5 and counsel for private respondent No. 6 present. Requested for adjournment. To come up for reply and arguments on 25:08.2016 before S.B.</p> <p style="text-align: right;"><i>Chairman</i> Chairman</p>

**BEFORE THE KP SERVICES TRIBUNAL,
PESHAWAR**

C.O.C. No. 115/2016

C.M No. 115 /2016
In
Ser. App. No. 654 /2016

Dr. Zakir Hussain Applicant/ Petitioner

Versus

Federation of Pakistan & others Respondents

I N D E X

S.No	Description of Documents	Annex	Page No.
01	Application		1 - 5
02	Affidavit		6
03	Copy of order dated: 17.06.2016 along with Memo OF APPEAL	"AA"	7 - 8
04	Copy of applications dated: 17.06.2016 & 04.07.2016 along with directives/ observations/ decision of the departmental authorities	"BB"	9 - 15

Applicant/ Petitioner

Through

Amin Ur Rehman

&

Kashif Shahbaz Khan
Advocates, Peshawar.

Dated: 18.07.2016

BEFORE THE KP SERVICES TRIBUNAL,
PESHAWAR

C.O.C No. 115/2016

Khyber Pakhtunkhwa
Service Tribunal

C.M No. _____/2016

Diary No. 539

In
Ser. App. No. 654 /2016

Dated 18/7/16

Dr. Zakir Hussain Applicant/ Petitioner

Versus

Federation of Pakistan & others Respondents

APPLICATION UNDER RULE 27 OF THE KP
SERVICE TRIBUNALS RULES, 1974, R/w ALL
ENABLING PROVISIONS OF LAW GOVERNING
THE SUBJECT, FOR IMPLEMENTATION OF
LAWFUL ORDER DATED: 17.06.2016, OF THIS
HON'BLE TRIBUNAL AND TO RESTRAIN
RESPONDENTS FROM DELIBRATE ABUSE OF
PROCESS OF THIS august TRIBUNAL

Respectfully Sheweth;

1. **That** the titled appeal is pending adjudication before this august Tribunal, and was pleased to issue order dated: 17.06.2016, vide which respondents were directed to maintain status quo and date: 26.07.2016 is fixed therein for onwards proceedings.
2. **That** applicant, in compliance of order supra, deposited security and process fee, on 17.06.2016 and furnished attested copy of the

order dated: 17.06.2016, along with application for implementation whereof, but in spite of the factum of legal opinion, sought by the secretary Social Sector/ respondent no. 4, from Deputy Secretary Litigation, who opined in the following words;

“In the instant case, the Hon’ble Tribunal, vide order dated: 17.06.2016, granted injunctions in favor of the petitioner, namely; Dr. Zakir Hussain and ordered status quo in his favor, therefore, the Court order may be implemented in its true letter & spirit, to avoid further complications into the matter, as the Court order is very much clear”

Astonishingly, the concerned quarters, mis-constructed the order of this august Court and overlooked the legal opinion sought by the competent authority, without care and caution of its legal consequences and instead to issue subsequent order with regard to the impugned notification of transfer of applicant, allowed respondent no. 6, to unilaterally assume charge and managed the same, prior to the date of status quo order and tried their best to jeopardize the matter, which resulted into another representation, addressed to the Secretary Establishment/ A.I & C, FATA, for appropriate directions/ orders, but the episode was culminated as follows;

*“In view of Para 20/N (**status quo as of 17.06.2016 shall be maintained**), file may kindly be processed into directorate of Health Services FATA for framing para wise comments please”*

With the above observations/ decision, the matter was kept in abeyance in order to show their muscles to applicant and to defeat purpose of the lawful order dated: 17.06.2016 of this Hon'ble Tribunal, which resulted into instant application.

(Copies of order dated: 17.06.2016 and applications dated: 17.06.2016 & 04.07.2016 along with directives/ observations/ decision of the departmental authorities are attached as Annexure "AA" & Annexure "BB" respectively)

3. That respondents are bent upon to create illegal hurdles in smooth performance of official duties of applicant, for extraneous considerations and malafide intentions, rather it has come to the knowledge of applicant through reliable source that respondent no. 6, was facilitated to prepare charge assumption report in back date i.e. 26.05.2016, otherwise, how come, the notification of transfer dated: 25.05.2016, communicated to applicant on 30.05.2016 (Monday), could be materialized unilaterally, that too, on the subsequent day of its issuance, without proper charge assumption/ relinquish reports, on the officially recommended proforma, which tantamount to forgery and scandalizing the lawful verdict of this Hon'ble Tribunal and may not go unchecked, in order to ^{ensure} fair play and justice.

4. That this Hon'ble Tribunal has got ample jurisdiction, particularly under rule 27 of the Service Tribunals Rules, 1974, to implement the decisions of the KP Tribunal and to prevent abuse of its process, therefore, proprietary demands to issue appropriate process against the respondents/ delinquents, in accordance with law, in order to give effect to the order dated: 17.06.2016 in letter

& spirit and to allow applicant to continue service in his place of actual posting and to declare the so called charge assumption report of respondent no. 6, capricious, illegal and against the normal course of law/ procedure/ practice, hence be annulled, in the best interest of justice.

5. That more than 14 years spotless duty of applicant has been overlooked, in spite of the fact that the superiors have always applauded his role in eradication of POLIO from Bajaur Agency, evident from numerous commendation letters/ certificates, properly annexed with the titled appeal, in order to subject him to exploitation, high handedness and abuse of authority, for the sole reason of his denial to fulfill their extraneous considerations, furthermore, respondents have demonstrated very hostile conduct in case of applicant and not only lawful orders of this august Tribunal and subsequent legal Opinion of D.S Litigation, has been overlooked, but bare threats of dire consequences and eminent dangers to his life at the hands of outlaws, due to his unmatched performance and hard work, shoulder by shoulder, with the military troops, as well as UN organizations, without having regard of his life, but respondents, instead to appreciate his spirit and dedication, disregarded all his abilities/ talent, reasons best known to them, hence order dated: 17.06.2016 requires to be implemented and the delinquents may be dealt with iron hands in order to maintain prestige of this august Tribunal.

6. That any other ground, with the permission of this august Tribunal, will be taken at the time of arguments.

It is therefore, most humbly prayed, that on acceptance of instant application, order dated: 17.06.2016 may please be ordered to be given effect in letter & spirit and appropriate action may be taken against the concerned quarters, who mis constructed the order *ibid* for extraneous considerations, so as to enable applicant to continue to perform duties with zeal and devotion and to secure the ends of justice.

Applicant/ Petitioner
Through

Amin Ur Rehman

&

Kashif Shahbaz Khan
Advocates, Peshawar.

Dated: 18.07.2016

**BEFORE THE KP SERVICES TRIBUNAL,
PESHAWAR**

C.M No. _____/2016

In
Ser. App. No. 654 /2016

Dr. Zakir Hussain Applicant/ Petitioner

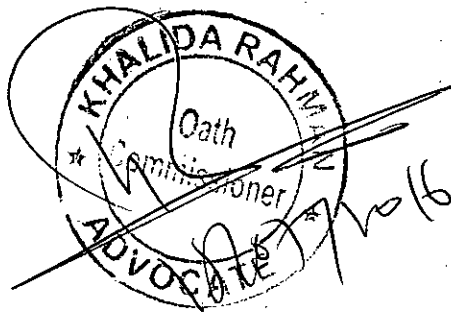
Versus

Federation of Pakistan & others Respondents

AFFIDAVIT

I, Dr. Zakir Hussain S/o Hakim Khan R/o Village & Tehsil Khar, Bajaur Agency, do hereby solemnly affirm and declare on oath that the contents of the instant APPLICATION are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

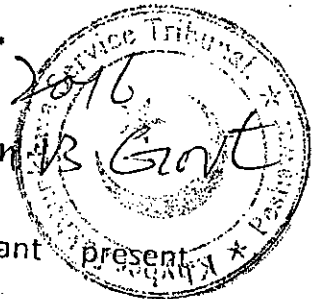
DEPONENT
CNIC: 17301-1581517-5



ANNEX - "AA"

(7)

Appeal No. 654/2016
Dr. Zakir Hussain B Govt



17.06.2016

Counsel for the appellant present

Learned counsel for the appellant argued that the appellant is serving as Agency Surgeon Bajaur Agency. That as Agency Surgeon he is discharging his functions and performing his duties with utmost dedication and has earned appreciations including letter dated 11th June, 2014 vide which apart from cash amount their services were highly appreciated. That under the garb of good governance and letter of Secretary Social Sectors FATA dated 25.2.2016, an inappropriate authority, appellant was illegally transferred from the post of Agency Surgeon Bajaur Agency and posted as Medical Superintendent Agency Headquarter Hospital, Wana S.W Agency despite the fact that the appellant is serving in BPS-17 while the post of M.S at Wana is in BPS-19. That, additionally, the appellant is also under threats from the militants and therefore not in a position to secure himself and his family at the station of his proposed posting.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 26.07.2016 before S.B. Notice of stay application shall also be issued to the respondents for the date fixed. Status quo be maintained till the date fixed.

sd/-

Certified

Date of Prescription	17-06-16
Number of Copies	800
Copying Fee	2
Urgent	8
Total	808
Name of Officer	Syed
Date of Copying	17-06-16
Date of Delivery	17-06-16

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR



SERVICE APPEAL NO. 654 /2016 Khyber Pakhtunkhwa Service Tribunal
(ALONGWITH INTERIM RELIEF)

Diary No. 639
Dated 16-6-2016

Dr. Zakir Hussain S/o Hakim Khan
R/o Village & Tehsil Khar, Bajawar Agency APPELLANT

...VERSUS...

1. Federation of Pakistan, through Secretary SAFRAN, S-Block, Pak Secretariat Islamabad.
2. Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Peshawar.
3. Additional Chief Secretary, FATA Secretariat, Warsak Road, Peshawar.
4. Secretary Social Sector Department (SSD) FATA Secretariat, Warsak Road, Peshawar.
5. Director Health Services, FATA Secretariat, Warsak Road, Peshawar.
6. Dr. Wazir Saafi, Medical Officer (BS-17), BHU, Sanger Mohmand Agency.

..... RESPONDENTS

SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, R/W ALL ENABLING PROVISIONS OF LAW, GOVERNING THE SUBJECT, AGAINST:

- i. NOTIFICATION No. FS/SO (HH)/ FATA/161-64 DATED: 25.02.2016 OF RESPONDNET No. 4,
- ii. NOTIFICATION No. FS/E/100-93 (VOL-10)/8164-77 DATED: 25.05.2016 OF RESPONDENT No. 3,
- iii. OFFICE LETTER No. 8842-43/DHS/FATA/Admin

Filed to-day
[Signature]
Registrar
16/6/16

To

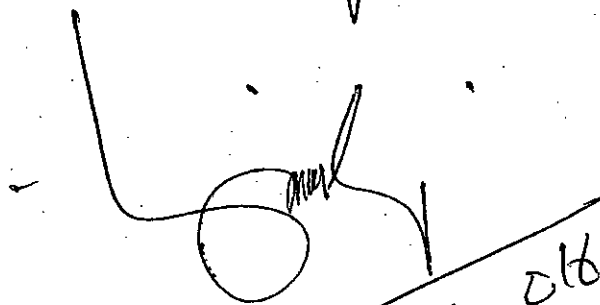
The Director,
Health Services,
FATA Peshawar.

Subject: Application for issuance of order
on status quo.

R/Sir,

Most respectfully it is stated
that I have filed a service appeal
in Khyber Pakhtunkhwa Service Tribunal
Peshawar against my transfer order, in
which status quo is granted in my
favour on 17-6-06.

It is therefore most kindly request
to issue proper order in this respect
and oblige please.



Yours obediently,
Dr. Zakir Hussain

17-06-06 Agency Surgeon,
Bajaur at Khan

Before Hon'ble Secretary Establishment/ A.I & C, FATA
Secretariat, Peshawar

IN THE MATTER OF
SERVICE APPEAL NO. 654/2016
(ALONG WITH INTERIM RELIEF)

APPLICATION FOR IMPLEMENTATION AND
COMPLIANCE ORDER DATED: 17.06.2016 OF THE
HON'BLE KHYBER & PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR

RESPECTED SIR,

1. THAT APPLICANT SEEKS PERMISSION TO REQUEST FOR REDRESSAL OF HIS GRIEVANCES, ARISEN OUT OF THE INTERNAL BUSINESS OF FATA SECRETARIAT, AMONGST THE HEADS OF THE DEPARTMENTS IN ORDER TO DEVISE BENEFICIAL MECHANISM FOR IMPLEMENTATION OF THE SUBJECT MENTIONED ORDER OF KP SERVICES TRIBUNAL, DULY INITIATED ON THE WRITTEN APPLICATION OF APPLICANT DATED: 17.06.2016 AND THE AUTHORITY WAS GRACIOUS ENOUGH TO CONSIDER THE SAME, VIDE DIARY NO. 639 DATED: 16.06.2016, AND WHILE PASSING THROUGH HANDS TO HAND AND FINALLY GOT THE AUTHENTICITY OF LEGAL BRANCH/ ADVISOR, FATA SECRETARIAT IN AFFIRMATIVE, HOWEVER, THE MATTER HAS NOT YET FINALLY SETTLED BY WAY OF GIVING EFFECT TO THE ORDER DATED: 17.06.2016 IBID IN LETTER AND SPIRIT, PARTICULARLY, FURTHER DELAY IS FATAL FOR THE APPLICANT, HENCE THE INSTANT APPLICATION.

2. THAT ALL MANDATORY PRE-REQUISITES FOR IMPLEMENTATION OF THE LAWFUL VERDICT OF THE AUGUST SERVICES TRIBUNAL HAS ALMOST BEEN COMPLETED AND THE MATTER IS RIPE FOR ISSUANCE OF FINAL ORDER, SO AS TO INTERPRET THE ORDER DATED: 16.06.2016 OF SERVICES TRIBUNAL, PESHAWAR, IN ITS TRUE SENSE, KEEPING IN VIEW PECULIAR CIRCUMSTANCES OF THE CASE, COUPLED WITH THE LEGAL OPINION, OBTAINED BY THE COMPETENT AUTHORITY, SO AS TO AVOID FURTHER COMPLICATION AND

TO SECURE THE ENDS OF JUSTICE. NEEDLESS TO REPRODUCE THE LEGAL OPINION, RENDERED BY LEGAL ADVISOR FATA, ON THE DIRECTIONS OF LITIGATION DEPARTMENT, IN COMPLIANCE WITH THE DIRECTIVES OF SECRETARY SOCIAL SECTOR, BEING OF PARAMOUNT CONSIDERATION:

"IN THE INSTANT CASE, THE HON'BLE TRIBUNAL, VIDE ORDER DATED: 17.06.2016, GRANTED INJUNCTION IN FAVOR OF THE PETITIONER, NAMELY, DR. ZAKIR HUSSAIN AND ORDERED STATUS QUO IN ITS FAVOR. THEREFORE, THE COURT ORDER MAY BE IMPLEMENTED IN ITS TRUE LETTER AND SPIRIT TO AVOID FURTHER COMPLICATIONS IN TO THE MATTER, AS THE COURT ORDER IS VERY MUCH CLEAR."

(COPY OF APPLICATION FOR STATUS QUO AND SUBSEQUENT DATED: 17.06.2016 OF THE LEARNED KP SERVICES TRIBUNAL ARE ANNEXED AS READY REFERENCE)

IT IS TEHREFORE REQUESTED THAT, I MAY BE GRANTED LEAVE TO SUBMIT INSTANT APPLICATION FOR ISSUING APPROPRIATE ORDERS FOR IMPLEMENTATION OF ORDER DATED: 17.06.2016 OF THE AUGUST KP SERVICES TRIBUNAL, IN LETTER AND SPIRIT, INORDER TO AVOID FURTHER COMPLICATIONS AND TO SECURE THE ENDS OF JUSTICE.

Dr. Zakir Hussain S/o Hakim Khan
R/o Village & Tehsil Khar,
Bajawar Agency.



DIRECTORATE OF HEALTH SERVICES (FATA) (12)
FATA SECRETARIAT, WARSAK ROAD PESHAWAR

Subject: - APPLICATION FOR ISSUANCE OF ORDER ON STATUS QUO

1. Attached PUC is an application of Dr. Zakir Hussain, along with order sheet dated 17.06.2016 who filed a service appeal in Khyber Pakhtunkhwa Service Tribunal Peshawar in which status quo has been given & maintained to the appellant till 26-07-2016.
2. It is stated that the appellant had been transferred from the post of Agency Surgeon to MS AHQ Hosp: Wana, SWA vide FATA Secretariat Notification No. FS/E/100-93(Vol-10)/3164-77 dated 25-05-2016, who is replaced by Dr. Wazir Safi. (Annex-A)
3. The appellant filed a Departmental Appeal against the said order which was replied to join his new assignment. (Annex-B&C)
4. It is therefore, requested that an appropriate order may kindly be issued in this regard through Establishment Section of FATA Secretariat.
5. Submitted for perusal and further orders, please.

[Signature]
 Director, Health Services,
 FATA, Peshawar

Secretary, SSD (FATA)

Has Dr Zakir relinquished / charge of A.S Bajaur. whether Dr Wazir safi has assumed charge or not. Plea elaborate and put-up /

22/6/16

7. ~~DAS~~

for info/ information as asked for.

[Signature]
22/6/16

8. ~~E.A~~

P.T.O.

DAS, FATA
 D.No. 454
 Date: 21-6-2016
 SSD No - 1038
 22/6/16

- Dr. Zakir Hussain has not yet relinquished the charge. However Dr. Wazir Safi have taken over the charge of Agency Surgeon Bajaur. on 25-05-2016 (FN).

[Signature]
22/6/2016

M.S. FATI
960
21/11/2016

9. DHE (F)

[Signature]
22/6/16

~~CESS~~

DS lit for news. Under these circumstances what does status quo means.


[Signature]
23/6/16

DS lit - In the instant case, The Honourable Tribunal vide order dt 17/06/16, grant injunction in favour of the Petitioner namely Dr. Zakir Hussain and ordered an Status, quo in his favour, therefore the Court order may be implemented in its true letter and spirit, to avoid further complication into the matter. as the Court order is very much clear.


[Signature]
Sabit-ullah-Ichan Kh
Advocate, Supreme Court
Legal Retainer FATA.

14

Kindly refer to Para 10/N, legal opinion of FATA Sect Legal Advisor in Para 11/N is submitted for Purview Please.


24/6/16
DS (in)

Jarrom
24/6/16


24/6/16

Secy/S.S.
12/N

~~DS~~
~~SO (E)~~

SO(E) DAILY No. 579
Dated 28/6

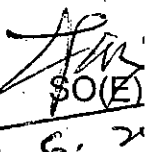
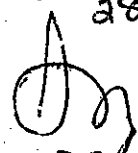
13

The sentence, "Meanwhile status quo may be maintained" needs clarification in legal terminology so that the judgement is disposed of in its true perspective please.

14

DS(S)
(Para 13/N)

pl discuss


SO(E)
28.6.16

28/6

15

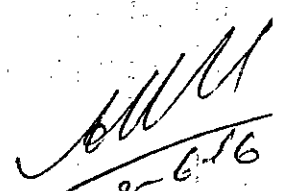
SO(S)

Disposal (P. ad. para- 11/N)

File is submitted for guidance

16

Plan.
Secy A/c


28-6-16

(FPP)

15

18

In compliance with Para-17/N and as advised, the following details are given:-

1. The transfer was notified on 25-05-2016 (Flag-A).
2. Dr. Wazir Safi has assumed charge of the post of Agency Surgeon Bajaur Agency on 26-05-2016 (FN) while Dr. Zakir Hussain has not relinquished charge till now. *Para-8/N refers.*
3. The Judgement was announced on 17-06-2016 with the concluding remarks, "Status quo be maintained till the date fixed" (Flag-D).

Submitted as desired please.

SO(E) Daily No. 196
Dated 17

19

DS(S)

(Para 18-19/N)

Secy. H/O

[Signature]
SO(E)
28.6.2016

20.

17-b-2016

Status quo as of 28-6-16 shall be maintained.

[Signature]
28/6/16

DS(S)

21

SO(E)

In view of Para. 20/N, file may kindly be passed on to Directorate of Health Services (PATA) for framing provisions comments please

DS(S)
(Para 21/N)

Secy. H/O

DHS/DS(Lib)

[Signature]
11/7/16

[Signature]
SOE 29.6.2016

[Signature]
29-6-16

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

C.M No. _____/2016

In

C.O.C No. 115/2016

In

Service Appeal No. 654/2016

Dr. Zakir Petitioner/ Applicant

...Versus...

Government of KP & others Respondents

**APPLICATION FOR NON-PRESSING INTO
SERVICE THE TITLED C.O.C AT THE
MOMENT, DUE TO CHANGE/ TRANSFER OF
RESPONDENT OFFICERS, AND THEIR
VERBAL ASSURANCE FOR REDRESSAL OF
APPLICANT'S GRIEVANESCS**

Respectfully Sheweth;

1. **That** the titled C.O.C is pending adjudication before this hon'ble Tribunal and fixed today i.e. 25.08.2016, for onward proceedings.
2. **That** applicant approached respondents immediately after issuance of status-quo granting order dated: 17.06.2016, with application for implementation whereof, but the then administration, without care & caution, mis-constructed simple order of this *august* Tribunal, which resulted into titled C.O.C Petition, however, the entire Administration of FATA Secretariat has been shuffled and most of the delinquents have either been transferred or sent on long leave, who were replaced by the fresh administration, therefore, it would be fitness of things to first communicate the order of this *august* Tribunal, so as to provide them opportunity to implement the order *ibid* in letter and spirit, it is worth to mention, that applicant was telephonically called for meeting after order dated: 26.07.2016 in the titled C.O.C petition and assured to applicant in meeting, that his grievances would be

redressed at the earliest, hence the instant application, with permission to withdraw the titled C.O.C petition for the time being and if respondent failed to honor their words, to file a fresh one.

3. **That** there is no legal bar to grant desired permission to applicant, being subordinate to the respondents and particularly, in view of their verbal assurance for redressal of his grievances, he has left with no option, but to prefer instant application, rather it would further strengthen his bonafide.

It is, therefore, most humbly prayed, that on acceptance of instant application, applicant may be granted permission to withdraw the titled C.O.C petition for the time being and be disposed of being not pressed, in view of fresh development, occasioned due to assumption of the charge by new administration and their verbal assurance, rendered to the applicant, of the redressal of his grievances at the earliest and may be allowed to file a fresh one, if need be, in the best interest of justice.

through

Petitioner/Applicant

Amin-ur-Rehman

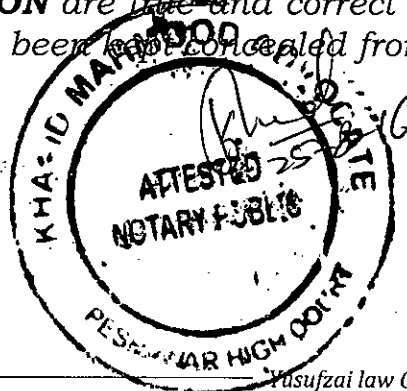
&

Kashif Shahbaz Khan
Advocates, Peshawar.

Dated: 25.08.2016

AFFIDAVIT

I, **Dr. Zakir Hussain S/o Hakim Khan R/o Khar Bajaur Agency**, solemnly affirm and declare on oath that the contents of instant **APPLICATION** are true and correct to the best of my knowledge and nothing has been kept concealed from this Hon'ble Tribunal.



Deponent

CNIC: 17301-1581517-5

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

C.M No. _____/2016

In

C.O.C No. 115/2016

In

Service Appeal No. 654/2016

Dr. Zakir Petitioner/ Applicant

...Versus...

Government of KP & others Respondents

**APPLICATION FOR NON-PRESSING INTO
SERVICE THE TITLED C.O.C AT THE
MOMENT, DUE TO CHANGE/ TRANSFER OF
RESPONDENT OFFICERS, AND THEIR
VERBAL ASSURANCE FOR REDRESSAL OF
APPLICANT'S GRIEVANESCS**

Respectfully Sheweth;

1. **That** the titled C.O.C is pending adjudication before this hon'ble Tribunal and fixed today i.e. 25.08.2016, for onward proceedings.
2. **That** applicant approached respondents immediately after issuance of status-quo granting order dated: 17.06.2016, with application for implementation whereof, but the then administration, without care & caution, mis-constructed simple order of this august Tribunal, which resulted into titled C.O.C Petition, however, the entire Administration of FATA Secretariat has been shuffled and most of the delinquents have either been transferred or sent on long leave, who were replaced by the fresh administration, therefore, it would be fitness of things to first communicate the order of this august Tribunal, so as to provide them opportunity to implement the order *ibid* in letter and spirit, it is worth to mention, that applicant was telephonically called for meeting after order dated: 26.07.2016 in the titled C.O.C petition and assured to applicant in meeting, that his grievances would be

redressed at the earliest, hence the instant application, with permission to withdraw the titled C.O.C petition for the time being and if respondent failed to honor their words, to file a fresh one.

3. **That** there is no legal bar to grant desired permission to applicant, being subordinate to the respondents and particularly, in view of their verbal assurance for redressal of his grievances, he has left with no option, but to prefer instant application, rather it would further strengthen his bonafide.

It is, therefore, most humbly prayed, that on acceptance of instant application, applicant may be granted permission to withdraw the titled C.O.C petition for the time being and be disposed of being not pressed, in view of fresh development, occasioned due to assumption of the charge by new administration and their verbal assurance, rendered to the applicant, of the redressal of his grievances at the earliest and may be allowed to file a fresh one, if need be, in the best interest of justice.

through

Petitioner/Applicant

Amin-ur-Rehman

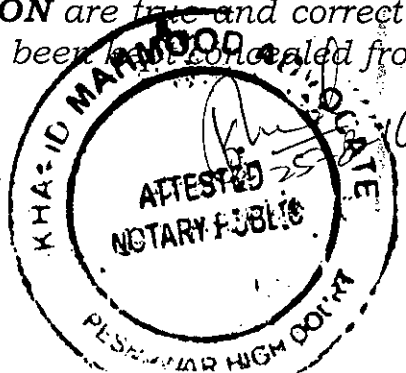
&

Kashif Shahbaz Khan
Advocates, Peshawar.

Dated: 25.08.2016

AFFIDAVIT

I, **Dr. Zakir Hussain S/o Hakim Khan R/o Khar Bajaur Agency**, solemnly affirm and declare on oath that the contents of instant **APPLICATION** are true and correct to the best of my knowledge and nothing has been kept concealed from this Hon'ble Tribunal.



Deponent

CNIC: 17301-158157-5

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

C.M No. _____/2016

In

C.O.C No. 115/2016

In

Service Appeal No. 654/2016

Dr. Zakir Petitioner/ Applicant

...Versus...

Government of KP & others Respondents

**APPLICATION FOR NON-PRESSING INTO
SERVICE THE TITLED C.O.C AT THE
MOMENT, DUE TO CHANGE/ TRANSFER OF
RESPONDENT OFFICERS, AND THEIR
VERBAL ASSURANCE FOR REDRESSAL OF
APPLICANT'S GRIEVANESCS**

Respectfully Sheweth;

1. **That** the titled C.O.C is pending adjudication before this hon'ble Tribunal and fixed today i.e. 25.08.2016, for onward proceedings.
2. **That** applicant approached respondents immediately after issuance of status-quo granting order dated: 17.06.2016, with application for implementation whereof, but the then administration, without care & caution, mis-constructed simple order of this august Tribunal, which resulted into titled C.O.C Petition, however, the entire Administration of FATA Secretariat has been shuffled and most of the delinquents have either been transferred or sent on long leave, who were replaced by the fresh administration, therefore, it would be fitness of things to first communicate the order of this august Tribunal, so as to provide them opportunity to implement the order *ibid* in letter and spirit, it is worth to mention, that applicant was telephonically called for meeting after order dated: 26.07.2016 in the titled C.O.C petition and assured to applicant in meeting, that his grievances would be

redressed at the earliest, hence the instant application, with permission to withdraw the titled C.O.C petition for the time being and if respondent failed to honor their words, to file a fresh one.

3. **That** there is no legal bar to grant desired permission to applicant, being subordinate to the respondents and particularly, in view of their verbal assurance for redressal of his grievances, he has left with no option, but to prefer instant application, rather it would further strengthen his bonafide.

It is, therefore, most humbly prayed, that on acceptance of instant application, applicant may be granted permission to withdraw the titled C.O.C petition for the time being and be disposed of being not pressed, in view of fresh development, occasioned due to assumption of the charge by new administration and their verbal assurance, rendered to the applicant, of the redressal of his grievances at the earliest and may be allowed to file a fresh one, if need be, in the best interest of justice.

through

Petitioner/Applicant

Amin-ur-Rehman

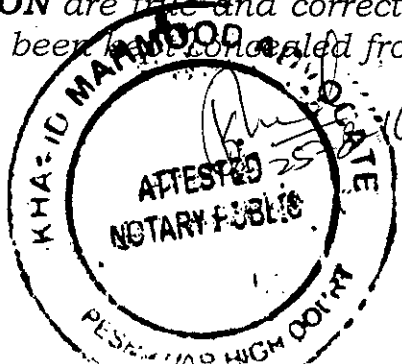
&

Kashif Shahbaz Khan
Advocates, Peshawar.

Dated: 25.08.2016

AFFIDAVIT

I, **Dr. Zakir Hussain S/o Hakim Khan R/o Khar Bajaur Agency**, solemnly affirm and declare on oath that the contents of instant **APPLICATION** are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.



Deponent

CNIC: 17301-1581517-5