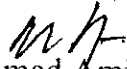


17.06.2019

Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Javed Iqbal, Assistant for the respondents present. It was contended by learned Additional AG that the petitioner was transferred from Abbottabad to Chitral which was challenged by the petitioner before this Tribunal through Service Appeal and the appeal of the petitioner was accepted and the petitioner is now filed execution petition but the petitioner has been again transferred to Lakki Marwat vide order dated 24.05.2019 and the petitioner has also assumed the charge in District Lakki Marwat on 28.05.2019. Copy of the transfer order dated 24.05.2019 and the charge assumption report of the petitioner dated 28.05.2019 are placed on record. However, notice be issued to the petitioner for attendance for 15.07.2019 before S.B.


(Muhammad Amin Khan Kundi)

Member

15.07.2019

Counsel for the petitioner and Mr. Muhammad Jan, DDA alongwith Muhammad Arif, Superintendent for the respondents present.

Learned counsel for the petitioner states that the petitioner is at present left with no grievance, therefore, the proceedings may be consigned.

Order accordingly.


Chairman

ANNOUNCED
15.07.2019

12.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct.
Therefore the case is adjourn. To come up on 27.12.2018.

Reader

27.12.2018

Learned counsel for the petitioner and Mr. Kabirullah Khattak
learned AAG present. Learned counsel for the petitioner seeks
adjournment. Adjourn. To come up for further proceedings on
14.02.2019.



Member

14.02.2019

Due to general strike of the bar, the case is adjourned. To
come up for further proceedings on 20.03.2019 before S.B.



Member

23.04.2019

None for the petitioner present. Addl: AG alongwith Mr.
Muhammad Javed, Assistant for respondents present. Due to
general strike of the Bar the case is adjourned. Case to come up
for further proceedings on 17.06.2019 before S.B.

(Ahmad Hassan)

Member

18.07.2018 Learned counsel for the petitioner present. Learned Additional Advocate General present. Mr. Atta Ullah Assistant Secretary representative of respondent department absent, be summoned with the direction to submit implementation report on 16.08.2018. Adjourned. To come up for implementation report on the date fixed before S.B.


Member

16.08.2018 Petitioner Shah Nawaz in person alongwith his counsels M/S Taimur Ali Khan, Advocate and Asad Mehmood, Advocate present. Mr. Javed, Senior Clerk alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present and made a request for adjournment mainly on the ground that the respondents had filed CPLA.

Need not to mention here that as already directed by this Tribunal vide order dated 29.3.2018, in the absence of any suspension or stay order from august Supreme Court, the respondents are bound to implement the judgment of this Tribunal. As such, last opportunity is given to the respondents to submit implementation report. In case of further default on the part of the respondents, legal proceedings will be initiated in accordance with the law. Case to come up for implementation report on 20.09.2018 before S.B.


Chairman


22-9-18

Due to Muharram holidays, case
was not heard on 20-9-18.
Adjourned for _____

(Recorder)

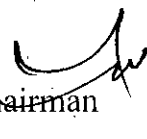
21.02.2018

Counsel for the petitioner present. Mr. Muhammad Jan, DDA alongwith Mr. Yousaf Ali, Supdt for the respondent present. Learned DDA needs time for further progress report. Adjourned. To come up for implementation report on 29.03.2018 before S.B.


(Gul Zeb Khan)
Member


29.03.2018

Petitioner with counsel and Addl. AG alongwith Attaullah, Assistant Secretary for the respondents present. Learned AAG informed the Tribunal that the department had filed a CPLA before the august Supreme Court of Pakistan but no stay order has been produced today. The petitioner is directed to assume the charge of the post of Tehsildar, Abbottabad and the department is directed to accept the charge report of the petitioner. To come up for implementation report on 25.4.2018 before the S.B.


Chairman

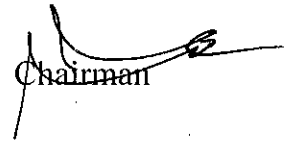
25.04.2018

The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on **18.07.2018** before S.B.


Reader


12.12.2017

Petitioner in person in present. Notices be issued to the respondents. To come up for implementation report on 26.12.2017 before S.B.


Chairman

26.12.2017

Counsel for the appellant present and Addl: AG alongwith Mr. Mukhtiar Ali, Assistant Secretary for respondents present. Representative of the respondent department seeks adjournment for submission of implementation report. Adjourned. To come up for implementation report on 16.01.2018 before S.B.

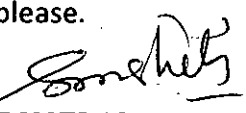



(Gul Zeb Khan)
Member (E)

16.01.2018

Petitioner with counsel present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Implementation report not submitted. Learned Additional AG requested for further adjournment. Last opportunity granted. Adjourned. To come up for implementation report on 21.02.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

Execution Petition No. 217/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	21.11.2017	<p>The Execution Petition of Mr. Shah Nawaz submitted to-day by Mr. Muhammad Asif Yousafzai Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	24/4/17	<p>This Execution Petition be put up before S. Bench on <u>27/11/17</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
27.11.2017		<p>None present on behalf of the appellant.</p> <p>Lawyers on strike. Adjourned. To come up for preliminary hearing on 12 12.2017 before S.B.</p> <p style="text-align: center;"> (MUHAMMAD HAMID MUGHAL) MEMBER</p>

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 217 /2017
In Service Appeal No.658/2017

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 984

Date 21/11/2017

Mr. Shah Nawaz, Tehsildar,
Chitral, Revenue Deptt.:

PETITIONER

VERSUS

1. The Chief Secretary, KPK, Peshawar.
2. The SMBR, Revenue Deptt: Peshawar.

RESPONDENTS

.....
**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED 25.08.2017 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**
.....

RESPECTFULLY SHEWETH:

1. That the petitioner has filed service appeal No. 658/2017 against the order dated 15.07.2017 whereby the departmental appeal of the petitioner has been rejected for no good ground against the premature transfer order dated 18.4.2017 whereby the petitioner was transferred from Abbottabad to Chitral.
2. That the said appeal was finally heard by the Honourable Tribunal on 15.08.2017 and the august Service Tribunal accept the appeal by setting aside the impugned order dated 18.04.2017 and 15.06.2017. **(Copy of judgment is attached as Annexure-A)**
3. That as the premature transfer order dated 18.04.2017 of the petitioner was set aside by this august Tribunal, therefore the petitioner field an application on 14.09.2017 to respondent No.2 for implementation of judgment dated 25.08.2017 of this august Service Tribunal, but the respondent No.2 did not implemented the judgment of this Hon'able Tribunal till date. *(copy of application is attached as Annexure-B)*

4. That in-action and not fulfilling formal requirements by the department after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 15.08.2017 of this Honourable Tribunal in letter and spirit.
6. That the petitioner has having no other remedy except to file this execution petition.

It is, therefore, most humbly prayed that the department may be directed to implement the judgment dated 15.08.2017 of this august Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.



PETITIONER

Shah Nawaz

THROUGH:

M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT,

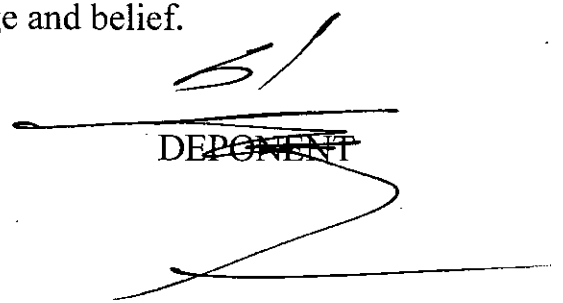
TAIMUR ALI KHAN
ADVOCATE HIGH COURT.

&

S. NOMAN ALI BUKHARI
(ADVOCATE PESHAWAR)

AFFIDAVIT:

It is affirmed and declared that the contents of the above Execution Petition are true and correct to the best of my knowledge and belief.



DEPONENT

ATTESTED
Oath Commissioner
Zahed Advocate
Distt: Peshawar

12 1 NOV 2017

ABEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 658/2017

Date of Institution ... 16.06.2017

Date of Decision ... 25.08.2017

Shah Nawaz, Tehsildar,
Chitral. Revenue Department.

... (Appellant)

VERSUS1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar,
and 2 others. ... (Respondents)MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate

For appellant.

MR. ZIAULLAH,
Deputy District Attorney

For respondents.

MR. RIZWANULLAH,
Advocate

For private respondent no.3

MR. AHMAD HASSAN,
MR. GUL ZEB KAHNMEMBER(Executive)
MEMBER(Executive)**ATTESTED**JUDGMENTAHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

parties heard and record perused.


FACTS

2. The brief facts are that the appellant appointed as Patwari in 1982 and afterwards reached the rank of Tehsildar. That the appellant while performing his duty as Tehsildar was transferred from Banda Daud Shah to Abbottabad vide order dated 04.11.2016. That just after about five months, the appellant was again transferred from Abbottabad to Chitral vide order dated 18.04.2017 without completing his normal tenure at previous station. That against the premature transfer order, the appellant filed departmental appeal on 27.04.2017, which was rejected on 15.06.2017, hence the instant service appeal.

ARGUMENTS

3. The Learned Counsel for the appellant argued that appellant was transferred from Banda Daud Shah to Abbottabad on 04.11.2016. That after five months vide order dated 18.04.2017, he was again transferred from Abbottabad to Chitral prematurely. His departmental appeal was rejected on 15.06.2017 so he filed the instant appeal. In the present case not only Posting/Transfer Policy of the Provincial Government was violated but instructions issued vide letter dated 27.02.2013 were also not adhered too. He further contended that in pursuance of instructions contained in letter dated 24.06.2003 posing/transfer orders of all officials up to BPS-19 except Heads of Attached Department irrespective of grades will be notified by the concerned Administrative Department with prior approval of the Competent Authority obtained on a summary. However, in this no such approval was obtained from the Competent Authority. The respondents in their comments have conceded that the appellant was transferred on the basis of a complaint lodged by the local of the Abbottabad. Learned counsel for the appellant also produced copy of the complaint lodged by Syed Abid Hussain Shah s/o Syed Munwar Shah resident of Tehsil Abbottabad. In case of complaint the department was required to initiate disciplinary action against the appellants instead of premature transfer. At the bottom of the complaint serious allegations of corrupt practices have also been leveled against Secretary Board of Revenue, Commissioner and Deputy Commissioner Abbottabad. Moreover, speaking order was not passed on the departmental appeal of the appellant. Reliance was placed reported as 2009 SCMR 390, 2012 PLC(C.S) 187 and PLD 2008(C.S) 769.

ATTESTED


 CHIEF CLERK
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

4. On the other hand the learned counsel for private respondent no.3 argued that as a result of general posting transfer 13 employees were transferred vide order dated 18.4.2017 so as to ensure good management and administration. Under Section-10 of Khyber Pakhtunkhwa Civil Servant Act 1973, a civil servant is required to serve

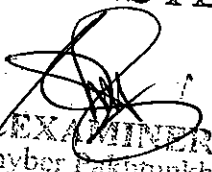
anywhere in the province. The appellant relinquished the charge on 20.04.2017 in Abbottabad and assumed the charge in Chitral on 24.04.2017 so both the orders had taken legal effect. A civil servant can hold a particular post at the pleasure of the competent authority, as held by the Supreme Court of Pakistan in judgment reported in 2017 SCMR 798(Citation-b).

5. Learned Deputy District Attorney contended that as a result of general posting/transfer, the appellant was transferred to Chitral alongwith 13 other officials. This order was issued in public interest and in accordance with Section-10 of Khyber Pakhtunkhwa Civil Servant Act, 1973. As the appellant had assumed charge at Chitral so the present appeal has become infructuous. Reliance was placed on 2010 PLC (C.S) 924 and 2017 SCMR 798 (Citation-b). When the learned Deputy District Attorney was confronted on the point whether summary as required under the aforementioned circular letter of the Provincial Government was moved and approval of the competent authority was obtained, he was unable to give a plausible explanation? However, representative of respondent no.1 and 2 informed that no such summary was moved by respondent no.2 to get approval of the competent authority.

CONCLUSION.

6. Careful perusal of record reveals that the appellant was prematurely transferred from Abbottabad to Chitral in flagrant violation of Posting/Transfer Policy of the Provincial Government of 2009 and instructions circulated through circular letter dated 27.02.2013. To sensitize and remind the respondents about the importance of Posting/Transfer Policy, attention is invited to para-i where it is clearly mentioned that all the postings/transfers shall be strictly in public interest and shall not be abused/misused to victimize the government servants. Provision at S.No. xiv of the said policy is also attracted in this case. As the respondents have admitted in their para-wise comments that the appellant was transferred from Abbottabad to Chitral on the basis of complaint lodged

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

by local of Abbottabad. Transfer was not the remedy in this case. Transfer of a civil servant cannot be made on the basis of a complaint, as it is not mentioned as punishment in the list of penalties and regulations against the conduct of a civil servant. As serious charge of demanding illegal gratification were leveled against him so disciplinary proceedings should have been initiated under the relevant rules. After going through the complaint addressed to the Provincial Minister for Revenue serious allegations of unholy alliance/nexus between the appellant, Secretary Board of Revenue, Commissioner and Deputy Commissioner Abbottabad were leveled but only the appellant was transferred and rest was brushed under the carpet. The respondents owe an explanation for not probing the serious charges of corruption leveled against Commissioner Hazara and others. It is also a clear manifestation of malafide on their part. Similarly approval of the competent authority as required under letter dated 24.06.2003 through a summary was also not obtained and as such the order was passed by incompetent authority. As the order was passed by incompetent authority is *coram non-judice*, illegal, unlawful and void ab-initio and is not sustainable in the eyes of law.

7. In view of the foregoing, we are constrained to accept the present appeal by setting aside the impugned order dated 18.04.2017 and 15.06.2017. Parties are however, left to bear their own costs. File be consigned to the record room.

Sd/- Ahmad Hassan, Member
Sd/- Gul Zeb Khan, Member

ANNOUNCED
25.08.2017

Certified to be true copy
CHANDER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 14-09-17
Number of Words 1600
Copying Fee 10-
Urgent 2-
Total 12-
Name of Copyist [Signature]
Date of Completion of Copy 14-09-17
Date of Delivery of Copy 14-09-17

B

BEFORE THE SENIOR MEMBER BOARD OF REVENUE PESHAWAR.

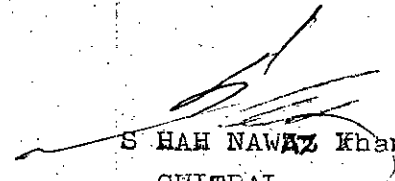
Shah Nawaz Tehsildar.....VERSUS.....The Chief Secretary
KPK PESHAWAR 2 Others.

APPLICATION FOR IMPLEMENTATION OF ORDER DATED
25.8.2017 PASSED BY KPK SERVICE TRIBUNAL PESHAWAR

1. That the instant appeal has been accepted by the K.P services Tribunal bench Peshawar and setting aside the impugned transfer order dated 18.4.2017.
2. That the respondents are legally bound to implement the verdict passed by the Tribunal, copy of the judgement is enclosed herewith for kind perusal please.

It is, therefore, requested that the judgement may
ver graciously be ordered to be implemented.

Dated :-14.09.2017.


S HAH NAWAZ Khan TEHSILDAR
CHITRAL.

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Shah Nawaz (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

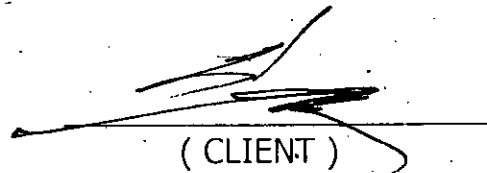
Revenue Deptt. (Respondent)
(Defendant)

I/We Shah Nawaz

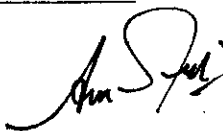
Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

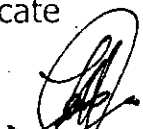
I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20


(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate


TAIMUR ALI KHAN
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt:I/Shah Nawaz/SA/658/2017 17873
Peshawar dated the 11 /04/2018

To

The Registrar,
Khyber Pakhtunkhwa,
Service Tribunal Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

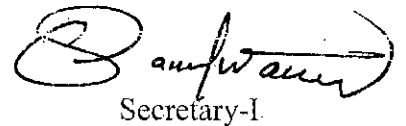
Diary No. 420

Dated 12/04/2018

SUBJECT: EXECUTION PETITION NO. 217/2017, TITLED MR. SHAH NAWAZ
TEHSILDAR Vs SMBR AND OTHER.

I am directed to refer to order dated 29.3.2018 passed by Chairman Service Tribunal Khyber Pakhtunkhwa and to state that the judgment of the Service Tribunal dated 25.8.2017 has been challenged before the Supreme Court of Pakistan. On receipt of decision of Supreme Court of Pakistan, the orders of Service Tribunal will be implemented accordingly.

Put up to the court with
relevant Execution petition.


Secretary-I

Reader

12-14/18

USA

Division

Service Manual

Registrar

(27)

20/1/12



OFFICE OF
THE COMMISSIONER
BANNU DIVISION

P.O.Box 12, Postal code 28100, Bannu
NO. 462-67 /PO/DT-Estab/19
Dated: Friday, May 24, 2019
Phone 0928 - 9270224
Fax 0928 - 9270023
e-mail : commissionerbannu@hotmail.com

OFFICE ORDER

Following posting/transfers amongst the Tehsildars/Naib Tehsildars in District Bannu and Lakki Marwat are hereby ordered in the best public interest:

S No.	Name	From	To
1.	Mr. Shahnawaz. Tehsildar (BS-16)	Tehsildar PESCO Recovery	Tehsildar Lakki Marwat against the vacant seat
2.	Mr. Ishaq Ali Tehsildar (BS-16)	Tehsildar Bakka Khel, District Bannu	Tehsildar Kakki, District Bannu
3.	Mr. Tanzeel ur Rehman Tehsildar (BS-16)	Political Tehsildar Bakka Khel, Wazir sub Division	Tehsildar Bakka Khel, District Bannu
4.	Mr. Shafiullah Khan, Naib Tehsildar (BS-14)	Naib Tehsildar Domail, District Bannu	Tehsildar Domail (OPS), District Bannu against the vacant seat.
5.	Mr. Musharaf Khan, Naib Tehsildar (BS-14)	DRA Bannu	Naib Tehsildar Domail, District Bannu
6.	Mr. Ismail Khan Tehsildar (BS-14)	Tehsildar Kakki (OPS), District Bannu	Naib Tehsildar Kakki, District Bannu
7.	Mr. Sheharzad Naib Tehsildar (BS-14)	Naib Tehsildar Kakki, District Bannu	Political Tehsildar Bakka Khel/Daryoba, (OPS) Wazir sub Division


By Order of
Commissioner
Bannu Division

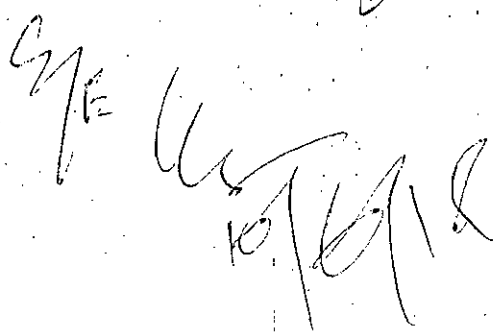
No. 462-67 /PO/DT-Estab/18.

Dated. 24 /May, 2019

Copy to:


1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner Bannu.
3. The Deputy Commissioner Lakki Marwat.
4. The District Accounts Officer Bannu/Lakki Marwat.
5. Assistant Secretary (Estab), Board of Revenue Khyber Pakhtunkhwa, Peshawar.
6. All Tehsildars/Naib Tehsildars for immediate compliance.


Secretary to Commissioner
Bannu division



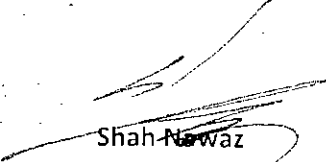
CHARGE ASSUMPTION REPORT

In pursuance of Commissioner Bannu Division Bannu office order No. 462-67/PO/D-T-Estab/19 dated 24/05/2019, I, Shah Nawaz Tehsildar, hereby assume the charge of the post of Tehsildar Lakki Marwat today 28/05/2019 (F.N).


Shah Nawaz
Tehsildar Lakki Marwat

Copy to:

1. Deputy Commissioner Lakki Marwat.
2. Assistant Secretary (Esstt), Government of Khyber Pakhtunkhwa Board of Revenue, Peshawar.
3. District Accounts Officer, Lakki Marwat.
4. PS to Commissioner Bannu Division.


Shah Nawaz
Tehsildar Lakki Marwat

No 183-88/124.
dt 28/5/19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

COC No. 129/2018 in execution Petition No 217/2017 and Service Appeal No. 658/2017.

Mr. Shah Nawaz Tehsildar.....Appellant

VERSUS

Senior Member Board of Revenue and others.....Respondents

PARAWISE COMMENTS OF RESPONDENT NO.1 & 2 ON COC APPLICATION ARE AS UNDER.

1. Incorrect. The transfer order of the appellant was issued in public interest. His Departmental Appeal was rejected by the appellate authority on 18.04.2017 on merit.
2. Correct to the extent of judgment of Service Tribunal dated 25.08.2017, but the same has been challenged before the Supreme Court of Pakistan, which is still pending decision.
3. As stated in Para-1, above, the judgment of the Service Tribunal dated 25.08.2017 has been challenged before the Supreme Court Pakistan. On receipt of decision of the Supreme Court, the orders will be implemented accordingly.
4. As stated in preceding Paras, the order of Service Tribunal has been challenged before, the Supreme Court of Pakistan, therefore the question of COC does not arise.
5. Incorrect. On receipt of final order from Supreme Court of Pakistan, order will be implemented accordingly.

GROUND

- A. As stated in Para 2 and 3 of the facts.
- B. As in 'A' above.
- C. Incorrect. The order of the Supreme Court will be implemented as and when received.
- D. As in 'C' above.
- E. The respondent also seek permission to adduce additional grounds at the time of arguments.

It is therefore requested that the execution petition of appellant may be dismissed, as it carries no ground.



Senior Member

(Respondent No. 1 & 2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

COC No. 129/2018 in execution Petition No 217/2017 and Service Appeal No. 658/2017.

Mr. Shah Nawaz Tehsildar.....Appellant

VERSUS

Senior Member Board of Revenue and others.....Respondents

PARAWISE COMMENTS OF RESPONDENT NO.1 & 2 ON COC APPLICATION ARE AS UNDER.

1. Incorrect. The transfer order of the appellant was issued in public interest. His Departmental Appeal was rejected by the appellate authority on 18.04.2017 on merit.
2. Correct to the extent of judgment of Service Tribunal dated 25.08.2017, but the same has been challenged before the Supreme Court of Pakistan, which is still pending decision.
3. As stated in Para-1, above, the judgment of the Service Tribunal dated 25.08.2017 has been challenged before the Supreme Court Pakistan. On receipt of decision of the Supreme Court, the orders will be implemented accordingly.
4. As stated in preceding Paras, the order of Service Tribunal has been challenged before, the Supreme Court of Pakistan, therefore the question of COC does not arise.
5. Incorrect. On receipt of final order from Supreme Court of Pakistan, order will be implemented accordingly.

GROUND

- A. As stated in Para 2 and 3 of the facts.
- B. As in 'A' above.
- C. Incorrect. The order of the Supreme Court will be implemented as and when received.
- D. As in 'C' above.
- E. The respondent also seek permission to adduce additional grounds at the time of arguments.

It is therefore requested that the execution petition of appellant may be dismissed, as it carries no ground.



Senior Member

(Respondent No. 1 & 2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

COC No. 129/2018 in execution Petition No 217/2017 and Service Appeal No. 658/2017.

Mr. Shah Nawaz Tehsildar.....Appellant

VERSUS

Senior Member Board of Revenue and others.....Respondents

PARAWISE COMMENTS OF RESPONDENT NO.1 & 2 ON COC APPLICATION ARE AS UNDER.

1. Incorrect. The transfer order of the appellant was issued in public interest. His Departmental Appeal was rejected by the appellate authority on 18.04.2017 on merit.
2. Correct to the extent of judgment of Service Tribunal dated 25.08.2017, but the same has been challenged before the Supreme Court of Pakistan, which is still pending decision.
3. As stated in Para-1, above, the judgment of the Service Tribunal dated 25.08.2017 has been challenged before the Supreme Court Pakistan. On receipt of decision of the Supreme Court, the orders will be implemented accordingly.
4. As stated in preceding Paras, the order of Service Tribunal has been challenged before, the Supreme Court of Pakistan, therefore the question of COC does not arise.
5. Incorrect. On receipt of final order from Supreme Court of Pakistan, order will be implemented accordingly.

GROUND

- A. As stated in Para 2 and 3 of the facts.
- B. As in 'A' above.
- C. Incorrect. The order of the Supreme Court will be implemented as and when received.
- D. As in 'C' above.
- E. The respondent also seek permission to adduce additional grounds at the time of arguments.

It is therefore requested that the execution petition of appellant may be dismissed, as it carries no ground.



Senior Member

(Respondent No. 1 & 2)