


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 288/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	08.04.2024	<p>The implementation petition of Mr. Habib Ullah Khan submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the Petitioner.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. 288 /2024

In

Appeal No. 439/2024

MR. HABIB ULLAH KHAN

VS

GOVT OF KPK & OTHERS

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PETITIONER

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. 288 /2024

In

Appeal No. 439/2024

Khyber Pakhtunkhwa
Service Tribunal

Case No. 12167

Dated 08.04.2024

Mr. Habib Ullah Khan, Assistant Director Information (BPS-17)
PRO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

.....PETITIONER

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2- The Secretary Information & Public Relations, Civil Secretariat, Peshawar.
- 3- Mr. Sajid Mehmood, Assistant Director (BS-17), Directorate General Information & Public Relations, Peshawar.

..... RESPONDENTS

IMPLEMENTATION PETITION FOR DIRECTING THE
RESPONDENTS TO OBEY THE JUDGMENT DATED
26/03/2024 IN LETTER AND SPIRIT.

R/SHEWETH:

- 1- That the applicant/petitioner filed Service Appeal bearing No. 439/2024 before this August Service Tribunal against the impugned notification dated 08/12/2023, whereby the appellant has been transferred against the cross cadre post of producer (BPS-17).
- 2- That the appeal of the applicant/petitioner was heard and certain directions were given to the respondent department, which are as follows:-

"as the application for suspension of the operation of the impugned notification dated 08/12/2023, it is directed that the operation of the impugned notification shall stand suspended to the extent of appellant if not already complied by him." Copy of the order dated 26/03/2024 is attached as annexure. **A**

- 3- That after obtaining copy of the order dated 26/03/2024, the appellant submitted the order of this Honourable Tribunal mentioned above and application for its implementation to the department concerned, but the

respondent department is not willing to obey the order dated 26/03/2024 in letter and spirit. Copy of the Application is attached as Annexure.....**B**

- 4- That the appellant has no other remedy but to file this implementation petition.

It is therefore, most humbly prayed that the respondents may be directed to implement the order dated 26/03/2024 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

APPLICANT/PETITIONER

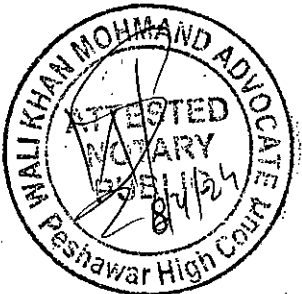
Dated: 08-04-2024

THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

AFFIDAVIT

I, Habib Khan (the applicant/appellant), do hereby solemnly affirm that the contents of this **Implementation Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



DEPONENT

"A" - 3-

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



SERVICE APPEAL No. 439 / 2024

Mr. Habib Ullah Khan, Assistant Director Information (BPS-17)
PRO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar

..... APPELLANT

V E R S U S

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary Information & Public Relations Civil Secretariat, Peshawar.
3. Mr. Sajid Mehmood, Assistant Director (BS-17), Directorate General Information & Public Relations, Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 8.12.2023 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED AGAINST THE CROSS CADRE POST OF PRODUCER (BPS-17) AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of the instant service appeal the impugned Notification dated 8.12.2023 may kindly be set aside to the extent of the appellant and private respondent No.4. That the respondents may please be directed not to transfer the appellant from his original post of Assistant Director Information (BPS-17). Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

R/Sheweth:

Facts arising for the institution of instant service appeal are as under:-

ATTESTED

Secretary
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

26th Mar. 2024



-4-

1. Learned counsel for appellant present and heard.
2. Against the impugned transfer Notification dated 08.12.2023, the appellant filed departmental appeal on 22.12.2023, which was not responded, therefore, he filed the instant service appeal. The appeal 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 04.04.2024 before S.B. P.P given to the appellant.
3. As to the application for suspension of the operation of the impugned Notification dated 08.12.2023, it is directed that the operation of the impugned Notification shall stand suspended to the extent of appellant if not already complied by him.

(Kalim Arshad Khan)
Chairman

Certified to be true copy

Mutazem Shah

Date of Presentation of Application 26-3-24
 Number of Words 24
 Copying fees 1-00
 Urgent 5/1
 Total 1-00
 Name of Copy 1/2
 Date of Completion 26-3-24
 Date of Delivery of Copy 26-3-24

"B" - 5-

Secretary Information

Query No. 42/10 Date 24/3/24

To,

The Secretary
Information & Public Relations Department,
Khyber Pakhtunkhwa, Peshawar.

26/3/24

Subject: Implementation Of Court Orders

Respected Sir,

Respectfully submitted that the undersigned was transferred to a cross-cadre post of Producer, Pakhtunkhwa Radio FM 92.2 Peshawar, vide notification No. SO. Estt/INF/4-24/2020/Posting/Transfer dated 08-12-2023. Feeling aggrieved by the order, the undersigned preferred a departmental appeal to the Chief Secretary Khyber Pakhtunkhwa against the aforementioned notification followed by a service appeal in the Khyber Pakhtunkhwa Service Tribunal after the lapse of the statutory period of my departmental appeal.

Now that the Khyber Pakhtunkhwa Service Tribunal has suspended operation of the impugned notification to the extent of the undersigned, it is kindly requested that the directions of the Tribunal (Copy Attached) may be implemented in letter and spirit, please.

Dated: 26-03-2024

Habib Ullah Khan

Assistant Director Information

ATTACHED

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Implementation NO: _____ OF 2024

Habib Ullah Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of KPIC

(RESPONDENT)
(DEFENDANT)

I/We Habib Ullah Khan

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** 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 cost. 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.

Dated. ____/____/202


CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT
(BC-10-0853)
(15401-0705985-5)

UMAR FAROOQ MOHMAND

WALEED ADNAN

&

MEHMOOD JAN
ADVOCATES

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)