

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2024

In

Appeal No 734/2024

AMIR SHAHZAD

..... Appellant

VERSUS

SMBR & OTHERS

..... Respondents

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Applicant/Private respondent No 3

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

- 1 -

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2024

In

Appeal No 734/2024

AMIR SHAHZAD

..... Appellant

VERSUS

SMBR & OTHERS

..... Respondents

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13485

Dated 12-06-2024

APPLICATION FOR VACATION OF STAY
GRANTED VIDE ORDER DATED 31/05/2024
PASSED BY THIS HONOURABLE TRIBUNAL

Respectfully Sheweth;

The applicant submits as follows:

- 1) That the titled case is pending adjudication before this august Tribunal, which is fixed for today i.e. 12/06/2024.
- 2) That on the last date of hearing this learned Tribunal was pleased to grant the status quo order dated 31/05/2024 in favour of the appellant in the terms as under:-
 2. **Alongwith the appeal there is an application for suspension of operation of impugned order dated 21/05/2024. Notice of this application be issued to the respondents. In the meanwhile the operation of impugned order is suspended, if not acted upon earlier.**
- 3) That it is pertinent to mention here that in pursuance to office order of the respondent No.2 dated 21/05/2024 the applicant/private respondent No.3 has already assumed the charge of Naib Tesildar, Dalazak Peshawar on 23/05/2024 (AN), which is very much in the knowledge of respondents. Copy of charge assumption report dated 23/05/2024 is attached as annexure.....
.....**A**
- 4) That moreover, the applicant/private respondent No. 3 on the assumption of charge has continuously visited Mauza Mian Gujar, Mauza Dalazak & Mauza Fatu Abdur Rahima and has attested the mutations in general gatherings,

besides collected the revenue taxes. Copies of relevant record dated 29/05/2024 & 31/05/2024 are attached as annexure.....**B**

- 5) That the appellant with malafide intention managed to get stay order by concealing the material facts from this Honourable Tribunal regarding assumption of charge as Naib Tesildar at Dalazak Circle by the applicant/private respondent No. 3.
- 6) That since the order of this Honourable Tribunal dated 31/05/2024 regarding grant of stay is worth vacation on account of assumption of charge well before the stay order of this Honourable Tribunal, as such the order in question is become infructuous.
- 7) That the learned Tribunal failed to take note of the fact that appellant does not fulfill the prerequisite for getting stay order in his favour.
- 8) That applicant begs leave of this learned Tribunal to rely on other grounds at the time of arguments.

It is, therefore, humbly prayed that on acceptance of application, the interim/stay granted to the appellant vide order sheet dated 31/05/2024 may kindly be vacated, allowing the applicant/private respondent No.3 to continue the public work, assigned to him by virtue of his posting at Dalazak Circle or any order deem fit in circumstances be passed.

Applicant/Private respondent No. 3



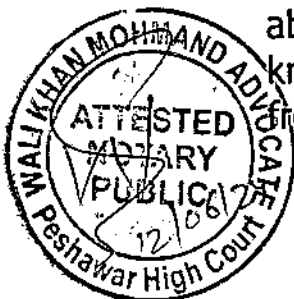
Miraj Khan

Through

Noor Muhammad Khattak
Advocate Supreme Court

AFFIDAVIT

I, Miraj Khan, (the applicant/private respondent No 3), do hereby solemnly affirm on oath that the contents of the above application are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.



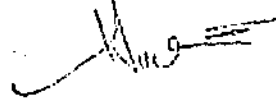
DEPONENT

-3-

"A"

CHARGE ASSUMPTION REPORT

In pursuance of the order of worthy Commissioner Peshawar Division Peshawar issued under No. 6/7/EA/2024/15179-89, Dated 21st April, 2024, I Miraj Khan hereby submitted Arrival Report as Naib Tehsildar (Dalazak), Peshawar today on 23/05/2024 (A.N).



Miraj Khan
Naib Tehsildar (Dalazak), Peshawar

Endst No. 286-800 / NTD

Dated: 23/05/2024

Copy to:

1. Senior Member Board of Revenue Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa.
3. Deputy Commissioner, Peshawar.
4. Assistant Commissioner Shah Alam, Peshawar.
5. PS to Commissioner, Peshawar Division.
6. Accounts Officer, Deputy Commissioner Office, Peshawar.



Miraj Khan
Naib Tehsildar (Dalazak), Peshawar

~~ATTESTED~~

ATTESTED

موضوع میاں گبر

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
رپورٹ پڑھاری دھندلین گرواوار تازنگوئے	فیس داخل خارج	قسم اور تاریخ انتقال مستند پیر زرد چین	معاملہ دکان	نمبر نام کھیت درجہ و تقسیم زمین	نام کاشت کار و احوال	نام مالک و احوال	نمبر کھاتہ محمدی جدید	معاملہ دکان	نمبر نام کھیت درجہ و تقسیم زمین	نام کاشت کار و احوال	نام مالک و احوال	نام کاشت کار و احوال	نام مالک و احوال	نام کھاتہ محمدی سابق
31.5.2024				2-2	بستور	میاں گبر و دیپ پتور		2	مکملہ	بستور	میاں گبر	بستور	4912	
				2-2	1152	سائزہ			مکملہ	بستور	میاں گبر	بستور		
				39-12	7	میاں گبر و دیپ پتور		39	مکملہ	بستور	میاں گبر	بستور		
				0-9-6	576	دیپ پتور			مکملہ	بستور	میاں گبر	بستور		
				7-3	288	میاں گبر و دیپ پتور			مکملہ	بستور	میاں گبر	بستور		
				1014	1014	میاں گبر و دیپ پتور			1014	بستور	میاں گبر	بستور		
				5-13	35	دیپ پتور			5-13	بستور	میاں گبر	بستور		
				12.9	94.9	میاں گبر و دیپ پتور			12.9	بستور	میاں گبر	بستور		
				2-12-6	474	دیپ پتور			94-6	بستور	میاں گبر	بستور		
				13-0	13	میاں گبر و دیپ پتور			مکملہ	بستور	میاں گبر	بستور		
				0-9-5	352	دیپ پتور			13-0	بستور	میاں گبر	بستور		

روزنامه ... شماره ...

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ATTESTED

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No 734/2024

Amir Shehzad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

SMBR & others

(RESPONDENT)
(DEFENDANT)

I/we Mansaj Khan R-3

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 Mansaj Khan

ACCEPTED

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

WALEED ADNAN

UMAR FAROOQ MOHMAND

MAHMOOD JAN

&

**ABID ALI SHAH
ADVOCATES**

OFFICE:

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