


## Form- A

## FORM OF ORDER SHEET

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

Implementation Petition No. 431/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.05.2024	<p>The implementation petition of Mr. Irfan Sher submitted today by Mr. Muhammad Nouman Sher Advocate. It is fixed for implementation report before Single Bench at Peshawar on 03 .06.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to the counsel for the petitioner.</p> <p>By the order of Chairman,</p> <p> REGISTRAR.</p>

In the Hon'ble Service Tribunal Khyber  
Pakhtunkhwa Peshawar

Execution Petition No. 431 /2024  
In Service Appeal No. 965/2018

**Irfan Sher**

**vs**

**Govt of KP & Others**

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S.No.	Description	Annexure	Pages
1.	Execution Petition + Affidavit		1-3
3	Copy of Order dated: 07-12-2023	"A"	4
4.	Application for implementation dated: 03-01-2024	"B"	5
5.	Copy of Order dated: 14-05-2024	"C"	6

Dated: \_\_\_\_\_/2024

Through

**Petitioner**

**&**

**Muhammad Adnan Sher**  
**Advocate, High Court Peshawar**



**Muhammad Nauman Sher**  
**Advocate, High Court Peshawar**

①

In the Hon'ble Service Tribunal Khyber  
Pakhtunkhwa Peshawar

Execution Petition No. 431 /2024  
In Service Appeal No. 965/2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 13089

Dated 30/5/24

**Irfan Sher**

Assistant Sub-Inspector, Excise and Taxation Office, Shami Road, Peshawar

..... (Petitioner)

vs

1. Government of Khyber Pakhtunkhwa  
Through  
Chief Secretary Civil Secretariat, Peshawar
2. Secretary Excise and Taxation Government of KP  
Civil Secretariat, Peshawar
3. Director General Excise and Taxation  
Shami Road, Peshawar

.... (Respondents)

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APPLICATION FOR EXECUTION/ IMPLEMENTATION OF ORDER PASSED BY THIS  
HON'BLE TRIBUNAL ON 07-12-2023 IN SERVICE APPEAL NO. 965/2018 IN ITS TRUE  
LETTER AND SPIRIT AND SETTING ASIDE/ RECALLING ORDER DATED: 14-05-2024  
PASSED IN EXECUTION PETITION NO. 153/2024  
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Respected Sir,

1. That the Petitioner instituted the subject appeal against the Respondents for the grant of his seniority which was allowed by this Hon'ble tribunal on **07-12-2023. (Copy of order is annexed as "A")**
2. That the Petitioner waited for some time with the hope that the Respondents will comply with the order of this Hon'ble tribunal but they did not act upon so far. So, the Petitioner was compelled to move an application for the said purpose but it too, met the same fate. **(Copy of application is annexed as "B")**
3. That the Petitioner having left with no option, approached this Hon'ble Tribunal for execution/ implementation of the subject order vide Execution

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Petition No. 153/2024 which was disposed off by this Tribunal on 14-05-2024. (Copy of order is annexed as "C")

Now the Petitioner again approaches this Hon'ble Tribunal for implementation/ execution of order passed in main service appeal and setting aside/ recalling of the order dated: 14-05-2024 passed by this Hon'ble Tribunal in Execution Petition No. 153/2024 inter-alia on the following grounds:

**Grounds:**

- a) That the order passed by this Hon'ble Tribunal on 07-12-2023 is based on merits wherein clear directions were given to the Respondents to fix the seniority of Petitioner as per his due right admitted by them before their high-ups.
- b) That the Respondents in reply to the execution petition, not only misinterpreted but fairly speaking misguided this Hon'ble Tribunal by submitting a misconceived report wherein the Petitioner was given seniority against two colleagues instead of giving him his vested right of seniority over his seven colleagues in the seniority list.
- c) That on 14-05-2024, the Petitioner's Counsel was sick and he requested the Hon'ble Tribunal to adjourn the case so that his Counsel may peruse the report submitted by the Respondents but this Hon'ble Tribunal refused to entertain the request and disposed off this execution petition.
- d) That the order passed by the Hon'ble Tribunal is liable to be set-aside/ recalled as neither the Petitioner was heard nor the order was in line with the order passed by this Hon'ble Tribunal in his main service appeal on 07-12-2023.
- e) That the Respondents are legally bound to comply with the order of this Tribunal passed in main service appeal and any deviation in any manner misinterpretation will directly amount to sabotage the main purpose of the order passed by this Hon'ble Tribunal in his main service appeal.

Any other remedy which this Hon'ble Tribunal deems proper, may kindly be granted in favor of the Petitioner.

It is, therefore, requested that on acceptance of this Petition, the Respondents may kindly be directed to execute/ implement the order of this

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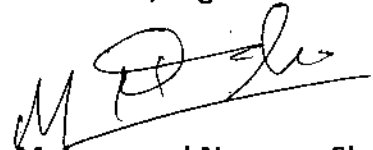
Hon'ble Tribunal **dated: 07-12-2023** in its true letter and spirit by placing the Petitioner as **serial no. 32** of the merit list as ordered by this Hon'ble Tribunal with further prayer that the order of this Hon'ble Tribunal passed on previous execution petition on 14-05-2024 be set-aside/ recalled being illegal ab-initio.

**Petitioner**

*Through*

**Muhammad Adnan Sher  
Advocate, High Court Peshawar**

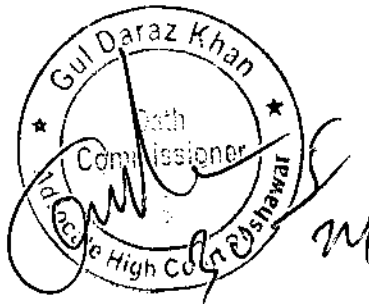
**&**




**Muhammad Nauman Sher  
Advocate, High Court Peshawar**

**AFFIDAVIT**

Verified that the contents of this Petition are correct and nothing has been concealed from this Hon'ble Tribunal.



**DEPONENT**



**Irfan Sher**

**CNIC: 17301-1395108-9**

(4)



Service Appeal No. 965/2018 titled "Jafar Sher versus Directorate of Excise and Taxation Department and others"

ORDER  
7<sup>th</sup> Dec. 2023

1. Appellant in person present. Mr. Asad Ali Khan, Assistant Advocate General for respondent No.1 and Ms. Parkha Aziz Khan, Legal Advisor for respondents No. 2 and 3 present.

2. Learned counsel for the respondents produced copy of final seniority list of Assistant Sub-Inspectors circulated vide notification dated 21.03.2023, to which learned counsel for the appellant objected that the appellant alongwith others from serial No. 14 to serial No. 51 were batchmates of the same selection process and according to merit list, prepared and finalized by the selection committee, the appellant ranked at merit order No. 32. This merit position of the appellant was admitted by the learned counsel for the respondents. Therefore, in view of the provisions of Rule-17(1)(a) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, being selectee of the same selection process, the appellant had to be placed in accordance with merit order No. 32 alongwith his batchmates i.e above Nascem Khan and below Inayat Ur Rehman and similarly the seniority, of the others, if any, disturbed from the merit order has also to be corrected. The appeal is disposed of as above.

Consign.

3. Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 7<sup>th</sup> day of December, 2023.

(Salah Ud Din)  
Member(J)

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

(Kalim Arshad Khan)  
Chairman

The Director General  
Excise and Taxation, Peshawar  
Khyber Pakhtunkhwa Province

Subject: APPLICATION FOR CORRECTION IN MERIT LIST

Respectfully submitted, I have the honor to inform you that I am a member of the Service Commission, Peshawar, who has been assigned the duty of the selection of candidates for the post of Assistant Commissioner, Excise and Taxation, Peshawar. I have the honor to inform you that I have received your application for correction in the merit list. I have reviewed the same and found that the same is correct and no further action is required.

Yours faithfully,  
Irfan Sher, Asst. Dir. Excise & Taxation, Peshawar

OFFICE OF THE EXCISE AND TAXATION OFFICER-V, PESHAWAR

NO. 1525/ET/01

Application of Mr. Irfan Sher, Asst. Dir. Excise & Taxation, Peshawar, dated 15/12/2001 for correction in merit list.

15/12/2001  
Irfan Sher, Asst. Dir. Excise & Taxation, Peshawar

15/12/2001  
Irfan Sher, Asst. Dir. Excise & Taxation, Peshawar

*Irfan Sher vs Govt*

14.05.2023 1. Learned counsel for the petitioner present. Mr. Muhammad Jan District Attorney alongwith Ms. Parkha Aziz Khan, Legal Representative for the respondents present.



2. Representative of respondents produced tentative seniority list of ASI's wherein name of the petitioner placed below the name of Inayat Ur Rehman and above the name of Nassem Khan as per direction given by the Tribunal vide order dated 07.12.2023. Since the respondents placed the name of the petitioner as per direction given by Tribunal, hence there is no need to proceed further in the matter, however, respondents are directed to issue final seniority list, wherein this entry be made and name of the petitioner would be reflected accordingly. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 14<sup>th</sup> day of May, 2024.

**ATTESTED**

*[Signature]*  
MEMBER  
Kyber Pakhtunkhwa  
Service Tribunal  
Peshawar

*[Signature]*  
(RASHIDA BANO)  
Member (J)

Date of Presentation of Application 30/5/2024  
Number of Words Page = 1  
Copying Fee 5/-  
Urgent 5/-  
Total 10/-  
Name of Copy 20/5/24  
Date of Completion 20/5/24  
Date of Delivery of Copy 30/5/24