


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 731 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.07.2024	<p>The implementation petition of Mr. Qabil Shah submitted today by Uzma Syed Advocate. It is fixed for implementation report before Single Bench at Peshawar on 19.07.2024. 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.

Execution Petition No. 731 /2024
In Service Appeal No.186/2015

Qabil Shah

V/S

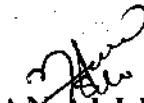
Forest Deptt:

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Execution Petition	-----	01-03
2.	Copy of Judgment	- A -	04-06
3.	Copy of application	-B-	07
4.	Vakalat Nama	-----	08


PETITIONER
Qabil Shah

THROUGH:


SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT

&

(UZM. SYED)
ADVOCATE, PESHAWAR

Cell No: 0306-5109438

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 731 /2024

Khyber Pakhtunkhwa
Service Tribunal

In

Service Appeal No.547/2022

Diary No. 14232

Dated 12/7/24

Qabil Shah, Forester, Working Plan Unit-III, Forestry Planning &
Monitoring Circle, Peshawar.

PETITIONER

VERSUS

1. The Secretary Environment, KPK Peshawar.
2. The Chief Conservator of Forest-1, Peshawar.
3. The Conservator of Forests, FP&M Circle Peshawar.
4. The Divisional Forest Officer, Working Plan Unit-III, Peshawar.

RESPONDENTS

.....

EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED: 17/05/2024 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.

.....

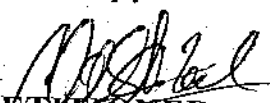
RESPECTFULLY SHEWETH:

1. That the applicant/Petitioner filed Service Appeal No-186/2015 for promotion w.e.from 21.12.2010.
2. That the said appeal was finally heard by the Honorable Tribunal on 17/05/2024. The Honorable Tribunal is kind enough to accept the appeal of the appellant and the respondents were directed to antedate the promotion of the appellant from the date private respondent was promoted. (Copy of judgment is attached as Annexure-A).
3. That the respondents were totally failed in taking any action regarded the Hon'able Tribunal Judgment dated 17/05/2024.

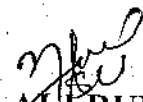
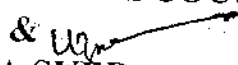
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4. That the appellant filed application for compliance of the judgment but the department totally failed to take any action which is amount to contempt of court. Copy of the application is attached as annexure-B.
5. That the petitioner has having no other remedy to file this Execution Petition.

It is, therefore, most humbly prayed that the respondents may be directed to obey the judgment dated 17-05-2024 of this august Tribunal in letter and directed the respondent to promote the appellant from due date. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favor of applicant/appellant.


PETITIONER
Qabil Shah

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT.
& 
UZMA SYED
ADVOCATE HIGH COURT

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Execution Petition No. _____/2024
In Service Appeal No.186/2015

Qabil Shah

V/S

Forest Deptt:

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

A (9)

Service Appeals No.186/2015, 832/2015 and 1180/2015 titled "Qabil Shah Vs. Government of Khyber Pakhtunkhwa"

ORDER

17th May. 2024 Kalim Arshad Khan, Chairman: Through this single order this

appeal and other three appeals filed by the appellant are being decided together as all are of similar nature.



2. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General for official respondents present. Private respondents present through counsel.

3. All the three cases have been filed by one appellant (Qabil Shah). Facts of the appeals are briefly as under:

Facts of Service Appeal No.186/2015:

That appellant was serving as Forester and was allegedly entitled for promotion to the post of Deputy Ranger against the quota reserved for promotion; that a vacancy was available for promotion against the said quota since 21.12.2010 but the appellant was not considered. Feeling aggrieved, he filed departmental appeal, but the same was not responded, hence the instant service appeal.

Facts of Service Appeal No.832/2015:

That appellant while serving as Forester, his name was enlisted at Serial No.1 in the previous seniority lists, while in the final seniority list dated 28.02.2015, his name was placed at Serial No.4. Feeling aggrieved, he filed departmental appeal on 25.03.2015, which was not responded, hence, the instant service appeal.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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Service Appeals No.186/2015, 832/2015 and 1180/2015 titled "Qabil Shah Vs. Government of Khyber Pakhtunkhwa"

Facts of Service Appeal No.1180/2015:

That the appellant was allegedly entitled to promotion as Deputy Ranger from Forester, however, private respondent No.6 namely Syed Wahab Shah was promoted and the appellant was not. Feeling aggrieved, he filed departmental appeal on 25.06.2015 which was not responded, hence, the instant service appeal.

4. Arguments of learned counsel for the appellant, learned Additional Advocate General and learned counsel for private respondents heard. Record perused.

5. We have been informed that the appellant as well as private respondent, both have retired from service, therefore, seniority appeals have rendered fruitless as nothing has to be resolved in these two appeals.

6. As regards the promotion case, i.e. Service Appeal No.1180/2015, to the extent of promotion of the appellant in next higher grade i.e. to the post of Deputy Ranger, the result of that may also not affect the private respondent because of his retirement, but the appellant might get some financial benefits, in case there was a vacant post available at the time when the private respondent was promoted and the appellant was otherwise found eligible and entitled for promotion to that vacant post. Therefore, in the interest of justice, we dispose of the seniority appeals rendering those to be fruitless, directing the official respondents to consider antedation of promotion of the appellant from the date

ATTESTED

SECRETARY
Government of Khyber Pakhtunkhwa
Peshawar

17/8/2015

6

Service Appeals No 186/2015, 832/2015 and 1180/2015 titled "Qabil Shah Vs. Government of Khyber Pakhtunkhwa"

the private respondent was promoted, provided there was a vacant post available at that time in promotion quota and, as aforesaid, the appellant was otherwise found eligible and entitled for promotion to the said vacant post of Deputy Ranger. Costs shall follow the event. Copy of this order be placed on files of all connected appeals. Consign.

4. Pronounced in open Court at Peshawar and given: under our hands and seal of the Tribunal on this 17th day of Mcy, 2024.

RL

(Rashida Bano)
Member (E)

[Signature]

(Kalim Arshad Khan)
Chairman

Mutazun Shah

ATTESTED

[Signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 29/5/24
Number of Words 378
Copying Fee 15/-
Urgent
Total 15/-
Name of Copy
Date of Completion of Copy 30/5/24
Date of Delivery of Copy 30/5/24

B-7

To,

The chief Conservator,
Central Southern Forest Region 01
Khyber Pakhtunkhwa
Peshawar.


Subject: APPLICATION FOR IMPLEMENTATION OF JUDGMENT DATED 17TH
MAY, 2024

Respected Sir,

1. That the applicant filed service appeal for promotion to the post of Deputy Ranger from 2012 being senior most, top of the seniority list.
2. The honorable tribunal was kind enough to allow the service appeal of the appellant and directed to department to consider the appellant for promotion to the post of Deputy Ranger from the date of availability of post, if appellant found eligible should be promoted from that date. (Copy of Judgment is attached)

It is therefore requested kindly implement the judgment in the letter spirit and considers the appellant for promotion with the effect from 2012 to the post of Deputy Ranger.


Regards


Qabil Shan
Retired FP&M
Circle Peshawar
Contact: 03459130784

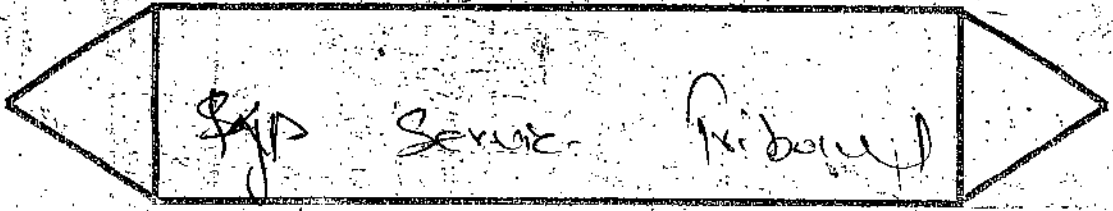
9/6/2024

Copy To:

1. Secretary Climate Change Forest Wild life department KPK Peshawar
2. Chief Conservator Central Southern Region 01 KPK Peshawar
3. Conservator of Forest FP&M Circle Palosi Road Amanabad Peshawar
4. Divisional Forest Officer 01 FP&M Circle Peshawar


Attested

بعدالت



Case D Study

US

Forest Dept

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل کاروائی متعلقہ

آن مقام میں سے کیلئے سپرو نیشن علی حاکم سے عطفی رہنمائی

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے کے تقرر ثالث و فیصلہ پر حلف دیئے جواب وہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائے التوائے مقدمہ ہوں گے جب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

20ء

ماہ

المرقوم

واہ العباد