


Form- A

FORM OF ORDER SHEET

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

Implementation Petition No. 346 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	08.05.2024	<p>The implementation petition of Mr. Yousaf 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.**

EXECUTION NO. \_\_\_\_\_/20234

Yousaf Khan

VS

GOVT. OF KPK & OTHERS

**APPLICATION FOR FIXATION OF THE ABOVE TITLED CASE AT**  
**PRINCIPAL SEAT, PESHAWAR**

Respectfully Sheweth:

5. That the above mentioned case is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
6. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
7. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
8. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

**It is therefore prayed that on acceptance of this application the case may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.**

Appellant/Applicant

Dated: 23/5/24

Through

  
**NOOR MOHAMMAD KHATTAK**  
ADVOCATE SUPREME COURT

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

Execution Petition No. 346 /2024  
In  
Appeal No. 11550/2020

**YOUSAF KHAN**

**VS**

**EDU: DEPTT:**

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**PETITIONER**  
**Yousaf Khan**

**Through:**

**Noor Mohammad Khattak**  
**Advocate Supreme Court**

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

Execution Petition No. 346 /2024

In

Appeal No. 11550/2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12632

Dated 08-05-24

Yousaf Khan, PSHT (BPS-15)  
GPS Sjhher Ali, Tehsil Gagra District Bunir

.....PETITIONER

**VERSUS**

1. The Secretary Elementary & Secondary Education, Peshawar.
2. Director Elementary & Secondary Education Department, Peshawar.
3. The District Education Officer (M) District Peshawar.

..... RESPONDENTS

**EXECUTION PETITION UNDER SECTION 7(2)(d) OF THE KP SERVICE TRIBUNAL ACT 1974, RULE 27 OF THE KP SERVICE TRIBUNAL RULES 1974 READ WITH SECTIONS 36 AND 51 OF THE CIVIL PROCEDURE CODE AND ALL ENABLING LAWS ON THE SUBJECT FOR THE IMPLEMENTATION OF THE JUDGMENT DATED 11/09/2023 IN LETTER AND SPIRIT.**

**R/SHEWETH:**

- 1- That the petitioner filed service appeal bearing No. 11550/2020 before this august Service Tribunal, against the inaction of the respondents by not considering the appellant for promotion to the post of SST (BPS-16) with effect from the date when his other colleagues were promoted.
- 2- That the appeal of the petitioner was finally heard on dated 11/09/2023 and as such the ibid appeal was disposed of with the following terms by this august Service Tribunal:


***Learned counsel for the appellant and Mr. Muhammad Jan, District Attorney alongwith Mr. Iftikhar Ul Ghani District Education Officer (Respondent No 3) for the respondents present.***

***2. During the course of arguments, respondent No 3 has stated at the bar that he is going to send the case of the appellant to the Directorate for***

**consideration of his promotion in accordance with law. On this the learned counsel for the appellant submitted that this appeal may be disposed of in view of the statement of the respondent No 3. Disposed of accordingly. Consign".** Copy of the judgment dated 11/09/2023 is attached as annexure.....**A**

- 3- That after obtaining copy of the judgment dated 11/09/2023 the same was submitted with the respondents for implementation of his grievance coupled with an application, but the respondents/ department failed to do so, which is the violation of the judgment supra. Copy of application is attached as annexure.....**B**
- 4- That petitioner having no other remedy but to file this implementation petition.

It is therefore, most humbly prayed that on acceptance of the instant execution petition the respondents may kindly be directed to implement the Judgment dated 11/09/2023 passed in Appeal No. 11550/2020 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

  
**PETITIONER**  
 Yousaf Khan

**THROUGH:**  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

**AFFIDAVIT**

I, Yousaf Khan (The appellant) do hereby solemnly affirm that the contents of this Execution 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**

APPEAL NO. 11580 /2020



Mr. Yousaf Khan, PSHT (BPS-15),  
GPS Sher Ali, Tehsil Gagra, District Buner.....**APPELLANT**

**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Peshawar.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF  
THE RESPONDENTS BY NOT CONSIDERING THE APPELLANT  
FOR PROMOTION TO THE POST S.S.T (BPS-16) WITH EFFECT  
FROM THE DATE WHEN HIS OTHER COLLEAGUES WERE  
PROMOTED AND AGAINST NO ACTION TAKEN ON THE  
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE  
STATUTORY PERIOD OF NINETY DAYS**


**PRAYER:**

That on acceptance of this appeal the respondents may very kindly be directed to consider the appellant for promotion to the post of SST (BPS-16) with all back benefits w.e.f. the date when his colleagues were promoted. Any other remedy which this august remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That appellant is the employee of the respondent Department and is serving as PSHT (BPS-15) at GPS Sher Ali, Tehsil Gagra, District Buner quite efficiently and up to the entire satisfaction of his superiors.
- 2- That the appellant is the Bachelor Degree Holder which he has got from the Al-Khair University, AJK. Copies of the Educational testimonials are attached as annexure.....**A.**

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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Service Appeal No.11550/2020 titled "Yousaf Khan Vs. The Secretary  
Department, Khyber Pakhtunkhwa, Peshawar, and other



ORDER

11<sup>th</sup> Sept. 2023 Kalim Arshad Khan, Chairman: Learned counsel for the appellant and Mr. Muhammad Jan, District Attorney alongwith Mr. Iftikhar Ul Ghani, District Education Officer (respondent No.3) for the respondents present.

2. During the course of arguments, respondent No.3 has stated at the bar that he is going to send the case of the appellant to the Directorate for consideration of his promotion in accordance with law. On this the learned counsel for the appellant submitted that this appeal may be disposed of in view of the statement of respondent No.3. Disposed of accordingly. Consign.

SCANNED  
KFST  
Peshawar

3. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 11<sup>th</sup> day of September, 2023.*

(Muhammad Akbar Khan)  
Member (E)

(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

Certified to be true copy

EXAMINER  
Khyber Pakhtukhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 02/5/24

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"B"

-5-

To

The Director  
Elementary & Secondary Education Department  
Khyber Pakhtunkhwa, Peshawar

Through Proper Channel

Subject:- REPRESENTATION FOR IMPLEMENTATION OF JUDGMENT DATED 11/09/2023 OF THE HONOURABLE SERVICES TRIBUNAL, KP PESHAWAR IN SERVICE APPEAL NO 11550/2020

Respected Sir

1. It is stated that the applicant was appointed as PSHT in the Education Department, Khyber Pakhtunkhwa, Peshawar.
2. That the respondent department has not considered the appellant for promotion to the post of SST (BPS-16) with effect from the date when his other colleagues were promoted.
3. That the applicant filed departmental appeal against the inaction of the respondents mentioned above, which was not decided within the statutory period of 90 days.
4. That feeling aggrieved, the applicant filed Service Appeal No 11550/2020, which was disposed of vide order dated 11/09/2023 with certain observations mentioned therein.

It is, therefore, most humbly requested that on acceptance of this representation, the judgment dated 11/09/2023 of Services Tribunal, Peshawar in Service Appeal No 11550/2020 may please be implemented in letter and spirit.

Dated:- 09/10/23

  
Yousaf Ali

PSHT

GPS Sher Ali Tehsil Gagra,  
District Bunir

**ATTESTED**



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

*Exemptio.*  
~~Appd~~ NO: \_\_\_\_\_ OF 20 24

Yousef Khan

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Dept

(RESPONDENT)  
(DEFENDANT)

I/We Yousef 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 3<sup>rd</sup> Floor,  
Deans Trade Centre, Peshawar Cantt.  
(0311-9314232)