


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 973/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.08.2024	<p>The implementation petition of Mr. Sher Wali Khan submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on 23.09.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the petitioner.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Execution Petition No. 972 /2024

In

Appeal No. 1046/2016

MR. SHER WALI KHAN

VS

EDU: DEPTT:

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Petitioner
Sher Wali Khan

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

①

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

Execution Petition No. 972 /2024
In
Appeal No. 1046/2016

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 15253
Dated 29.08.24

Mr. Sher Wali Khan, Senior Clerk
GGHSS, Pabaini District Swabi.

..... Petitioner

VERSUS

- 1- The Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2- Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- District Education Officer, (Male) Swabi.

..... 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 24/05/2024 IN LETTER AND SPIRIT.

R/SHEWETH:

- 1- That the petitioner filed service appeal bearing No. 1046/2016 before this august Service Tribunal.
- 2- That the appeal of the petitioner was finally heard on dated 24/05/2024 and as such the ibid appeal is disposed of as follows:

"2. Learned counsel for the appellant referred to the prayer part of the appeal and requested that he would press first part of the prayer, if a direction is given to the respondents to furnish correct and updated seniority list of Senior Clerks and Junior Clerks, in case they have prepared those in accordance with Section 8 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989. We hope that the learned District Attorney might not have any objection on issuance of such direction to the respondents to provide an updated seniority list of Senior Clerks and Junior Clerks to the appellant within fifteen days. Disposed of accordingly. Consigned." Copy of the judgment dated 24/05/2024 is attached as annexure.....A

- 3- That after obtaining copy of the judgment dated 24/05/2024 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 24/05/2024 passed in Appeal No. 1046/2016 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

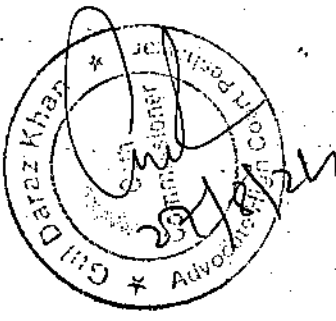
[Signature]
Petitioner
Sher Wali Khan

THROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

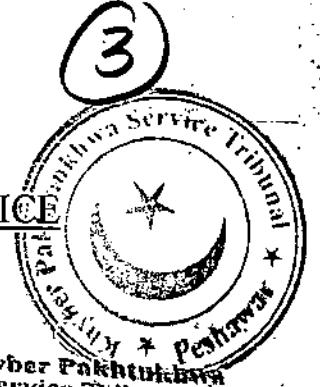
I, Sher Wali Khan, (appellant) do hereby solemnly affirm that the contents of this Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

[Signature]
DEPONENT



① "A" (3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR



Service Appeal No. 1046 /2016

With application for Condonation of delay No. /2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1020

Dated 26-9-2016

Sher Wali Khan

Senior Clerk, Government Girl Higher Secondary School (GGHSS)

Pabaini District Swabi

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary, Elementary and Secondary Education Department, Peshawar
2. The Director Elementary and Secondary Education, Government of Khyber Pakhtunkhwa, Peshawar
3. The District Education Officer (Male) District Swabi
4. The District Education Officer (Female) District Swabi Official Respondents
5. Nisar Ahmed son of Diyar Shah Senior Clerk working under District Education Officer, Bunir
6. Umar Ayaz Khan son of Atlas Khan Senior Clerk, working under District Education Officer, Bannu
7. Mohammad Zaman son of Haji Ahmed Senior Clerk, working in GGHS Havailian under District District Education Abbottabad
8. Shahid Akram Khan son of Mohammad Akram Senior Clerk working under District Education Officer (Female) Abboatabad.
9. Mohammad Siraj son of Meraj Mohammad Senior Clerk, working under District Education Officer Hangu.
10. Zaki Ullah son of Fazle Rehman, Asstt: Store-Keeper working in GTHSS, Gulbahar, District Peshawar
11. Mohibullah son of Habib Ullah, Assistant Store Keeper, working under SDEO (Female) Dir Bala
12. Mohammad Anwar son of Yaqoob Khan Lab: Asstt, working as Superintendent under District Education Officer (Male) Sawabi
13. Sabz Ali Khan son of Amin Khan Lab Assistant, working in GHS, Zaida District Swabi..... Private Respondents
(Private Respondents from Serial No.5 to Respondents 13) are

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

*Other's Private Respondents
Expendts
10-7-17*

Filed to-day

*Registrar
26/9/16*

*Re-submitted to-day
and filed.
Registrar 7/10/16*

4

Service Appeal No. 1046/2016

Titled "Sher Wali Khan-vs-Government of Khyber Pakhtunkhwa, through Secretary, Elementary and Secondary Education Department, Peshawar and others".

ORDER


24th May, 2024




KALIM ARSHAD KHAN, CHAIRMAN: Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

02. Learned counsel for the appellant referred to the prayer part of the appeal and requested that he would press first part of the prayer, if a direction is given to the respondents to furnish correct and updated seniority list of Senior Clerks and Junior Clerks, in case they have prepared those in accordance with Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1974 and Rule-17 of the Khyber Pakhtunkhwa Government Servant (Appointment, Promotion and Transfer) Rules, 1989. We hope that the learned District Attorney might not have any objection on issuance of such direction to the respondents to provide an updated seniority list of Senior Clerks and Junior Clerks to the appellant within fifteen days. Disposed of accordingly. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 24th day of May, 2024.*


(Muhammad Akbar Khan)
Member(Executive)


(Kalim Arshad Khan)
Chairman

Adum Shah

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 28/6/24
Number of V... 1-1
...ing Fee...
Urgent...
Total... 10/-
Name of C...
Place of... 28/6/24
Date of Delivery of Copy 28/6/24

To

"B" (5)

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar


Subject:- REQUEST FOR IMPLEMENTATION OF JUDGMENT DATED 24/05/2024 OF THE HONOURABLE SERVICE TRIBUNAL, KP PESHAWAR IN SERVICE APPEAL NO 1046/2016.

Respected Sir

1. It is stated that the applicant was initially appointed as Junior Clerk and then promoted to the post of Senior Clerk in the Education Department, Khyber Pakhtunkhwa, Peshawar.
2. That the respondent department has not considered the appellant for promotion/ non-inclusion the name of appellant in the seniority list.
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 1046/2016, which was disposed of vide order dated 24/05/2024 with certain observations mentioned therein.

It is, therefore, most humbly requested that on acceptance of this representation, the judgment dated 24/05/2024 of Services Tribunal KP, Peshawar in Service Appeal No 1046/2016 may please be implemented in letter and spirit.

Dated:- 02/07/2024


Sher Wali Khan
Senior Clerk,
Government Girl Higher
Secondary School (GGHSS)
Pabaini District Swabi

ATTACHED

6

VAKALATNAMA
BEFORE THE KHYBER PAKHYUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

EP No 12024

Shay wali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS


Edn deph

(RESPONDENT)
(DEFENDANT)

I/We Shay wali

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**

WALEED ADNAN

UMAR FAROOQ MOHMAND

**&
KHANZAD GUL**

**ABID ALI SHAH
ADVOCATES**

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