


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 1120/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.09.2024	<p>The implementation petition of Mr. Muhammad Ibrahim submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on 03.10.2024. 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. 1120 /2024

In

Appeal No. 1187/2022

MUHAMMAD IBRAHIM VS HEALTH DEPTT:

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Petitioner
Muhammad Ibrahim

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Execution Petition No. 1120 /2024

In

Appeal No. **1187/2022**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16183

Dated 30-09-2024

Mr. Muhammad Ibrahim, Male Nurse (BPS-IS),
Directorate General Health Services Department, KPK, Peshawar

..... **Petitioner**

VERSUS

1. The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director General Health Services Department, Khyber Pakhtunkhwa, 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 05/07/2024 IN LETTER AND SPIRIT.

R/SHEWETH:

- 1- That the appellant filed service appeal bearing No. 1187/2022 before this august Service Tribunal.
- 2- That the appeal of the appellant was finally heard on dated 05/07/2024 and as such the ibid appeal is accepted as follows:

"3. In the absence of any rebuttal of the claim of the appellant, we are constrained to allow this appeal as prayed for, ex-parte. Costs shall follow the event. "Consigned. Copy of the judgment dated 05/07/2024 is attached as annexure.....A

- 3- That after obtaining copy of the judgment dated 05/07/2024 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.

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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 05/07/2024 passed in Appeal No. 1187/2022 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

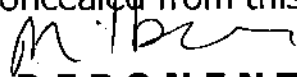

Petitioner
Muhammad Ibrahim

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Muhammad Ibrahim (petitioner) 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"

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1187 /2022

Mr. Muhammad Ibrahim, Male Nurse (BPS-16),
Directorate General Health Services Department, KPK, Peshawar
..... APPELLANT

VERSUS

- 1- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT ACCEPTING THE ARRIVAL REPORT OF THE APPELLANT AS MALE NURSE (BPS-16) AND NOT RELEASING THE MONTHLY SALARIES OF THE APPELLANT WITH EFFECT FROM 1.04.2022 TILL DATE AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the inaction of the respondents by not accepting the arrival report of the appellant and not releasing the monthly salaries of the appellant with effect from 1.04.2022 till date may kindly be declare as illegal, unlawful and the respondents may kindly further be directed to accept the arrival report of the appellant as Male Nurse (BPS-16) and to release the monthly salaries of the appellant from 01.04.2022 till date. Any other remedy which this august Tribunal deems fit may also be awarded in favor of the appellant.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

R/SHEWETH:

ON FACTS:

1. That appellant is the bonafide resident of District Swat and belongs to a respectable family.
2. That the appellant was innately appointed as Charge/Male Nurse (BPS-14) on the proper recommendation of Departmental selection committee in the Directorate of General

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Service Appeal No. 1187/2022 titled "Muhammad Ibrahim Vs.
The Secretary Health Department, Khyber Pakhtunkhwa,
Peshawar and others"

ORDER

5th July, 2024

Mr. Kalim Arshad Khan, Chairman: Learned counsel for the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. On 10.01.2023, on failure of the respondents to file reply within 7 days before the date of hearing as required by Rule-12 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 and on absence of the respondents, they were placed ex-parte and their right to file reply was also struck off. Thereafter, no effort was made by the respondents since January, 2023 till date to get the ex-parte proceedings set aside.

3. In the absence of any rebuttal of the claim of the appellant, we are constrained to allow this appeal as prayed for, ex-parte. Costs shall follow the event. Consign.


4. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 5th day of July, 2024.*

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Adnan Shah, P.A.


(Rshida Bano)
Member(J)


(Kalim Arshad Khan)
Chairman

-4/A-

Date of Presentation of Application 25-09-2024
Number of Ward: 2-P
Carrying Fee 10/-
51-
151-
26-09-2024
26-09-2024
Date of Delivery of _____

5 "B"

The Director General Health
Services Peshawar KPK

Subject: Application for Implementation of Order of Khyber
Pakhtoon Khwa Service Tribunal Peshawar.

Respected Sir,

I am submitting attested Copy of Order of Khyber
Pakhtoon Khwa Service Tribunal Peshawar for your kind
consideration.

My re instatement into Service Order No 4989-93
ETT Dated 29/10/2021 was issued by DGHS Peshawar.

I was posted on the disposal of DHO Bannu.

I joined my duties on 1/11/2021.

On 08/11/2021 DHO Bannu issued Order 8353-57
and posted me Type D Hospital Kakki BU 6327
and instructed me to perform duty in RHC Demail
Covid 19 Vaccination duty at Nardra Centre.

I provide services to the Public till 4 April 2022
on 5 April 2022 I was relieved by DHO Bannu to
report DGHS Peshawar for duty.

I submitted my arrival report to DGHS Peshawar
But my arrival was not accepted by DGHS Peshawar.

I filed Case in Service Tribunal Peshawar on
27 July 2022.

Case was decided by Chairman Service Tribunal
Mr Kalim Arshad Khan and Rashida Bano Member
on 5th July 2022.

21617/M
29/7/22 I requested your honour to kindly accept my
arrival report for duty from 5/4/2022 to 29/7/2022
And also request to issue my posting Order
in Saidul teaching Hospital Swat or DHO Swat.

BETTER COPY S

The Director General Health

Services Peshawar KPK

Subject:- Application for implementation of order of Khyber Pakhtunkhwa service Tribunal Peshawar.

Respected Sir,

I am submitting attested copy of order of khyber Pakhtunkhwa Service tribunal Peshawar for your kind consideration.

My reinstatement into service order No.4989-93-E-II Dated 29/10/2021 was issued by DGHS Peshawar.

I was posted on the Disposal of DHO Bannu.

I joined my duties on 1/11/2021, on 16.11.2021 DHO Bannu issued order 8353-57 and posted me Type-D Hospital Kakki BU 6327 and intructed me to perform duty in RHC Domail Covid 19 Vaccination duty at Nadra vCentre.

I provide service to the Public till 4 april 2022 on 5 april 2022 I was reliived by DHO Bannu to report DGHS Peshawar for duty.

I submitted my arrival report to DGHS Peshawar but my arrival was not accepted by DGHS Peshawar .

I filed case in Service Tribunal Peshawar on 27 july 2022.

Case was decided by Chairman Service Tribunal Mr Kalim Arshad Khan and Rashida Bano Member on 5th july 2022.

I requested your honour to mkindly accept my arrival report for duty from 5/4/2022, 29/7/2022 and also request to issue my posting order in saidu teaching Hospital swat or DHO Swat.

ATTESTED

I shall be thankful to you for this act of kindness.

(9)

Thanking you

Yours obediently

M. Shariq

Muhammed Ibrahim

Noor Hassan

Registered Member

of

EGHS Pakistan

Gsm No:

03444707591

Date: 29 July 2024

CELESTINE

BETTER COPY 6

I Shall be thank ful mto you for this act of kindness.

Thanking You

Yours Obediently

Muhamamd Ibrahim S/o

Noor Hassan

Registered Nursing officer




DGHS Peshawar

GSM No 03444707591

Dated 29 July 2024

ATTACHED

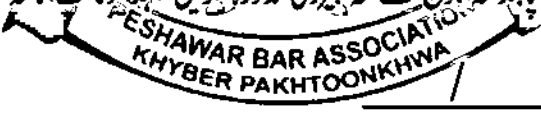
(7)

قیمت 50 روپے	56295	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ: <u>نور محمد رضا AK</u>	PESHAWAR BAR ASSOCIATION	
بار کونسل ایسوسی ایشن نمبر:		
رابطہ نمبر:		

بعدالت جناب: سید عزیز گل

مخانب: <u>محمد البرالیم</u>	دعویٰ: <u>EP</u>
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
باعت تحریر آگہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام لاہور کیلئے نور محمد خٹک + ولید عزیزان + محمد طارق + محمد سعید + محمد عثمان
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کالہ اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر کالت و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ دراختہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانب التوا ہے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



الرقوم: 1/20

العہد شد العہد شد
مقام لاہور کے لیے منظور ہے۔

Attest & Acftw

Signature