


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. Atiq ur Rehman 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. 973 /2024

In

Appeal No. 15295/2020

MR. ATIQ UR REHMAN

VS

EDU: DEPTT:

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Petitioner
Atiq Ur Rehman

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

①

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

Execution Petition No. 973 /2024

In

Appeal No. 15295/2020

15252

29.08.24

Mr. Atiq Ur Rehman, Naib Qasid (BPS-01)
Govt: Middle School Ganj Mandi, Peshawar

..... Petitioner

VERSUS

- 1- Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2- Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- District Education Officer, (Male) 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 petitioner filed service appeal bearing No. 15295/2020 before this august Service Tribunal.
- 2- That the appeal of the petitioner was finally heard on dated 05/07/2024 and as such the ibid appeal is disposed of as follows:

"2. Prayer of appellant in this appeal is that the respondents were not observing 40% promotion quota to the post of junior clerk. During the course of arguments, learned counsel for the appellant further pointed out that the seniority list was also not properly prepared as in the seniority list produced by the department, there is doubling in name of Ali Ahmad son of Nasir Ahmad which appears both at Serial and seniority No 114 & 115. Similarly Mr. Khurshid at Serial and seniority No 180 & 181, similarly the persons at serial No 303 & 309 were appointed on 28/04/2022, but how their names were entered in between the people appointed in the year, 1997, is also pointing

towards the fact that list was not properly prepared. Therefore, learned counsel for the appellant says that the appellant would be satisfied if the matter is sent to the department with direction to them that they should prepare the seniority list and also thereafter observe 40% quota as provided under the rules. Disposed of accordingly. Consign." 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 applications 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 05/07/2024 passed in Appeal No. 15295/2020 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.


Petitioner
Atiq Ur Rehman

THROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Atiq Ur Rehman, (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.

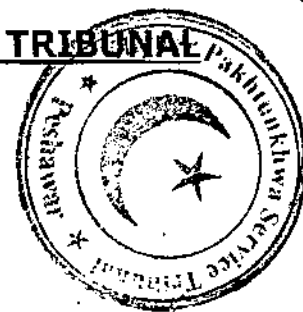

DEPONENT



"A" (3)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 15295 /2020



Mr. ATIQ UR REHMAN, Naib Qasid (BPS-04),
Govt. Middle School Ganj Mandi, Peshawar.

..... APPELLANT

VERSUS

- 1- Government of Khyber Pakhtunkhwa, Secretary, (E&SE) Department, Civil Secretariat, Peshawar.
- 2- The Director (E&SE) Department, Firdous GT Road, Peshawar.
- 3- The District Education Officer (Male), Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT PROMOTING THE APPELLANT TO THE POST OF JUNIOR CLERK IN LIGHT OF 40% PROMOTION QUOTA RESERVED FOR CLASS-IV EMPLOYEES AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY (90) DAYS


PRAYER:

That on acceptance of this appeal the respondents may kindly be directed to observe/follow 40% promotion quota reserved for Class-IV employees and the respondents may further please be directed to consider the appellant for promotion to the post of Junior Clerk (BPS-11) in light of the 40% quota. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

ATTESTED

R/SHWETH:

ON FACTS:


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

1. That appellant is the employee of the respondent Department and is appointed as Naib Qasid (BPS-01) now (BPS-04) vide order dated 27-01-1998 with the terms & condition mentioned therein in the appointment order and since from the date of appointment the appellant the appellant is working quite efficiently, whole heartedly and upto the entire satisfaction of his high ups. Copy of appointment order is attached as annexure A.

4



Service Appeal No. 15295/2020 "Atiq Ur Rehman Vs. Education Department"


ORDER


5th July, 2024

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


2. Prayer of the appellant in this appeal is that the respondents were not observing 40% promotion quota to the post of Junior Clerk. During the course of arguments, learned counsel for the appellant further pointed out that the seniority list was also not properly prepared as in the seniority list produced by the Department, there is doubling in the name of Ali Ahmad son of Nasir Ahmad which appears both at Serial and seniority No.114 and 115. Similarly, Mr. Khurshid at serial and seniority No.180 and 181. Similarly, like the persons at serial No.308 and 309 were appointed on 28.04.2022 but how their names were entered in between the people appointed in the year 1997, is also pointing towards the fact that list was not properly prepared. Therefore, learned counsel for the appellant says that the appellant would be satisfied if the matter is sent to the department with direction to them that they should prepare the seniority list and also thereafter observe 40% quota as provided under the rules. Disposed of accordingly. Consign.

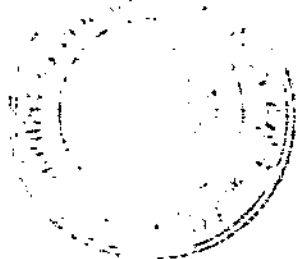
3. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 5th day of July, 2024.*


(Rashida Bano)
Member (J)


(Kalim Arshad Khan)
Chairman

Muazem Shah

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



Date of Presentation of Application 18/7/24
Number of Words 2-0
Copying Fee 10/-
Urgent 8/2
Total 18/-
Name of Copyist _____
Date of Completion 18/7/24
Date of Delivery of Copy 18/7/24

5

"B"

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) پشاور

عنوان: 40% کلاس فورٹو جونیئر کلرک پرموشن کوٹہ

جناب عالی!

گزارش ہے کہ سائل 27-01-1998 سے بحیثیت نائب قاصد محکمہ ہذا میں خدمات سرانجام دے رہا ہے۔ سائل ماسٹر ڈگری ہولڈر ہے۔ سروس دورانہ تقریباً 26 سال میں کلاس فور سے جونیئر کلرک پرموشن نہ ہونے کے برابر ہے۔ جس پر سائل نے اپنے حق کے لئے سروس ٹریبیونل عدالت سے رجوع کیا جس کا فیصلہ 05-07-2024 کو سنایا گیا۔

عرض ہے کہ 40% کلاس فورٹو جونیئر کلرک کوٹہ کے تحت سروس ٹریبیونل عدالت کے فیصلہ کو مدنظر رکھتے ہوئے ضلع پشاور میں کل منظور شدہ جونیئر کلرک پوسٹ 2023-24 کے مطابق تقریباً 160 اہل کلاس فور پرموشن کے حقدار ہیں۔ اور سائل آل کلاس فور ضلع پشاور کے سنیارٹی لسٹ میں 354 نمبر جبکہ پرموشن کے لئے اہل (Eligible) سنیارٹی لسٹ میں سائل کا 14 نمبر ہے۔ اس لحاظ سے سائل جونیئر کلرک پوسٹ پر پرموشن کا مکمل حقدار ہے۔ جملہ ضروری کاغذات برائے پرموشن پری DPC کے لئے بروقت جمع کئے گئے ہیں۔ لہذا مہربانی فرما کے سائل کے جونیئر کلرک پوسٹ پر پرموشن آرڈر جاری فرما کر مشکور فرمائیں۔ سائل تاحیات دعا گورہیگا۔

(نوٹ): سروس ٹریبیونل عدالت کا فیصلہ ساتھ منسلک ہے۔

العارض
Atiqur Rahman

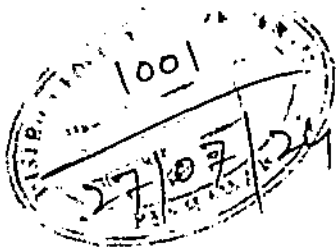
عتیق الرحمان (نائب قاصد)

گورنمنٹ شہید اسامہ ظفر سنینیٹل ماڈل ہائر سکندری سکول نمبر 2 پشاور شی۔

تاریخ: 26-07-2024

کاپی برائے انفارمیشن:

1۔ ڈائریکٹریس صاحبہ ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور



ATTESTED

(7)

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) پشاور
عنوان: 40% کلاس فورٹو جونیئر کلرک پرموشن کوٹہ

جناب عالی!

گزارش ہے کہ سائل 27-01-1998 سے خشیت نائب قاصد محکمہ ہذا میں خدمات سرانجام دے رہا ہے۔ سائل ماسٹر ڈگری ہولڈر ہے۔ سروس دورانہ تقریباً 26 سال میں کلاس فور سے جونیئر کلرک پرموشن نہ ہونے کے برابر ہے۔ جس پر سائل نے اپنے حق کے لئے سروس ٹریبونل عدالت سے رجوع کیا جسکا فیصلہ 05-07-2024 کو سنایا گیا۔

عرض ہے کہ 40% کلاس فورٹو جونیئر کلرک کوٹہ کے تحت سروس ٹریبونل عدالت کے فیصلہ کو مد نظر رکھتے ہوئے ضلع پشاور میں کل منظور شدہ جونیئر کلرک پوسٹ 2023-24 کے مطابق تقریباً 160 اہل کلاس فور پرموشن کے حقدار ہیں۔ اور سائل آل کلاس فور ضلع پشاور کے سنیارٹی لسٹ میں 354 نمبر جبکہ پرموشن کے لئے اہل (Eligible) سنیارٹی لسٹ میں سائل کا 14 نمبر ہے۔ اس لحاظ سے سائل جونیئر کلرک پوسٹ پر پرموشن کا مکمل حقدار ہے۔ جملہ ضروری کاغذات برائے پرموشن پری DPC کے لئے جمع کئے گئے ہیں۔ لہذا مہربانی فرما کے سائل کے جونیئر کلرک پوسٹ پر پرموشن آرڈر جاری فرما کر مشکور فرمائیں۔ سائل تاحیات دعا گو رہیگا۔
(نوٹ): سروس ٹریبونل عدالت کا فیصلہ ساتھ منسلک ہے۔

العارض

Abdul Rahman

عتیق الرحمان (نائب قاصد)

گورنمنٹ شہید اسامہ ظفر سٹینیل ماڈل ہائیر سکولری سکول نمبر 2 پشاور ٹی۔

تاریخ: 26-07-2024

کاپی برائے انفارمیشن:

1۔ سیکرٹری ایگزیکٹو اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور

2۔ ڈائریکٹریس صاحبہ ایگزیکٹو اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور

S/O Bamiraj
29/7/24

ATTENDED

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

EP

No 12024

Atiq ur Rehman

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

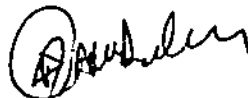
Eda dePT

(RESPONDENT)
(DEFENDANT)

I/We Atiq ur Rehman

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


MUHAMMAD AYUB


**MAHMOOD JAN
ADVOCATES**

OFFICE:

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

&c