Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 1229/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.10.2024	The implementation petition of Mr. Muhammad Farooq Khan submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on 25.10.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the petitioner. By order of the Chairman REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

EP NO. 1229 /2024

M. Farooq Khan VS GOVT OF KPK & OTHERS:

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

Respectfully Sheweth:

1. That the above mentioned case is pending adjudication before this Hon`ble Tribunal in which no date has been fixed so far.

2. 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.

3. 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.

4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble court.

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.

Applicant

Dated: - 17/10 /2024 Through

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Implementation Petition No. 1229 /2024
In
Appeal No.6271/2020

Mr. Muhammad Farooq Khan **VS** **Police Deptt:**

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Applicant

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPEREME COURT

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Implementation Petition No. 1229 /2024
In
Appeal No. 6271/2020

Mr. Muhammad Farooq Khan,
Inspector Legal Bannu.

..... **APPELLANT**

VERSUS

1- The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2- The Additional Inspector General (HQrs) Khyber Pakhtunkhwa, Peshawar.
3- Deputy Inspector General of Police (HQrs) Khyber Pakhtunkhwa, Peshawar.
4- Assistant Inspector General of Police (Estb:) Khyber Pakhtunkhwa, Peshawar.
5- Mr. Rashid Ahmad, Inspector Legal, DPO Office Abbottabad.
6- Mr. Wisal Ahmad, Inspector Legal, DIG Office, Mardan.
7- Mr. Malik Habib Khan, Inspector Legal, CCPO Office, Peshawar.

.....**RESPONDENTS**

PETITION FOR IMPLEMENTATION 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 12/07/2024 IN LETTER AND SPIRIT.

R/SHEWETH:

1- That the appellant filed service appeal bearing No. 6271/2020 before this august Service Tribunal against the impugned notification dated 07/02/2020 whereby the private respondents have been placed as senior to the appellant.

2- That the appeal of the appellant was finally heard on dated 12/07/2024 and as such the ibid appeal is disposed off as follows:-

"7. True that during pendency of the appeals, seniority list was revised, but we deem it appropriate that for the prayer regarding setting aside the promotion of the private respondents and promoting the appellants, le this matter be decided by the competent authority in view of the changed situation in accordance with the relevant law and rules. Copy of this

(2)

order be placed on file of connected file. Costs shall follow the event. Consign." Copy of the judgment dated 12/07/2024 is attached as annexure.....**A**

3- That after obtaining copy of the judgment dated 12/07/2024 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.

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 12/07/2024 passed in Appeal No. 6271/2020 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

Petitioner
Muhammad Farooq Khan

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Muhammad Farooq Khan (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

ATTESTED
Commissioner
Court Peshawar

"A" (3)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 6271 /2020

Muhammad Farooq Khan Inspector Legal Bannu.

.....(Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Inspector General (HQrs) Khyber Pakhtunkhwa Peshawar.
3. Deputy Inspector General of Police (HQrs), Khyber Pakhtunkhwa, Peshawar.
4. Assistant Inspector General of Police (Estb); Khyber Pakhtunkhwa, Peshawar.
5. Mr. Rashid Ahmad, Inspector Legal DPO Office, Abbotabad.
6. Mr. Wisal Ahmad, Inspector Legal DIG Office, Mardan.
7. Mr. Malik Habib Khan , Inspector Legal CCPO Office, Peshawar.

.....(Respondents)

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
17-10-24

APPEAL UNDER SECTION 4, OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED NOTIFICATION NO.CPO/E-I/PROMOTION/321 DATED 07.02.2020, WHEREIN DESPITE OF FACT THAT AN APPEAL NO. 702/2017 IS PENDING BEFORE THIS HONORABLE TRIBUNAL AGAINST THE SENIORITY LIST, THE PRIVATE RESPONDENTS HAVE BEEN PROMOTED TO DEPUTY SUPERINTENDENT LEGAL (BPS-17) AND AGAINST THE NON DECISION OF DEPARTMENTAL APPEAL/REPRESENTATION DATED 28.02.2020.

ORDER
12th July. 2024

Kalim Arshad Khan, Chairman: Through this single order, the above two appeals, are jointly taken up, as both are similar in nature and almost with the same contentions, therefore, can be conveniently decided together

2. Learned counsel for the appellants present. Mr. Muhammad Jan, District Attorney for the respondents present. Private respondents present through counsel. Heard.

3. Appellants' cases in brief, as per averments of appeals, are that they were appointed as Sub Inspectors (Legal); that through promotion orders, they got promoted to the posts of Confirmed Inspectors; that on 01.01.2017 revised seniority list was issued on 02.01.2017, wherein, they were placed junior to their alleged junior colleagues; that feeling aggrieved, they filed departmental representations but the same were not responded, hence, the instant service appeals.

4. Arguments heard. Record perused.

5. At the very outset, learned counsel for the appellants produced copy of revised seniority list issued in compliance of the judgment dated 02.02.2022 of the Supreme Court of Pakistan in Civil Petition No.6367/2021, and submitted that seniority of both the appellants has been restored. He submitted that the promotion order of the private respondents was thus required to be accordingly set aside.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
17-10-24

6. There is no denial to the fact that the appellants were left from promotion on the basis of old seniority list and on the basis of such old seniority list in which the appellants were junior to the private respondents, these appeals were filed.

7. True that during the pendency of appeals, seniority list was revised but we deem it appropriate that for the prayer regarding setting aside the promotions of the private respondents and promoting the appellants, let this matter be decided by the competent authority in view of the changed situation in accordance with the relevant law and rules. Copy of this order be placed on file of connected file. Costs shall follow the event. Consign.

8. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 12th day of July, 2024.*

(Rashida Bano)
Member (J)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

Certified to be ture copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar
17-10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No.	170 Date 17-10-24
Name of Applicant	Hidayat
Number of Words/Pages	3-0
Copying Fee	15/-
Urgent/Ordinary	5/-
Total	20/-
Name & Sign of Copyist	
Date of Completion of Copy	17-10-24
Date of Delivery of Copy	17-10-24

"B" (6)

FROM: District Police Officer
Bannu

TO: Regional Police officer
Bannu, Region Bannu

No 4083 dated 15-8-2024

Subject: IMPLEMENTATION OF JUDGMENT IN S/A NO. 8488/2020

It is submitted that, Judgment of Service Tribunal KP, Peshawar dated 12 July 2024 Titled Muhammad Farooq Khan VS IGP KP, Peshawar and others along with application of the appellant for implementation of the judgment is forwarded for onward submission to CPO Peshawar for compliance please.

District Police Officer
Bannu

TRUE COPY

Exam Commissioner

(7)

Respected Sir

It is submitted that, my seniority being Inspector Legal Bann was disturbed/changed by the CPO Peshawar in 2017. The said seniority list was challenged in the Tribunal and later on, it was decided by The supreme Court of Pakistan in C.P No. 6367/2021 in favour of the appellant. Later on, my Junior colleagues were promoted as DSPs Legal in 2020 namely malik Habib , Wisal Ahmad and Rashid Ahmad , the promotion order was challenged in Service Tribunal KP, Peshawar through S/A No. 6271/2020 Titled Muhammad Farooq Khan VS IGP KP, Peshawar and decided in favour of appellant. Operative part of the Judgment is reproduced: "At the very outset, learned counsel for the appellants produced copy of revised seniority list issued in compliance of the judgment dated 02.02.2022 of the Supreme court of Pakistan in Civil Petition No. 6367/2021 and submitted that seniority of both the appellant has been restored. He submitted that the promotion order of the private respondents was thus required to be accordingly set aside. There is no denied to the fact that the appellant were left from promotion on the basis of old seniority list and on the basis of such old seniority list and which the appellant were Junior to the private respondents, these appeals were filed. True that during the pendency of appeals, seniority list was revised but we deem it appropriate that for the prayer regarding setting aside the promotions of the private respondents and promoting the appellant, let this matter be decided by the competetnt authority in view of the change situation in accidence with the relevant law and Rules".

It is therefore requested that, in light of the above Judgment I may kindly be promoted as a DSP Legal from the date where my junior colleagues were promoted.

Muhammad Farooq Khan
DSP Legal Bannu

ATTESTED

(8)

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

FP No ____/2024

M. Farooq Khan (APPELLANT) (PLAINTIFF) (PETITIONER)

VERSUS

Police deptt (RESPONDENT) (DEFENDANT)

I/We M. Farooq 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

M. Farooq.

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 Can*tt.
(0311-9314232)