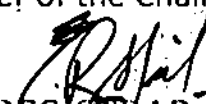


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 1228/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.10.2024	<p>The implementation petition of Syed Shah Sayed 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.</p> <p>By order of the Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No. 1228 /2024

In

Appeal No. 1533/2022

Sayed Shah Sayed

VS

Govt: of KP

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Implementation Petition with Affidavit	1-2
2.	Copy of the order dated 14/05/2024	"A"	3-4
3.	Copy of application	"B"	5
4.	Vakalatnama		6

Applicant

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. 1228 /2024

Khyber Pakhtunkhwa
Service Tribunal

In

Appeal No. 1533/2024

Diary No. 16879

Dated 17-10-24

Mr. Sayed Shah Sayed, Superintendent BPS-17
Printing Press Headquarter, Peshawar.

..... APPELLANT

V E R S U S

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, civil secretariat, Peshawar.
- 2- The Secretary Industries Commerce & Technical Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Industries & commerce Department, 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 04/12/2023 IN LETTER AND SPIRIT.

R/SHEWETH:

- 1- That the appellant filed service appeal bearing No. 1533/2022 before this august Service Tribunal against the inaction of the respondents department by not issuing the joint/combined seniority list of superintendents of Directorate General of Industries & Commerce.
- 2- That the appeal of the appellant was finally heard on dated 04/12/2023 and as such the ibid appeal is disposed off as follows:-

"2. Learned counsel for the appellant says that the prayer of the appellant was for directing the respondents to issue seniority list, which had not been issued after merger of the departments. The respondents have annexed the provisional seniority list issued on 12.04.2023. Mr. Muhammad Mansoor, Assistant Director, present on behalf of the respondents, says that no final seniority list was issued after issuance of provisional seniority list. Learned counsel for the appellant says that the appellant would be satisfied if a direction is given for a specific period to the

respondents to issue final seniority list in accordance with law and in the meantime promotions, on the provisional seniority list should not be made. The departmental representative assured that the final seniority list would be issued within thirty days. Disposed of in view of the statement of the departmental representative with the direction to the respondents to issue final seniority within thirty days. It is, however, expected that the department would not make promotion on the basis of provisional seniority list which is admittedly objected by to the appellant and might also be objected by some others. It would be also appreciated that the department settles the objections before issuance of final seniority Consign." Copy of the judgment dated 04/12/2023 is attached as annexure.....A

- 3- That after obtaining copy of the judgment dated 04/12/2023 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 04/12/2023 passed in Appeal No. 15335/2022 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.


Petitioner
Sayed Shah Sayed

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Sayed Shah Sayed (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



5-A-3-

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

SERVICE APPEAL NO. 1533 /2022



Mr. Sayed Shah Sayed, Superintendent BPS-17
Printing Press Headquarter, Peshawar.

..... APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar
- 2- The Secretary Industries Commerce and Technical Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Industries & Commerce Department, Peshawar

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENT DEPARTMENT BY NOT ISSUING THE JOINT/COMBINED SENIORITY LIST OF SUPERINTENDENTS (BPS-17) OF DIRECTORATE GENERAL OF INDUSTRIES AND COMMERCE AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal, the respondents may kindly be directed to issue joint/combined seniority list of the superintendents (BPS-17) of Directorate General Of Industries And Commerce in light of section 8 sub section 5 of the Civil Servant Act, 1973. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as

under:-

- 1- That the appellant was initially appointed Assistant (BPS-16) on the proper recommendation of Khyber Pakhtunkhwa Public Service Commission in the Government Printing and Stationary Department Khyber Pakhtunkhwa, through office order dated 20.06.2013. Copy of the Appointment Order is attached as AnnexureA

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
15/10/24

4th Dec, 2023 1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Muhammad Mansoor, Assistant Director (Litigation) for the respondents present.

2. Learned counsel for the appellant says that the prayer of the appellant was for directing the respondents to issue seniority list, which had not been issued after merger of the departments. The respondents have annexed the provisional seniority list issued on 12.04.2023. Mr. Muhammad Mansoor, Assistant Director, present on behalf of the respondents, says that no final seniority list was issued after issuance of provisional seniority list. Learned counsel for the appellant says that the appellant would be satisfied if a direction is given for a specific period to the respondents to issue final seniority list in accordance with law and in the meantime promotions, on the provisional seniority list should not be made. The departmental representative assured that the final seniority list would be issued within thirty days. Disposed of in view of the statement of the departmental representative with the direction to the respondents to issue final seniority within thirty days. It is, however, expected that the department would not make promotion on the basis of provisional seniority list which is admittedly objected by to the appellant and might also be objected by some others. It would be also appreciated that the department settles the objections before issuance of final seniority list. Consign.

3. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 4th day of December, 2023.

(Kalim Arshad Khan)
Chairman

Adnan Sheeb
Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
15-10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar	
Application No. 122	Date 15-10-24
Name of Applicant M. Dayal	
Number of Words/Pages 2-9	
Copying Fee 10/-	
Agent/Ordinary 5/-	
Total 15/-	
Name & Sign of Copyist 2024/10/15	
Date of Completion of Copy 15-10-24	
Date of Delivery of Copy 15-10-24	

Heard

Copy in advance to Secretary to Government of Kyber Pakhtunkhwa Industries, Commerce and Technical Education Department, Peshawar.
Directorate General of Industries and Commerce
Superintendent
(Sayed Shah Sayed)

In view of above, it is humbly requested that the decision of the Hon'ble Kyber Pakhtunkhwa Service Tribunal may kindly be implemented in letter and spirit please.

Respectfully stated that Government Printing and Stationery Department was merged with Directorate General of Industries and Commerce via Notification No.50 (DAMI/EAAD/2-12/2022 dated 26.04.2022, (copy of Notification and Summary are at Annexure-I and II) subsequently, submitted a Departmental appeal for issuance of joint seniority list in light of para-4 of the summary of merger, but to no avail (Annex-III). I filed an appeal before Hon'ble Kyber Pakhtunkhwa Service Tribunal for the issuance of seniority list. Meanwhile, the Department issued a tentative seniority, but being aggrieved, I submitted another departmental appeal for issuance of final seniority list and placing under appeal at the top of seniority list being most senior Superintendent. Copies of tentative seniority list and appeal are at Annexure-IV and V. On 03.02.2023, a meeting was held under the chairmanship of Additional Secretary Industries Department wherein the appeal was decided in my favor and the Directorate General was directed to issue final seniority list by placing the name of undersigned at the top of seniority list. Minutes of the meeting endorsed to the Directorate General of Industries and Commerce via letter No. 50(DAMI)9-5/2023/VA-11/1881-K3 dated 21.02.2023. It attached at Annexure-VI. Moreover, the Hon'ble Kyber Pakhtunkhwa Service Tribunal vide its judgment dated 04.12.2023 also directed competent authority to issue final seniority list within one month (Annex-VII).

Subject: REQUEST FOR IMPLEMENTATION OF DECISION OF HONOURABLE SERVICE TRIBUNAL IN APPEAL NO. 153/2022 SAVED SHAH SAYED VS GOVERNMENT

The Secretary,
Industries, Commerce and Technical Education Department,
Kyber Pakhtunkhwa, Peshawar.
Through Proper Channel,
Director General,
Directorate General of Industries, Commerce and Printing Press,
Kyber Pakhtunkhwa, Peshawar.



-5- "B" =

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

EP _____ No _____ /2024

S. Shah Sajed

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Gont of KPK

(RESPONDENT)
(DEFENDANT)

I/We Sajed shah Sajed

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

&


**MAHMOOD JAN
ADVOCATES**

OFFICE:

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