

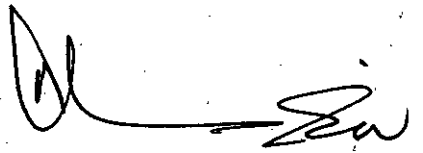
22nd July 2022

1. Petitioner in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Ijaz, Supdt and Mr. Naseeb Khan, SO for respondents present.

2. Mr. Muhammad Ijaz, Supdt office of Deputy Commissioner, Haripur present and submitted an undertaking in writing that there was no vacancy at present so that the petitioner could be adjusted in compliance with the judgment of this Tribunal. However, it was given in writing that promotions were going to be made in the next week and some posts will fall vacant. He assured that against the posts going to be vacated upon the promotion, petitioner would be adjusted. On the said assurance the petitioner was satisfied. The respondents are thus directed to adjust the petitioner in compliance with the judgment on a post soon after its vacation. In case the matter is delayed for more than one month and implementation is not made, the petitioner may come again to this Tribunal for implementation of judgment. Disposed of accordingly. Consign.

3. *Pronounced in open court in Camp Court Abbottabad and given under my hand and seal of the Tribunal on this 22nd day of July, 2022.*




(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad


13.05 2022

Petitioner in person present. Learned law officer is absent.

On 19.04.2022, learned Additional Advocate General ^{had sought} further time to implement the judgment and submit implementation report. Today there is no body from the department present before the Tribunal, therefore, respondents are directed to appear in person and submit implementation report on the next date. To come up for implementation report on 20.07.2022 and attendance of respondents before S.B at Camp Court Abbottabad.


(Kalim Arshad Khan)
Chairman

20th July 2022 Petitioner in person present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Muhammad Faraz Quraishi, AAC-II Haripur is present on behalf of judgment debtor No.3 and assured that they will implement the judgment and produce conditional order subject to the result of CPLA filed by the respondents in august Supreme Court of Pakistan on ~~22.07~~ 2022 before S.B at camp court Abbottabad.


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

28.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 28.03.2022 for the same as before.


Reader

28.03.2022

Counsel for the petitioner present: Mr. Kabirullah Khattak
Addl: AG for respondent present.

Learned counsel for the petitioner seeks adjournment.
Adjourned. To come up for *implementation report* on 19.04.2022
before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

19.04.2022

Petitioner alongwith learned counsel present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Judgment of this Tribunal dated 21.10.2021 at credit of the petitioner has not been implemented so far. Learned AAG states that the Deputy Commissioner, Haripur has sent SNE for the creation of post to the Secretary Finance Department and seeks further time. Let DC Haripur shall pursue the SNE and get that expedited. Report in this respect be submitted on 13.05.2022 before the S.B.


Chairman

EP 389/2021

02.02.2022

Petitioner alongwith counsel and Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Muhammad Afzal, Assistant office of the Deputy Commissioner, Haripur, Mr. Wazir Zada, ADLR and Afsar Khan, Assistant of the office of DLR are present.

Implementation report has not been submitted. The representative of the respondent No. 3 has brought photocopies of certain correspondence as produced today requires the filling of the post for Minority Quota. He assured that the SNE sent for creation of post of Naib Qasid as discussed in previous order sheet will be pursued for creation of the post as soon as possible. As the SNE has been sent to the Finance Department and being a party in this Execution Petition, Secretary Finance Department is also directed to do the needful in the matter of SNE submitted to him by the Deputy Commissioner, Haripur. To come up for implementation report on 28.02.2022 before S.B.


Chairman





EP 389/2021


31.01.2022 Petitioner along with his counsel, Mr. Muhammad Adeel Butt, AAG, Mr. Muhammad Afzal (Assistant) Office of the Deputy Commissioner, Haripur, Mr. WazirZada, ADLR and Afsar Khan Assistant of the office of DLR are present.

The above named representative of DC Haripur has brought and produced the copy of letter dated 28-01-2022 addressed to the Secretary Finance, Khyber Pakhtunkhwa, Peshawar, which is placed on file. Thereby, the DC Haripur sent SNE to the Finance Department for creation of one post of Naib Qasid in his office. The said SNE is general in nature and if the post is created, it is not certain that it will serve the purpose of execution of judgment at credit of the petitioner. On the other hand, representatives of DLR have produced the computer generated copy of budget book showing the open position codes of C-IV posts in office of the Deputy Commissioner, Haripur; which include one as 80145513 relating to a Sweeper post, two respectively as 80145966 & 80424863 relate to the post of Chowkidar, and one as 80145378 relates to the post of Mali. All the said posts are in BPS-3 whereas the post of Naib Qasidis also in BPS-3. It was observed and directed vide previous order dated 25.01.2022 that if no position code is available for release of salary of the petitioner, it is the obligation of DC to manage the things including the acquisition of position code from the Finance Department. The matter of SNE taken up with Finance Department may be a step in furtherance of said order but when position codes of posts in BPS-3

are available, there should be no hurdle in releasing salary of the petitioner. Therefore, it is directed that salary of the petitioner be released forthwith against one of the open codes enumerated herein above. If payment of arrears of salary against such codes is conveniently workable, the same may also be paid to the petitioner; otherwise, the same shall be payable in due course of time, if the judgment of this Tribunal is maintained by the august Supreme Court of Pakistan.

An application has been submitted on behalf of the petitioner to restrain the Respondents No. 3 and 6 from compelling the petitioner to discontinue his duties as Naib Qasid in office of Sub Registrar Haripur, as long as the judgment of this Tribunal at his credit is intact. The said application has also been placed on file and is accepted. Respondents No. 3 and 6 are restrained accordingly.

File to come up on 02-02-2022 for implementation report before SB.


Chairman

25.01.2022

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Afzal, Assistant, Wazir Zada, ADLR and Afsar Jan, Assistant (Litigation) for the respondents present.

Representative of respondent No. 2 states that all the directions/orders so far passed by this Tribunal in relation to execution petition of the judgment have been transmitted to Deputy Commissioner Haripur for necessary action. The representative of respondent No. 3 submits that according to the budget book available in the office of Deputy Commissioner, there is no Position Code of Naib Qasid in office of the Sub Registrar, Haripur. On the other hand, representative of respondents No. 2 states that the post of Naib Qasid exists in all offices of Sub Registrars throughout the province but the record lies with respective Deputy Commissioners. The representative of respondent No. 2 further affirms that it is the concern of the office of Deputy Commissioner Haripur to apprise this Tribunal as to whether a sanction post of Naib Qasid in office of Sub Registrar is available or not; and if available, no other person working elsewhere is getting salary against said post. It may be observed that the Position as to existence of post of Naib Qasid in office of Sub Registrar has already been expounded in the judgment of this Tribunal. Therefore, non-existence of the post in said office is not disputable in the course of execution proceedings. If no Position Code is available for release of salary of the petitioner being incumbent of the post

of Naib Qasid in the office of Sub Registrar Haripur, it is obligation of the Deputy Commissioner Haripur (respondent No. 3) to manage the thing, including the acquisition of Code from the Finance Department for implementation of judgment in letter and spirit. Let the Deputy Commissioner Haripur to send implementation report or attend the Tribunal in person to apprise this Tribunal about efforts towards implementation which otherwise is being delayed without any plausible reason despite repeated directions given from the Tribunal. Case to come up on 31.01.2022 before S.B.


Chairman

20.01.2022

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Afzal, Assistant, Wazir Zada, ADLR and Afsar Jan, Assistant (Litigation) for the respondents present.

Learned AAG seeks further time to take the concerned authority on board to implement the judgment at credit of the petitioner as per directions given in order dated 18.01.2022. Request is accorded. To come up for implementation report on 25.01.2022 before S.B.


Chairman

E.P No. 389/2021

18.01.2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Afsar Jan, Assistant, Mr. Wazir Zada, AD(Land Record) and Mr. Muhammad Afzal, Assistant for respondents present.

Despite clear terms of the order dated 12.01.2022 to enlighten the respondents about scope of the judgement and necessity of its conditional implementation subject to outcome of CPLA before the august Supreme Court of Pakistan, it seems that respondents No. 3 and 4 are adamant not to implement the judgement of this Tribunal without a good reason may be under influence of some wrong ministerial advice. They are expected to apply their own mind to the findings given in the judgment and subsequent order passed for its implementation. Before the law providing for coercive measures take place, a final opportunity is given on request of learned Addl: AG for implementation of the judgment as directed vide previous orders dated 04.01.2022 and 12.01.2022. To come up for implementation report on 20.01.2022 before S.B. Copy of this order be sent to DC Haripur by fax or e-mail as may be possible.


Chairman

EP 389/2021

12.01.2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Afsar Jan Assistant Litigation (Director Land Record Office) is present. On query about representative of respondents No. 3, he stated that one Mr. Muhammad Afzal Assistant was present but because of some emergency he has left the Tribunal. However, the Deputy Commissioner office, Haripur will be informed about today's proceedings. The representative of respondent No. 2 in attendance states that CPLA has been filed against the judgment of this Tribunal, however he on query about any interim relief remained clueless. In the order dated 04.01.2022, the position has already been explained about the right of respondents for invoking the appellate jurisdiction. However it has been observed in the said order that unless judgment of this Tribunal is suspended by the august Supreme Court of Pakistan, the respondents are not absolved from the obligation of its implementation. If the respondents are not in possession of any order as to suspension of the judgment under execution, they are directed to implement the judgment at credit of the petitioner in the manner as directed in the order dated 04.01.2022. To come up for conditional implementation order on 18.01.2022 before S.B


Chairman

EP No. 389/2021

04.01.2022

Learned counsel for the petitioner present.

The petitioner through this Execution Petition has brought the judgment of this Tribunal for execution which was passed in his favor on 21.10.2021, in service appeal No. 11823/2020. The findings in the judgment were followed by the operative part as copied below:-

"For what has gone above, the appeal in hand is accepted in the light of operative observations of this Tribunal and consequently it is directed in exercise of jurisdiction under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 that current salary of the appellant be restored from now instantly with payment of the arrears of pay since 01.10.2020; and the appellant will be at liberty to exercise his option for arrears of salary for the period backward from 01.10.2020 till the date when he took over charge of the post after his appointment. However, he shall not delay the exercise of such option beyond 60 days from the date of this judgment".

The petitioner has submitted that the judgment is still in field and has not been suspended or set aside by the august Supreme Court of Pakistan. Therefore, the respondents are legally bound to pass formal appropriate order and he prayed for implementation of the judgment at his credit in letter and spirit.

Needles to say that the respondents are at liberty to challenge the judgment at credit of the petitioner before the august Supreme Court of Pakistan, if so advised; however, filing of the petition against the judgment before august Supreme Court of Pakistan does not absolve the respondents from their obligation from implementation of the judgment of this Tribunal in letter and spirit unless the same is suspended by a specific order of the august Supreme Court of Pakistan. If the respondents are not in possession of any such order, they are supposed to implement the judgment at credit of the petitioner but with liberty to get an affidavit from him for return/restoration of the benefits, if the judgment of this Tribunal at

his credit is set aside by the august Supreme Court of Pakistan. Copy of Execution Petition alongwith copy of this order be sent to Respondents No. 3 & 4 for implementation report on or before the date fixed. Notice of Execution Petition be given to other respondents.

To come up for implementation report on 12.01.2022 before S.B.

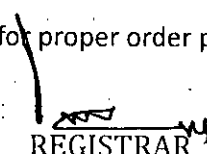


CHAIRMAN

Form-A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 389/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.12.2021	<p>The execution petition of Mr. Muhammad Niaz submitted today by Mr. Syed Noman Ali Bukhari Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;">  REGISTRAR </p> <p>This execution petition be put up before S. Bench at Peshawar on <u>04/01/22</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>
2-		

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Execution Petition No. 389/2021
In Service Appeal 11823/2020

Muhammad Niaz

VS

Govt of KP

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S.No.	Documents	Annexure	Page No.
1.	Memo of Execution Petition	-----	01-02
2.	Copy of Judgment	- A -	03-14
3.	Vakalat Nama	-----	15


PETITIONER
Muhammad Niaz

THROUGH:


SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT

Date: 13/12/2021

Cell No: 0306-5109438



OFFICE OF THE DEPUTY COMMISSIONER HARIPUR

Phone No. 0995-920200, 920202 Fax No. 0995-615412

No. 8853-S4/ALT/DC(H) Dated: 19/07/2022

AUTHORITY LETTER.

Mr. Muhammad Faraz Qureshi, Additional Assistant Commissioner-II, Haripur is hereby authorized to attend the Court of Khyber Pakhtunkhwa, Service Tribunal Camp Court, Abbottabad in EP No. 389/2021, Case titled Muhammad Niaz Versus SMBR etc on behalf of this office on 20.07.2022 and subsequent dates of hearing till the decision of the case.

**Deputy Commissioner
Haripur**

Copy to the:-

1. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar for information please.
2. Additional Assistant Commissioner-II, Haripur for compliance.

**Deputy Commissioner
Haripur**

Draft

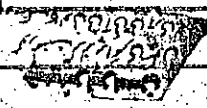
22nd July 2022 1. Petitioner in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Ijaz, Supdt and Mr. Naseeb Khan, SO for respondents present.

2. Mr. Muhammad Ijaz, Supdt office of Deputy Commissioner, Haripur, ^{present} and submitted an undertaking in writing that there was no vacancy at present so that the petitioner could be adjusted in compliance with the judgment of this Tribunal. However, it was given in writing that promotions were going to be made in the next week and some posts will fall vacant. He assured that against the posts going to be vacated upon the promotion, petitioner would be adjusted. On ^{the} said assurance the petitioner ^{was} ~~would~~ be satisfied. The respondents are ^{thus} directed to adjust the petitioner in compliance with the judgment on a post soon after ~~his~~ ^{its} vacation. In case the matter is delayed for more than one month and implementation is not made, the petitioner ^{is} ~~is~~ ^{may} come again to this Tribunal, Disposed of accordingly. Consign. ^{for implementation of judgment}

3. Pronounced in open court in Camp Court Abbottabad and given under my hand and seal of the Tribunal on this 22nd day of July, 2022.

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

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1-3-2021

Majma Bibi

میں نے اس خط کو لکھنے پر تیار نہیں ہوں۔
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Annex I

Before the Honorable Serni Tribunal
Camp Const Abbottabad.

Niaz

vs

SMAR, DC

I, being Office Superintendent
DC office Hujar submitted my
Statement in the Honorable court
in the Subject Case, that no
vacancies are vacant in DC office
Hujar against the appointment of
petitioner's/applicant. The posts of
N.O will be vacated through
promotion quota of JC, in the
Month time all process will be
Completed for adjustment of
petitioner's/Res + ^{in compliance of Honorable court} Submitted please order
22/1/2011

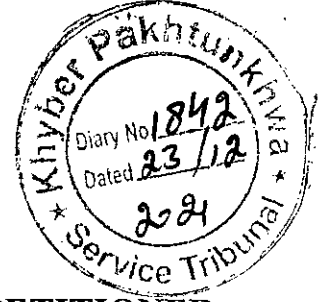
Muhammad Ijaz Office Superintendent
DC office Hujar

①

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

Execution Petition No. 389 /2021
In Service Appeal No.1183/2020

Mr. Muhammad Niaz (naib Qasid) S/o Muhammad Ashraf
O/o Sub-Registrar Haripur
R/o Vilage Pharla District Haripur.



PETITIONER

VERSUS

1. The SMBR, Khyber Pakhtunkhwa, Peshawar.
2. The Director Land record, Board of revenue.
3. The Deputy Commissioner, Haripur.
4. The District Account officer Haripur.
5. The Secretary finance, Govt of KP, civil Secretariat Peshawar.
6. The Sub-registrar Revenue deptt, Haripur.

RESPONDENTS

.....

**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED: 21.10.2021 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**

.....

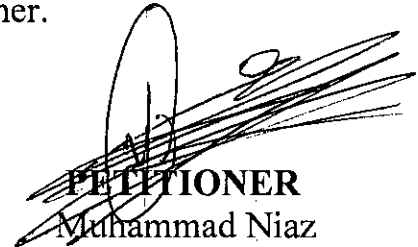
RESPECTFULLY SHEWETH:

1. That the petitioner/ appellant has filed Service Appeal in this august Service Tribunal for releasing of pay with arrears.
2. That the said appeal was finally heard on 21.10.2021. The Honorable Tribunal was kind enough to accept the appeal and the current salary of appellant restored from now with payment of arrears of pay since .01.10.2020 till the date. **(Copy of Judgment is attached as annexure-A).**
3. That in-action and not fulfilling formal requirements by the respondent after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.

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4. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to pass formal appropriate order.
5. That the petitioner has having no other remedy but to file this Execution Petition.

It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment dated 21.10.2021 of this august Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.



PETITIONER
Muhammad Niaz

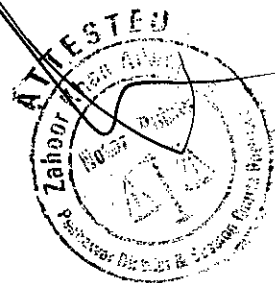
THROUGH:


SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT

AFFIDAVIT:

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able Tribunal.


Deponent



A (3) 1

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 11823 /2020

Mr. Muhammad Niaz (NAib Qasid) S/o Muhammad Ashraf
O/o Sub-Registrar Haripur
R/o Village Pharla District Haripur .

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11318
Dated 07/10/2020



(Appellant)

VERSUS

1. The Senior Member of Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. THE Director Land record Board of revenue.
3. The Deputy Commissioner, Haripur.
4. The District Officer, Revenue and estate collector Haripur.
5. The District Account officer Haripur.
6. The Secretary Finance, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
7. The Sub-Registrar, Revenue Deptt, Haripur.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 FOR NOT GRANTING MONTHLY SALARIES TO THE APPELLANT FROM JUNE 2010 TILL DATE & AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO PAY MONTHLY SALARIES TO THE APPELLANT WITH EFFECT FROM JUNE 2010 TILL DATE AND ONWARD BEING ON THE STRENGTH OF DEPARTMENT AND PERFORMING DUTY WITH ENTIRE SATISFACTION OF HIS SUPERIOR. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOR OF APPELLANT.

ATTESTED

APPPELLANT
Khyber Pakhtunkhwa
Service Tribunal

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal-No. **11823/2020**

Date of Institution ... 07.10.2020

Date of Decision ... 21.10.2021



Muhammad Niaz (Naib Qasid) Office of Sub Registrar Haripur
... (Appellant)

VERSUS

The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar and
six others. ... (Respondents)

Present

Syed Noman Ali Bukhari, Advocate. ... For appellant

Mr. Muhammad Adeel Butt,
Addl. Advocate General ... For respondents

MR. AHMAD SULTAN TAREEN ... CHAIRMAN
MR. SALAH-UD-DIN, ... MEMBER (J)

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:-The appellant has invoked the
jurisdiction of this Tribunal through service appeal described above in the
heading with the prayer as copied below:

*"That on acceptance of this appeal, the respondents
may be directed to pay the monthly salaries to the
appellant with effect from June-2010 till date and
onward being on the strength of department and
performing duty with entire satisfaction of his*

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

2/ (5)

superior. Any other remedy which this august tribunal deems fit and appropriate that may also be awarded in favor of appellant."

2. The factual account, as given in the memorandum of appeal and deducible from copies of the supporting documents annexed with appeal taken in nutshell is, that several post were created in the Revenue Department for Registration Staff which among others include one post of *Naib Qasid* created for the office of Sub Registrar, Haripur, for which appellant having SSC certificate applied and he was appointed against the said post by order of Respondent No. 1 vide order dated 03.06.2020 issued by the Assistant Secretary (Estt), Board of Revenue, Khyber Pakhtunkhwa, Peshawar. The appellant reported his arrival in pursuance to his appointment order, he was medically examined and his charge report was forwarded to all concerned including Respondents No. 4 & 5. He after taking over the charge started to perform his duty and his first due salary was transferred to bank. Thereafter, the salary of appellant was stopped for unknown reason despite the fact that he is regularly performing his duties since his appointment. The appellant submitted several applications for release of pay but in vain, lastly the he filed departmental appeal on 26.06.2020 which was not responded within statutory period of 90 days. Having no response towards the departmental appeal within 90 days, the appellant on its presumptive rejection on expiry of 90 days approached this tribunal in pursuit of next remedy. After admission of the appeal for regular hearing, the respondents were put on notice for attendance who turned up and filed their written reply refuting the claim of appellant for the relief prayed for and requested for dismissal of the appeal with cost.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



3. We have heard the arguments and perused the arguments.

4. The arguments advanced on behalf of appellant precisely lay emphasis on the points that he was properly appointed by order of Senior Member Board of Revenue, Khyber Pakhtunkhwa an ultimate authority in the Revenue Department. The copy of the order among others was forwarded to the District Officer R&E/Collector, Haripur as then he was (Respondent No. 4) and to the Senior District Accounts Officer, Haripur (Respondent No. 5). The former acted upon the order by accepting charge report of the appellant followed by preparation of his service book and sending of the HR Source-I to the latter for activation of appellant's salary. The respondent No.5 also acted upon the source sent to him by the respondent No.4. However for unknown reasons, the salary of the appellant was stopped despite allotment of personal number by the Accounts Office and crediting of the first salary to the bank account in light of the allotted personal number, which subsequently was blocked. It was further argued that the appellant kept the issue of stoppage of his salary pursuing through different applications at different levels of department hierarchy but none of them paid heed to his applications despite fact the fact his appointment order was/is in field. The appellant did not leave his post and he is performing his duties since his appointment which fact is evident from certificate of the Sub-registrar, Haripur issued vide No.62/SR dated 24.09.2020 in specific terms that the appellant is working in his office since 2010. It is the lawful right of the appellant to receive salary of the duty being rendered by him continuously on his post. The appellant's counsel concluded his arguments with the submission that acts and omissions on

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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part of the departmental authorities are against the facts and law and the appeal as filed with particular facts and grounds is worth acceptance.

5. It was argued on behalf of respondents that the appellant was not appointed by any valid order of the competent authority showing the compliance of codal formalities. The appellant by production of a fake/bogus order of appointment managed to get his salary activated which was got reversed by a letter of respondent no.4 addressed to the respondent no.5. It was further argued that the certificate of the duty furnished by the appellant with his appeal is misleading as he per order dated 22.02.2019 is performing duty in the office of sub-registrar on behalf of TMA, Haripur which is evident from the copy of the order annexed with the comments. Concluding the arguments on behalf of respondents learned AAG submitted that the departmental authorities have not owned the appointment order of the appellant and this, he has got no cause of action for the instant appeal and he by his conduct appears to have come to the Tribunal with unclean hands, making his appeal liable to dismissal with cost.

6. Having heard the arguments and perused the record with due regard to arguments of both sides, we deem it necessary to attend certain facts conspicuous on the face of available record in the context of chronology of the dispute. The dispute obviously ensues from issuing of the appointment order of the appellant on 03.06.2010 vide No.11001-6/Admn:II/PF(N) of even date. The joining report as annexed with the appeal reveals that the appellant reported for duty on 04.06.2010. He was taken on duty on same day as his joining report was affirmed and forwarded by the Sub Registrar, Haripur to Assistant Secretary Establishment Board of Revenue who issued

[Handwritten signature]

ATTESTED
[Handwritten signature]
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

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the appointment order as well as to the Director Land Record and the District Officer Revenue & Estate Haripur among others. It is also on record that the Service Book of the appellant was prepared which bears the relevant entries under signature of the District Officer Revenue & Estate and the Senior District Accounts Officer, Haripur. Although the copy of service book was not annexed with the memorandum of appeal but learned counsel while referring the same in his arguments produced the original service book along with its copy. The original was returned and the copy was placed on file. The appellant has also annexed with the appeal the computerized salary slip issued by the Account Office. Accordingly, the salary for the month of June-2010 through source of District Officer Revenue & Estate was credited in the bank account of the appellant. The preparation of the Service Book and source for salary are impliedly admitted in the letter dated 14.06.2010 as annexed with the comments/reply of the respondents as supporting document. It is maintained in the said letter of the District Officer Revenue & Estate that the Service Book as well Source-I etc. duly filled and signed by him, and submitted in office of the addressee (Respondent No. 5) for inducting the name of Mr. Muhammad Niaz against the post of Naib Qasid, were erroneously signed. A copy of the letter No.2558/DOR(H) Dated 09.09.2010 was produced during the course of arguments and placed on file on behalf of the appellant. The said letter also reveal that it was addressed to the Executive District Officer Finance & Planning, Haripur by the Respondent No. 4 as then he was. It was stated therein that one Mr. Muhammad Niaz S/O Muhammad Ashraf R/O Village Pharalla, Tehsil & district, Haripur was inducted as Naib Qasid (BPS-2) in Office of Sub Registrar, Haripur as per order passed by the worthy SMBR,

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 Khayber Pakhtunkhwa
 Service Tribunal
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Khyber Pakhtunkhwa (Respondent No. 1) bearing No.11001-6/Admn:II/PF(N) Dated 03.06.2010. Copy of the appointment letter was also enclosed with the said letter. The enclosure of copy of the appointment order of appellant with the said letter gives rise to inference that the respondent No.4 was in receipt of the copy of said appointment order as endorsed to him. It was further stated in the letter dated 09.09.2010 that the District Account Office, Haripur has accommodated the Naib Qasid in the system, but on account of non-clarity of the post, the intimation was conveyed immediately for non-activating the data of said individual. Consequently, his name was conditionally deleted till its confirmation from the Finance Department. However, the respondents have evasively denied the appointment of appellant and may be for this reason they did not annex the said letter with their comments but the same if read with the admitted letter dated 14.06.2010, it appears that the respondent No. 4 after having got the salary of appellant stopped was finding ways to deal with the issue created by him. Anyhow, the issue was created by the respondent No. 4 and he was supposed to settle the same which for no obvious reasons remained unresolved. There is a copy of application dated 27.01.2011 as annexed with the memorandum of appeal, which the appellant submitted to the respondent No.3 i.e. the Deputy Commissioner, Haripur. Accordingly, the appellant made submissions about performance of his duties since 2010 in office of Sub Registrar, Haripur and solicited for release of his salary. Thereafter, he submitted several other application to different higher authorities seeking for release of his salary. The copy of official correspondence relating to the application of the appellant are also available on file as annexed with the appeal. There is letter bearing No.10584-90

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subsequently his son was appointed against the quota of retired Class-IV son. His case is pending due to the reason that he did not open account for the salary purpose. So it was requested that data of Mr. Muhammad Niaz Naib Qasid may not be fed in computer for salary *etc.* henceforth. The respondent No.4 nowhere mentioned in the said letter that appointment order of appellant was fake or bogus. In subsequent letter dated 09.09.2010 as produced before us during the course of arguments and discussed here in above, the respondent No.4 admitted the appointment of appellant having been made by worthy SMBR Khyber Pakhtunkhwa (Respondent No. 1) with reference to the number and date of the appointment order. The only hardship which could barely be felt from the correspondence of respondent No.4 was about availability of the post to actualize the appointment order of the appellant. We are at loss to understand that if the appointment of son of one Abdul Rehman retired Class-IV was made against the post having become vacant in the office of respondent No.4 and his son was appointed on same post, what business it had got to do with appointment of the appellant which as per his appointment order dated 03.06.2010 was made in the office of Sub Registrar, Haripur against vacant post. During the course of proceeding of appeal, when we asked about availability of appointment order of son of retired employee Mr. Abdul Rehman referred in letter dated 14.06.2010 as annexed with the comments, the learned AAG sought time for procurement of copy said order from the concerned quarter. So, the proceedings were adjourned vide order dated 13.09.2021 for the next date on 22.09.2021 to afford the respondents with the opportunity to procure and produce the copy of said order which they produced on 22.09.2021. The said

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 Khyber Pakhtunkhwa
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appointment order as procured and produced on behalf the respondents discloses that one Mr. Muhammad Naeem S/O Abdur Rehman r/o of Bandi Munim, Tehsil and District Haripur was appointed thereby as Naib Qasid (BPS-1) against retired employees' son quota but there is no indication of a particular vacancy therein. Rather the afore-named appointee was required to assume the duty of Naib Qasid in the department on 30.05.2010 certainly without any clue about the existence of post in any particular office of the department. The respondents when apprised that how one could infer that, in view of a specific vacancy filled by appointment order of the appellant whether right or wrong in terms of procedures, the appellant had crossed the way of appointee namely Muhammad Naeem; they could not assist the learned AAG to convince us on the said point. As far question as to relevancy of the post in appointment order of the appellant and that of Mr. Muhammad Naeem is concerned, it is not possible by any stretch of imagination to find a matching between the two orders, which in view of their distinctive nature are not mutually exclusive. As already pointed out herein above that preparation of the Service Book of appellant is not disputable because of admission of the Respondent No. 4 as then he was, in his correspondence having come under discussion here in this judgment. The entry of the appointment order of appellant in his Service Book as brought on record before us was made under signature and official stamp of the Respondent No. 4 and was endorsed by the Senior District Accounts Officer (Respondent No. 5) under his signatures and stamp of the office for Source-I pay. The performance of duty on the post of Naib Qasid in the office of Sub Registrar, Haripur by the appellant since his appointment is proved by cogent evidence of the copies of attendance register and

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certificate of the Sub Registrar. The respondents have not been able to rebut the genuineness of said supporting record except evasive denials. We have not been apprised on the basis of record that any step has been taken so far to disprove the genuineness of the appointment order of the appellant. Even otherwise, we have no doubt about the external genuineness of the appointment order of the appellant issued by order of Respondent No. 1, which if otherwise suffers from any deep-down procedural flaw, is now not at risk of its undoing when it was implemented by the authorities then at helms of affairs i.e. the Respondents No. 4 and 5 in their respective domains. Having held so, we deem it useful to have recourse to Section 17 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 to ascertain the viability of the prayer of the appellant as reproduced at the very outset in this judgment herein above. It is the clear mandate of said section of law subject to exceptions that a civil servant appointed to a post shall be entitled, in accordance with the rules, to the pay sanctioned for such post. So, the appellant having held the post of Naib Qasid in office of the Sub Registrar and having performed his duty regularly on the said post since his appointment is legally entitled for the pay sanctioned for the said post. However, if the pay sanctioned for the said post was drawn by the Drawing and Disbursing Officer by allotment of position code to some other employee of the local department, option is given to the appellant, subject the observation herein after, to claim the arrears of pay against a supernumerary post to be got sanctioned by the relevant authority or he may forgo his claim obviously with reservation of right for period-wise verification of his service in his Service Book by the concerned authorities for protection of his past service and periodical increments for fixation of


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ATTESTED
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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
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pay to be drawn henceforth. With this operative observation as to option of the appellant, it is further observed that after his having invoked the jurisdiction of this Tribunal for adjudication of his entitlement for pay, it would be unfair to deprive him from the pay since the date of institution of his present service appeal in the Tribunal i.e. 01-10-2020. Therefore, he is held entitled for the pay accordingly.

8. For what has gone above, the appeal at hand is accepted in the light of operative observations of this Tribunal and consequently it is directed in exercise of jurisdiction under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 that current salary of the appellant be restored from now instantly with payment of the arrears of pay since 01-10-2020; and the appellant will be at liberty to exercise his option for arrears of salary for the period backward from 01-10-2020 till the date when he took over charge of the post after his appointment. However, he shall not delay the exercise of such option beyond 60 days from the date of this judgment. There is no order as to cost. File be consigned to the record room.


(SALAH-UD-DIN)
Member(J)


(AHMAD SULTAN TAREEN)
Chairman

ANNOUNCED
21.10.2021

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 16/11/21
Number of Words 4250
Copying Fee 44/-
Urgent ✓
Total 48/-
Name of Copyist _____
Date of Completion of Copy 16/11/21
Date of Delivery of Copy 16/11/21

VAKALAT NAMA

15

NO. _____ /2001

IN THE COURT OF

K.P. Service Tribunal Peshawar

M. Niaz Khan

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

SMBIR

(Respondent)
(Defendant)

I/We,

M. Niaz Khan

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI Advocate High Court Peshawar**, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

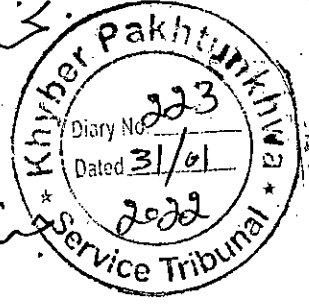
Dated _____ /20

(CLIENT)

ACCEPTED

Syed Noman Ali Bukhari
SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.

خدمت جناب چید میں سندس ٹریبونل ایٹھ اور



389/21

جناب عالی!۔

(1) گزارش ہے کہ سر کے حق میں عدالت ہفدہ کے سلیری

جاری کرنے کا حکم فرمایا ہے۔

(2) یہ کم ڈیٹی مکشز صاحبہ کی کارڈ اور وسب د حیدر آباد کی اور

دفتر میں ڈیوٹی کرنے سے ڈوکنے کی کوشش کر رہے ہیں۔ اور ڈیٹی مکشز کی کارڈ نے عدالت ہفدہ کے باوجود

سلیری دینے سے انکاری ہے

(3) جناب سے گزارش ہے کہ ڈیٹی مکشز کی کارڈ

اور وسب د حیدر آباد کی کارڈ کو کٹ کر بڑی طور پر

بدانت فرمائی جاوے کہ جسے آفس د حیدر آباد کی اور

سی ڈیوٹی کرنے سے نہ ہو جاوے۔ مسائل

تاحیات دیکھا تو دے گا مورخہ 2022-1-31

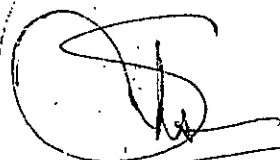
الغافل

محمد نیاز ولد محمد اشرف

وسب د حیدر آباد آفس کی اور

EMP NAME	EMP GROUP	POSITION	DESCRIP	JOB	JOB DESC	BPS/OP/FILL	TOTAL
							291
IK MUHAMMAD AWAIS	17	180145321	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
AMMAD SHEERAN	17	180145377	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
IAL AHMED	17	180145453	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
SARAT NAWAZ	17	180145464	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
GAT KHAN	17	180145467	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
TER KHAN	17	180145527	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
R MAHMOOD	17	180145532	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
EED KHAN	17	180145544	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
AMMAD WASEEM	17	180145730	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
EL KHAN	17	180145743	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
AIL AHMED	17	180145750	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
EEZ SHAHZAD	17	180145801	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
AMMAD YOUSAF	17	180145807	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
ER IQBAL	17	180145876	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
AN KHAN	17	180145877	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
RAM KHURSHEED	17	180145878	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
D ALI	17	180145883	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
AMMAD NAEEM	17	180145884	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
D KHAN	17	180145891	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
EED KHAN	17	180145896	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
AS AHMAD	17	180145960	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
AMMAD FURQAN	17	180145971	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
EEM AHMED	17	180145973	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
AMMAD WASEEM	17	180424864	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
AMMAD AFREES	17	180424865	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
RAZ AKHTAR	17	180768212	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
FFAR IQBAL	17	180768213	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
AMMAD NOMAN	17	180824292	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11
ALAN AHMED	17	180824293	INAIB	QASID	100101698	INAIB QASID103	IFILLED 11

CGA FABS CC ISLAMABAD



District Accounts Officer
Haripur

Personnel	Employee Name	POSITION	DESCRIPTION	BPS	OPEN/FILLED
		80145530	SWEEPER		3 OPEN
		80145966	CHOWKIDAR		3 OPEN
		80424863	CHOWKIDAR		3 OPEN
		80145381	DRIVER		7 OPEN
		80145378	MALI		3 OPEN
773176	YASIR IQBAL	80145876	NAIB QASID		3 FILLED
458923	IMRAN KHAN	80145877	NAIB QASID		3 FILLED
477431	KHURAM KHURSHEE	80145878	NAIB QASID		3 FILLED
822232	ASAD ALI	80145883	NAIB QASID		3 FILLED
521508	MUHAMMAD NAEEM	80145884	NAIB QASID		3 FILLED
563866	MUHAMMAD IQBAL	80145890	DRIVER		6 FILLED
566149	ABID KHAN	80145891	NAIB QASID		3 FILLED
587193	ZUBAIR AHMAD	80145895	CHOWKIDAR		3 FILLED
592414	WAHEED KHAN	80145896	NAIB QASID		3 FILLED
322815	ASEEL KHAN	80145743	NAIB QASID		3 FILLED
322816	NAVEED ALI	80145744	SWEEPER		3 FILLED
322818	KHURSHID ANWAR	80145745	SWEEPER		3 FILLED
905167	SOHAIL AHMED	80145750	NAIB QASID		3 FILLED
905168	HAFEEZ SHAHZAD	80145801	NAIB QASID		3 FILLED
386233	MUHAMMAD YOUSAF	80145807	NAIB QASID		3 FILLED
907384	MUHAMMAD FAISAL	80145819	CHOWKIDAR		3 FILLED
898920	BILAL AKHTAR	80768209	CHOWKIDAR		3 FILLED
740608	SHERAZ AKHTAR	80768212	NAIB QASID		3 FILLED
702985	MUZAFFAR IQBAL	80768213	NAIB QASID		3 FILLED
907382	MUHAMMAD WASEE	80824286	CHOWKIDAR		3 FILLED
403195	ZAHID KHAN	80824288	DRIVER		6 FILLED
907383	SOHAIL AKHTAR	80824291	MALI		3 FILLED
776765	MUHAMMAD NOMAN	80824292	NAIB QASID		3 FILLED
907386	ARSALAN AHMED	80824293	NAIB QASID		3 FILLED
688824	WAQAS AHMAD	80145960	NAIB QASID		3 FILLED
706721	MUHAMMAD FURQA	80145971	NAIB QASID		3 FILLED
719817	WASEEM AHMED	80145973	NAIB QASID		3 FILLED
821392	ANAS ALI	80424861	SWEEPER		3 FILLED
773174	MUHAMMAD WASEE	80424864	NAIB QASID		3 FILLED
375196	MUHAMMAD AFREEZ	80424865	NAIB QASID		3 FILLED
253464	SHABIR SHAH	80424866	DRIVER		6 FILLED
899443	DANIAL AHMED	80145453	NAIB QASID		3 FILLED
251245	MUSSARAT NAWAZ	80145464	NAIB QASID		3 FILLED
251500	LIAQAT KHAN	80145467	NAIB QASID		3 FILLED
907379	ADEEL RABBANI	80145471	DRIVER		6 FILLED
252424	AKHTER KHAN	80145527	NAIB QASID		3 FILLED
856073	ASIF KHAN	80145317	SWEEPER		3 FILLED
773178	ASAD SHAH	80145320	CHOWKIDAR		3 FILLED
773177	MALIK MUHAMMAD /	80145321	NAIB QASID		3 FILLED
822235	IBRAR KHAN	80145323	DRIVER		7 FILLED
898919	MUHAMMAD SHEER,	80145377	NAIB QASID		3 FILLED
870448	WAQAS KHAN	80145379	CHOWKIDAR		3 FILLED
255248	MOHAMMAD WASEE	80145730	NAIB QASID		3 FILLED
746569	AMIR MAHMOOD	80145532	NAIB QASID		3 FILLED
252881	GUL BAHADAR	80145537	DRIVER		6 FILLED
738775	NAVEED KHAN	80145544	NAIB QASID		3 FILLED
870451	BASIT ALI	80145550	DRIVER		7 FILLED
253929	ALAM ZEB	80145626	COOK		3 FILLED

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As per W-Side
 record subject to
 confer with F-D
 details of post is raised
[Handwritten signature]
 31/1/22

MOST IMMEDIATE/COURT MATTER



**OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD**

No: CHD /Estb/ 1/2/ 1101-10
Dated 25/01/2022

To

**All the Deputy Commissioners,
Hazara Division. Haripur**

Subject: **IMPLEMENTATION OF SUPREME COURT JUDGMENT IN
CONSTITUTION PETITION NO 62 & 63 OF 2017 ETC (5%)
QUOTA FOR MINIORITIES)**

I am directed to enclose herewith a copy of letter No. SO (POLICY)E&AD /1-11/Minority/2020 dated: 18/01/2022 received from Section Officer (Policy), Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar for compliance in letter & spirit, please.

(Dr. Adil Ayub)
Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Endst: Even No & Date:

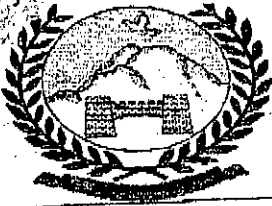
Copy forwarded to the:

1. Section Officer (Policy), Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar with reference to above.
2. PS to Commissioner, Hazara Division.

Office of Deputy Commissioner
Haripur
Diary No. 1070
Date 25/01/2022
A.E.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

104 (4)
D 28/01/22



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(POLICY)/E&AD/1-11/Minority/2020
Dated Peshawar, the January 18, 2022

To

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar
2. All Administrative Secretaries, to Government of Khyber Pakhtunkhwa.
3. All Divisional Commissioners in Khyber Pakhtunkhwa.
4. All Heads of Attached Departments in Khyber Pakhtunkhwa.
5. All Deputy Commissioners in Khyber Pakhtunkhwa.

Subject:

REVIEW THE PROGRESS OF IMPLEMENTATION OF SUPREME COURT DIRECTIONS (SMC NO. 1 OF 2014, DATED 19-06-2021)

Dear Sir,

I am directed to refer to this department's letters of even No. dated 17-11-2021 & 21-12-2021 on the subject and to state that Supreme Court of Pakistan in its hearing dated 29-09-2021 in Suo Moto Case on minority wherein strong reservations were shown over the slow pace of implementation of minority quota in recruitment.

In this regard series of meetings were held under the Chairmanship of Chief Secretary Khyber Pakhtunkhwa and Secretary Establishment to review the progress, sensitize the departments and expedite the process. A timeframe to fill the vacant positions in a systematic and expedite way has been evolved and shared with the Departments. As per the timeframe all the vacant posts were to be advertised on or before 31st of December 2021.

I am further directed to state that the competent authority has shown great concern over the slow progress of recruitment against minority quota and desired that the remaining posts falling in share of minority quota @5% may be advertised on priority basis and progress report be shared with this department so that the report could be forwarded to the Hon'ble Supreme Court of Pakistan well before in its next hearing to be held shortly.

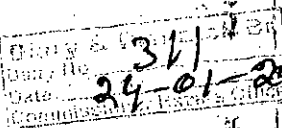
Yours faithfully,

SECTION OFFICER (POLICY)

Endst. Of even No. & date:

Copy forwarded to:

1. Chairman, Public Service Commission Khyber Pakhtunkhwa.
2. Executive Director (ETEA), Peshawar.
3. PSO to Chief Secretary Khyber Pakhtunkhwa.
4. Coordinator PMRU, Office of Chief Secretary Khyber Pakhtunkhwa.
5. PS to Secretary, Establishment Department.
6. PS to Special Secretary (Regulation) Establishment Department.
7. PA to Additional Secretary (Establishment), Establishment Department.

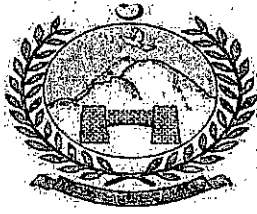


SECTION OFFICER (POLICY)

19 Feb. 2022 1:40PM P1

FAX NO. : 9210447

FROM : CHIEF SECRETARY KPK



OFFICE OF THE DEPUTY COMMISSIONER, HARIPUR.

Phone # 0995-613391 Fax: 0995-615412

No. A-E/SNE/NQ/ 569-70 /DC(H)

Dated Haripur the 28 / 01 / 2021.

To

**The Secretary Finance,
Government of Khyber Pakhtunkhwa,
Finance Department, Peshawar**

Subject:

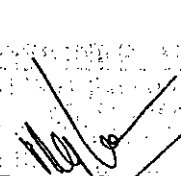
**SCHEDULE OF NEW EXPENDITURE (SNE) FOR CREATION OF NEW POST OF NAIB
QASID IN THE OFFICE OF DEPUTY COMMISSIONER, HARIPUR INCLUSION IN THE
BUDGET ESTIMATES FOR THE F.Y 2022-23.**

Enclosed please find herewith a Schedule of New Expenditure (SNE) in respect of the office of Deputy Commissioner, Haripur for further necessary action at your end please.


Deputy Commissioner,
Haripur

Copy Forwarded

Director Land Records, Govt: of Khyber Pakhtunkhwa, Peshawar.


Deputy Commissioner,
Haripur

**SCHEDULE OF NEW EXPENDITURE (SNE) FOR CREATION OF FRESH POST OF
NAIB QASID REVENUE AND ESTATE DEPARTMENT DEPUTY COMMISSIONER
OFFICE HARIPUR.**

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME

04- ECONOMIC AFFAIRS
042- AGRI,FOOD,IRRIGATION,FORESTORY AND FISSHING
0421- AGRICULTRE
042102-LAND MANAGEMENT (LAN)

Head of Account	Particular of the Scheme	Amount to be spent during 2022-23			
		No of Posts	Non Recurrig	Recurring	Total
A011	Total Employee Related	1	--	269,844	269,844
A01151	Total Pay of Other Staff	1	--	115,320	115,320
A01151	NAIB QASID BPS-03	1	--	115,320	115,320
A012	TOTAL OTHER ALLOWANCES			154,524	154,524
A01202	House Rent Allowance			26,244	26,244
A01203	Conveyance Allowance			21,420	21,420
A01217	Medical Allowance			18,000	18,000
A0122M	Adhoc Relief Allowance 2016 @ 10%			11,532	11,532
A0122Y	Adhoc Relief Allowance 2017 @ 10%			11,532	11,532
A0123G	Adhoc Relief Allowance 2018 @ 10%			11,532	11,532
A0123P	Adhoc Relief Allowance 2019 @ 10%			11,532	11,532
A0123P	Adhoc Relief Allowance 2021 @ 10%			11,532	11,532
A01208	Dress Allowance			12,000	12,000
A01207	Washing Allowance			12,000	12,000
A0120D	Integrated Allowance			7,200	7,200
Grand Total				269,844	269,844

JUSTIFICATION

In order to run the official business of the office the services of Naib Qasid are the necessity for every office. It is requested that further necessary action regarding creation of new post of Naib Qasid may kindly be taken on priority basis in the best public interest.

**Deputy Commissioner
Haripur**



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 1223-28/ST

Dated: 03/06/2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281

To

1. The SMBR Khyber pakhtoonkhwa Peshawar
2. The Director Land Record of Revenue
3. The Deputy Commissioner Hari pur
4. The District account Officer Hari Pur
5. The Secretary Finance Govt of KP Civil Secretariat Peshawar
6. The Sub Registrar Revenue Dept Hari Pur

Subject: IN PERSON APPERAAANCE IN EXECUTION NO 389/21 MR. MUHAMMAD NIAZ

I am directed to forward herewith a certified copy of order dated 13.05.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As Above.

(WASEEMAKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

4SE 22
10/01/2022

PS/SS (E) E&AD
Diary No. 32
7/1/22

PS/C.S Khyber Pakhtunkhwa
Diary No. 42
Date: 06.01.2022

Reminder-X
Most Immediate/Fa



Dr. Shoab Suddle Commission

Established pursuant to the Order of the Supreme Court dated 8th January 2019 for the implementation of Minorities Rights Judgment in S.M.C. No.1 of 2014 (PLD 2014 SC 6) Office # 406(A), Evacuee Trust Complex, 4th Floor, F-5/1, Agha Khan Road, Islamabad

DS (Policies) E&AD
Diary No. 19
Date 10-01-2022

No.2(1)/2020-OMC/(5% Quota)

Islamabad the January 5, 2022

- | | | |
|---|---|-------------------------------|
| 1. Secretary, Establishment Division, Govt. of Pakistan, Islamabad. | 4. The Chief Secretary, KP, Peshawar. | PS/Secy E&AD
Diary No. 16/ |
| 2. The Chief Secretary, Punjab, Lahore. | 5. The Chief Secretary, Balochistan, Quetta. | FTS No. _____ |
| 3. The Chief Secretary, Sindh, Karachi. | 6. The Chief Secretary, Gilgit-Baltistan, Gilgit. | Date: 7-1-22 |

Subject: IMPLEMENTATION OF SUPREME COURT DIRECTIONS AT PARA 37 (VI) OF JUDGMENT IN SMC 1 OF 2014 AND CONSTITUTION PETITION NO. 62 & 63 OF 2017 ETC

Reference this Secretariat's letter No.1(1)/2019-C-II, dated 04.12.2020 followed by reminders of even number dated 12.02.2021, 05.03.2021, 22.03.2021, 02.04.2021, 13.04.2021, 07.06.2021, 30.06.2021, 16.07.2021, 30.07.2021 and 04.10.2021 on the above subject. In the Commission's meetings held with Chief Secretaries also the same issues have been repeatedly flagged but not much tangible progress has been achieved as yet.

2. In the hearing held on 28.09.2021, the Hon'ble Supreme Court expressed serious concern that its judgment in SMC No.1 of June, 2014 had not been implemented in letter and spirit by the Federal Government and the Provincial Governments as already communicated vide this Secretariat's 11th reminder dated 04.10.2021.

3. Keeping the above in view, it is once again required that the requisite information regarding filling up of vacant posts against 5% Minority quota be submitted on prescribed proforma already provided on top priority basis to this Secretariat as the matter will come up for hearing again during 2nd week of January, 2022.

Lets discuss / review progress on 11 Jan. Tuesday

(ABDULLAH SHAH)
Registrar
Ph & Fax: 051-9202916
Mob: 0321-5010651

HS
Secy: ESTB
Adv. Gen: Govt. of Khyber Pakhtunkhwa

SSE
JAI
07/01

most urgent

ASB
DS (Policies) 10/01 11/01



MOST IMMEDIATE/COURT MATTER
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(POLICY)/E&AD/1-11/Minority/2020

Dated Peshawar, the January 10, 2022

To

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. All Heads of Attached Departments in Khyber Pakhtunkhwa.
3. All Commissioners in Khyber Pakhtunkhwa.
4. All Deputy Commissioners in Khyber Pakhtunkhwa.

Subject: - **IMPLEMENTATION OF SUPREME COURT DIRECTIONS IN PARA 37 (VI) OF JUDGEMENT IN SMC 1 OF 2014 AND CONSTITUTION PETITION NO.62 & 63 OF 2017 ETC**

Dear Sir,

I am directed to refer to the subject and to enclose herewith a copy of self-explanatory letter NO.1(1)/2020-OMC/(5% Quota) dated 05-01-2022, received from Registrar Dr. Shoaib Suddle Commission with the request that the requisite information may be provided on the following format by 10-01-2022 before closing office hours through return Fax (091-9210447):-

Sr. N	Name of Administrative Department /Organization Wise	Nomenclature of post	BPS	No. of posts identified	No. of Posts Advertised	No. of Posts filled	No. of posts Yet to be Advertised	No. of posts yet to be filled.	Remarks
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Yours faithfully,

513
18/01/2022
SECTION OFFICER (POLICY)

Endst of even No. date:

Copy is forwarded to:

1. Mr. Abdullah Shah, Registrar, Dr. Shoaib Suddle Commission Office No.406 (A), Evacuee Trust Complex, 4th Floor, F-5/I, Agha Khan Road, Islamabad for information.
2. Coordinator, PMRU, Office of the Chief Secretary Khyber Pakhtunkhwa **with request to create task for the purpose.**
3. PSO to Chief Secretary, Khyber Pakhtunkhwa.
4. Deputy Director (I.T), E&A Department.
5. PS to Secretary Establishment Department.
6. PS to Special Secretary (Reg), Establishment Department.
7. PA to Additional Secretary (Estab), Establishment Department.

AE
D
18/01/22
SECTION OFFICER (POLICY)