



OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

NO. 25-E/ 724 /CEC/C&WD

DATED PESHAWAR THE 11 /10/2019

OFFICE ORDER

In compliance with the Secretary to Govt. of Khyber Pakhtunkhwa, C&W Department directives memo No. SO(Lit)/C&WD/3-416/2016 dated 03.10.2019! And in pursuance to the judgment/decision, dated 26.01.2018, passed in Service Appeal No. 308/2016, read with subsequent orders dated 13.09.2018 and 17.09.2019 in the Execution Petition No.132/2018 by the Khyber Pakhtunkhwa Service Tribunal, Mr. Adnan Yaqub S/O Yaqub Khushi having appointment as Lab Attendant (BPS-02) vide Chief Engineer (CDO) C&W Department Offer of Appointment memo No.2-E/304 dated 29.07.2010, later cancelled vide Office Order No. 2-E/361 dated 18.08.2010, is hereby Re-Instated in Service with all back-benefits to which he is entitled.

These orders are subject to the conditions that in case the Apex Supreme Court of Pakistan grants relief in favour of Government in the CPLA since pending adjudication, these orders will stands cancelled automatically.

These orders are issued with the concurrence of kind Secretary C&W Department due to the Non-posting of Chief Engineer (CDO) C&W Department till yet.

CHIEF ENGINEER (CENTRE)

Copy to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa C&W Department Peshawar with reference to his advice referred to above please.
2. Chief Engineer (CDO) C&W Department Peshawar for information & necessary action.
3. Accountant General Khyber Pakhtunkhwa Peshawar.
4. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
5. Research Officer Road Research & Material Testing Laboratory C&W Department at Hayatabad, Peshawar.
6. Mr. Adnan Yaqub S/O Yqub Khushi R/O St: John High School O/S Kohatti Gate District Peshawar.
7. Case 275-E

CHIEF ENGINEER (CENTRE)

EP 132/18

Adnan Yarboob vs Govt

17.10.2019

Petitioner in person and Addl. AG alongwith Shah Room, SDO for the respondents present.

The petitioner has produced copy of office order dated 11.10.2019 whereby he has been reinstated in service with all back benefits subject to the decision of Apex Court upon CPLA submitted by the respondents.

In view of the developments, instant proceedings are consigned to record. The petitioner may, however, apply for restoration of proceedings in case any part of relief granted to him by this Tribunal remained unsatisfied.

As the judgment under execution has been conditionally implemented the order of attachment of salary of respondent No. 1 passed on 25.06.2019 and repeated on 19.08.2019 is hereby withdrawn.


Chairman

19.08.2019

Counsel for the petitioner and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Shah Room, SDO for the respondents present.

Once again the representative of respondents states that office of respondent No. 3 is lying vacant since about three months to which a new incumbent is to be posted.

Office is directed to comply with the order dated 25.06.2019 and issue proper warrant of attachment of salary of respondent No. 1 and its execution in the concerned office shall be ensured.

Adjourned to 17.09.2019 before S.B.



Chairman

17.09.2019

Petitioner in person and Addl. AG alongwith Shah Roon, SDO for the respondents present.

Representative of respondents states that the competent authority in the matter is respondent No. 3 whose office is vacant for a couple of weeks. He, therefore, requests for further time to comply with the judgment under implementation. Instant matter is adjourned to 17.10.2019 with the condition that in case the implementation report is not submitted on next date of hearing the respondent No. 1 shall appear in person to explain the inordinate delay.



Chairman

08.05.2019

Petitioner alongwith his counsel present. Mr. Usman Ghani, District Attorney alongwith Mr. Shahroon, SDO for the respondents present. On the previous date last chance was given to the respondent-department to implement the order failing which coercive measures in the shape of attachment of salary and civil imprisonment would be adopted against them. Today representative of the department furnished letter dated 10.04.2019 address by Muhammad Arif Administrative Officer/B&A Officer to the Section Officer (Litigation) C&W Department Peshawar to expedite the matter. Copy of the letter is placed on record. Respondent-department is directed to implement the judgment of this Tribunal positively. Last chance is granted to the respondents for filing of implementation report. Adjourned to 25.06.2019 for implementation report before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

25.06.2019

Petitioner with counsel and Addl: AG alongwith Mr. Shahroon, SDO for respondents present.

Despite repeated directions vide order sheet dated 04.04.2019 and 08.05.2019 provisional implementation report has not been submitted by respondent no.1. He produced a copy of an application requesting for early hearing of the CPLA filed in the august Supreme Court of Pakistan, against the judgment of this Tribunal, which is placed on file. It appears that respondent no.1 is deliberately delaying the process of submission of provisional implementation order/ report. In order to compel him to submit provisional implementation report warrants of attachment of salary of respondent no.1 be issued forthwith. In case provisional implementation report is not submitted within one week, further coercive measures in the shape of civil imprisonment would be taken against him. Case to come up for further proceedings on 19.08.2019 before S.B.


(Ahmad Hassan)
Member

04.04.2019

Petitioner with counsel present. Addl: AG alongwith Mr. Shahroom, SDO for respondents present.

In pursuance of order sheet dated 26.03.2019, learned counsel for the petitioner provided a copy of order dated 01.02.2017 through which one Waqar Ali, Lab Equipment Mechanic (similarly placed person) was reinstated in service and the same is placed on record. Representative of the respondents produced a copy of letter dated 04.04.2019, addressed to the Section Officer (Litigation) C&W Department with a request to expedite the process of issuance of provisional order to avoid contempt of court proceedings. Last opportunity is granted to the respondents to positively produce provisional implementation order on or before the next date of hearing, failing which coercive measures in the shape of attachment of salary and civil imprisonment would be adopted against them. Case to come up for further proceedings on 08.05.2019 before S.B.


(Ahmad Hassan)
Member

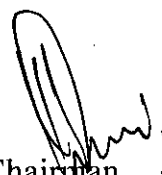
EP 132/2018

24.12.2018

Nemo for the petitioner. Addl. AG alongwith Shah Room, ARO for the respondents present.


C.P No. 330-P/2018 was fixed before the august Supreme Court of Pakistan on 15.11.2018 which was adjourned, however, fresh date of hearing has not been intimated to the respondents. Therefore, a request for adjournment is made at the bar.

Adjourned to 13.02.²⁰¹⁹~~2018~~ before S.B.


Chairman

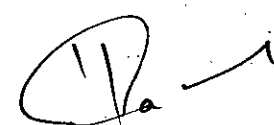
13.02.2019

Petitioner with counsel present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Sharoom SDO present. Adjournment requested. Respondents are directed to either produce the suspension or stay order from the august Supreme Court of Pakistan or conditional/provisional implementation report on 26.03.2019. To come up for further proceedings on the date fixed before S.B.


Member

26.03.2019

Petitioner present. Learned counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Shahroon SDO present. Learned counsel for the petitioner seeks adjournment to furnish reinstatement order of the similar placed person. Learned AAG also requested for adjournment. Adjourn. To come up for further proceedings on 05.04.2019 before S.B

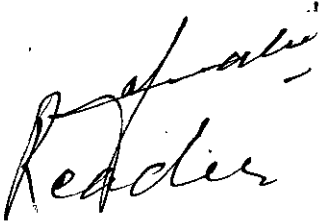

Member

13.09.2018

Petitioner Adnan Yaqoob in person alongwith his counsel Mr. Hayatullah, Advocate present. Mr. Naveed Iqbal, Assistant alongwith Mr. Kabirullah Khattak, Add: AG for respondents present and submitted implementation report in the shape of para-wise comments. Respondents contended that as per advice of the law department, CPLA has been filed in the august Supreme Court of Pakistan against the judgment of this Tribunal. However, neither judgment of this Tribunal has been suspended nor any stay or restraining order has been issued. As such, in view of the above state circumstances, the request of the respondents to suspend the instant execution proceeding stands turned up. Respondents are directed to either produce suspension or stay order from the Supreme Court or conditional implementation report on 06.11.2018 before S.B.

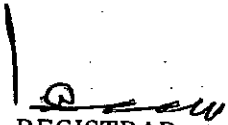

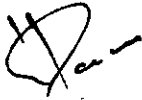


Chairman

6-11-2018
Due to Retirement of Honorable
Chairman the Tribunal is non functional
therefore the case is adjourned to come
up for the same on 24-12-2018


Reader

FORM OF ORDER SHEET

Execution Petition No. 132 /2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	26.04.2018	<p>The Execution Petition of Mr. Adnan Yaqoob submitted to-day by Mr. Hayatullah 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 26/4/18</p>
2-	15/05/18.	<p>This Execution Petition be put up before S. Bench on- <u>28/05/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	28.05.2018	<p>Learned counsel for the petitioner present. Notice of the present execution petition be issued to the respondents for implementation report for 08.08.2018 before S.B</p> <p style="text-align: right;"> Member</p>
08.08.2018		<p>Learned counsel for the petitioner and learned AAG for the respondents present. Implementation report not submitted. Adjournment requested. Adjourned. To come up for further proceedings on 13.09.2018 before S.B.</p> <p style="text-align: right;"> Muhammad Amin Khan Kundi Member</p>

Before, the Khyber pakhtunkhwa service tribunal, Peshawar.

Execution Petition NO.132/2018

Miscellaneous application # 2018

In

Appeal # 308/2016

Adnan Yaqoob

Versus

Government of KPK etc

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4	Wakalatnama	In original

PETITIONER

THROUGH

HAYAT ULLAH KHAN

ASC

Dated; 26 / 04 /18

Before, the Khyber pakhtunkhwa service tribunal, Peshawar.

Execution petition No. 132/2018

Miscellaneous application # 2018

In

Appeal # 308/2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 493

Dated 26-4-18

Adnan Yaqoob son of Yaqoob Khushi r/o ST.John High School, outside kohati Gate Peshawar.

..... petitioner.

Versus

- 1) Government of KPK. Thorough secretary communication & works, department Peshawar.
- 2) Chief Secretary, KPK, prshawar.
- 3) Chief engineer, centrel design office C&W, department, KPK, peshawatr.

..... Respondents

IMLEMENTATION PETITION

Resectfully sheweth,

Petitioner submits as under.

- 1) That the petitioner filed an appeal before this honorable tribunal against the withdrawn of appointment order through impugned order dated 13/08/10.
- 2) That the said appeal was allowed by this honorable tribunal vide order dated 26/1/18.
- 3) That the decision of this honorable tribunal was conveyed to respondents, but till to date the decision of this court not implemented.
- 4) That the respondents are legally bound to implement the decision in letter in spirit, but intentionally they are lingering the implementation process.
- 5) That respondent's plea is for waiting till decision of CPLA, but in this regard judgment of superior court is very much clear, that mere filling of appeal the executing process could not be stayed.

It is therefore humbly prayed that on acceptance of instant petition, the decision of this court may kindly be implemented, any other relief, which this court deem fit and proper may kindly be awarded to petitioner .

PETITIONER

THROUGH

HAYAT ULLAH KHAN

ASC

Dated; 26 / 04 /18

Before, the Khyber pakhtunkhwa service tribunal, Peshawar.

Miscellaneous application # 2018

In

Appeal # 308/2016

Adnan Yaqoob

Versus

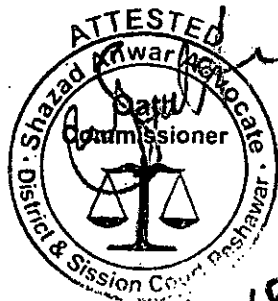
Government of KPK etc

Affidavit's

I, Adnan Yaqoob son of Yaqoob Khushi r/o ST.John High School, outside kohati Gate Peshawar, do hereby solemnly affirm and declare on oath that all the contents of the instance petition are correct and true to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

Deponent

Identified by : Hayatullah khan (ASC)



26-04-18

...with school, outside Kohati Gate
...and declare on oath that all the contents of the instance
...the best of my knowledge and belief and nothing has been

Affidavit

Deponent



22-04-18

(3) (Y)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal no. 308/2016

K.W.F. Previous
Service Tribunal
Diary No. 248
Dated 21-03-2016



Adnan Yaqoob Son of Yaqoob Khushi R/o St John High School, Outside Kohati Gate, Peshawar.

.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Communication and Works, Department Peshawar.
2. Chief Secretary Khyber Pakhtunkhwa, Peshawar.
3. Chief Engineer, Central Design Office, C&W Department, Khyber Pakhtunkhwa, Peshawar.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar.

.....Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA, SERVICE TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED ORDER
DATED 13/08/2010, WHEREBY THE
APPOINTMENT OF THE APPELLANT WAS
CANCELLED AND ALSO NOT TAKING ANY
ACTION ON THE DEPARTMENTAL APPEALS
FILED BY THE APPELLANT TIME AND
AGAIN.

Filed 21/3/16
Registrar
21/3/16

re-submitted to-day
and filed.
Registrar
29/3/16

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Service Appeal No. 308/2016

Date of Institution... 21.03.2016

Date of decision... 26.01.2018

Adnan Yaqoob son of Yaqoob Khushi R/O St. John High School, Outside Kohati Gate, Peshawar. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Communication and Works Department, Peshawar and two others. ... (Respondents)

Mr. Muhammad Kamran Yousafzai, ... For appellant.
Advocate.

Mr. Kabeerullah Khattak, ... For respondents.
Addl. Advocate General

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. GUL ZEB KHAN, ... MEMBER


JUDGMENTNIAZ MUHAMMAD KHAN, CHAIRMAN: -

learned counsel for the parties heard and record perused.

FACTS

2. The appellant was removed from service on 13.08.2010 by a general order whereby illegal appointment orders were withdrawn. Some of the affectees came to this Tribunal and this Tribunal vide judgment dated 12.06.2012 in service appeal No. 3125/2010 entitled "*Muhammad Aftab Versus Province of Khyber Pakhtunkhwa through Secretary, C&W Department, Peshawar and others*" gave relief to those appellants. Against the said judgment/order the department went before the august Supreme Court of Pakistan. The august Supreme Court of

Arguments of the
ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(5)

Pakistan dismissed the appeals on 19.09.2012. Thereafter, the present appellant filed applications/appeals before the department which were not decided and finally he filed the present service appeal on 21.3.2016.

ARGUMENTS


3. The learned counsel for the appellant argued that no limitation would be attracted as the cases of similarly placed employees were decided in their favour by this Tribunal and then by the august Supreme Court of Pakistan. In this regard, he relied upon two judgments of the august Supreme Court of Pakistan reported as 2009-SCMR-1 and 1996-SCMR-1185. He further argued that the appeal of the appellant clearly fell within the four corner of the appeals of the appellants referred to above.

4. On the other hand the learned Addl. Advocate General argued that the present appeal is not maintainable under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. He further argued that the appellant filed time barred departmental appeal. That he also filed successive departmental appeals which were not permissible as per the judgment of the august Supreme Court of Pakistan reported as 2013-SCMR-911.

CONCLUSION

5. The issue of limitation would be decided first. The judgment relied upon by the learned Addl. Advocate General is applicable in those cases where the issue of similarly placed employees is not attracted. In view of the judgment relied upon by the learned counsel for the appellant no limitation would be attracted in cases of similarly placed employees. Mere filing of successive departmental appeals would not snatch the right to which the appellant is otherwise entitled. The present appeal is, therefore, maintainable and well within time.

ATTESTED


EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal.

(6)

6. It has not been refuted before this Tribunal by the respondent department that the case of the appellant is not similar to those referred to by the learned counsel for the appellant. But after perusing both the cases this Tribunal is of the view that both the cases are similar in material terms. This Tribunal is therefore, of the view that the appellant should also be treated at par with all those whose appeals were decided by this Tribunal.

7. This appeal is also decided in line with the earlier mentioned appeals. The appellant is reinstated with back benefits. Parties are left to bear their own costs. File be consigned to the record room.

sd
Gulzeb Khan
member

sd
Niaz Muhammad Khan
chairman

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 7-2-2018
 Number of Words 2400
 Copying Fee 10-0
 Urgent 2-0
 Total 12-0
 Name of Copyist Samiullah
 Date of Completion of Copy 7-2-2018
 Date of Delivery of Copy 7-2-2018

قیمت
50 روپے



36398

ایڈوکیٹ:

بار کونسل ایسوسی ایشن نمبر:

رابطہ نمبر: 03005820669

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

منجانب: من	دعویٰ:
محمد ن لیبر	علت نمبر:
بنام	مورخہ:
جوڑنا	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام _____ کیلئے _____ **ASL** کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: _____ 26-4-2024

العبد _____ واہ شد _____

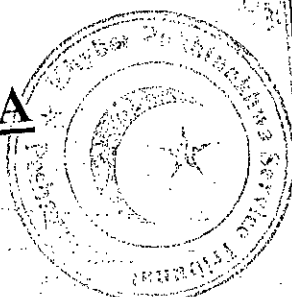
مقام _____ کے لیے منظور ہے۔

محمد ن لیبر

محمد ن لیبر

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

(21)



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal no. 308/2016

N.W.F. Province
Service Tribunal
Diary No. 248
Dated 21-03-2016

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School, Outside Kohati Gate, Peshawar.

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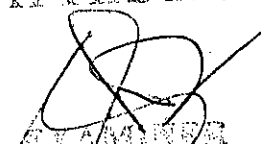
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CANCELLED AND ALSO NOT TAKING ANY
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Filed in the
Registrar
21/3/16

re-submitted to-49
and filed.

Registrar
29/3/16

ATTESTED

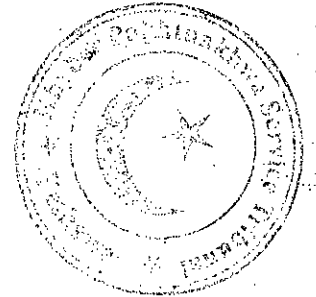

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 308/2016

Date of Institution... 21.03.2016

Date of decision... 26.01.2018



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For appellant.

Mr. Kabeerullah Khattak, Addl. Advocate General ...

For respondents.

MR. NIAZ MUHAMMAD KHAN, MR. GUL ZEB KHAN, ...

CHAIRMAN MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: -

Arguments of the

learned counsel for the parties heard and record perused.

FACTS

(Handwritten signature and scribbles)

The appellant was removed from service on 13.08.2010 by a general order whereby illegal appointment orders were withdrawn. Some of the affectees came to this Tribunal and this Tribunal vide judgment dated 12.06.2012 in service appeal No. 3125/2010 entitled "Muhammad Aftab Versus Province of Khyber Pakhtunkhwa through Secretary, C&W Department, Peshawar and others" gave relief to those appellants. Against the said judgment/order the department went before the august Supreme Court of Pakistan. The august Supreme Court of

Pakistan dismissed the appeals on 19.09.2012. Thereafter, the present appellant filed applications/appeals before the department which were not decided and finally he filed the present service appeal on 21.3.2016.

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ATTESTED

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sd/- Niaz Muhammad Khan
Chairman

(G)

sd/- Gulzeb Khan,
Member

ANNOUNCED
26.1.2018

Certified copy
[Signature]
Khyber Pakhtunkhwa
Revenue

Date of Presentation of Copy	12-02-2018
Number of Words	1600
Copying Fee	10.00
Urgent	2.00
Total	12.00
Name of Copy	<i>[Signature]</i>
Date of Completion	12-02-18
Date of Delivery of Copy	12-02-18

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

EXECUTION PETITION NO.132/2018 IN SERVICE APPEAL NO.308/2016 ADNAN
AQOOB VS GOVT: OF KHYBER PAKHTUNKHWA THROUGH SECRETARY C&W
PESHAWAR & OTHERS.

IMPLEMENTATION PETITION

Parawise replies are as under:-

1. Pertaining to the record.
2. Pertaining to the record
3. On the reception of the subject judgment dated 26-01-2018 (**Annexure-A**) and as per policy, the same was submitted to the Law Department for advice, through Secretary, C&W Department Peshawar. A meeting of the Scrutiny Committee was held on 14-03-2018 in the office of the Additional Secretary (Opinion) Law Department under his Chairmanship and decided with consensus by the Scrutiny Committee that as the judgment was not based on facts and the law therefore the case was a fit case for filing appeal / CPLA in the Supreme Court of Pakistan and advised the department to approach the Advocate General along with complete record of the case for doing the needful. Hence the department lodged CPLA / Appeal in the Supreme Court of Pakistan (power of Attorney and other documents are attached. (**Annexure-B**).
4. Appeal/CPLA is the legal right of the department to lodged appeal against any decision of the Court in the upper forum & the department did it in the interest of the Government and, NOW the department is waiting for final decision of the Supreme Court of Pakistan in this case.
5. As per Para-4.

It is therefore, prayed that the decision of this honorable Tribunal may kindly be Suspended till the decision of the Apex Court.

Secretary,
C&W Department, Peshawar
(Respondent No. 1)

Chief Secretary
Khyber Pakhtunkhwa
(Respondent No. 2)

Chief Engineer (CDO)
C&W Department Peshawar
(Respondent No. 3)

29/3/16

ALIBIDU

EXAMINER

POWER OF ATTORNEY
IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

CPLA. No. _____/2018

Govt. of Khyber Pakhtunkhwa and others

PETITIONER(S)

VERSUS

Adnan Yaqoob

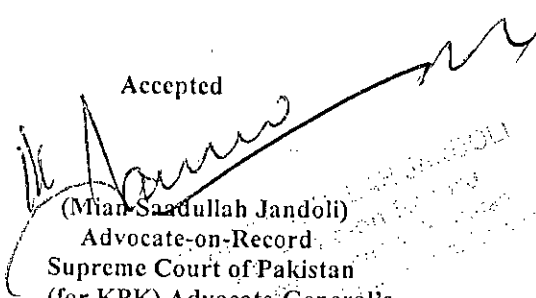
RESPONDENT(S)

I (we) Petitioner/Govt. of KPK in the above suit/Appeal/Petition/Reference, do hereby appoint and constitute Mian Saadullah Jandoli, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid appellant [or plaintiff(s) or Petitioner(s) or Respondent (s) or defendant (s) or opposite party] to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the process of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority

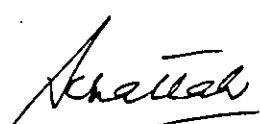
In witness whereof I/we do hereunto set my/our hand (s) this day of

Accepted

Signed with Official seal stamp

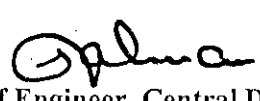

(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
(for KPK) Advocate-General's
Office KPK, High Court Building, Peshawar.
Office Tel. # 091-9210312, 9210119

1- Secretary Communication & Works
Department Govt. of Khyber Pakhtunkhwa,
Peshawar.


Secretary to Govt of
Khyber Pakhtunkhwa
C&W Department

2- Chief Secretary,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

3- Chief Engineer, Central Design Office,
C&W Department Khyber Pakhtunkhwa,
Peshawar.


CHIEF ENGINEER
CENTRAL DESIGN OFFICE
C&W DEPT: PESHAWAR

OFFICE OF ADVOCATE GENERAL KHYBER
PAKHTUNKHWA PESHAWAR

RECEIPT

Received a sum of Rs. 2300/- (Rupees Two thousand and three hundred only) as expenses (Photostat, binding, Supreme Court tickets notices to respondents) for filing CPLA in the Supreme Court of Pakistan in its branch registry at Peshawar in connection with the case title Service Appeal No.308/2016 Adnan Yaqoob Versus Govt. of KPK and others.

[Handwritten Signature]
Advocate-in-Charge
Supreme Court of Pakistan
Peshawar Branch Registry

25/4/2018-

Received 10-07-2018

Most Immediate
Court Matter

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT



No.SO(Lit)C&W/3-416/2016
Dated Peshawar the July 10, 2018

To
The Chief Engineer(CDO)
C&W Department, Peshawar.

Subject: - EXECUTION PETITION NO.1322018 IN SERVICE APP
NO.308/2016-ADNAN YAQOOB VS GOVT. OF KHY
PAKHTUNKHWA THROUGH SECRETARY C&W & OTHERS.

I am directed to refer to the subject noted above and to forward here
copy of summon dated 30-05-2018 alongwith the subject service execution petition rec
from Registrar Service Tribunal Khyber Pakhtunkhwa for information & further nec
action.

Encl: as above.

SECTION OFFICER (LITIGATION)

Endst: of even No. & Date:

Copy forwarded to the PS to Secretary C&W Department, Peshawar

SECTION OFFICER (LITIGATION)

A O C D O

Attend the court in subject
case fixed for hearing on
08.08.2018 and obtain copy
of order sheet and keep SO
(Lit) informed of
the progress of the
hearing.

Nomenclature	Initial
CE CDO C&W Deptt: Pesh:	
Principal Engr: (Hwy)	
S.E. (HQ)	
Principal enr Buildings	
Asstt. Officer R&E Officer	✓
Dated	

CE CDO C&W Deptt: Peshawar	
Dairy No	139/S-A Adnan
Date	12-7-2018

Pl: attend the court on

Registrar,
Khyber Pakhtunkhwa Service Trib
Peshawar.

Before, the Khyber pakhtunkhwa service tribunal, Peshawar.

E. P. No. 132/18

Miscellaneous application # 2018

In

Appeal # 308/2016


Adnan Yaqoob Versus Government of KPK etc

INDEX

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4	Wakalatnama	In original

PETITIONER

THROUGH


HAYAT ULLAH KHAN
ASC

Dated; 26 / 04 /18

Before, the Khyber pakhtunkhwa service tribunal, Peshawar.

Miscellaneous application # 2018

In

Appeal # 308/2016

Adnan Yaqoob son of Yaqoob Khushi r/o ST.John High School, outside kohati Gate Peshawar.
..... petitioner

Versus

- 1) Government of KPK. Thorough secretary communication & works, department Peshawar.
- 2) Chief Secretary, KPK, prshawar.
- 3) Chief engineer, centrel design office C&W, department, KPK, peshawatr.
..... Respondents

IMLEMENTATION PETITION


Resectfully sheweth,

Petitioner submits as under.

- 1) That the petitioner filed an appeal before this honorable tribunal against the withdrawn of appointment order through impugned order dated 13/08/10.
- 2) That the said appeal was allowed by this honorable tribunal vide order dated 26/1/18.
- 3) That the decision of this honorable tribunal was conveyed to respondents, but till to date the decision of this court not implemented.
- 4) That the respondents are legally bound to implement the decision in letter in spirit, but intentionally they are lingering the implementation process.
- 5) That respondent's plea is for waiting till decision of CPLA, but in this regard judgment of superior court is very much clear, that mere filling of appeal the executing process could not be stayed.

It is therefore humbly prayed that on acceptance of instant petition, the decision of this court may kindly be implemented, any other relief, which this court deem fit and proper may kindly be awarded to petitioner .

PETITIONER



THROUGH

HAYAT ULLAH KHAN

7

Before, the Khyber pakhtunkhwa service tribunal, Peshawar.

Miscellaneous application # 2018

In

Appeal # 308/2016

Adnan Yaqoob

Versus

Government of KPK etc

Affidavit's

I, Adnan Yaqoob son of Yaqoob Khushi r/o ST.John High School, outside kohati Gate Peshawar, do hereby solemnly affirm and declare on oath that all the contents of the instance petition are correct and true to the best of my knowledge and belief and nothing has been concealed from this honorable Court.



Deponent

Identified by : Hayatullah khan (ASC)

29/10/2018
early hearing
in S.C. Islamabad

3-466



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

No.SO(Lit)/LD/9-26(3)C&W/2018/34789-92
Dated Peshawar the 12/10/2018

To

The Advocate General,
Khyber Pakhtunkhwa, Peshawar.

9295-
18-10-18
Secretary C&W Deptt:
AS/OSA

Attention:

Advocate on Record.

Subject:

SERVICE APPEAL NO.308/2016 ADNAN YAQOOB VS
GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
SECRETARY COMMUNICATION & WORKS AND OTHERS.

Dear Sir,

I am directed to refer to this Department letter No.SO(Lit)/LD/9-26(3)C&W/2018/15506-09, dated 19-03-2018 and Government of Khyber Pakhtunkhwa Communication & Works Department letter NO.SO(Lit.)C&W/3-416/2016, dated 09-10-2018 on the subject noted above and to request you to file an early hearing application before the Supreme Court of Pakistan along with an application for suspension of impugned judgment / order dated 26-01-2018 passed by the Khyber Pakhtunkhwa Services Tribunal, Peshawar in the subject case at an early date, please.

Yours faithfully,

(IJAZ KHAN)
SECTION OFFICER (Lit)

SO(Lit)

22-10-18

Endst: No. & Date Even.

Copy forwarded to the:

1. Secretary to Government of Khyber Pakhtunkhwa Communication & Works Department with reference quoted above with the request to depute Departmental Representative to the office of Advocate General Khyber Pakhtunkhwa, Peshawar along with complete record of the subject case for doing the needful, please.
2. PS to Secretary Law Department Khyber Pakhtunkhwa.
3. PA to Deputy Solicitor Law Department.

Immedialt
17/10/18

Mumtaz
SECTION OFFICER (Lit)

17/10/18

43

**MOST URGENT
SUPREME COURT MATTER**



OFFICE OF THE ADVOCATE GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR

No. 23286 /A.G. Dated 10/11 /2018

Address: High Court Building, Peshawar. Tel: No. 091-9210119, 9210312,
Fax No. 091-9210270, Exchange No. 091-9213833

To

1. The Secretary to Govt, of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
2. The Secretary to Govt, of Khyber Pakhtunkhwa, Communication & Works Department, Peshawar.
3. Chief Engineer Central Design Office, C&W Peshawar.

Subject: **CP.330-P/2018-GOVT OF KPK-VS-ADNAN YAQOOB**

Nomenclature	Initial
CE CDO C&W Dept: Peshawar	
Chief Engineer (Office)	
Sub. Officer	
Principal Engg. Subordinate	
Admin. Officer C&W Office	
Others	

CE CDO C&W
Dept: Peshawar
Date: 6/11/2018
No: 615/Adnan Yaqoob
Date: 12-11-2018

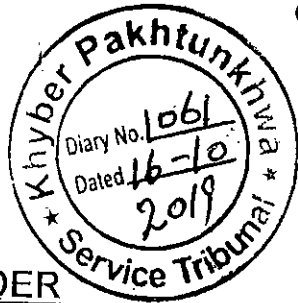
Sir,

The above noted case is fixed for hearing before the Supreme Court of Pakistan at Islamabad/ Peshawar on 15-11-2018 Request

An officer not below the rank of Grade-17 and fully conversant with the facts of the subject case, may kindly be deputed alongwith complete record to discuss with the Additional Advocate General, Khyber Pakhtunkhwa at Islamabad / Peshawar on 14-11-2018 and attend the Supreme Court of Pakistan at Islamabad / Peshawar on 15-11-2018

Copy Attached

[Signature]
**ADVOCATE ON RECORD,
KHYBER PAKHTUNKHWA,
PESHAWAR**



OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

NO. 25-E/ 724 /CEC/C&WD

DATED PESHAWAR THE 11 /10/2019

OFFICE ORDER

In compliance with the Secretary to Govt. of Khyber Pakhtunkhwa, C&W Department directives memo No. SO(Lit)/C&WD/3-416/2016 dated 03.10.2019! And in pursuance to the judgment/decision, dated 26.01.2018, passed in Service Appeal No. 308/2016, read with subsequent orders dated 13.09.2018 and 17.09.2019 in the Execution Petition No.132/2018 by the Khyber Pakhtunkhwa Service Tribunal, Mr. Adnan Yaqub S/O Yaqub Khushi having appointment as Lab Attendant (BPS-02) vide Chief Engineer (CDO) C&W Department Offer of Appointment memo No.2-E/304 dated 29.07.2010, later cancelled vide Office Order No. 2-E/361 dated 18.08.2010, is hereby Re-Instated in Service with all back-benefits to which he is entitled.

These orders are subject to the conditions that in case the Apex Supreme Court of Pakistan grants relief in favour of Government in the CPLA since pending adjudication, these orders will stand cancelled automatically.

These orders are issued with the concurrence of kind Secretary C&W Department due to the Non-posting of Chief Engineer (CDO) C&W Department till yet.

CHIEF ENGINEER (CENTRE)

Copy to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa C&W Department Peshawar with reference to his advice referred to above please.
2. Chief Engineer (CDO) C&W Department Peshawar for information & necessary action.
3. Accountant General Khyber Pakhtunkhwa Peshawar.
4. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
5. Research Officer Road Research & Material Testing Laboratory C&W Department at Hayatabad, Peshawar.
6. Mr. Adnan Yaqub S/O Yqub Khushi R/O St: John High School O/S Kohatti Gate District Peshawar.
7. Case 275-E

Put up to the court with relevant appeal / petition

Reado

16/10/19

CHIEF ENGINEER (CENTRE)

D.F.A

04.04.2019

Petitioner with counsel present. Addl: AG alongwith Mr. Shahroom, SDO for respondents present.

In pursuance of order sheet dated 26.03.2019, learned counsel for the petitioner provided ^a copy of order dated 01.02.2017 through which one Waqar Ali, Lab Equipment Mechanic (^s Similarly placed person) was reinstated in service ^{and} as the same is placed on record. Representative of the respondents produced a copy of letter dated 04.04.2019, addressed to the ^{Section} SO (Lit) C&W Department with a request to expedite the process of issuance of provisional order to avoid contempt of court proceedings. Last opportunity is granted to the respondents ^{to} of positively produce provisional implementation order on or before the next date of hearing, failing which coercive measures in the shape of attachment of salary and civil imprisonment would be adopted against them. Case to come up for further proceedings on 08.05.2019 before S.B.

officer

(Ahmad Hassan)
Member

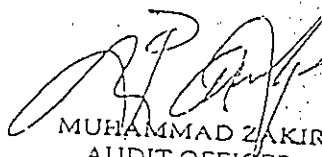
✓ 36
E-14
3
81
128

Para-14 LOSS OF RS.509540/- TO GOVERNMENT DUE TO MISUSE OF ANTI-D INJECTIONS

Every Government officer should realize fully and clearly that he will be held personally responsible for any loss sustained by Government through fraud or negligence on his part or on the part of his subordinate according to Para-23 of GFR Vol I.

A sum of Rs. 1.126 Million was drawn on of purchase of medicine vide Cheque No. 0497756 dated 02/05/2011. The medicine so received was shown issued to labor room during 06/2011 and 07/2011. A scrutiny of the expance register of labour room revealed that 146 Anti-D worth Rs.0.506 million (3490x146) with reference to patient charts revealed that the particular medicine i.e. Inj: Anti-D (RHO) was not authorized by the Incharge Medical Officer or Gynae specialist (DMS Zanana Hospital letter attached). In most of the patients charts, either the injection was recorded on chart after final advice of the WMO or entered fakely in-between the advice in empty place by a different ink. The patient charts were also not signed/countersigned by the WMO Incharge/Gynae specialist or DMS of Zanana Hospital. In addition to that against most cases, blood group tests were no carried out or the tests attached with chart does not tally with the lab register under which the entries of test were recorded on daily basis. As such, the government sustained loss of Rs.509540/-


HAFAEEZ AHMED
PLANNING OFFICER


MUHAMMAD ZAKIR
AUDIT OFFICER



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No. SA/565/2013/Waqar Ali Shah/435 Dated. 01/02/2017

OFFICE ORDER.

(F)

In light of Judgment dated 01-06-2016 announced by the Service Tribunal in Service Appeal No. 565/2013-Waqar Ali Shah vs Govt. of Khyber Pakhtunkhwa Peshawar & Others wherein the appellant (Waqar Ali Shah Lab Equipment Mechanic) has been reinstated in Govt. Service from the date of his termination; AND as further directed by the Service Tribunal Peshawar in Execution Petition No. 164/2016 in the titled appeal in its order dated 13-01-2017 wherein last opportunity for submission of implementation report of the judgment dated 01-06-2016 has been granted as 17-03-2017; AND as per advice conveyed vide Secretary to Govt. of Khyber Pakhtunkhwa C&W Department Peshawar letter No. SO (Lit.)C&W/3-270/2013 Dated 05-12-2016, the competent authority is pleased to reinstate the services of Mr. Waqar Ali Shah Laboratory Equipment Mechanic from the date of his termination issued vide Chief Engineer (CDO) C&W Department Peshawar Office Order No. 2-E/361 Dated 18-08-2010.

On his reinstatement in service, Mr. Waqar Ali Shah is hereby posted as Laboratory Equipment Mechanic (BPS-07) in the office of Research Officer Regional RR&MT Laboratory Peshawar against the existing vacancy with immediate effect in the interest of public service.

Chief Engineer, (CDO)
11/2/2017

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa C&W Department Peshawar.
2. The Deputy Secretary (Administration) C&W Department Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa Peshawar.
4. The Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
5. The Research Officer, RR&MT Lab. C&W Department Peshawar.
6. The Section Officer, (Establishment) C&W Department Peshawar.
7. The Section Officer, (Litigation) C&W Department Peshawar.
8. The Accounts Officer C&W Department Peshawar.
9. Official concerned.
10. Case No. Lab-8/Transfer/Posting

Attested

16/3/17
Section Officer

Chief Engineer (CDO)



OFFICE OF THE CHIEF ENGINEER (CDO)
C&W DEPARTMENT POLICE ROAD PESHAWAR
Ph. No. 091-9211133 Fax. 091-9213928

No. Adnan Yaqoob vs Govt./CDO/851

Dated. 4/04/2019

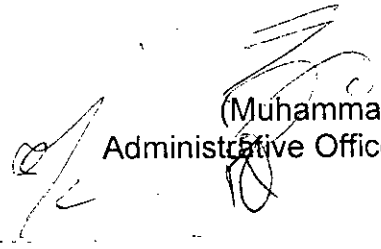
To

The Section Officer (Litigation),
C&W Department Peshawar.

SUBJECT: CP NO. 330-P/2018-GOVT OF KPK VS ADNAN YAQOOB IN SERVICE
APPEAL NO. 308/2016 - ADNAN YAQOOB VS GOVT. OF KHYBER
PAKHTUNKHWA THROUGH SECRETARY C&W AND OTHERS

Ref: In continuation of this office letter No. Adnan Yaqoob vs Govt./CDO/785,
dated 26-03-2019

I am directed to refer to the subject noted above and you are once again requested to expedite the same at an early date to avoid contempt of court proceedings against the Department please.


(Muhammad Arif)
Administrative Officer/B&A Officer.

Copy forwarded to the:-

1. Research Officer, Regional RR&MT Laboratory Peshawar alongwith copy of Order Sheet as requested vide your office letter No. 863/6-E, dated 29-03-2019 with the request to attend the Service Tribunal Peshawar on 05-04-2019 in connection with the subject case and intimate the latest position of the case.
2. PA to Chief Engineer CDO for information.


(Muhammad Arif)
Administrative Officer/B&A Officer



OFFICE OF THE CHIEF ENGINEER (CDO)
C&W DEPARTMENT POLICE ROAD PESHAWAR
Ph. No. 091-9211133 Fax. 091-9213928

No. Adnan Yaqoob vs Govt./CDO/ 09

Dated 04/04/2019

To

The Section Officer (Litigation),
C&W Department Peshawar.

SUBJECT: CP NO. 330-P/2018-GOVT OF KPK VS ADNAN YAQOOB IN SERVICE
APPEAL NO. 308/2016 - ADNAN YAQOOB VS GOVT. OF KHYBER
PAKHTUNKHWA THROUGH SECRETARY C&W AND OTHERS

Ref: This office reminder No. Adnan Yaqoob vs Govt./CDO/851, dated 04-04-2019

I am directed to refer to the subject noted above and to state the the Service Tribunal Khyber Pakhtunkhwa Peshawar has been attended on 05-04-2019 in connection with the subject case. The next date of hearing is fixed as 08-05-2019.

The Order Sheet dated 04-04-2019 in the subject case is enclosed.

In this connection, a request has already been made to your office vide this office letter No. Adnan Yaqoob vs Govt./CDO/785, dated 26-03-2019, to expedite the process of issuance of provisional order to avoid contempt of court proceedings, but no response received till date.

Now, the Service Tribunal Khyber Pakhtunkhwa Peshawar has granted Last Opportunity to positively produce provisional implementation order on or before the next date of hearing i.e. 08-05-2019 failing which coercive measures in the shape of attachment of salary and civil imprisonment would be adopted against the respondents.

It is therefore once again requested to do the needful according to the Para-III of the TORs of Litigation Policy at an earliest to avoid contempt of court proceeding against the department please.


(Muhammad Arif)
Administrative Officer/B&A Officer

Copy forwarded to PA to Chief Engineer CDO for information.


(Muhammad Arif)
Administrative Officer/B&A Officer

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1166 /ST Dated 4-7- /2019

To

The Secretary C&W Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - ORDER IN EXECUTION PETITION NO. 132/2018, MR. ADNAN YAQOOB.

I am directed to forward herewith a certified copy of order dated 25.06.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

**EXECUTION PETITION NO. 132/2018 IN SERVICE APPEAL NO.308/2016 ADNAN
YAQOOB VS GOVT: OF KHYBER PAKHTUNKHWA THROUGH SECRETARY C&W
PESHAWAR & OTHERS.**


IMPLEMENTATION PETITION

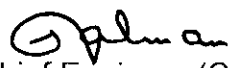
Parawise replies are as under:-

*Done on file
13.9.2018*

1. Pertaining to the record.
2. Pertaining to the record.
3. On the reception of the subject judgment dated 26-01-2018 (**Annexure-I**), as per policy, the same was submitted to the Law Department for advice. During meeting of the Scrutiny Committee held on 14-03-2018 in the office of the Additional Secretary (Opinion) Law Department, it was decided with consensus that the case is fit for filing appeal / CPLA in the Supreme Court of Pakistan (**Annexure-II**). Hence the department lodged CPLA / Appeal in the Supreme Court of Pakistan (power of Attorney and other documents are attached. (**Annexure-III**).
4. Appeal/CPLA is the legal right of the department to lodge appeal against any decision of the Court in the upper forum & the department did it in the interest of the Government. The case will be dealt with accordingly in the light of final verdict of the Supreme Court of Pakistan.
5. As per Para-4.

It is therefore, prayed that the decision of this honorable Tribunal may kindly be
Suspended till the decision of the Apex Court.


Secretary,
C&W Department, Peshawar
(Respondent No. 1)


Chief Engineer (CDO)
C&W Department Peshawar
(Respondent No. 3)

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"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. *E/petition No. 132/18u*
Appeal No. *308* of 2018. *AS/DSA* Dist. No. *587*
11-6-9
Secretary G&W D
DSA 12

Mr. Adnan Yousof Appellant/Petitioner

Versus

Sect of KPH through Secretary G&W Deptt as Respondent
Respondent No. *1*

Notice to: *Sect of KPH through Secretary G&W Deptt Peshawar*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on *8-8-2018* at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement along with any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of *E/petition* appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this *30th*

Day of *May* 2018.

Implementation report

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

585
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Before, the Khyber pakhtunkhwa service tribunal, Peshawar.

E. P. No. 132/18

Miscellaneous application # 2018

In

Appeal # 308/2016

Adnan Yaqoob

Versus

Government of KPK etc

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PETITIONER

THROUGH


HAYAT ULLAH KHAN

ASC

Dated; 26 / 04 / 18

66

Before, the Khyber pakhtunkhwa service tribunal, Peshawar.

Miscellaneous application # 2018

In

Appeal # 308/2016

Adnan Yaqoob son of Yaqoob Khushi r/o ST. John High School, outside kohati Gate Peshawar.

..... petitioner

Versus

- 1) Government of KPK. Thorough secretary communication & works, department Peshawar.
- 2) Chief Secretary, KPK, prshawar.
- 3) Chief engineer, centrel design office C&W, department, KPK, peshawatr.

..... Respondents

IMLEMENTATION PETITION

Resectfully sheweth,

Petitioner submits as under.

- 1) That the petitioner filed an appeal before this honorable tribunal against the withdrawn of appointment order through impugned order dated 13/08/10.
- 2) That the said appeal was allowed by this honorable tribunal vide order dated 26/1/18.
- 3) That the decision of this honorable tribunal was conveyed to respondents, but till to date the decision of this court not implemented.
- 4) That the respondents are legally bound to implement the decision in letter in spirit, but intentionally they are lingering the implementation process.
- 5) That respondent's plea is for waiting till decision of CPLA, but in this regard judgment of superior court is very much clear, that mere filling of appeal the executing process could not be stayed.

It is therefore humbly prayed that on acceptance of instant petition, the decision of this court may kindly be implemented, any other relief, which this court deem fit and proper may kindly be awarded to petitioner .

THROUGH

PETITIONER

UAVAT ILLAH KHAN

507
- 67

7

Before, the Khyber pakhtunkhwa service tribunal, Peshawar.

Miscellaneous application # 2018

In

Appeal # 308/2016

Adnan Yaqoob

Versus

Government of KPK etc

Affidavit's

I, Adnan Yaqoob son of Yaqoob Khushi r/o ST.John High School, outside kohati Gate Peshawar, do hereby solemnly affirm and declare on oath that all the contents of the instance petition are correct and true to the best of my knowledge and belief and nothing has been concealed from this honorable Court.


Deponent

Identified by : Hayatullah khan (ASC)

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POWER OF ATTORNEY
IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

CPLA. No. _____/2018

Govt. of Khyber Pakhtunkhwa and others

PETITIONER(S)

VERSUS

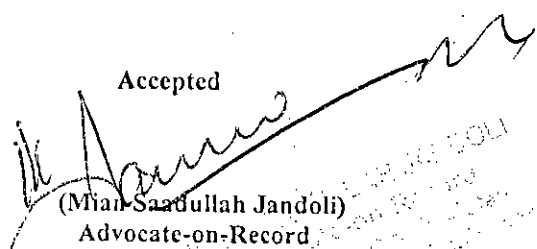
Adnan Yaqoob

RESPONDENT(S)

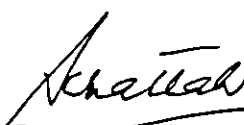
I (we) Petitioner/Govt. of KPK in the above suit/Appeal/Petition/Reference, do hereby appoint and constitute Mian Saadullah Jandoli, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid appellant [or plaintiff(s) or Petitioner(s) or Respondent (s) or defendant (s) or opposite party] to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the process of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority

In witness whereof I/we do hereunto set my/our hand (s) this day of

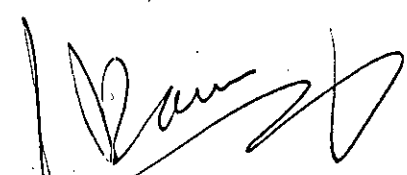
Accepted


(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
(for KPK) Advocate-General's
Office KPK, High Court Building, Peshawar.
Office Tel. # 091-9210312, 9210119


Signed with Official seal stamp

1- 
Secretary Communication & Works
Department Govt. of Khyber Pakhtunkhwa,
Peshawar.

Secretary to Govt of
Khyber Pakhtunkhwa
C&W Department

2- 
Chief Secretary,
Govt. of Khyber Pakhtunkhwa,
Peshawar

CHIEF SECRETARY
GOVT. OF KHYBER PAKHTUNKHWA

3- 
Chief Engineer, Central Design Office,
C&W Department Khyber Pakhtunkhwa,
Peshawar.

CHIEF ENGINEER
CENTRAL DESIGN OFFICE
C&W DEPTT. PESHAWAR

OFFICE OF ADVOCATE GENERAL KHYBER
PAKHTUNKHWA PESHAWAR

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—

RECEIPT

Received a sum of Rs. 2300/- (Rupees Two thousand and three hundred only) as expenses (Photostat, binding, Supreme Court tickets notices to respondents) for filing CPLA in the Supreme Court of Pakistan in its branch registry at Peshawar in connection with the case title Service Appeal No.308/2016 Adnan Yaqoob Versus Govt. of KPK and others.

Ali Aslam
Advocate-General
Supreme Court of Pakistan
Khyber Pakhtunkhwa
Peshawar

25/4/2018-

**MOST URGENT
SUPREME COURT MATTER****OFFICE OF THE ADVOCATE GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR**No. 23256 /A.G. Dated 10/11 /2018Address: High Court Building, Peshawar. Tel: No. 091-9210119, 9210312,
Fax No. 091-9210270, Exchange No. 091-9213833

To

1. The Secretary to Govt, of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
2. The Secretary to Govt, of Khyber Pakhtunkhwa, Communication & Works Department, Peshawar.
3. Chief Engineer Central Design Office, C&W Peshawar.

Subject:

CP.330-P/2018-GOVT OF KPK-VS-ADNAN YAQOOB

Nomenclature	Initial
CE C&W Deptt. Pesh.	
Principal Eng. (Highway)	
S.E. (C&W)	
Principal Eng. (Highways)	
Admin. Officer C&W Office	
Typed	

615/Adnan
Date: 12-11-2018

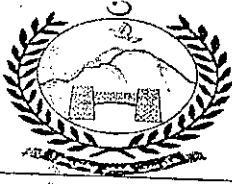
Sir,

The above noted case is fixed for hearing before the Supreme Court of Pakistan at Islamabad/ Peshawar on 15-11-2018 Request

An officer not below the rank of Grade-17 and fully conversant with the facts of the subject case, may kindly be deputed alongwith complete record to discuss with the Additional Advocate General, Khyber Pakhtunkhwa at Islamabad / Peshawar on 14-11-2018 and attend the Supreme Court of Pakistan at Islamabad / Peshawar on 15-11-2018

Court attended
File

Adv. Anwar
ADVOCATE ON RECORD,
KHYBER PAKHTUNKHWA,
PESHAWAR.



DIRECTORATE GENERAL OF LAW & HUMAN RIGHTS
KHYBER PAKHTUNKHWA, STREET B.2 PLOT NO. 21
PHASE 5, HAYATABAD PESHAWAR

No.SOL/DG/Law/9-26(3)C&W/2018/5018
Dated Peshawar the 23/04/2019

To

The Advocate General,
Khyber Pakhtunkhwa, Peshawar.

Diary No. 4437
Date 24-4-2019
Secretary C&W Deptt.

Attention:

Advocate on Record.

A.S. DSA

Subject:

SERVICE APPEAL NO.308/2016 ADNAN YAQOOB VS
GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
SECRETARY COMMUNICATION & WORKS AND OTHERS.

Dear Sir,

I am directed to refer to Government of Khyber Pakhtunkhwa Communication & Works Department letter NO.SO(Lit.)C&W/3-416/2016, dated 28-03-2019 on the subject noted above and to request you to file an early hearing application before the Supreme Court of Pakistan alongwith an application for suspension of impugned judgment / order dated 26-01-2018 passed by the Khyber Pakhtunkhwa Services Tribunal, Peshawar in the subject case at an early date, please.

Yours faithfully,

ASSISTANT SOLICITOR (Lit)

Endst: No.& Date Even.

Copy forwarded to the:

1. Secretary to Government of Khyber Pakhtunkhwa Communication & Works Department with reference quoted above with the request to depute Departmental Representative to the office of Advocate General Khyber Pakhtunkhwa, Peshawar alongwith complete record of the subject case for doing the needful, please.

SO (Lit)

26.4.19 ASSISTANT SOLICITOR (Lit)



To

The Advocate-on-Record,
Peshawar High Court Peshawar.

Subject: SERVICE APPEAL NO. 308/2016-ADNAN YAQOOB VS GOVT. OF KHYBER PAKHTUNKHWA THROUGH SECRETARY C&W AND OTHERS

Ref: Section Officer (Litigation) C&W Department letter No. SO(Lit.)C&W/3-416/2016, dated 10-05-2019

I am directed to refer to the Assistant Solicitor (Litigation) Law Department letter No. SOL/DG/Law/9-26(3)C&W/2018/5018-1, dated 23-04-2019, on subject noted above, addressed to your office with a copy endorsed thereof to the Secretary C&W Department and to enclose herewith the requisite Certified Copy of Contempt of Court Application with Order Sheet dated 08-05-2019 in the subject case for favour of further necessary action as desired please.

Encl./As above

(Muhammad Arif)
Administrative Officer/B&A Officer

Copy forwarded to the:-

1. Section Officer (Litigation) C&W Department Peshawar with reference to above for information.
2. Research Officer Regional RR&MT Laboratory C&W Department Hayatabad Peshawar for information and necessary action.
3. PA to Chief Engineer CDO C&W Department Peshawar.

784/B-E
21.6.2019

(Muhammad Arif)
Administrative Officer/B&A Officer

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1497 /ST

Dated 26-8- /2019

To


The Accountant General,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

ORDER IN EXECUTION PETITION NO. 132/2018, MR. ADNAN YAQOOB.

I am directed to forward herewith a certified copy of order dated 19.08.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1842 /ST Dated 22-10 /2019

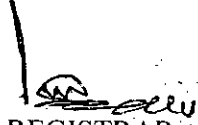
To

The Accountant General,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - ORDER IN EXECUTION PETITION NO. 132/2018. MR. ADNAN YAQOOB.

I am directed to forward herewith a certified copy of order dated 17.10.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.



OFFICE OF THE CHIEF ENGINEER (CDO)
C&W DEPARTMENT POLICE ROAD PESHAWAR
Ph. No. 091-9211133 Fax. 091-9211133

No. CDO/466/Adnan Yaqub Dated. 06/10/2021

OFFICE ORDER

In compliance with Secretary to Govt. of Khyber Pakhtunkhwa C&W Department directives memo No. SO(Lit)/C&W/3-416/2016 dated. 03-10-2019 and in pursuance to the judgment / decision dated 26-01-2018, passed by honorable Service Tribunal Appeal No: 308/2016, further upheld by the Apex Supreme Court of Pakistan judgment / decision dated: 22-06-2021.

Mr. Adnan Yaqub S/O Yaqub Khushi was appointed as a Lab; Attendant (BPS-02) vide Chief Engineer (CDO) C&W Department offer Appointment Memo No. 2-E/304 dated. 29-07-2010, later cancelled vide Office Order No. 2-E/361 dated 18-08-2010, is hereby reinstated in service with all back benefit to which he is entitled.

These orders are issued in supersession of the reinstatement office Order NO. 25-E/724/CEC/C&WD dated 11-10-2019, by the Chief Engineer (Centre) C&W Department Khyber Pakhtunkhwa Peshawar and after the decision of Apex Supreme Court of Pakistan dated. 22-06-2021.

CHIEF ENGINEER (CDO)

Copy forwarded to the:-

1. Secretary to Govt: Khyber Pakhtunkhwa C&W Department Peshawar.
2. Research Officer Road Research & Material Testing Laboratory C&W Department Hayatabad, Peshawar.
3. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
4. Section Officer (Litigation) C&W Department Peshawar.
5. Mr. Adnan Yaqub S/O Yaqub Khushi R/O St. John High School/O/S Kohatti Gate District Peshawar

CHIEF ENGINEER (CDO)

Shahin (AK)
Sols nia q pursue
the career case in
finance deptt
M 07/10/2021

**MOST IMMEDIATE
COURT MATTER.**



OFFICE OF THE RESEARCH OFFICERRR&MT LAB, C&W
DEPARTMENT, B/2/30 PHASE 5 HAYATABAD,
PESHAWAR KHYBER PAKHUTANKHWA

No. 1140/6E Dated 29/09/2021

To

**The Chief Engineer CDO ,
C&W Department,
KPK Peshawar.**

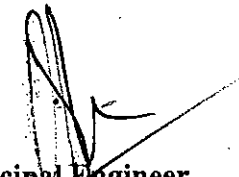
**Subject: - CP NO.330P/2018 AGAINST SERVICE APPEAL NO.308/2016 ADNAN
YAQUB VS GOVT OF KHYBER PAKHTUNKHWA PESHAWAR
AND OTHERS.**

Reference: Letter No: BO-1/FD/1-1/2020-21 DATED:04/11/2020 (Finance Deptt.)

Enclosed find here with the required documents as desired by the Finance Department are attached to proceed further in this matter.

1. Law Department Opinion (Anexx-1)
2. Supreme Court Orders decision dated :22/06/2021 (Anexx-2)

Encl .as above

0/c

**Principal Engineer,
CDO C&W Deptt.
Peshawar.**

(1)

BEFORE THE K.P SERVICE TRIBUNAL, PESHAWAR.

C.M No: 143 /2021

In
Execution petition no. 132/2018

Adnan Yaqoob,

vs

C & W Deptt

**SUBJECT: APPLICATION OF RESTORATION OF EXECUTION
PETITIONS NO.132/2018 IN SERVICE APPEAL NO. 17/2017**

RESPECTFULLY SHEWETH :-

1. That the service appeal of the appellant was accepted vide judgment dated 26.01.2018. And the appellant was reinstated into service with all back and consequential benefits.
2. That thereafter, files execution petition No.132/2018 for the implementation of judgment dated 26.01.2018 .
3. That during the pendency of execution petition the department brought order dated 11.10.2019 where by the appellant was re-instated into service with all back and consequential benefits subject to the condition that outcome of the CPLA.
4. That on the basis of above mentioned order the execution petition was consigned vide order dated 17.10-2019. Direction was given that petitioner is at liberty to apply for restoration of the proceedings in case any part of relief granted to her remained unsatisfied. **Copy of order is attached as annexure-A.**

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5. That now the Supreme Court of Pakistan dismissed the CPLA filed by the department vide order dated 22.06.2021 and maintained the judgment of Hon'able Tribunal. **Copy of order of supreme court is attached as annexure-B.**
6. That thereafter, appellant filed application to department for back benefits being judgment of service tribunal attend finality but deptt till date no action taken on the same. Now the department refusing the back benefits to the petitioner. So, there is no other remedy, therefore, appellant file application for restoration of execution petition.

It is , therefore, most humbly requested that on acceptance of this application the execution petition No. 132/2018 may be restored .Any other remedy which tribunal , deems fit & appropriate may also be awarded to petitioner .

APPLICANT

Adnan yaqoob

Through:


(SYED NOMAN ALI BUKHARI)
Advocate High Court
Peshawar.

EP 132/18

17.10.2019

A(3)
Adnan Yarsoob vs Govt



Petitioner in person and Addl. AG along with Shariq Room, SDO for the respondents present.

The petitioner has produced copy of office order dated 11.10.2019 whereby he has been reinstated in service with all back benefits subject to the decision of Apex Court upon CPLA submitted by the respondents.


In view of the developments, instant proceedings are consigned to record. The petitioner may, however, apply for restoration of proceedings in case any part of relief granted to him by this Tribunal remained unsatisfied.

As the judgment under execution has been conditionally implemented the order of attachment of salary of respondent No. 1 passed on 25.06.2019 and repeated on 19.08.2019 is hereby withdrawn.


Chairman

Date of Presentation of Application 12/4/21
 Number of Words 800
 Copying Fee 10/-
 Urgent 10/-
 Total 10/-
 Name of Copyist _____
 Date of Completion of Copy 13/4/21
 Date of Delivery of Copy 13/4/21

Certified to be true copy


Chairman
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

B(4) 20/21

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE IJAZ UL AHSAN
MR. JUSTICE SAYYED MAZAHAR ALI AKBAR NAQVI

CIVIL PETITION NO. 330-P OF 2018.

(Against the judgment dated 26.01.2018 passed by the
Khyber Pakhtunkhwa Service Tribunal in Service Appeal
No.308 of 2016).

Government of Khyber Pakhtunkhwa through Secretary
Communication and Works Department, Peshawar and
others.

Adnan Yaqoob.

Versus

...Petitioner(s)

...Respondent(s)

For the Petitioner(s):

Mr. Zahid Yousaf Qureshi, Addl.
A. G. KP.
Mr. Mehboob Ali, Admn. Officer
C&W, KP.
Malik M. Ali, S.O., C&W, KP.

For the Respondent(s):

Mr. M. Faisal Butt, ASC.
Mr. M. Sharif Janjua, AOR.

Date of Hearing:

22.06.2021.

ORDER

GULZAR AHMED, CJ.- This petition is barred
by time by 28 days. An application for condonation of
delay has been filed but the only reason assigned in the
same is "lengthy correspondence". This is not a sufficient
ground for condonation of delay. Even otherwise, each
day's delay as required by the law has not been
explained. Thus, the application for condonation of delay
merits no consideration and is accordingly dismissed.

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

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Consequently, the listed petition is dismissed as time barred.

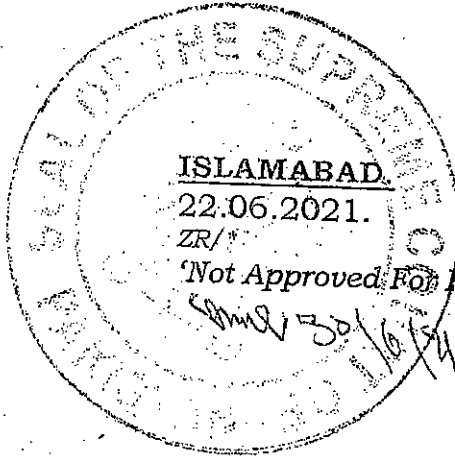
Sd/-HCJ

Sd/-J

Sd/-J

Certified to be True Copy

Senior Counsel Associate
Supreme Court of Pakistan
Islamabad



10887/21

CR No.	10887/21	Civil/Criminal
Date of Presentation	22-6-21	
No of Words	600	
No of Pages	6	
Registration	500	
Copy Fee	200	
Court Fee	800	
Date of Commencement	30/6/21	
Date of Delivery	1/7/2021	
Compared by		
Received by		

CO

To
The Secretary,
C&W Department,
KPK Peshawar.

Diary No: 6472
Date: 07-7-2021
Secretary C&W Deptt

Subject: CP NO.330P/2018 IN SERVICE APPEAL NO.308/2016 ADNAN YAQUB VS SECRETARY C&W KHYBER PAKHTUNKHWA PESHAWAR AND OTHERS.

Reference: Application Submitted on 09/04/2021 Dairy no: 3582 Secretary C&W deptt:

Respected Sir,

In Compliance to your direction to the Chief Engineer (Center) C&W Department Peshawar Office order No. 25-E/724/CEC/C&WD dated 11-10-2019 (annexure a).

"In the office order it is clearly mentioned that reinstated in the services with back benefits which he is entitled".

In this regard, The Apex Supreme Court of Pakistan also finally decided the judgment in my favor CP No: 330-P of 2018 announced on Dated:22/06/2021. (Annex: b) now this case is Crystal clear.

So, the Judgment of the Honorable Service Tribunal remain sustained in which the court have given me relief in terms of Back benefits, which I am entitled Service Appeal No: 308/2016 announced on Dated:26/01/2018 (Annex: c) as sited in the subject.

For your information, The S.N.E is already forwarded to the Budget officer-1 in Finance Department letter No: ACCT/C&W/1-3/Establishment/2020-21 on dated 02/10/2020. (annex: d) For the creation of supernumerary post, already made several requests till now but still awaiting desperately. After the Reinstatement I am attending the office regularly and taking the salaries on regular basis, since 17/10/2019.

"It is therefore humble request to look into this matter for the implementation on the judgment, in the light Apex Supreme Court of Pakistan in terms of Back benefits for the earliest action".

I shall be very thankful to you for this act of kindness,

Yours Obediently,


Adnan Yaqub.

S/o Yaqub Khushi.

Lab. Attendant (BPS 04).

Date: 07/07/2021.

Encl: As above:

Copies forwarded to:

1. The Chief Engineer (CDO) for necessary action please.
2. The Research officer, RR&MT Laboratory Hayatabad Peshawar.