

15.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 15.6.2022. for the same as before.


Reader.

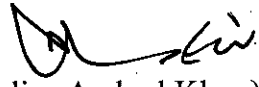
15th June 2022

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

2. Learned counsel for the petitioner submits that the order of the Tribunal has been implemented. Disposed of accordingly. Consign.

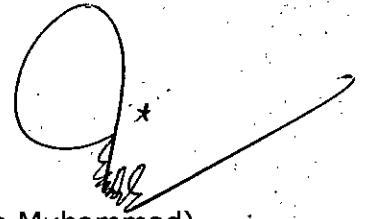
3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 15th day of June, 2022.*




(Kalim Arshad Khan)
Chairman

25.11.2021 Petitioner with counsel present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Javed Iqbal Khan, XEN (C&W) for respondents present.

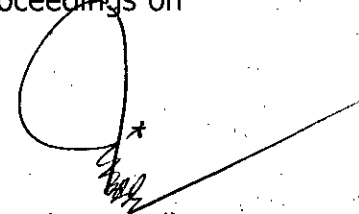
CPLA of the erstwhile official respondents against the judgement of Service Tribunal dated 25.01.2018 delivered in service appeal No. 308/2016, has been dismissed by the august Supreme Court of Pakistan on 22.6.2021. Consequently, the respondent-department has submitted office order dated 06.10.2021 whereby the petitioner has been reinstated in service with all back benefits as per his entitlement. A copy of the same was handed over to learned counsel for the petitioner for raising objection if any. Adjourned. To come up for further proceedings on 26.01.2022 before S.B.



(Mian Muhammad)
Member(E)

26.01.2022 Petitioner in person present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Petitioner requested for adjournment on the ground that his counsel is not available who will submit his objection/rejoinder on the next date. Adjourned. To come up for further proceedings on 15.03.2022 before S.B.



(Mian Muhammad)
Member(E)

(11/10/2021)

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG along with Mr. Muhammad Basit, (Reader for respondents present).

Clerk of learned counsel for the petitioner. (Seek adjournment due to General strike of the Peshawar Bar Association. Adjourned. To come up for further proceedings before the S.B on 23.11.2021)

(MIA MUHAMMAD)
MEMBER (E)

11.10.2021

Petitioner in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Jave Iqbal, Engineer for respondents present.

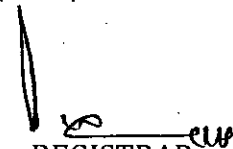


Petitioner seeks adjournment due to General Strike of the Peshawar Bar Association. Adjourned. To come up for further proceedings before the S.B on 25.11.2021.

(MIAN MUHAMMAD)
MEMBER (E)

Form-A
FORM OF ORDER SHEET

Court of _____

E.P Restoration Application No. 143 /2021

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	02.8.2021	<p>The application for restoration of Execution petition no. 132/2018 submitted by 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>
2		<p>This restoration application is entrusted to S. Bench to be put up there on <u>10/09/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	10.09.2021	<p>Petitioner in person present.</p> <p>Notice of the application for restoration of appeal be issued to the respondents for reply/arguments on 11.10.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

C.MNo: _____/2021

In

Execution petition NO.132/2018

Adnan Yaqoob

Versus


C&W Deptt:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Application	-----	1-2
2.	Copy of copy of order dated 17.102019	---A---	3
3.	Copy of supreme court order	---B---	04-05
4.	Copy of application	---C---	06
26.	Wakalat nama	-----	07

APPELLANT

THROUGH:


SYED NOMAN ALI BUKHARI,
ADVOCATE, HIGH COURT

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.**

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 Yaqoob vs Govt



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 

Date of Presentation of Application 12/4/21
 Number of Words 800
 Copying Fee 10/-
 Urgent 10/5
 Name of Copy 12/4/21
 Date of Completion of Copy 13/4/21
 Date of Delivery of Copy 13/4/21

Certified to be true copy

 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

B(4) 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.

...Petitioner(s)

Versus

Adnan Yaqoob.

...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

5

Consequently, the listed petition is dismissed as time barred.

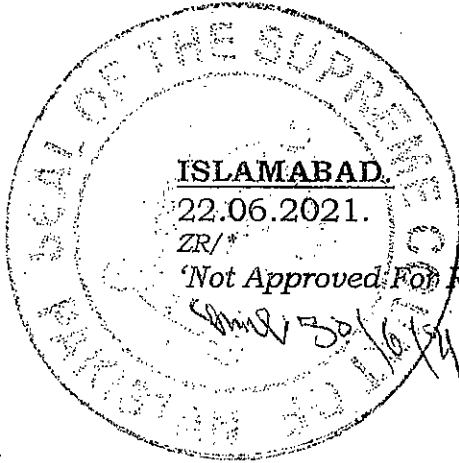
Sd/-HCJ

Sd/-J

Sd/-J

Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad



10887/21

GR No. _____ Civil/Criminal
 Date of Presentation 22.6.21
 No of Words 600
 No of Pages 6
 Requisition 500
 Copy fee 2.2
 Court Fee 8.2
 Date of Comm. 30/6/21
 Date of Delivery 1/7/2021
 Compared by [Signature]
 Received by [Signature]

CO

To

The Secretary,
C&W Department,
KPK Peshawar.

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

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.

VAKALATNAMA

NO. _____/20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

Adnan YaQoob

Appellant
Petitioner
Plaintiff

VERSUS

C & W

Respondent (s)
Defendants (s)

I/WE Adnan YaQoob

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE _____/20

Adnan

(CLIENT)

ACCEPTED

7/8/20

**SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT**

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (October-2021)



Personal Information of Mr ADNAN YAQUB d/w/s of YAQOOB KHUSHI

Personnel Number: 00928928 CNIC: 1730190103249 NTN:
 Date of Birth: 28.02.1988 Entry into Govt. Service: 17.10.2019 Length of Service: 02 Years 00 Months 016 Days.

Employment Category: Active Permanent

Designation: LABORATORY ATTENDANT 80004075-GOVERNMENT OF KHYBER PAKH
 DDO Code: PR5440-Research Officer Research & Material Testing
 Payroll Section: 007 GPF Section: 003 Cash Center:
 GPF A/C No: Interest Applied: Yes **GPF Balance:** 19,975.00
 Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 04 Pay Stage: 10

Wage type		Amount	Wage type		Amount
0001	Basic Pay	14,300.00	1004	House Rent Allow 45% KP21	3,576.00
1210	Convey Allowance 2005	1,785.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	287.00	2199	Adhoc Relief Allow @10%	206.00
2211	Adhoc Relief All 2016 10%	1,050.00	2224	Adhoc Relief All 2017 10%	1,430.00
2247	Adhoc Relief All 2018 10%	1,430.00	2264	Adhoc Relief All 2019 10%	1,430.00
2309	Adhoc Relief All 2021 10%	1,430.00	2311	Dress Allowance - 2021	1,000.00
2312	Washing Allowance 2021	1,000.00	2313	Integrated Allowance 2021	600.00

Deductions - General

Wage type		Amount	Wage type		Amount
3004	GPF Subscription	-830.00	3501	Benevolent Fund	-600.00
4004	R. Benefits & Death Comp:	-300.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till OCT-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 31,024.00 Deductions: (Rs.): -1,730.00 Net Pay: (Rs.): 29,294.00

Payee Name: ADNAN YAQUB
 Account Number: 00907900401301
 Bank Details: HABIB BANK LIMITED, 220090 DABGARI GATE, PESHAWAR. DABGARI GATE, PESHAWAR., PESHAWAR

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: PESHAWAR

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: adnanyaqub146@gmail.com



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 Yaqoob 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)

Shahid (AK)
Sols man of
the
purpose
career case in
finance dept
M 07/10/2021