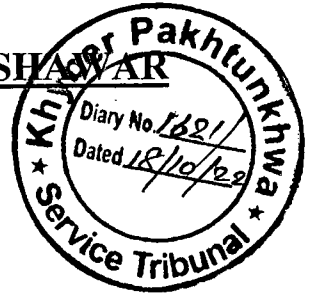


**BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR**



Executive Petition No. 164/2021

In

Appeal No.457/2018

Syed Hasnain Kazmi, Assistant Director LG&RD.....Petitioner

Govt of Khyber Pakhtunkhwa and others .....Respondents

**APPLICATION FOR RELEASE OF SALARY OF RESPONDENTS**

**Respectfully Sheweth**

1. That the above captioned petition is pending for adjudication before this august Court.
2. That the Court order dated 23.12.2021 has already been implemented and compliance / Implementation report has already been submitted on the date of hearing on 28.06.2022 which is not found in the court file (**Annex-A**). A fresh Implementation report duly signed by the undersigned is attached as **Annex-B** in compliance with the court orders.
3. This Court vide order dated 10.10.2022 attached the salary of Respondents due to non-submission of Implementation / Compliance report.

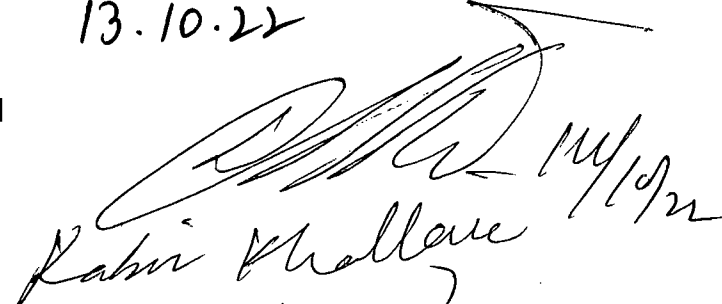
In view of the above, it is therefore, humbly prayed that this august Court may graciously be pleased to recall/withdraw/cancel its order dated 10.10.2022 passed in Execution Petition No. 164/2021 and release the salary of Respondents, please.

  
SECRETARY LG, E&RDD  
(RESPONDENT NO.2)

13.10.22

THROUGH

Addl: AG

  
Rabi Khallave  
Additional  
Advocate General

# BEFORE THE HON'BLE SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 164/2021

In

Appeal No. 457/2018

Syed Hasnain Kazmi, Assistant Director LG&RD

..... Petitioner

## VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar
2. The Secretary Local Government & Rural Development, Khyber Pakhtunkhwa Peshawar.

..... Respondents

### COMPLIANCE REPORT ON BEHALF OF RESPONDENT NO.2

#### Respectfully Sheweth:

1. That on 23.12.2021, the Hon'able Service Tribunal Peshawar has issued the following order in the instant Petition:

***"Representative of the respondents produced copy of Notification dated 07.12.2021 whereby the petitioner has been reinstated into service with immediate effect. Placed on file. Let the department come up with appropriate order for treating the absence period of the petitioner in light of the spirit of the judgment. Case to come up on 14.02.2022 before S.B."***

2. That in order to implement the judgment of Khyber Pakhtunkhwa Service Tribunal dated 04-05-2021 passed in Service Appeal No. 457/2018, Syed Hasnain Kazmi, Assistant Director (BS-18 Personal) was re-instated into service vide this Department notification dated 07-12-2021. Subsequent to his re-instatement into service he was posted as Assistant Director (Sr) Haripur vide this Department notification dated 16-02-2022.
3. That the department has taken following necessary action in compliance with the court order dated 23.12.2021:
  - i) That the release of salary of the petitioner for the period from 21-03-2016 to 06-12-2021 is not justified on the basis of his willful absence w.e.f 05-04-2016 to 30-06-2017 as he was removed from service. In addition to the above, the officer has exhausted all types of admissible leaves and there is no leave at his credit to sanction leave on medical ground with pay for the said period.

- ii) That officer has not worked for the period from 30-06-2017 to 06-12-2021, hence according to the principle "no work no pay" set by the Peshawar High Court in its Judgment in W.P, he is not entitled for the salary w.e.f 21-03-2016 to 06-12-2021.
- iii) Besides, a letter to Ministry of Foreign Affairs has already been sent for verification of his medical documents from the concerned medical institution in Australia which is awaited.

As the Judgment of the Hon'ble Service Tribunal Peshawar has already been implemented, therefore, it is humbly prayed that the Execution Petition of the petitioner may kindly be dismissed.



Secretary LG, E&RDD  
Respondent No.2

28.6.2022

11/11/21

**BEFORE THE HON'BLE SERVICE TRIBUNAL, PESHAWAR**

Execution Petition No. 164/2021

In

Appeal No. 457/2018

Syed Hasnain Kazmi, Assistant Director LG&RD

..... **Petitioner**

**VERSUS**

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar
2. The Secretary Local Government & Rural Development, Khyber Pakhtunkhwa Peshawar.

..... **Respondents**

**COMPLIANCE REPORT ON BEHALF OF RESPONDENT NO.2**

**Respectfully Sheweth:**

1. That on 23.12.2021, the Hon'able Service Tribunal Peshawar has issued the following order in the instant Petition:


***"Representative of the respondents produced copy of Notification dated 07.12.2021 whereby the petitioner has been reinstated into service with immediate effect. Placed on file. Let the department come up with appropriate order for treating the absence period of the petitioner in light of the spirit of the judgment. Case to come up on 14.02.2022 before S.B."***

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- i) That the release of salary of the petitioner for the period from 21-03-2016 to 06-12-2021 is not justified on the basis of his willful absence w.e.f 05-04-2016 to 30-06-2017 as he was removed from service. In addition to the above, the officer has exhausted all types of admissible leaves and there is no leave at his credit to sanction leave on medical ground with pay for the said period.

- ii) That officer has not worked for the period from 30-06-2017 to 06-12-2021, hence according to the principle "no work no pay" set by the Peshawar High Court in its Judgment in W.P, he is not entitled for the salary w.e.f 21-03-2016 to 06-12-2021.
- iii) Besides, a letter to Ministry of Foreign Affairs has already been sent for verification of his medical documents from the concerned medical institution in Australia which is awaited.

As the Judgment of the Hon'ble Service Tribunal Peshawar has already been implemented, therefore, it is humbly prayed that the Execution Petition of the petitioner may kindly be dismissed.

  
Secretary LG,E&RDD  
Respondent No.2



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**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
LOCAL GOVERNMENT, ELECTIONS &  
RURAL DEVELOPMENT DEPARTMENT**

Dated: the Peshawar 07<sup>th</sup> December, 2021

**NOTIFICATION**

**No. SOE/LG/3-398/ST/2021.-** In pursuance of the judgement of Khyber Pakhtunkhwa Service Tribunal dated 04/06/2021 passed in Service Appeal No. 457/2018, the Competent Authority is pleased to re-instate Syed Hasnain Kazmi, Assistant Director (BPS-18-Personal) of Directorate General of LG&RD Khyber Pakhtunkhwa into services with immediate effect.

2. The Competent Authority reserves the right to initiate any further inquiry proceedings under the rules as and when required.

**SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
LOCAL GOVT; ELECTIONS & RURAL DEVELOPMENT  
DEPARTMENT**

**Copy forwarded to the:**

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General, Local Government & Rural Development Department.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Secretary, LG,E&RD Department.
5. Registrar, Khyber Pakhtunkhwa Service Tribunal.
6. Officer concerned.
7. Office Order File.

*Hasnain*  
**SECTION OFFICER (ESTT:)**