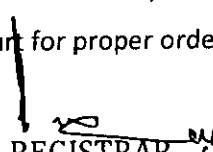




Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

199/2

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.09.2021	<p>The execution petition of Mr. Saleem Asmat submitted today by Mr. Bilal Ahmad Kakaizai Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench at Peshawar on <u>05/11/21</u>.</p> <p> CHAIRMAN</p>
	05.11.2021	<p>Counsel for the appellant present.</p> <p>Notices be issued to the respondents. To come up for implementation report on 21.12.2021 before the S.B.</p> <p> Chairman</p>

21.12.2021

Junior to counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl AG alongwith Qasam Khan, Superintendent for the respondents present.

Representative of the respondents is directed to submit reply to the execution petition on next date positively. Case to come up on 09.02.2022 before the S.B.

  
Chairman

10.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 30.03.2022 for the same as before.

  
Reader

30.03.2022

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

On previous date the case was adjourned on reader note, therefore notice of prosecution be issued to the respondents. Adjourned. To come up for further proceedings on 25.04.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER(E)

25.04.2022

None for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Qasim Khan, Superintendent for respondents present.

The respondent-department submitted Notification No. 3690-3704/Estt:V/Saleem Asmat/NT dated 10.02.2022 whereby judgement of the Service Tribunal in Service appeal No. 113/2017 of the appellant delivered on 13.07.2021, has been conditionally implemented by allowing the appellant to stand retired from service w.e.f 02.01.2019 (AN) subject to any adverse orders of the Competent Court of law in criminal case as well as pending CPLA before the august Supreme Court of Pakistan. Copy of the Notification is placed on file. Notices be issued to the petitioner and his counsel. Adjourned. To come up for further proceedings on 09.05.2022 before D.B.

  
(MIAN MUHAMMAD)  
MEMBER(E)

09.05.2022

Petitioner present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Imran Akbar Assistant for respondents present.

Implementation report was not submitted. Respondents requested for time to submit implementation report; granted with strict direction to submit implementation report on or before the next date. To come up for implementation report on 19.05.2022 before S.B.

  
(Rozina Rehman)  
Member (J)

19.05.2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG requested that time may be granted to him for submission of implementation report. Granted. To come up for implementation report on 15.07.2022 before S.B.



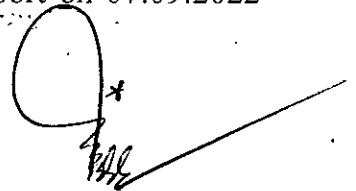
(Mian Muhammad)  
Member (E)

15.07.2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Qasim Khan, Superintendent for the respondents present.

Implementation report not submitted. Learned Additional Advocate General committed at the bar that opportunity may be granted to contact and consult the respondent department for submission of proper implementation report on the next date. Adjourned. To come up for implementation report on 07.09.2022 before S.B.

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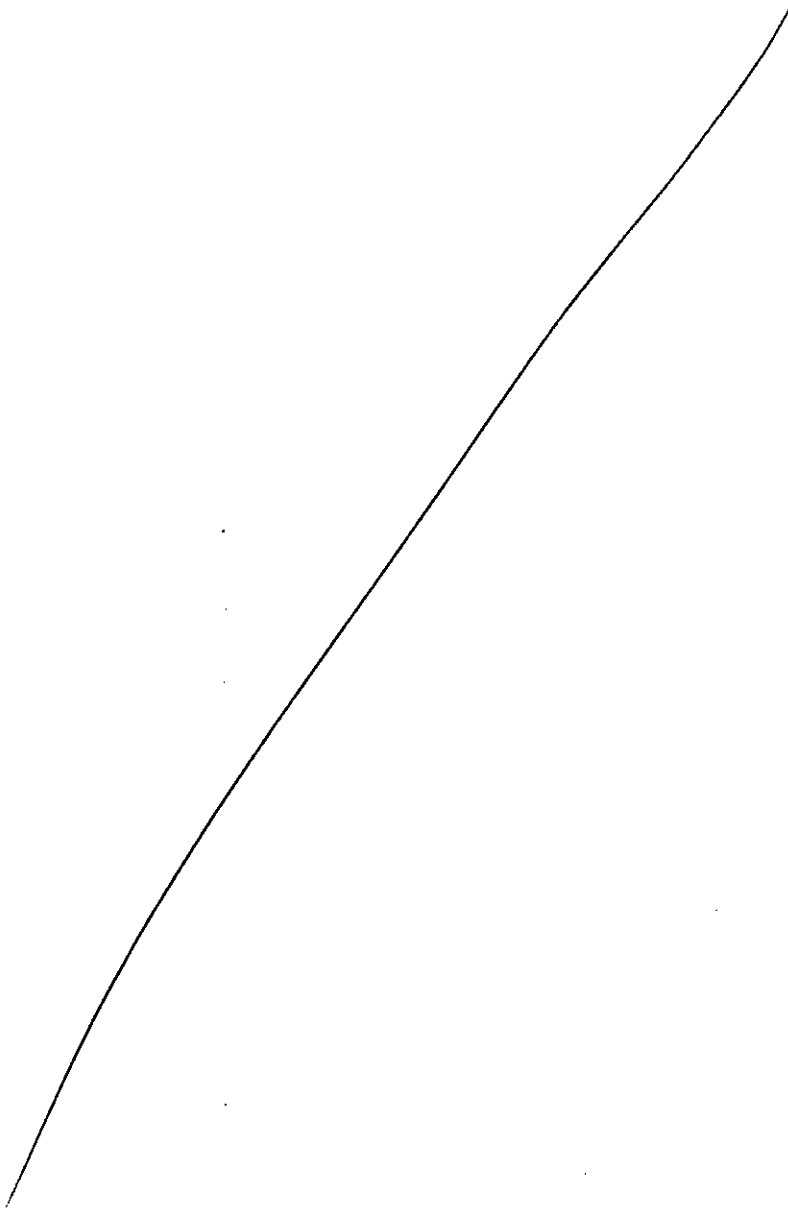
(MIAN MUHAMMAD)  
MEMBER(E)

07.09.2022

Counsel for the petitioner present: Mr. Ajmal Khan, Assistant Secretary present. Learned AAG is not present.

Representative of the respondent department submitted implementation report which was not in line with the judgment of the Service Tribunal dated 13.07.2021. Respondent department was directed to produce proper implementation on 26.09.2022 before S.B. The learned AAG to make sure to be present on the next date.

  
(Fareeha Paul)  
Member (E)



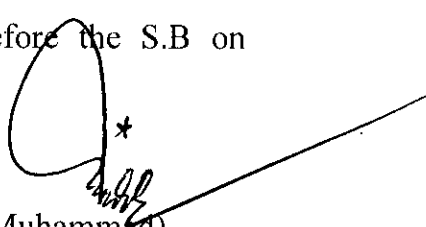
E.P. No. 199/2021  
Saleem Asmat vs Govt

26.09.2022

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Qasim Khan, Superintendent for the respondents present.

Learned Additional Advocate General produced copy of the reply dated 07.09.2022, in execution petition submitted by the respondent department. Reply so produced, is placed on file as well as provided to the counsel for petitioner. After having submitted the reply of the respondent, department by the learned Additional Advocate General, counsel for the petitioner wanted to raise yet certain objections in the tone and manner unbecoming of a professional legal practitioner. His attitude was quite arrogant and intransigent; violating the sanctity and decorum of the court. The manifested conduct exhibited by the counsel for petitioner today cannot be ignored being intentional and with purpose to pressurize the court to adopt a particular course for execution of the petition despite the fact that judgement of the Service Tribunal dated 13.07.2021 has already been conditionally/provisionally implemented vide Notification dated 10.02.2022 subject to the outcome of CPLA pending before the august Supreme Court of Pakistan. He is therefore debarred to appear before this Bench in any case as a counsel, during the next 90 days.

In view of the above factual position, the instant execution petition may be posted before another Single Bench during the period. To come up for further proceedings before the S.B on 03.11.2022.


  
(Mian Muhammad)  
Member (E)

03.11.2022

Learned counsel for the petitioner.

Muhammad Adeel Butt learned Additional Advocate General alongwith Muhammad Ajmal Senior Assistant Secretary (HR) and Imran Akbar Assistant on behalf of respondents present.

As per statement of the representative of the respondents, grievances of the petitioner had already been redressed vide notification No. 3690-370/Estt:V/Saleem Asmat/NT dated 10.10.2022 except leave encashment and the petitioner if interested in the above mentioned relief, he may be asked to submit proper application for the desired relief, which will be properly processed within no time. But there are two letters one from the Assistant Commissioner, D.I.Khan bearing No. 1087/BC dated 14.10.2022 addressed to the Commissioner, D.I.Khan for seeking advice for retirement from Government service on superannuation/grant of 365 days encashment of LPR in lieu of LPR & other benefits and another from the office of Commissioner, D.I.Khan to the Secretary to Government of Khyber Pakhtunkhwa, Board of Revenue & Estate Department bearing No.5822-24/Acctt: dated 28.10.2022 for grant of 365 days encashment of LPR in lieu of LPR and others benefits. So, the process for grant of leave encashment has already been initiated been and it is now for the SMBR/Secretary to Government of Khyber Pakhtunkhwa Board of Revenue Estate Department to issue order of 365 days encashment, therefore, respondents shall process the case of leave encashment and submit report in this regard on 15.11.2022 before S.B. To come up for further proceedings on date fixed.

  
(Rozina Rehman)  
Member (J)