

20th Oct, 2022

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

Respondents are directed through learned AAG to submit reply on restoration application of execution petition. To come up for reply on restoration application on 23.11.2022 before S.B.




(Kalim Arshad Khan)
Chairman

23rd Nov, 2022

None for the petitioner present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Hidayat Ullah, Servillience Officer, DHO Battagram for respondents present.

Representative of the respondents submitted written reply/comments. This case pertains to Abbottabad. Let this case be fixed for arguments on restoration of execution petition at camp court Abbottabad on 23.01.2023 before S.B.

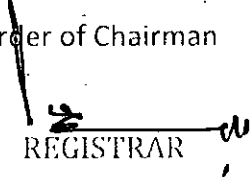
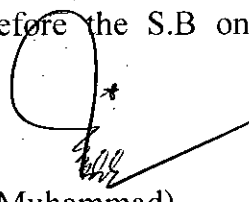


(Kalim Arshad Khan)
Chairman

Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 538/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.09.2022	<p>The application for restoration of Execution Petition 166/2022 submitted today by Mr. Taimur Ali Advocate. It is fixed for hearing before Single Bench at Peshawar on 20-9-2022. Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>
	20.09.2022	<p>Learned counsel for the appellant present and requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments on restoration application before the S.B on 20.10.2022.</p> <p> (Mian Muhammad) Member (E)</p>

SCANNED
KPST
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Restoration Appli No 538/2022

Execution WP/No 166/2022
In Service Appeal No 1427/2019

Nadia Jabeen Petitioner

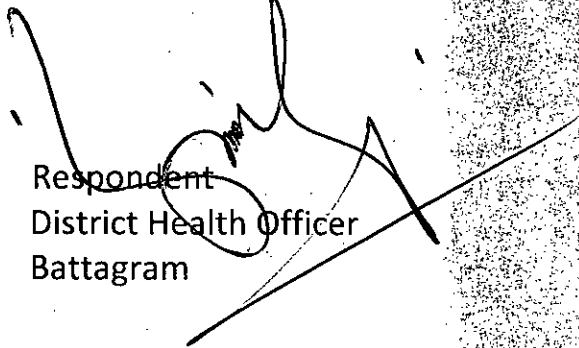
Versus

Health Department Respondents

APPLICATION FOR RESTORATION OF INSTANT EXECUTION PETITION
WHICH WAS DISPOSED OFF AND CONSIGNED BY THE HONORABLE
TRIBUNAL ON 03.08.2022

Respectfully Sheweth,

1. True
2. True
3. True
4. The petitioner has been paid leave of kind due worth PKR 50966/= . For the clearance of arrears amounting PKR 312732/= , the honourable Director General Health Services, Khyber Pakhtunkhwa has been approached vide letter No. 4923 dated 11.11.2022 for approval of payment mentioned above, as the Department has filed CPLA against the Judgment of Honourable Service Tribunal Peshawar.
5. As stated in Para No 4


Respondent
District Health Officer
Battagram

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Restoration Appli. no. 538/2022

Execution petition No.166/2022
In Service Appeal No. 1427/2019



Nadia Jabeen

V/S

Health Department

SCANNED
KPS
Peshawar

.....
**APPLICATION FOR RESTORATION OF INSTANT
EXECUTION PETITION WHICH WAS DISPOSED
OF AND CONSIGNED BY THE HONORABLE
TRIBUNAL ON 03.08.2022.**

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RESPECTFULLY SHEWETH:

1. That the appeal of the petitioner/applicant was decided by the Honorable Tribunal on 06.01.2022. The Honorable Tribunal accepted the appeal of the petitioner set aside impugned order dated 29.01.2009 and reinstated her into service and intervening period was as leave of kind due.
2. That the petitioner/applicant has filed the execution petition for directing the respondent to implement the judgment dated 06.01.2022 in letter and spirit.
3. That the execution petition of the petitioner/applicant was fixed on 03.08.2022 before this Honorable Tribunal and the respondent department provided the copy of order dated 04.07.2022, wherein the petitioner was reinstated into service, subject to the final decision of CPLA filed in the Honorable Supreme Court of Pakistan on which the execution petition of the petitioner/applicant was disposed of and was consigned on the date fixed i.e 03.05.2022. **(Copies of of order dated 04.07.2022 and order sheet dated 03.08.2022 are attached as Annexure-A&B)**
4. That the Honorable Tribunal in its judgment dated 06.01.2022 set aside the impugned order dated 29.01.2009 and intervening was treated as leave of kind due meaning by the petitioner/applicant is entitle to be reinstated from the date of 29.01.2009 and entitle for salary from the date of passing of

judgment dated 06.01.2022 and also entitle for arrears which is to be calculated on the basis of kind due, but the respondent department passed the order dated 04.07.2022 without mentioning the date of reinstatement of the petitioner/applicant and now department is reluctant to pay the salaries from the date of passing of judgment dated 06.01.2022 and arrears on the basis of treating intervening period as kind due.

5. That as the respondent department is reluctant to pay the salaries from the date of passing of judgment dated 06.01.2022 and arrears on the basis of treating intervening period as kind due in order to implement the judgment dated 06.01.2022 in its letter and spirit, therefore the petitioner/applicant wants to restore the execution petition for its complete implementation.

It is, therefore, most humbly prayed that on acceptance of this application, the instant execution petition may kindly be restored for its complete implementation.

THROUGH:

PETITIONER/APPELLANT



TAIMUR ALI KHAN
ADVOCATE HIGH COURT

AFFIDAVIT

It is affirmed and declared that the contents of the Application are true and correct to the best of my knowledge and belief.



DEPONENT



A
8



OFFICE OF THE DISTRICT HEALTH OFFICER

Battagram (Khyber Pakhtunkhwa)

Phone & Fax: # (0997) 310507

OFFICE ORDER

In compliance to the Judgment of Honourable Service Tribunal Peshawar in Service Appeal No 1427/2019 (Mst: Nadia Jabeen Vs Government of Khyber Pakhtunkhwa) and subsequent to Health Department, notification No SO- (lit-III)/HD/E.P 166/2022, dated 23.06.2022, Mst: Nadia Jabeen PHCT (MCH) BPS-12, is hereby re-instated in service, subject to the final decision on CPLA, filed in the Honourable Supreme Court of Pakistan, dated 08.03.2022, against the judgment of Honourable Service Tribunal Peshawar.

District Health Officer
Battagram

No 2513-21 / Lit Date 04/07/2022

Copy forwarded to the:-

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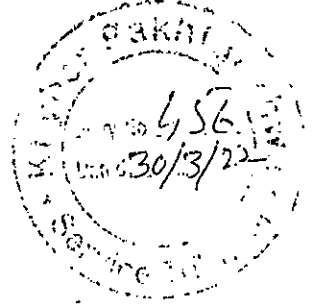
District Health Officer
Battagram

B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.



Execution Petition No. 106 /2022
In Service Appeal No. 1427/2019



Mst. Nadia Jabeen widow of Ishaq (late), resident of Nothia Qadeem,
House No.110-S, Mohallah Akbar Khan Street, Peshawar, presently
Baggagram City, Tehsil & District Battagram.

PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Battagram.

RESPONDENTS

3rd August, 2022

Learned Counsel for the petitioner present. Mr. Kabinullah Khattak. Addl: AG alongwith Mr. Safiullah. Focal Person for respondents present.

Representative of the respondents produced copy of order No. 2513-21/Lit dated 04.07.2022 whereby in compliance of the judgment of the Tribunal, the petitioner has been reinstated in service subject to outcome of CPLA filed by the respondents in the august Supreme Court of Pakistan. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is disposed off in the above terms. Consign.

*Pronounced in open court in Peshawar and given
under my hand and seal of the Tribunal on this 3rd day of
August, 2022.*


(Kalim Arshad Khan)

Certified to be true copy
WILMER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Restoration Appli. no. 538/2022

Execution petition No.166/2022
In Service Appeal No. 1427/2019

SCANNED
KPST
Peshawar

Nadia Jabeen

V/S

Health Department

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**APPLICATION FOR RESTORATION OF INSTANT
EXECUTION PETITION WHICH WAS DISPOSED
OF AND CONSIGNED BY THE HONORABLE
TRIBUNAL ON 03.08.2022.**


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RESPECTFULLY SHEWETH:

1. That the appeal of the petitioner/applicant was decided by the Honorable Tribunal on 06.01.2022. The Honorable Tribunal accepted the appeal of the petitioner set aside impugned order dated 29.01.2009 and reinstated her into service and intervening period was as leave of kind due.
2. That the petitioner/applicant has filed the execution petition for directing the respondent to implement the judgment dated 06.01.2022 in letter and spirit.
3. That the execution petition of the petitioner/applicant was fixed on 03.08.2022 before this Honorable Tribunal and the respondent department provided the copy of order dated 04.07.2022, wherein the petitioner was reinstated into service, subject to the final decision of CPLA filed in the Honorable Supreme Court of Pakistan on which the execution petition of the petitioner/applicant was disposed of and was cosigned on the date fixed i.e 03.05.2022. **(Copies of of order dated 04.07.2022 and order sheet dated 03.08.2022 are attached as Annexure-A&B)**
4. That the Honorable Tribunal in its judgment dated 06.01.2022 set aside the impugned order dated 29.01.2009 and, intervening was treated as leave of kind due meaning by the petitioner/applicant is entitle to be reinstated from the date of 29.01.2009 and entitle for salary from the date of passing of

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It is, therefore, most humbly prayed that on acceptance of this application, the instant execution petition may kindly be restored for its complete implementation.

THROUGH: **PETITIONER/APPELLANT**

TAIMUR ALI KHAN
ADVOCATE HIGH COURT

AFFIDAVIT

It is affirmed and declared that the contents of the Application are true and correct to the best of my knowledge and belief.


DEPONENT



A
E



OFFICE OF THE DISTRICT HEALTH OFFICER

Battagram (Khyber Pakhtunkhwa)

Phone & Fax: # (0997) 310507

OFFICE ORDER

In compliance to the Judgment of Honourable Service Tribunal Peshawar in Service Appeal No 1427/2019 (Mst: Nadia Jabeen Vs Government of Khyber Pakhtunkhwa) and subsequent to Health Department, notification No SO (lit-III)/HD/E.P 166/2022, dated 23.06.2022, Mst: Nadia Jabeen PHOT MCH BPS-12, is hereby re-instated in service, subject to the final decision of CPLA, filed in the Honourable Supreme Court of Pakistan, dated 08.03.2022, against the Judgment of Honourable Service Tribunal Peshawar.

/ District Health Officer
Battagram

No 2513-21 / Ut Date 04/07/2022

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/ District Health Officer
Battagram

B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.



Execution Petition No. 166 /2022
In Service Appeal No. 1427/2019

456
30/3/22

Mst. Nadia Jabeen widow of Ishaq (late), resident of Nothia Qadeem,
House No.110-S, Mohallah Akbar Khan Street, Peshawar, presently
Baggagram City, Tehsil & District Battagram.

PETITIONER

VERSUS

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2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Battagram.

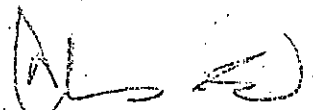
RESPONDENTS

3rd August, 2022

Learned Counsel for the petitioner present. Mr. Kabirullah Khattak. Addl: AG alongwith Mr. Safiullah. Focal Person for respondents present.

Representative of the respondents produced copy of order No. 2513-21/1.it dated 04.07.2022 whereby in compliance of the judgment of the Tribunal, the petitioner has been reinstated in service subject to outcome of CPLA filed by the respondents in the august Supreme Court of Pakistan. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is disposed off in the above terms. Consign.

*Pronounced, in open court in Peshawar and given
under my hand and seal of the Tribunal on this 3rd day of
August, 2022.*


(Kalim Arshad Khan)

Certified true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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

Restoration Appli. no. 538/2022

Execution petition No.166/2022
In Service Appeal No. 1427/2019

Nadia Jabeen

V/S

Health Department

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OF AND CONSIGNED BY THE HONORABLE
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THROUGH:

PETITIONER/APPELLANT


TAIMUR ALI KHAN
ADVOCATE HIGH COURT

AFFIDAVIT

It is affirmed and declared that the contents of the Application are true and correct to the best of my knowledge and belief.


DEPONENT



OFFICE OF THE DISTRICT HEALTH OFFICER

Battagram (Khyber Pakhtunkhwa)

Phone & Fax: # (0997) 310507

OFFICE ORDER

In compliance to the Judgment of Honourable Service Tribunal Peshawar in Service Appeal No 1427/2019 (Mst: Nadia Jabeen Vs Government of Khyber Pakhtunkhwa) and subsequent to Health Department, notification No SO- (lit-III)/HD/E.P 166/2022, dated 23.06.2022, Mst: Nadia Jabeen PHCT MCH BPS-12, is hereby re-instated in service, subject to the final decision of CPLA, filed in the Honourable Supreme Court of Pakistan, dated 08.03.2022, against the judgment of Honourable Service Tribunal Peshawar.

District Health Officer
Battagram

No 2513-21 / Lit Date 04/07/2022

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District Health Officer
Battagram

B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.



Execution Petition No. 1166 /2022
In Service Appeal No. 1427/2019

456
30/3/22

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RESPONDENTS

3rd August, 2022

Learned Counsel for the petitioner present, Mr. Kabirullah Khattak. Addl: AG alongwith Mr. Safiullah. Focal Person for respondents present.

Representative of the respondents produced copy of order No. 2513-21/11 dated 04.07.2022 whereby in compliance of the judgment of the Tribunal, the petitioner has been reinstated in service subject to outcome of CPLA filed by the respondents in the august Supreme Court of Pakistan. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is disposed off in the above terms. Consign.

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under my hand and seal of the Tribunal on this 3rd day of
August, 2022.*


(Kalim Arshad Khan)
Chairman

Certified to be true copy
Khyber Pakhtunkhwa Service Tribunal
Peshawar

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

Restoration Appli. No. 538/2022

Execution petition No. 166/2022
In Service Appeal No. 1427/2019

Nadia Jabeen

V/S

Health Department

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ADVOCATE HIGH COURT

AFFIDAVIT

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DEPONENT



OFFICE OF THE DISTRICT HEALTH OFFICER

Battagram (Khyber Pakhtunkhwa)

Phone & Fax: # (0997) 310507

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District Health Officer
Battagram

No 2513-21 / Lit Date 04/07/2022

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District Health Officer
Battagram

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.



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In Service Appeal No:1427/2019

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30/3/22

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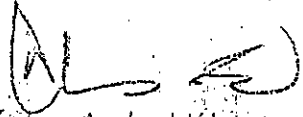
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(Kalim Arshad Khan)

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KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

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

Restoration Appli No 538/2022

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PETITIONER/APPELLANT


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Phone & Fax: # (0997) 310507

OFFICE ORDER

In compliance to the Judgment of Honourable Service Tribunal Peshawar in Service Appeal No 1427/2019 (Mst: Nadia Jabeen Vs Government of Khyber Pakhtunkhwa) and subsequent to Health Department, notification No SO (lit-III)/HD/E.P 166/2022, dated 23.06.2022, Mst: Nadia Jabeen PHCT MCH BFS-12, is hereby re-instated in service, subject to the final decision on CPLA, filed in the Honourable Supreme Court of Pakistan, dated 08.03.2022, against the judgment of Honourable Service Tribunal Peshawar.

District Health Officer
Battagram

No 2513-21 / Lit Date 04/07/2022

Copy forwarded to the:-

1. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar for information
2. Director General Health Services Khyber Pakhtunkhwa Peshawar for information
3. PS to the Secretary Health Department Peshawar for information
4. PA to Deputy Secretary (Litigation) Health Department Peshawar for information
5. Litigation Officer office of the undersigned for information
6. District Accounts Officer Battagram for information
7. Account Section office of the undersigned for information
8. Official for information and compliance
9. Office copy

District Health Officer
Battagram

B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.



Execution Petition No. 166 /2022
In Service Appeal No.1427/2019

456
30/3/22

Mst. Nadia Jabeen widow of Ishaq (late), resident of Nothia Qadeem,
House No.110-S, Mohallah Akbar Khan Street, Peshawar, presently
Baggamram City, Tehsil & District Battagram.

PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Battagram.

RESPONDENTS

3rd August, 2022

Earned Counsel for the petitioner present: Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Safiullah. Focal Person for respondents present.

Representative of the respondents produced copy of order No. 2513-21/11 dated 04.07.2022 whereby in compliance of the judgment of the Tribunal, the petitioner has been reinstated in service subject to outcome of CPLA filed by the respondents in the august Supreme Court of Pakistan. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is disposed off in the above terms. Consign.

Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 3rd day of August, 2022.


(Kalim Arshad Khan)

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar