

15.11.2022

Petitioner in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Ihsan Ullah Member Board of Revenue for the respondents present.

As per previous order sheet dated 19.10.2022, show cause notice was issued to SMBR and Secretary Revenue Department to appear in person alongwith implementation report. Today, none of the officers appeared till 2:15pm and their representative (Mr. Ihsan ullah, Member) appeared on their behalf and stated at the Bar that the officers were engaged in a meeting from 11:am this morning. He submitted reply to the Show Cause Notice which is placed on file and he solely relied on minutes of the DPC dated 13.06.2022 already placed on file. On question from the Bench whether the judgement of Service Tribunal dated 22.09.2021 has been challenged before the august Supreme Court of Pakistan which was replied in affirmative. The Service Tribunal judgement in question has however, not been suspended by the august Supreme Court of Pakistan. The department is therefore, under obligation to implement the judgement of Service Tribunal conditionally/provisionally subject to the outcome of pending CPLA before the august Supreme Court of Pakistan. So far the show cause notice issued to the SMBR and Secretary Revenue department is concerned, coercive measures shall be initiated in case of failure of the officers to appear in person and submit provisional/conditional implementation report on the next date. Adjourned. To come up for further proceedings before S.B on 30.11.2022.

  
(Mian Muhammad)  
Member (E)

SCANNED  
KPST  
Peshawar