

My grievance received Housing subsidy

25<sup>th</sup> July, 2022  
For amount of Rs 342822

*(Signature)*

Nadir Khan  
Execut Petitioner  
137/20

0300-9827773  
61101-515578

SCANNED  
KPST  
Peshawar

Petitioner in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Qasim, Supdt for respondents present.

Appellant submits that his grievance has been redressed and does not want to further pursue the case. As a token of admission of his submission he signed the margin of the order sheet. Since, the order of the Tribunal has been complied with, therefore, the instant execution petition is filed. Consign.

*Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 25<sup>th</sup> day of July, 2022.*

*(Signature)*

(Kalim Arshad Khan)  
Chairman

31.01.2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Add: AG alongwith Mr. Sultan Shah, Supdt for respondents present.

Representative of the department submitted arrears bill on account of adjusted housing subsidy, in the Accountant General Office, Peshawar which is placed on file and copy thereof handed over to the petitioner. Adjourned. To come up for further proceedings on 17.03.2022 before S.B.

(Mian Muhammad)  
Member (E)

~~Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 14.06.2022 for the same as before.~~

17.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 14.06.2022 for the same as before.

Reader

14<sup>th</sup> June, 2022

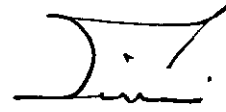
Clerk of counsel for the petitioner present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Counsel are on strike. To come up for further proceedings on 25.07.2022 before S.B.

(Kalim Arshad Khan)  
Chairman

18.11.2021

Petitioner alongwith his counsel present. Mr. Noman Khan, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and sought time for implementation in light of order of this Tribunal dated 09.09.2021. To come up for same positively on 06.01.2021 before the S.B.



(Salah-Ud-Din)  
Member (J)

06.01.2022

Clerk of counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG alongwith Sultan Shah, Superintendent for the respondents present.

Representative of the respondents has produced relevant documents which shows that statement of arrears amounting to Rs. 342822/- duly verified of Accounts Officer on account of Housing Subsidy Allowance in respect of the present petitioner was submitted for sanction. A request for short adjournment was made which is allowed with strict direction to show progress by payment to the petitioner on or before next date. Case is adjourned to 31.01.2022 before S.B.



(Rozina Rehman)  
Member (J)

EP 137/2020

, Nadi's Khan vs Govt

09.09.2021

Petitioner in person and Kabirullah Khattak, Addl. AG alongwith Naseeb Khan S.O and Muhammad Numan, Superintendent for the respondents present.

Viewpoint of the Finance Department has been taken at the bar. They referred to Para 58 of the FGR. It was pointed out that application of the said rule in exceptional circumstance is liable to be dispensed with as far as spirit of the said rules is concerned. To come up for compliance of the order in light of viewpoint of the petitioner reflected in the order dated 02.08.2021. Accordingly, the House Subsidy after deduction of House Rent received by the petitioner shall be paid to him for the relevant period. Case to come up on 11.10.2021 before S.B.

  
Chairman

11.10.2021

Petitioner in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Naseeb Khan, SO 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 18.11.2021.

  
(MIAN MUHAMMAD)  
MEMBER (E)

case for the House Subsidy which was ultimately placed before the committee in the year 2018 and was approved from immediate effect. Now the controversy between the petitioner and respondents rest in the area that in between period from 27.08.2013 and 18.01.2018 is being taken with different views. It is view of the department that the case of the petitioner was approved in 2018 and according to guidelines of the Finance Department, housing subsidy cannot be granted for the retrospective period during which the House Rent Allowance was paid to the government service. On the other hand, it is the plea of the petitioner that his case was pending since 2013 and the department/committee should have granted him the relief of House Subsidy from the date when he approached the department for such relief; and if, any House Rent was paid during the intervening period, that was subject to adjustment in House Subsidy. Let the Finance Department be put on notice to present their view point in respect of the said question, as the Finance Department is under obligation to clear the difficulties/hardships in financial matters. Case to come up on 09:09.2021 before S.B.

  
Chairman

**EP 137/2020**

02.08.2021

Petitioner alongwith counsel and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Numan, Superintendent for the respondents present.

Written comments have been submitted by the department. After hearing the parties at certain length, it divulged that the appellant himself had submitted an application for cancellation of his entitlement to House Subsidy in 2001 and accordingly, the same stood ceased. He again applied for restoration of the House Subsidy on 27.08.2013 and the case was put up for process of verification in light of revised policy but in the meantime the petitioner was compulsory retired from service on 21.11.2013. Obviously, the petitioner challenged the action of the department through Service Appeal which was accepted vide judgment under implementation. Except the issue of House Subsidy yet necessitating determination, all other benefits in view of the judgment of this Tribunal have been availed by the petitioner. As far as the issue of House Subsidy is concerned, the case of the petitioner after completion of codal formalities was placed before the concerned committee firstly in 2015 but was regretted for the reason that he was not in service due to compulsory retirement. Thus, the case went to dormancy but after his reinstatement, he again approached the concerned quarter for activation of his

14.07.2021

Petitioner alongwith counsel and Mr. Muhammad Adeel Butt, Addl. AG alongwith ~~Mr. Numan~~ Superintendent for the respondents present.

Learned counsel for the petitioner seeks time for preparation. To come up for arguments on execution petition on 02.08.2021 before S.B.

  
Chairman

20.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 14.06.2021 for the same as before.

  
Reader

14.06.2021

Counsel for the petitioner and Kabirullah Khattak, Addl. AG for respondents present.

Obviously, the department will have to clear the position whether any CPLA has been filed to challenge the judgment under implementation or not. If the CPLA has not been filed, the judgment has got finality and requires implementation in letter & spirit, without further delay; but if the CPLA has been filed and the judgment has not been suspended, even then the respondents are under obligation to implement the judgment, subject to decision of CPLA by the August Supreme Court of Pakistan. Learned Addl. AG shall take up the matter with the respondents for proper order. Copy of this order be sent to the respondents alongwith notice. To come up for implementation report on 14.07.2021 before S.B.

  
Chairman



19.11.2020

Counsel for petitioner present.

The requisite notices do not appear to have <sup>been</sup> sent to respondents for today. The office shall ensure the compliance of order dated 23.10.2020.

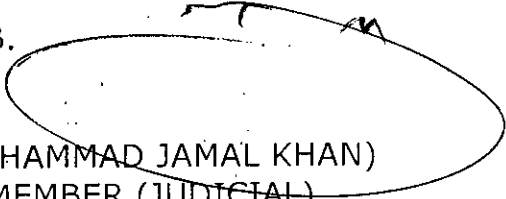
Adjourned to 07.01.2021 before S.B on which date the respondents shall submit the implementation report.

  
Chairman

07.01.2021

Petitioner is present alongwith his counsel Mr. Riaz Ahmad. Mr. Noor Zaman Khattak, District Attorney, for the respondents is also present.

The record reveals that notices to respondents No. 2 to 4 have been dispatched however, no one representing them has appeared on their behalf, during the course of arguments the learned counsel for petitioner has took a plea to dispatch notice to respondent No. 4 once again for making him acquaintint as the matter falls under his control. Accordingly, respondent No. 4 be noticed for 22.02.2021 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

22.02.2021

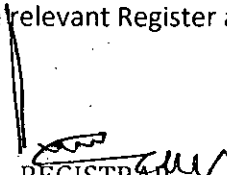

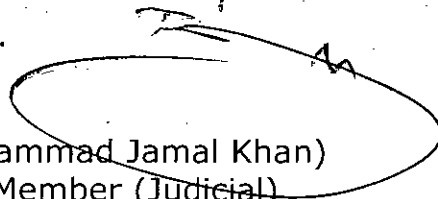
The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 20.04.2021.

  
Reader

FORM OF ORDER SHEET

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

Execution Petition No. 137/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.09.2020	<p>The Execution Petition submitted by Mr. Nadir Khan through Mr. Riaz Ahmad 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> <p>2-</p> <p>This Execution Petition be put up before S. Bench on <u>23/10/20</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
23.10.2020		<p>Petitioner is present in person. Notice be issued to the respondents for 19.11.2020 before S.B.</p> <p style="text-align: right;"> (Muhammad Jamal Khan) Member (Judicial)</p>

R

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL,  
PESHAWAR

Execution petition No. 136 /2020

Nadir Khan

..... Applicant

VERSUS

Hon'ble Chief Minister Khyber Pakhtoonkhwa through his Secretariat and others.

..... Respondents

I N D E X

S.No.	Description of Document	Annexure	Pages
1.	Execution / Implementation application.		1-2
2.	Affidavit		3
3.	Memo of addresses		4
4.	Copy of the judgement dated 13/4/2017	A	5-12
5.	Copy of reinstatement notification	B	13-18
6.	Copy of sanction order and direction of the ombudsman	C	19-24
7.	Wakalatnamah		

APPLICANT

Through:



Riaz Ahmad

(Advocate High Court)

(1)

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL  
PESHAWAR

Execution petition No. 137 /2020



Nadir Khan S/O Syed Afzal Khan R/O, Madina Colony, Bashir Abad,  
Peshawar (Presently Comptroller Khyber Pakhtoonkhwa House, Islamabad)

..... Applicant

VERSUS

1. Hon'ble Chief Minister Khyber Pakhtoonkhwa through his Secretariat.
2. The Government of Khyber Pakhtoonkhwa through Chief Secretary, Peshawar.
3. Secretary to the Government of Khyber Pakhtoonkhwa, Establishment Department, Civil Secretariat, KPK, Peshawar.
- ✓ 4. Secretary to the Government of Khyber Pakhtoonkhwa, Administration Department, Civil Secretariat Peshawar.

..... Respondents

Application for execution /implementation of the judgment dated 13/04/2017 of this Hon'ble Tribunal with regard to a portion of back benefits i.e. house subsidy from 21/11/2013, date of compulsory retirement, to 19/01/2018, date of restoration of house subsidy.

Respectfully Sheweth:

1. That the applicant had preferred a service appeal No. 81/2014 before this Hon'ble Tribunal for setting aside the major penalty of compulsory retirement from service and grant of back benefits, which was accepted vide the judgment dated 13/04/2017.  
(Copy of the judgement is enclosed as Annex-A)
2. That the applicant filed an application No. 146/17 dated..... for implementation / execution of the judgment as the respondents posed inordinate delay in execution / implementation of the judgment. The judgment was implemented / executed by this Hon'ble Tribunal and the

(2)

applicant's reinstatement was notified with effect from 21/11/2013 but a sizeable portion of back benefits i.e. house subsidy was not granted from the date of reinstatement.

(Copy of reinstatement notification is enclosed herewith as Annex-B)

3. That the applicant was granted the allowance of house subsidy with effect from 19/01/2018 by the respondents and the same subsidy for a period from 21/11/2013 to 18/01/2018 has been illegally withheld which had been granted by this Hon'ble Tribunal as back benefits whereas the same had been sanctioned to the applicant since 1/02/1998 but discontinued for a period from ~~1.5.2001~~ till ~~2.7.8/13~~ on account of allotment of government residence in Islamabad, and its continuation had been directed by the learned Ombudsman dated ~~1.8/8/14~~ for the period from ~~2.8/8/13~~ to ~~2.9/11/2013~~ before the applicant was compulsorily retired from service.

(Copy of sanction order and direction of the ombudsman are enclosed herewith as Annex-C)

4. That withholding of the applicant's house subsidy for the period from 21/11/2013 till 19/01/2018 is non-compliance with a portion of the judgment of this Hon'ble Tribunal.
5. That the subsidy is a legal right of the applicant granted to him by this Hon'ble Tribunal, which has not been given from the date of reinstatement of the applicant in service.

It is, therefore, requested that on acceptance of the instant application, the judgment of this Hon'ble Tribunal to the extent of the remaining back benefit, house subsidy may very graciously be implemented / executed please.

Dated \_\_\_\_/09/2020

  
APPLICANT

Through:

  
Riaz Ahmad

(Advocate High Court)

(3)

BEFORE THE HON'BLE KHYBER PAKHTOONKHWASERVICE TRIBUNAL,  
PESHAWAR

Execution petition No. 137 /2020

Nadir Khan ..... Applicant

VERSUS

Hon'ble Chief Minister Khyber Pakhtoonkhwa through his Secretariat and others.

.....Respondents

AFFIDAVIT

I, Nadir Khan S/O Syed Afzal Khan R/O Madina Colony, Bashir Abad, Peshawar (Comptroller Khyber Pakhtoonkhwa House, Islamabad), do hereby solemnly affirm and declare on oath that the contents of the instant petition are true and correct and that nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

  
Nadir Khan

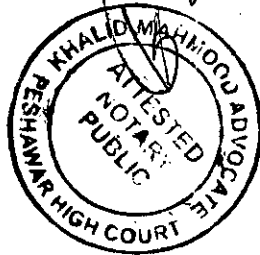
NIC No. 261101-5155776-5

Identified by



Riaz Ahmad

(Advocate)



(4)

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL,  
PESHAWAR

Execution petition No. \_\_\_\_\_/2020

Nadir Khan ..... Applicant

VERSUS

Hon'ble Chief Minister Khyber Pakhtoonkhwa through his Secretariat and others.

..... Respondents

MEMO OF ADDRESSES

APPLICANT

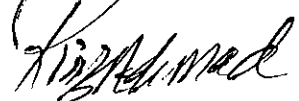
Nadir Khan S/O Syed Afzal Khan R/O, Madina Colony, Bashir Abad,  
Peshawar (Presently Comptroller Khyber Pakhtoonkhwa House, Islamabad)

RESPONDENTS

1. Hon'ble Chief Minister Khyber Pakhtoonkhwa through his Secretariat.
2. The Government of Khyber Pakhtoonkhwa through Chief Secretary, Peshawar.
3. Secretary to the Government of Khyber Pakhtoonkhwa, Establishment Department, Civil Secretariat, KPK, Peshawar.
4. Secretary to the Government of Khyber Pakhtoonkhwa, Administration Department, Civil Secretariat Peshawar.

  
APPLICANT

Through:

  
Riaz Ahmad  
(Advocate High Court)

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	13.04.2017	<div data-bbox="1063 362 1342 632" data-label="Image"> </div> <p data-bbox="577 640 1298 682" style="text-align: center;"><u>BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR</u></p> <p data-bbox="812 783 1056 821" style="text-align: center;">Appeal No. 81/2014</p> <p data-bbox="476 914 1401 1018" style="text-align: center;">Nadir Khan Versus The Chief Minister, Khyber Pakhtunkhwa, Peshawar and three other.</p> <p data-bbox="550 1048 711 1086" style="text-align: center;"><u>JUDGMENT</u></p> <p data-bbox="456 1186 1417 1350"><u>AHMAD HASSAN, MEMBER:-</u> Counsel for the appellant and Mr. Ziaullah, Government Pleader alongwith Mr. Sultan Shah, Assistant for respondents present.</p> <p data-bbox="456 1451 1417 2031">2. Nadir Khan, hereinafter referred to as the appellant has preferred the instant service appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 read with Rule-19 of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 against the order/notification no. SO(E-I)E&amp;AD/9-128/2013 dated 21.11.2013 vide which major penalty of "Compulsory Retirement from service" was imposed on the appellant and subsequently his review petition filed under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 was also dismissed vide letter dated 06.01.214.</p> <p data-bbox="456 2131 1401 2182">3. Brief facts of the case giving rise to the instant appeal are that the</p>

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Service Tribunal,  
Peshawar





appellant was appointed as Care Taker (BPS-16) in defunct Frontier House Islamabad now Khyber Pakhtunkhwa House, Islamabad in 1994 and was subsequently appointed as Comptroller(BPS-17) vide order dated 07.11.1996. He was promoted to BPS-18 vide notification dated 28.0.2004. On account of unauthorized allotment of room to Mr. Waqar Khan disciplinary proceedings were initiated against him which culminated in imposition of major penalty of compulsory retirement from service on the appellant, against which he preferred departmental appeal which was rejected vide letter dated 06.01.2014, hence the instant service appeal on 16.01.2014.

4. Learned counsel for the appellant argued that on 30.04.2005 the then Chief Minister, Khyber Pakhtunkhwa, Mr. Akram Khan Durani verbally directed the appellant to make arrangements for stay of son in law/ nephew of senator Baz Muhammad Khan, working as Sub Engineer in Capital Development Authority, Islamabad in defunct Frontier House Islamabad, now Khyber Pakhtunkhwa House. Directions of the Chief Minister were conveyed on the same day to Mr. Liaqat, Junior Clerk, Estate Office, Administration Department, who reserved Room No.12 Old Block for the above guest. Mr. Waqar Khan stayed in the room for 850 days w.e.f 01.06.2005 to 28.08.2007 and 10.03.2008 to 10.07.2008. When the new Government came in the then Chief Minister, Mr. Amir Haider Khan Hoti called the appellant and verbally directed him that a room may be reserved for Mr. Waqar Khan. Again these orders were communicated to the Estate Officer and Room No. 21 was reserved and compliance report was submitted to the Chief Minister. He stayed there for 123 days. Mr. Rahim Khan, the then Deputy Secretary/Additional Secretary, Administration Department taking notice of long stay of the above guest wrote a letter to him to immediately vacate the room and clear all dues. He vacated the room but did not clear the outstanding dues. The Estate Officer was fully aware of the allotment of this room and it was never allotted to any other guest

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during the aforementioned period. This issue was also discussed in the Departmental Accounts Committee meeting chaired by the Secretary Administration Department and Estate Officer was directed to write a letter to the Capital Development Authority for recovery of dues outstanding against Mr. Waqar Khan. That Estate Officer remained silent but the appellant approached the Deputy Director, Road Division-V C.D.A, Islamabad vide letter dated 01.08.2009 for recovery of outstanding dues. A letter was also sent to Member Administration C.D.A, Islamabad wherein relevant record pertaining to his stay was also provided, so as to compel him to make payment. He also requested the high ups of the Administration Department to allow him to lodge a criminal case against Mr. Waqar Khan but permission was not granted. He also sent a letter to the PSO to the Chief Minister on 27.09.2012 for recovery of outstanding dues but in return was informed that the said room was declared as Sub Camp Office of the Chief Minister and was used for holding meetings regarding repair work being carried out in the Chief Minister's Annexy. As Waqar Khan was helping in the carrying out repair work while staying in the room so he should not be asked to pay the room rent/dues. In the last Public Accounts Committee held on 01.10.2012, the Secretary Administration was directed to lodge FIR against the defaulter for recovery of outstanding dues but needful was not done. Learned counsel for the appellant also highlighted personal grudges of Mr. Hifz-ur-Rehman, former Secretary Administration against the appellant which have already been explained in detail in the written reply of the appellant to the Charge Sheet and Statement of Allegations served on him. The appellant in his written defence raised pertinent points about the performance of the then Secretary Administration but it was quite strange that his statement was not recorded by the inquiry committee constituted to probe this case, hence, ends of justice were not met. Similarly Mr. Qaiser Alam directed him to make sure that the stay of the aforementioned remained comfortable but his statement was also not recorded by the enquiry committee.

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In the enquiry report Mr. Liaqat Ali, Junior Clerk, Estate office in his statement admitted that Room no. 12 Old Block were reserved on the verbal directions of the former Chief Minister received through the appellant. The statement of Mr. Liaqat Ali that the record of reservation including room allotted to Mr. Waqar Khan had already been weeded out, being an old one was just a lame excuse, to save his skin and hush up the case. Inquiry committee should have probed this point, whether instructions for weeding out old were followed and any proof in black and white was available on record? Allotment of room in the Pakhtunkhwa House Islamabad was the responsibility Estate Officer. In the recommendations given by the enquiry committee action was required to be taken against the Estate Officer and other staff but no action whatsoever was taken against them. As such it amounts to discrimination and violation of Article-25 of the Constitution of Islamic Republic of Pakistan, 1973. The competent authority while disposing off his departmental appeal dated 28.11.2013 failed to pass speaking order in contravention of Sec-24-A of the General Clauses Act, 1897. Reliance was placed on 1991 SCMR 2330, 2002 YLR 2209 Peshawar.

5. Learned Government Pleader, on the contrary argued before the Tribunal that the appellant never denied that he had allowed Mr. Waqar Khan to stay in Khyber Pakhtunkhwa House Islamabad. All codal formalities before imposition of penalty were adopted. The appellant was rightly awarded major penalty of compulsory retirement. He stated that the appeal being devoid of any merits may be dismissed.

6. We have heard arguments of learned counsel for the appellant and learned Additional Advocate General for the respondents and have gone through the record available on file.

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7. Having gone through the record it transpired that on the verbal directions of two former Chief Ministers, Khyber Pakhtunkhwa, Mr. Akram Khan Durrani and Mr. Amir Haider Hoti a room was provided in defunct Frontier House, now Khyber Pakhtunkhwa House, Islamabad to Mr. Waqar Khan, Sub-Engineer Capital Development Authority Islamabad, who also happened to be the Son-in-law/Nephew of Senator Baz Muhammad Khan. The appellant conveyed directions of the Chief minister to Mr. Liaqat, Junior clerk, Estate Officer Administration Department, who reserved Room no. 12 Old Block and Room no.21 for the said guest. He stayed there for 850 days w.e.f 1-6-2005 to 28-8-2007 and 10-3-2008 to 10-7-2008. It is clear beyond doubt that the Estate office was fully in picture and this fact is further substantiated that the room in question was never allotted to any other guest during the aforementioned period. The issue also came under discussion in the meeting of the Departmental Accounts Committee held under the Chairmanship of Secretary Administration, it was decided that the Estate Officer should write a letter to the Capital Development Authority, Islamabad for recovery of dues outstanding against Mr. Waqar. The Estate Officer kept mum over it, rather it was the appellant who wrote a letter to the Deputy Director, ROAD Division-V, Islamabad vide letter dated 1-8-2009 for recovery of dues. A letter was also sent to the Member Administration CDA Islamabad for the same purpose. The appellant also sought permission for registering a criminal case against the above mentioned person but was not allowed by the high ups of the department.

8. A letter was also sent by the appellant to the PSO to the Chief Minister on 27-9-2012 for recovery of outstanding dues, but was informed that said room was declared as Sub-Camp Office of the Chief Minister and was used for holding meetings regarding repair work being carried out in the annexe of the Chief minister. As Mr. Waqar Khan was helping in carrying out the repair work while staying in the room so he should not be asked to pay the dues. In the

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Public Accounts Committee meeting held on 1-10-2012, the then Secretary Administration was directed to lodge and FIR against the defaulter for recovery of Government dues but no FIR was lodged. Hence, the former Secretary owes an explanation for defying orders of the august forum of Provincial Assembly.

9. The appellant in his written defence before the enquiry committee not only gave a complete background but also vividly highlighted instances of personal grudges of Mr. Hifz-ur-Rehman, former Secretary Administration against him. Numerous allegations of irregularities committed by him were leveled but for reasons best known to the enquiry committee, his statement was not recorded. In his statement, Mr. Liaqat Junior Clerk Junior, Estate Office admitted that Room no. 12 old block was reserved on the verbal directions of the Chief Minister received through the appellant for Mr. Waqar Khan. When confronted on the point of producing record of reservation, he pointed out that it was weeded out being quite old. It was a naïve attempt on the part of the official to save his skin and hush up the matter. The enquiry committee should have asked for providing approval given by the competent authority for destruction/weeding out old record. Meaningful silence of the inquiry committee on this score has given rise to many questions for which inquiry committee owe an explanation. Despite the fact that allotment of room in Pakhtunkhwa House, Islamabad was the responsibility of the Estate officer, as per Government Khyber Pakhtunkhwa Rules of Business, however, despite recommendations of the enquiry committee no action was taken against the Estate officer and his staff. As such it tantamount to discrimination and is against the spirit of Article-25 of the 1973 constitution.

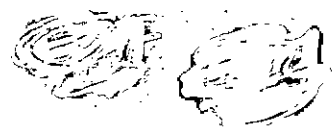
10. Attention is also invited to para-11 of the enquiry report, wherein it is mentioned that documentary proof of allotment of room number 21 old block on the directions of the PSO to Chief Minister and its declaration as Sub Office

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of the CM was not available on record. However, letter number PSO/CM/KP/1-37/2011 dated 27-9-2012 is available on record. As such findings of the enquiry committee were not fair. Glaring contradictions in the findings of the enquiry report were noticed. In Para-F the enquiry committee held that Estate officers posted during this period did not have the courage to raise this issue and obtain orders of the competent authority. They remained tight lipped. They went on to say that the Estate officers committed criminal negligence and were "hand in glove" to cover up and accommodate blue eyed people. Similarly, in Para-i they also conceded that it was not the first incident of prolong stay of its kind but countless cases were brushed under the carpet in the past. While weighing these observations of the enquiry committee, we have no hesitation in saying that serious charges were leveled against the Estate Officer and sub ordinate staff but they were not brought to justice, which made the entire saga questionable and against the principles of natural justice. We also failed to comprehend that despite best efforts of the appellant for recovery of outstanding dues the enquiry committee in Para-j of the findings opined that the charge of loss of Rs. 850000/- caused to the public exchequer was established/proved against Mr. Nadir khan(appellant). To highlight the contradictory stance of the enquiry committee attention is invited to para-H, wherein it was mentioned that directions of Public Accounts Committee were not taken seriously and the accused officer was left alone to write to the Capital Development Authority Islamabad for the recovery of room rent outstanding against Mr. Waqar khan. They went on to say that basically it was the responsibility of the Principal Accounting Officer to have written and taken up the issue at senior level with the Capital Development Authority, Islamabad. Our counter observation would be, did anybody tie the hands of the then Secretary Administration from taking up this issue with the quarters concerned? The record is sufficient to prove that he deliberately avoided taking appropriate action, despite directions of the Public Accounts Committee.

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Peshawar.



Silence of the enquiry committee on this important aspect of the case and letting the Secretary Administration off the hook, gives a loud message about their conduct, mode and manner in which enquiry proceedings were conducted, as a whole.

✓ 11. In view of the foregoing, we are constrained to set-aside the impugned order dated 21.11.2013 and 06.01.2014 and reinstate the appellant in service from the date of dismissal. The respondents are directed to conduct de-novo inquiry strictly in the mode and manner prescribed in the rules and conclude the inquiry within three months from the date of receipt of this judgment. Issue of payment of back benefits may be decided in the light of the findings of the ✓ de-novo inquiry. In case inquiry proceedings are not concluded within the stipulated period, the appellant shall be deemed to have been reinstated into the service from the date of dismissal. Parties are, however, left to bear their own costs. File be consigned to the record room.

Announced  
13.04.2017 *Ed- Ahmad Hassan,*  
*Member*

*Ed- M. Amin Khan Kund,*  
*Member*

**Certified to be true copy**  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Al  
13.

Date of Presentation of Application 04-08-2017  
Number of Words 3600  
Copying Fee 20  
Urgent 2  
Total 22  
Name of Copyist [Signature]  
Date of Completion of Copy 04-08-2017  
Date of Delivery of Copy 04-08-2017

13

Amex-B<sup>21</sup>

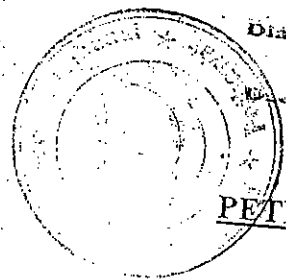
BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 146 /2017  
In Service Appeal No.81/2014

Khyber Pakhtunkhwa  
Service Tribunal

Date Recd. 663  
8-8-17

Nadir Khan, Ex- Comptroller (BPS-18)  
KPK, House, Islamabad.



VERSUS

PETITIONER

- (1. The Chief Minister Khyber Pakhtunkhwa, Peshawar.)
- 2. The Govt: of KPK, Through Chief Secretary, Peshawar.
- 3. The Secretary (Admin) Govt: of Khyber Pakhtunkhwa Peshawar.
- 4. The Secretary (Estab) Govt: of Khyber Pakhtunkhwa Peshawar.

RESPONDENTS

EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED 13.04.2017 OF THIS  
HONOURABLE TRIBUNAL IN LETTER AND  
SPIRIT.

RESPECTFULLY SHEWETH:

- 1. That the petitioner has filed an appeal bearing No. 81/2014 against the order dated 21.11.2013, whereby the appellant was compulsory retired from service and against the order dated 06.01.2014 whereby the review has also been rejected.
- 2. That the said appeal was finally heard by the Honourable Tribunal on 13.04.2017 and the august Service Tribunal set aside the impugned order dated 21.11.2013 and 06.01.2014 and reinstated the appellant in service from the date of dismissal. The respondents were directed to conduct de-novo inquiry strictly in the mode and manner prescribed in the rules and conclude the inquiry within three months from the date of receipt of this judgment. In case the inquiry proceedings are not concluded within the stipulated period, the appellant shall be deemed to have been reinstated into the service from the date of dismissal. (Copy of judgment is attached as Annexure-A)
- 3. That copy of judgment of dated 13.04.2017 has sent by the Registrar KPK, Service Tribunal through letter dated 27.04.2017

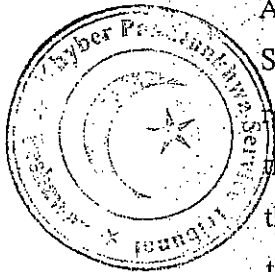
**ATTESTED**

*[Handwritten Signature]*  
Secretary  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



14  
E.P. No. 146/2017  
Nadir Khan vs Govt

11.01.2018



Petitioner with counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Anwar Khan, Section Officer for the respondents also present. Record reveals that this Tribunal had accepted the service appeal of the petitioner vide judgment dated 13.04.2017 and directed the department to conduct denovo inquiry within a period of three months from the date of receipt of this judgment and in case the denovo inquiry is not conducted and concluded within stipulated period, the appellant shall be deemed to have been reinstated into service from the date of dismissal from service. The record further reveals that Registrar of this Tribunal has sent the judgment of this Tribunal on 27.04.2017 to the Secretary Establishment Department Government of Khyber Pakhtunkhwa Peshawar. The record further reveals that the appellant has been reinstated by the department vide order dated 14.12.2017 but after reinstatement the department is going to conduct de-novo inquiry as revealed from the letter dated 15.12.2017 as the Registrar of this Tribunal has sent the judgment of this Tribunal on 27.04.2017 and this Tribunal has held in the judgment that in case the de-novo inquiry is not conducted within stipulated period the appellant shall be deemed to have been reinstated in service from the date of his dismissal from service therefore, the department has no authority to conduct de-novo inquiry after period of three months and if the de-novo inquiry is initiated the same is suspended. Furthermore, learned counsel for the petitioner stated that the petitioner has not been adjusted so far and also stated that the petitioner is also entitled for back benefits but the Additional AG for the respondents stated that the Tribunal has reinstated the petitioner in service but there is nothing anything about the back benefits in the judgment therefore, the petitioner is not entitled for back benefits. To come up for arguments on the said point on 25.01.2018 before S.B.

Date of Presentation of Application \_\_\_\_\_  
Number of Volumes \_\_\_\_\_  
Copying Fee \_\_\_\_\_  
Urgent \_\_\_\_\_  
Total \_\_\_\_\_  
Name of Officer \_\_\_\_\_  
Date of Copying \_\_\_\_\_  
Date of Presentation \_\_\_\_\_

Certified copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

M.A.  
(Muhammad Amin Khan Kundi)  
Member

Next Date of hearing  
is 25-01-2018

15

# Execution Petition No. 146/217 Nadir Khan vs Govt

25/1/2018

Learned counsel for petitioner and AAG for



the respondents present. Learned counsel for the petitioner stated that though appellant has been reinstated from the date of his dismissal from service, however the back benefits are yet to be paid. Learned counsel for the petitioner requested for adjournment. Adjourned. To come up for further proceedings on 28/2/2018.

*Certified to be true copy*  
*(Signature)*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*(Signature)*

(Muhammad Hamid Mughal)  
MEMBER

Date of Presentation of Application 22-2-18  
 Number of Words 800  
 Copying Fee 65  
 Urgent 25  
 Total 8  
 Name of Copyholder (Signature)  
 Date of Completion of Work 22-2-18  
 Date of Delivery of Copy 22-2-18

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.



Execution Petition No. 146 /2017  
In Service Appeal No.81/2014

Nadir Khan, Ex- Comptroller (BPS-18)  
KPK, House, Islamabad.

663  
8-8-17

VERSUS

PETITIONER

1. The Chief Minister Khyber Pakhtunkhwa, Peshawar.
2. The Govt: of KPK, Through Chief Secretary, Peshawar.
3. The Secretary (Admin) Govt: of Khyber Pakhtunkhwa Peshawar.
4. The Secretary (Estab) Govt: of Khyber Pakhtunkhwa Peshawar.

RESPONDENTS

3

28.02.2018

Counsel for the petitioner and Addl: AG for respondents present. Learned counsel for the petitioner argued that vide order dated 14.12.2017 respondents not only reinstated him in service but back benefits were also paid to him. He invited attention of this Tribunal to para-11 of the judgment dated 13.04.2017, whereby the respondents were directed to conduct de-novo enquiry within a period of three months failing which the appellant shall be deemed to have been reinstated into service from the date of dismissal. Learned AAG admitted at the Bar that de-novo enquiry has not been finalized so far. As de-novo enquiry was not conducted within stipulated period, hence, the same if finalized now would be unlawful, illegal and nullity in the eyes. Reliance is placed on case law reported as 2007 PLC (C.S) 959 and 2017 PLC (C.S) note 20. As a sequel to above this Execution Petition stands implemented. File be consigned to the record room.

Announced:

28.02.2018

Certified to be true copy  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

(AHMAD HASSAN)  
MEMBER



(17)

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

Dated Peshawar, the December 14, 2017

**NOTIFICATION**

**NO.SO(E-I)E&AD/9-128/2017.** In pursuance of Khyber Pakhtunkhwa Service Tribunal judgment dated 13.04.2017 in Service Appeal No. 81/2014 titled Nadir Khan versus Chief Minister, Khyber Pakhtunkhwa and others, the Competent Authority is pleased to reinstate Mr. Nádír Khan (BS-18) Ex-Comptroller, Khyber Pakhtunkhwa House, Islamabad, in service w.e.f 21.11.2013 (from the date of dismissal from service).

**CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA**

**Endst. No. & date even**

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt of Khyber Pakhtunkhwa, Administration Department.
4. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa.
6. Comptroller, Khyber Pakhtunkhwa House, Islamabad.
7. Director Information & Public Relations Department.
8. PSO to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA, AS(HRD)/AS(E)/DS(E.)/D.S(HRD Wing) SO(E.II), SO(HRD.I) SO(HRD.II) E&AD.
11. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Administration Department.
12. Officer concerned.
13. Manager, Govt. Printing Press Peshawar.

(ISHTIAQ AHMAD) *ml*  
SECTION OFFICER (ESTT. I)  
PHONE & FAX # 091-9210529

Sabir/\*\*

18

To

The Secretary to Govt of Khyber Pakhtunkhwa,  
Administration Department, Civil sect Peshawar.

*[Signature]*  
20/12/17

Subject:- Arrival report

Dear sir,

In compliance with notification No.SO(E-I)E&AD/9-128/2017 Dated 14.12.2017 I hereby report for joining duty as per contents of the said notification with immediate effect .

With regards,

Yours sincerely,

*[Signature]*  
Nadir Khan,

Comptroller kp house,  
Islamabad.

Endst. No& date even

Copy forwarded to the:-

1. Principal Secretary to Governor, khyber Pakhtunkhwa. —
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, —
3. Registrar , Khyber Pakhtunkhwa Service Tribunal, Peshawar. —
4. Accountant General, Khyber Pakhtunkhwa. —
5. Comptroller, Kp, House, Islamabad. —
6. PS to Chief Secretary Khyber Pakhtunkhwa. —
7. PS to Secretary Establishment/Ps to SS(E) /SO(Admn) SO (E-I) —

ISSUE  
Branch

*[Signature]*  
20-12-17

*[Signature]*  
20-12-17

*[Signature]*  
o/c. *[Signature]*  
20/12/17

sd-  
NADIR KHAN,

30

19

17

GOVERNMENT OF NWFP  
SERVICES & GENERAL ADMINISTRATION  
(ESTATE OFFICE)

NO. SO(S&GAD)R-2462

Dated Peshawar the 12/6/1998

ORDER.

In pursuance of Government of NWFP, Finance Department letter No. SO(SR-IV)1-27, Vol. III, dated 19-11-1991 housing subsidy is hereby sanctioned in favour of Mr./Mrs. Nadir Khan

SO. S&GAD. \_\_\_\_\_ in respect of his/her house

No. 209 Madeena Colony Bashir Bad, Peshawar.

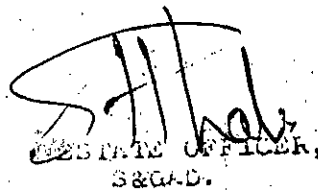
Rs. 3000/- 2990/- per month with effect from 1/2/1998

Secretary to Govt. of NWFP,  
S&GAD.

ENCL: EVEN NO. AND DATE.

A copy is forwarded to:-

1. The Accountant General, NWFP, Peshawar.
2. The Director General (Audit), NWFP, Peshawar.
3. The Excise and Taxation Officer-II, Peshawar,
4. Officer/official concerned.
5. SO(G) S&GAD.
6. Office order file.

  
ESTATE OFFICER,  
S&GAD.

h-518/

92

12/6

Deduction on Chalan Slip

5 Months	1-2-98 TO 30-6-98.	Rs 7502-
3 Months	1-7-98 TO 30-9-98	Rs = 4497.
3 Months	1-10-98 TO 31-12-98	Rs = 4500

2003



**PROVINCIAL OMBUDSMAN SECRETARIAT,  
KHYBER PAKHTUNKHWA.**

Overseas Pakistanis Foundation Building, Near NADRA  
Head Office, Phase-V Hayatabad Peshawar.  
Phone No: 9219531-32, 9239502 Fax: 9219526  
Email: [provincialombudsman@gmail.com](mailto:provincialombudsman@gmail.com)

CLOSURE FINDINGS	
1	COMPLAINT NO. 463/5/2014
2	NAME & ADDRESS OF THE COMPLAINANT Nadir Khan R/o House No.209 Street No.7 Madina Colony, Rashid Abad Peshawar.
3	NAME OF THE AGENCY COMPLAINED AGAINST 1- The Secretary Administration, Khyber Pakhtunkhwa Peshawar 2- The Accountant General, Khyber Pakhtunkhwa Peshawar 3- The Estate Officer, Administration Department Peshawar
4	NAME OF THE INVESTIGATION OFFICER Abdul Sattar Khan.
5	SUBJECT OF COMPLAINT Request for issuing directions to the concerned quartered for restoration of house subsidy allowance
6	DATE OF REGISTRATION 13/05/2014.
7	DATE OF FINDINGS 18/08/2014.

**COMPLIANT**

Mr. Nadir Khan Ex- comptroller, Khyber Pakhtunkhwa House Islamabad, instituted a complaint for issuing directions to the concerned quarters to restore his house subsidy allowance. The allowance, sanctioned in his favor, had been discontinued during the period of his posting in Islamabad where he occupied official accommodation. He vacated that while returning to Peshawar and started living in his own house. However, the Estate Office declined to restore the House Subsidy. His request was <sup>for</sup> reimbursement of House Subsidy allowance for 28<sup>th</sup> August, 2013 to 20 November, 2013 when he retired from service.

**REPLY**

Notices, as required under Section 10(4) of Khyber Pakhtunkhwa Ombudsman Act, 2010, were sent to the Agencies for comments. Their reply would show that the relevant documents of complainant had been duly verified by Board of Revenue and Local Government department. However, the case was not placed before the Subsidy Committee for approval because of his compulsory retirement.

*[Handwritten signature]*



21

**PROVINCIAL OMBUDSMAN SECRETARIAT,  
KHYBER PAKHTUNKHWA.**

Overseas Pakistanis Foundation Building, Near NADRA  
Head Office, Phase-V Hayatabad Peshawar.  
Phone No: 9219531-32, 9239502 Fax: 9219526  
Email: [provincialombudsman@gmail.com](mailto:provincialombudsman@gmail.com)

**REJOINDER**


The comments of the Agency were shared with complainant for his rejoinder and rebuttal, if any. The complainant stated that his case was only for restoration of the House Subsidy and he had submitted the requisite verified documents. However, delaying tactics were adopted to deny him his due.

**HEARING**

The complainant, the Assistant Estate Officer and Superintendent Administration Department attended hearing at this office held on 18-08-2014. During the discussion, Mr. Sana- Ullah, Superintendent, agreed to place the case of the complainant before the Committee for subsidy. His statement also recorded and placed on file.

**FINDINGS**

The representative of the Agency undertook to process the case of the complainant for House Subsidy for the period from 28<sup>th</sup> August, 2013 to 20<sup>th</sup> November, 2013. As such, investigation was closed under Regulation 17(f) of Khyber Pakhtunkhwa Ombudsman Office (Regulations, Investigation and Disposal of Complaints), Regulations, 2011. The Committee may please consider the case of complainant on priority <sup>and</sup> the Estate Officer Report compliance or reason in the event of non-compliance, within a fortnight.

  
Khurshid Anwar  
Provincial ombudsman  
Khyber Pakhtunkhwa



22



# GOVERNMENT OF KHYBER PAKHTUNKHWA ADMINISTRATION DEPARTMENT



Dated Peshawar the 19.01.2018

## ORDER.

NO. E.O(ADMN) R-2462. The Competent Authority is pleased to restore the Housing Subsidy Allowance in respect of Mr. Nadir Khan, Comptroller (BS-18) Khyber Pakhtunkhwa House Islamabad @ Rs. 12310/-Per Month (Twelve Thousand, Three Hundred and Ten only) in accordance to Finance Department letter No. SOSR-III/FD/1-27/2008, dated 14/05/2012 on his own House No. 209, Madina Colony, Bashir Abad, Peshawar, with immediate effect.

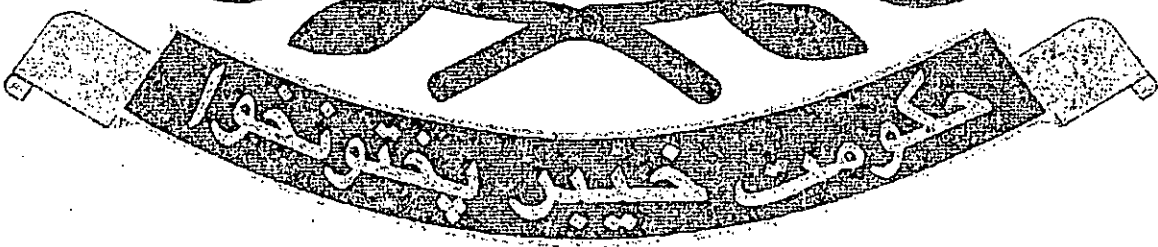
SECRETARY ADMINISTRATION

Endst. of Even. No. & Date

Copy forwarded to the:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar
2. The Director General (Audit) Khyber Pakhtunkhwa Peshawar
3. The Section Officer (Admn), Administration Department
4. Officer concerned.

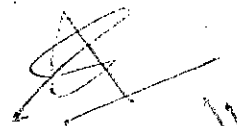
*[Signature]*  
ESTATE OFFICER



32

23

PS. Secy Administration Deptt  
Diary No. R.13 Date 19/1/18

Awaiz  
  
19/02/18

The Secretary to Government of Khyber Pakhtunkhwa,  
Administration Department,  
Civil Secretariat,  
Peshawar.

SUBJECT: APPEAL FOR REVISION OF ORDER NO. EO (ADMIN) R-2462 DATED 19/01/2018 REGARDING RESTORATION OF HOUSE SUBSIDY ALLOWANCE.

Dear Sir,

With due respect it is stated that I requested vide application dated 22/12/2017 for restoration of my house subsidy allowance from 28/08/103 (copy annexed at – i).

2. The competent authority restored the house subsidy allowance w.e.f. 19/01/2018 but not with retrospective effect vide notification dated 19/01/2018 (copy annexed – ii).
3. While in service, I had written a letter to the Estate Officer for restoration of house subsidy on dated 02/09/2013 (copy annexed at – iii).
4. When the Department did not restore the house subsidy allowance, I had no choice except to register a complaint No. 463/2014 in the Provincial Ombudsman Secretariate, Khyber Pakhtun Khwa on 12/05/2014 (copy annexed at – iv).
5. The Honourable Ombudsman directed the Department to consider the case on priority and as per the findings of the Provincial Ombudsman, the Department assured to process the case of the complainant for restoration of house subsidy for the period from 28<sup>th</sup> August 2013 to 20<sup>th</sup> November 2013 (when I was in service) (copy of the findings annexed at – v).

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With reference to Estate Office letter dated 11/06/2014, the verification of the relevant documents had been completed upto 11/11/2013 and during this period of time I was still in service (Not retired) since my case was merely a restoration case which was not required to have been placed on the waiting list for approval of House Subsidy Committee (copy of Estate Office letter dated 11/06/2014 annexed at – vi).

7. As per Notification dated 19/01/2018, the house subsidy allowance has been restored by Secretary Administration, being competent authority in the restoration case, without placing it for approval of house subsidy committee (copy annexed at – ii).

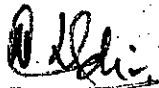
It is, therefore requested that my case for restoration of subsidy allowance issued vide letter No. EO (ADMN) R-2462 dated 19/01/2018 may kindly be revised and restored it w.e.f: 28/08/2013 in light of the findings of the Provincial Ombudsman dated 18/08/2014 alongwith my application to the Estate Officer dated 02/09/2013.

With profound regards,

Yours faithfully,

Encl: As above.

o/copy

  
(Nadir Khan)  
Comptroller  
K.P. House  
Islamabad (OSD)  
Cell # 0300-9827173  
19/2/18

محمد حنیف خان

50	42344			
ایڈوکیٹ: رضا خان		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: 11-1440				
رابطہ نمبر: 0303 823888				

بعدالت جناب:

مخاطب: Applicant	دعویٰ: احمد علی
	علت نمبر:
مورخہ: Nadir Khan بنام KPK	جرم:
	تھانہ:

**بابت تحریر آگہ**

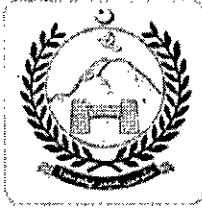
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی و جواب دہی کارروائی متعلقہ  
 آن مقام کے لئے رہنے والے صاحب کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زرائع پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر دائرہ منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانب التوا سے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے  
 المرقوم: 03/01/2020

**PESHAWAR BAR ASSOCIATION  
KHYBER PAKHTUNKHWA**

واہ شہد العتد

مقام: \_\_\_\_\_ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 1633 /ST

Dated: 16/08 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To

The Secretary Finance Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: ORDER IN EXECUTION PETITION NO. 137/2020, MR. NADIR KHAN.

I am directed to forward herewith a certified copy of order dated 02.08.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

**IN THE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL, PESHAWAR**

**Execution Petition No. 137/2020**

Nadir Khan

..... Applicant/Petitioner


**VERSUS**

Govt. of KP & others

..... Respondents

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4.	Revised House Subsidy Policy dated 08.08.2011	"III"	6-8
5.	Housing Subsidy New Order dated 19.01.2018	"IV"	9
6.	Authority Letter		10
7.	Affidavit		11

  
DEPENDENT

1

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

**Execution Petition No. 137/2020**

Nadir Khan

..... Applicant/Petitioner

**VERSUS**

1. Hon'ble Chief Minister, Khyber Pakhtunkhwa.
2. Government of Khyber Pakhtunkhwa through Chief Secretary.
3. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
4. The Secretary to Government of Khyber Pakhtunkhwa Administration Department.

..... Respondents


**PARA WISE REPLY ON BEHALF OF RESPONDENTS**


**PRELIMINARY OBJECTIONS**

1. That the Petitioner has neither any locus standi nor cause of action to bring the instant petition before this honorable Tribunal. Therefore, the instant Petition is liable to be dismissed.
  2. That the Petitioner has not come to this Honorable Tribunal with clean hands, therefore, the petition is liable to be dismissed on this score alone.
  3. That the Petitioner is estopped by his own conduct to file the instant Petition.
  4. That the Petition in hand is incompetent in its present form hence not maintainable.
  5. That the Petition has concealed material facts from this Honorable Tribunal, therefore, this Petition is liable to be dismissed.
  6. That the instant Petition is baseless, false and frivolous and is filed with malafide intention thus the respondents are entitled to special cost.
  7. That the facts alleged by the Petition are incorrect and very vehemently denied as laid.
- 
1. Correct to the extent that the Petitioner was reinstated in pursuance of this Hon'ble Tribunal's Judgment dated 13.04.2017 passed in Service Petition No. 81/2014 "titled Nadir Khan Vs Chief Minister KP & others"

2. Incorrect, fabricated and misleading hence denied as mentioned in the preceding para the Petitioner was reinstated w.e.f. 21.11.2013 and all the back-benefits were allowed to him. As far as Housing Subsidy Allowance is concerned, the Petitioner, at the time of compulsory retirement was in occupation of official residential accommodation at KP House Islamabad (**Annex-I**) therefore he was not entitled to receive allowances of Housing Subsidy/House Rent hence the same was discontinued forthwith. Similarly, after reinstatement, the government had paid House Rent Allowance from 21.11.2013 to the Petitioner. However, he was allowed Housing Subsidy Allowance from 01.02.1998 as per policy in vogue at that time which was discontinued w.e.f. 01.05.2001 (**Annex-II**). Furthermore, the Housing Subsidy Policy was also revised on 08.08.2011 (**Annex-III**) upon which his case was re-processed and sanctioned vide order No. E.O.(Admn)R-2462 dated 19.01.2018 (**Annex-V**).
3. Correct to the extent that his case of Housing Subsidy Allowance was re-processed in light of the directions of the Provincial Ombudsman Secretariat, Peshawar. However, at the time of Compulsory Retirement he was in occupation of Government Accommodation whereupon only House Rent Allowance was discontinued while as evident his Housing Subsidy Allowance was discontinued from 01.05.2001 hence he is not entitled for Housing Subsidy Allowance for the period w.e.f. 21.11.2013 to 18.01.2018.
4. Incorrect. No Housing Subsidy Allowance has been withheld by the Respondents.
5. Incorrect as explained in response to para-2 & 3 above.

It is, therefore, most humbly prayed that the instant Petition being devoid merit may be dismissed with costs.

  
 Secretary Establishment  
 Respondent No.3

  
 Secretary Administration  
 Respondent No.4





GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

DATED 21.06.2012

ORDER

E.O.(ADMN)FF/PKHL- 16 family flats in the newly constructed block of Pakhtunkhwa House Islamabad are hereby allotted to the following officers/officials of the House as noted against each:

S#	Name of Officers/Officials with Designation	Flat #
1	Mr. Nadir Khan, Comptrolle	05 ✓
2	Mr. Muhammad Yunas, Telephone Operator	04 ✓
3	Syed Bahar Ali Shah, Receptionist	14 ✓
4	Qari Abdur Razaq, Pesh Imam/Khadim	07 ✓
5	Mr. Muhammad Hafeez, Waiter	01 ✓
6	Mr. Muhammad Sadiq, Waiter	10 ✓
7	Mr. Muhammad Irshad, Waiter	08 ✓
8	Mr. Muhammad Afzal, Waiter	11 ✓
9	Mr. Gul Zeb, Waiter	15 ✓
10	Mr. Faisal Zamian, Cook	13 ✓
11	Mr. Janson Masih, Dish Washer	03 ✓
12	Mr. Muhammad Navees, Dhobi	02 ✓
13	Mr. Waheed-ur-Rahman, Mali	09 ✓
14	Mr. Kiramat Masih, Sweeper	06 ✓
15	Syed Mushfiq Shah, Waiter	16 ✓
16	Sohail Ahmad, Waiter	12 ✓

2. Possession of the accommodation will be handed over after installation of gas and electricity connections. The allottee shall be responsible for payment of electricity and gas bills and other utility bills.

3. The allotment order is subject to production of a certificate on Judicial Paper of Rs.30/- to the effect that the allottee does not own a house at Islamabad either in his name or in the name of his spouse or dependent children. The provision of incorrect information will render the deponent liable to proceedings under the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 shall be invoked.

4. Vacation/occupation report along with inventory of fixtures may be sent to all concerned.

5. Date of birth/date of retirement may also be furnished to the Estate Office along with occupation report.

6. The allotment is subject to deduction of house rent.

SECRETARY ADMINISTRATION  
GOVT. OF KHYBER PAKHTUNKHWA  
P.T.O.

21.6.2012  
2030  
119

To

The Estate Officer,  
S & G A Department,  
NWFP, Peshawar.

SUBJECT: DISCONTINUATION OF HOUSING SUBSIDY.

Sir,

Respectfully it is stated that I have been posted as Comptroller Shahi Mehman Khana Peshawar, where I have been allotted a designated house, as such the undersigned is not entitled for housing subsidy.

It is, therefore, requested that my house subsidy may please be stopped with effect from 1.5.2001.

Yours Obediently,

Dated: 3<sup>rd</sup> May, 2001.



(NADIR KHAN)

Comptroller  
Shahi Mehman khana  
Peshawar.

pu.  
  
3/5

AFO

R-2462

Amex (II)

GOVERNMENT OF NWFP  
SERVICES AND GENERAL ADMN: DEPARTMENT  
(ESTATE OFFICE)

NO. EO(S&GAD) R-2462  
Dated Pesh: the 19/5/2001.

ORDER

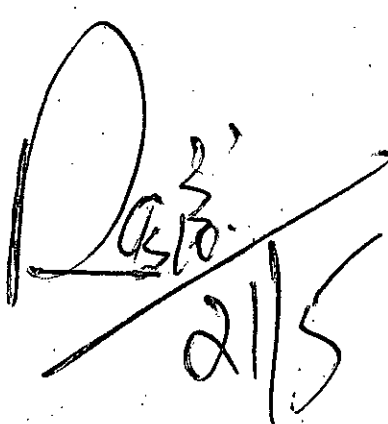
Housing subsidy sanctioned agast House No. 209 Madeena  
Colony Bashir Abad Peshawar,  
owned by Mr. Nadir Khan, Comptroller, Shahi Mehman Khana, S&GAD, Pesh:  
vide this officer order of even number dated 1/9/2000  
is hereby discontinued with effect from 1.5.2001.


  
Estate Officer  
S&GAD

Endst: No. & date of even.

Copy forwarded to:-

- 1) The Accountant General, NWFP, Peshawar.
- 2) The Director General(Audit), NWFP, Peshawar.
- 3) The Excise and Taxation Officer-11, Peshawar.
- 4) Officer/official concerned.
- 5)

  
2/5

  
Estate Officer

Ibrahim



(III) 2107 6  
22

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT

Dated 08.08.2011

**NOTIFICATION**

**No.EO(Admn)H.Subsidy/2011.** - In order to streamline processing of Housing Subsidy cases, the Competent Authority is pleased to constitute following Inter Departmental Committee:

- |    |  |           |
|----|--|-----------|
| 1) | Secretary Administration, Khyber Pakhtunkhwa   | Chairman  |
| 2) | Additional Secretary (Regulation) Finance Department                                     | Member    |
| 3) | Additional Secretary LG&RD Department.   | Member    |
| 4) | Secretary Board of Revenue.  | Member    |
| 5) | Representative of respective Department nominated by Administrative Secretary concerned. | Member    |
| 6) | Deputy Secretary (Admn), Administration Department.                                      | Secretary |

2. Terms of Reference (TOR) of the Committee are as under:

- The Committee shall ensure proper/accountable processing, timely scrutiny and quick disposal of Housing Subsidy cases.
- The Committee shall convene in regular sessions on the last working day of the first week of every month;

**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA**

Endst.No.EO(Admn)H.Subsidy/2011

Dated 08.08.2011

Copy forwarded to the:

- All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- Members of the Committee.
- PS to Chief Secretary, Khyber Pakhtunkhwa.
- PS to Secretary Administration, Khyber Pakhtunkhwa.
- PA to Deputy Secretary (Admn), Admn: Department, Khyber Pakhtunkhwa.

*Am Jan*  
ESTATE OFFICER



(III) 7  
2011  
23

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT

No.EO(Admn)H.Subsidy/2011  
Dated 08.08.2011

To

All Administrative Secretaries to  
Government of Khyber Pakhtunkhwa.

Subject: PROCESSING AND DISPOSAL OF HOUSING SUBSIDY CASES

Dear Sir,

The Administration Department is in receipt of large number of applications for Housing Subsidy. The Department tries its level best to process these cases after observing codal formalities and inspection of the houses, however, scrutinized disposal takes considerable time in view of shortage of staff. Efficient, effective, equitable and timely disposal of these cases is a perpetual problem area in the department.

2. In order to streamline processing of subsidy cases, an Inter-departmental Committee has been constituted for ensuring proper accountable processing, timely scrutiny and quick disposal of subsidy cases. Notification of the committee with Terms of Reference is enclosed. The following procedure has been approved for processing of subsidy applications:

- i) The Estate Office shall provide Secretarial support to the Committee by performing the functions of:
  - a) Receipt, registration and scrutiny of application;
  - b) Inspection and verification of claims;
  - c) Preparation and circulation of working papers; and
  - d) Presentation of cases to the Committee.
- ii) Administration Department shall receive and acknowledge only those applications which are processed through the respective Administrative Department with certification of particulars reported for consideration.
- iii) Applicants will be required to enclose following certifications:

P.T.O.

209

81



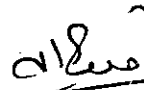
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT

(24)

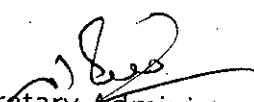
- b) Ownership Certificate;
- c) Attested copy of approved building/completion plan;
- d) Affidavit on self occupancy;
- e) Certificate on location of the house in erstwhile municipal corporation limits; and
- f) Forwarding memo from the head of department of officer authorized by him.

iv) Processing & consideration of subsidy applications shall be scheduled as under:

S.No.	Dealing Process	Timeframe	Action By
1	Receipt of Application	1 <sup>st</sup> to 10 <sup>th</sup> of each month	Estate Officer
2	Initial scrutiny sifting and response on incomplete applications	11 <sup>th</sup> to 13 <sup>th</sup> of each month	Deputy Secretary (Admn)
3	Verification of eligible cases through spot inspection	15 <sup>th</sup> to 25 <sup>th</sup> of each month	Estate Officer
4	Preparation & circulation of Working Paper	Last working day of the month	Estate Officer
5	Meeting of the Committee	Last working day of first week of following month	Secretary Administration
6	Notification of approved cases	2 <sup>nd</sup> week of the month	Deputy Secretary (Admn)

  
(HIFZ-UR-RAHMAN)  
Secretary Administration

Copy forwarded to the Chief Secretary, Khyber Pakhtunkhwa.

  
Secretary Administration

(17)  
113 (9/153)  
GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT



Dated Peshawar the 19.01.2018

© R.D.E.R.

NO. E.O (ADMN) R-2462. The Competent Authority is pleased to restore the Housing Subsidy Allowance in respect of Mr. Nadir Khan, Comptroller (BS-18) Khyber Pakhtunkhwa House Islamabad @ Rs. 12310/- Per Month (Twelve Thousand, Three Hundred and Ten only) in accordance to Finance Department letter No. SOSR-III/FD/1-27/2008, dated 14/05/2012 on his own House No. 209, Madina Colony, Bashir Abad, Peshawar, with immediate effect.

SECRETARY ADMINISTRATION

Endst. of Even.No. & Date

Copy forwarded to the

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar
2. The Director General (Audit) Khyber Pakhtunkhwa Peshawar
3. The Section Officer (Admn), Administration Department
4. Officer concerned.

ESTATE OFFICER

کرمیت خیبر پختونخوا

10

**IN THE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL, PESHAWAR**

**Execution Petition No. 137/2020**

Nadir Khan

..... Applicant/Petitioner

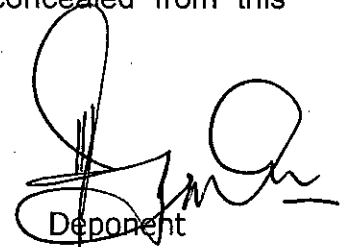
**VERSUS**

Govt. of KP & others

..... Respondents

**AFFIDAVIT**

I, Muhammad Nouman Younas, Superintendent (Lit), Estate Office, Administration Department Peshawar do hereby solemnly affirm and declare that the contents of the Parawise Comments/Reply submitted by the Respondents are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable court.



Deponent

CNIC 17301-1627733-3

Identified by

Additional Advocate General,  
Khyber Pakhtunkhwa,  
Peshawar





11

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

---

Dated Peshawar the 29.07.2021

Subject: **AUTHORITY LETTER**

Mr. Muhammad Nouman Younas, Superintendent Litigation, Estate Office, Administration Department is hereby authorized to defend and file replies/application/reports etc. on behalf of the Respondents in the Khyber Pakhtunkhwa, Service Tribunal, Peshawar in Execution Petition No. 137/2020 titled "Nadir Khan Vs Government of Khyber Pakhtunkhwa and others".

  
ESTATE OFFICER

**MOST IMMEDIATE  
COURT MATTER**



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

PA.DS (Administration Deptt.) No. SO (Lit-I)FD/3-2389/2018/CL 2079  
Dairy No. 1656 Dated 02/07/19 Dated Pesh: the 30<sup>th</sup> July, 2019

To

The Secretary to Govt. of Khyber Pakhtunkhwa  
Administration Department, Peshawar

Ps to Secy Admin

Dairy No: 3159 Date: 02/08

SUBJECT:- **WRIT PETITION NO.1450-P2018 YOUSAF ZEB AND OTHERS  
VERSUS GOVT. OF KHYBER PAKHTUNKHWA ETC.**

Sir,

I am directed to refer to your department letter No.. EO(Admn)/WP No. 1450-P/2018 Dated 11-07-2019 on the subject noted above and to state that since the officer/petitioner has received/availed House Rent Allowance w.e.f. 12-03-2010 to 31-08-2012, therefore he is not entitled to the Housing Subsidy from retrospective effect.

Yours faithfully

SECTION OFFICER (Lit-I)

Endst: of even No. & Date

Copy forwarded to the:

1. Section Officer (SR-III) Finance Department.
2. PA to Additional Finance Secretary (Admn) Finance Department.
3. PA to Additional Finance Secretary (Reg:) Finance Department.
4. PA to Deputy Secretary (Lit) Finance Department.

SECTION OFFICER (Lit-I)

Asst. Secy

6/8

EO

6/8/19  
De Admn

(2)  
GOVERNMENT OF KHYBER PAKHTUNKHA  
ADMINISTRATION DEPARTMENT



No. EO(Admn) R2462  
Dated Peshawar the 06.9.2013

To

The Additional Secretary,  
Local Government & Rural Development Department,  
Peshawar.

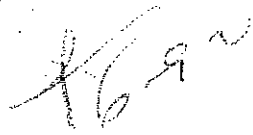
Subject: VERIFICATION OF LIMIT CERTIFICATE.

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith limit certificate of Mr. Nadir Khan, BS-18 E & A Department and to request to kindly verify and return the same to this office on priority basis as the name of the applicant has included in the working papers for the next Housing Subsidy Committee meeting scheduled to be held in the near future under the Chairmanship of Secretary Administration Department Khyber Pakhtunkhwa.

Yours Faithfully,

  
(ESTATE OFFICER)



(3)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No. EO(Admin) R-2462  
Dated Peshawar the 06.9.2013

To

The Secretary,  
Board of Revenue Department.

Subject: VERIFICATION OF OWNERSHIP DOCUMENTS.

Dear Sir,

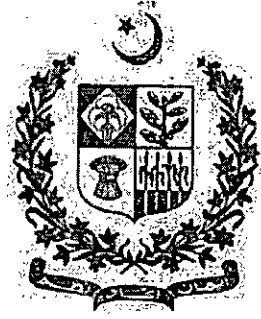
I am directed to refer to the subject noted above and to forward herewith ownership documents of Mr. Nadir Khan, BS-18 E & A Department and to request to kindly verify and return the same to this office on priority basis as the name of the applicant has included in the working papers for the next Housing Subsidy meeting scheduled to be held in the near future under the Chairmanship of Secretary Administration Department Khyber Pakhtunkhwa.

Yours Faithfully,

  
ESTATE OFFICER

*Handwritten signature/initials*

**GOVERNMENT OF PAKISTAN  
FINANCE DIVISION**



**Compilation of the  
GENERAL FINANCIAL RULES  
OF THE  
FEDERAL GOVERNMENT**

Volume I

Updated Edition  
2019

NOTE.—Vague expressions such as “subject to budget provision” should be carefully avoided in conveying sanctions to expenditure.

### V.—DATE OF EFFECT OF SANCTION

#### Rule 57 (Sub-para. 1)

57. Unless otherwise indicated specifically in the order conveying the sanction, a sanction issued by a competent authority has effect from the date of orders conveying the sanction.

In all cases, these orders are subject to general order contained in para. 3 of the Book of Financial Powers regarding appropriation of funds and to any special provisions as to the date of effect in the rules, orders or sanctions themselves.

NOTE.—Orders sanctioning the creation of temporary posts should, in addition to the sanctioned duration of the post, invariably specify the date from which it is to run whether it be the date of entertainment or otherwise.

### ~~VI.—RETROSPECTIVE SANCTION~~

58. ~~(1) All authorities which are competent to sanction revision of pay or the grant of concessions to Government servants should bear in mind that retrospective effect should not be given to financial sanctions, except in exceptional circumstances, without the special approval of Government.~~

(2) In the absence of special reasons to the contrary, concessions regarding rates of pay for any class of Government servants should take effect as from the first of June and not from some date in the middle of a financial year.

### VII.—LAPSE OF SANCTION

59. A sanction for any fresh charge which has not been acted on for a year must be held to have lapsed, unless it is specifically renewed.

NOTE 1.—This order does not apply to a case where an allowance sanctioned for a post or a class of Government servants has not been drawn by a particular incumbent or incumbents, nor does it apply to additions made gradually from year to year to a permanent establishment under a general scheme which has been sanctioned by competent authority.

NOTE 2.—the term year as used in this paragraph means financial year.

125. Claims against Government, which are barred by time under the provisions contained in section 3 read with the First Schedule of the Limitation Act of 1908 or under any other provisions of law relating to limitation, should ordinarily be refused and no claim on account of such a time-barred item should be paid without the sanction of Government. The onus is upon the claimant to establish a claim to special treatment for a time-barred item, and it is the duty of the authority against which such a claim is made to refuse the claim until a case for other treatment is made out. All petty time-barred claims are to be rejected forthwith and only important claims of this nature considered.

It is the duty of the authority against which a claim is made to consider in the first instance the question of a time-bar before submitting it to the Accountant General for the issue of authority for payment. The Accountant General will refuse payment of all claims found to be time-barred until the sanction of Government has been obtained.

126. All petty claims of a government servant more than three years old, other than those that affect his pension, and all such claims for whose delayed submission an adequate explanation is not forthcoming should be rejected forthwith. Sanction to investigation of claims over six years old should not be accorded unless and until it has been ascertained from the Accountant General concerned that the relevant records are available and have not been destroyed and the Ministry of Finance has been consulted.

126-A. The authority competent to authorize the investigation of a belated claim should be told why the claim was not submitted when it became due.

In respect of non-gazetted Government servants whose pay and allowances are drawn on establishment bills by the Heads of Offices, the responsibility for making claims rests on the latter and they should invariably see that all claims are presented within six months of their falling due.

~~The time limits prescribed in these instructions should be calculated from the date on which the charge becomes payable. In the case of sanction accorded with retrospective effect, the charge does not become payable before it is sanctioned; the time limits should, therefore, be calculated from the date of sanction and not from the date from which the sanction taken effect.~~

## CHAPTER 7.—CONTINGENCIES

### I—INTRODUCTORY

127. The rules in this Chapter are supplementary to the general rules of procedure prescribed in Chapter V of Part V of the Treasury Rules and have to be applied, where necessary in conjunction with them.



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No. EO(Admn)/Litigation/EP No. 137/2020  
Dated Peshawar the 30.08.2021

To,

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Finance Department.

Subject: **EXECUTION PETITION NO. 137/2020-NADIR KHAN, EX-COMPTROLLER  
KP HOUSE ISLAMBAD VS GOVT. OF KPK.**

Dear Sir,

I am directed to refer to the subject cited above and to enclose herewith a copy of order sheet dated 02.08.2021 passed in the subject petition by the learned Service Tribunal, Peshawar and to state that after detail deliberation of the case; the Tribunal has directed that in order to clear the difficulties/hardships in financial matter of the subject house subsidy case of the petitioner claiming from 27.08.2013 to 18.01.2018 by the Ex-Comptroller, KP House, Islamabad, the Finance Department may present their views in the Court.

In view of the above, I am therefore directed to request to kindly depute a well conversant officer/representative of your department not below the rank of BPS-17 to attend the Hon'ble Tribunal on **09.09.2021** positively as per Court orders, please.

Yours Faithfully,

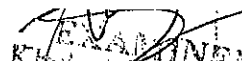
  
ESTATE OFFICER

**Endst. Of Even No and Date**

Copy forwarded to:-

1. PA to Deputy Secretary (Admn), Administration Department.

  
ESTATE OFFICER

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

*Handwritten notes:*  
PK  
30/8/21  
30/8/21



(1)

BEFORE THE HON'BLE KHYBER PAKHTOONKHWAS SERVICE TRIBUNAL  
PESHAWAR

Execution petition No. 137 /2020



Nadir Khan S/O Syed Afzal Khan R/O, Madina Colony, Bashir Abad,  
Peshawar (Presently Comptroller Khyber Pakhtoonkhwa House, Islamabad)

..... Applicant

VERSUS



1. Hon'ble Chief Minister Khyber Pakhtoonkhwa through his Secretariat
2. The Government of Khyber Pakhtoonkhwa through Chief Secretary, Peshawar.
3. Secretary to the Government of Khyber Pakhtoonkhwa, Establishment Department, Civil Secretariat, KPK, Peshawar.
4. Secretary to the Government of Khyber Pakhtoonkhwa, Administration Department, Civil Secretariat Peshawar.

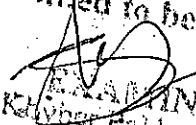
..... Respondents

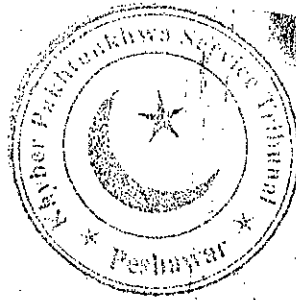
Application for execution /implementation of the judgment dated 13/04/2017 of this Hon'ble Tribunal with regard to a portion of back benefits i.e. house subsidy from 21/11/2013, date of compulsory retirement, to 19/01/2018, date of restoration of house subsidy.

Respectfully Sheweth:

1. That the applicant had preferred a service appeal No. 81/2014 before this Hon'ble Tribunal for setting aside the major penalty of compulsory retirement from service and grant of back benefits, which was accepted vide the judgment dated 13/04/2017.  
(Copy of the judgement is enclosed as Annex-A)
2. That the applicant filed an application No. 146/17 dated..... for implementation / execution of the judgment as the respondents posed inordinate delay in execution / implementation of the judgment. The judgment was implemented / executed by this Hon'ble Tribunal and the

Certified to be true copy

  
EXAMINER  
Khyber Pakhtoonkhwa  
Service Tribunal  
Peshawar



EP 137/2020

02.08.2021

Petitioner alongwith counsel and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Numan, Superintendent for the respondents present.

Written comments have been submitted by the department. After hearing the parties at certain length, it divulged that the appellant himself had submitted an application for cancellation of his entitlement to House Subsidy in 2001 and accordingly, the same stood ceased. He again applied for restoration of the House Subsidy on 27.08.2013 and the case was put up for process of verification in light of revised policy but in the meantime the petitioner was compulsory retired from service on 21.11.2013. Obviously, the petitioner challenged the action of the department through Service Appeal which was accepted vide judgment under implementation. Except the issue of House Subsidy yet necessitating determination, all other benefits in view of the judgment of this Tribunal have been availed by the petitioner. As far as the issue of House Subsidy is concerned, the case of the petitioner after completion of codal formalities was placed before the concerned committee firstly in 2015 but was regretted for the reason that he was not in service due to compulsory retirement. Thus, the case went to dormancy but after his reinstatement, he again approached the concerned quarter for activation of his

Certified to be true copy

CHIEF JUSTICE  
Service Tribunal  
Peshawar



case for the House Subsidy which was ultimately placed before the committee in the year 2018 and was approved from immediate effect. Now the controversy between the petitioner and respondents rest in the area that in between period from 27.08.2013 and 18.01.2018 is being taken with different views. It is view of the department that the case of the petitioner was approved in 2018 and according to guidelines of the Finance Department, housing subsidy cannot be granted for the retrospective period during which the House Rent Allowance was paid to the government service. On the other hand, it is the plea of the petitioner that his case was pending since 2013 and the department/committee should have granted him the relief of House Subsidy from the date when he approached the department for such relief; and if, any House Rent was paid during the intervening period, that was subject to adjustment in House Subsidy. Let the Finance Department be put on notice to present their view point in respect of the said question, as the Finance Department is under obligation to clear the difficulties/hardships in financial matters. Case to come up on 09.09.2021 before S.B.

Chairman

Date of transcription of judgment: 23/8/21  
 Name of case: 1200  
 For: 14/-  
 14/-  
 Date of judgment: 30/8/21  
 Date of filing of appeal: 30/8/21

Certified to be true copy

EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No. EO(Admn)/Litigation/EP No. 137/2020  
Dated Peshawar the 29.10.2021

To,

The Section Officer (Admn),  
Administration Department.

Subject: **EXECUTION PETITION NO. 137/2020-NADIR KHAN, EX-COMPTROLLER  
KP HOUSE ISLAMBAD VS GOVT. OF KPK.**

I am directed to refer to the subject cited above and to enclose herewith copies of this department letter of even No. dated 24.09.2021 and Finance Department letter No. SO(LIT-II)/FD/2-2166/2021 dated 11.10.2021 which are self-explanatory for further necessary action at your end, please.

**Encls As Above (Judgement).**

**Endst. Of Even No and Date**

Copy forwarded to:-

1. PS to Secretary Administration Department.
2. PS to Secretary Finance Department w/r to letter quoted above.
3. PA to Deputy Secretary (Admn), Administration Department.

*Faw*  
ESTATE OFFICER

*Faw*  
ESTATE OFFICER

## CHAPTER VIII.—DISMISSAL, REMOVAL AND SUSPENSION

**F.R. 52.** The pay and allowances of a Government servant who is dismissed or removed from service cease from the date of such dismissal or removal.

**F.R. 53.** A Government servant under suspension is entitled to the following payments:-

(a) In the case of <sup>1</sup>[an employee of the Armed Forces] who is liable to revert to Military duty, to the pay and allowances to which he would have been entitled had he been suspended while in military employment.

<sup>2</sup>(b) In the case of a Government servant under suspension, other than that specified in clause (a), he shall be entitled to full amount of his salary and all other benefits and facilities provided to him under the contract of service, during the period of his suspension.]

*Government decision.--*

It has been decided that the rate of the subsistence grant payable to suspended Government servants governed by F.R. 53 (b) shall be enhanced from one-third to one-half of the pay of the suspended Government servant.

A doubt has been raised as to whether, in the case of a Government servant who has been suspended while on leave the subsistence grant should be calculated with reference to his leave salary or with reference to his pay. Attention in this connection is invited to F.R. 55, which prohibits grant of leave to Government servants under suspension. Such a Government servant, therefore, ceases to be on leave as soon as he is placed under suspension, and the subsistence grant in his case also has to be calculated with reference to the pay which was admissible to him on the eve of the commencement of the leave.

These orders take effect from the 1st of December, 1969.

[G.P., M.F., O.M. No. F. 12 (32)-R3/70, dated the 14th February, 1970.]

<sup>1</sup> In F.R. 53, in clause (a) substituted by the S.R.O. 718(I)/93, 2nd August, 1993, Gaz of Pak., Extra., Pt. II, P.No. 1339, Aug. 22, 1993.

<sup>2</sup> In F.R. 53, clause (b) substituted by the S.R.O. 1173 (I)/94, dt. 21-9-1994, Gaz. of Pak. Extra. Pt. II, dated 5th December, 1994.

\*[F.R. 54.--Where a Government Servant has been dismissed or removed is reinstated, the revising or appellate authority may grant to him for the period of his absence from duty--

(a) if he is honorably acquitted, the full pay to which he would have been entitled if he had not been dismissed or removed, and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal removal; or

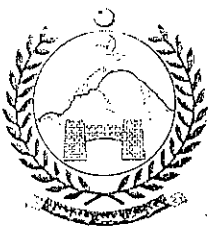
(b) if otherwise, such portion of such pay and allowances as the revising or appellate authority may prescribe.

In a case falling under clause (a), the period of absence from duty will be treated as a period spent on duty.

In a case falling under clause (b), it will not be treated as a period spent on duty unless the revising appellate authority so directs.

*Explanation.*—In this rule, "revising authority" means the "authority or "authorised Officer" as defined in the Government Servants (Efficiency and Discipline) Rules, 1973, who passes the final order on the case and not the authority who passes an order on appeal.]

\*F.R. 54 substituted by S.R.O. 718 (I)/93, 2nd August, 1993. Gaz of Pak. Extra. pt. II, P. No. 1339, Aug. 22, 1993, (Effective from 30th June, 1993.)



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No. EO(Admn)/Litigation/EP No.137/2020.  
Dated Peshawar the 24.09.2021

To,  
The Secretary to Govt. of Khyber Pakhtunkhwa,  
Finance Department.

Subject: EXECUTION PETITION NO. 137/2020- NADIR KHAN, EX-COMPTROLLER KP HOUSE ISLAMABAD VS GOVT OF KP

Dear Sir,

I am directed to refer to this Department letter of even number dated 30.08.2021 on the subject noted above and to state that in the Order Sheet dated 02.08.2021 passed by the learned Service Tribunal, Peshawar in the subject execution petition, the court directed the Finance Department to present their view point and clear the difficulty/hardships in financial matter of the housing subsidy claim from 27.08.2013 to 18.01.2018. On 09.09.2021, the Section Officer (Lit), Finance Department appeared/attended, the Court and submitted/presented a copy of Para 58 of the General Financial Rules which provides that application of the said rule in exceptional circumstance is liable to be dispensed with (Copy enclosed). At last, the Tribunal has directed to come up for compliance of the order of 02.08.2021.

2. Case is therefore sent herewith for settlement in light of the decision of the Khyber Pakhtunkhwa Services Tribunal Order. Next date of hearing is 11.10.2021.

  
ESTATE OFFICER

Endst of Even No and Date

Copy forwarded to the: -

1. Registrar Khyber Pakhtunkhwa Services Tribunal, Peshawar.
2. PS to Secretary, Administration Department, Peshawar.
3. PA to Deputy Secretary (Admn) Administration Department.

  
ESTATE OFFICER

rc  
- served



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

NO.SO (LIT-II)/FD/2-2166/2021.  
Dated Peshawar the, 11/10/2021.

To,

The Secretary,  
Government of Khyber Pakhtunkhwa  
Administration Department.

Ps to Secy Admin  
Dairy No. 3045 Date 12-10-21

Subject: EXECUTION PETITION NO. 137/2020 NADIR KHAN EX  
COMPTROLLER KHYBER PAKHTUNKHWA HOUSE  
ISLAMABAD VERSUS GOVERNMENT OF KHYBER  
PAKHTUNKHWA

Dear Sir,

I am directed to refer to Administration Department letter No. EO(Admn)/Litigation/EP No. 137/2020 dated. 24.09.2021 on the subject cited above and to state that Finance Department view regarding house subcidy during the period when appellant was out of service ruled out by the Services Tribunal Khyber Pakhtunkhwa directing conversion of same from house rent to house subcidy in favour of appellant. Since Finance Department was not a party in the instant case its now up to the Administration Department to abide orders of Services Tribunal Khyber Pakhtunkhwa communicated through order sheet dated 09th September 2021 please.

Priority is requested being court matter.

Yours faithfully

**SECTION OFFICER (LIT-II)**

2464 13/10

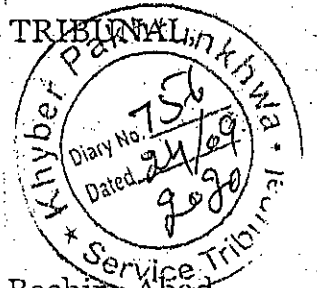
Ps to Secy Admin  
D.S (A)  
13/10

100  
14/10/21

(1)

BEFORE THE HON'BLE KHYBER PAKHTOONKHWAS SERVICE TRIBUNAL  
PESHAWAR

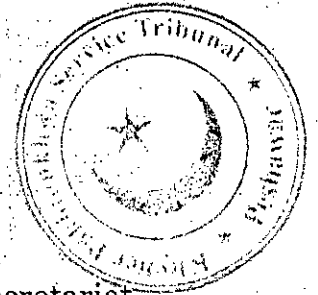
Execution petition No. 137 /2020



Nadir Khan S/O Syed Afzal Khan R/O, Madina Colony, Bashir Abad,  
Peshawar (Presently Comptroller Khyber Pakhtoonkhwa House, Islamabad)

..... Applicant

VERSUS



1. Hon'ble Chief Minister Khyber Pakhtoonkhwa through his Secretariat.
2. The Government of Khyber Pakhtoonkhwa through Chief Secretary, Peshawar.
3. Secretary to the Government of Khyber Pakhtoonkhwa, Establishment Department, Civil Secretariat, KPK, Peshawar.
4. Secretary to the Government of Khyber Pakhtoonkhwa, Administration Department, Civil Secretariat Peshawar.

..... Respondents

Application for execution /implementation of the judgment dated 13/04/2017 of this Hon'ble Tribunal with regard to a portion of back benefits i.e. house subsidy from 21/11/2013, date of compulsory retirement, to 19/01/2018, date of restoration of house subsidy.

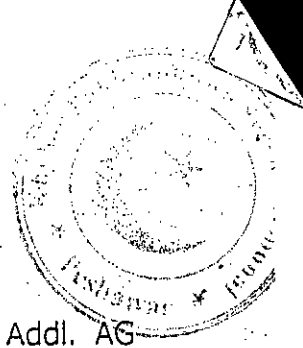
Respectfully Sheweth:

1. That the applicant had preferred a service appeal No. 81/2014 before this Hon'ble Tribunal for setting aside the major penalty of compulsory retirement from service and grant of back benefits; which was accepted vide the judgment dated 13/04/2017.  
(Copy of the judgement is enclosed as Annex-A)
2. That the applicant filed an application No. 146/17 dated..... for implementation / execution of the judgment as the respondents posed inordinate delay in execution / implementation of the judgment. The



EP.137/2020

Nadi's Khan vs Govt



09.09.2021

Petitioner in person and Kabirullah Khattak, Addl. AG

alongwith Naseeb Khan S.O and Muhammad Numan, Superintendent for the respondents present.

Viewpoint of the Finance Department has been taken at the bar. They referred to Para 58 of the FGR. It was pointed out that application of the said rule in exceptional circumstance is liable to be dispensed with as far as spirit of the said rules is concerned. To come up for compliance of the order in light of viewpoint of the petitioner reflected in the order dated 02.08.2021. Accordingly, the House Subsidy after deduction of House Rent received by the petitioner shall be paid to him for the relevant period. Case to come up on 11.10.2021 before S.B.

*[Signature]*  
Chairman

Certified to be true copy

*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 17/9/21  
Number of Words 800  
Copying Fee 10/-  
Deposit 5/-  
Total 15/-  
Name of Applicant \_\_\_\_\_  
Date of Completion of Copy 17/9/21  
Date of Delivery of Copy 17/9/21



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No.E&A (AD)/Account/Pay & Allowances/2019-20  
Dated the Peshawar 13.12.2021/

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Finance Department.


13-12  
Attention Budget Officer-IV

Subject: - INVESTIGATION OF ARREARS CLAIM SANCTION

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith statement of arrears amounting to Rs.342,822/- duly verified by Accountant General office along with necessary documents on account of Housing Subsidy Allowances for the period from 27.08.2013 to 18.01.2018 in respect of Mr. Nadir Khan, Ex-Comptroller of Khyber Pakhtunkhwa House Islamabad for sanction as required under the conditions No. 3 of sub-rule(i) of S. No. 8 'miscellaneous' schedule-II of the Delegation of Financial Powers 2018, please.

Yours faithfully


ac  
  
(LAEEQ AHMAD) 13/12/2021  
SECTION OFFICER (ADMIN)

Enclosed: As Above.  
ENDST: OF EVEN NO & DATE

Copy forwarded to:-

1. PS to Secretary, (Admn), Administration Department.
2. PS to Additional Secretary (Admn), Administration Department.
3. PA to Deputy Secretary (Admn), Administration Department.

  
SECTION OFFICER (ADMIN) 13/12/2021

  
13/12/21

ac



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> facebook.com/GoKPFDF twitter.com/GoKPFDF

NO.BOIV/FD/2-7/2021-22/E&A/PR4017

Dated Peshawar the 31/12/2021

Ps to Secy Admin

Copy No: 46 Date: 6-1-2022

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Administration Department, Peshawar.

Subject:- **INVESTIGATION OF ARREARS CLAIM SANCTION.**

Dear Sir,

I am directed to refer to your letter No. E&A (AD)/ Account /Pay & Allowances/2019-20 dated 13.12.2021 on the subject noted above and to state that Finance Department agree only accorded sanction arrears claim w.e.f 27.08.2013 to 18.01.2018 on account of Housing Subsidy Allowances amounting to Rs. 342,822/- in respect of Mr. Nadir Khan, Ex-Comptroller of Khyber Pakhtunkhwa House Islamabad and will be met out within the sanctioned budget grant during current financial year 2021-22, subject to the observance of all codal formalities.

Yours faithfully,

Encl: in copy

*Farrukh*

BUDGET OFFICER-IV

**Endst: No & date even.**

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary Finance, Khyber Pakhtunkhwa.
3. Master File.

*Farrukh*

BUDGET OFFICER-IV

SECY (ADMIN)

523

ARREAR OF HOUSING SUBSIDY ALLOWANCE IN R/O NADIR KHAN, COMPTROLLER BS-18,					
W.E.F 27.08.2013 TO 18.01.2018					
Period	Rate of H.S.A	Rate of H.R.A	Drawn H.R.A	difference	Balance
27.08.2013 TO 31.08.2013 (05 Days)	12310	5810	937	1985-937	1048
01.09.2013 to 31.12.2017 (52 Months)	12310	5810	5810*52=302120	640120-302120	338,000
01.01.2018 to 18.01.2018 (18 days)	12310	5810	3373	7147-3373	3774
Total:-			306430	Arrear of H.S.A	342822

Note:- The officer has been granted House Rent Allowance amounting to Rs. 306430 w.e.f 27.08.2013 to 18.01.2018 @ Rs. 5810 per month whereas, his Housing Subsidy Allowance are come to Rs. 649252 @ 12310 per month for the said period.

Total H/Subsidy for the said period comes to Rs 649252-  
 While the concerned officer/CRS had already drawn  
 House Rent allow for  
 the said period // 306430-

Rs. 342822/- wef 27 <sup>08</sup>/<sub>2013</sub> to 18 <sup>01</sup>/<sub>2018</sub>

Further payable due to  
 Service tribunal decision as // 342822-  
 H/Subsidy Instead of HRS

Thus now Rs. 342822/- only is  
 Payable to CRD officer as  
 House subsidy allowance.

VERIFIED

Accounts Officer  
 Khyber Pakhtunkhwa

*Junah*  
*06/12/31*

*[Signature]*  
 Section Officer  
 Administration Department  
 Govt of Khyber Pakhtunkhwa

01/2/2018 to 31.5.2018 @ R. 12310/2 P.M

01/7/2018 to 30.11.2018 @ R. 12310/2 PM

01/12/18 to 31-08-2021 @ R. 18465/2 PM

---

### Arrears Paid

2/2018 R. 2939/2

4/2018 R. 61550/2

2/2020 R. 30775/2

Date 01/20 22

For the month of 01/20 22

DDO Code PR - 4019

Description SECTION OFFICER (ADMN) E&A DEPARTMENT

Personal Number 41738

Employee Name Nadar Khan

NIC No. \_\_\_\_\_

Grade (Pay Scale Group) 18 EX-Comptroller

Salary Status Start

Stop

GENERAL DATA CHANGE			CHANGE IN PAYMENT / DEDUCTION		Effective Date	Remarks
Info Type	Field ID	New Contents	Wage Type	Amount Rupees     Adjust		
		Adjust Housing Subsidy All	5976	342,822 (P+)	01/20 22	Arrears of Housing Subsidy Allowance Rs. 342,822 - w.e.f. 27-8-2013 to 18-01-2018. Sanction of Investigation from Finance Department and other relevant documents attached.

*[Signature]*  
 Section Officer  
 Administration Department  
 Govt. of Khyber Pakhtunkhwa

*[Signature]*  
 Prepared by

Audited / Checked by

*[Signature]*  
 Entered / Verified by



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar <http://www.finance.gko.pk> facebook.com/GoKPPFD twitter.com/GoKPPFD

NO. BOIV/FD/2-7/2021-22/E&A/PR4017

Dated Peshawar the 31/12/2021

To

The Secretary to Government of Khyber Pakhtunkhwa  
Administration Department, Peshawar.

Subject:- INVESTIGATION OF ARREARS CLAIM SANCTION.

Dear Sir,

I am directed to refer to your letter No. E&A (AD)/ Account /Pay & Allowances/2019-20 dated 13.12.2021 on the subject noted above and to state that Finance Department agree only accorded sanction arrears claim w.e.f 27.08.2013 to 18.01.2018 on account of Housing Subsidy Allowances amounting to Rs. 342,822/- in respect of Mr. Nadir Khan, Ex-Comptroller of Khyber Pakhtunkhwa House Islamabad and will be met out within the sanctioned budget grant during current financial year 2021-22, subject to the observance of all codal formalities.

Yours faithfully,

*Farrukh*

BUDGET OFFICER-IV

Endst: No & date even.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary Finance, Khyber Pakhtunkhwa.
3. Master File.

*Farrukh*

BUDGET OFFICER-IV



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No.E&A (AD)/Account/Pay & Allowances/2019-20  
Dated the Peshawar 26.11.2021

To

The Deputy Accountant General,  
Pay Roll-V, Accountant General Office,  
Peshawar.

Subject: - **INVESTIGATION OF ARREARS CLAIM SANCTION**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith statement of arrears amounting to Rs.342,822/- along with necessary documents on account of Housing Subsidy Allowance commenced from 27.08.2013 to 18.01.2018 in respect of Mr. Nadir Khan, Ex-Comptroller of Khyber Pakhtunkhwa House Islamabad for investigation/verification as required under the conditions No. 3 of sub-rule(i) of S. No. 8 'miscellaneous' schedule-II of the Delegation of Financial Powers 2018, please.

Yours faithfully

  
(LAEEQ AHMAD)

SECTION OFFICER (ADMIN)

Enclosed: As Above.

**ENDST: OF EVEN NO & DATE**

Copy forwarded to:-

1. PS to Secretary, (Admn), Administration Department.
2. PS to Additional Secretary (Admn), Administration Department.
3. PA to Deputy Secretary (Admn), Administration Department.

SECTION OFFICER (ADMIN)



**ARREAR OF HOUSING SUBSIDY ALLOWANCE IN R/O NADIR KHAN, COMPTROLLER BS-18,**

W.E.F 27.08.2013 TO 18.01.2018

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Note:- The officer has been granted House Rent Allowance amounting to Rs. 306430 w.e.f 27.08.2013 to 18.01.2018 @ Rs. 5810 per month whereas, his Housing Subsidy Allowance are come to Rs. 649252 @ 12310 per month for the said period.

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Rs. 342822/2 wef 27 <sup>08</sup>/<sub>2013</sub> to 18 <sup>01</sup>/<sub>2018</sub>

Further payable due to  
 Service tribunal decision as " 342822-  
 H/Subsidy Instead of HRA

Thus now Rs. 342822/- only is  
 Payable to Rtdy officer as  
 House subsidy allowance.

**VERIFIED**

*J. Malik*

ACCOUNTS OFFICER  
 GOVT. OF KHYBER PAKHTUNKHWA

*JK*  
 06/12/18

*[Signature]*  
 Section Officer  
 Administration Department  
 Govt of Khyber Pakhtunkhwa

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

52  
512

No. EO(Admn)/Litigation/EP No. 137/2020  
Dated Peshawar the 29.10.2021

To,

S.O (Admn) Administration Deptt.

Diary No. 2868

Date. 1-11-21

The Section Officer (Admn),  
Administration Department.

Subject:

EXECUTION PETITION NO. 137/2020-NADIR KHAN, EX-COMPTROLLER  
KP HOUSE ISLAMBAD VS GOVT. OF KPK.

I am directed to refer to the subject cited above and to enclose herewith  
copies of this department letter of even No. dated 24.09.2021 and Finance Department  
letter No. SO(LIT-II)/FD/2-2166/2021 dated 11.10.2021 which are self-explanatory for  
further necessary action at your end, please.

Encls As Above (Judgement)

*Faw*  
ESTATE OFFICER

Endst. Of Even No and Date

Copy forwarded to:-

1. PS to Secretary Administration Department.
2. PS to Secretary Finance Department w/r to letter quoted above.
3. PA to Deputy Secretary (Admn), Administration Department.

*Faw*  
ESTATE OFFICER

*Supdt (Admn)*

*Put up on priority please.*

*S. 01/11/2021*

*SO (Admn)*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No.E&A (AD)/Account/Pay & Allowances/2019-20  
Dated the Peshawar 13.12.2021

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Finance Department.


Attention Budget Officer-IV

Subject: - INVESTIGATION OF ARREARS CLAIM SANCTION

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith statement of arrears amounting to Rs.342,822/- duly verified by Accountant General office along with necessary documents on account of Housing Subsidy Allowances for the period from 27.08.2013 to 18.01.2018 in respect of Mr. Nadir Khan, Ex-Comptroller of Khyber Pakhtunkhwa House Islamabad for sanction as required under the conditions No. 3 of sub-rule(i) of S. No. 8 'miscellaneous' schedule-II of the Delegation of Financial Powers 2018, please.


Yours faithfully

  
(LAEEQ AHMAD) 13/12/2021  
SECTION OFFICER (ADMIN)

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ENDST: OF EVEN NO & DATE

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2. PS to Additional Secretary (Admn), Administration Department.
3. PA to Deputy Secretary (Admn), Administration Department.

  
SECTION OFFICER (ADMIN) 13/12/2021

  
13/12/21



KHYBER  
ADMINISTRATION

GOVERNMENT OF  
PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No. EO(Admn)/Litigation/EP No.137/2020  
Dated Peshawar the 24.09.2021

To,  
The Secretary to Govt. of Khyber Pakhtunkhwa,  
Finance Department

Subject: EXECUTION PETITION NO. 137/2020- NADIR KHAN, EX  
COMPTROLLER KP HOUSE ISLAMABAD VS GOVT OF KP

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2. Case is therefore sent herewith for settlement in light of the decision of the Khyber Pakhtunkhwa Services Tribunal Order. Next date of hearing is 11.10.2021.

ESTATE OFFICER

Endst of Even No and Date

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2. PS to Secretary, Administration Department, Peshawar.
3. PA to Deputy Secretary (Admn) Administration Department.

ESTATE OFFICER



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

514  
26

NO.SO (LIT-II)/FD/2-2166/2021  
Dated Peshawar the, 11/10/2021

267 13/10/21

To:

The Secretary,  
Government of Khyber Pakhtunkhwa  
Administration Department.

Ps to Secy Admin

Dep No 3045 Date 12-10-21

Subject: EXECUTION PETITION NO. 137/2020 NADIR KHAN (E)  
COMPTROLLER KHYBER PAKHTUNKHWA HOUSE  
ISLAMABAD VERSUS GOVERNMENT OF KHYBER  
PAKHTUNKHWA

Dear Sir,

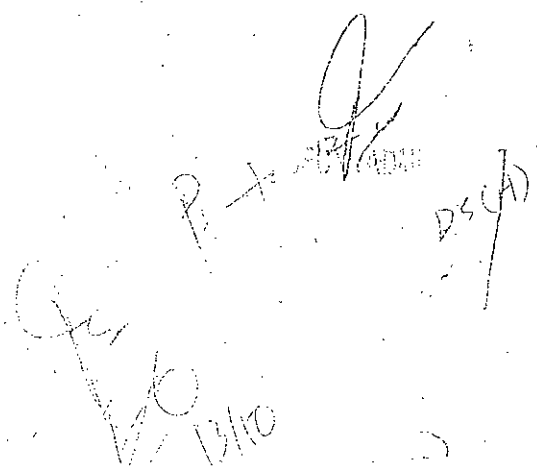
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01/10  
2/10

Priority is requested being court matter.

Yours faithfully

  
SECTION OFFICER (LIT-II)

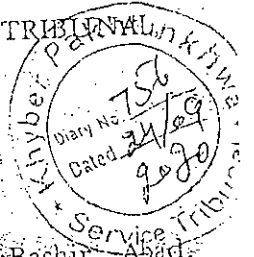
  
P  
DSC(A)  
13/10

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14/10/21

515

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL  
PESHAWAR

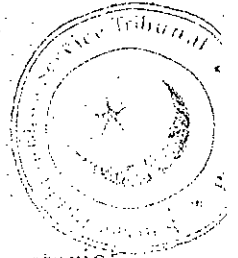
Execution petition No. 137 /2020



Nadir Khan S/O Syed Afzal Khan R/O, Madina Colony, Bashir Abad,  
Peshawar (Presently Comptroller Khyber Pakhtoonkhwa House, Islamabad)

Applicant

VERSUS



1. Hon'ble Chief Minister Khyber Pakhtoonkhwa through his Secretariat.
  2. The Government of Khyber Pakhtoonkhwa through Chief Secretary, Peshawar.
  3. Secretary to the Government of Khyber Pakhtoonkhwa, Establishment Department, Civil Secretariat, KPK, Peshawar.
  4. Secretary to the Government of Khyber Pakhtoonkhwa, Administration Department, Civil Secretariat Peshawar.
- Respondents

Application for execution /implementation of the judgment dated 13/04/2017 of this Hon'ble Tribunal with regard to a portion of back benefits i.e. house subsidy from 21/11/2013, date of compulsory retirement, to 19/01/2018, date of restoration of house subsidy.

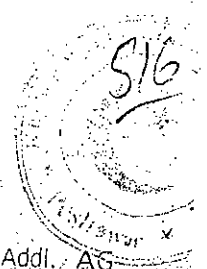
Respectfully Sheweth:

1. That the applicant had preferred a service appeal No. 81/2014 before this Hon'ble Tribunal for setting aside the major penalty of compulsory retirement from service and grant of back benefits, which was accepted vide the judgment dated 13/04/2017.  
(Copy of the judgement is enclosed as Annex-A)

2. That the applicant filed an application No. 146/17 dated..... for implementation / execution of the judgment as the respondents posed..... delay in execution / implementation of the judgment. The

EP 137/2020

Nadi's Khan vs Govt



09.09.2021

Petitioner in person and Kabirullah Khattak, Addl. AG  
alongwith Naseeb Khan S.O and Muhammad Numan,  
Superintendent for the respondents present.

Viewpoint of the Finance Department has been taken at  
the bar. They referred to Para 58 of the FGR. It was pointed  
out that application of the said rule in exceptional  
circumstance is liable to be dispensed with as far as spirit of  
the said rules is concerned. To come up for compliance of the  
order in light of viewpoint of the petitioner reflected in the  
order dated 02.08.2021. Accordingly, the House Subsidy after  
deduction of House Rent received by the petitioner shall be  
paid to him for the relevant period. Case to come up on  
11.10.2021 before S.B.

Certified to be true copy

Secretary  
Service Tribunal  
Karachi

Chairman

Date of presentation of Application 17/8/21  
Number of Words 800  
Copying Fee 10/-  
Cost 5/-  
Total 15/-  
Date of filing 17/8/21  
Date of withdrawal 17/8/21

MOST IMMEDIATE



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No. PS/DS(Admn)/Meeting/2021  
Dated Peshawar the 22.11.2021

To

1. The Section Officer (Admn), Administration Department.
2. The Section Officer (Budget), Administration Department.
3. The Estate Officer, Administration Department.

SUBJECT: - MEETING

Dear Sir,

I am directed to refer to the subject noted above and to state that a meeting is scheduled to be held on 24.11.2021 at 11.30 A.M under the chairmanship of Deputy Secretary (Admn), Administration Department in his office to discuss the Execution Petition No. 137/2020 Nadir Khan, Ex-Comptroller KP House Islamabad vs Govt. of Khyber Pakhtunkhwa.

2. I am further directed to request to kindly make it convenient to attend the above meeting on the date, time and venue please.

Yours faithfully,

(Maqsood-Ur-Rahman Shah)  
P.S to Deputy Secretary (Admn)

Meeting Attended  
put up due drawn  
statement of H/Subsidiary  
and HRA for the period  
as directed by DECA) and  
EO Admn Dept in light  
of Decision of Service Tribunal  
Court, also propose that being  
a six years old case the  
Finance Dept get sanction from  
of means claim for investigation  
in light of DOP.

28/11/2021





Khyber Pakhtunkhwa Delegation of Financial Powers Rules, 2018

S.#	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
(i)	Declaration of Stores as Surplus or Unserviceable	Full Powers	Upto Value of Rs. 1,000,000 per item	Upto Value of Rs. 500,000 per item	Upto Value of Rs. 100,000 per item	--
Specific Condition(s): 1. Full justification for declaring Stores as Surplus or Unserviceable; as the case may be, shall be prepared and furnished to Administrative Department, Accountant General or District Accounts Officer concerned and Finance Department or District Officer Finance and Planning concerned. 2. Value refers to Un-depreciated Book Value. 3. The Dead Stock Register shall accordingly be updated as per prescribed rules.						
(ii)	Disposal of Unserviceable or Surplus Stores	Full Powers	Full Powers	Full Powers	Rs. 100,000 At a time	Rs. 20,000 At a time
Specific Condition(s): 1. Disposal of Unserviceable or Surplus Stores, as the case may be, shall be via public-auction through an duly notified disposal committee having representation of Establishment & Administration Department and Finance Department.						
8	Miscellaneous					
(i)	To Sanction Investigation of Claim(s) of Government Servants	Full Powers	Full Powers	Full Powers	Full Powers	Full Powers
Specific Condition(s): 1. Administrative Department and Officers in Category-I shall have full Powers in respect of T.A. Claims not more than three years old and other claims not more than seven years old. 2. Officers in Category-II, III & IV shall have full powers in respect of claim not more than three years old of Government Servants whom they are competent to appoint. 3. T.A. Claim more than 3 years old and claim of arrear of pay and allowances, other than T.A. more than six years old, shall require sanction of the Finance Department after investigation by Audit.						
(ii)	Relaxation of the Prescribed Time Limit:	Full Powers				
Specific Condition(s): 1. Include Arrears of Pay & Allowances within the limit of 3 years. 2. Include Submission of T.A. Bill(s) where TA Advance not drawn. TA adjustment bill should be submitted within one year of the date of performance of journey by the Government servant, failing which the advances shall be recovered.						
(iii)	Relaxation of the Prescribed Time	Chief Secretary Upto 1 year				