


08.09.2022

Nemo for the petitioner. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Fazal Hadi, Associate Professor for the respondents present.

Previous date was changed on the strength of Reader's Note, therefore, notice be issued to the petitioner and his counsel to attend and apprise the Tribunal about the implementation report submitted on the previous date duly reflected in previous order sheet dated 05.07.2022. Adjourned. To come up for further proceedings on 05.10.2022 before S.B at Camp Court, Swat.


(Mian Muhammad)
Member (E)
Camp Court, Swat


05.10.2022

Nemo for petitioner.

Muhammad Jan, learned District Attorney alongwith Fazal Hadi Lecturer for respondents present.

It was on 05.07.2022 when representative of respondent Department submitted implementation report in the form of letter dated 03.06.2022. As per this letter, the Finance Department agreed to release funds amounting to Rs. 381,200/- in respect of the present petitioner and Director Higher Education was requested ~~for~~^{to} pay the recovered amount to the petitioner as per court directions to avoid the adverse action of the court. the petitioner is not present before the Tribunal. His grievances have been redressed, therefore the execution proceedings stand consigned being fully satisfied. No order as to costs.

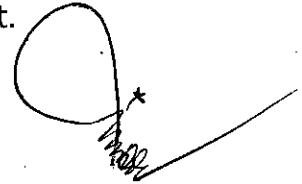
Announced.
05.10.2022


(Rozita Rehman)
Member (J)
Camp Court Swat

07.06.2022

Clerk to counsel for the petitioner present. Mr. Kabirullah Khattak, learned Additional Advocate General alongwith Mr. Fazal Hadi Associate Professor for the respondents present.

On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellant did not appear before the court. Adjourned. To come up for implementation report on 05.07.2022 before the S.B at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat

05.07.2022

No one present on behalf of petitioner.

Mr. Noor Zaman, District Attorney alongwith Atta Ur Rehman, Assistant for respondents present.

Representative of the respondent department submitted Implementation report in the form of letter No. BO-X/FD/3-3/2020-21 dated 03.06.2022 which is placed on filed. Order implemented.

Notices be issued to petitioner as well as his counsel for 04.08.2022 before S.B at camp court, Swat.



(Fareeha Paul)
Member (E)
Camp Court, Swat

4.8.22

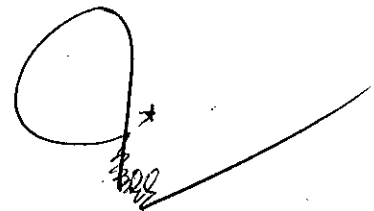
Due to summer vacation the case is adjourned to 8.9.22 for the same.



10.05.2022

None for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Fazal Hadi, Asst: Professor for respondents present.

As per reply of the respondent-department, the petitioner on attaining the age of superannuation, retired from service on 19.02.2018 whereas the Service Tribunal decided his service appeal vide its judgement dated 04.09.2018 as such concealment of facts had been resorted to and the Service Tribunal was not apprised of the factual position at the relevant point of time. The stance taken by the department is neither logical nor based on sound footings because the petitioner had instituted service appeal No. 484/2016 on 04.05.2016 i.e about two years before his retirement and the department had been duly represented during hearing of the case. Departmental representative was required to have apprised the Service Tribunal at appropriate time. Moreover, the record reveals that the respondents filed CPLA in the august Supreme Court of Pakistan against the judgement of Service Tribunal dated 04.09.2018 after considerable delay of 620 days which was dismissed vide judgement dated 15.11.2021. If the department was interested to challenge the Service Tribunal judgement through CPLA in august Supreme Court of Pakistan, it should have approached the august Supreme Court of Pakistan within statutory period and pursued it properly. In the circumstances, the respondent-department is obligated to implement judgement of the Service Tribunal as it has gained finality and to come up with final and conclusive implementation report on 07.06.2022 before S.B at camp court Swat.




(Mian Muhammad)
Member(E)
Camp Court Swat

07.02.2022 Tour is hereby canceled. Therefore, the case is adjourned to 04.04.2022 for the same as before at Camp Court Swat.


Reader

05.04.2022 Nemo for the petitioner. Mr. Fazal Hadi, Associate Professor alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present and sought further time for production of implementation report. Last opportunity given. To come up for implementation report on 10.05.2022 before the S.B at Camp Court Swat.

Notice for prosecution of the petition also be issued to petitioner as well as his counsel for the date fixed.


(Salah-Ud-Din)
Member (J)
Camp Court Swat

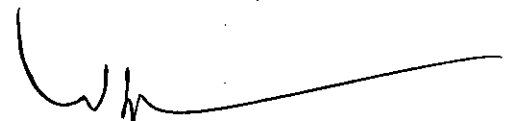
07.12.2021

Petitioner in person present.

Mr. Riaz Khan Paindkaheil, Assistant Advocate General alongwith Mr. Qazi Ayaz Litigation Assistant for respondents present.

Vide order sheet dated 04.11.2021, respondents were directed to furnish implementation report, but they failed to furnish the same today. Moreover, representative of the respondents stated at the bar that CPLA filed by the respondent department in august Supreme Court of Pakistan has been dismissed.

Today representative of respondents submitted letter dated 25.11.2021 addressed to Director Higher Education Khyber Pakhtunkhwa Peshawar, whereby respondents seeks expedition of implementation. In light of that letter representative of respondents requested for time to submit implementation report. Last opportunity is granted, failing which coercive measures will be taken against them. To come up for implementation report on 07.02.2022 before S.B at Camp Court Swat.



(Atiq Ur Rehman Wazir)
Member (E)
Camp Court, Swat

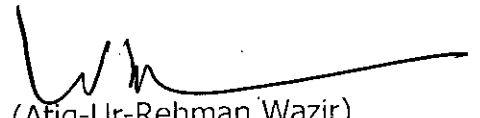
04.11.2021

Petitioner in person present. Mr. Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Fazle Hadi Associate Professor for respondents present.

Vide judgment dated 04.09.2018 the instant appeal was allowed. The impugned order dated 16.07.2015 was set aside and the respondents were directed to conduct de-novo inquiry.

As per judgment respondents were required to return the amount deducted from the appellant and to conduct de-novo inquiry, but after lapse of almost 3 years nothing was presented before this Tribunal.

In view of the situation, respondents are directed to submit implementation report on the next date positively, otherwise strict disciplinary action will be taken against the defaulter. Adjourned. To come up for implementation report before the S.B on 07.12.2021 at Camp Court Swat.


(Atiq-Ur-Rehman Wazir)
Member (Executive)
Camp Court, Swat

24.08.2021


Counsel for the petitioner present. Notices be issued to the respondents. To come up for implementation report on 05.10.2021 before S.B at camp court, Swat.


Chairman
Camp Court, Swat

05.10.2021

Appellant in person present. Mr. Riaz Khan Paindakheil, Assistant Advocate General alongwith Qazi Ayaz Litigation Assistant for the respondents present.

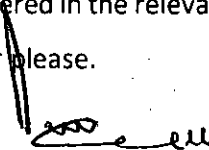
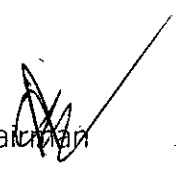
Implementation report not submitted. Representative of the respondents requested for time for submission of implementation report. Granted. To come up for implementation report on 04.11.2021 before S.B at Camp Court Swat.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT SWAT

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 183 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23.12.2020	<p>The Execution Petition submitted by Mr. Hidayat Ullah through Mr. Allah Dad Khan 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>
2-		<p>This Execution Petition be put up before Touring S. Bench at Swat on <u>24/08/21</u></p> <p style="text-align: right;">CHAIRMAN</p>
26.07.2021		<p>This Execution Petition to come up on 24.08.2021 before S.B at Camp Court, Swat. Notices be issued to petitioner/counsel for the date fixed.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR AT Swat

COC No. _____/2020

In

Appeal No 484/2016

Hidayat ullah.....(Petitioner)

VS

The Government of KPK, through Secretary Higher
Education, Khyber Pakhtunkhwa, Civil Sectriate Peshawar
and two others. (Respondents)

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4.	Copy of judgment dated 04.09.2018 is Annexure B.	'A'	6- 8
5.	Copy of letter no 10/70 dated 12.03.2019 is Annexure B, letters / Application submitted by the petitioner dated 30.11.2019 and 08.05.2020 are annexure 'C' & 'D'	'B' 'C' & 'D'	9- 12
6.	Wakaltnama.		13

Petitioner

Through Counsel

ALLAH DAD KHAN

ADVOCATE HIGH COURT

TEHSIL COURTS CHAKDARA

CELL NO: 0345-9021343

DATE: 22.12.2020

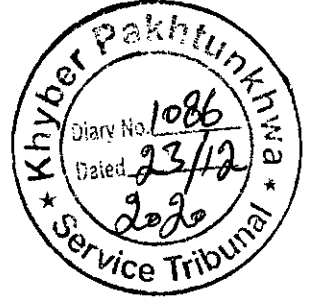
1

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR AT Swat

COC No. 183 /2020

In

Appeal No 484/2016



Hidayat ullah S/O Ghulam Nadir R/O Village Darbar

Chakdara , Tehsil Adenzai District Dir Lower.....(Petitioner)

VS

1. The Government of KPK, through Secretary Higher Education, Khyber Pakhtunkhwa, Civil Sectriate Peshawar.
2. The Director Education Colleges, Peshawar.
3. The Account Officer District Account Office, Malakand.

.....(Respondents)

APPLICATION FOR COC U/S 3/5 CONTEMPT OF COURT ACT READ WITH ARTICAL 204 OF CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 FOR VIOLATION OF JUDGMENT PASSED BY THIS AUGUST COURT IN APPEAL NO 484/2016 JUDGMENT DATED 04.09.2018 WHICH WAS ACCEPTED BY THIS AUGUST COURT AND THE RESPONDENTS WERE DIRECTED TO REFUND THE AMOUNT DEPOSITED BY THE PETITIONER TO HONOUR THE DECISION OF THE COURT WITH IMMEDIATE EFFECT, AND IMPLIMENTATION OF THE JUDGMENT OF THIS AUGUST COURT IN LETTER AND SPIRITS ACCORDINGLY.

Respectfully Sheweth:

The Petitioner submits as under:-

1. *That the petitioner deposited amount of Rs 321180/- according to the decision of inquiry committee.*
2. *That the petitioner approaches the court against the judgment of the Honorable Service tribunal KPK through appeal No 484/16 against the decision of the inquiry committee which was accepted and the decision of inquiry committee was set aside. (Copy of judgment of the Honorable court dated 04.09.2018 are Annexures 'A'.)*
3. *That director of Higher Education KPK Peshawar forwarded letter No 10/70 dated 12.03.2019 to refund the amount deposited by the petitioner to honour the judgment of the court. While letters / Application submitted by the petitioner dated 30.11.2019 and 03.05.2020 are annexed. (Copy of the latter 10/70 dated 12.3.2019 is Annexure 'B', letters / Application submitted by the petitioner dated 30.11.2019 and 08.05.2020 are annexure 'C' & 'D'.)*
4. *That since the decision of the Honorable court dated 04.09.2018 and the latter no 10/70 dated 12.3.2019 of the deputy director establishment and repeated request by the petitioner Hidayat ullah , the order of the KPK Service tribunal Peshawar Camp court Swat is not complied with till now.*

3

5. That if the order of the court is not complied with and the amount deposited Rs 321180/- along with interest is not refund to the petitioner.
6. That the petitioner visited the office of the Respondent No 3, time and again, But Respondent No 3 is not paying attention and till now did not refund the amount above with interest.
7. That the petitioner has no other way to knock the door this August Court once again to refund the above amount with interest to abide the direction of this August Court.

It is therefore, humbly prayed that on the acceptance of this petition, the Respondents be persecuted for contempt of court in accordance with law and the order of this August Court be implemented in letter and spirit to refund the said amount to the petitioner with in a month as soon as possible to prevent the petitioner form further loss and agony.



Petitioner

Through Counsel


ALLAH DAD KHAN

ADVOCATE HIGH COURT

TEHSIL COURTS CHAKDARA

DATE: 22.12.2020

CELL NO: 0345-9171176

4

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR AT Swat

COC No. _____/2020

In

Appeal No 484/2016

Hidayat ullah.....(Petitioner)

VS

The Government of KPK, through Secretary Higher
Education, Khyber Pakhtunkhwa, Civil Sectriate Peshawar
and two others. (Respondents)

Address of Petitioner:

Hidayat ullah S/O Ghulam Nadir R/O Village Darbar
Chakdara , Tehsil Adenzai District Dir Lower.....(Petitioner)

Address of Respondents:

1. The Government of KPK, through Secretary Higher
Education, Khyber Pakhtunkhwa, Civil Sectriate Peshawar.
2. The Director Education Colleges, Peshawar.
3. The Account Officer District Account Office, Malakand.

Petitioner

Through Counsel

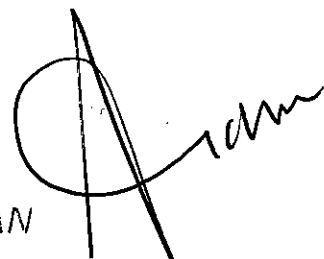
ALLAH DAD KHAN

ADVOCATE HIGH COURT

TEHSIL COURT CHAKDARA

CELL NO: 0345-9171176

DATE:22.12.2020



5

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR AT Swat

COC No. _____/2020

In

Appeal No 484/2016

Hidayat ullah.....(Petitioner)

VS

The Government of KPK, through Secretary Higher
Education, Khyber Pakhtunkhwa, Civil Sectriate Peshawar
and two others. (Respondents)

AFFIDAVIT

I, Hidayat ullah S/O Ghulam Nadir R/O Village Darbar
Chakdara, Tehsil Adenzai District Dir Lower, do hereby
solemnly affirm and declare on oath that all the contents of
the above COC are true and correct to the best my knowledge
and belief and nothing has been kept concealed from this
august court.

Deponent

Hidayat

Hidayat ullah

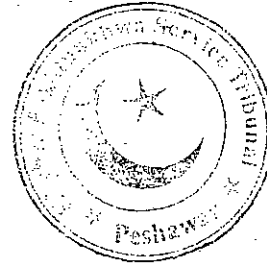
Identified By:

Muhammad Nyas Khan advocate.



BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR .

Appeal No. 484/2016



N.W.F. Provincial
Service Tribunal
Entry No. 447
Date: 04-5-2016

Hidayat ullah S/O Ghulam nadir R/O Post Office Chakdara Tehsil Oen
Zai district lower Dir . Peshawar

.....(APPELLANT).

VERSUS

Govt. of KPK through

1. Secretary Higher Education KPK Civil Secreariat Peshawar.
2. Director Education Colleges, Peshawar.

Deleted
14/12/16

3. Bank Manager National Bank of Pakistan Malakand Agency

4. Prof. Munsif Khan. Principal GPGC No.1 Abbotabad Chairman
Inquiry Committee).

Deleted
14/12/16

5. Prof. Ajmal Shah GDC Khairabad Mardan .(Member).

Deleted
14/12/16

6. Prof. Qutbud Din principal GDC, Lahore Swabi (Member).

7. Account Officer District Account Office, Malakand.

Spes to day

Submitted to day
14/5/16

Submitted to day
14/5/16

ATTESTED

.....(Respondents).

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT SWAT.

Service Appeal No. 484/2016

Date of Institution ... 04.05.2016
Date of Decision ... 04.09.2018



Hidayat Ullah S/O Ghulam Nadir R/O Post Office Chakdara Tensh Oen Zai District Lower Dir, Peshawar. ... (Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Higher Education Khyber Pakhtunkhwa Civil Secretariat Peshawar and 3 others. ... (Respondents)

Handwritten notes: 'EN 4.9.2018' and a signature.

Mr. Muhammad Saeed Qureshi, Advocate

--- For appellant.

Mr. Usman Ghani, District Attorney

--- For respondents.

MR. SUBHAN SHER,
MR. AHMAD HASSAN

--- CHAIRMAN
--- MEMBER(Executive)

JUDGMENT

ATTESTED

SUBHAN SHER, CHAIRMAN. Brief facts relevant for the disposal of the

Handwritten signature of Subhan Sher.

instant appeal are stated hercunder:

Stamp: 'Khyber Pakhtunkhwa Service Tribunal, Peshawar'.

The appellant was initially recruited as Lecturer and then got promoted to the post of Associate Professor when in the meanwhile he remained as acting Principal w.e.f 01.03.2009 to 30.03.2009. Similarly one Muhammad Rehman appointed allegedly as Class-IV, was given the charge of account and during his tenure, an amount of Rs. 7100000/- (Seventy one lac) was misappropriated. To fix the responsibility, an enquiry was conducted wherein it was recommended that 5% of the amount be recovered from the appellant on that ground that he did not exercise due care and vigilance vide enquiry report dated 01.02.2014. In view of the recommendations of the committee, respondents directed the appellant to deposit the amount in the proper head of account with consultation of the Principal GDC Agra

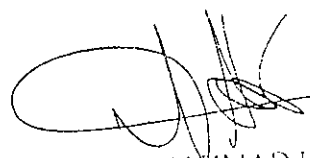
(Malakand Agency) and also submit compliance report vide letter bearing no. 17846-51 dated 16.7.2015 which is now impugned before this Tribunal by the appellant.


3. Arguments heard and record perused.

4. Main contention of the learned counsel for the appellant is that without issuance of charge sheet, statement of allegations and proper enquiry the appellant has been punished and so requested that on acceptance of this appeal, the impugned order be set aside.

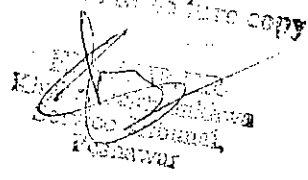
5. Learned District Attorney though opposed contentions of the learned counsel for the appellant, however representative named above, brought into the notice of this Tribunal that the appeal of main culprit namely Muhammad Rehman was accepted by this Tribunal and the case was remanded back to the respondents to conduct de-novo enquiry.

6. In view of the above stated circumstances, the appeal is allowed. The impugned order dated 16.07.2015 is set aside and the respondents/competent authority is directed to conduct de-novo enquiry strictly in accordance with the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules 2011. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.


(AHMAD HASSAN)
Member


(SUBHAN SHER)
Chairman
Camp court swat

ANNOUNCED *Certified to be true copy*
04.09.2018


Khyber Pakhtunkhwa
Tribunal
Peshawar



9
DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA
KHYBER ROAD, PESHAWAR

Tel # 091-9210242 / 9211025

Fax # 091-9210215

E-mail: dhekpkpesh@gmail.com Facebook.com/dhekppeshawar Twitter.com/dhekppeshawar1
No. / CA-1/ Sect. Branch/ A. A. Hidayatullah/ Islamiyat Dated Peshawar the 19/3/2019

To

The Secretary
Govt; of Khyber Pakhtunkhwa,
Higher Education Department Peshawar.

SUBJECT REFUNDING OF DEPOSITED AMOUNT.

Respected Sir, السلام عليكم

I am directed to enclose herewith a self-explanatory application in respect of Mr. Hidayatullah, retired Associate Professor of Islamiyat, Govt; Degree College, Gulabad, Dir (Lower) on the subject cited above and to state that the above-mentioned retired officer remained DDO at Govt; Degree College, Agra, Malakand in 2011 and a sum of Rs. 321,180/- was outstanding against him and in light of instructions contained in your letter No. SO (Colleges-I)/ HE/1-9/LPR/Hidayatullah/ Islamiyat/ 4420 dated 14.03.2018 (Copy enclosed) the amount in question was recovered from him. He filed a Service appeal in the Hon'able Service Tribunal, Khyber Pakhtunkhwa and the Hon'able Tribunal decided to set-a-side the order (Copy of judgment is enclosed). Now he has requested to refund the said amount deposited by him into Govt; Treasury.

It is, therefore, requested that may be considered in light of judgment of the Court, please.

Yours Faithfully,

(Mohammad Basit)

DY: DIRECTOR (ESTABLISHMENT)

Endst; No. 1070 /

Copy of the above is forwarded to the Principal Govt; Degree College, Gulabad, Dir (Lower) with reference to his letter No. 1709 dated 09.01.2019.

DY: DIRECTOR (ESTABLISHMENT)

10

To

The secretary
government of khyber pukhtunkhwa Peshawar
Subject: Refunding of deposited amount Rs.321180/-

Respected Sir,

The petitioner submits as under

1. That the petitioner deposited amount of Rs321180 according to the decision of enquiry committee.
2. That the petitioner approached the court against the decision of the enquiry committee which was accepted and the decision of the inquiry committee was set aside by the court. (copy of court decision enclosed)
3. That director of higher education kpk peshawar is forwarded letter no. 1070 dated 12.03.2019 to refund the amount deposited by the petitioner to honour the decision of the court. (copy of the letter no. 1070 is enclosed)
4. That since 12.03.2019 till now the said letter No. 1070 dated 12.03.2019 is not considered.
5. That due to delay of the decision refunding the amount to the under signed the amount deposited by the petitioner is devalued due to the decrease in value of Pakistani currency. (value of Pakistani currency is compared to dollar on 12 march 2109 was 139.05 per dollar which is now Rs.155.70 per dollar. which goes on to be devalued day by day.)

Hence prayed that the case of the under signed /petitioner be considered as soon as possible to save the petitioner from further loss and agony.

Petitioner:

H. U. 30/11/2019

HIDAYAT ULLAH

Retired Associate Professor
GDC Gulabad Dir lower

Permanent Address: Village Darbar Chakdara Tehsil Adenzai Dir Lower
Near Allah-u-Akbar Masjid. Cell. No. 03459271332

To

The Secretary,
Govt of KhyberPhkhtoonkhwa,
Higher Education Peshawar.

**Subject: Refunding of deposited amount Re 321180/-
COC of the order of Honreble service tribunal KPK Peshawar.**

Respected Sir,

The petitioner submitted as under.

1. That the petitioner deposited amount of Rs 321180/- according to the decision of inquiry committee.
2. That the petitioner approaches the court against the decision to the Honrable Service tribunal KPK through appeal No 484/16 against the decision of the inquiry committee which was accepted and the decision of inquiry committee was set aside.
3. That director of Higher Education KPK Peshawar forwarded letter No 10/70 dated 12.03.2019 to refund the amount deposited by the petitioner to honour the decision of the court. (Copy of the letter 10/70 is enclosed.)
4. That since the decision of the Honrable court dated 04.09.2018 and the letter no 10/70 dated 12.-3.2019 of the deputy director establishment and repeated request by the petitioner Hidayat ullah, the order of the KPK Service tribunal Peshawar Camp court Swat is not complied with till now.

5. That if the order of the court is not complied with and the amount deposited Rs 321180/- along with interest is not refund to the petitioner, the petitioner would be left no way but to knock the door of the KPK service tribunal camp court swat once again for COC of the order of the court dated 04.09.2018 and refunding of the amount above with interest.

Hence it is requested that the said amount be refunded to the petitioner with in a month as soon as possible to prevent the petitioner from further loss and agony.

Petitioner

H. U.
8/5/2020

HIDAYAT ULLAH

Retired Associate Professor

GDC Gulabad Dir Lower.

Dated: 03.04.2020

Cell No: 0345.9271332

Permanent Address:

Village Darbar Chakdara, Tehsil Adenzai Dir Lower Near
Allah -u- Akbar Masjid.



PRESIDENT
Chakdara Bar Association
District Dir Lower
Hyber Pakhtunkhwa

ایڈویکٹ بار کونسل نمبر:

BC. 10-0571

334

بعدالت جناب سید نرینعلی خیر خٹون خواہ شاہد سید اسحاق
 پیر ایڈووکیٹ پیر خیر خٹون خواہ نام خصوصی بااختیار
 دعویٰ اپیل انگریزی اور درخواست: توجہ عدالت منجانب (سائل)
 مقدمہ علت نمبر: مورخہ: جرم: تھانہ:

باعتبار تیسرا نکتہ

مقدمہ مندرجہ عنوان بالا میں اپنے طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام عدالت کے لئے سید نرینعلی خیر خٹون خواہ شاہد سید اسحاق کو وکیل اور کلاء
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو
 راضی نامیہ کرنے اور تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زرین بردست خط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل انگریزی و نظر ثانی ورٹ و پیروی کرنے کا اختیار 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 بھی
 وہی جملہ مذکورہ اختیارات حاصل ہونگے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا۔
 وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام دور یا حد سے باہر ہو تو وکیل صاحب
 پابند نہ ہونگے کہ پیروی مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المرقوم 22.12.2020

العبد العبد العبد العبد

العبد
پیر ایڈووکیٹ

چکدرہ سواہ

کے لئے منظور ہے۔
 ایڈویکٹ ادستخط

رابطہ نمبر 03459171176

0345-907/343



مقام
 نوٹ: فونو کاپی ناقابل قبول ہوگی۔
 Accepted
 accepted



GOVERNMENT OF KHYBERPAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

NO.SO (Lit) HED/File No. 183/SA-484/16 **Hidayatullah**

Dated the Peshawar 25.11.2021

To

**The Director,
Higher Education Khyber Pakhtunkhwa,
Rano Ghari, Peshawar.**

Subject: EP # 183/2020 in SA # 484/16 Hidayatullah Vs Govt. of Khyber Pakhtunkhwa.

Dear Sir,

I am directed to refer to this department letter of even number dated 12.10.2021 followed by reminders dated 21.10.2021 & 19.11.2021 on the subject noted above and to enclose herewith copy of Advocate General, Khyber Pakhtunkhwa letter No. 15055-56/AG/Supreme Court dated 22.11.2021 alongwith copy of judgment dated 15.11.2021 of the Supreme Court of Pakistan with the request to kindly expedite implementation and furnish the same to this department within 04 days positively for perusal/approval of the competent authority and onward submission before the Ld. Tribunal at Camp Court, Swat on 07.12.2021, please.

Yours faithfully,

(Handwritten signature)
24/11/21

(Handwritten initials)

Section Officer (Litigation-II)
PH # 091-9213501 FAX # 091-9210368

Endst: No. & date even.

Copy forwarded to the:-

3. The Section Officer (C-II), Higher Education Department alongwith copy of the above for similar necessary action, please.
4. PA to Deputy Secretary (Lit), Higher Education, Archives & Libraries Deptt. Peshawar.
5. Master File.

(Handwritten initials)

Section Officer (Litigation-II)

COURT CASE/MOST URGENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES & LIBRARY DEPARTMENT

NO. SO (Lit) HED/E.P-183/2020/SA-484/2016-Hidayat Ullah /28/11-12
Dated the Peshawar October 12, 2021

To

The Director,
Higher Education Khyber Pakhtunkhwa,
Rano Ghari, Peshawar.

Subject: E.P NO. 183/202 IN SA No. 484/2016 HIDAYAT ULLAH VS GOVT. OF KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith copy of the subject Execution Petition with the request to prepare Draft Joint Parawise Reply and furnish the same to this department for perusal / approval of the Competent Authority, within 03 days, so that to ensure its submission in the Ld. Tribunal within stipulated peroid, please.

Encl: as Above.

(NOOR ZALI KHAN)
Section Officer (Litigation-II)

Endst: No. & date even.
Copy forwarded to the:

1. The Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. The Section Officer (C-I) Higher Education Department alongwith copy of the subject Execution Petition for further necessary action, please.
3. PS to Secretary, Higher Education, Archives & Libraries Deptt Khyber Pakhtunkhwa.
4. PA to Deputy Secretary (Lit) Higher Education Department.

14/10/21

02
13/10

Section Officer (Litigation-II)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES & LIBRARY DEPARTMENT

NO. SO (Lit) HED/E.P-183/2020/SA-484/2016-Hidayat Ullah / 3469-70
Dated the Peshawar October 21, 2021

To

The Director,
Higher Education Khyber Pakhtunkhwa,
Rano Ghari, Peshawar.

Subject: E.P NO. 183/202 IN SA No. 484/2016 HIDAYAT ULLAH VS GOVT. OF KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to this department letter of even number dated 12.10.2021 on the subject noted above and to request to expedite the Draft Joint Parawise Reply and furnish the same to this department for perusal / approval of the Competent Authority, within 02 days positively without further delay, so that to ensure its submission in the Ld. Tribunal within stipulated period, please.

02
22/10
D/C

(NOOR ZALI KHAN)
Section Officer (Litigation-II)

Endst: No. & date even.

Copy forwarded to the:

1. The Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. The Section Officer (C-I) Higher Education Department w/r to this Section letter referred above.
3. PS to Secretary, Higher Education, Archives & Libraries Deptt Khyber Pakhtunkhwa.
4. PA to Deputy Secretary (Lit) Higher Education Department.

Ans
25/10/21

D/C

Section Officer (Litigation-II)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES & LIBRARY DEPARTMENT

NO. SO (Lit) HED/E.P-183/2020/SA-484/2016-Hidayat Ullah/1544-05
Dated the Peshawar November 19, 2021

To

The Director,
Higher Education Khyber Pakhtunkhwa,
Rano Ghari, Peshawar.

Subject: E.P NO. 183/202 IN SA No. 484/2016 HIDAYAT ULLAH VS GOVT. OF KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to this department letter of even number dated 12.10.2021 followed by reminder dated 21.10.2021 and also to refer to the Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal, Peshawar self-explanatory letter No. 5651-56 dated 16.11.2021 inter-alia addressed to this department as well to your good office on the subject noted above (copy enclosed for ready reference) and once again to request to expedite the Draft Joint Parawise Reply / Implementation Report and furnish the same to this department within 03 days positively for perusal / approval of the Competent Authority and onward submission before the Ld. Tribunal at Camp Court, Swat on 07.12.2021, please.

Encl: as Above.

(NOOR ZALI KHAN)
Section Officer (Litigation-II)

Endst: No. & date even.
Copy forwarded to the:

1. The Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal, Peshawar w/r to his letter above.
2. The Section Officer (C-I) Higher Education Department along with copy of the AAG letter referred above for further necessary action, please.
3. PS to Secretary, Higher Education, Archives & Libraries Deptt Khyber Pakhtunkhwa.
4. PA to Deputy Secretary (Lit) Higher Education Department.

Section Officer (Litigation-II)

21

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Mázhar Alam Khan Miankhel

CIVIL PETITION NO.383-P OF 2020

[Against the judgment dated 04.09.2018, passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar, Camp Court Swat, in Service Appeal No.484 of 2016]

**Government of Khyber Pakhtunkhwa
through Secretary Higher Education
Archives & Libraries Department,
Peshawar and others.**

...Petitioner(s)

Versus

Hidayatullah and another.

...Respondent(s)

For the Petitioner(s) : Mr. Atif Ali Khan, Additional
Advocate General, KP
(via V.L. Peshawar)
Respondent(s) : N.R.
Date of Hearing : 15.11.2021

ORDER

GULZAR AHMED, CJ.- This petition is barred by 620 days. An application for condonation of delay has been filed. Learned Additional Advocate General, KP (the AAG) for the petitioners-Department contends that delay has occurred because of the lengthy process for obtaining approval of the Constituted Law Committee for filing of the CPLA before this Court and late supply of documents and completion of attested copies of the judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Swat, (the Tribunal). Though such reasons are asserted by the learned AAG for the petitioners but he is unable to show that such submission is

ATTESTED

Secretary
Court Associates
Islamabad



supported by any law. It is to be noted that this ground has not been accepted by this Court as a sufficient cause for condoning of delay and no reason has been assigned as to why such ground should be accepted now. No affidavit whatsoever has been filed by the officials of the petitioners to support the ground taken in the application and the application, apparently, has been made without applying mind to it and by omitting to give all relevant reasons with specific dates during which the delay has been caused. Another ground of Covid-19 lockdown has been taken for condonation of delay, which too is not supported by any material, in that, no specific dates have been given as to on which dates there was a lockdown on account of Covid-19 and the petitioners were prevented for filing of the petition before this Court in time. Even each day's delay has not been explained by the learned AAG for the petitioners, which is the requirement of law. The application, on the face of it, appears to be wholly not sustainable and meritless. The same is, therefore, dismissed. The petition is also dismissed as time barred.

2. The Chief Secretary, Government of KPK shall take notice of the fact that the cases of the Government of KPK are being filed before this Court with delay and the applications,

ATTESTED which are filed for condonation of delay, do not even provide for

any ground and the filing of the petition before this Court is treated as just a formality. Proper action shall be taken against

those officials, who are responsible for filing of the delayed

petitions before this Court and also the persons, who are

Senior Court Associate
Supreme Court of Pakistan
Islamabad

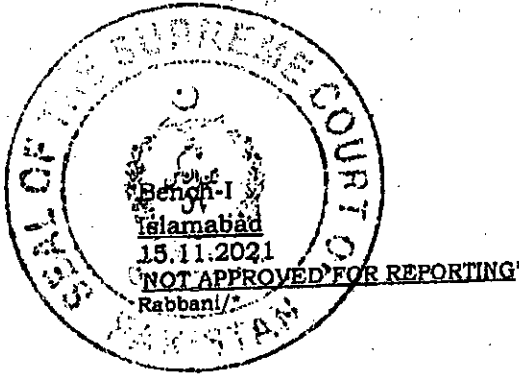
23

responsible in making of application for condonation of delay, for that, in routine stereo type applications are filed without at all applying mind to the facts and circumstances of the case, which are just meaningless and are not supported by any material whatsoever. The Chief Secretary shall ensure that the action is taken against the officials, because there seems to be a scam, where the government matters are deliberately delayed to favour the opposite party. A report shall be submitted by the Chief Secretary, Government of KP to this Court within a period of one month, showing compliance of the Courts' order.

Sd/-HCJ
Sd/-J

Certified to be True Copy

[Signature]
Senior Court Associate
Supreme Court of Pakistan
Islamabad



CR No.	18826/21	Civil/Criminal
Date of Presentation	15-11-21	
No of Words	900	
No of Pages	2	
Requisition Fee Rs.	5.00	
Copy Fee In	5.58	
Court Fee Stamps	10.58	
Date of Completion of Copy	16/11/21	
Date of Delivery of Copy	17/11/2021	
Compared by/Prepared by	<i>[Signature]</i>	
Received by	<i>[Signature]</i>	

2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT
SWAT

Execution Petition No. 183/2020

In

S.A # 484/2016

Hidayat Ullah.....Petitioner

Versus

Govt. of Khyber Pakhtunkhwa

Through Secretary Khyber Pakhtunkhwa

and others.....Respondents.

Subject: REPLY TO EXECUTION PETITION ON BEHALF OF RESPONDENTS NO. 1 & 2

1. Correct.
2. Correct to the extent that the petitioner filed service appeal no. 484/16 wherein the Service Tribunal passed judgment dated: 04-09-2018, operating part of the judgment is read as under:

“The impugned order dated: 16-07-2015 is set aside and the respondents/competent authority is directed to conduct de-novo inquiry strictly in accordance with the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules 2011.” **(Annex-A)**

It is pertinent to mention here that during pendency of the Service Appeal, the petitioner got retired on 19-02-2018 and this very fact was concealed by the appellant/petitioner from this Hon'ble Service Tribunal. **(Annex-B)** When judgment was processed for implementation it transpired that he has already been retired and denovo inquiry cannot be conducted against retired person. The judgment was placed before scrutiny committee of Law department wherein, initially the case was declared unfit for appeal **(Annex-C)** but later on it was declared fit for CPLA **(Annex-D)** but due to time limitation the same has been dismissed by Supreme Court vide judgment dated: 15-11-2021 **(Annex-E)** and was not decided on merit. After decision of Supreme Court the case was processed for implementation vide letter No. 6178 dated: 09-12-2021 **(Annex-F)**.

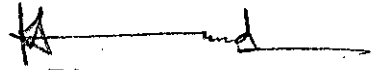
3. Pertains to record.
4. As already explained in para 2. The petitioner concealed it from this Hon'ble Service Tribunal that he has been retired from Service obtained the judgment through concealment of facts/misrepresentation/fraud.
5. As already explained in the preceding paras.
6. As already explained in the preceding paras.
7. That this Hon'ble Service Tribunal has jurisdiction to hear the case under section 12(2) CPC.

Prayer:

It is therefore, humbly prayed that the instant case may be heard under section 12(2) CPC.



Secretary,
Higher Education, Archives
& Library Department
Respondent No. 01
RHC



Director,
Directorate of Higher Education
Respondent No. 02

Annex-A

14

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT SWAT.

Service Appeal No. 484/2016

Date of Institution ... 04.05.2016

Date of Decision ... 04.09.2018

Hidayat Ullah S/O Ghulam Nadir R/O Post Office Chakdara Tehsil Oen Zai
District Lower Dir, Peshawar. ... (Appellant)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary Higher Education Khyber
Pakhtunkhwa Civil Secretariat Peshawar and 3 others. ... (Respondents)

Mr. Muhammad Saeed Qureshi,
Advocate

--- For appellant.

Mr. Usman Ghani,
District Attorney

--- For respondents.

MR. SUBHAN SHER,
MR. AHMAD HASSAN

--- CHAIRMAN
--- MEMBER(Executive)

JUDGMENT

SUBHAN SHER, CHAIRMAN:- Brief facts relevant for the disposal of the
instant appeal are stated hereunder:

2. The appellant was initially recruited as Lecturer and then got promoted to the
post of Associate Professor when in the meanwhile he remained as acting Principal
w.e.f 01.03.2009 to 30.03.2009. Similarly one Muhammad Rehman appointed
allegedly as Class-IV, was given the charge of account and during his tenure, an
amount of Rs. 7100000/- (Seventy one lac) was misappropriated. To fix the
responsibility, an enquiry was conducted wherein it was recommended that 5% of
the amount be recovered from the appellant on that ground that he did not exercise
due care and vigilance vide enquiry report dated 01.02.2014. In view of the
recommendations of the committee, respondents directed the appellant to deposit the
amount in the proper head of account with consultation of the Principal GDC Agra

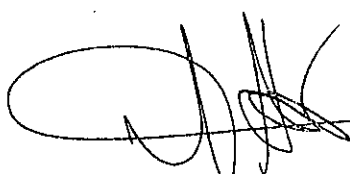
(Malakand Agency) and (also submit compliance report vide letter bearing no. 17846-51 dated 16.7.2015 which is now impugned before this Tribunal by the appellant.

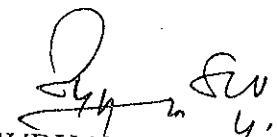
3. Arguments heard and record perused.

4. Main contention of the learned counsel for the appellant is that without issuance of charge sheet, statement of allegations and proper enquiry the appellant has been punished and so requested that on acceptance of this appeal, the impugned order be set aside.

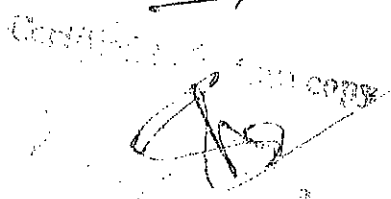
5. Learned District Attorney though opposed contentions of the learned counsel for the appellant, however representative named above, brought into the notice of this Tribunal that the appeal of main culprit namely Muhammad Rehman was accepted by this Tribunal and the case was remanded back to the respondents to conduct de-novo enquiry.

6. In view of the above stated circumstances, the appeal is allowed. The impugned order dated 16.07.2015 is set aside and the respondents/competent authority is directed to conduct de-novo enquiry strictly in accordance with the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules 2011. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.

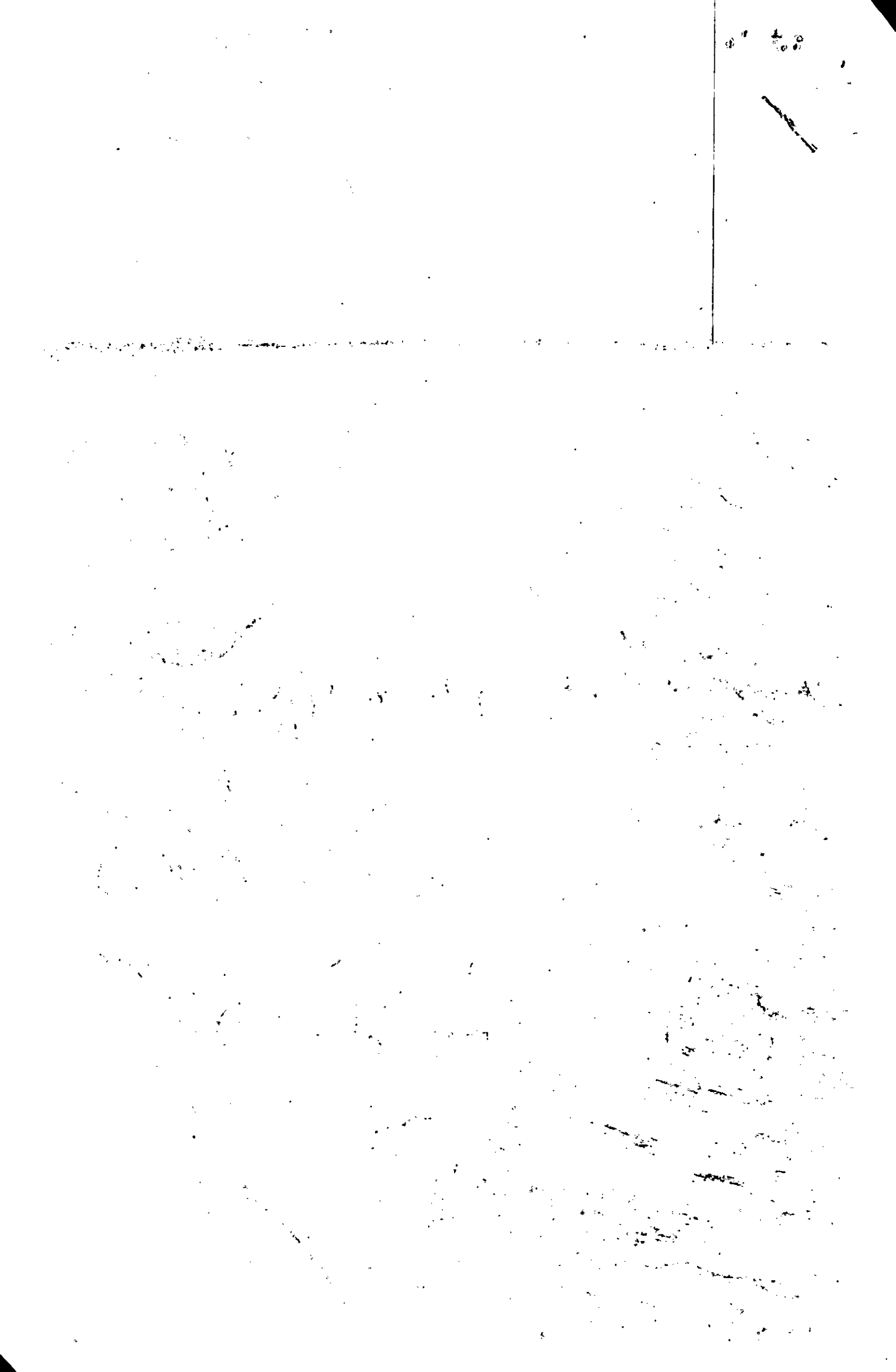

(ANISAD HASSAN)
Member


(SUBHAN SHER)
Chairman
Camp court swat

ANNOUNCED
04.09.2018


Copy

Date of Presentation	4.9.2018
No. of Pages	100
Capacity	
Urgency	
Total	
Name	
Date	27.09.18





GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT
CIVIL SECRETARIAT

Dated Peshawar on 20/08/2018

NOTIFICATION

NO.SO(C-1)/HE/1-9/LPR/2018/Hidayatullah / 1425-29
Sanction is hereby accorded to the grant of 350-days leave encashment in lieu of L.P.R. in respect of Mr. Hidayatullah, Associate Professor (BPS-19) of Islamiyat, Government Degree College, Gulabad Dir (Lower) under the Rule-20 of the Revised Leave Rules-1981.

The officer concerned stood retired from Government Service with effect from 19.02.2018 (A.N) on attaining the age of superannuation.

SECRETARY
HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN.

Copy forwarded to the:

- ✓ 1. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar with to his letter No.20722/CA-I/Estt: Branch/A-12/Hidayatullah/Islamiyat dated 16.07.2018.
2. Principal, Government Degree College, Gulabad Dir (Lower).
3. District Accounts Officer, Dir (Lower).
4. Deputy Director (HEMIS), Higher Education Department.
5. Officer concerned.
6. Master File.

[Signature]
20/8/2018

(RIAZ)
SECTION OFFICER (COLLEGES-I)

DD (HE)

CA-I
27/8/18

1
S.
27/8

RECEIVED
27 AUG 2018
3678

Most Immediate
Reminder



15

Government of Khyber Pakhtunkhwa
Higher Education Department
NO. SO(B&A)/HED/5-8/PAC/(General)Vol-I/X/2017-18
Dated Peshawar the, 20-01-2022

To

The Director Higher Education,
Khyber Pakhtunkhwa,
Peshawar

Subject: CIVIL PETITION # 383-P/2020 AND SA#484/16 IN RESPECT OF
MR. HIDAYATULLAH, EX-ASSOCIATE PROFESSOR OF ISLAMIAT

Dear Sir,

I am directed to refer to this Department letter of even number dated 17-01-2022 on the subject noted above and to state that the following information asked through return fax vide above referred letter is still awaited:

"Whether the factum of retirement of officer concerned was brought in the notice of Service Tribunal or otherwise"

2. It is, therefore, once again requested that the requisite information may be furnished through return fax by today, please.

The matter may be treated as most urgent.

Yours faithfully,

Section Officer (B&A)

Copy is forwarded to the:-

- ✓ 1. The Section Officer (Lit-II), Higher Education Department with reference to his letter No.SO(Lit)H.ED/114/SA No.484/2016 Hidayatullah dated 16-12-2021 and this section letter of even number dated 17-01-2022.
2. PS to Secretary Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
3. PA to DS (Admn), Higher Education Department.

20/01/22
Section Officer (B&A)



Government of Khyber Pakhtunkhwa
Higher Education Department
NO. SO(B&A)/HED/5-8/PAC/(General)Vol-I/X/2017-18
Dated Peshawar the, 25-01-2022

To

The Director Higher Education,
Khyber Pakhtunkhwa,
Peshawar

Subject: **CIVIL PETITION # 383-P/2020 AND SA#484/16 IN RESPECT OF MR. HIDAYATULLAH, EX-ASSOCIATE PROFESSOR OF ISLAMIAT**

Dear Sir,

I am directed to refer to this Department letter of even number dated 17-01-2022 and subsequent reminder dated 20-01-2022 on the subject noted above and to state that the requisite information is still awaited.

2. It is, therefore, **once again** requested that the same may be **furnished through return fax by today positively**, please.

The matter may be treated as most urgent.

Yours faithfully,

Section Officer (B&A)

Copy is forwarded to the:-

- ✓ 1. The Section Officer (Lit-II), Higher Education Department with reference to his letter No.SO(Lit)H.ED/114/SA No.484/2016 Hidayatullah dated 16-12-2021 and this section letter of even number dated 17-01-2022 for similar necessary action.
2. PS to Secretary Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
3. PA to DS (Admn), Higher Education Department.


Section Officer (B&A)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT
CIVIL SECRETARIAT

NO.SO(C-1)/HE/1-9/LPR/2018/Hidayatullah
Dated Peshawar the 27/05/2019

To

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

Subject: - REFUNDING OF DEPOSITED AMOUNT.

Respected Sir,

I am directed to invite your kind attention towards minutes of the Scrutiny Committee meeting of Law Department held on 17.11.2018 in S.A No.484/2016 / Hidayatullah Vs Govt. of Khyber Pakhtunkhwa, wherein it was decided that Administrative Department (HED) may conduct de-novo inquiry in the case as per judgment of Service Tribunal and declared it unfit for filling CPLA before.

It is pertinent to mention here that an outstanding amount of Rs.321118/- was pending against the appellant in the light of the recommendation of the inquiry committee which has now been deposited by the appellant in the Government Treasury.

The Service Tribunal, Peshawar in the judgment dated 04.08.2018 set aside the order for recovery of amount dated 16.07.2015 and directed the respondents / competent authority to conduct de-novo inquiry strictly in accordance with the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

According to the instructions of Establishment Department disciplinary proceedings can not be initiated against a retired person.

P.T.O



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

MINUTES OF THE SCRUTINY COMMITTEE MEETING.

(Agenda Item No.19)

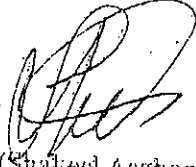
S.A NO.484/2016 HIDAYAT ULLAH VS GOVT. OF KHYBER PAKHTUNKHWA.

A meeting of the Scrutiny Committee was held on 17-10-2018 at 12:00 hours in the office of Secretary Law Parliamentary Affairs & Human Rights Department under his Chairmanship to determine the fitness of the subject case for filing of appeal / CPLA in the proper forum. AAG (Mr. M. Sohail) was also present during the meeting being representative of Advocate General Khyber Pakhtunkhwa.

2. The Chairman of the Committee invited the representatives of Higher Education Department Mr. Muqarrab Khan Section Officer (Lit) alongwith Irfanullah AD(Lit) to apprise the Committee about the background of the case which he did accordingly and stated that appellant was initially recruited as Lecturer and then got promoted to the post of Assistant Professor and also remain as acting Principal w.e.f. 01-05-2009 to 30-03-2009. During his tenure an amount of 71,00,000/- was misappropriated and after conducting inquiry it was recommended that 5% of the amount be recovered from the appellant and as per recommendation of the inquiry Committee appellant was asked to deposit the amount but he instead of depositing the same file the service appeal. The honorable Services Tribunal vide judgment dated 04-09-2018 directed the official respondents to conduct de-novo inquiry in the case. The Scrutiny Committee inquired from the representative to pin point the grounds against which CPLA is to be filed in the upper forum which he failed to submit.

DECISION:-

3. In view of the above discussion it was decided with consensus by the Scrutiny Committee that as no charge sheet, statement of allegations and proper inquiry was conducted against the appellant, hence the Administrative Department may conduct de-novo inquiry in the case as per directions of Service Tribunal within the stipulated period of time as granted by the Tribunal.


(Shakeel Asghar)
Additional Secretary (Op)



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

MINUTES OF THE SCRUTINY COMMITTEE MEETING.

(AGENDA ITEM NO. 17)

SERVICE APPEAL NO.484/2016 HIDAYAT ULLAH VS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY HIGHER EDUCATION DEPARTMENT AND 3 OTHERS.

A meeting of the Scrutiny Committee was held on 01.01.2020 at 12:00 Hours in the office of Secretary, Law Parliamentary Affairs & Human Rights Department under his Chairmanship to determine the fitness of the subject case for filing of Appeal/CPLA in the Supreme Court of Pakistan. AAG (Mr. Qasim Ali Shah) was also present during the meeting being representative of Advocate General Khyber Pakhtunkhwa.

2. The Chairman of the Committee invited the representatives of Higher Education Department Mr. M. Irshad, DS along with Mr. Khushi Muhammad, SO and Mrs. Lubna Farman, AD to apprise the Committee about the background of the case which they did accordingly and stated that the appellant filed the subject service appeal and impugned the letter dated: 16.07.2015 vide which the appellant was directed to deposit the amount in the proper head of account with consultation of the Principal GDC Agra, Malakand Agency. The Khyber Pakhtunkhwa Service Tribunal allowed the subject appeal, set aside the impugned order/letter dated: 16.07.2015 and directed the respondents to conduct denovo inquiry strictly in accordance with the Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules, 2011 vide order dated: 04.09.2018. Now, the Department intended to file CPLA against the judgment on the following grounds:

GROUND/DISCUSSIONS:

3. The grounds as proffered by the representative of the Department were that the Court has ignored the record and material facts placed before it. He further added that the appellant got retired on superannuation on 19.02.2018. The Scrutiny Committee observed that the subject case came under discussion before the Scrutiny Committee of Law Department on 17.10.2018 and it had been decided that Administrative Department may conduct denovo inquiry in the case as per directions of the Khyber Pakhtunkhwa Service Tribunal within stipulated period of time. The learned AAG present in the meeting asked from the Departmental Representative that in the opinion of Advocate General Office, Departmental Inquiry had been advised to be conducted and whether any inquiry has been conducted by the Department in this regard or not upon which the Departmental Representative replied that no inquiry in this regard has been conducted. The Scrutiny Committee showed its displeasure that the Administrative Department did not honour the opinion rendered by the Advocate General Office as no inquiry has been initiated on the opinion of the Advocate General Office. The Scrutiny Committee advised the Administrative Department to conduct inquiry in compliance with the opinion rendered by the Advocate General Office and in this way CPLA may be filed in the Apex Court of Pakistan. The Departmental representative requested to declare the case fit for filing of Appeal/CPLA in the Supreme Court of Pakistan.

DECISION:

4. Hence in view of above it was decided with consensus by the Scrutiny Committee that the subject case was a fit case for filing of Appeal/CPLA in the Supreme Court of Pakistan subject to compliance with the opinion rendered by the Advocate General Office regarding initiating of inquiry.

5. The representative of Higher Education Department was advised to approach the office of Advocate General along with complete record of the case for doing the needful within the period of limitation under intimation to this Department.

WASIMA JAMIL
SOLICITOR

Annex - E

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Mazhar Alam Khan Miankhel

CIVIL PETITION NO.383-P OF 2020

[Against the judgment dated 04.09.2018, passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar, Camp Court Swat, in Service Appeal No.484 of 2016]

Government of Khyber Pakhtunkhwa
through Secretary Higher Education
Archives & Libraries Department,
Peshawar and others. ...Petitioner(s)

Versus

Hidayatullah and another. ...Respondent(s)

For the Petitioner(s) : Mr. Atif Ali Khan, Additional
Advocate General, KP
(via V.L. Peshawar)

Respondent(s) : N.R.

Date of Hearing : 15.11.2021

ORDER

GULZAR AHMED, CJ.- This petition is barred by
620 days. An application for condonation of delay has been
filed. Learned Additional Advocate General, KP (the AAG) for the
petitioners-Department contends that delay has occurred
because of the lengthy process for obtaining approval of the
Constituted Law Committee for filing of the CPLA before this
Court and late supply of documents and completion of attested
copies of the judgment of the Khyber Pakhtunkhwa Service
Tribunal, Peshawar Camp Court Swat, (the Tribunal). Though
such reasons are asserted by the learned AAG for the
petitioners but he is unable to show that such submission is

ATTESTED

Secretary
Supreme Court of Pakistan
Islamabad

[Signature]

Recd
Supra



supported by any law. It is to be noted that this ground has not been accepted by this Court as a sufficient cause for condoning of delay and no reason has been assigned as to why such ground should be accepted now. No affidavit whatsoever has been filed by the officials of the petitioners to support the ground taken in the application and the application, apparently, has been made without applying mind to it and by omitting to give all relevant reasons with specific dates during which the delay has been caused. Another ground of Covid-19 lockdown has been taken for condonation of delay, which too is not supported by any material, in that, no specific dates have been given as to on which dates there was a lockdown on account of Covid-19 and the petitioners were prevented for filing of the petition before this Court in time. Even each day's delay has not been explained by the learned AAG for the petitioners, which is the requirement of law. The application, on the face of it, appears to be wholly not sustainable and meritless. The same is, therefore, dismissed. The petition is also dismissed as time barred.

2. The Chief Secretary, Government of KPK shall take notice of the fact that the cases of the Government of KPK are being filed before this Court with delay and the applications,

which are filed for condonation of delay, do not even provide for

any ground and the filing of the petition before this Court is treated as just a formality. Proper action shall be taken against

those officials, who are responsible for filing of the delayed

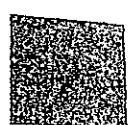
petitions before this Court and also the persons, who are

ATTES

for Court
Supreme Court
Islamabad

ATTESTED

Senior Counsel
Supreme Court of Pakistan
Islamabad



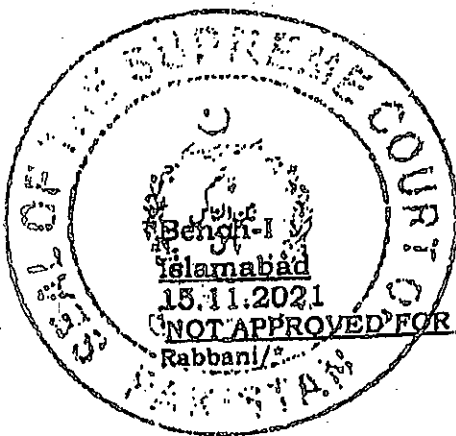
responsible in making of application for condonation of delay, for that, in routine stereo type applications are filed without at all applying mind to the facts and circumstances of the case, which are just meaningless and are not supported by any material whatsoever. The Chief Secretary shall ensure that the action is taken against the officials, because there seems to be a scam, where the government matters are deliberately delayed to favour the opposite party. A report shall be submitted by the Chief Secretary, Government of KP to this Court within a period of one month, showing compliance of the Courts' order.

Sd/-HCJ

Sd/-J

Certified to be True Copy

[Signature]
Senior Court Associate
Supreme Court of Pakistan
Islamabad



CR No: 18826/21 Civil/Criminal
 Date of Presentation: 18-11-21
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GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

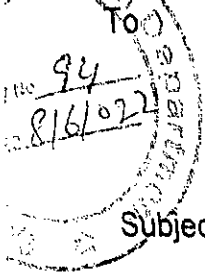
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No BO-X/FD/3-3/2020-21

Dated Peshawar the; 03-06-2022



The Secretary to Govt: of Khyber Pakhtunkhwa,
Higher Education Department,
Peshawar

Subject: -

**CIVIL PETITION # 383-P/2020 AND SA484/16 IN RESPECT OF
MR. HIDAYAT ULLAH, EX-ASSOCIATE PROFESSOR OF ISLAMIYAT**

Dear Sir,

I am directed to refer to your Department letter No.SO(B&A)/HED/5-8/PAC/(General)/Vol-I/X/2017-18/2701 dated 19-05-2022 on the subject noted above and to state that Finance Department agrees to release funds amounting to **Rs.381,200/-** (Rupees three hundred eighty one thousand and two hundred only) under object "A01270-Other" in respect of Mr. Hidayatullah (Rtd.) Associate Professor of Govt. Degree College, Agra Malakand, during the current financial year 2021-22, subject to the observance of all codal formalities, before incurring of the expenditure by Administrative Department, through the following re-appropriation:-

From(-)	To (+)
Grant No.12 (NC21016) 09-Education Affairs and Services, 093-Tertiary Education Affairs & Services 0931-Tertiary Education Affairs & Services 093101-General Universities/Colleges/Institutes	Grant No.12 (NC21016) 09-Education Affairs and Services, 093-Tertiary Education Affairs & Services 0931-Tertiary Education Affairs & Services 093101-General Universities/Colleges/Institutes
PR4822 lumpsum allocation (colleges) A03970-037-Others. Lumpsum at the disposal of Finance Department Rs.381,200/-	MD-4042 Govt. Degree College, Agra Malakand "A01270-Other" Rs.381,200/-

Yours faithfully,

S. (B.A.)
8/6/22

(SAHIBZADA ABBAS KHAN)
BUDGET OFFICER-X
03/06/22

Endst; No. & date as above.

Copy forwarded to the: -

1. Director Higher Education Department Peshawar.
2. District Accounts Officer, Malakand.
3. Master File.

BUDGET OFFICER-X



Government of Khyber Pakhtunkhwa
Higher Education Department

NO. SO(B&A)/HED/5-8/PAC/(General)Vol-I/X/2017-18
Dated Peshawar the, 13-06-2022

11609

To

The Director Higher Education,
Khyber Pakhtunkhwa,
Peshawar

Subject: **CIVIL PETITION # 383-P/2020 AND SA484/16 IN RESPECT OF MR. HIDAYATULLAH, EX-ASSOCIATE PROFESSOR OF ISLAMIAT**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith Finance Department letter No.B-X/FD/3-3/2020-21 dated 03-06-2022 regarding release of funds amounting to Rs.381,200/- under head A01270-others in respect of Mr. Hidayatullah (Rtd) Associate Professor Govt. Degree College Agra Malakand during the current financial year 2021-22.

2. In view of the above, It is, therefore, requested to pay the recovered amount to the above named ex-officer as per court direction to avoid the adverse action of the court and provide the desired documents asked vide this department letter of even number dated 19-05-2022 on priority basis for onward submission to Establishment Department to proceed further in to the matter, please.

Yours faithfully,

(Signature) 13/06/22

SECTION OFFICER (B&A)

Encls: As above

Copy is forwarded to the:-

1. The Section Officer (Lit-II), Higher Education Department with reference to his letter No.SO(Lit-II)H.ED/114/SA No.484/2016 Hidayatullah dated 16-02-2022.
2. PS to Secretary Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
3. PA to DS (Admn), Higher Education Department.

AD(Lit-II)

Directorate of Higher Education
Khyber Pakhtunkhwa
RECEIVED ON

SECTION OFFICER (B&A)

OFFICE OF THE DIRECTOR HIGHER EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.

Edtst: No. 11920 /N-3/II AB

Dated Pesh: 13/6 /2022.

Copy of the overleaf along with its encls: is forwarded for information & necessary action to the Principal, Govt: Degree College Agra (Malakand).


Assistant Director (Accounts)

