

Execution Petition 278/2022

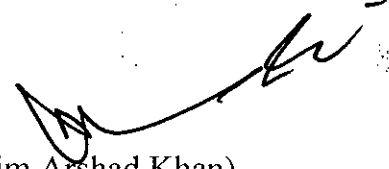
27th Oct 2022

1. Petitioner in person is counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Faiz Muhammad, Librarian, Miss. Bibi Sajida, Principal, PHS, D.I.Khan(respondent No.4) and Mr. Arif Mehmood, Principal PIMT, D.I.Khan (respondent No.3) present.

2. Respondents submitted copy of office order bearing Endst No. 03/Admn/Office order/2022-23/1490 dated 25.10.2022 alongwith application for release of salaries of respondents No. 3 and 4, whereby in compliance of the judgment of the Tribunal, the grievance of the petitioner has been redressed. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is filed.

3. Respondent No.3 and 4 submitted applications for release of their salaries attached previously. In view of the implementation of the judgment, the salaries of the respondents No. 3 and 4 are released. The District Accounts Officer, D.I.Khan are directed to release salaries of the respondents No. 3 and 4 forthwith. Consign.

4. *Pronounced in open court in D.I.Khan and given under my hand and seal of the Tribunal on this 27th day of Oct, 2022.*



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

27th Sept, 2022

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

It is noted with concerned that no proper representation is made by the respondent department before the Tribunal in violation of the standing orders of the Establishment Department. Despite clear directions given on the previous date, respondents have not submitted implementation report. This Tribunal has no other alternative but to take action against respondents. The Accountant General Khyber Pakhtunkhwa and District Accounts Officer, D.I.Khan are directed to attach salaries of the respondents No. 1 to 4 till further orders by this Tribunal and compliance report be submitted to the Registrar of this Tribunal. Show cause notice be also issued to the respondents as to why they should not be proceeded under the Contempt of Court Ordinance 2003. Respondents are directed to appear in person alongwith the implementation report.

To come up on 27.10.2022 for further proceedings at camp court D.I.Khan.



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan



Annexure - C

PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Department of Health



P-8

OFFICE ORDER

WHEREAS Mr. Jan E Alam Ex-Senior Clerk (BS-14) was removed from service under E&D Rules 2011, vide No. 42/PHSA/Admn/Enquiry/2019-20/1128-32 dated. 21.02.2020;

AND WHEREAS, feeling aggrieved, he filed Service Appeal in Khyber Pakhtunkhwa Service Tribunal Peshawar No. 5690/2020, dated. 10.06.2020;

AND WHEREAS, after several rounds of arguments, the KP Service Tribunal announced judgment on 18.01.2022 stated as:

"We are inclined to partially accept the instant appeal by converting the major punishment of removal from service into stoppage of two annual increments for two years. The intervening period is treated as leave without pay"

AND WHEREAS, in compliance of the above judgment, he submit arrival report on 1.04.2022;

AND WHEREAS the department, after getting opinion from law department, filed CPLA No. 452-p/2022 in the Apex Court, which is still pending for adjudication;

AND WHEREAS the appellant again filed Execution Petition No. 278/2022 for implementation of judgment dated. 18.01.2022;

AND WHEREAS Tribunal directed to come up for implementation report on 27.10.2022;

NOW THEREFORE, in compliance, the judgment dated. 18.01.2022 is hereby conditionally implemented subject to the outcome of the ibid CPLA in Supreme Court of Pakistan as follow:

1. Mr. Jan E Alam Ex-Senior Clerk (BS-14) is hereby re-instated into service with effect from 21.02.2020 with stoppage of two annual increments for two years.
2. The intervening period with effect from 21.02.2020 till 31.03.2022 is hereby converted into leave without pay.
3. The pay with effect from date of his arrival i.e 1.04.2022 till date is hereby adjusted against the vacant post at Paramedical Institute of Medical Technologies (PIMT) DI Khan

Subsequent to the above, Mr. Jan E Alam Senior Clerk (BPS-14) is hereby posted at PIMT DI Khan against the vacant post of Senior Clerk (BPS-14) in the best public interest.


-Sd-

DIRECTOR GENERAL
PHSA PESHAWAR.
Dated. 25/10/2022

No. 03 /Admn/Office order/2022-23/ 1490

Copy forwarded for information;

- Registrar Service Tribunal Khyber Pakhtunkhwa.
- Chairman Service Tribunal Camp court DI Khan.
- Principal PIMT DI Khan.
- Section Officer Lit-II Health Department Peshawar.
- District Accounts Officer DI Khan.
- Deputy Director IT PHSA Peshawar.
- Litigation Officer PHSA Peshawar.
- PS to Secretary Health Khyber Pakhtunkhwa Peshawar.
- PA to Deputy Secretary (Litigation) Health Department Peshawar.
- Mr. Jan E Alam Senior Clerk PIMT DI Khan.
- Personal file.


DIRECTOR GENERAL,
PHSA PESHAWAR.



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Department of Health



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-Sd-

**DIRECTOR GENERAL
PHSA PESHAWAR.**

Dated. 25/10/2022

No. 03 /Admn/Office order/2022-23/ 1490

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- Registrar Service Tribunal Khyber Pakhtunkhwa.
- Chairman Service Tribunal Camp court DI Khan.
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- Section Officer Lit-II Health Department Peshawar.
- District Accounts Officer DI Khan.
- Deputy Director IT PHSA Peshawar.
- Litigation Officer PHSA Peshawar.
- PS to Secretary Health Khyber Pakhtunkhwa Peshawar.
- PA to Deputy Secretary (Litigation) Health Department Peshawar.
- Mr. Jan E Alam Senior Clerk PIMT DI Khan.
- Personal file.

**DIRECTOR GENERAL,
PHSA PESHAWAR.**

Before the Honorable Kaye Pirkhson Khan Service Tribunal Peshawar
(Camp 5501 DTKA)

Execution Petition NO 278/2022

Service appeal NO 5690 of 2020

Dir Jan Alam, Senior JAK PIMI, DTKA (Petitioner)
versus


Govt of Khyber Pirkhson Khan and others
(Respondents)

Application for Release of Salaries on behalf of Respondent NO 3.

Respectfully sheweth,

1. That the above mentioned petition is pending before this honorable Tribunal which is fixed for today
2. That the implementation report is submitted before the honorable Service Tribunal and the judgment of honorable Tribunal has been implemented in its true letter & spirit.
3. It is now therefore requested that the salaries of respondent, no 3 may very kindly be detached accordingly please.

Date: 27.10.2022


Dr. Amir Mahmood
Principal PIMI-DTKA
Respondent No. 3

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
(D. I. KHAN BENCH)

EXECUTION PETITION NO. 278/2022

IN

SERVICE APPEAL NO. 5690/2020

Pir Jan Alam

Petitioner

vs

Govt of K.P

Respondent

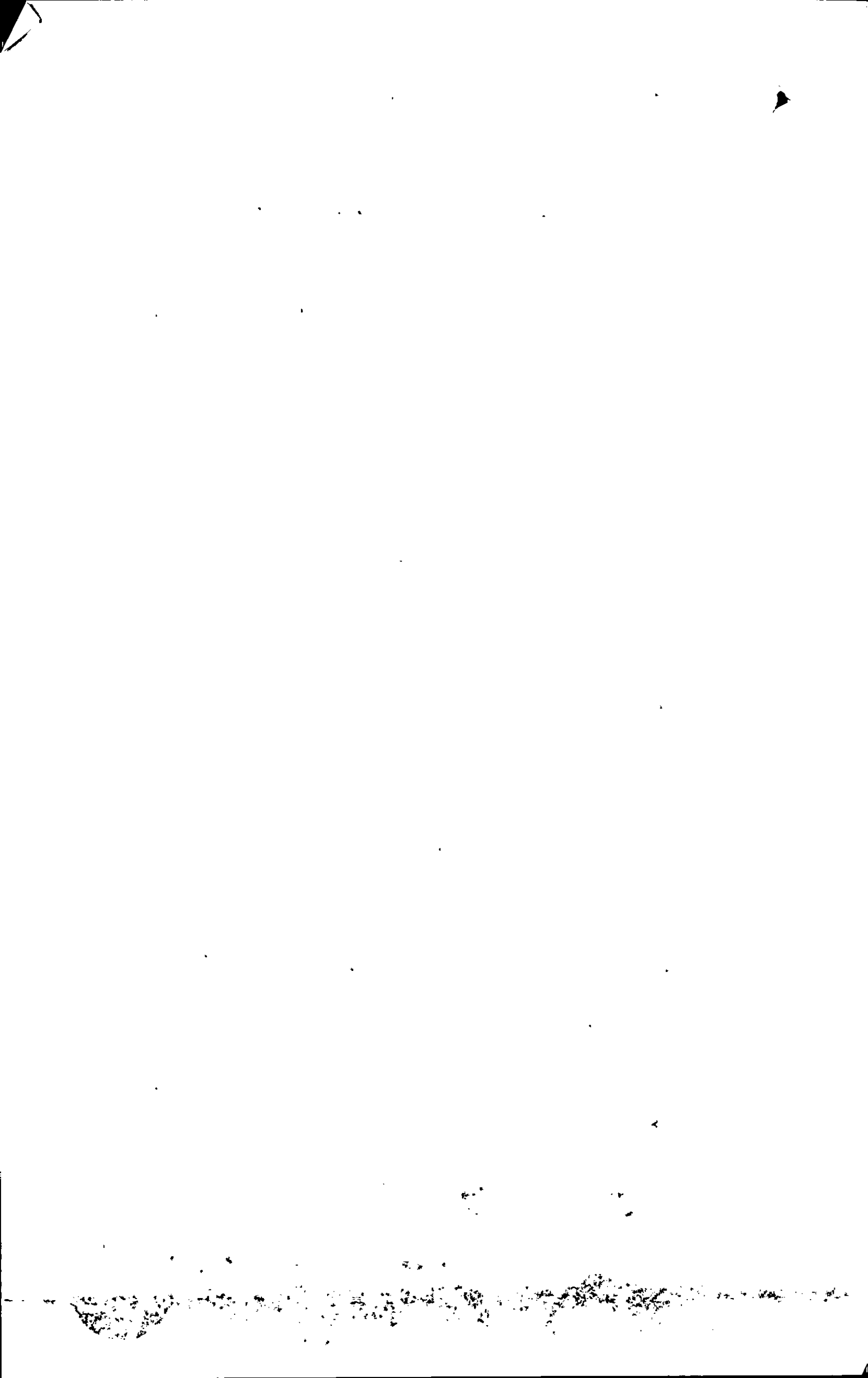
APPLICATION FOR DETACHMENT OF SALARY

Respectfully submitted:

1. That instant petition was fixed today.
2. That implementation report is submitted before the tribunal where the judgment of Honorable Service Tribunal is implemented in letter and spirit.
3. It is now therefore requested that my salary may please be detached accordingly please.

Dated: 27.10.2022

Bibi
Mst. Sajida
Principal PHS P.I.K
Respondent No. 4



13th June, 2022

Petitioner in person present. Mr. Kabiruallh Khattak,
Addl: AG present.

Implementation report not submitted. Notices be issued to the respondents with the direction to submit implementation report on the next date positively. To come up for implementation report on 07.07.2022 before S.B.



(Kalim Arshad Khan)
Chairman

7th July, 2022

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

Learned AAG seeks time to submit implementation report on the next date. Last chance is given for implementation. The instant execution petition pertains to District D.I.Khan, therefore, let it be fixed at camp court D.I.Khan. To come up for implementation report on 23.08.2022 before S.B at camp court D.I.Khan.



(Kalim Arshad Khan)
Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 278/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.05.2022	<p>The execution petition of Mr. Pir Jan Alam submitted today by Roeeda Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p align="right"><i>[Signature]</i> REGISTRAR</p>
2-	25-5-22	<p>This execution petition be put up before to Single Bench at Peshawar on <u>13-6-22</u>. Original file be requisitioned. Notices to the parties be also issued for the date fixed.</p> <p align="right"><i>[Signature]</i> CHAIRMAN</p> <hr/> <p>Respectfully Respectfully Respectfully Respectfully Respectfully Respectfully Respectfully Respectfully</p> <p align="right"><i>[Signature]</i> <i>[Signature]</i></p>

BEFORE THE KHYBER PAKHTUNKHWASERVICE TRIBUNAL,
PESHAWAR.

Execution Petition No. 278 /2022

Pir Jan Alam Senior Clerk Paramedical Institute of Technology (PIMT) Dera
Ismail Khan

Appellant

VERSUS

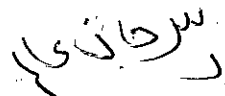
- (1) Secretary Health Khyber Pakhtunkhwa Peshawar.
- (2) Director General Health (PSHA) Khyber Pakhtunkhwa .
- (3) Principal of Paramedical Institute of Technology (PIMT)
Dera Ismail Khan.
- (4) Principal Public Health School D.I Khan.

Respondents


Index

S.No.	Description of documents	Annexure	Pages
1.	Copy of petition		1-2
2.	Copy of Judgment	A	3-7
3.	Wakalat Nama		8

Dated 11/05/2022


Appellant/Petitioners

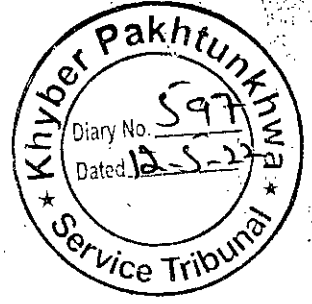
Through


Rooeda Khan
Advocate High Court,
Peshawar.

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Execution Petition No. 278 /2022
©



Pir Jan Alam Senior Clerk Paramedical Institute of Technology
(PIMT) Dera Ismail Khan

Appellant

VERSUS

- (1) Secretary Health Khyber Pakhtunkhwa Peshawar.
- (2) Director General Health (PSHA) Khyber Pakhtunkhwa .
- (3) Principal of Paramedical Institute of Technology (PIMT)
Dera Ismail Khan.
- (4) Principal Public Health School D.I Khan.

Respondents

EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED: 18/01/2022 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.

Respectfully Sheweth:

1. That the appellant/Petitioners filed Service Appeal No. 5690/2020 before this Hon' able Tribunal which has been accepted by this Hon' able Tribunal vide Judgment dated 18/11/2020. (Copy of Judgment is annexed as Annexure-A).

(2)

2. That the Petitioners after getting of the attested copy approached to the respondents several times and properly moved an application for implementation of the above mention Judgment. However they using delaying and reluctant to implement the Judgment of this Hon' able Tribunal.
3. That the Petitioners has no other option but to file the instant petition for implementation of the Judgment of this Hon' able Tribunal.
4. That the respondent Department is bound to obey the order of this Hon' able Tribunal by implementing the said Judgment.

It is therefore requested that on acceptance of this Petition the respondents may kindly be directed to implement the Judgment of this Hon' able Tribunal In letter and spirit.

Dated 11/05/2022

سرفراز

Appellant/Petitioners

Through

RD

Rooeda Khan
Advocate High Court Peshawar

AFFIDAVIT

I, Pir Jan Alam Senior Clerk Paramedical Institute of Technology (PIMT) Dera Ismail Khan do here by solemnly affirm and declare on oath that all the contents of the above petition are true and correct to the best of my knowledge and belief and nothing has been misstated or concealed from this Hon' able Tribunal.

سرفراز

DEPONENT



(1) (3)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR



In Re S.A No. 5690 /2020

Khyber Pakhtunkhwa
Service Tribunal
Peshawar
5016
Dated 10/6/2020

Pir Jan Alam Ex-Senior Clerk Paramedical Institute
of Technology (PIMT) Dera Ismail Khan

Appellant

VERSUS

- ✓ 1. Secretary Health Khyber Pakhtunkhwa Peshawar.
- ✓ 2. Director General Health (PHSA) Khyber Pakhtunkhwa Peshawar.
3. Principal of Paramedical Institute of Technology (PIMT) Dera Ismail Khan.
4. Principal Public Health School D.I.Khan.

Respondents

filed today
500
10/6/2020
Registrar

SERVICE APPEAL U/S-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 21/02/2020 WHEREBY THE MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN AWARDED TO THE APPELLANT BY THE RESPONDENT DEPARTMENT AGAINST WHICH THE APPELLANT FILLED DEPARTMENTAL APPEAL DATED 06/03/2020 WHICH HAS NOT BEEN DECIDED WITHIN THE STATUARY PERIOD OF 90 DAYS.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

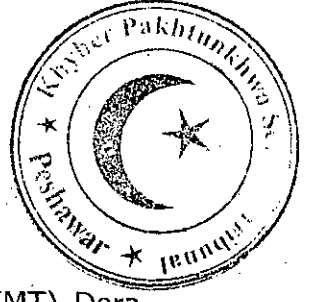
(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5690/2020

Date of Institution ... 10.06.2020

Date of Decision ... 18.01.2022



Pir Jan Alam Ex-Senior Clerk Paramedical Institute of Technology (PIMT) Dera Ismail Khan. ... (Appellant)

VERSUS

Secretary Health Khyber Pakhtunkhwa Peshawar and others. ... (Respondents)

Roeeda Khan,
Advocate ... For Appellant

Javed Ullah,
Assistant Advocate General ... For respondents

AHMAD SULTAN TAREEN ... **CHAIRMAN**
ATIQU-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are

that the appellant while serving as a Senior Clerk, was proceeded against on the charges of misconduct and was ultimately awarded with major punishment of removal from service vide order dated 21-02-2020, against which the appellant filed departmental appeal dated 06-03-2020, which was not responded within the statutory period, hence the instant service appeal with prayers that the impugned order dated 21-02-2020 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated; that there is no proof and evidence available

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

with respondents against the appellant regarding the allegations leveled against the appellant; that no opportunity of personal hearing or defense has been afforded to the appellant and the appellant was condemned unheard; that neither statement of any witness was recorded in presence of the appellant nor the appellant was afforded opportunity to cross-examine such witnesses, thus skipped a mandatory step as prescribed in law; that the appellant is not competent authority to make appointments; that the penalty so awarded is harsh which does not commensurate with gravity of the guilt.

03. Learned Assistant Advocate General for the respondents has contended that disciplinary proceedings against the appellant were initiated on 14-11-2019 and the inquiry committee found the appellant involved in dealing of a fake appointment order/recruitment of one Mr. Muzamil; that the appellant was found working as a middle man in issuance of fake appointment order; that the inquiry committee found that the appellant had taken Rs. 300000/ from father of Muzamil and gave it to other official Fayaz, who provided fake appointment order to father of Muzamil; that role of the appellant was very vital in the issue and he was required to be dealt with accordingly; that before imposition of major penalty, all codal formalities were fulfilled, the appellant was properly charge sheeted, proper inquiry was conducted and the appellant was afforded appropriate opportunity of defense, but the appellant utterly failed to prove his innocence.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant was posted as senior clerk in the office of Paramedical Institute of Technology (PITM) DIKhan. A fake appointment order in respect of one Mr. Muzamil, who was son of a retiring class-iv employee and who otherwise, was eligible to be appointed against the post on retired son quota was handed over to him, upon which Mr. Muzamil reported his arrival in the office of Public Health School D.I.Khan, but his appointment order was sent by the


ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

principal of the school to the appointing authority for verification, which was found bogus. To this effect, a preliminary inquiry was conducted and found involved the appellant as well as others in issuance of the fake appointment order, for which the appellant was served with charge sheet/statement of allegation dated 14-11-2019. The appellant responded and denied all such allegations. The appellant was issued show cause notice dated 08-01-2020, which was also responded by the appellant and inquiry to this effect was also conducted. The inquiry committee neither recorded statement of any witnesses in presence of the appellant nor the appellant was afforded any opportunity to cross-examine such witnesses, thus skipped a mandatory step as prescribed in law and in a manner, the appellant was deprived of an opportunity to defend his cause. The respondents also violated rule 11(1) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. There were no evidences, examination of prosecution witnesses or opportunity of cross-examination, hence the proceedings so conducted were not in accordance with law and such practice has already been disapproved by the apex court contained in its judgments PLD 1989 SC 335, 1996 SCMR 802, 2018 PLC (CS) 997 and 2019 SCMR 640.

06. The inquiry officer without any solid proof only based his findings on the statement of a single person i.e. father of Muzamil and that too, without any support of other witnesses. The inquiry committee preferred to consider this single reason enough for holding him responsible based on presumptions; facts however, had to be proved and not presumed, particularly for awarding major penalty of dismissal from service. Reliance is placed on 2002 PLC (CS) 503 and 2008 SCMR 1369. The inquiry officer failed to establish as to how in the absence of any incriminating evidence charges can be established against the accused. It has been held in various judgments of the apex court that regular inquiry is must before imposition of major penalty of dismissal from service, which however was

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

not done in case of the appellant. We are of the considered opinion that the respondents badly failed to prove the allegations leveled against the appellant and penalized the appellant only because of presumptions, which however was not warranted. Another interesting aspect of the case is that Mr. Muzamil, who was initially appointed on fake appointment order, was later on regularly appointed against such post, without penalizing him for acquiring his appointment order through illegal means. Father of Mr. Muzamil also confessed that he had received the amount taken from him as bribe, but without mentioning as to who returned such amount to him. Moreover, keeping in view merit of the case, the penalty so awarded appears to be harsh. Competent authority had jurisdiction to award any of the punishments mentioned in law to the government employee but for the purpose of safe administration of justice such punishment should be awarded which commensurate with the magnitude of the guilt, Otherwise the law dealing with the subject would lose its efficacy. Reliance is placed on 2006 SCMR 1120

07. We are of the considered opinion that though role of the appellant was dubious, but charges were not fully established against him, hence keeping in view the above cited discussion, we are inclined to partially accept the instant appeal by converting the major punishment of removal from service into stoppage of two annual increments for two years. The intervening period is treated as leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
18.01.2022

(AHMAD SULTAN TAREEN)
CHAIRMAN

(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 12/05/22
Number of Words 2000
Copying Fee 22/-
Urgent 4/-
Total 26/-
Name of Copyist -
Date of Completion of Copy 12/05/22
Date of Delivery of Copy 12/05/22

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بعدالت حلف لایہ



2022 مخائب اسلام آباد
بنام
سید

سید

موزخہ
مقدمہ
دعوی
جرم

باعث تحریر آنکے

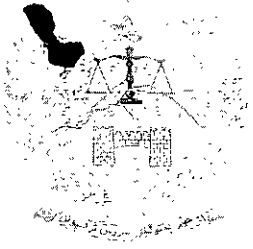
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام کیلئے لایہ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء درصولی چیک در و پیہار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
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 باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ در ہر جانب التوائے مقدمہ کے سب سے وہ ہوگا۔
کوئی تارتخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 11 ماہ 2022

بمقام

کے لئے منظور ہے۔

Acceptance
B. Y.



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2036-39 /ST Dated 21/10 /2022

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

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

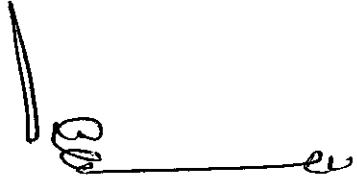
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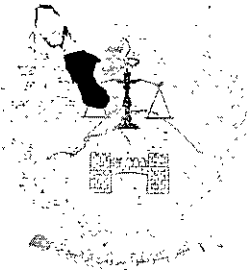
1. The Secretary Health, Civil Secretariat Khyber Pakhtunkhwa.
2. Director General Health Services Civil Secretariat Khyber Pakhtunkhwa.
2. Principal of Paramedical Institute of Technology (PIMT) Dera Ismail Khan.
4. Principal Public Health School Dera Ismail Khan

SUBJECT:- ORDER REGARDING PERSONAL APPEARANCE OF RESPONDENTS IN EXECUTION PETITION NO. 278/2022, TITLED PIR JAN ALAM-VS-HEALTH DEPARTMENT.

I am directed to forward herewith a certified copy of order dated 27.09.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance.

Encl. As above.


(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2932-35 /ST Dated 21 / 10 /2022

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

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

To

1. The Secretary Health, Civil Secretariat Khyber Pakhtunkhwa.
2. Director General Health Services Civil Secretariat Khyber Pakhtunkhwa.
2. Principal of Paramedical Institute of Technology (PIMT) Dera Ismail Khan.
4. Principal Public Health School Dera Ismail Khan

Subject: **SHOWCAUSE NOTICE IN EXECUTION PETITION NO: 278/2022 TITLED PIR JAN ALAM-VS-HEALTH DEPARTMENT.**

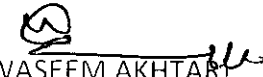
I am directed to say that execution petition No. 278/2022 was filed in this Tribunal against the respondents for disobedience of the order dated 18-01-2022 passed by this Tribunal in Service Appeal No. 5690/2020 titled Pir Jan Alam-vs- Health Department

That when the above execution petition came up for hearing before this Tribunal on 27th day of Sept, the following orders were passed:

"Learned Counsel for the Petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

It is noted with concerned that no proper representation is made by the respondent department before the Tribunal in violation of the standing orders of the Establishment Department. Despite clear direction given on the previous date, respondents have not submitted implementation report. This Tribunal has no other alternative but to take action against respondents. The Accountant General Khyber Pakhtunkhwa and District Account Officer D.I.Khan are directed to attached salaries of the respondents No.1 & 4 till further Orders by this Tribunal and compliance reports be submitted to the Registrar of this Tribunal. Show Cause notice be also issued to the respondents as to why they should not be proceed under the Contempt of Court Ordinance 2003. Respondents are directed to appear in person alongwith proper implementation report. To come up for further proceeding on 27.10.2022 at camp court D.I.Khan."

You are, therefore, served with show cause notice to explain as to why appropriate action may not be initiated against you for non-compliance of order of this Tribunal dated 18-01-2022.


(WASEEM AKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

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

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

No. 2926-27 /ST Dated 24 / 10 /2022

To:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Account Officer, D.I.Khan.

SUBJECT:- ORDER REGARDING ATTACHMENT OF SALARIES OF RESPONDENT 1 TO 4 IN EXECUTION PETITION NO. 278/2022, TITLED PIR JAN ALAM-VS-HEALTH DEPARTMENT.

I am directed to forward herewith a certified copy of order dated 27.09.2022, passed by this Tribunal in the above mentioned execution for strict compliance.

Encl. As above.

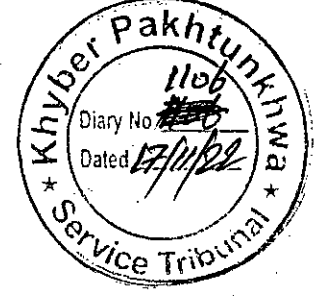
(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
(CAMP COURT D.I.K)

Execution Petition No 278/2022

IN

SERVICE APPEAL NO. 5690 OF 2020



Pir Jan Alam, Senior Clerk PIMT, DIK

.....Petitioner

Versus

Govt. of Khyber Pakhtunkhwa and others

.....Respondents

Application for release of salary on behalf of respondent no. 1

Respectfully Sheweth,

1. That the above mentioned petition was pending before this Honourable Tribunal and fixed for submitting the implementation report on 27.10.2022.
2. That the implementation report is submitted before the Honourable Service Tribunal and the judgement of the Honourable Tribunal has been implemented in its true letters and spirit.
3. It is now therefore requested that the salary of the respondent may kindly be detached accordingly, please.

Put up to the worthy chair - as along with relevant execution petition

Reader

[Signature]
17/11/2022

[Signature]
01/11/22

(AMER SULTAN TAREEN)

Secretary Health Department
Government of Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)

Secretary to Govt: of
Khyber Pakhtunkhwa
Health Department



Execution Petition 278/2022

27th Oct 2022

1. Petitioner in person is counsel present. Mr. Kabirullah Khattak. Addl: AG alongwith Mr. Faiz Muhammad, Librarian, Miss. Bibi Sajida, Principal, PHS, D.I.Khan(respondent No.4) and Mr. Arif Mehmood, Principal PIMT, D.I.Khan (respondent No.3) present.

2. Respondents submitted copy of office order bearing Endst No. 03/Admn/Office order/2022-23/1490 dated 25.10.2022 alongwith application for release of salaries of respondents No. 3 and 4, whereby in compliance of the judgment of the Tribunal, the grievance of the petitioner has been redressed. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is filed.

3. Respondent No.3 and 4 submitted applications for release of their salaries attached previously. In view of the implementation of the judgment, the salaries of the respondents No. 3 and 4 are released. The District Accounts Officer, D.I.Khan are directed to release salaries of the respondents No. 3 and 4 forthwith. Consign.

4. *Pronounced in open court in D.I.Khan and given under my hand and seal of the Tribunal on this 27th day of Oct, 2022.*

(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

Date of Presentation of Application 01/11/22
Number of Copies 800
Copies 10/-
Fees 10/-
Date 17-11-22
Date of Delivery of Copy 17-11-22

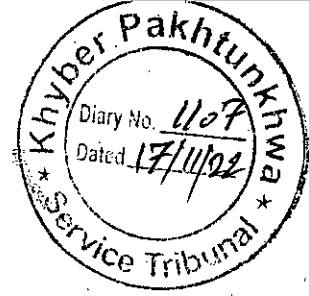
Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
D.I.Khan

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
(CAMP COURT D.I.K)

Execution Petition No 278/2022

IN

SERVICE APPEAL NO. 5690 OF 2020



Pir Jan Alam, Senior Clerk PIMT, DIK

.....Petitioner

Versus

Govt. of Khyber Pakhtunkhwa and others

.....Respondents

Application for release of salaries on behalf of respondent no. 2

Respectfully Sheweth,

1. That the above mentioned petition is pending before this Honourable Tribunal which is fixed for today.
2. That the implementation report is submitted before the Honourable Service Tribunal and the judgement of the Honourable Tribunal has been implemented in its true letters and spirit.
3. It is now therefore requested that the salaries of the respondents 1 to 4 may kindly be detached accordingly, please.

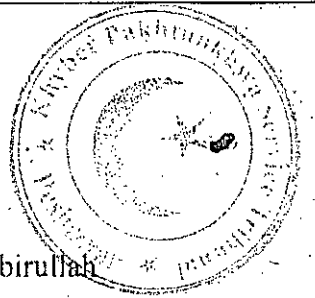
put up to the worthy chair - as will relevant execution petition.

Recd du.

[Signature]
17/11/22

[Signature]
(DR SAEED GUL)

DIRECTOR GENERAL
PHSA, Health Department
Peshawar
(Respondent No.2)



Execution Petition 278/2022

27th Oct 2022

1. Petitioner in person is counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Faiz Muhammad, Librarian, Miss. Bibi Sajida, Principal, PHS, D.I.Khan(respondent No.4) and Mr. Arif Mehmood, Principal PIMT, D.I.Khan (respondent No.3) present.

2. Respondents submitted copy of office order bearing Endst No. 03/Admn/Office order/2022-23/1490 dated 25.10.2022 alongwith application for release of salaries of respondents No. 3 and 4, whereby in compliance of the judgment of the Tribunal, the grievance of the petitioner has been redressed. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is filed.

3. Respondent No.3 and 4 submitted applications for release of their salaries attached previously. In view of the implementation of the judgment, the salaries of the respondents No. 3 and 4 are released. The District Accounts Officer, D.I.Khan are directed, to release salaries of the respondents No. 3 and 4 forthwith. Consign.

4. *Pronounced in open court in D.I.Khan and given under my hand and seal of the Tribunal on this 27th day of Oct, 2022.*

(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

Date of Presentation of Application 01/11/22
Number of Copies 800
Copy to 10/-
Original 10/-
Name of Applicant ---
Date of Presentation 17-11-22
Date of Delivery of Copy 17-11-22

Carried to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

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

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

No. 3597 /ST Dated 15/12/2022


To:

The District Accounts Officer, D.I.Khan.

SUBJECT:- ORDER REGARDING RELEASE OF SALARIES OF RESPONDENTS 3 & 4 IN EXECUTION PETITION NO. 278/2022, TITLED Mr. PIR JAN ALAM -VS- HEALTH DEPARTMENT.

I am directed to forward herewith a certified copy of order dated 27-10.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance.

Encl. As above.


(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.