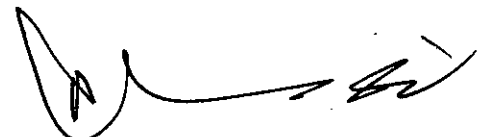


13th Dec 2022

1. Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Riaz Khan, Supdt and Mr. Naheed Gul, Assistant for respondents present.

2. Representative of the respondents submitted detailed reply on behalf of the respondents No.1 and 2 annexing therewith correspondence of the Establishment Department with the various departments as well as Commissioner, Hazara Division, similarly Commissioner Hazara Division also wrote a letter to the Deputy Commissioner Upper Kohistan regarding the implementation of the judgment. Likewise the Accountant General Khyber Pakhtunkhwa office has also written a letter to the District Accounts Officer, Abbottabad as well as to the Deputy Commissioner, Upper Kohistan. In the letter dated 07.11.2022 of the Accountant General Khyber Pakhtunkhwa addressed to the Deputy Commissioner, Upper Kohistan, it was pointed out that the petitioner came under the audit jurisdiction of the District Accounts Officer, Kohistan or Abbottabad and that he was not employee of the Accountant General, Khyber Pakhtunkhwa office, therefore, the matter might be taken up with the concerned Accounts Officer. It was then the Deputy Commissioner, Upper Kohistan sent letter No. 9600 dated 02.12.2022 to the District Accounts Officer, Kohistan Upper requesting him to take necessary action under intimation to the office of the Deputy Commissioner by making reference to the judgment of this Tribunal. The learned counsel for the petitioner was very fair to say that the District Accounts Officer, Kohistan was not made party either in the appeal or in this execution petition, therefore, he would take up the matter with the District Accounts Officer, Kohistan to whom the Deputy Commissioner has already asked about taking necessary action at his part so that judgement could be implemented. As regard this petition, he does not press it presently. Disposed of accordingly. Consign.

03. *Pronounced in open court at Abbottabad and given under my hand and seal of the Tribunal on this 13th day of December, 2022.*



(Kalim Arshad Khan)

Chairman

Camp Court Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 388/2022 in Service Appeals No. 1118/2017

Mr. Muhammad Rehman.....Appellant

VERSUS

Chief Secretary, Khyber Pakhtunkhwa & OthersRespondents

INDEX

Sr. No:	Description of Documents	Annex	Pages
1.	Reply/Joint Parawise Comments		2-3
2.	Affidavit		4
3.	Authority Letter		5
4.	Establishment Department Letter Address to Secretary Industries Department Dated 20.09.2022	I	6
5.	Establishment Department Letter Address to Accountant General KPK and Commissioner Hazara Division Abbottabad Dated 30.09.2022	II	7
6.	Assistant Commissioner (REV/GA) Letter Address to Deputy Commissioner Kohistan Upper Dated 07.10.2022	III	8
7.	Accountant General KPK Letter Address to District Account Officer Abbottabad Dated 17.10.2022	IV	9
8.	Accountant General KPK Letter Address to Deputy Commissioner Kohistan Upper Dated 07.11.2022	V	10
9.	Deputy Commissioner Kohistan Upper Letter Address to District Accountant Officer Kohistan Upper Dated 23.11.2022	VI	11

Dated: 12.12.2022


Deponent

CNIC No: 17301-6272682-3
Mobile: 0315-5737137

2

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Execution Petition No. 388/2022 in Service Appeal No. 1118/2017

Muhammad Rehman, Peshawar.....Appellant

Versus


Chief Secretary & Others.....Respondents

COMMENTS / REPLY ON BEHALF OF RESPONDENTS NO. 1&2.

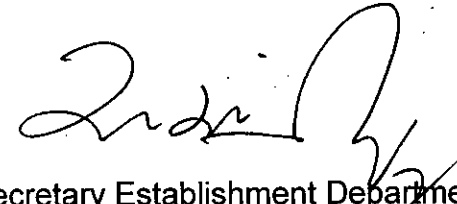
Respectfully Sheweth: -

1. That this Hon'ble Tribunal vide its ORDER dated 18-11-2021 directed the following:
"All the increments earned by appellant over period of his contractual service are countable as part of his salary at the time of regularization of his appointment. Accordingly, his pay is revisable to include into his salary all previously earned increments prior to regularization of the appointment made vide notification dated 29.12.2012."
2. In pursuance of the direction of the Tribunal, Establishment Department requested Industries Department to implement it conditionally subject to the outcome of the CPLA of the august Supreme Court of Pakistan vide letter dated 20.09.2022 (Annex-I).
3. Although recovery/deduction from the appellant was made at the District level. Yet this Department in pursuance of the order of the Hon'ble Tribunal also forwarded a letter to the Accountant General, Khyber Pakhtunkhwa, Peshawar and Commissioner, Hazara Division Abbottabad for implementing the ibid order (Annex-II).
4. Assistant to Commissioner (Rev:/GA), Hazara Division, Abbottabad requested Deputy Commissioner, Kohistan Upper to do the needful in light of the Court's Order vide letter dated 07-10-2022 (Annex-III). The office of the Accountant General, Khyber Pakhtunkhwa vide its letter dated 30-09-2022 also communicated the case to the District Account Officer, Abbottabad to look into the matter personally and the progress made in the case may be communicated to all concerned (Annex-IV). The Accountant General, Khyber Pakhtunkhwa has further clarified that the Petitioner (Muhammad Rehman) comes under the audit jurisdiction of DAO Kohistan or Abbottabad and also is not the employee of his office (Annex-V).

5. The Deputy Commissioner, Kohistan Upper vide his letter (**Annex-VI**) has also directed District Account Officer, Kohistan to take further necessary action in the matter.
6. In view of the above submissions, the instant execution petition may very graciously be dismissed, please.



**CHIEF SECRETARY,
KHYBER PAKHTUNKHWA
RESPONDENT NO. 01**



**Secretary Establishment Department
Respondent No. 02**

4

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

Execution Petition No. 388/2022 in Service Appeal: 1118/2017

Mr. Muhammad Rehman.....Appellant

VERSUS

Chief Secretary Khyber Pakhtunkhwa & OthersRespondents

AFFIDAVIT

I, Riaz Khan Superintendent (Litigation-III Section) Establishment Department do hereby solemnly affirm and declare that the contents of the accompanying parawise comments is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.


DEPONENT

**CNIC No. 17301-6272682-3
Contact: 0315-5737137**



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(JUDICIAL WING)

AUTHORITY LETTER

Mr. Riaz Khan, Superintendent (BS-17), Litigation-III Section, Establishment Department is hereby authorized to submit and attend the Khyber Pakhtunkhwa Service Tribunal in connection with all cases of Establishment Department on the behalf of the Secretary, Establishment Department.

A handwritten signature in black ink, appearing to be 'Riaz Khan', written over a horizontal line.

SECRETARY,
ESTABLISHMENT DEPARTEMENT.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Annex-I

No. SOE-II(ED)2(9)1995
Dated Peshawar the September 20, 2022

To
The Secretary to Govt. of Khyber Pakhtunkhwa
Industries Department

Subject: JUDGMENT IN SERVICE APPEAL NO.1118/2017 - MUHAMMAD REHMAN, ADDITIONAL ASSISTANT COMMISSIONER, DISTRICT KOHSITAN VS GOVT. OF KPK THROUGH CHIEF SECRETARY, KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to subject noted above and to enclose herewith copy of Judgment dated 18.11.2021 passed by Khyber Pakhtunkhwa Service Tribunal Peshawar (Camp Court, Abbottabad) alongwith Execution petition filed by the appellant, with the request to implement it conditionally subject to the outcome of the CPLA of the august Supreme Court of Pakistan in the case.

Yours faithfully,

Encl: As above.

(ZAHID PERVEZ)
SECTION OFFICER (E-II)
Ph. 091-9210551

ENDST: NO. & DATE EVEN.

Copy forwarded to the:-

- i. Section Officer (Lit-III), Establishment Department w.r to letter No.SO(Lit-II) E&AD/3-3260/2017 dated 12.09.2022
- ii. PS to Secretary Establishment Department.
- iii. PS to Special Secretary (Estt), Establishment Department.
- iv. PA to Additional Secretary (Estt), Establishment Department.
- v. PA to Deputy Secretary (Estt), Establishment Department.
- vi. Officer concerned.

SECTION OFFICER (E-II)

IN THE CC

S E E

Abdul Ra
Nawanshel

1. Waqas Ra
Road Abbo
Sanat Squar
2. Patwari Ha
3. Tehsildar A

A. The plai
granting
gift/cond
house si

Legalisation

**COURT MATTER/
MOST IMMEDIATE**

7



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(JUDICIAL WING)**

Ammer-II

No. SO(Lit-I)E&AD/3-3260/2017/
Dated: Peshawar, the 30-09-2022

*3.10.22
2 copies*

To

1. The Accountant General,
Khyber Pakhtunkhwa, Peshawar.
2. The Commissioner,
Hazara Division.

Subject: - JUDGMENT IN SERVICE APPEAL NO. 1118/2017- MUHAMMAD REHMAN, ADDITIONAL ASSISTANT COMMISSIONER, DISTRICT KOHISTAN VS GOVT. OF KPK THROUGH CHIEF SECRETARY, KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to subject noted above and to enclose herewith copy of judgment dated 18.11.2021 passed by Khyber Pakhtunkhwa Service Tribunal, Peshawar (Camp Court, Abbottabad) alongwith Execution petition filed by the appellant with the request to implement it conditionally subject to the outcome of the CPLA of the august Supreme Court of Pakistan and action taken in the instant case may be communicated to this department for information, please.

Yours faithfully,

[Signature]
Section Officer (Lit-III)

(Encl: As Above:)

Endst: of Even No. & Date:

Copy forwarded to the:

1. P.S to Secretary, Establishment Department.
2. P.S to Special Secretary, Establishment Department.
3. P.S to Additional Secretary (Regulation), Establishment Department.
4. P.S to Additional Secretary (Judicial), Establishment Department.
5. P.S to Deputy Secretary (Judicial), Establishment Department.
6. Master file.

[Signature]
Section Officer (Lit-III)

III

MOST IMMEDIATE/EX
COURT MATTER



PS/SS (E) E&AD

Diary No. 8775

FTS No. _____

Date. 13/10/22

PS/SS (E) E&AD 8

Diary No. 2689

Date 13-10-22

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

Annex - III

No. 141/5/2021/AS-561-65
Dated: 07.10.2022

To


The Deputy Commissioner,
Kohistan Upper.

Subject:

JUDGEMENT BY SERVICE TRIBUNAL NO. 1118/2017-TITLED MUHAMMAD
PERMAN. ADDITIONAL ASSISTANT COMMISSIONER, DISTRICT KOHISTAN VS
GOVT. OF KPK THROUGH SECRETARY, KHYBER PAKHTUNKHWA.

I am directed to refer to the subject cited above and to enclose herewith copy of letter No. SO(Lit-III/AD/3-3250/2017/dated:30.09.2022) alongwith copy of judgement dated: 18.11.2021 passed by Khyber Pakhtunkhwa Service Tribunal, Peshawar (Camp Court, Abbottabad) alongwith Execution Petition filed by the appellant received from the Section Officer (Lit-III), Government of Khyber Pakhtunkhwa, Establishment Department (Judicial Wing), Peshawar.


I am therefore directed to request to implement it conditionally subject to the outcome of the CPLA of the august Supreme Court of Pakistan and action taken in the instant case may be communicated to all concerned under intimation to this office, please.



Assistant to Commissioner (Rev./GA)
Hazara Division, Abbottabad.

No. & Date Even.

Copy to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar, please.
2. Section Officer (Lit-III), Government of Khyber Pakhtunkhwa, Establishment Department (Judicial Wing), Peshawar with reference to above, please.
- ✓ 3. PS to the Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
4. PS to Commissioner Hazara Division, Abbottabad.


Assistant to Commissioner (Rev./GA)
Hazara Division, Abbottabad


fse
2nd dr. sds 13/10
ASJ 13/10

Most Immediate

Court Matter

Annex-IV



Office of the
Accountant General
Fort Road, Khyber Pakhtunkhwa
Peshawar Pakistan
Phone: 091 9211250-54

No. Lit/S.T/E.P No.388/2022/Appeal No.1118/2017/Muhammad rehman 388-69 Date 17.10.2022
To,

**The District Accounts Officer,
Abbottabad.**

SUBJECT:- Execution Petition No. 388/2022 in Service Appeal No. 1118/2017
titled Muhammad Rehman V/s Government of KP & others.

Please find enclosed herewith Letter No. So(Lit-1) E & AD /3-3260/2017/
dated: 30.09.2022 received from Government Khyber Pakhtunkhwa Establishment
Department (judicial wing) Peshawar, which is self explanatory and for further necessary
action by your end please .

On the above it is therefore requested to look into the matter personally
and the progress in this respect may be intimated to all the concerns.

ACCOUNTS OFFICER
(LITIGATION)

Copy is forwarded to the:-

- ✓ 1. S.O (Lit-III) Government of Khyber Pakhtunkhwa Establishment Department
Peshawar for information please.

ACCOUNTS OFFICER
(LITIGATION)

Handwritten notes and signatures at the bottom of the page.



Office of the
Accountant General
 Fort Road, Khyber Pakhtunkhwa
 Peshawar Pakistan
 Phone: 091 9211250-54

PS/Secy E&AD KP 10
 Diary No. 8987
 FTS No. _____
 Date: 11/11/22
 Annex - 1

No. Lit/S.T/E.P No.388/2022/Appeal No.1118/2017/Muhammad rehman/1150-53

Date: 07.11.2022

To,

The Deputy Commissioner,
 Kohistan Upper.

SUBJECT:- Execution Petition No. 388/2022 in Service Appeal No. 1118/2017 titled Muhammad Rehman V/s Government of KP & others.

Please refer to your office letter No. 10921-22, dated: 17.10.2022 on the above subject.

It is submitted for your information that this office has already intimated DAO Abbottabad for necessary action in the matter vide this office letter No. 868-69, dated: 17.10.2022 (copy enclosed).

It is Pertinent to mention here that the Petitioner (Muhammad Rehman) comes under the audit jurisdiction of DAO Kohistan or Abbottabad and also not the employee of this office. Besides the Personal No. of the Petitioner is not mentioned in your aforesaid letter which is required to point out the actual place of posting of the Petitioner.

It is also, intimated that this office is not the main Party in the instant

Copy is forwarded to the:-

1. Assistant Commissioner (Rev/GA) Abbottabad for information please.
2. SO (Lit-III) Finance Department Peshawar for information please.
3. Establishment Department (judicial wing) Peshawar.
4. DAO Kohistan with the direction, if the Petitioner comes under the audit jurisdiction of your office you are requested for necessary action under intimation to all concerns.
5. DAO Abbottabad with response to this office letter No. 268-69, dated: 17.10.2022 for information and necessary action in the Court matter.

-sd-

ACCOUNTS OFFICER
 (LITIGATION)

Handwritten notes:
 Dis enclosed with ASJ on 11/11/22
 He advised that no return is required on the part of ASJ hence may pl be placed on record.
 ASJ 11/11/22

Handwritten signature:
 ASJ 11/11

Handwritten initials:
 ASJ

Handwritten initials:
 ASJ

Handwritten note:
 What's this case about?

Handwritten signature:
 AS (S)

Handwritten initials:
 sps 11/11

Handwritten signature:
 ACCOUNTS OFFICER (LITIGATION)

Handwritten signature:
 ASJ 11/11

Handwritten signature:
 ASJ 11/11

Handwritten signature:
 6/12



PS/SS (E) E&AD

Diary No. 3501

Date 5/12/22

OFFICE OF THE ^{Amal}
DEPUTY COMMISSIONER
KOHISTAN UPPER

No. lit: 11938-4/DC (KH)

Dated Dassu the 23/11/2022

☎ 0998-407002



0998-407001



dckohistan321@gmail.com

To:

The District Account Officer
Kohistan

PS/Secy E&AD KP

Diary No. 9600

FTS No. _____

Date. 2/12/22

Subject: - EXCECUTION PETITION NO. 388/2022 IN SERVICE APPEAL NO.1118/2017 TITLED MUHAMMAD REHMAN V/S GOVERNMENT OF KP AND OTHERS.

Enclosed please find herewith a copy of letter No. lit/S.T/E.P No. 388/2022/appeal No. 1118/2017/Muhammad Rehman/1150-53 dated 07.11.2022 alongwith its enclosure received from Account Officer (litigation), office of the Accountant General Office Khyber Pakhtunkhwa Peshawar, addressed to this office and thereof copies to you as well as to others on the subject cited above.

You are requested to take necessary action as desired under intimation to this office being Court matter case. The personnel number of the then officer (Muhammad Rehman AAC BPS-17) is as under:-

Personnel No. 00340561


Deputy Commissioner
Kohistan Upper

Endost: No. & Date Even.


Copy forwarded to the Account Officer, Office of the Accountant General Khyber Pakhtunkhwa Fort road Peshawar w/r to above for information and necessary action please.


Deputy Commissioner
Kohistan Upper

Endost: No. & Date Even.

Copy forwarded to the:-

1. Commissioner Hazara Division Abbottabad.
2. Section Office (Lit-III) Government of Khyber Pakhtunkhwa, Establishment Department (Judicial wing) Peshawar.
3. PS to Secretary to Government of Khyber Pakhtunkhwa, Establishment Department Peshawar.


Deputy Commissioner
Kohistan Upper

Handwritten notes:
SSO 42
ASJ
SO (Lit-III)
Form a
SPS 5/12
6/12