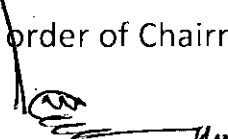


Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 739/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	21.12.2022	<p>The execution petition of Mr. Yousaf Zeb submitted today by Syed Noman Ali Bukhari Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

Execution Petition No. 739 /2022
In Service Appeal No.6133/2020

Yousafzeb

V/S

Anti-corruption Deptt:

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Execution Petition	-----	01-02
2.	Copy of Judgment	- A -	03-05a
3.	Vakalat Nama	-----	06

Yousafzeb
PETITIONER
Yousafzeb

THROUGH:

Noman Ali Bukhari
SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT

&

Uzma Syed
(UZMA SYED)
ADVOCATE, PESHAWAR

Cell No: 0306-5109438

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

(1)

Execution Petition No. _____/2022
In Service Appeal No.6133/2020

Yousaf zeb, retired Assistant Director, Anti-corruption establishment
S/o Mohib Ullah khan , R/o house# 414 , Gulgasht colony ,
Nauthia jaded, Mushtaq Abad, Peshawar..

PETITIONER

VERSUS

1. The Province of Khyber Pakhtunkhwa through secretary administration department civil Secretariat, Peshawar.
2. Director anti-corruption Establishment, sector B-2, plot No. 19, phase-V, Hayatabad, Peshawar.
3. The Estate officer, Govt: of Khyber Pakhtunkhwa, administration department , near civil secretariat, Peshawar.
4. The Secretary Finance, Govt: of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar..

RESPONDENTS

.....
**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED: 22/06/2022 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**
.....

RESPECTFULLY SHEWETH:

2

1. That the applicant/Petitioner filed Service Appeal No. 6133/2020 for housing subsidy.
2. That the said appeal was finally heard by the Honorable Tribunal on 20/06/2022. The Honorable Tribunal is kind enough to accept the appeal vide judgment dated 22/06/2022. c. **(Copy of judgment is attached as Annexure-A).**
3. That the respondents were totally failed in taking any action regarded the Hon'able Tribunal Judgment dated 22-06-2022.
4. That the respondent totally violated the judgment of Hon'able Service Tribunal, is totally illegal amount to disobedience and Contempt of Court.
5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to implemented the same in letter and spirit.
6. That the petitioner has having no other remedy to file this Execution Petition.

It is, therefore, most humbly prayed that the respondents may be directed to obey the judgment dated 22-06-2022 this august Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favor of applicant/appellant.

Yousafzeb
PETITIONER
Yousafzeb

THROUGH:

Noman Ali Bukhari
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT.

AFFIDAVIT:

It is affirmed and declared that the contents of the above Execution Petition are true and correct to the best of my knowledge and belief.

[Signature]
DEPONENT



DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT
KHYBER PAKHTUNKHWA
PESHAWAR

No. 7873-76 ACE/Peshawar, Dated:04/10/2022

3

To

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

Subject: - REQUEST FOR SANCTION FOR THE ARREARS OF HOUSING
SUBSIDY ALLOWANCE IN RESPECT OF MR. YOUSAF ZEB, EX-
ASSISTANT DIRECTOR (ADMN), ANTI-CORRUPTION
ESTABLISHMENT, PESHAWAR.

Dear Sir,

Kindly refer to the subject noted above and to state that the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No.6133/2020 (titled *Yousaf Zeb s/o MohibUllah Khan, Retired Assistant Director, Anti-Corruption Establishment, Resident of House No.44, Gulgasht Colony, Nautia Jadeed, Mushtaq Abad, Peshawar vs Province of Khyber Pakhtunkhwa through Secretary Administration Department, Civil Secretariat, Peshawar and four others*) has passed the following judgment (dated:06.09.2022 – copy enclosed) in the subject case :-

"This appeal is allowed to the extent of Rs.155,512/- to be paid to the appellant as a difference between House Rent Allowance & Housing Subsidy. With no order as to costs. File be consigned to the record room".

It is, therefore, requested that necessary directions may be issued to the Estate Officer, Administration Department for obtaining necessary sanction amounting to Rs.155,512/- from the Finance Department (arrears being more than 06-Months old) and issue a proper sanction order enabling this Establishment for early payment to the appellant in light of the decision of the Khyber Pakhtunkhwa Service Tribunal, Peshawar please.

Yours faithfully,

Director
Anti-Corruption Establishment
Khyber Pakhtunkhwa
Peshawar.

Endst: of Even No. & Date.

Copy forwarded to :-

1. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
2. The Section Officer (Budget), Administration Department.
3. Mr.Yousaf Zeb s/o MohibUllah Khan, Retired Assistant Director, Anti-Corruption Establishment, Resident of House No.44, Gulgasht Colony, Nautia Jadeed, Mushtaq Abad, Peshawar

Director
Anti-Corruption Establishment
Khyber Pakhtunkhwa
Peshawar.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 6133 2020

Yousaf Zeb, Retired Assistant Director
Anti-Corruption Establishment
S/o Mohib Ullah Khan, Resident Of
House# 414, Gulgasht Colony,
Nauthia Jaded, Mushtaq Abad, Peshawar..

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5405

Dated 22/6/2020

(Appellant)

VERSUS

1. Province of Khyber Pakhtunkhwa through Secretary Administration Department Civil Secretariat, Peshawar.
- ✓ 2. Director Anti-Corruption Establishment, Sector B-2, Plot No. 19, Phase-V, Hayatabad, Peshawar.
3. Estate Officer, Govt Of Khyber Pakhtunkhwa, Administration Department, Near Civil Secretariat, Peshawar
4. The Secretary Finance, Govt Of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- ✓ 5. The (Turab Shah) Accountant C/o Director Anti-Corruption, Peshawar

(Respondents)

PRINTED

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED LETTER DATED 30.07.2019 & 08.08.2019 COMMUNICATED ON 18.02.2020 THROUGH COC NO.498-P/2019 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 6133/2020

Date of Institution: 22.06.2020

Yousaf Zeb, Retired Assistant Director Anti-Corruption Establishment S/O

Mohib Ullah Khan, Resident of House No.44, Gulgasht Colony, Nauthia

Jaded, Mushtaq Abad, Peshawar.

Versus

Province of Khyber Pakhtunkhwa through Secretary Administration Departm

Civil Secretariat Peshawar and four others.

ORDER

06.09.2022

Appellant alongwith his counsel present: Nasir Ud Din Snah, learned Assistant Advocate General alongwith Nizam Ud Din Superintendent for respondents present.

Appellant Yousaf Zeb, Assistant Director Anti-Corruption Establishment had filed appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned letters dated 30.07.2019 and 08.08.2019 with the prayer as copied below:

“On acceptance of this appeal, the impugned letters dated 30.07.2019 & 08.08.2019 communicated on 18.02.2020 through COC No.498-P/2019 may be set aside being illegal and the respondents may further be directed to pay Housing Subsidy to appellant or pay difference between House Rent Allowances and Housing Subsidy which was executed at relevant time w.e.f 12.03.2010 to 31.08.2012”

Both the parties were heard at length and during arguments, a request was made by the appellant to direct the respondents to calculate the difference and submit report. Today, the representative submitted report which shows a difference b/w HSA & HRA (253,435 – 97,923) is Rs. 155,512/-. The report was shared with the appellant and his counsel and they frankly conceded the difference and requested for disposal of appeal in the light of report submitted by the respondents. To this effect, statement of Syed Noman Ali Bukhari Advocate was recorded and his signature was obtained thereon.

In the light of report submitted by the representative of the respondents, this appeal is allowed to the extent of Rs.155,512/- to be paid to the appellant as a difference between House Rent Allowance and

SA (circled)

Housing Subsidy: With no order as to costs. File be consigned to the record room.

ANNOUNCED
06.09.2022

(Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

Original to be returned copy
A
AAMITEP
Fareeha Paul
Service Tribunal
Member

09/09/22
Number of Words: 1200
Copying Fee: 14/-
Original: _____
Total: 14/-
Number of Copies: _____
Date of Completion of Copy: 14/9/22
Date of Delivery of Copy: 14/9/22

بعدالت

کے لیے سپروس ٹریبیونل پشاور

مورخہ 22/11/89 E.P No — 122۔ 2ء منجانب

بنام یوسف زبیر

مقدمہ

دعویٰ

جرم

Anti-Corruption.

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام پشاور کیسے سپر فیصلان علی بخاری علیہ السلام

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائین پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی 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 مذکور با اختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم مظلور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے

سب سے وہوگا۔ کوئی تاریخ 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۔

20ء

ماہ

المرقوم

العبد و واہ العبد

Masaf Rab Petitioners

Masaf Rab

Accepted & Accepted