

23<sup>rd</sup> June, 2022

Counsel for the petitioner present. Mr. Muhammad Riaz Khan Painsdakhel, Asst: AG alongwith Mr. Sher Hussain, Assistant Director present.

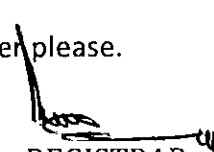
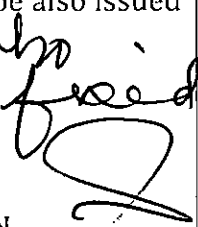


Mr. Sher Hussain, Assistant Director (respondent No.3) present in person and says that the department has filed CPLA before the august Supreme Court of Pakistan but where filing of CPLA before the august Supreme Court of Pakistan is not a ground to not implement the judgment of the Tribunal. The respondents are therefore directed to implement the judgment and passed conditional order subject to the outcome of the CPLA on or before the next date. To come up for implementation report on 14.07.2022 before S.B.

(Kalim Arshad Khan)  
Chairman

## FORM OF ORDERSHEET



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

**Misc. application No. 81/2022**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	03/02/2022	<p>The Misc. application in service appeal no. 7896/2021 submitted by Syed Murtaza Zahid Gillani Advocate, may be entered in the relevant Register and put up to the Court for proper order please.</p> <div style="text-align: right;">                       REGISTRAR                 </div>
2-		<p>This Petition be put up before S. Bench at Peshawar on <u>06-04-2022</u>. Notices to the appellant and his counsel be also issued for the date fixed. <i>Original file be also requisitioned for the date fixed</i></p> <div style="text-align: right;">                       CHAIRMAN                 </div>
	06.04.2022	<p>Petitioner in person. Notices be issued to the respondents. To come up for implementation report on 10.05.2022. Original record be also requisitioned.</p>
	10.05.2022	<p>Petitioner present through counsel.</p> <div style="text-align: right;">                       Chairman                 </div> <p>Notice of the instant execution petition be issued to respondents for submission of implementation report. To come up for implementation report on 23.06.2022 before S.B.</p> <div style="text-align: center;">                       (Rozina Rehman)                      Member (J)                 </div>

23<sup>rd</sup> June, 2022 Counsel for the petitioner present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

This is an application for seeking correction of clerical/typographical mistake in the judgment dated 11.01.2022. Since the judgment was passed by the D.B let it be fixed before the D.B. To come up for further proceedings on 19.07.2022 before D.B.

  
  
(Kalim Arshad Khan)  
Chairman


19.07.2022 Proper Bench is not available, therefore, case is adjourned to 20.10.2022 for the same as before.

  
Reader

20<sup>th</sup> Oct., 2022 Junior to counsel for the petitioner present. Mr. Kabirullah Khattak, Addl. A.G for the respondents present.

Request for adjournment was made on behalf of learned senior counsel for the petitioner due to his engagement before the Hon'ble High Court today. Adjourned. To come up for arguments on 19.12.2022 before D.B.

SCANNED  
KPST  
Peshawar


  
(Fareeha Paul)  
Member (E)

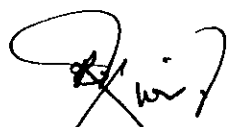
  
(Kalim Arshad Khan)  
Chairman

19.12.2022

The instant Miscellaneous application submitted by the learned counsel for the appellant for correction of date of relieving received through office of Registrar. Be entered in the relevant register. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Record requisitioned and perused.

Through the instant application, petitioner is seeking correction of the date of relieving order mentioned at page No. 3 of the judgment which was inadvertently mentioned in the judgment as 20.09.2020 instead of 20.09.2019. On perusal of the record, it transpired that one Sajid Khan filed service Appeal No. 7896/2021 which was decided on 11.01.2022 by bench comprising of Mr. Ahmad Sultan Tareen learned Chairman and Mr. Ateeq Ur Rehman learned Member (Executive). Now both learned members are retired. Due to inadvertence, the date of relieving from officiating/temporary duties was wrongly mentioned at page No. 3 line No. 25 and 28 as 20.09.2020. The relevant order is available at page No. 147 of the main service appeal which clearly shows that petitioner Sajid Khan was relieved from officiating duties with immediate effect on 20.09.2019. This Tribunal within the meaning of Subsection-(2) of Section-7 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 is deemed as civil court under the Code of Civil Procedure, 1908. Section-152 C.P.C provides for amendment of the judgment, decree or orders. It provides that mistakes in judgments, decrees or orders or errors arisen therein from any accidental slip or omission may at any time be corrected by the court either of its own motion or on the application of any of the parties. In the present case, date of relieving has advertently been mentioned as 20.09.2020 instead of 20.09.2019 due to typographical mistake which is an accidental slip. Therefore, the case is fit for exercise of jurisdiction U/S 152 C.P.C as described before. Office is directed to make necessary correction by substituting the date 20.09.2020 with 20.09.2019 in the judgment as well as in relevant record accordingly. Copy of this order as well as copy of the application be placed on file of Service Appeal No. 7896/2021. After necessary correction in the main judgment, certified copies of the same be sent to both the parties. File be consigned to the record room after its completion.

  
(Fareeha Paul)  
Member (J)

  
(Rozina Rehman)  
Member (J)