

ORIGINAL

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

C. M. No. _____/2023 IN Execution Petition No. 166/2021 Khyber Pakhtunkhwa Service Tribunal

IN

Diary No. 3162

Judgement/Order dated 09.06.2021 passed in Service Appeal No. 1132/2019. Dated 25-1-2023

Mohammad Arshad, House No. 11, Provincial Civil Officers Colony, Dabgari Gardens (New), Opposite Habib Medical Complex, Peshawar Cantt. Email Address: arshadedo@gmail.com, Mobile No. 03489745323 ----- **Petitioner.**

V E R S U S

1. The Provincial Government through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
4. The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar -----

Respondents.

PETITION FOR EXECUTION/IMPLEMENTATION OF THIS HONOURABLE TRIBUNAL JUDGEMENT/ORDER DATED 09.06.2021 PASSED IN SERVICE APPEAL NO. 1132/2019.

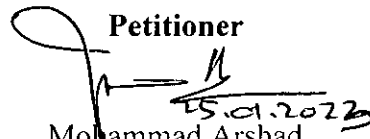
Respectfully sheweth that:-

1. The above titled execution petition was fixed for hearing on 29.11.2022.
2. The honourable tribunal passed an order dated 29.11.2022 wherein the respondents were directed "to implement the judgement in toto by incorporating the remaining part regarding the declaration of non-payment of the executive allowance to the OSDs as null and void within a period of one month under intimation to this tribunal through its Registrar." (copy enclosed for ready reference).
3. But, despite a lapse of almost two months the respondents have not complied with the order.
4. This honourable tribunal has got ample powers to execute its judgements/orders by invoking its punitive powers of arrest, detention and attachment of property i.e. salary and offices of the respondents under Sections 55, 60 and Order XXI (Rule 32) of the CPC, 1908.

PRAYER

It is, therefore, most humbly prayed that the honourable tribunal may invoke its punitive powers to compel the respondents to implement this tribunal judgement / order dated 09.06.2021 passed in Service Appeal No. 1132/2019 in letter and spirit.

Dated 25.01.2023

Petitioner

25.01.2023

Mohammad Arshad

Email Address: arshadedo@gmail.com,

Mobile No. 03489745323

Muhammad Arshad



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

C. M. No. 839 of 2022.

IN

Execution Petition No. 166/2021

IN

Order / Judgement dated 09.06.2021 in Service Appeal No. 1132 of 2019.

Mohammad Arshad, House No. 11, Provincial Civil Officers Colony, Dabgari Gardens (New), Opposite Habib Medical Complex, Peshawar Cantt. Email Address: arshadedo@gmail.com, Mobile No. 03489745323 ----- **Petitioner.**

VERSUS

1. The Provincial Government through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
4. The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar -----

----- **Respondents.**

PETITION FOR EXECUTION / IMPLEMENTATION OF THE HONOURABLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR ORDER / JUDGEMENT DATED 09.06.2021 IN SERVICE APPEAL NO. 1132 OF 2019 REGARDING PAYMENT OF EXECUTIVE ALLOWANCE AND OTHER CONSEQUENTIAL BENEFITS TO THE PETITIONER FROM 19.11.2018 TO 19.03.2019.

Respectfully sheweth that:-

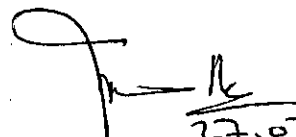
1. The above titled execution petition was fixed for hearing on 07.07.2022.
2. The respondents filed copy of Finance Department notification No. SO(SR-IV)/FD/1-1/Executive Allowance(Mohammad Arshad)/2022 dated 05.07.2022 (copy enclosed for ready reference).
3. The filed notification has not fully implemented the judgement/order dated 09.06.2021.

PRAYER

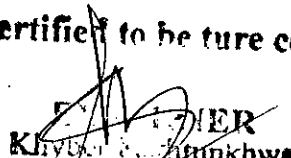
It is, therefore, most humbly prayed that the respondents may be directed/compelled to implement this tribunal order/judgement dated 09.06.2021 passed in Service Appeal No. 1132 of 2019 in letter and spirit.

Dated 27.07.2022

Petitioner


27.07.2022
Mohammad Arshad
Email Address: arshadedo@gmail.com,
Mobile No. 03489745323

Certified to be true copy


MEMBER
Khyber Pakhtunkhwa
Services Tribunal,
Peshawar



Execution Petition No. 166/2021

29th Nov, 2022 1- Petitioner in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Azhar Khan, SO Establishment Department for respondents present.

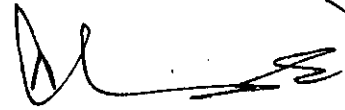
02. This is an application for implementation of the judgment passed in service appeal No. 1132/2019 decided on 09.06.2021, whereby a notification dated 02.02.2018 impugned in the above referred appeal, regarding non-payment /stoppage of executive allowance to the OSD's, was declared null and void and the appellant was held entitled to payment of executive allowance for the period from 19.11.2018 to 19.03.2019, alongwith all consequential benefits. Previously on the application of the petitioner, the respondents had placed on file, notification No. SO(SR-IV)/FD/1-1/Executive Allowance (Muhammad Arshad)/2022 dated 05.07.2022 but the petitioner submits that vide the notification dated 05.07.2022 though he was held entitled for payment of the executive allowance from 19.11.2018 to 19.03.2019 yet the remaining part of the relief, granted in the judgment, was not made part of the notification, which was not only incomplete compliance of the judgment but also creating problems for the petitioner and all others. When confronted with the situation, the learned AAG submitted that the respondents would comply with the judgment and issue notification accordingly within a reasonable time as the

Certified to be true copy

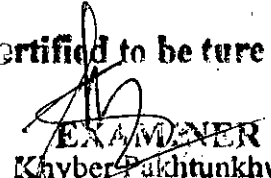
**Secretary
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar**

matter would be placed before the Provincial Cabinet for formal approval. The respondents are thus directed to implement the judgment in toto by incorporating the remaining part regarding the declaration of non-payment of the executive allowance to the OSD's as null and void within a period of one month under the intimation of this Tribunal through its Registrar. Disposed of accordingly. Consign.

03. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 29th day of November, 2022.*



(Kalim Arshad Khan)
Chairman

<input type="checkbox"/> Date of Presentation of Application	<u>03/01/2023</u>	Certified to be true copy  EXAMINER Khyber Pakhtunkhwa Service Tribunal, Peshawar
Number of Words	<u>1250</u>	
Copying Fee	<u>14/-</u>	
Urgent	<u>4/5</u>	
Total	<u>18/-</u>	
Name of Copy		
Date of Receipt of Copy	<u>03/01/2023</u>	
Date of Delivery of Copy	<u>03/01/2023</u>	