

ORIGINAL

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

CMA No. ----- /2023 IN Service Appeal No. 7299/2021.
Mohammad Arshad ----- Appellant.

V E R S U S

The Provincial Government through Chief Secretary, Khyber Pakhtunkhwa,
Peshawar and others. ----- Respondents.

APPLICATION FOR AMENDMENT IN PRAYER PART.

Respectfully submitted that:-

1. The above-titled service appeal was fixed for hearing on 30.12.2022 which
was adjourned to 15.02.2023.

2. The subject-matter of the appeal is about grant of executive allowance and
consequential benefits to the holders of OSD posts, being the same matter
which has previously been decided in another such case of the appellant by
this honourable tribunal vide judgement / order dated 09.06.2021 passed in
Service Appeal No. 1132/2019 -- titled - Mohammad Arshad -- versus - The
Provincial Government through Chief Secretary, Khyber Pakhtunkhwa,
Peshawar and others.

Keeping in view the position as explained above, it is, therefore, requested
that the prayer part of the appeal may please be considered amended as follows:-

- (i) The part of condition of the Finance Department notification dated
02.02.2018 i.e. "Executive Allowance will not be admissible to OSD
posts", has been declared as null and void and the appellant was held
entitled to Executive Allowance along with all consequential benefits
vide the Khyber Pakhtunkhwa Services Tribunal judgement/order
dated 09.06.2021 passed in Service Appeal No. 1132/2019; therefore,
the respondents may be directed to make payment to the appellant of
un-paid Executive Allowance, residential telephone, newspaper bill
and POL cost for the period from 10.07.2020 to 18.07.2021 and
08.03.2022 to 19.12.2022, allotment of official vehicle and other
fringe benefits etc. along with cost.
- (ii) The respondents may be directed not to stop all these benefits to the
appellant in future.
- (iii) Similarly, any other law/rule/instructions/notification if any is also
ultra-vires of second proviso to section 10 of the Civil Servants Act,
1973, therefore, may be declared illegal, null and void and void ab-
initio if any.

Dated 25.01.2023

Appellant-in-Person

Mohammad Arshad,

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