

COC Application No. 631/2022

25th Jan. 2023

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl. Advocate General for the respondents present.

Vide judgment dated 23.12.2021 in Service Appeal No. 1062/2016, the appeal was accepted and the appellant (present petitioner) was reinstated in service with all back benefits. The Department issued order No. S/818-28/22, dated 14.04.2022, through which the petitioner has been reinstated in service with all back benefits. Now the learned counsel for the petitioner complains that back benefits are being denied to the petitioner. He produced a copy of revised seniority list of DSsP dated 28.06.2022, available on the file also, wherein name of the petitioner has not been included. This means that judgment/order of the Tribunal has not been implemented fully and the department has bluffed and misled the Tribunal through its order dated 14.04.2022. This bench is of the firm view that back benefits do not mean only the financial benefits; it includes all the service benefits including seniority also. Learned AAG does not agree with this view and insists that back benefits means only the financial benefits which have been allowed to the petitioner and the order of the department is sufficient and fulfills the requirements of the judgment. He contends that the Worthy Chairman of the Tribunal had accepted such implementation/execution in other cases in the

past and insisted that the instant case be also placed before him. On the constant insistence of the learned AAG, who is not ready to listen to any reason, this case be put up to the Worthy Chairman for appropriate orders. Parties are directed to appear before the Worthy Chairman on 30.03.2023 at Camp Court, Abbottabad.



(Farceha Paul)
Member(E)
(Camp Court, A/Abad)