05.08.2021

Nemo for the petitioner. Mr. Kabirullah Khattak, Addl. AG alongwith Naseeb Khan, S.O for the respondents present.

A certificate has been submitted duly signed by the petitioner, wherein, it has been noted that arrear sought through execution petition was received by him.

In view of the above, the execution petition at hand is filed and consigned to the record room.

Chairman

23.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 26.04.2021.

Reader

26.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 17.06.2021 for the same as before.

Reader

17.06.2021

Attorney for the petitioner, and Sajid Superintendent for respondent No. 3 alongwith Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG is directed to contact the respondents to implement the judgment of this Tribunal in the light of order dated 07.01.2021 of this Tribunal and submit compliance report positively on next date. Adjourned to 05.08.2021 before S.B.

Chairman



07.01.2021

E.P. No. 258/2019 Ghulam Tilani Asif vs Gurt of KPK

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Petitioner is present in person. Mr. Noor Zaman Khattak, District Attorney and Mr. Sajid, Superintendent, for the respondents are also present.

Petitioner has been held entitled to receive benefits allowed by virtue of notification bearing No. FD(SOR.II)8-53/2008 dated 06.01.2008 vis a vis utility allowance to the appellant with effect from 1st February 2008 till his retirement together with accruing arrears. He was also extended benefits of Notification No. FD(SOR.II)8-7/2002/Vol-IV Special Allowance @ 20% with effect from 1st February 2008 plus accruing arrears. However, the respondents have not made payment to the petitioner by submitting of implementation report.

According to the respondents they have instituted CPLA in the Hon'ble Supreme Court of Pakistan.

The record reflect that neither the judgment dated 12.07.2018 passed by this Tribunal has been set-aside nor suspended so far and remains in the field by holding grounds whatever may be decision of the Hon'ble Apex court that has to be given effect in its letter and spirit however, at the moment respondents are directed to make interim arrangement for payment to the petitioner subject to the outcome of CPLA. To come up for implementation report on 23.02.2021 before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

08.09.2020

Nemo for petitioner. Addl. AG for the respondents present.

Adjourned to 21.10.2020 for further proceedings before S.B.

Chairman

21.10.2020

Mr. Kabirullah Khattak, Additional Advocate General for the respondents is present.

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, the case is adjourned to 19.11.2020 on which date to come up for further proceedings before S.B.

(Muhammad Jamal Khan) Member (Judicial)

19.11.2020

Counsel for the petitioner and Addl; AG alongwith Naseeb Khan SO for respondents present.

Learned AAG requests for time to argue the proposition contained in the order dated 09.07.2020.

Adjourned to 07.01.2021 before S.B.

Chairman

12.03.2020

Petitioner in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Sohail, Assistant for the respondents present. Respondent-department has submitted reply of the implementation application. To come up for objection/reply of the same on 15.04.2020 before S.B.

(MUHAMMAD AMIN KHAN KUNDI MEMBER

15.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 09.07.2020 for the same. To come up for the same as before S.B.

Reader

09.07.2020

Kashif Iqbal son of petitioner, bearing CNIC #.17301-9594220-1, present on behalf of petitioner.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Sajid Superintendent for the respondents present.

It was on 12.03.2020, when implementation report was submitted which was objected to and in response to the said report, today an objection was filed on behalf of the petitioner. Partial arguments heard. The representative of the respondents is directed to clarify as to whether the petitioner would claim the arrears in the light of judgment of this Tribunal from the Federal Government or from the Provincial Government. Both the parties are directed to assist the Tribunal on the point, on 08.09.2020 before S.B.

Member (J)

17.01.2020

Mr. Kashif Iqbal Jillani Asif, Special Attorney for petitioner present. Power of Attorney has been presented which is placed on record.

In hand is an application for restoration of Execution Petition No. 258/2019. In the application it is provided that the petitioner could not appear on the date of hearing due to an incident of gas Leakage, wherein, his son received grave injuries.

The record shows that on 31.10.2019 the petitioner was not represented. Similar was the position on 03.10.2019 and 05.09.2019, therefore, the proceedings were consigned to record. The petitioner was, however, extended the option to apply for restoration, if need be.

In the circumstances, the application in hand is allowed. Execution Petition No. 258/2019 is resultantly restored. It shall come up for further proceedings on 14.02.2020. The respondents as well as learned AAG shall be sent notices for the date fixed.

Chairman

14.02.2020

Attorney of appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sultan Shah, Superintendent for the respondents present. Representative of the department seeks adjournment. Adjourned to 12.03.2020 for further proceedings before S.B.

(MUHAMMAD AMIN KHAN KUNDI) MEMBER

Form-A FORM OF ORDER SHEET

| Court of | | |
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| Appeal's Restoration Application No. | 459/2019 | • |

| S.No. | Date of | Order or other proceedings with signature of judge |
|-------|----------------------|--|
| | order Proceedings | |
| · 1· | 2. | 3 |
| | 19.12.2019 | The application for restoration of Execution Petition no |
| . 1 | | 258/2019 submitted by petitioner namely Ghulam Jillani Asi |
| | | may be entered in the relevant register and put up to the Cour |
| | | for proper order please. |
| • | | kur_ |
| | | REGISTRAR 191 |
| 2 | 20/12/19 | This restoration application is entrusted to S. Bench to b |
| | | put up there on 17/01/20 |
| | | / Juni |
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05.09.2019

None for the petitioner present. Mr. Usman Ghani, District Attorney for respondents present. To come up for further proceedings on 03.10.2019 before S.B.

(Ahmad Hassan) Member

03108.2019

Nemo for the petitioner. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sajid, Superintendent for the respondents present.

Fresh notice be issued to petitioner for next date of hearing.

Adjourned to 31.10.2019 before S.B.

CHAIRMAN '

31.10.2019

Nemo for the petitioner. Addl. AG alongwith Sohail Ahmad, Assistant for the respondents present.

The petitioner is un-represented since 29.07.2019 on three different occasions. On the last date of hearing fresh notice was also required to be sent to petitioner which was accordingly sent through registered post. Despite, he is not present even today. It appears that the petitioner is no more interested to pursue the instant execution proceedings. The same is, therefore, consigned to record. The petitioner may apply for restoration of the proceedings, if need be.

Chairman 4

Form- A FORM OF ORDER SHEET

| Court of | |
|----------|---|
| • - | - |

Execution Petition No. 258/2019

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 26.06.2019 | The execution petition of Mr. Ghulam Jilani Asif submitted |
| | | today may be entered in the relevant register and put up to the Court for proper order please. |
| | | To sev |
| | | REGISTRAR >6/6/18 |
| 2- | | This execution petition be put up before S. Bench on |
| | | 29/07/14 |
| , | | |
| | * *** | CHAIRMAN |
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| , | | |
| | 29.07.2019 | Nemo for the petitioner, Mr. Usman Ghani, Disti |
| | | Attorney for respondents present. |
| | • | Notices of the fixation of Execution Petition be issu |
| | , * | to the petitioner as well as the respondents. |
| | | Adjourned to 05.09.2019 before S.B. |
| | | M) in |
| ı | | Chairman |
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 25.8/2018

Service Appeal No. 860/2012



| Ghulam Jilani Asif Retired PCS SG, (BS-20), | |
|---|-----------|
| Ex-Member (Gen), | |
| Governor's Inspection team, | Petitione |

Versus

1. Government of Khyber Pakhtunkhwa

through its Chief Secretary, Civil Secretariat, Peshawar.

2. The Secretary

Govt. of Khyber Pakhtunkhwa Establishment Department Civil Secretariat, Peshawar.

3. The Secretary

Govt. of Khyber Pakhtunkhwa Finance Department Civil Secretariat, Peshawar.

4. Principal Secretary

to Governor Govt. of Khyber Pakhtunkhwa Peshawar.

5. The Secretary Finance,

Ex-FATA Secretariat, Warsak Road Peshawar.

6. Secretary Staff

EXECUTION PETITION FOR DIRECTING THE RESPONDENTS TO IMPLEMENT THE JUDGMENT OF THIS HON'BLE TRIBUNAL DATED 12.07.2018PASSED IN SERVICE APPEAL NO.860/2012

Respectfully Sheweth,

1. That petitioner had filed Service Appeal No. 860/2012 before the Hon'ble Tribunal which was disposed of vide Judgment dated 12.07.2018 (Annex-A) in the following terms:-

"In the light of the above discussion the respondent department is directed to extend the benefits of Notification bearing No. FD(SOR.II)8-53/2008 dated 06.01.2008 vis a vis Utility Allowance to the appellant w.e.f 1st February till his retirement and he be made payment arrears accordingly. The respondent department is further directed to also extend the benefits of Notification No. FD(SOR.II)8-7/2002/Vol-IV dated 06.08.2008 vis a vis Special Allowance @20% of Basic Pay to the appellant w.e.f 1st February 2008 till 26.04.2011 and as such he be made payment of arrears accordingly. The present appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room after its completion".

- 2. That after laps of considerable time neither respondent No.2 being my parent department nor others have implemented the said judgment/order without any justification.
- 3. That the judgment/order Dated 12.7.2018 has not been suspended by the superior courts.
- 4. That non implementation of the judgment/order of this Tribunal tantamount of contempt on the part of respondents.
- 5. That in spite of the clear-cut direction of the Hon'ble Tribunal, the Respondents are not implementing the same, hence the instant Execution Petition.

Prayer:-

In view of above, it is very humbly requested, that the respondents may be directed to implement the Judgment/Order Dated 12.7.2018 without further delay and cost of the litigation may also be imposed on the respondents.

Peritioner in Person

Dated:

Verification

Verified that the contents of this Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Depone

| Sr. | Date of |
|-----|-------------|
| No | order/ , |
| | proceedings |

Order or other proceedings with signature of Judge or Magistrate

3

A Service James of the Service

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 860/2012

Date of Institution

... 11.07.2012

Date of Decision

... 12.07.2018

Ghulam Jilani Asif, Ex-Member (Gen), Governor's Inspection Team/(Officer of PCS SG (BS-20) (Retired).

Appellant

Versus

1. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

- 2. Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3. Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4. Principal Secretary to Governor Khyber Pakhtunkhwa Peshawar.
- 5. Secretary Finance FATA Peshawar.
- 6. Secretary Saffron Government of Pakistan Islamabad.

Respondents

Mr. Muhammad Hamid Mughal-----Member Mr. Muhammad Amin Kundi-----Member

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Appellant present. Mr. Muhammad Jan learned Deputy District Attorney present.

- 2. The appellant Ex-Member (Gen), Governor's Inspection Team (Officer of PCS SG BS-20) (Retired) prays for the grant of arrears of Utility Allowance, Special Allowance and Incentive Allowance.
- 3. Earlier the appellant approached Hon'ble Peshawar High Court Peshawar by filing Writ Petition No.3390/2011 and the Hon'ble Peshawar High Court Peshawar vide judgment/order dated

12.07.2018

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Service Tribunal,

Peshawar

21.02.2012 passed in the said Writ Petition held that the relief sought falls within the terms & conditions of service therefore it is within the domain of the Provincial Service Tribunal. The Hon'ble Peshawar High Court Peshawar sent the Writ Petition of the appellant to the departmental appellate authority, to be treated as departmental appeal and the departmental appellate authority vide order dated 15.06.2012 regretted the same. Thereafter the appellant approached this Tribunal by filing the present service appeal.

Appellant argued that in the year 1983 he was appointed as Section Officer (BS-17); that he was promoted as Deputy Secretary (BS-18) (Sect: Service) on regular basis w.e.f 18.05.1996; that subsequently he was promoted as Additional Secretary (BS-19) on regular basis w.e.f 22.07.2002; that on 30.12.2004 he was posted as Member (Gen), Governor's Inspection Team in BS-19; that he was promoted to BS-20 on regular basis w.e.f 10.07.2007 but was retained as Member (Gen), Governor's Inspection Team in BS-19. Further argued that due to his posting as Member (Gen), Governor's Inspection Team, his terms & conditions of service as to his salary should not have been less favorable than those to which he would have been entitled if he remained in Secretariat Group. Further argued that being Member of Governor's Inspection Team he was on Deputation to Central Government and his terms & conditions of service as Deputationist should not have been less favorable than those admissible to him in his parent cadre i.e. PCS Secretariat Group. Further argued that under 2nd Provisio of Section-10 of Khyber Pakhtunkhwa Civil Servants Act 1973

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Service Tribunal,
Peshawar al,

whenever a civil servant is required to serve in a post outside his service or cadre, his terms & conditions of service as to his pay shall not be less favorable than those to which he would have been entitled if he had not been so required to serve. Further argued that despite of aforesaid specific provision of Substantive Law, the respondent department in utter deviation from the above law deprived the appellant of his legitimate rights of Utility Allowance, Special Allowance, and Incentive Allowance during the period he served as Member (Gen), Governor's Inspection Team.

- opposing the present service appeal argued that Incentive Allowance ameant for Secretaries/Special Secretaries only whereas Utility Allowance and Special Allowance are admissible to the officers/officials working in the Civil Secretariat, Chief Minister Secretariat and Governor's House/Secretariat and these allowances are not admissible to the employees of Attached Departments as well as Federal Government funded offices. Further argued that the allowances as mentioned above are not part of terms & conditions of civil servants, thus this Tribunal has got no jurisdiction in the present matter.
 - 6. Arguments heard. File perused.
- 7. In view of the findings in the judgment/order dated 21.02.2012 as mentioned above of the Hon'ble Peshawar High Court Peshawar passed in Writ Petition filed by the appellant, the contention of the learned Deputy District Attorney that this Tribunal has no jurisdiction to entertain the above claim of the

Kayber Palitaniahwa
Service Tribunal
Peshawar

appellant is without any force.

- 8. It is not disputed that the appellant was an officer of Secretariat Group and was sent on deputation as Member (Gen), Governor's Inspection Team in the year 2004. He remained on the same post till his retirement when he attained the age of superannuation on 28.10.2011.
- 9. Notifications in respect of Incentive Allowance, Utility Allowance and Special Allowance are appended with the service appeal.
- 10. A look at the Notification No. FD(SOSR.II8-7/2009 dated 14.03.2009 vis a vis Incentive Allowance would divulge that the Incentive Allowance was only meant for Secretaries and Special Secretaries.
- 11. Perusal of Notification No. FD(SOR.II)8-53/2008 dated 06.01.2008 vis a vis grant of Utility 'Allowance @ 10% of Basic Pay and Notifications No. FD(SOR.II)8-7/2002/Vol-IV dated 06.02.2008 & Notification No. FD(SOSR.II)8-7/2002/Vol-IV dated 03.03.2008 vis a vis grant of Special Allowance @ 20% of Basic Pay would show that these allowances were also allowed w.e.f 1st February 2008 to the employees of Civil Secretariat Khyber Pakhtunkhwa who were on deputation outside the Khyber Pakhtunkhwa's Civil Secretariat, Chief Minister Secretariat, and Governor's House/Secretariat Khyber Pakhtunkhwa. However Notification No. FD(SOSR-II)8-7/2009 dated 03.08.2011 reflects that Special Allowance ceased to remain admissible w.e.f 26.04.2011 to the Secretariat Employees on their transfer to a post

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Service Aribunal,

Peshawar

other than the sanctioned post of Administrative Departments of Civil Secretariat, Chief Minister Secretariat and Governor's House/Secretariat after 26.04.2011. In this back drop this Tribunal is of the considered view that Utility Allowance @ 10 % of Basic Pay was also admissible to the appellant w.e.f 1st February 2008 till his retirement on the strength of Notification No. FD(SOR.II)8-53/2008 dated 06.01.2008. Likewise Special Allowance @ 20% of Basic Pay was also admissible to the appellant w.e.f 1st February 2008 till 26.04.2011 on the basis of Notification No. FD(SOR.II)8-7/2002/Vol-IV dated 06.02.2008.

directed to extend the benefit of Notification bearing No. F
D(SOR.II)8-53/2008 dated 06.01.2008 vis a vis Utility Allowance
to the appellant w.e.f 1st February 2008 till his retirement and he be
made payment of arrears accordingly. The respondent department
is further directed to also extend the benefit of Notification No.
FD(SOR.II)8-7/2002/Vol-IV dated 06.02.2008 vis a vis Special
Allowance @ 20% of Basic Pay to the appellant w.e.f 1st February
2008 till 26.04.2011 and as such he be made payment of arrears
accordingly. The present appeal is accepted in the above terms.
Parties are left to bear their own costs. File be consigned to the
record room after its completion.

(Muhammad Amin Kundi) MEMBER

(Muhammad Hamid Mughal) MEMBER

ANNOUNCED

Corting to the Copy of the Cop

EXECUTION PETITION NO.258/2019 IN SERVICE APPEAL NO.860/2012.

It is certified that Finance Department vide its letter No.SOSR-II/FD/1-1/2021/Gen dated 16.03.2021 (copy attached) granted payment of arrears which was allowed by this honourable Khyber Pakhtunkhwa Service Tribunal vide judgement dated 12.07.2018 in favour of the petitioner Ghualm Jilani Asif, (PCS SG BS-20) Ex-Member General GIT, Peshawar.

The undersigned has received the relief sought in the above mentioned execution, please.

(Ghulam Jilani Asif)

PCS (SG) BPS-20 Officer Ex-Member (General),

Governor's Inspection Team, Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

NO.SOSR-II/FD/1-1/2021/Gen Dated Peshawar the 16.03.2021

To

The Chairman. Governor's Inspection Team. Khyber Pakhtunkhwa.

Subject:-

REQUEST FOR PROVISION OF INFORMATION AS TO WHETHER THE POST OF MEMBER GENERAL, GOVERNOR'S INSPECTION TEAM IS A SCHEDULE POST FALLING IN THE DOMAIN OF PROVINCIAL GOVERNMENT OF KHYBER PAKHTUNKHWA OR OTHERWISE.

Dear Sir,

I am directed to refer to the subject noted above and to state that in compliance to the Order dated 07.01.2021 of Khyber Pakhtunkhwa, Service Tribunal, Peshawar, in Execution Petition No.258/2019 in Service Appeal No.860/2012 filed by Ghulam Jilani Asif versus Government of Khyber Pakhtunkhwa. Finance Department provisionally agree to grant the benefits allowed by Notification No.FD/(\$O\$R-II)/8-53/2008 dated 06.01.2008 and Notification No.FD/(\$O\$R-II) 8-7/2002/Vol-IV dated 06.02.2008 in favour of Mr.Ghulam Jilani Asif, lix-Member (Gen). Governor's Inspection Team subject to the final outcome/decision of the Supreme Court of Pakistan in CPLA filed by the Provincial Government.

Yours faithfully,

(Muhammad Ilyas Khattak)

SECTION OFFICER (SR/II)

Endst: No & date even

Copy forwarded for information to the:-

1. PS to Secretary, Finance Department, Khyber Pakhtunkhwa.

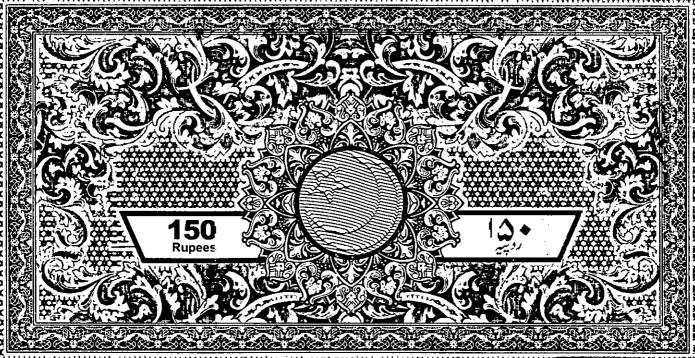
2. PS to Secretary, Establishment Department, Khyber Pakhtunkhwa.

3. Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

4. Master File.

SECTION OFFICER (SR.H)

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EXECUTION PETITION NO.258/2019 IN SERVICE APPEAL NO.860/2012.

It is certified that Finance Department vide its letter No.SOSR-II/FD/1-1/2021/Gen dated 16.03.2021 (copy attached) granted payment of arrears which was allowed by this honourable Khyber Pakhtunkhwa Service Tribunal vide judgement dated 12.07.2018 in favour of the petitioner Ghualm Jilani Asif, (PCS SG BS-20) Ex-Member General GIT, Peshawar.

The undersigned has received the relief sought in the above mentioned execution, please.

(Ghulam Jilani Asif)

PCS (SG) BPS-20 Officer Ex-Member (General),

Governor's Inspection Team, Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

NO.SOSR-II/FD/1-1/2021/Gen Dated Peshawar the 16.03.2021

To

The Chairman,
Governor's Inspection Team,
Khyber Pakhtunkhwa.

Subject:-

REQUEST FOR PROVISION OF INFORMATION AS TO WHETHER THE POST OF MEMBER GENERAL, GOVERNOR'S INSPECTION TEAM IS A SCHEDULE POST FALLING IN THE DOMAIN OF PROVINCIAL GOVERNMENT OF KHYBER PAKHTUNKHWA OR OTHERWISE.

Dear Sir,

I am directed to refer to the subject noted above and to state that in compliance to the Order dated 07.01.2021 of Khyber Pakhtunkhwa, Service Tribunal, Peshawar, in Execution Petition No.258/2019 in Service Appeal No.860/2012 filed by Ghulam Jilani Asif versus Government of Khyber Pakhtunkhwa, Finance Department provisionally agree to grant the benefits allowed by Notification No.FD/(SOSR-II)/8-53/2008 dated 06.01.2008 and Notification No.FD/(SOSR-II)/8-7/2002/Vol-IV dated 06.02.2008 in favour of Mr.Ghulam Jilani Asif, Ex-Member (Gen). Governor's Inspection Team subject to the final outcome/decision of the Supreme Court of Pakistan in CPLA filed by the Provincial Government.

Yours faithfully,

(Muhammad Ilyas Khattak)

SECTION OFFICER (SR/II)

Endst: No & date even

Copy forwarded for information to the:-

1. PS to Secretary, Finance Department, Khyber Pakhtunkhwa.

2. PS to Secretary, Establishment Department, Khyber Pakhtunkhwa.

3. Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

19/3

4. Master File.

SECTION OFFICER (SR.II)

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

In the matter of Execution Petition No.258/2019 Ghulam Jilani Asif

Versus

Govt. Khyber Pakhtunkhwa and others

Implementation Report on behalf of Secretary Finance (Respondents No.03) in compliance with the order dated 12/07/2017 of Honorable Service Tribunal Peshawar.

Respectfully Sheweth.

- 1. Need no comments pertain to court record.
- 2. That the Provincial Government paid all the dues admissible to the appellant for the period while in service under Provincial Government till 30.12.2004. As such, the Judgment of the Honorable Service Tribunal has been implemented in letter & spirit by the Respondent No.03.
- 3. That the appellant w.e.f 30.12.2004 till retirement remained on the strength of Federal Government as Member (General) in Governor Inspection Team & drawn his salaries form Federal Government (SAFRON).
- 4. That the Provincial Government filed CPLA/appeal against the said judgement in the Supreme Court of Pakistan.
- 5. As stated at Para-4 above.

It is therefore humbly prayed that no further action/cause of action is required on the part of Respondent No.03 and implementation report reply to the COC may be called from Respondent No.04 & 05.

SECRETARY TO GOVt: OF KHYBER PAKHTUNKHWA, FINANCE DEPARTMENT (RESPONDENT NO.03)

Govt: of Khyber Pakhtunkhwa Finance Deptt:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of Execution Petition No.258/2019

Ghulam Jilani Asif

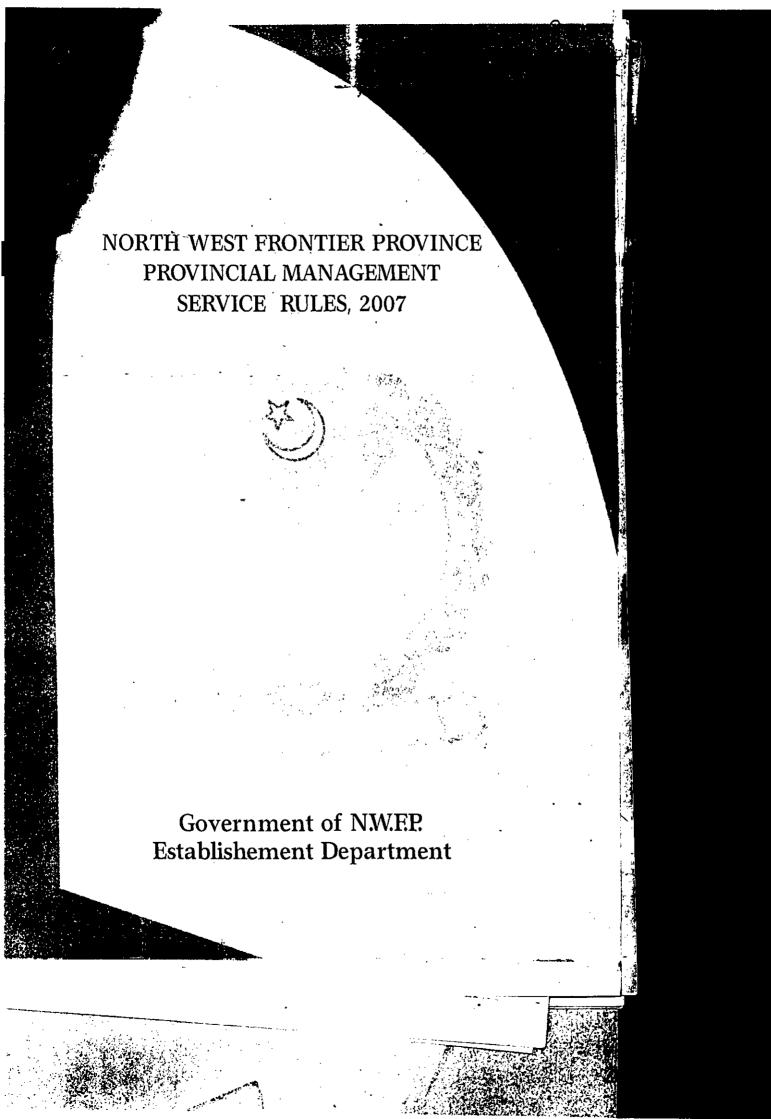
Versus

Government of Khyber Pakhtunkhwa and others

In response to Implementation Report submitted on behalf of Secretary Finance (Respondent No. 03) in Compliance with order dated 12.07.2017 of Honorable Services Tribunal, Peshawar

- 1. Self-explanatory order of Honorable Service Tribunal, Peshawar dated 12.07.2018.
- 2. The Honorable Tribunal allowed benefit of Notification bearing No. FD(SOR.II)8-53/2008 dated 06.01.2008 vis a vis Utility Allowance to the appellant w.e.f 1st February, 2008 till retirement i.e. 28.10.2011. The respondents were also directed to extend benefits of Notification No. FD(SOR.II)8-7/2002/Vol-IV dated 06.08.2008 vis a vis Special Allowance @ 20% of Basic Pay to the appellant w.e.f 1st February, 2008 till 26.04.2011 and as such allowed payment of arrears to the appellant. Finance Department in the implementation report stated that the appellant has served till 30.12.2004, which is misleading as the appellant retired from service on 28.10.2011 as PCS (Secretariat Group) BS-20.
- 3. This Honorable Service Tribunal already accepted the right of the appellant for Utility Allowance and Special Allowance. Member (General), Governor Inspection Team is a schedule post of Establishment Department, the argument is irrelevant at this stage and an attempt on the part of respondent No. 3 to further delay the right of the appellant that is arrears amounting approximately 4 to 5 lacs for the period from 2008 to 2011. The appellant waited for his legitimate right for the last 12 years.
- 4. The subject claim for arrears amounting approximately 4 to 5 lacs lost its true value because of devaluation, Respondent No. 3 may kindly be directed to avoid any further attempts to deny/delay legitimate right of the appellant. The appellant is now 68 years old while waiting for his legal right for last 12 years, this Honorable Court is kindly requested to direct the Respondent No. 3 to implement order dated 12.07.2018 in his lifetime.
- 5. As explained in Para-04, above.

GHULAM JILANI ASIF
PETITIONER IN PERSON



Proem

The Devolution Plan enforced through the NWFP Local Government Ordinance, 2001 brought trassic changes in administrative set-up at District level. The Provincial Civil Service (Executive Group), with the abolition of executive magistracy became redundant and initial recruitment to the said service could not be made since 2001. Consequently, there was a great need for creation of a single-stream service with highly qualified, well trained and motivated officers to meet the emerging needs of the changed scenario.

The Government of NWFP, constituted the Provincial Management Service under the NWFP Provincial Management Service Rules, 2007. The paradigm shift is intended to ensure merit based selection of candidates to the service and augment their proficiencies through in service training programmes. Radical but intensive commensurate changes have been made in the syllabus as well as in training modules. The syllabus has been standardized with that of the Central Superior Service and a one-year training at the academy and six months' UTship module has been developed with emphasis on administration of Revenue, Finance, Local Government, Secretariat work, Tribal Administration & Coordination. These innovative measures will successfully equip the inductees to the Service with indepth conceptual orientation and adept administrative skills. This far-reaching futuristic approach will go a long way in improving the service delivery system and will certainly upgrade the administrative profile of the Province.

I would like to appreciate the painstaking efforts made by Mr.Muhammad Abid Majeed, Additional Secretary (Establishment). Establishment "Department and his Team whose personal interest and devotion made it possible to complete this assignment in a short span of time. The Establishment Department is 'highly indebted to Mr. Ejaz Ahmad Qureshi, the then Chief Secretary, NWFP with whose initiative this exercise was undertaken and also to Sahibzada Riaz Noor. Chief Secretary, NWFP with whose able and meaningful guidance, the task was accomplished. I am also thankful to the Decentralization Support Programme for printing these rules in a booklet form which will serve as an authentic document for referral purposes.

(MIAN SAHIB JAN)
Secretary to Government of NWFP
Establishment Department

December 6, 2007

SCHEDULE-II

| No. | Name of posts | Basic | No of | Total |
|-----|---|---------------------------------------|-------------------|------------------|
| | rame of posts | Scale | No. of . posts | Total No. |
| 1. | Chief Secretary | 21/22 | n 1 | 9 |
| 2. | Additional Chief Secretary. | 21 sc | າ∂ 2 | . 3 |
| 3. | Senior Member Board of Revenue. | 21 | " 1 | · |
| 4. | Chairman Sarhad Development Authority | 21 | 1 | • |
| 5. | District Coordination Officer, City District. | 21 | 1 | |
| 6. | Secretaries, Chairman Governor's | 21 | 3 | |
| | Inspection Team/Provincial Inspection | | . ~ | 1 |
| · | Team. | | • | į |
| _ | | | <u> </u> | |
| 7. | Secretaries (Settled/FATA) | 20 | 32 | 74 |
| 8. | Member Board of Revenue-I & II | 20 | . 2 | 1 |
| 9. | Member, Governor's Inspection Team | 20 | 1 | 1 |
| 10. | Member, Provincial Inspection Team | 20 | 1 | 1 |
| 11. | Director Staff Training Institute | 20 | 1 | 1 |
| 12. | Member Public Service Commission | 20 | 1 | 1 |
| 13. | Member Service Tribunal | 20 | 2 | 1 |
| 14. | District Coordination Officer. | 20 | 23 | 1 |
| 15. | Presiding officer Revenue Appellate Court | 20 | 2 | 1 |
| 16. | Vice Chairman Provincial Economy | 20 | ٩ | 1 . |
| - | Commission | | | |
| 17. | Project Director National Urban | 20 | 1 | 1 |
| | Development Project. | | | |
| 18. | Director (Finance) Sarhad Development . | 20 | 1 | 1 |
| | Authority. | | | |
| 19. | Managing Director, Small Industries | 20 | 1 |] |
| | Development Board. | | | _ |
| 20. | General Manager(Finance & Admn.) | 20 | 1 | |
| 0.4 | Forest Development Corporation. | · · · · · · · · · · · · · · · · · · · | ļ | <u> </u> |
| 21. | Director General cum-Secretary | 20 | 1 | |
| | Provincial Earthquake Rehabilitation & | | | 1. |
| | Reconstruction Authority. | | | |
| 22. | Director General Special Development | 20 | 1 | |
| | Unit. | | <u> </u> | <u> </u> |
| 23. | Projector Coordinator Provincial | 20 | 1 1 . | |
| 24. | Management Unit. Director General Community | | | 4 |
| ۵4. | Infrastructure Project. | 20 | 1 | . . |
| | initiastructure i roject. | | - ! | |
| 25. | Additional Secretary | 19 | 34 | : 7 - |
| 26. | Chief of Section | 19 | 5 | -j ⁷⁵ |
| 27. | Member, Governor Inspection Team. | | 1 3 | |
| £1, | Limoniber, dovernor inspection ream. | 19 | ·1 1 | 1'. |



| 4 | | | | |
|---------------|---|-----|--|-------------|
| | Member, Provincial Inspection Team | 19 | 1 | |
| n ara | Executive District Officer(Finance & | 19 | 24 | |
| | Deputy Director, Provincial Services | 19 | 1 | |
| <u></u> | Presiding Officer Revenue Appellate | 19 | 3 | |
| 32. | Director General, Prosecution. | 19 | 1 | |
| 331 | Director Food. | 19 | 1 | . [|
| 34. | Director, Civil Defence. | 19 | - | |
| 35 | Registrar, Cooperative Societies. | 19 | - | . |
| 366. | Secretary Provincial Election Commission | 19 | | |
| 37. | Deputy Relief Commissioner | 19 | 1 | . |
| The state of | | | <u> </u> | |
| 38.5 | Political Agents. | 18 | 7 | 171 |
| 2 3 9. | Settlement officers | 18 | . 2 | 171 |
| 40. | Secretary Public Service Commission. | 18 | 1 | |
| 41. | Secretary Board of Revenue. | 18 | : 2 | |
| ¥ 42. | Director Land Record. | 18 | 2 | |
| 43. | Administrator Afghan Refugees | 18 | 2 | i |
| | Organization | | - | |
| 44. | Deputy Secretary. | 18 | <i>7</i> 1 | , , |
| 45. | Assistant Chief, Planning & Development | 18 | 8 | |
| 46. | Director Anti Corruption Establishment. | 18 | 1 | , . |
| 47. | Deputy Director Staff Training Institute | 18 | 2 | ļ |
| 48. | District Officer (Revenue & Estate) | 18 | 24 | |
| 49. | Assistant Coordination Officer. | 18 | 24 | |
| 50. | District Officer (Finance) | 18 | 24 | |
| 51. | Secretary Provincial Transport Authority. | 18 | 1 | |
| | | | 1 | <u> </u> |
| 52. | Section Officer | ·17 | 200 : | 478 |
| 53. | Assistant Political Agents. | 17 | 25 | |
| 54. | Deputy District Officer (Revenue.) | 17 | 50 | |
| 55. | Deputy District Officer (Judicial) | 17 | 30 | • • |
| 56. | Human Resource Development Officer! | 17 | 24 | - |
| 57. | Secretary District Public Safety | 17 | 24 | · |
| | Commission | • | 7 | a |
| 58 | Deputy District Officer (Finance) | 17 | 48 | |
| 59. | Tehsil Municipal Officer. | 17 | 54 | |
| 60. | Secretary District Regional Transport Authority | 17 | 24 | |
| Total: | | | | 807 |

Teriservices of the Province in the Secretariat posts will be 10/85-19 on reciprocal basis which mean that the officers of entilled for posting against equivalent posts @ 10% as officers of other services in Secretariat. may reserve 20% of posts in BS-17 and above for raining/leave. may resize the Schedule from time to time. 5 Note III added vide Establishment Department Notification No. SOE-III(E&AD)3-5/2007/(PMS) Dated



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

MOST IMMEDIATE COURT MATTER

To,

NO.SO (LIT-II)/FD/2-1375/2012 Dated Peshawar the, 04/01/2021.

The Section Officer (Establishment-I) Establishment Department

Subject:

REQUEST FOR PROVISION OF INFORMATION AS TO WHETHER THE POST OF MEMBER GENERAL GOVERNORS INSPECTION TEAM IS SCHEDULED POST FALLING IN THE DOMAIN OF PROVINCIAL GOVERNMENT OF KHYBER PAKHTUNKHGWA OR OTHERWISE

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith copy of Services Tribunal Khyber Pakhtunkhwa order sheet dated 20th November 2020 issued in case titled Mr. Ghulam Jillani Asif Retired PCS SG(BS-20) officer Versus Government of Khyber Pakhtunkhwa who served against aforementioned post w.e.f 06-02-2008 till his retirement on superannuation dated 28.10.2011.

In order to clarify dues if pending against Provincial Government Khyber Pakhtunkhwa it is requested to the post occupied by retired officer as Ex-Member General Governor Inspection Team may be clarify as to whether is a scheduled posts falling in the domain of Provincial Government of Khyber Pakhtunkhwa or otherwise so that the issue of dues which appellant claimed from Provincial Government could be amicably settled please.

Yours Faithfully

Encl: As Albere.

SECTION OFFICER (LIT-II)
Finance Department.

Office Work 111 II

TATA SECRETARIAT (FINANCE DEPARTMENT) WARSAK ROAD PESHAWAR

Dated Peshawar, the 5th September, 2011.

CONTRICATION

o the President of Pakistan, has been pleased to approve, with effect from 67-04-2011 and intil further orders, the adoption of increase in the Special Allowance, from the existing 20% of basic pay to 36% of the basic pay, subject to the freeze at the level of its admissibility as on 30.06.2011 (Para 9 of the Government of Khyber Pakhtunkhwa, Finance Department's Circular letter No. FD (PRC) 1-1/2011, dated 14th July, 2011 refers), in favour of all the Provincial Government employees (BPS-1 to BPS-22), perving in FATA Secretariat.

The Special Allowance *ibid* was sanctioned vide Government of Khyber Pakhtunkhwa, Finance Department's Circular letter No. FD (SOSR-II)8-7/2002/VeLIV, dated 06.02.2008 and endorsed by FATA Secretariat, Finance Department, Peshawar vide Circular letter; No.No.SO (Adman.)/FD/FS/I-41/2007-08, dated 15th September 2008. The said notification has now been amended, vide Government of Khyber Pakhtunkhwa. Finance Department's Notification No. FD (SOSR-II) 8-7/2011, dated 27.4.2011. It now stands applicable, mutatis mutandis, to all Government of Ehyber Pakhtunkhwa; Civil Secretariat employees serving in FATA Secretariat, as specified in Schedule-I of the Rules of Business and in terms of President's Order No.13 of 1972.

3. Special Allowance shall cease to be admissible to such employees from the flate of transfer to a post outside Civil Secretariat (FATA).

The admissibility of Epecial Allowance shall continue to be subject to the conditions prescribed in the Finance Department's letters, referred to in Para-2 above, or such conditions as may be prescribed by the Competent Authority from time to time.

Additional Chief Secretary, FATA

Endst. No. S.O. (Admn.)/FD/FS/4-41/2007-08

Dated 05.09.20 1.

Copy is forwarded to the Secretary to Governor, Governor's Secretariat Khyber Pakhtunkhwa, Peshawar.

(Muhammar Sulainan Klian)
Deputy Secretary, Finance.

Endst. No. S.O. (Admn.)/FD/FS/4-41/2007-08

Dated 05.09.2011:

Copy is forwarded for information and necessary action to the:

All Secretaries in FATA Secretariat. Peshawar.

Additional Accountant General Pakisian Revenue (Sub-office), Peshawar.

Private Secretary to Additional Chief Secretary, FATA, Peshawak-

(Muhanineti Sulaiman-léhm) Depaty Secretary, Finance

CA 22 1/1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

RESTORATION APPLICATION NO. 459/2019 IN EXECUTION PETITION NO. 258/2019

VERSUS

1. Government of Khyber Pakhtunkhwa

Through its Chief Secretary Civil Secretariat, Peshawar

2. The Secretary,

Government of Khyber Pakhtunkhwa Establishment Department Civil Secretariat, Peshawar

3. The Secretary,

Government of Khyber Pakhtunkhwa
Finance Department
Civil Secretariat, PeshawarRespondents

INDEX SHEET

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| 1. | APPLICATION | | 1-2 |
| 2. | COPY OF EXECUTION PETITION NO. 258/2019 | Α | 3-4 |
| 3. | COPY OF POWER OF ATTORNEY | В | 5-6 |

GHULAM JILANI ASIF (APPLICANT/PETITIONER)

Cell=03005921001

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

RESTORATION APPLICATION NO. **EXECUTION PETITION NO. 258/2019**

Dated 19

Ghulam Jilani Asif Retired PCS SG, (BS-20)

Ex-Member (Gen).

Governor's Inspection Team,Applicant

Versus

1. Government of Khyber Pakhtunkhwa

Through its Chief Secretary Civil Secretariat, Peshawar

2. The Secretary,

Government of Khyber Pakhtunkhwa **Establishment Department** Civil Secretariat, Peshawar

3. The Secretary,

Government of Khyber Pakhtunkhwa Finance Department Civil Secretariat, PeshawarRespondents

APPLICATION FOR RESTORATION OF EXECUTION OPETITION DISMISSED ON DEFAULT FOR NON-APPEARANCE BEFORE THE SERVICE TRIBUNAL VIDE ORDER DATED 31.10.2019

Respectfully sheweth:-

- 1. That the above captioned Execution Petition was pending before this honorable Tribunal for implementation of judgment passed on 12.07.2018 in Service Appeal No. 807/2012
- 2. That due to some un-avoidable circumstances the above subject Petition dismissed on default for non-appearance before the proceedings of Honorable Service Tribunal Peshawar vide order dated 31.10.2019 (copy of order is attached).

- 3. That an un-pleasant incident of gas leakage blast was occurred. My elder son (Khalid Pervez Jilani) was badly injured. He was hospitalized for couple of weeks, however, passed away. Further, the applicant/petitioner reached to 68 years of age. Due to old age, ailing health condition in sudden shock of his elder son he could not pursue the proceedings on due course of law.
- 4. That valuable rights are attached with the petition by the applicant and if such petition is not restored the applicant/petitioner will suffer irreparable loss.

PRAYER:

It is most humbly prayed that on acceptance of this applicant execution petition may kindly be restored which is dismissed in default/non-appearance before the proceedings on dated 31.10.2019. Further, the applicant/petitioner Ghulam Jilani Asif through his son namely Kashif Iqbal Jilani having power of attorney to pursue the proceedings on behalf of main petitioner/applicant (copy attached).

Applicant/appellant

GHULAM JILANI ASIF

VERIFICATION

Verified that the content of this petition are true and correct to the best of my knowledge and belief and nothing has been concealed by this Honorable Service Tribunal.

GHULAM JILANI ASIF

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Execution Petition No. 25.8/2013

IN

Service Appeal No. 860/2012



Ghulam Jilani Asif Retired PCS SG, (BS-20),

Ex-Member (Gen),

Governor's Inspection team, Petitioner

Versus

1. Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Peshawar.

2. The Secretary

Govt. of Khyber Pakhtunkhwa Establishment Department Civil Secretariat, Peshawar.

3. The Secretary

Govt. of Khyber Pakhtunkhwa Finance Department Civil Secretariat, Peshawar.

4. Principal Secretary

to Governor Govt. of Khyber Pakhtunkhwa Peshawar.

5. The Secretary Finance,

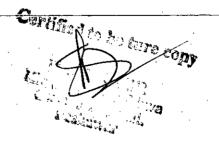
Ex-FATA Secretariat, Warsak Road Peshawar.

6. Secretary Staff

Govt. of Pakistan, Islamabad.....

....Respondents

EXECUTION PETITION FOR DIRECTING THE RESPONDENTS TO IMPLEMENT THE JUDGMENT OF THIS HON'BLE TRIBUNAL DATED 12.07.2018PASSED IN SERVICE APPEAL NO.860/2012





05.09:2019

03109.2019

None for the petitioner present. Mr. Usman Ghani,

District Attorney for respondents present. To come up for

further proceedings on 03.10.2019 before S.B.

(Ahmad Hassan) Member -

Nemo for the petitioner. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sajid, Superintendent for the respondents present.

Fresh notice be issued to petitioner for next date of hearing. Adjourned to 31.10.2019 before S.B.

CHAIRMAN (*)

31.10.2019

Addl. AG alongwith Sohail Nemo for the petitioner. Ahmad, Assistant for the respondents present.

The petitioner is un-represented since 29.07.2019 on three different occasions. On the last date of hearing fresh notice was also required to be sent to petitioner which was accordingly sent through registered post. Despite, he is not present even today. It appears that the petitioner is no more interested to pursue the instant execution proceedings. The same is, therefore, consigned to record. The petitioner may apply for restoration of the proceedings, if need be.

Chairman

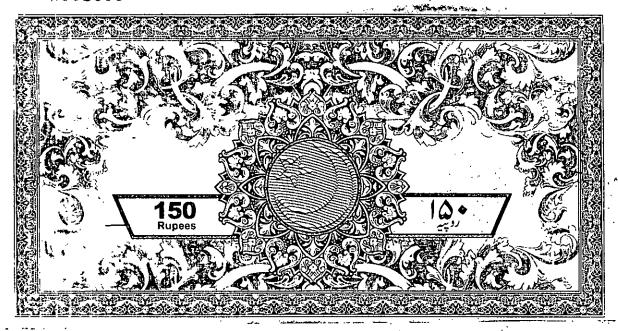
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Peshawar



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۔ 'مُخْتِیار نامہ برائے پیروی مقدمہ

للذائنتارنامة فاص بحق كاستعب العبال المحمل في الكهديا تاكسندار جادر بونت ضرورت كام آدع - المنافقة المنافقة المرقام . 10 - 201 منافقة المرقام . 10 - 201 منافقة المرقام . 10 - 201 منافقة المنافقة المناف

منتها گروشه ا شاخ کاردنبر: 7301-9574720-1

<u> Δυ. μ. μ. 2 νη 2</u> 2 και 2 και 2 και 2301-8531261-9.

اختیار دهنده میناد میناد در این د

CNIC NO 17301 1555538