

Statement of Mr. Taimur Ali Khan Advocate counsel for petitioner,
on oath:

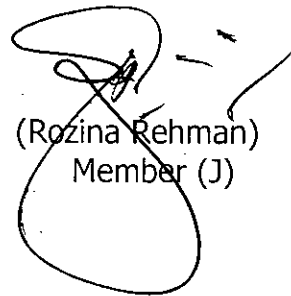
Stated that as per instructions of my client, order of this
Tribunal has been fully satisfied. I, therefore, request that the
same may be filed as per law.

R.O & A.C

Dated: 10.12.2020



Mr. Taimur Ali Khan Advocate

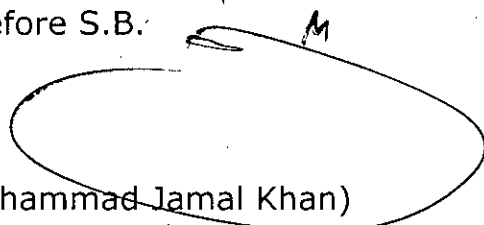


(Rozina Rehman)
Member (J)

22.10.2020

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 10.12.2020 on which date to come up for further proceedings before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

10.12.2020

Taimur Ali Khan Advocate present on behalf of petitioner.

Kabir Ullah Khattak learned Additional Advocate General respondents present.

At the very outset this Tribunal was informed that orders passed in favor of the present petitioner has been fully satisfied, he, therefore, made a request that the execution proceedings may be filed.

To this effect, statement of learned counsel was recorded and his signature was obtained thereon.

In view of the above, the present execution proceedings stand filed being fully satisfied. File be consigned to the record room.

Announced.
10.12.2021


(Rozina Rehman)
Member (J)

09.07.2020

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

This is an application for restoration of Execution Petition No. 48/2020.

The record shows that on 30.01.2020 the matter was adjourned sine-die with the permission to parties for submission of application for restoration, as and when required.

The application is allowed and the proceedings are restored to original number. To come up for further proceedings on 08.09.2020 before S.B.


Chairman

08.09.2020

08.09.2020

Counsel for the petitioner and Addl. AG present.



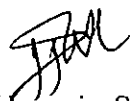

Learned counsel for petitioner requests for time to seek fresh instructions from his client. Adjourned to 22.10.2020. The respondents shall also be given notice for the next date to apprise this Tribunal regarding progress, if any, made towards implementation of the judgment.


Chairman

Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 48 /2020

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.02.2020	<p>The application for restoration of Execution Petition No. 171/2019 submitted by Mr. Taimur Ali Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This restoration application is entrusted to S. Bench to be put up there on <u>06/03/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	06.03.2020	<p>Learned counsel for the petitioner present. Notice be issued to the respondents for reply on 14.04.2020 before S.B.</p> <p style="text-align: right;"> (Hussain Shah) Member</p>
	14.04.2020	<p>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.</p> <p style="text-align: right;"> Reader</p>

30.01.2020

Nemo for the petitioner. On the previous date too, the petitioner was absent. Mr. Kabir Ullah Khattak learned Additional Advocate General present.

Copy of office order dated 24.10.2019 is available on file and perusal of the same would show that the petitioner has been reinstated in service while the issue of back benefits will be decided/settled after the outcome of de-novo inquiry.

In view of above, the present execution petition is adjourned sine die. File of the present execution petition may be kept dormant in the record room till further orders. Either party may apply for restoration/revival of the instant execution petition.


Member

29.10.2019

Petitioner in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith representative Anwar Khan SDFO present. Representative submitted copy of Notification dated 24.10.2019 in relation to the implementation of judgment of this Tribunal and judgment of Apex Court. Petitioner seeks adjournment. Lawyers community is on strike of the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings on 03.12.2019 before S.B.



Member

13.11.2019

Petitioner alongwith counsel and Addl. AG alongwith Muhammad Anwar, SDFO for the respondents present.

Learned counsel for petitioner requests for time to submit written objections in respect of notification dated 24.10.2019.

Adjourned to 17.12.2019 before S.B.

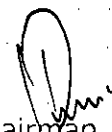


Chairman

17.12.2019

Nemo for petitioner. Addl. AG alongwith Iltaf Qureshi, SDFO for the respondents present.

To come up for further proceedings on 30.01.2020 before S.B.



Chairman

23.09.2019

Petitioner in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Anwar Khan, SDFO for the respondents present.

Representative of the department produced copy of letter dated 19.09.2019 whereby the case for implementation of judgment in favour of the petitioner has been set in motion. He requests for further time for submission of implementation report. Adjourned to 17.10.2019 on which date implementation report shall positively be submitted. Else, punitive action would be initiated against the concerned respondents under the law.


CHAIRMAN

17.10.2019

Petitioner alongwith counsel and Addl. AG alongwith Muhammad Anwar, SDFO for the respondents present.

The representative of respondents states that the competent authority had approved the reinstatement of petitioner, however, a formal notification in that regard is yet to be issued. He therefore, requests for a short adjournment.

Adjourned to 29.10.2019 on which date the copy of requisite notification/implementation report shall positively be produced before the Tribunal. Else, the defaulting respondent shall be proceeded against in accordance with law.


Chairman

05.07.2019

Counsel for the petitioner and Mr. Ziaullah, DDA alongwith Mr. Muhammad Anwar, SDFO for respondents present.

Representative of the respondents produced a copy of an application moved by Advocate on record, Supreme Court of Pakistan for early hearing of CPLA no. 168-P/2019 in the Supreme Court of Pakistan and the same is placed on record. As per practice invogue, respondents are directed to either get the judgment of this Tribunal date d 17.12.2018 suspended from the Supreme Court of Pakistan or produce provisional implementation order. Case to come up for further proceedings on 15.08.2019 before S.B.


(Ahmad Hassan)
Member

26.08.2019

Petitioner in person and Addl. AG alongwith M/S Faizullah, DFO and Muhammad Anwar Khan, SDFO for the respondents present.

The representative of the respondents states that CPLA submitted against the judgment under implementation stands dismissed by the Apex Court on 25.07.2019. Thereafter, opinion of the S.O (Litigation) has been sought regarding implementation of the judgment of the Tribunal.

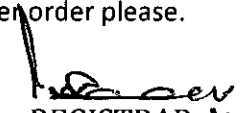



This Tribunal has no concern with the internal correspondence of the respondents. As a matter of fact, the judgment under implementation has attained finality and warrants its execution in letter & spirit in accordance with law. The respondents are, therefore, required to submit an implementation report on next date of hearing, failing which punitive action would be taken against the concerned respondents under the law.

Adjourned to 23.09.2019 before S.B.


Chairman

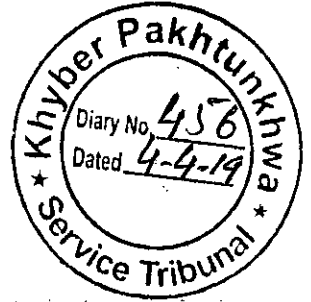
Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 171/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.4.2019	<p>The execution petition of Mr. Abdul Manan submitted today by Mr. Taimur Ali Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 4/4/19</p>
2-	09/04/19	<p>This execution petition be put up before S. Bench on <u>06/05/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
06.05.2019		<p>Counsel for the petitioner present. Notice be issued to the respondents for implementation report for 14.06.2019 before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>
14.06.2019		<p>Petitioner in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Anwar Khan, SDFO for the respondents present. Implementation report not submitted. Representative of the department is directed to furnish implementation report on the next date positively. Adjourned to 05.07.2019 for implantation report before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Execution Petition No. 171 /2019
In Service Appeal No.1244/2016



Abdul Manan Forester, Upper Kohistan,
Forest Division, Dassu District, Kohistan.

PETITIONER

VERSUS

1. Chief Minister Khyber Pakhtunkhwa, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Forest, K.P.K Peshawar.
3. Divisional Forest Officer, Upper Kohistan, Forest Division, Kohistan at Dassu.

RESPONDENTS

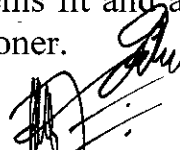
.....
**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED 17.12.2018 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**
.....

RESPECTFULLY SHEWETH:


1. That the petitioner has filed service appeal No.1244/2016 against the order dated 30.06.2016, whereby the major penalty of compulsory retirement was imposed upon the petitioner and against not taking action on the review petition of the petitioner within the stipulated period of ninety days.
2. The said appeal was finally heard by this august Service Tribunal on 17.12.2018 and the august Service Tribunal set aside Impugned order dated 30.06.2016 and the petitioner was reinstated into service. Respondents were directed to conduct de-novo inquiry strictly in accordance with law and rules within a period of 90 days from the date of the receipt of the judgment. The issue of back benefits shall be subject to the outcome of the denovo inquiry. **(Copy of judgment dated 17.12.2018 is attached as Annexure-A)**

3. That since the announcement of the judgment, the petitioner waited for more than 90 days to implement judgment dated 17.12.2018 of this Honourable Service Tribunal, but the respondents neither reinstated petitioner nor conducted denovo inquiry within the stipulated period of 90 days according to the judgment of this Honourable Tribunal. The petitioner also submitted his arrival report but no action has been taken on his arrival report by the respondent department.
4. That in-action and not fulfilling formal requirements by the department after passing the judgment of this august Service Tribunal, is totally illegal amount to disobedience and Contempt of Court.
5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 17.12.2018 of this Honourable Service Tribunal in letter and spirit.
6. That the petitioner has having no other remedy except to file this execution petition.

It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment dated 17.12.2018 of this august Service Tribunal in letter and spirit. Any other remedy, which this august Service Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.


PETITIONER

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
&

(ASAD MAHMOOD)
ADVOCATE HIGH COURT

AFFIDAVIT:

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief.



DEPONENT

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Execution Petition No. _____/2019

In Service Appeal No.1244/2016

Abdul Manan

VS

Forest Deptt;

**APPLICATION FOR RESTRAINING THE RESPONDENTS
TO CONDUCT DENOVO INQUIRY AFTER THE LAPSE
OF STIPULATED PERIOD 90 DAYS GIVEN IN THE
JUDGMENT DATED 17.12.2018.**

RESPECTFULLY SHEWETH:

1. That the applicant/petitioner has filed service appeal No.1244/2016 against the order dated 30.06.2016, whereby the major penalty of compulsory retirement service was imposed upon the applicant/petitioner and against not taking action on the review petition of the applicant/petitioner within the stipulated period of ninety days.
2. That the said appeal was finally heard by this august Service Tribunal on 17.12.2018 and the august Service Tribunal set aside Impugned order dated 30.06.2016 and the applicant/petitioner was reinstated into service. Respondents were directed to conduct de-novo inquiry strictly in accordance with law and rules within a period of 90 days from the date of the receipt of the judgment. The issue of back benefits shall be subject to the outcome of the denovo inquiry.
3. That Registrar of this august Service Tribunal has sent the judgment to the respondents through the letter dated 31.12.2018 and after lapse of stipulated period of 90 days given in the judgment dated 17.12.2018, the respondents did not conduct inquiry against the appellant within the stipulated period of 90 days. **(Copy of letter dated 31.12.2018 is attached as Annexure-R-1)**

It is therefore most humbly prayed that on the acceptance of this application, the respondents may kindly be directed to reinstate the applicant/petitioner into service and restrain them to conduct denovo inquiry against the applicant/petitioner after the lapse of stipulated period 90 days given in the judgment dated 17.12.2018.



APPLICANT/PETITIONER

THROUGH:



(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
&

(ASAD MAHMOOD)
ADVOCATE HIGH COURT

AFFIDAVIT:

It is affirmed and declared that the contents of the application are true and correct to the best of my knowledge and belief.



DEPONENT



P - ①

**BEFORE THE SERVICE TRIBUNAL,
K.P.K. PESHAWAR**



Appeal no 1244/2016

Abdul Manan Forester, Upper Kohistan
Forest Division, Dassu, District
Kohistan.....Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1284

Dated 13-12-2016

Versus

- 1) Chief Minister, K.P.K. Peshawar.
- 2) Government of Khyber Pakhtunkhwa through Secretary Forest, K.P.K. Peshawar.
- 3) Divisional forest Officer, Upper Kohistan Forest Division, Kohistan at Dassu.....Respondents

**APPEAL UNDER SECTION 4 AGAINST
THE ORDER OF RESPONDENT NO. 1
VIDE WHICH THE APPELLANT HAS
BEEN RETIRED COMPULSORY FROM
SERVICE AND WAS ALSO DIRECTED
TO PAY RS, 897,900/- BY WAY OF
PAY.**

PRAYER: -

On acceptance of appeal the impugned order of compulsory retirement may kindly be set aside and the appellant may kindly be re-instated in service.

Respectfully sheweth!

The brief facts framing the back ground of the instant appeal are arrayed as follows: -

Filed to-day
[Signature]
Registrar
13/12/16

Re-submitted to-day
and filed.
[Signature]
Registrar
19/12/16

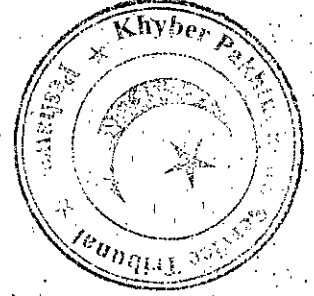
ATTESTED
[Signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTAĀD.

Service Appeal No. 1244/2016

Date of Institution ... 13.12.2016

Date of Decision ... 17.12.2018



Abdul Manan Forester, Upper Kohistan Forest Division, Dassu, District Kohistan.
... (Appellant)

VERSUS

Chief Minister, Khyber Pakhtunkhwa, Peshawar and two others.
... (Respondents)

MR. SHAD MUHAMAMD KHAN,

Advocate

MR. ABDUL SABOOR KHAN

Advocate

For appellant.

MR. USMAN GHANI,

District Attorney

For respondents

MR. AHMAD HASSAN,

MR. HAMID FAROOQ DURRANI

MEMBER (Executive)
CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER:-


This judgment shall dispose of the instant service appeal as well as connected service appeal no. 927/2015 titled Jamair Khan, appeal no. 926/2015 titled Naseeb Khan, appeal no. 1247/2016 titled Asghar Khan, appeal no. 1246/2016 titled Umar Khan and service appeal no. 795/2015 titled Mohammad Tariq Khan as similar question of law and facts are involved therein.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The brief facts are that the appellant was serving as Forester in Forest Division Kohistan. On the allegations of involvement in corrupt practices an enquiry was conducted and upon culmination major penalty of compulsory retirement was imposed on

ATTESTED


Khyber Pakhtunkhwa Service Tribunal,
Peshawar

him vide impugned order dated 30.06.2016. Feeling aggrieved he filed departmental appeal on 15.08.2016, which was not responded, hence, the instant service appeal on 13.12.2016.

ARGUMENTS

4. Learned counsel for the appellant argued that he was proceeded departmentally and upon winding up of proceedings major penalty of compulsory retirement was imposed on him. Enquiry was not conducted in accordance with the spirit of E&D Rules 2011. The appellant and others through an application submitted a list of witnesses to the Chairman Enquiry Committee for examination but no heed was paid to it. He further argued that the appellant submitted an application to the Chairman Enquiry Committee that Mr. Shah Wazir Khan, Member Enquiry Committee had personal grudge against him and was hell bent to punish the appellant. A request was made to depute some other member for conducting the enquiry. This fact was also highlighted in para-9 of the reply to the show cause notice but was not considered by the competent authority. By not considering his requests, the inquiry report appeared to be biased and against the norms of fairness/justice.

5. Learned District Attorney, at the very outset raised objection on the maintainability of the appeal in hand. He stated that the impugned order was passed on 30.06.2016 while departmental appeal was filed on 15.08.2016, as departmental appeal was not filed within the given deadline, so the same was barred by time. He further argued that even on merits all the codal formalities were observed before passing the impugned order.

CONCLUSION.

6. So far as the issue of maintainability of the present appeal is concerned, impugned order dated 30.06.2016 was received by the appellant on 05.08.2016, as is evident from a copy of the impugned order containing endorsements to the quarters concerned and

RECEIVED
13/12/2016

[Handwritten Signature]

provided by the learned counsel for the appellant. Before touching the merits of the case, we deem it appropriate to touch the important issue of objections raised by the appellant on Mr. Shah Wazir, Member Enquiry Committee, but were not considered by the competent authority. It was also reiterated in reply to the show cause notice. He had given solid proof showing bias/prejudice of the above member towards the appellant and had made up his mind to punish him. The principle of natural justice demanded that his request should have been considered for the purpose of fair/transparent inquiry and to meet the ends of justice. By ignoring his request the enquiry report had not only become disputed but smacked of malafide, malice and distrust on the part of the said Member. On this score alone, it is a valid worth consideration case for de-novo enquiry. In these circumstances we would not like other dilate on other deficiencies in the inquiry report.

7. As a sequel to above, the impugned order dated 30.06.2016 in respect of appellants Abdul Manan, Umer Khan and Asghar Khan, order dated 02.04.2015 in respect of appellant Naseeb Khan and order dated 12.03.2015 in respect of appellants Jamair Khan and Muhammad Tariq Khan are set aside and the appellants are reinstated in service. The respondents are directed to conduct de-novo enquiry strictly in accordance with law and rules within a period of 90 days from the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

Announced *17.12.2018* *Sh. Ahmad Hassan, Member*
Court of Appeal

Sh. Hamid Farooq Durrani, Chairman

Certified to be a true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Appeal 03-04-18
 Number of Words 1600
 Copying Fee 10-00
 Urgent 2-00
 Total 12-00
 Name of Copy [Signature]
 Date of Copy of Copy 03-04-18
 Date of Delivery of Copy 03-04-18

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 2482/ST

Dated 31/12/2018

To:


The Secretary Forest Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 1244/2016, MR. ABDUL MANAN & OTHERS.

I am directed to forward herewith a certified copy of Judgement dated 17.12.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.



مورخہ

مقدمہ

دعویٰ

جرم

عبدالحمنان
2 منجانب
عبدالحمنان بنام قلمہ

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لیسٹنگ اور اسد محمود اور اسد حسین کیلئے مجموعی خان اور اسد محمود اور اسد حسین
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے
سبب سے و ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

Accepted
&
Accepted
[Signature]

26/6/2019

IN THE SUPREME COURT OF PAKISTAN
Appellate Jurisdiction

CMA. NO. _____/2019.

IN

CPLA NO. 168-P/2019

Chief Minister through its Princial Secretary KPK Peshawar & others
-----PETITIONERS

Abdul Manan

-----RESPONDENT

APPLICATION FOR EARLY HEARING AND
TRANSFER OF CPLA No. 168-P/2019 FROM
REGISTRY BRANCH OF PESHAWR TO
PRINCIPLAL SEAT AT ISLAMABAD.

RESPECTFULLY SEWETH:

1. That the petitioners have filed the above noted CPLA along-with stay application in the Registry Branch at Peshawar of this august Court.
2. That no date has yet been fixed in the case for hearing due to non-availability of the bench at the Registry Branch at Peshawar.
3. That the respondent has initiated implementation proceeding before the learned Khyber Pakhtunkhwa Service Tribunal Peshawar wherein notice has been issued to the petitioners for implementation and compliance report for 05-07-2019. (Copy of the order is attach).

4. That the learned High Court of Sindh is stressing for implementation of the impugned order in the CPLA mentioned above which is pending before this august Court at Branch Registry at Peshawar.

5. That if the above mentioned CPLA is not fixed earlier for hearing the very purpose of the CPLA would be lost and the petitioners will face the execution proceedings of the Service Tribunal Peshawar.

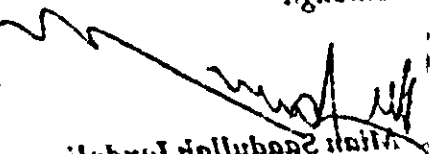
6. That the facts and circumstances explain above an early date of hearing and transfer of case from Registry Branch at Peshawar to the Principal seat at Islamabad may please be order to save the petitioners from inconvenience.

7. That it is in the interest of justice and fair play if this august Court is pleased to fix the above mentioned CPLA for early hearing and transfer as consent to this august Court.

It is, therefore, humbly prayed that the above mentioned CPLA along-with stay application may kindly be transfer from Peshawar Registry Branch to Principal seat at Islamabad for early hearing and fixation as consent to this august Court.

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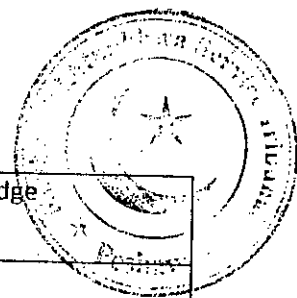
Through


Atiqul Haque
Advocate on Record
Supreme Court of Pakistan
For Government/Petitioners

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 171/2019



S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.4.2019	<p>The execution petition of Mr. Abdul Manan submitted today by Mr. Taimur Ali Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 4/4/19</p>
2	09/04/19	<p>This execution petition be put up before S. Bench on <u>06/05/19</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
06.05.2019		<p>Counsel for the petitioner present. Notice be issued to the respondents for implementation report for 14.06.2019 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>
14.06.2019		<p>Petitioner in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Anwar Khan, SDFO for the respondents present. Implementation report not submitted. Representative of the department is directed to furnish implementation report on the next date positively. Adjourned to 05.07.2019 for implantation report before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p> <p style="text-align: center;">Certified to be true copy</p> <p style="text-align: center;"><i>[Signature]</i> Khyber Pakhtunkhwa Service Tribunal. Peshawar</p>

IMMEDIATE

GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
(LITIGATION SECTION)

SO(Lit:)/E.D/3-235/2015
Dated Peshawar: 19/09/2019.

To

**The Conservator of Forests,
Upper Hazara Circle, Mansehra.**

Subject : EXECUTION PETITION NO. 155/2019 & 174/2019 MUHAMMAD TARIQ
KHAN AND ASGHAR KHAN VERSUS GOVERNMENT.

I am directed to refer to your letter No. 1613-14/E dated: 04-09-2019 on the subject noted above and to state that a summary of the subject case has already been moved to the Chief Minister, Khyber Pakhtunkhwa for approval/implementation of the Khyber Pakhtunkhwa Service Tribunal/Supreme Court Judgment dated: 25th July, 2019, being competent authority, when outcome of the of the said summary received the tribunal will be informed accordingly.

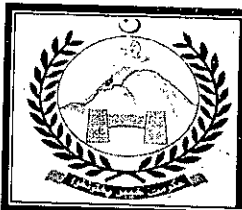
Section Officer (Litigation)

Endst: of even No. & Date please

Copy forwarded to the:

- ✓ 1. Chief Conservator of Forests Central Southern Region-I, Peshawar w/r to CF-Upper Hazara Circle Mansehra letter quoted above.
2. Chief Conservator of Forests Northern Region-II, Abbottabad w/r to CF-Upper Hazara Circle Mansehra letter quoted above.
3. Divisional Forest Officer Upper Kohistan at Dassu.
4. Section Officer (Establishment) Forestry Environment & Wildlife Department.
5. Section Officer (Litigation-I) Establishment Department, Govt. of Khyber Pakhtunkhwa for information please.
6. PS to Secretary Forestry Environment & Wildlife department for information please.

Section Officer (Litigation)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar the, 24th October, 2019

NOTIFICATION

7/19-16

No.SO(Estt)FE&WD/1-50(69)/2019/PF: In compliance with judgment dated 17.12.2018 of Khyber Pakhtunkhwa Service Tribunal in service appeal No.1244/2016 and decision dated 25th July, 2019 of Supreme Court of Pakistan in Civil Petition No.168-P to 173-P of 2019, the competent authority is pleased to withdraw this department earlier Notification No.SO(Estt)FE&WD/1-8/Tariq DFO/2014/2572-74 dated 30.06.2016 imposing thereby the major penalty of "Compulsory Retirement from Service and Recovery of Rs. 8,97,900/- from Mr. Abdul Manan, Block Officer (BS-07) Khyber Pakhtunkhwa Forest Department with immediate effect.

Consequent upon above, the competent authority is further pleased to reinstate in service Mr. Abdul Manan, Block Officer (BS-07), Khyber Pakhtunkhwa Forest Department with immediate effect. The issue of back benefits will be decided/settled after the outcome of the de novo inquiry.


**CHIEF MINISTER
KHYBER PAKHTUNKHWA**

Endst: No: SO (Estt)FE&WD/1-50(69)/2019/PF:

Dated Pesh 24th October, 2019

Copy is forwarded to:-

- 1) Chief Conservator of Forests, Central Southern Forest Circle, Peshawar.
- 2) Chief Conservator of Forests, Northern Forest Region-II, Abbottabad.
- 3) Director, Budget and Accounts Cell, FE&W department.
- 4) PS to Secretary, FE&W Department, Khyber Pakhtunkhwa.
- 5) Mr. Abdul Manan, Block Officer, Khyber Pakhtunkhwa Forest Department C/o CCF-I, Peshawar.
- 6) Master file.
- 7) Office order file.

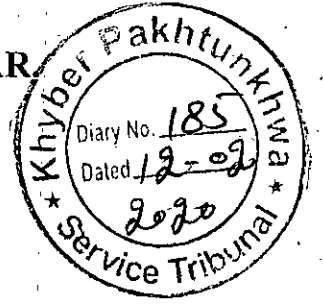

(Zia-ur-Rahman)
SECTION OFFICER (ESTT)

ESTT
25/10

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

Rest No 48/2020

Execution Petition No. 171/2019



Abdul Manan

V/S

Forest Deptt:

.....
**APPLICATION FOR RESTORATION OF APPLICATION WHICH WAS
ADJOURNED SINE DIE 30.01.2020.**
.....

RESPECTFULLY SHEWETH:

1. That the petitioner has filed the instant Execution Petition in this august Service Tribunal to implement the judgment dated 17.12.2018 of this Honourable Tribunal in letter and spirit.
2. That instant petition was fixed on 30.01.2020, however due to strike the counsel for the petitioner could not appear before the Tribunal and the Honourable Tribunal has adjourned sine die the instant execution petition on the date fixed. **(Copy of order sheet dated 30.01.2020 is attached)**
3. That the judgment dated 17.12.2018 was not fully implemented by the respondents as after the lapse about more than one year the respondent department did not conduct inquiry against the petitioner as per direction of the august service Tribunal due to which the issue of back benefits is not decide till date, therefore the petitioner wants to restore the instant execution petition for implementation of judgment dated 17.12.2018 in true letter and spirit.

It is, therefore, most humbly prayed that on acceptance of this application, the appeal may kindly be restored which was adjourned sine die on 30.01.2020. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

THROUGH:

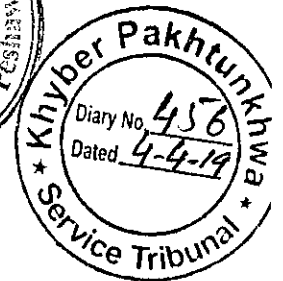
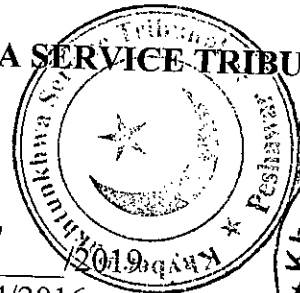
PETITIONER


(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Execution Petition No. 171
In Service Appeal No.1244/2016



Abdul Manan Forester, Upper Kohistan,
Forest Division, Dassu District, Kohistan.

PETITIONER

VERSUS

1. Chief Minister Khyber Pakhtunkhwa, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Forest, K.P.K Peshawar.
3. Divisional Forest Officer, Upper Kohistan, Forest Division, Kohistan at Dassu.

RESPONDENTS

.....
**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED 17.12.2018 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**
.....

RESPECTFULLY SHEWETH:

1. That the petitioner has filed service appeal No.1244/2016 against the order dated 30.06.2016, whereby the major penalty of compulsory retirement was imposed upon the petitioner and against not taking action on the review petition of the petitioner within the stipulated period of ninety days.
2. The said appeal was finally heard by this august Service Tribunal on 17.12.2018 and the august Service Tribunal set aside Impugned order dated 30.06.2016 and the petitioner was reinstated into service. Respondents were directed to conduct de-novo inquiry strictly in accordance with law and rules within a period of 90 days from the date of the receipt of the judgment. The issue of back benefits shall be subject to the outcome of the denovo inquiry. **(Copy of judgment dated 17.12.2018 is attached as Annexure-A)**

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

30.01.2020 Nemo for the petitioner. On the previous date too, the petitioner was absent. Mr. Kabir Ullah Khattak learned Additional Advocate General present.

Copy of office order dated 24.10.2019 is available on file and perusal of the same would show that the petitioner has been reinstated in service while the issue of back benefits will be decided/settled after the outcome of de-novo inquiry.

In view of above, the present execution petition is adjourned sine die. File of the present execution petition may be kept dormant in the record room till further orders. Either party may apply for restoration/revival of the instant execution petition.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Petition 11-2-2020
Number of Words 800
Copying Fee 10-
Urgent 4-
Total 14-
Name of Copyist
Date of Completion of Copy 11-2-2020
11-2-2020