

E.P. 388/2018

19.08.2019

Counsel for the petitioner and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Gulzar Mahmood, Assistant Director for the respondents present.

The representative of respondents has produced copy of letter dated 09.08.2019 by the Director General Fisheries Khyber Pakhtunkhwa Peshawar and addressed to the District Officer Fisheries Bannu for arranging provisional payment to the petitioner upon submission of an undertaking. The process of preparation of bill etc. has been initiated which, in his view, is likely to take about one month.

Adjourned to 02.10.2019 on which date the implementation report shall positively be submitted by the respondents failing which coercive action would be initiated in accordance with law.

  
Chairman

02.10.2019

Petitioner in person present. Additional Advocate General for respondents present.

The petitioner states that his grievance stands redressed, therefore, the proceedings in hand are required to be consigned to the record room.

Order accordingly.

Announced:  
02.10.2019

  
Chairman

07.05.2019

Petitioner in person and Mr. Usman Ghani, District Attorney for the respondents present. Para-wise comments on reply of respondent-department has been submitted by the petitioner. To come up for arguments on 25.06.2019 before S.B.



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

25.06.2019

Petitioner in person present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Gulzar Muhammad, AD(Litigation) for respondents present.

Main contention of the representative of the respondents was that as CPLA was filed against the judgment of this Tribunal dated 07.12.2017 in the august Supreme Court of Pakistan. Therefore, the issue of back benefits would be resolved after judgment of the august Court. He was directed to either get the judgment of this Tribunal suspended from the august Supreme Court of Pakistan or make provisional payment to the petitioner subject to submission of an undertaking on judicial stamp paper that in case any adverse decision is passed against the appellant he would be bound to return the received payment/amount. Respondents are directed to produce provisional implementation order on or before the next date of hearing. Case to come up for further proceedings on 19.08.2019.



(Ahmad Hassan)  
Member

07.1.2019

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

It appears that notice required through order dated 22.11.2018 has not been served upon the petitioner. Let the same be repeated for 20.02.2019 before S.B.

  
Chairman


20.02.2019

Petitioner in person and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Safeer Janan AD present. Adjournment requested. Adjourn. To come up for implementation report otherwise parawise comments on 04.04.2019 before S.B.

  
Member

04.04.2019



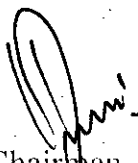
Petitioner in person present. Addl: AG alongwith Mr. Safeer Janan, AD for respondents present. Representative of the respondents submitted reply which is placed on file. Case to come up for further proceedings on 07.05.2019 before S.B.

  
(Ahmad Hassan)  
Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Execution Petition No. \_ 388/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	24.10.2018	<p>The execution petition of Mr. Muhammad Imran submitted through registered post, 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-	17-11-2018	<p>This execution petition be put up before S. Bench on <u>22-11-18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	22.11.2018	<p>Notice to all concerned. Adjourned to 07.01.2019 for implementation report before S.B.</p> <p style="text-align: right;"> Chairman</p>

①

لعدالت جا سرویس ٹرسٹوں کیلئے KPK مشاور

Execution petition no. 388/18  
2018

کیس نمبر

K.P.K. ...  
2018  
24-10-18  
Date

درخواست دربارہ کہ سال 2018 میں 7.12.18 کو اصل سے  
All back benefit کیا منظور فرماتا تھا، حکم عمل میں  
کیا ہے۔ عمل درمیں کے اہلکاروں کی مالی ترقی

محمد عمران فیسٹرز اور صلح ہونے سے 100 آئین صلح  
المرکز الاسلامی خودروالم (صلح ہونے سے) (اسیٹس)  
VERSUS

① سیکرٹری وزارت کو اپریل 2018 میں مشاورت پیش  
② سیکرٹری وزارت سے مشاورت پیش اور  
③ ڈائریکٹر ٹریڈنگ و مارکیٹنگ (ریسپانڈنٹس)

جواب عالی!

گزارشات سرورج ذیل ہیں

- ① یہ کہ سال 2018 میں فیسٹرز صلح ہونے سے فیسٹرز اور صلح ہونے سے
- ② یہ کہ سال 2011-16 کو 302.324.404 روپے کا خودروالم صلح ہونے سے 34.99 روپے
- ③ یہ کہ سال 2011-16 کو 26.3 روپے کے عدالت کو حاضر ہوا

P.T.O

(2)

(4) یہ کم سالی کو 8 2015 پر سپریم کورٹ آف پاکستان  
پری فرمایا۔

(5) یہ کم سالی کو 7-12-2017 پر عدالت ہذا All bank benefits  
کا درخواست منظور فرمایا۔ (منعقد ہو گیا)

(6) یہ کم سالی کو سپریم کورٹ آف پاکستان نے اس بارے میں  
منعقد کیا۔ اور سالی کو کس کس نسبت ڈال دیا۔

کیرناہ عدالت ہذا درخواست = کم سالی کو منعقد All bank benefits  
پر عمل درآمد کے لیے سپریم کورٹ آف پاکستان کو فرمایا جا رہا ہے۔  
الضامہ

تاریخ: 18.10.2018  
عین وزارت ہو گیا۔

القاری

ڈپٹی سیکریٹری جنرل دفتر DoF سندھ

فون: 0334.7449027  
0334.8838337

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appal No. 971/2016

Date of Institution ... 15.09.2016

Date of Decision ... 07.12.2017



Muhammad Imran, Fisheries Watcher,  
Office of the Assistant Director Fisheries,  
District Bannu.

... (Appellant)

VERSUS

1. Province of Khyber Pakhtunkhwa through Secretary Agriculture, Livestock  
and Cooperative Department Peshawar and 2 others.

... (Respondents)

MR. SHAHZADA IRFAN ZIA,  
Advocate

--- For appellant.

MR. ZIAULLAH,  
Deputy District Attorney

--- For respondents.

MR. AHMAD HASSAN,  
MR. MUHAMMAD AMIN KHAN KUNDI

... MEMBER (Executive)  
... MEMBER (Judicial)

**ATTESTED**

**JUDGMENT**

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the

Service Tribunal Peshawar. Parties heard and record perused.

FACTS

2. The brief facts are that the appellant was appointed Fisheries Watcher (BPS-7). An FIR was lodged against him under Section 302/324/404/34 PPC in Police Station Ghorivala, Bannu. That on acquittal by the august Supreme Court of Pakistan the respondents reinstated the appellant in service vide order dated 31.05.2016. However, the period from 29.03.2011 to 26.08.2015 (4 years, 5 months and one day) he spent in judicial lockup was treated as Extra Ordinary

Leave. That feeling aggrieved of the said order he filed departmental appeal on 12.06.2016 for back benefits was rejected vide order dated 03.08.2016 communicated to the appellant on 17.08.2016.

### ARGUMENTS

3. Learned counsel for the appellant argued that an FIR against him was lodged under Section 302/324/404/34 PPC in P.S Ghoriwala, Bannu. He was arrested by the local police on 01.04.2011 and was sent to jail. Upon registration of FIR BDO (Agriculture) Bannu placed the appellant under suspension on 30.04.2011. Finally upon acceptance of his appeal by the august Supreme Court of Pakistan vide judgment dated 20.08.2015 he was acquitted. Thereafter he was reinstated by the respondents vide order dated 31.05.2016. However, the period from 29.03.2011 to 26.08.2015 (4 years, 5 months and one day) for judicial lockup was treated as Extra Ordinary Leave without pay. Feeling aggrieved of the said order he filed departmental appeal on 31.05.2016 for grant of back benefits for the period mentioned above which was rejected on 03.08.2016 but communicated to the appellant on 17.08.2016, hence, the instant service appeal. He further argued that after acquittal by the august Supreme Court of Pakistan and after reinstatement by the department there is hardly any justification for treating the said period as Extra Ordinary Leave. According to F.R 53 (a) Government Servant is entitled for pay/salary during the period under suspension. F.R 54 provides that upon reinstatement he is entitled for back benefits. Reliance was also placed on 2007 SCMR 537 wherein the Supreme Court of Pakistan held that respondents Mohammad Yousaf was entitled for financial benefits during the period spent in custody being involvement for criminal case.

On the other hand learned Deputy District Attorney argued that on the advice of Law Department the period from 29.03.2011 to 20.08.2015 being absent:

ATTESTED

Khyber Pakhtunkhwa  
Secretariat  
Peshawar

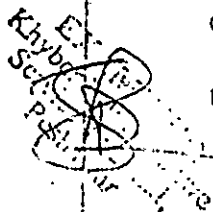


from duty was treated as leave without pay. Application submitted by the appellant for grant of back benefits was regretted by the competent authority. He was treated according to law and rules and there is no illegality in the order dated 31.05.2016.

### CONCLUSION.

5. Careful perusal of record would reveal that upon registration of FIR the appellant was arrested on 04.04.2011 and sent to jail. Subsequently, he was placed under suspension by the respondents vide order dated 30.04.2011. It was also mentioned in the said order that the appellant would be entitled for salary as provided in F.R. 53. It is pertinent to point out that the respondents realizing the ground realities did not initiate disciplinary action against the appellant. Finally he was acquitted by the august Supreme Court of Pakistan vide judgment dated 20.08.2015. The period from 29.03.2011 to 26.08.2015 (4 years, 5 months and one day) spent in jail was treated as Extra Ordinary Leave. It may not be out of place to mention here that the appellant was not absent from duty but was in judicial custody which was in the knowledge of the respondents. Rule-12(3) of the Revised Leave Rules 1981 quoted by the Law Department in its advice is not attracted in this case. The said provides that Extra Ordinary Leave may be granted retrospectively in lieu of absence without leave. It can be safely presumed that respondent-department blindly followed the advice of Law Department, rather than applying their mind. The Law Department has further clarified that after setting aside the conviction by the august Supreme Court of Pakistan there is nothing to stigmatize and penalize to employee as the acquittal has washed away the blemish of the employee being a convicted person. We are also of the considered view that F.R 54 is not applicable in this case as no adverse action was taken against the appellant by the respondent-department. The respondents

**ATTACHED**



through letter dated 21.11.2017 informed that the appellant did not get pay from ~~Septemb-2015 to 27.08.2015~~ He started getting pay w.e.f 27.08.2015 till date. While making calculation for payment of back benefits the above period may be taken into consideration.

In view of case law reports ~~\_\_\_\_\_~~ the period spent in judicial custody.

6. As a sequel to above, the appeal is accepted and the impugned order is set aside. Parties are left to bear their own costs. File be consigned to the record room.

*SD/-*  
(AHMAD HASSAN)  
MEMBER

*SD/-*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

ANNOUNCED  
07.12.2017

Certified to be true copy  
Khyber Pakhtunkhwa  
Sindh  
Punjab

Date of Presentation of Appeal ..... 03-01-2018  
Number of Pages ..... 1600  
Copying Fee ..... 10-00  
Urgent .....  
Total ..... 10-00  
Name of Counsel .....  
Date of Completion ..... 04-01-2018  
Date of Delivery of Copy ..... 04-01-2018

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL PESHAWAR**

Execution Petition No.388/2018

In

Service Appeal No. 971/2016

Muhammad Imran.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Agriculture Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary Law Peshawar
3. Director Fisheries Department Peshawar

**INDEX**

S.No	Particulars of the Documents	Annexure	Page
1.	Reply	---	1
2.	Affidavit	---	02
3.	Early hearing application submitted by the Advocate on Record.	Annexure I	03-05
4.	Authority letter	---	06

Dated: \_\_\_/04/2019

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL PESHAWAR**

Execution Petition No.388/2018

In

Service Appeal No. 971/2016

Muhammad Imran.....Appellant


Versus

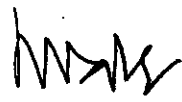
1. Government of Khyber Pakhtunkhwa through Secretary Agriculture Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary Law Peshawar
3. Director Fisheries Department Peshawar


**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 1 to 3**

**Respectfully Sheweth:**

1. No comments.
2. No comments.
3. No comments.
4. No comments.
5. No comments.
6. The application for early hearing has already been submitted in the Supreme Court of Pakistan (**Annexure I**). It is expected that the date will be fixed in the Supreme Court of Pakistan within a month and the honorable court is requested to give time so that the hearing is carried out in the Supreme Court of Pakistan and this office will provide the back benefits to Muhammad Imran if allowed by the Supreme Court of Pakistan or may order as deemed fit by this honourable court. It is also stated here that the Director Fisheries Khyber Pakhtunkhwa is not the head of the department/implementing authority. The Director General Fisheries is the head of the department/implementing authority.

  
\_\_\_\_\_  
**DIRECTOR FISHERIES  
KHYBER PAKHTUNKHWA  
(RESPONDENT NO.3)**

  
\_\_\_\_\_  
**SECRETARY  
LAW DEPARTMENT  
KHYBER PAKHTUNKHWA  
(RESPONDENT NO.2)**

  
\_\_\_\_\_  
**SECRETARY  
AGRICULTURE DEPARTMENT  
KHYBER PAKHTUNKHWA  
(RESPONDENT NO.1)**

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL PESHAWAR**

Execution Petition No.388/2018

In

Service Appeal No. 971/2016

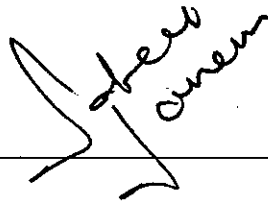
Muhammad Imran.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Agriculture Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary Law Peshawar
3. Director Fisheries Department Peshawar

**AFFIDAVIT**

I Mr. Safeer Janan Assistant Director Fisheries Litigation and Statistics Directorate General of Fisheries Khyber Pakhtunkhwa do hereby solemnly affirm and declare that the contents of the accompanying para wise comments submitted by the Respondent No. 1 Secretary Agriculture, Livestock and Cooperative Department Government of Khyber Pakhtunkhwa, Respondent No. 2 Secretary Law Khyber Pakhtunkhwa Peshawar and Respondent No. 3 Director Fisheries Khyber Pakhtunkhwa Peshawar are true to the best of my knowledge and belief and that nothing has been concealed from the Honourable Court.



Deponent

Safeer Janan

Assistant Director Fisheries

CNIC No. 14101-0773744-7

Identified by: \_\_\_\_\_

Office copy

IN THE SUPREME COURT OF PAKISTAN  
Appellate Jurisdiction

CMA. NO. \_\_\_\_\_/2019.

IN

CPLA NO. 118-P/2018

Govt. K.P. through Secretary Agriculture, Livestock & Cooperative  
Department, Peshawar & others

-----PETITIONERS

Muhammad Imran

-----RESPONDENT

APPLICATION FOR EARLY HEARING AND  
TRANSFER OF CPLA No. 118-P/2018 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  
Cyber Pakhtunkhwa Service Tribunal Peshawar wherein notice has been issued  
to the petitioners for implementation and compliance report  
for 04-04-2019. (Copy of the order is attach).

Attested  
Signature  
Assistant Director Fisheries  
Headquarter Peshawar  
Cyber Director of Fisheries  
Khyber Pakhtunkhwa

4. That the learned Khyber Pakhtunkhwa Service Tribunal Peshawar 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 proceeding 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 convenient 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 convenient to this August Court.

Accepted  
J. J. J.  
Assistant Director Fisheries  
Headquarter Peshawar  
O/O Director of Fisheries  
Khyber Pakhtunkhwa

Drawn & Filed by

Through

Mian Saadullah Jandoli  
Advocate on Record  
Supreme Court of Pakistan  
For Government/Petitioners

07.1.2019

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

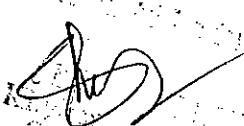
It appears that notice required through order dated 22.11.2018 has not been served upon the petitioner. Let the same be repeated for 20.02.2019 before S.B.

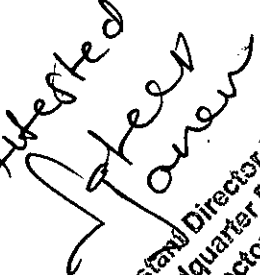
  
Chairman

20.02.2019

Petitioner in person and Mr. Kabir Ullah Khattak learn Additional Advocate General alongwith Safeer Janan AD prese Adjournment requested. Adjourn. To come up for implementati report otherwise parawise comments on 04.04.2019 before S.B.



  
Membe

Carbon copy  
  
Services Division  
Peshawar

Attested  
  
Assistant Director Fisheries  
Headquarter Peshawar  
PIO Director of Fisheries  
Khyber Pakhtunkhwa

Date of Receipt .....  
Number of .....  
Copying ..... 6800 .....  
Urgent .....  
Tender .....  
Name of .....  
Date of ..... 06-3-18  
Date of Receipt of ..... 06-3-18



	<p><a href="http://www.fisheries.kp.gov.pk">www.fisheries.kp.gov.pk</a> <b>DIRECTORATE GENERAL OF FISHERIES</b> 2-SHAMI ROAD PESHAWAR</p> <p>091-9212096      <a href="mailto:kpkfisheries@yahoo.com">kpkfisheries@yahoo.com</a></p> <p><a href="http://www.facebook.com/dgfisherieskpk">www.facebook.com/dgfisherieskpk</a>      <a href="https://twitter.com/fisheriesk">https://twitter.com/fisheriesk</a></p> <p>No. <b>810</b> /DGF/L&amp;S/B-04      Dated <b>03/04/2019</b></p>	
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**MOST IMMEDIATE/COURT MATTER**

To

Mr. Safer Janan  
Assistant Director Fisheries

Subject:

**COURT AUTHORITY LETTER IN EXECUTION PETITION NO. 388/2018 IN SERVICE APPEAL NO. 971/2016 TITLED MUHAMMAD IMRAN VERSUS THE GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY AGRICULTURE AND OTHERS IN THE PROVINCIAL SERVICE TRIBUNAL PESHAWAR**

You are hereby nominated/authorized to attend the court of law on behalf of Respondent No. 1 Secretary Agriculture, Livestock and Fisheries Department Khyber Pakhtunkhwa, Respondent No. 2 Secretary Law Department Khyber Pakhtunkhwa and Respondent No. 3 Director Fisheries Khyber Pakhtunkhwa on each and every date of hearing till the decision of the case in execution petition No. 388/2018 in service appeal No. 971/2016 titled "Muhammad Imran versus Government of Khyber Pakhtunkhwa through Secretary Agriculture and others" in the Provincial Service Tribunal Peshawar.

You are further directed to prepare joint para wise reply/comments of the case, vet it from the office of the concerned Law Officer Provincial Service Tribunal Peshawar and send a vetted copy and a fair copy to this office for necessary action if required. You are further directed to meet the concerned Law Officer to assist him and apply for attested copy of the court order/judgment (if any) well in time and submit for further necessary action.

  
**DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR**

**BEOFERE THE PROVINCIAL SERVICE TRIBUNAL PESHAWAR**

Execution Petition NO.388/2018

In

Service Appeal No.971/2016

Muhammad Imran ..... Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Agriculture Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Law Peshawar.
3. Director Fisheries Department Peshawar.

**PARAWISE COMMENTS ON BEHALF OF APPLANT**

**Respectfully Sheweth:**

1. No Comments.
2. No Comments.
3. No Comments.
4. No Comments.
5. No Comments.

6- یہ کہ محکمہ فشریز اور Law Department خواہ (جان بوجھ کر) Appellant کی All Back Benefits کی Implementation کی کیس Case کو Delay کرتا ہے مہینے یا دو مہینے کی بات نہیں ہے۔ اس عدالت کے فیصلے کے ایک سال پانچ 5 مہینے ہوتے ہیں۔ اس 15 مہینے میں محکمہ فشریز اور Law Department نے اس عدالت کے فیصلے پر عمل نہیں کیا۔ اور نہ ہی Appellant کو Stay Order دیا اسلئے عدالت ہذا سے درخواست ہے۔ کہ All back Benfites کی Implementation تیار کرنے کیلئے ہدایت جاری فرمایا جاوے۔

جناب والا!

Appellant کو لوگوں کے قرضے ہیں معاشرے میں شرمندگی کی زندگی گزارتا ہے۔ ذہنی ٹینشن میں مبتلا ہے ساتھ ساتھ بچے تعلیم سے محروم ہوتے جا رہے ہیں۔

باقی عدالت عالیہ سپریم کورٹ آف پاکستان Appellant کے حق میں یا خلاف فیصلہ کرے منظور ہوگا۔ عدالت مجاز ہے۔ پھر بھی سروس سے کنوٹی کر سکتا ہے۔

اور دوسرا احتراماً عرض کرتا ہوں کہ اب ڈائریکٹر فشریز کا پوسٹ ڈائریکٹر جنرل کو آپ گریڈ ہوا ہے۔ لہذا ڈائریکٹر جنرل کو بھی فریق بنایا جائے۔

Appellant محکمہ فشریز Law Department کی تاخیری خرچے کے استعمال سے مزید متاثر نہ ہو۔

Appellant

Muhammad Imran F.W

07.05.2019

**BEOFERE THE PROVINCIAL SERVICE TRIBUNAL PESHAWAR**

Execution Petition NO.388/2018

In

Service Appeal No.971/2016

Muhammad Imran ..... Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Seceretary Agriculture Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Law Peshawar.
3. Director Fisheries Departmen Peshawar.

**PARAWISE COMMENTS ON BEHALF OF APPLANT**

**Respectfully Sheweth:**

1. No Comments.
2. No Comments.
3. No Comments.
4. No Comments.
5. No Comments.

6- یہ کہ محکمہ فشریز اور Law Department خواہ خواہ (جان بوجھ کر) Appellant کی All Back Benefits کی Implementation کی کیس Case کو Delay کرتا ہے مہینے یا دو مہینے کی بات نہیں ہے۔ اس عدالت کے فیصلے کے ایک سال پانچ 5 مہینے ہوتے ہیں۔ اس 15 مہینے میں محکمہ فشریز اور Law Department نے اس عدالت کے فیصلے پر عمل نہیں کیا۔ اور نہ ہی Appellant کو Stay Order دیا اسلئے عدالت ہذا سے درخواست ہے۔ کہ All back Benfitse کی Implementation تیار کرنے کیلئے ہدایت جاری فرمایا جاوے۔

جناب والا!

Appellant کو گوں کے قرضے ہیں معاشرے میں شرمندگی کی زندگی گزارتا ہے۔ ذہنی ٹینشن میں مبتلا ہے ساتھ ساتھ بچے تعلیم سے محروم ہوتے جا رہے ہیں۔

باقی عدالت عالیہ سپریم کورٹ آف پاکستان Appellant کے حق میں یا خلاف فیصلہ کرے منظور ہو گا۔ عدالت مجاز ہے۔ پھر بھی سروس سے کٹوتی کر سکتا ہے۔

اور دوسرا احتراماً عرض کرتا ہوں کہ اب ڈائریکٹر فشریز کا پوسٹ ڈائریکٹر جنرل کو آپ گریڈ ہوا ہے۔ لہذا ڈائریکٹر جنرل کو بھی فریق بنایا جائے۔ تاکہ Appellant محکمہ فشریز اور Law Department کی تاخیری خرابے کے استعمال سے مزید متاثر نہ ہو۔

Appellant

Muhammad Imran V.W

07.05.2019

**BEOFERE THE PROVINCIAL SERVICE TRIBUNAL PESHAWAR**

Execution Petition NO.388/2018

In

Service Appeal No.971/2016

Muhammad Imran ..... Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Agriculture Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Law Peshawar.
3. Director Fisheries Department Peshawar.

**PARAWISE COMMENTS ON BEHALF OF APPLANT**

**Respectfully Sheweth:**

1. No Comments.
2. No Comments.
3. No Comments.
4. No Comments.
5. No Comments.

6- یہ کہ محکمہ فشریز اور Law Department خواہ مخواہ (جان بوجھ کر) Appellant کی All Back Benefits کی Implementation کی کیس Case کو Delay کرتا ہے مہینے یا دو مہینے کی بات نہیں ہے۔ اس عدالت کے فیصلے کے ایک سال پانچ 5 مہینے ہوتے ہیں۔ اس 15 مہینے میں محکمہ فشریز اور Law Department نے اس عدالت کے فیصلے پر عمل نہیں کیا۔ اور نہ ہی Appellant کو Stay Order دیا اسلئے عدالت ہذا سے درخواست ہے۔ کہ All back Benfites کی Implementation تیار کرنے کیلئے ہدایت جاری فرمایا جاوے۔

جناب والا!

Appellant کو لوگوں کے قرضے ہیں معاشرے میں شرمندگی کی زندگی گزارتا ہے۔ ذہنی ٹینشن میں مبتلا ہے ساتھ ساتھ بچے تعلیم سے محروم ہوتے جا رہے ہیں۔

باقی عدالت عالیہ سپریم کورٹ آف پاکستان Appellant کے حق میں یا خلاف فیصلہ کرے منظور ہو گا۔ عدالت مجاز ہے۔ پھر بھی سروس سے کنوٹی کر سکتا ہے۔

اور دوسرا احتراماً عرض کرتا ہوں کہ اب ڈائریکٹر فشریز کا پوسٹ ڈائریکٹر جنرل کو آپ گریڈ ہوا ہے۔ لہذا ڈائریکٹر جنرل کو بھی فریق بنایا جائے۔

Appellant محکمہ فشریز Law Department کی تاخیری خرابے کے استعمال سے مزید متاثر نہ ہو۔

Appellant

Muhammad Imran P.W

07.05.2019

COURT MATTER/MOST URGENT.



DIRECTORATE GENERAL FISHERIES KHYBER PAKHTUNKHWA,  
2, SHAMI ROAD PESHAWAR.

No.358-62/DGF/Lit/ Peshawar/ Dated Peshawar the 09/08/2018.

To

The District Officer Fisheries,  
Bannu.

Subject: -


EXECUTION PETITION NO.388/2018 IN SERVICE APPEAL NO.971/2016 TITLED  
"MUHAMMAD IMRAN VERSUS GOVERNMENT OF KYBER PAKHTUNKHWA &  
OTHERS".

Find enclosed herewith a copy of the order sheet dated.25-06-2019 on the subject cited above, which is self explanatory.

The office of Advocate General, Khyber Pakhtunkhwa, Peshawar has been requested by the Assistant Solicitor (Lit.), Directorate General of Law & Human Rights, Khyber Pakhtunkhwa, Peshawar to file an application for early hearing before the Supreme Court of Pakistan vide No.SOL/DG/Law/Agri/2018/9979-7 dated.09.08.2019,

However, you are hereby directed to make arrangement for provisional payment to the petitioner regarding the pay & allowances for the period with effect from 29-03-2011 to 28-08-2015 subject to submission of an undertaking on judicial stamp paper that in case any adverse decision is passed against the appellant he would be bound to return the received payment/amount.

This may be treated as most urgent, because it involves court directives to comply with letter & spirit.

  
DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR. 11/2/19

Copy forwarded for information & necessary action to: -

1. The Section Officer (Litigation), Government of Khyber Pakhtunkhwa, Agriculture, Live Stock, Fisheries & Cooperative, Department.
2. The Section Officer (LFC), Government of Khyber Pakhtunkhwa, Agriculture, Live Stock, Fisheries & Cooperative Department.
3. The Advocate on Record, Supreme Court of Pakistan, O/O Advocate General, Khyber Pakhtunkhwa, Peshawar.
4. The PS to Secretary, Government of Khyber Pakhtunkhwa, Agriculture, Live Stock, Fisheries & Cooperative Department.

DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.

حکومت پنجاب سرحدی ٹریبونل KPK پشاور

Execution Petition No. 388/18  
25-6-19 مورخہ 2018

حکومت پنجاب سرحدی ٹریبونل نے اپنی عدالت کے فیصلے مورخہ 25-6-2019 اور  
حکم فٹرز، لاؤ ڈیپارٹمنٹ کی قدم قدم پر طرح تعیین کی۔ لیکن Respondents  
نے نہیں اس عدالت کے فیصلے پر عمل کیا، لہذا اس Appellant کو جائز حق دینے پر  
ٹریبونل کو کہا گیا۔ عدالت سے انصاف کی توقع ہے۔

محمد یونس فٹرز اور صاحبزادے محمد یونس علی آمین حسن فضل اللہ لالہ لالہ علی غوری رام (مستند)

VERSUS

Respondents

فایصلہ 1 گزشتہ فیصلے کے مطابق

① یہ کہ اس عدالت نے آرڈر سنٹ فیصلے مورخہ 25-06-2019 کے مطابق سائے

Respondents کو اس وقت (ادویہ مشترکہ عدالت) میں کیا Respondents  
نے Appellant کو اس لئے برداشت کیا کہ Appellant رقم بکنٹ ادا کرنے کا آرڈر  
Appellant کے خلاف فیصلے ہوا۔ اور ساتھ ساتھ نوٹ رسیک سے بھی اس وقت عدالت نے  
پیش کریں Appellant کو جو گزشتہ Respondents کی جانب سے کیا گیا تھا  
اس وقت میں ردوبدل کیا۔ لیکن Respondents نے اپنی بے فکرانہ غلطی سے اس وقت  
نے آرڈر سنٹ فیصلے پر عمل کیا۔ اور نہ ہی Appellant پر ٹریبونل کو جائز حق دینے سے  
All basic Benefits (Implementation) کو پاس کرنے اور اس وقت فیصلے کے مطابق

اپنے عدالت کے فیصلے سے حوصلہ نہ ہوا۔ اس لئے عدالت کو اس فیصلے سے حوصلہ نہ ہوا۔  
جاری ہے۔ دینے ٹریبونل کو جائز حق دینے پر۔ Appellant کو غرت دیا ہو  
قانون میں مل رہی ہے۔

(2)

لیڈزہ عیاشیہ ہذا Respondents کے نامی خبریے ۲ اسباق کے خلاف  
قانون چارہ ویسی عمل میں لایا جاوے گا۔ (مذکورہ کی مدد ہو سکے)۔ (شکر)

سینئر ایڈووکیٹ  
تاریخ 19-08-19

القاری



محمد عمران شریف ایڈووکیٹ ۱۵/۸/۱۹ میں سے اصل مرکز الاسلامی غور و اہم صلح ہو۔

فون ۰۳۳۶۰۷۴۹۰۲

M. Imran vs Govt



25.06.2019

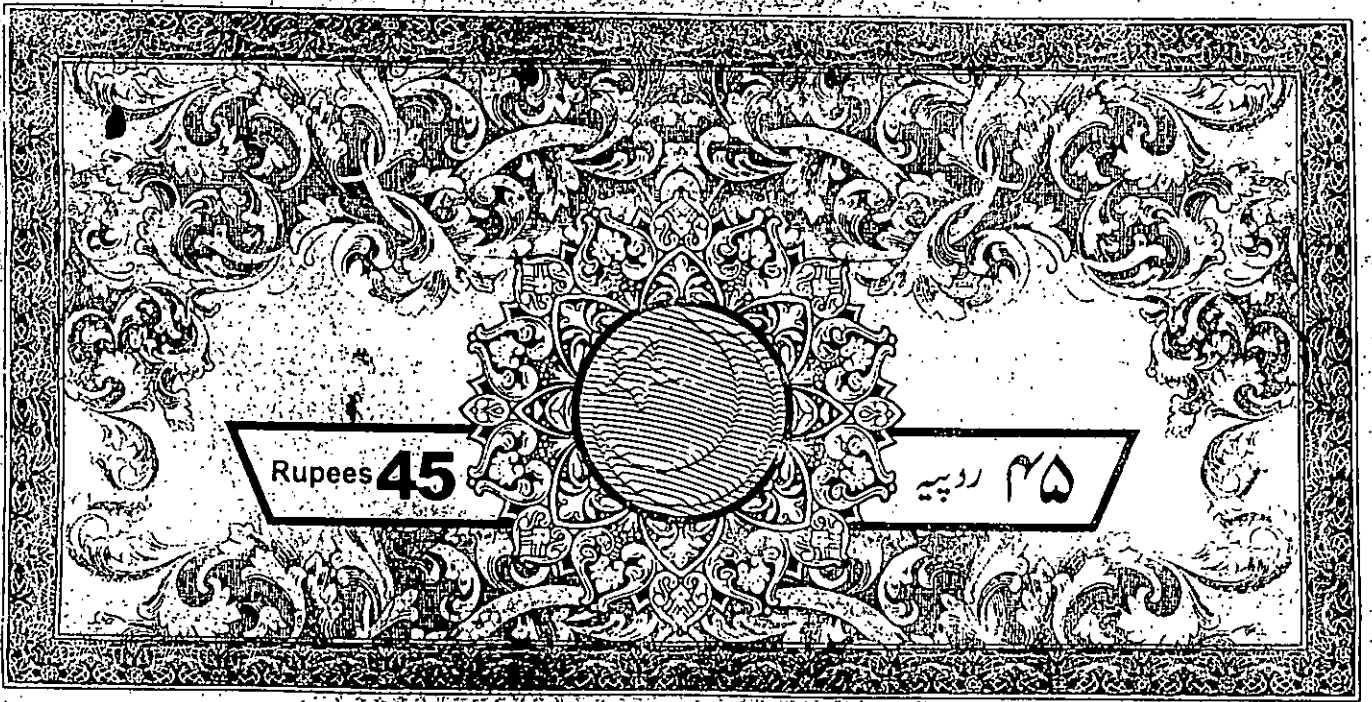
Petitioner in person present. Mr. Muhammad Riaz Khan  
Paindakhel, Asst: AG alongwith Mr. Gulzar Muhammad,  
AD(Litigation) for respondents present.

Main contention of the representative of the respondents was that as CPLA was filed against the judgment of this Tribunal dated 07.12.2017 in the august Supreme Court of Pakistan. Therefore, the issue of back benefits would be resolved after judgment of the august Court. He was directed to either get the judgment of this Tribunal suspended from the august Supreme Court of Pakistan or make provisional payment to the petitioner subject to submission of an undertaking on judicial stamp paper that in case any adverse decision is passed against the appellant he would be bound to return the received payment/amount. Respondents are directed to produce provisional implementation order on or before the next date of hearing. Case to come up for further proceedings on 19.08.2019.

Certified true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

SD/-  
(Ahmad Hassan)  
Member





اقرار نامہ

صدا D.O.F. دہشتہ صدقہ ہون

صدا عیال

گزارش ہے کہ مورخہ 25-06-2019 کی سرحدی ٹریبیونل آرڈر جسٹس ایطمان

حکم فشر سائل ALL-Back-Benefites کی Implementatio تیار کر کے

سرحدی ٹریبیونل بشاور کے فیصلہ مورخہ 12-07-2017 کی باہروری کی جاتی

اور عہدہ سپریم کورٹ آف پاکستان حیدرآباد سے سال کے خلاف درخواست (Case)

کا فیصلہ کر۔ تو حکم فشر سائل سے مذکورہ ALL-Back-Benefites کی

مراعات والیس کر میں سال کا کوئی عذر نہیں ہوگا (سائل عدالت کے فیصلہ کا

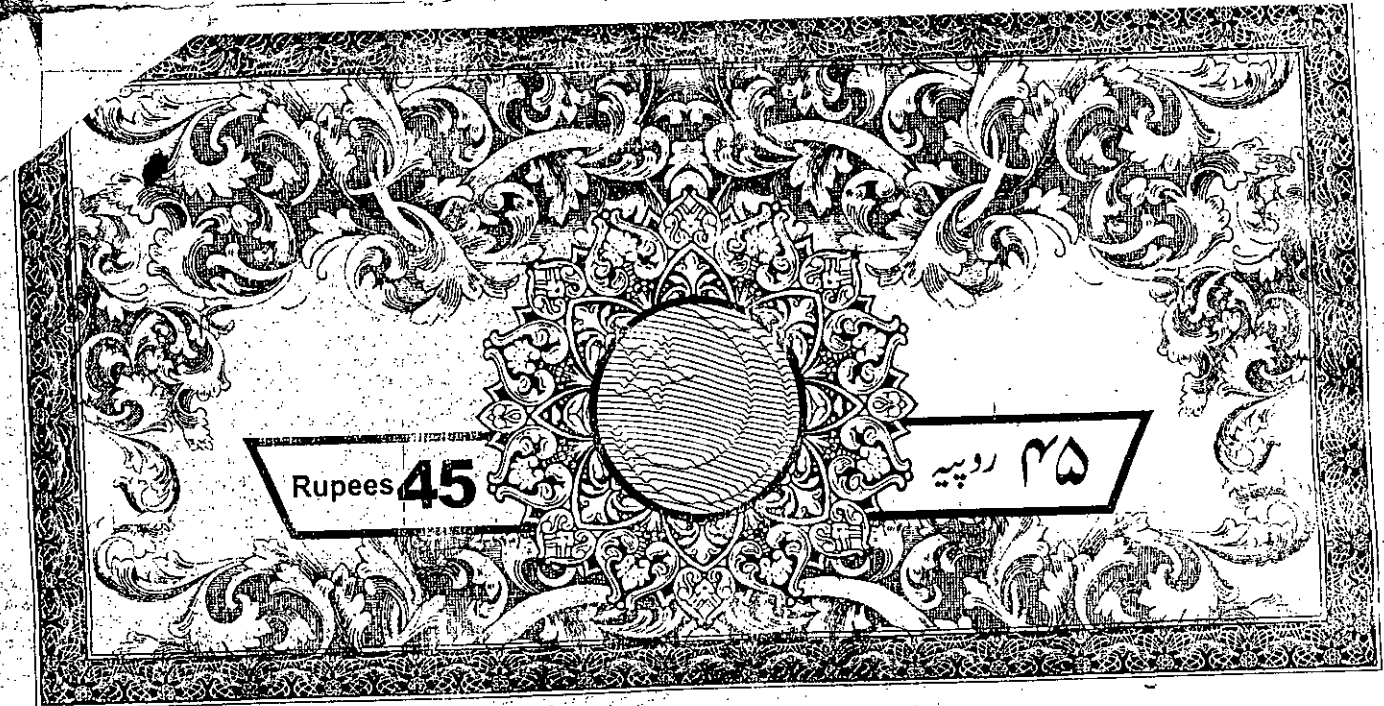
04-07-2019 مورخہ

لیہرہ مندرجہ بالا ہے

العارض

4-7-19 حکم فشر سائل دہشتہ صدقہ ہون

نور: آرڈر جسٹس ایطمان



اقرار نامہ

حصہ D.O.F صاحب صلح نمون  
ضلع بانیالہ

گزارش ہے کہ مورخہ 25-06-2019 کے سرسوں ٹریبیونل آرڈر جسٹس ایڈیشنل  
حکم فشر سائل ALL-Back-Benefites کی implementation تیار کرنے  
سرسوں ٹریبیونل پشاور کے فیصلہ مورخہ 12-07-2017 کی یا پشوری کی حالت  
اور کوئٹہ ٹریبیونل پشاور کے فیصلہ مورخہ 07-12-2017 کی یا پشوری کی حالت  
کا فیصلہ کرے۔ تو حکم فشر سائل سے مذکورہ ALL-Back-Benefites کی  
مراعات والیس کرنا میں سائل کا کوئی عند نہیں ہوگا (سائل عدالت کے فیصلہ کا  
یا پشوری ہوگا)۔

لکڑہ سندھ (پشاور) کے (پشاور)  
مذکورہ رقم سائل یکمشت ادا کرے گا۔ جب عدالت عالیہ خلاف فیصلہ ہوگا (پشاور)  
04-07-2019  
الاعلیٰ

*[Handwritten Signature]*

محمد عمران فشر سائل صاحب صلح نمون 4-7-19

آرڈر جسٹس ایڈیشنل

*[Handwritten Signature]*  
**Tariq Saeed**  
Advocate  
Oath Commissioner  
District Bannu

