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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No.302/2022 in Service Appeal No.412/2020 Muhammad Hussain

Appellant

VERSUS

Government of Khyber Pakhtunkhwa & Others.

~~Khyber Pakhtunkhwa
Service Tribunal~~

No. 4321

Dated 14/3/2023

Respondents

RELEASE OF SALARIES OF THE RESPONDENT NO.2 & 4 IN LIGHT OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR ORDER SHEET DATED 04.11.2022 PASSED IN EXECUTION PETITION NO.302/2022 IN SERVICE APPEAL NO.412/2020 TITLED MUHAMMAD HUSSAIN V/S GOVT OF KHYBER PAKHTUNKHWA & OTHERS.

The Khyber Pakhtunkhwa Service Tribunal Peshawar on 04.11.2022 passed the following orders in the above titled case: -

"Implementation report has not been submitted despite a number of opportunities to the respondents. Therefore, let the salaries of the judgment debtors be attached. The Accountant General Khyber Pakhtunkhwa is directed to attach salaries of respondents No.2 and 4 till implementation of the judgment of this Tribunal. Respondents are directed to appear in person along-with the proper implementation report on 06.12.2022".

02. The Above order has been passed for non-submission of implementation report of the following order passed in Appeal No.302/2020 which is reproduced below:

"The instant appeal is accepted. The appellant is held entitled to proforma promotion to BS-19 and 20 with effect from 20.02.2002 and 06.02.2006 respectively will all back benefits of pay & pension, when juniors to him were promoted to BPS-19 and further promoted to BPS-20.)".

03. This department has filed CPLA against the judgment/ order dated 28.01.2022 passed of this Tribunal, followed by applications of early hearing but not yet been fixed.

04. It is pertinent to mention here that on the order of this Hon'ble Tribunal (referred to above), this department already moved working papers regarding proforma promotion of the appellant to the competent forum i.e Provincial Selection Board for consideration vide Government of Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Department letter No. SOE (AD)V-7/M.Hussain/RW/2022/861 dated 19.01.2023.

05. The Agriculture department has tried its best and followed the case properly with Establishment Department/ Competent Forum vide this department letter No.SO (Lit)AD/3-277/2020 dated 01.03.2023 (**Annex-I**), and letter No. SO(Lit)AD/3-277/2020 dated 06.03.2023 (**Annex-II**).

06. Establishment Department Khyber Pakhtunkhwa vide letter No. SO(PSB)ED/1-6/2022/P-356 dated 01.03.2023 has intimated that the case of the petitioner has already been placed on the agenda on the upcoming PSB meeting and the same will be considered/ discussed as and when meeting scheduled (**Annex-III**).

07. In view of the above, latest progress report duly signed and stamped by the undersigned is submitted with the request that the salaries of the respondents 2 & 4, i.e. Secretary Agriculture Khyber Pakhtunkhwa & Director General Agriculture Research Khyber Pakhtunkhwa may kindly be released please.



Secretary to Government of Khyber Pakhtunkhwa
Agriculture, Department Peshawar
(**Respondent No.2**)

SECRETARY
Govt. of Khyber Pakhtunkhwa
Agriculture Department



GOVERNMENT OF KHYBER PAKHTUNKHWA

AGRICULTURE DEPARTMENT

Phone: 9212464 Email: solitagri@gmail.com

Annex-I (3)

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Most Immediate/Court Matter

NO. SO (Lit) AD/3-277/2020
Dated Peshawar the March 01, 2023

The Section Officer (PSB),
Establishment Department,
Government Khyber Pakhtunkhwa, Peshawar

(4)
1-3-2023

Subject: PROFORMA PROMOTION OF MR. MUHAMMAD HUSSAIN EX- DIRECTOR
GENERAL OUTREACH AGRICULTURE RESEARCH.

EXECUTION PETITION NO.302/2022 IN SERVICE APPEAL NO.412/2020
TITLED MUHAMMAD HUSSAIN V/S AGRICULTURE DEPARTMENT.

I am directed to refer to the subject noted above and to forward herewith a copy of letter No.1500/(Lit)DGAR dated 28.02.2023 received from Director General Agriculture (Research), Khyber Pakhtunkhwa, and to state that the Khyber Pakhtunkhwa Service Tribunal Peshawar has requisitioned for implementation report in the instant case already fixed for hearing **on 02.03.2023** as the Hon'ble service Tribunal is pressing hard for non-submission of implementation report.

It is to mention that this department has already been furnished working papers for notional promotion of the appellant for placing before the Provincial Selection Board (PSB) but in vain.

Keeping in view of above situation I am therefore, directed to request to attend the Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of respondents No.1 & 3 i.e Chief Secretary & Secretary Establishment Khyber Pakhtunkhwa, the undersigned will also attend the KP Service Tribunal on behalf of respondent No.2 (Secretary Agriculture please.

Encl as above: -

Section Officer (Litigation)

g/c

Endst. No. & Date Even.
Copy forwarded to the:

1. Director General Agriculture (Research), Khyber Pakhtunkhwa, Peshawar w/r to his above quoted letter.
2. PS to Secretary Establishment Khyber Pakhtunkhwa Peshawar.
3. Section Officer (Establishment), Agriculture Department.
4. PS to Secretary Agriculture Khyber Pakhtunkhwa, Peshawar.
5. Master File.

01/3/23

Section Officer (Litigation)
Agriculture, Livestock & Fisheries
Khyber Pakhtunkhwa Peshawar

Section Officer (Litigation)



GOVERNMENT OF KHYBER PAKHTUNKHWA

AGRICULTURE DEPARTMENT

Phone: 9212464 Email: solitagri@gmail.com

Annex-II (364)

Most Immediate/Court Matter

NO. SO (Lit) AD/3-277/2020
Dated Peshawar the March 06th, 2023

To

The Secretary to Govt: of Khyber Pakhtunkhwa,
Establishment Department,

Attention: Section Officer (PSB)

Subject: PROFORMA PROMOTION OF MR. MUHAMMAD HUSSAIN EX-DIRECTOR
GENERAL OUTREACH AGRICULTURE RESEARCH.
EXECUTION PETITION NO.302/2022 IN SERVICE APPEAL NO.412/2020
TITLED MUHAMMAD HUSSAIN V/S AGRICULTURE DEPARTMENT.

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith a copy of Director General Agriculture (Research), Khyber Pakhtunkhwa letter No.1638/I(Lit)/DGAR dated 03.03.2023 along-with order sheet dated 02.03.2023 passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar. The operative part is reproduced below: -

"Representative of the respondents produced a copy of letter dated 1st March, 2023. Learned AAG submitted that in view of this letter meeting of the Provincial Selection Board could not be convened and would be convened as soon as the ban was lifted. Learned counsel for the petitioner submits that there was no need of convening the PSB meeting as the matter could be resolved by considering the relief granted to the petitioner which could be extended to him by circulation of summary amongst the members of the PSB. He submits that he would be satisfied if a direction is given that if possible and practicable the summary may be got approved by circulation. Adjourned. To come up for further proceedings on 15.03.2023."

Keeping in view of above situation, it is therefore, requested that in light of the directions of the Hon'ble Khyber Pakhtunkhwa Service Tribunal order dated 02.03.2023, further necessary action may be taken at your end so that implementation report can be placed before the Khyber Pakhtunkhwa Service Tribunal, Peshawar at next date of hearing i.e. 15.03.2023, please.

Encl as above: -

Endst. No. & Date Even.
Copy forwarded to the:

1. Director General Agriculture (Research), Khyber Pakhtunkhwa, Peshawar w/r to his above quoted letter.
2. Section Officer (Lit-I), Establishment Department, Khyber Pakhtunkhwa.
3. Section Officer (Establishment-I), Agriculture Department.
4. PS to Secretary Agriculture Khyber Pakhtunkhwa, Peshawar.
5. Master File.

Yours Faithfully,

Section Officer (Litigation)

Section Officer (Litigation)

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Section Officer (Litigation)
Agriculture, Livestock & Coop. Department
Khyber Pakhtunkhwa Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO (PSB) ED/1-6/2022/P-356
Dated Peshawar, the March 01, 2023

To

✓ The Section Officer (Litigation)
Agriculture, Livestock & Cooperative Department.

Subject: - PROFORMA PROMOTION OF MUHAMMAD HUSSAIN EX-DIRECTOR
GENERAL OUTREACH AGRICULTURE RESEARCH.

EXECUTION PETITION NO. 302/2022 IN SERVICE APPEAL NO. 412/2020
TITLED MUHAMMAD HUSSAIN VS AGRICULTURE DEPARTMENT.

I am directed to refer to your officer letter No. SO(Lit) AD/3-277/2020 dated 01.03.2022 on the subject and to say that the subject working paper has already been placed on the agenda of upcoming PSB meeting and the same will be considered/discussed as and when PSB meeting is scheduled.

It is further added that Election Commission of Pakistan vide its notification dated 22.01.2023 directed the care taker Government of Khyber Pakhtunkhwa to ensure compliance of all the notification, directives and the provisions as laid down in Section 230 of Election Act, 2017. While Section 230 (2) (e) states that the care taker government shall not make promotions or major appointments of public officials but may make acting or short term appointments in public interest. (copy attached)

In view of the above, it is requested that the Service Tribunal Peshawar may be apprised of the position explained above.

Encl: As above.

Section Officer (Litigation)
Agriculture, Livestock & Coop. Department
Khyber Pakhtunkhwa Peshawar

SECTION OFFICER (PSB) 1/3/23