



**COURT MATTER
MOST IMMEDIATE**

**OFFICE OF THE
ASSISTANT DIRECTOR (H/Q)**

Local Government & Rural Development Department.
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REMINDER NO.11

No. AD(LG-H)/ /2023/ /1098-1104
Dated Haripur the 10th April, 2023

The Director General
Local Govt. & RDD Peshawar

Subject: **IMPLEMENTATION OF HON'BLE SERVICE TRIBUNAL JUDGEMNT
DATED 04/06/2021 PASSED IN SERVICE APPEAL NO. 457/2018.**

Reference No. AD(LG-H)/2023 dated 27/02/2023, No. AD(LG-H)/407-10/2023 dated 03/02/2023, AD(LG-H) Court Cases/2022/9464-66 dated 23/12/2022, No. AD(LG-H)/Seniority list/2022/5530-32 dated 03/10/2022, No. AD(LG-H)/1549-53/2022 dated 10/03/2022 applications dated 14/09/2022, 05/07/2022, 06/04/2022, 14/02/2022, 04/01/2022, 23/12/2021 and 06/12/2021.

It is submitted that the Administrative Department moved a case to Law Department vide No. SO(Lit)/LG/2-283/2017/2951 dated 07/07/2021 for filing CPLA/Appeal before the Honorable Supreme Court of Pakistan, but the case was declared UNFIT for filing CPLA/Appeal vide No. SO (lit/LG/8-20/lg/2021/178-81 dated 04/08/2021.

It is added that an Execution Petition No. 164/2021 was filed on 03/09/2021 before the Hon'ble Service Tribunal KPK Peshawar for implementation of the subject mentioned judgment. The Hon'ble Service Tribunal has directed the representative of the respondents time and again for implementation of the judgment in letter and spirit. A few orders passed in the aforesaid Execution Petition are reproduced as under:

1. *"Representative of the respondents present in the court could not convince the court regarding the implementation report. No concrete steps have been taken so far to implement the judgment" Oder passed on 16/11/2022. Copy of order sheet is attached.*

2. *"Representative of the respondents assured at the bar that the judgment will be implemented on the next date and for the purpose he sought short adjournment". Oder passed on 14/12/2022. Copy of order sheet is attached.*

3. *"Departmental representative produced copy of letter dated 23/01/2023 through which the department has asked to clarify certain points from the Establishment Department and requested for further time to submit implementation report. Last opportunity is granted". To come up for implementation report on 30/03/2023 before S.B. Camp Court, Abbottabad. Oder passed on 26/01/2023. Copy of order sheet is attached.*

The operative part of the subject mentioned judgment is reproduced as under:
"Subject to given observations, we set-aside the impugned order and direct for reinstatement of the appellant forthwith. The respondents, on receipt of this Judgment, shall move forward for constitution of SMB under intimation to the appellant and shall make it possible that all proceedings herein directed are concluded without delay but not later than 90 days. The back benefits shall follow the outcome of proceedings indicated hereinbefore."

From the perusal of the operative part of the judgment and the above-mentioned orders passed in the aforesaid Execution Petition by the Hon'ble Service Tribunal, it is crystal clear that I was supposed to be reinstated in service 1st and then within 90 days after receipt of the judgment have to appear before the competently constituted fresh Standing Medical Board but unfortunately it couldn't happen and the given time of 90 days was expired on 16/09/2021 at 11:59 PM.

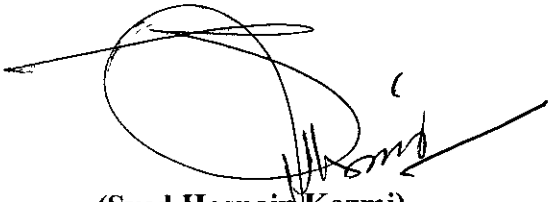
It is added that the Administrative Department have also filed on Objection Petition on 16/03/2023 under section 47 of Civil Procedure Code 1908. It is pointed out that this Object Petition is not applicable in-service matter. Secondly at the stage of implementation makes no sense as the case has already been attained its finality on 04/08/2021 when it was declared unfit for filing appeal / CPLA before the Hon'ble Supreme Court of Pakistan.

Therefore, keeping in view the above it is requested that the judgment of the Hon'ble Service Tribunal may be implemented in letter and spirit by *reinstating me from the date of removal i-e 12/12/2017 and treating the sickness period (April 2016 to June 2017) as spent on duty along with my seniority* because the then *Departmental Authorities have legalized everything by accepting my Arrival Report on 30/06/2017 and allowing me to perform my duties with all perks and privileges vide Notification No. SO (LG-I) 4-116/2017/KC dated 07/08/2017*. Resultantly I may be adjusted/authorized to draw my outstanding salary etc from the station, post and period mentioned below as these sanctioned positions/posts remained vacant in the past

S.No.	Period	Post, Position, Code & Station
1.	21/03/2016 to 30/06/2017	Assistant Director (Sr.) LG&RDD Haripur (80671343)
2.	01/07/2017 to 07/08/2017	Assistant Director (Jr.) LG&RDD Haripur (80151287)
3.	01/12/2017 to 30/09/2018	Assistant Director (Jr.) LG&RDD Haripur (80151287)
4.	01/10/2018 to 28/02/2019	Creation of Supernumerary post of AD (Sr.) LG Haripur
5.	01/03/2019 to 31/12/2020	Assistant Director LG&RDD Tor Ghar
6.	01/01/2021 to 06/12/2021	Assistant Director (Sr.) LG&RDD Haripur

Foregoing in view, the Administrative Department may kindly be approached for implementation of the subject mentioned judgment to avoid **embarrassing situation**.

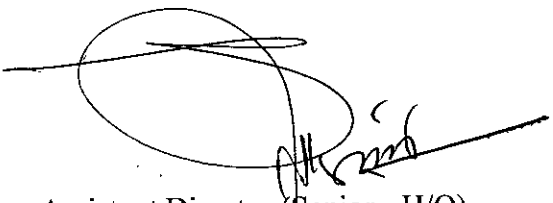
An early response shall be highly regarded.


(Syed Hasnain Kazmi)
 Assistant Director (Senior - H/Q)
 Local Govt. & RDD Haripur

Endst of even No & Date

Copy of above is forwarded to the:

1. The Chief Secretary KPK (**Respondent No. 1**)
2. The Secretary Establishment KPK Peshawar.
3. The Secretary Local Govt. & RDD (**Respondent No. 2**)
4. Registrar Hon'ble Service Tribunal KPK Peshawar.
5. Section Officer (Establishment-II)
Local Govt. & RDD Peshawar.
6. Section Officer (Litigation)
Local Govt. & RDD Peshawar.


 Assistant Director (Senior - H/Q)
 Local Govt. & RDD Haripur