

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

E.P # 237/2023 in S.A # 1064/2016
Mr. Jawad Hussain (Appellant)

Versus

Government of Khyber Pakhtunkhwa

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5620

Dated 26/5/2023

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(Secretariate)

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DEPONENT

CNIC No.17101-0377128-9

Cell# 0346-9148582

Peshawar

29/5/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No.237 of 2023 in Service Appeal No. 1064 of 2016

Mr. Jawad Hussain (Appellant)

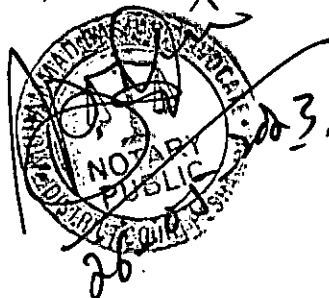
Versus

Government of Khyber Pakhtunkhwa

AFFIDAVIT

I Syed Nabi Gul, Superintendent (Lit), Directorate of Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of the accompanying reply/comment are true and correct to the best of my knowledge and belief and that nothing has been concealed therein from this Hon'ble Tribunal.

ATTESTED



A handwritten signature in black ink, appearing to be 'Nabi Gul'.

DEPONENT

CNIC No.17101-0377128-9
Cell# 03469148582

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Execution Petition No. 237 of 2023 in Service appeal No. 1064 of 2016

Jawad Hussain Rehabilitation Officer, at Rehabilitation Center for Drug

Addicts Peshawar.....**Appellant**

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat Peshawar.
2. Secretary Establishment Department Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa Social Welfare, Special Education and Women Empowerment Department, Peshawar.
4. Director Social Welfare, Special Education and Women Empowerment Department Khyber Pakhtunkhwa Peshawar.
5. Secretary Finance Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar..... **(Respondents)**

PARA-WISE COMMENTS BY RESPONDENT NO. 1 TO 5.

Respectfully Sheweth,


1. Correct.
2. Correct.
3. Correct to the extent that the appellant filed an application for implementation of judgment passed on dated 27.10.2022 by this Honorable Service Tribunal. Feeling aggrieved from the said judgment , the respondent department has filed CPLA against the above judgment in the August Supreme Court of Pakistan with the prayer for interim relief regarding suspension of judgment dated 27.10.2022 / application for early


hearing which is still pending, therefore, his application shall be considered / processed as and when fate of interim relief is decided **(Copy of CPLA / application for early hearing and interim relief are at Annex-A).**


4. Incorrect, hence denied. Factual position has been explained in the preceding para.
5. The respondents may also be allowed to raise additional grounds, at the time of arguments.


In view of the above clarifications/explanations, it is therefore humbly prayed that the instant Execution Petition may graciously be dismissed having no weight and being based on malafide intentions.

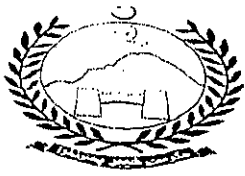

CHIEF SECRETARY
Government of Khyber
Pakhtunkhwa
(Respondent No. 1)


SECRETARY
ESTABLISHMENT
Government of Khyber
Pakhtunkhwa
(Respondent No. 2)


SECRETARY
Social Welfare, Special Education
& Women Empowerment
Govt. of Khyber Pakhtunkhwa
(Respondent No. 3)


DIRECTOR
Social Welfare, Special Education
& Women Empowerment,
Peshawar
(Respondent No. 4)


SECRETARY FINANCE
Government of Khyber
Pakhtunkhwa
(Respondent No. 5)



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MOST URGENT/ COURT MATTER
GOVERNMENT OF KHYBER PAKHTUNKHWA
SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

NO. SO-Lit (SWD) 1-225/2016/2807-8
Dated Peshawar, the 15-05-2023

To,

The Secretary,
Law & Parliamentary Affairs
Khyber Pakhtunkhwa Peshawar

Subject: EXECUTION PETITION NO. 237/2023 IN SERVICE APPEAL NO.1064/2016 TITLED JAWAD HUSSAIN REHABILITATION OFFICER VS GOVT. OF KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to the subject noted above and to state that Mr. Jawad Hussain (Appellant) filed execution petition No. 237/2023 in Khyber Pakhtunkhwa Service Tribunal for implementation of Judgment dated 27-10-2022 passed by the Honorable Khyber Pakhtunkhwa Service Tribunal (F/A).

2. Brief facts of the case is that Mr. Jawad Hussain, Rehabilitation Officer of Social Welfare appointed for a fixed period of time, relieved and then was reinstated in light of the Provincial Assembly of NWFP Employees (Regularization of Service) Act, 2009 (KPK Act NO.XVI of 2009) and on Peshawar High Court, Peshawar Judgment in W.P NO. 542-P/2022 w.e.f. 09-12-2008 (F/B).

3. Later on, the Appellant filed Service Appeal No.1064/2016 before the Khyber Pakhtunkhwa Service Tribunal Peshawar with the prayers to consider his seniority from 09.12.2008 instead of 04-03-2016 with all back benefits w.e.f. 09-12-2008 which was allowed by the Hon'ble Khyber Pakhtunkhwa Service Tribunal on 27-10-2022 (F/C).

4. The Social Welfare Department in consultation with Law Department filed CPLA No.28-P/2023 in the subject case in Supreme Court of Pakistan.

5. I am therefore, directed to request that the competent forum may be approached to file an application for early hearing in the subject case and suspension of the judgment dated 27-10-2022 of the Khyber Pakhtunkhwa Service Tribunal, please.

Yours Faithfully,

Section Officer-(Lit)

Encl: As above.

Endst: No. & Date Even.

Copy to:

1. Assistant Director (Lit), Social Welfare Khyber Pakhtunkhwa.
2. PS to the Secretary to Social Welfare Department Khyber Pakhtunkhwa.

Section Officer-(Lit)



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF SOCIAL WELFARE, SPECIAL
EDUCATION & WOMEN EMPOWERMENT, OPPOSITE
ISLAMIA COLLEGE JAMRUD ROAD, PESHAWAR.

No. DSW/Lit/1-228 / 738

Dated the Peshawar 24 / 05 / 2023

AUTHORITY LETTER

Mr. Nabi Gul, Superintendent (BPS-17) Directorate of Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa Peshawar is hereby authorized to submit reply on behalf of (Respondent No. 4) Execution Petition No. 237/2023 in **Service Appeal No. 1064 / 2026. Titled Mr. Jawad Hussain VERSUS Govt of Khyber Pakhtunkhwa** in the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar. He is also authorized to attest the affidavit on behalf of respondents and attend the Honorable Court on each date of hearing.

DIRECTOR

Social Welfare, Special Education &
Women Empowerment
Khyber Pakhtunkhwa
(Respondent No. 4)

**Government of Khyber Pakhtunkhwa
Social Welfare, Special Education & Women
Empowerment Department**

Dated Peshawar the, 23-05-2023

AUTHORIZATION

Mr. Syed Nabi Gul Superintendent, of Litigation Section Directorate of Social Welfare, Special Education & Women Empowerment Peshawar, is hereby authorized to submit para-wise reply /comments in E.P No.237/2023 in S.A No.1064/2016 Titled Jawad Hussain Vs Govt of Khyber Pakhtunkhwa on behalf of Secretary, Social Welfare, Special Education & Women Empowerment Department.

**-Sd-
Secretary,
Social Welfare, Special Education and
Women Empowerment Department**

Endst: of Even No. & Date:-

Copy is forwarded to the:-

1. Syed Nabi Gul Superintendent, Directorate of Social Welfare Khyber Pakhtunkhwa
2. PS to Secretary Social Welfare Khyber Pakhtunkhwa Peshawar.


**Section Officer-(Lit) ,
Social Welfare Department**