

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION PETITION No. 251/2023
IN
SERVICE APPEAL NO. 11125/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5063

Dated 15/6/23


Mr. Zahid Khan, Assistant (BS-16) Labour DepartmentAppellant

Versus

Govt. of KPK through Chief Secretary & Others Respondents

INDEX

Sr. No.	Description of Documents	Flag	Pages
1.	Execution Petition reply		2-3
2.	Affidavit		4
3.	Authority letter		5
4	Conditionally appointment Order dated 01-11-2022	A	6


Section Officer (Litigation)
Government of KP
Establishment Department

*Next date
17-07-23
Peshawar*

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Execution/Implementation Petition No. 251/2023 Zahid Khan & Others

In

Service appeal No. 11125/2020

Zahid Khan, Assistant (BPS-16), at Labour Department at Civil Secretariat.

VS

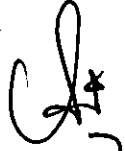
1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar & others.

REPLY ON BEHALF OF RESPONDENTS

REPLY

1. Correct to the extent that the Service Appeal No. 11125/2020 was decided in favour of the Petitioner, however, the said judgment has been challenged in Supreme Court of Pakistan through CPLA.
2. Incorrect. The Judgment of Khyber Pakhtunkhwa Service Tribunal has been implemented in letter and spirit and the petitioner has been conditionally adjusted in Establishment Department, Civil Secretariat Peshawar vide notification No.SOE-IV(E&AD)/1-2/2022 dated 01.11.2022 (F/A) till final outcome of Judgment of Supreme Court of Pakistan and his seniority and other claims will be settled in due course of time.
3. Incorrect. The Judgement of Khyber Pakhtunkhwa Service Tribunal has been implemented in true letter and spirit and no violation has been made.
4. Incorrect. Since the CPLA No.358-P/2022 dated 25.04.2022 filed in the Supreme Court of Pakistan in the instant appeal is pending for adjudication, therefore, his seniority and other benefits related to his service will be determined upon final outcome of CPLA. However, the petitioner is conditionally part and parcel of Establishment Department for all intents and purposes. It is further added that Civil Secretariat employees have filed 12(2) CPC Appeal No. 642/2022, Muhammad Sadiq & 1041 others VS Hanif-ur-Rehman & others with the plea that they were condemned unheard which directly affects their seniority and still pending for adjudication before the Hon'able Tribunal.
5. Incorrect. The Judgment Khyber Pakhtunkhwa Service Tribunal has been implemented in letter and spirit.
6. As explained in Para-4 above.
7. Incorrect. The direction and order of Khyber Pakhtunkhwa Service Tribunal has been fully complied in its true spirit and no right of anyone has been violated.
8. No Comments.

It is, therefore, graciously prayed that the Execution/Implementation of Execution Petition No.251/2023 in Service Appeal No.11125/2020 may be stopped till outcome of CPLA filed by Provincial Government before the Supreme Court of Pakistan.



**Chief Secretary,
Khyber Pakhtunkhwa
(Respondent No. 01)**



**Secretary,
Establishment Department
(Respondent No. 02)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION PETITION No. 251/2023

IN

SERVICE APPEAL NO. 11125/2020

Mr. Zahid Khan, Assistant (BS-16) Labour DepartmentAppellant

Versus

Govt. of KPK through Chief Secretary & Others Respondents

AFFIDAVIT

I, Khaliq Ur Rehman, Superintendent (BPS-17) Judicial Wing, Establishment Department, Govt. of Khyber Pakhtunkhwa do hereby solemnly declare that contents of the Reply in the Execution are correct to the best of my knowledge and record and nothing has been concealed from this Hon'ble Court.

It is further stated that in this appeal, the answering respondents have neither been placed ex-parte nor their defence cost of rupee 00.

DEPONENT

CNIC No. 14203-2443654-7

Contact No. 0333-9274187

Identified by

Advocate General
Khyber Pakhtunkhwa



16/6/23



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

5

AUTHORITY LETTER

Mr. Khaliq Ur Rehman, Superintendent (BPS-17), Litigation-II Section Establishment Department, is hereby authorized to submit Reply, in the Hon'able Services Tribunal, in Execution Petition No. 248/2023 in S.A No. 1227/2020 Hanif Ur Rehman, E.P No. 249/2023 in S.A No. 1232/2020 Ashiq Hussain, E.P No. 250/2023 in S.A No. 1231/2020 Qaiser Khan E.P No. 251/2023 in S.A No. 11125/2020 Zahid Khan and E.P No. 252/2023 in S.A No. 1233/2020 Shoukat VS Govt. of Khyber Pakhtunkhwa" on behalf of the undersigned.

**Chief secretary,
Khyber Pakhtunkhwa,
(Respondent No. 01)**

**Secretary,
Establishment Department,
(Respondent No. 02)**



F/A

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

6

Dated Peshawar, the November 1st, 2022

NOTIFICATION

No. SO E-IV (E&AD)/1-2/2022: - In pursuance of Khyber Pakhtunkhwa Service Tribunal judgement in Service Appeal No. 1227/2020 dated 14.01.2022 and subsequent Execution Petition No. 242-252/2022 dated 26.07.2022 in Service Appeal No. 1227/2020 dated 14.01.2022, in compliance of the orders passed by Khyber Pakhtunkhwa Service Tribunal Mr. Zahid Khan, Assistant (BS-16), presently working as Assistant in Khyber Pakhtunkhwa Ombudsman Secretariat is hereby conditionally adjusted as Assistant (BS 16) in Civil Secretariat, Peshawar till final judgement of Supreme Court of Pakistan in CPLA No. 358-P/2022 dated 25.04.2022 which is pending adjudication before Supreme Court of Pakistan.

2. His seniority and other claims will be settled in due course of time.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Endst: Even No. & Date.

Copy of the above is forwarded to: -

1. Accountant General, Khyber Pakhtunkhwa.
2. Chairman, Khyber Pakhtunkhwa Provincial Ombudsman Secretariat.
3. Section Officer (Admn), Administration Department.
4. Section Officer (Secret), Establishment Department.
5. Section Officer (Lit-III), Establishment Department for further necessary action.
6. P.S to Secretary Establishment Department.
7. P.S to Special Secretary (Estt), Establishment Department
8. P.A to Addl: Secretary (Estt), Establishment Department.
9. P.A to Deputy Secretary (Estt), Establishment Department.
10. Official concerned.

SECTION OFFICER E-IV

Section Officer (Litigation)
Government of KP
Establishment Department