

03.07.2023

1. Husband of the petitioner alongwith learned counsel for the petitioner present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Petitioner through instant execution petition requested for implementation of this Tribunal judgment dated 13.10.2022 to the extent of grant of back benefits. Perusal of judgment dated 13.10.2022 reveals that petitioner was reinstated in service and case was remitted to the respondent department with direction to conduct proper inquiry strictly in accordance with law within 60 days of receipt of the copy of judgment. The matter of back benefits shall be subject to the outcome of inquiry. Although petitioner had mentioned in instant petition that said inquiry is not conducted within 60 days in accordance with direction of this Tribunal but perusal of page 10 of instant petition reveals that it is office order bearing No. 10952-58/DH0 dated 06.12.2022 vide which the petitioner was reinstated into service but back benefits was not granted to her in light of inquiry report. Perusal of page 13 of instant petition also reveals that it is an application for departmental appeal/application for sympathetic consideration for grant of back benefits to the respondent department by the petitioner who had given reference of order bearing No. 10952-58/DH0 dated 06.12.2022 by mentioning therein that through this order she was deprived from back benefits. This departmental appeal was received by the respondent on 18.01.2023, which is not yet decided. This office order was issued as result of conclusion of inquiry conducted by the department.

3. In my humble view inquiry was conducted as result of which order dated 06.12.2022 was issued, so judgment of this Tribunal is complied with, and there is no need to proceed further with the instant execution petition, if petitioner is dissatisfied/aggrieved from finding of inquiry committee to the extent of not granting back benefits to her, she will have to avail other remedies provided under the law/rules, if so advised. Before parting with instant execution petition respondents are directed to decided departmental appeal/application for sympathetic consideration for grant of back benefits within 30 positively after receipt of this order just for the interest of justice.

4. In view of the above, instant petition is disposed off. File be consigned to record room.

Announced  
03.07.2023

  
(Rashida Bano)  
Member (J)