


Appeal No.1035/2008 and dated 23.02.2008 passed in Appeal No.517/2008, wherein, appellants were held entitled to the antedation of regular promotion/posting from a certain date and were also held entitled to all back benefits on the strength of modified order with their further entitlement to all back benefits and recovery of pay and arrears etc. subject to the relevant rules regarding recovery of arrears and financial benefits, to which, learned counsel submitted that back benefits including determination of seniority and recovery of financial benefits were yet to be given in case of the petitioner. The learned counsel was asked as to whether he was placed junior to his batch-mates or juniors to him with whom he was earlier placed above in order of merit and initially appointed, he submitted that his seniority was not so disturbed. The learned counsel was, however, not clear as to what was the stance of the petitioner regarding seniority. As regards the recovery of any arrears etc., the learned counsel was asked as how much arrears and for what period those arrears were granted to the petitioner in the judgment sought to be implemented, learned counsel was not sure certain nor the petitioner himself. However, he said that he would be satisfied if a direction was given to the petitioner and the respondents to sit together and to calculate the arrears/financial benefits, which, if any, were granted to the petitioner in the judgment passed on 07.05.2010 in his appeal. Order accordingly. Consign.

**SCANNED
KPST
Peshawar**

3. *Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 12th day of July, 2023.*


(Kalim Arshad Khan)
Chairman

08.06.2023

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

Clerk of learned counsel for the petitioner requested for adjournment on the ground that learned counsel for the petitioner is not available today due to strike of lawyers. Adjourned. To come up for arguments on 12.07.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
BY
Peshawar

Naeem Amin

(Fareeha Paul)
Member (E)

(Salah-ud-Din)
Member (J)

Execution Petition No.102/2016

ORDER

12th July, 2023

1. Learned counsel for the petitioner and Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.
2. At the very outset, learned counsel for the petitioner submitted that although, the judgment of the Tribunal, passed in Appeal No.1776/2009, was otherwise implemented but to the extent of fixation of seniority and grant of arrears were yet to be made. The learned counsel was confronted with the terms of judgment dated 07.05.2010, whereby, the appeal of the petitioner was also accepted, which was decided in view of the judgments dated 24.02.2009 in