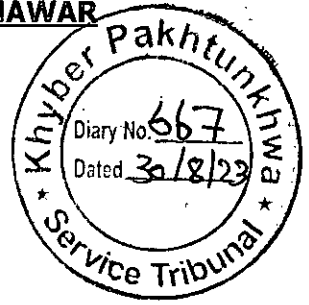


BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

**Execution Petition No.166/2021.
In Service Appeal No.1132/2019**

MR. Muhammad Arshad

Versus



**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT
DEPARTMENT AND OTHERS.**

Subject: **APPLICATION FOR DETACHMENT OF SALARY OF RESPONDENT NO.04
(SECRETARY FINANCE).**

Respectfully,

It is submitted that:-

- (i). The above mentioned Execution/implementation petition is pending before this Honourable Tribunal which is fix for 29.08.2023.
- (ii). That on previous date of hearing the Honourable Tribunal attached salaries of the Respondent No.04 where responded has submitted implementation/progress report on their behalf.
- (iii). The provincial Cabinet in its meeting held on 13.06.2022 decided to allow Exetive allowance to the Officers on special duty.
- (iv). The decision to the extent of Muhammad Arshad for the period w.e.f **19.11.2018 to 19.03.2019** for which he remained OSD, has already been implemented vide Finance Deparment Notification dated 05.07.2022.(**Flag-A**)
- (v). The decision regading extension of Exective Allowance to Officers on special duty is concerned, the Provencial Cabinet in its meeting held on 20.06.2023, decided extension of Exective Allowance to officers on special duty which was notified w.e.f 01.07.2023 vide Finance Departments, Notification date 11.07.2023(**Flag-B**)

It is therefor **requested** that:

On acceptance of the instant application, salary of the respondant No.04 (Secretay Finance) may kindly be released please.

M. Arshad
Secretary Finance
Respondant No 04
Dated:25.08.2023

Through/AAG Concerned/



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

Dated Peshawar the 11th July, 2023

NOTIFICATION

NO. SO (SR-IV)/FD/4-1/2023/Executive Allowance: In partial modification of Finance Department's Notification No. FD (SOSR-II) 8-7/2016-17 dated 02.02.2018; the Government of Khyber Pakhtunkhwa has been pleased to extend Executive Allowance/Executive Performance Allowance to the Officers (PAS, PCS & PMS) on Special Duty (OSD) with effect from 01.07.2023.


2. Other terms & conditions will remain the same as notified from time to time.

**Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department**

Endst: No & date even

Copy of the above is forwarded for information & necessary action to the -

- 1- The Accountant General, Khyber Pakhtunkhwa.
- 2- The Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
- 3- The Principal Secretary to Governor Khyber Pakhtunkhwa.
- 4- All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- 5- The Director FMIU, Finance Department.
- 6- The Director, Staff Training Institute (STI) E&A Department.
- 7- PSO to Chief Secretary Khyber Pakhtunkhwa
- 8- All Section Officers/Budget Officers in Finance Department Khyber Pakhtunkhwa
- 9- PS to Minister Finance Khyber Pakhtunkhwa
- 10-PS to Secretary to Government of Khyber Pakhtunkhwa Finance Department
- 11-PS to Special Secretary (A & R) Finance Department
- 12-PS to Special Secretary (Budget). Finance Department
- 13-PAs to Additional Secretaries/Deputy Secretaries in Finance Department
- 14-Master File


YAR MUHAMMAD
SECTION OFFICER (SR-IV)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the 5th July, 2022

NOTIFICATION

NO. SO(SR-IV)/FD/1-1/Executive Allowance (Muhammad Arshad)/2022: In pursuance of judgment of Services Tribunal Khyber Pakhtunkhwa on 09-06-2021 in execution petition No- 166/22 in service appeal No- 1132/19 case titled Mr. Muhammad Arshad v/s Govt. of Khyber Pakhtunkhwa and upon decision of Provincial Cabinet in its meeting held on 13-06-2022, the Government of Khyber Pakhtunkhwa has been pleased to allow Executive Allowance to the officer i.e. Muhammad Arshad for the period he remained OSD with effect from 19.11.2018 to 19.03.2019.

2- The said benefits shall, however, be specific to the petitioner and shall not be treated/quoted as precedent.

Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department

Endst: No & date even

Copy of the above is forwarded the:-

- 1- The Accountant General, Khyber Pakhtunkhwa.
- 2- Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
- 3- The Director FMIU, Finance Department with the request to upload the same on Finance Department website.
- 4- The Director, Staff Training Institute (STI) E&A Department.
- 5- The Principal Secretary to Chief Minister Khyber Pakhtunkhwa
- 6- PSO to Chief Secretary Khyber Pakhtunkhwa.
- 7- Registrar, Services Tribunal Khyber Pakhtunkhwa Peshawar.
- 1- The Section Officer (Cabinet) Government of Khyber Pakhtunkhwa Establishment & Administration Department with reference to his letter No- SOC (E&AD) 9-74/2022 dated 20th June, 2022.
- 8- PS to Secretary to Government of Khyber Pakhtunkhwa Finance Department.
- 9- PS to Special Secretary (A & R), Finance Department.
- 10- PS to Special Secretary (Budget), Finance Department.
- 11- PA to Additional Secretary (Reg) Finance Department.
- 12- PA to Deputy Secretary (Reg-I) Finance Department.
- 13- Master File.

(MAQSOOD KHAN)
SECTION OFFICER (SR. IV)

M. Arshad vs Govt

12.07.2023

Petitioner in person present. Mr. Muhammad Azhar Khan, Section


Officer (Litigation) on behalf of respondents No. 1 to 3 and Mr. Naseeb Khan, Section Officer (Litigation) on behalf of respondent No. 4 along with

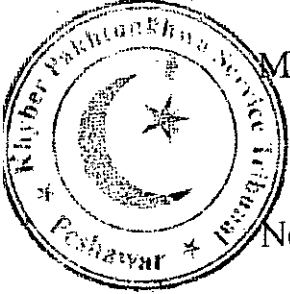
Mr. Asif Masood Ali Shah, Deputy District Attorney present.

Representative of respondent No. 4 produced copy of Notification No. SO(SR-IV)/FD/4-1/2023/ Executive Allowance dated 11.07.2023, whereby executive allowance/Executive performance allowance was granted to the officers (PAS, PCS & PMS) on special duty (OSD) with effect from 01.7.2023. Copy of the afore-mentioned Notification handed over to the petitioner, who raised objection that the judgment under execution dated 09.06.2021 has not been implemented in letter and spirit.

The petitioner had initially submitted execution petition No. 166/2021 for implementation of the judgment dated 09.06.2021 passed by this Tribunal in Service Appeal No. 1132/2019, which was disposed of by this Tribunal vide order dated 29.11.2022 in the terms reproduced as below:-

"This is an application for implementation of the judgment passed in Service Appeal No. 1132/2019 decided on 09.06.2021, whereby a notification dated 02.02.2018 impugned in the above referred appeal, regarding non-payment/stoppage of executive allowance to the OSD's, was declared null and void and the appellant was held entitled to payment of executive allowance for the period from 19.11.2018 to 19.03.2019, alongwith all consequential benefits. Previously on the application of the petitioner, the respondents had placed on file, notification No. SO(SR-IV)/FD/1-1/Executive Allowance (Muhammad Arshad)/2022 dated 05.07.2022 but the petitioner submits that vide the notification dated 05.07.2022 though he was held entitled for payment of the executive allowance from 19.11.2018 to 19.03.2019 against the remaining part of the relief, granted in the judgment, was not made part of the notification,


Certified to be true copy




would comply with the judgment and issue notification accordingly within a reasonable time as the matter would be placed before the Provincial Cabinet for formal approval. The respondents are thus directed to implement the judgment in toto by incorporating the remaining part regarding the declaration of non-payment of the executive allowance to the OSD's as null and void within a period of one month under the intimation of this Tribunal through its Registrar. Disposed of accordingly. Consign."

3. It is thus crystal clear that vide order dated 29.11.2022, respondents were directed to implement the judgment in toto by incorporating the remaining part regarding the declaration of non-payment of the executive allowance to the OSD's as null and void within a period of one month under the intimation to the Registrar of this Tribunal. Respondents were required to have implemented the judgment of this Tribunal in letter and spirit in view of order dated 29.11.2022 passed by this Tribunal, however Secretary to Government of Khyber Pakhtunkhwa Finance Department has issued Notification dated 11 July 2023, contents of which would show that the judgment under execution has not been implemented and letter and spirit. Salary of respondent No. 4 (The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar) is, therefore, attached till further order. Registrar of this Tribunal shall send copy of this order to Accountant General Office Khyber Pakhtunkhwa, Peshawar for compliance. Respondents are directed to positively submit implementation report of the judgment under execution in letter and spirit on 26.07.2023 before the S.B. Parcha Peshi given to the parties.

Date of Presentation of Application 17/7/23
 Number of Words Page 2
 Copying Fee 10/-


 (Salah-Ud-Din)
 Member (J)