

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 326/2021 in Service Appeal No. 1184/2019

Syed Musadiq Shah.....Appellant

VERSUS

Government of Khyber through Chief Secretary & others.....Respondents

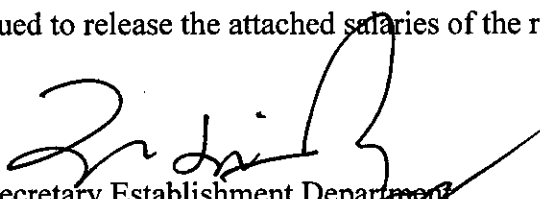
IMPLEMENTATION REPORT ON BEHALF OF RESPONDENTS NO. 01 TO 03


Respectfully Sheweth:

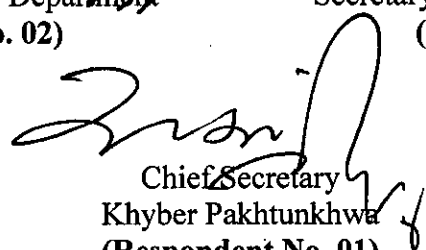
1. That the Hon'ble Service Tribunal vide its Order dated 02.02.2022 in E.P No. 326/2021 of S.A No. 1184/2019 directed the following:

“Coming to the crucial point of the seniority list circulated by the Administrative Department including names of the petitioner and respondent No. 4 for the purpose of compliance with the judgment dated 29.03.2019 passed in S.A No. 597/2016, it is observed that issuance of said list in the given manner is fruitless as far as satisfaction of said judgment is concerned. For proper satisfaction of said judgment of the Tribunal, respondents are directed to treat the post held by petitioner at par with the junior clerks in Khyber Pakhtunkhwa Civil Secretariat for which the reasons have already gone herein above”

2. That, earlier the Government of the Khyber Pakhtunkhwa had filed CPLA in the Supreme Court of Pakistan, Islamabad against the orders of Hon'ble Tribunal for conversion of aforementioned Service Appeal into Execution Petition vide Order dated 21.10.2021 which is still pending adjudication.
3. That CPLA is pending before the Apex Court and inspite of strong endeavours of respondents, the CPLA couldn't be fixed for hearing to issue interim/ stay orders.
4. Now, in pursuance of this Hon'ble Tribunal order dated 02.02.2022, the respondents have conditionally implemented the ibid Judgment. (Annex-A)
5. Thus the respondents have complied with the Judgment of the Tribunal in letter and spirit.
6. In view of the above humble submissions, the subject Execution Petition No. 326/2021 in Service Appeal No. 1184/2019 may graciously be dismissed/ disposed off and order may be issued to release the attached salaries of the respondents, please.


Secretary Establishment Department
(Respondent No. 02)


Secretary Administration Department
(Respondent No. 03)


Chief Secretary
Khyber Pakhtunkhwa
(Respondent No. 01)

Peshawar -

19-09-23



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

Dated Peshawar, the 30.08.2023

ORDER

No. SO E-IV (E&AD)/1-2/2019: - In pursuance of Khyber Pakhtunkhwa Service Tribunal judgement in Service Appeal No.1184/2019 dated 21.10.2021 and subsequent Execution Petition No. 326/2021 dated 02.02.2022, in compliance of the orders passed by Khyber Pakhtunkhwa Service Tribunal the seniority of Syed Musadiq Shah, Junior Clerk (BS-11), a Household Employee of Administration Department is hereby conditionally placed at the bottom of seniority list of Junior Clerks maintained in Establishment Department subject to final judgement of Supreme Court of Pakistan in CPLA No.748/2021 dated: 17.11.2021, which is pending adjudication before Supreme Court of Pakistan.

SECRETARY ESTABLISHMENT

Endst: Even No. & Date.

Copy of the above is forwarded to: -

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

SECTION OFFICER (E-IV)

30/8/23
2/9/23

2/9/2023