


ORDER

04.10.2023 1. Learned counsel for the petitioner present. Mr. Inayat Ullah Khan

learned Assistant Advocate General for the respondents present.

2. Perusal of record reveals that petitioner has filed instant application for implementation of the judgment and order dated 28.04.2022. Perusal of said judgment reveals that in that very appeal petitioner/appellant requested for grant of relief of seniority and promotion which was dismissed by this Tribunal vide order dated 28.04.2022. In that very judgement this Tribunal during discussion observed that under rule 2.2, period of contractual appointment could be considered for the purpose of qualifying service for pensionary benefits and not for the purpose of seniority or any other benefits. Observation given by this Tribunal is in negation of relief of seniority and promotion claimed by the petitioner/appellant in that very appeal. Moreover, observation given in that order does not fall within the definition of executable order, therefore, instant application for execution of the judgment dated 28.04.2022 wherein appeal was dismissed is not maintainable and is hereby dismissed. However, petitioner may approach department for counting period of this contractual employment towards pensionary benefits and respondents may consider request of the petitioner in light of judgments of superior court, observation given in judgment dated 28.04.2022 and rules/notification of Finance Department on the subject. Consign.

3. *Pronounced in open Court at Swat and given under my hand and seal of the Tribunal on this 4<sup>th</sup> day of October, 2023.*

  
(Rashida Bano)  
Member (J)  
Camp Court, Swat