

27.10.2023

1. Learned counsel for the petitioner present. Mr. Asad Ali Khan learned Assistant Advocate General alongwith Muhammad Shah, SCT for the respondents present.

2. Arguments on point of limitation heard. Perusal of record reveals that appellánt filed service appeal bearing No. 298/16 for his reinstatement into service with all back benefits which was accepted by this Tribunal vide order dated 31.05.2018. Main contention of the respondents is that in accordance with Article 181 of Limitation Act, 1908 first implementation/execution petition can be brought for implementation of judgment within three years from the date of passing of the judgment. Instant Execution Petition is filed on 09.01.2023 therefore, same is not prescribe period of limitation. Perusal of record reveals that respondents filed CPLA bearing No. CP 690-P/2018 in apex court which was dismissed vide order dated 06.10.2020. It means that matter was finally decided on 06.10.2020. Therefore, in my humble view instant implementation/execution petition is within time/prescribed three years period of limitation from the date of final judgment. It is also not out of place to mention here that other four employees namely M. Sadeeq, M. Saeed, Aqib Zaman and Latif Hussain bearing No. 299 to 302/2016 which was also accepted by this Tribunal on the same date i.e 31.05.2018, after which two employees were reinstated in service vide order dated 22.11.2018 but the present petitioners were not reinstated. Respondent are duty bound after receipt of copy of judgment by this Tribunal to reinstate petitioner into service which they had not done, so in the circumstance, in my humble view execution petition is within time, therefore, respondents are directed to produce implementation report on 31.11.2023 before S.B. P.P given to the parties.

(Rashida Bano)
Member (J)