

original

BEFORE THE SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 608/2022

In service appeal No 983/2004

Saad Akbar..... Appellant.

VERSUS

Government of KP through Chief Secretary Khyber Pakhtunkhwa &

others..... Respondents.

I N D E X

S.No.	Particular of documents	Annexes	Pages
1.	Application	01
2.	Affidavit	02
3.	Copy of order sheet dated: 26.10.2023	'A'	03 - 04
4.	Copy of order sheet dated: 14.11.2023	'B'	05
5.	Authority Letter	'C'	06


DEPONENTS

11

**BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR**

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 9514

Dated 27-11-2023

Execution Petition No.608/2022
In Service Appeal No. 983/2004

Saad Akbar S/O Appellant Namely Late Muhammad Akbar Khan Ex-Deputy Director, Mineral Department, Khyber Pakhtunkhwa Peshawar.

R/O H.No 173, Street, Sector-J 1, Phase-2, Hayatabad Peshawar.....Petitioner/*Appellant*

Versus

The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa and others.

Subject: - **APPLICATION FOR RELEASE OF SALARY IN EXECUTION PETITION NO. 608/2022 IN SERVICE APPEAL NO.983/2004**

Respectfully Sheweth

1. That the appellant Saad Akbar S/O Muhammad Akbar Khan (Late) Ex-Deputy Director Mineral Department filed Service Appeal No.983/2004 before the Honorable Khyber Pakhtunkhwa service Tribunal, Peshawar. Which was decided by the Honorable Court vide Judgment dated: 14.09.2021 in favor of the appellant.
2. The Minerals Development Department filed CPLA No. 685-P/2021 against the judgement of Khyber Pakhtunkhwa Service Tribunal dated 14.09.2021.
3. The appellant filed execution petition No. 608/2022 in Service Appeal No. 983/2004. Tiled Muhammad Akbar khan Gandapur vs Government of Khyber Pakhtunkhwa.
4. That this Department filed Appeal under Section 12(2) CPC against the judgment dated 14.09.2021.
5. The Khyber Pakhtunkhwa Service Tribunal attached salaries of Respondent No. 03 (Secretary Minerals Development Department) & Respondent No. 04 (Director General Mines & Minerals) on 16.10.2023 (**copy of order sheet dated 26.10.2023 Annex-A**).
6. However, hearing Petition under Section 12(2) CPC is fixed for 29.11.2023, which is still subjudice and reply of the respondent (Saad Akbar) is awaited for arguments (**copy of order sheet dated 14.11.2023 Annex-B**).

Prayers:

It is therefore, humbly prayed that on acceptance of the instant application, the salary of the Respondents No. 03 & 04 may be released till the final decision of the petition under 12(2) CPC, please.

Mustafa Kamil
Muhammad Anwar
Director General Mines & Minerals
Khyber Pakhtunkhwa
(Respondent No. 04)
**Director General,
Mines and Minerals
Khyber Pakhtunkhwa**

[Signature]
Secretary
Minerals Development Department
Khyber Pakhtunkhwa
Respondent No. 03

Secretary MDD

*Syed Hameed Ullah
Shah.*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 608/2022
in service appeal no. 983/2004

Saad Akbar..... Appellant.

VERSUS

Government of Khyber Pakhtunkhwa.....Respondent.

A F F I D A V I T

I, Hameed Ullah Shah, Secretary Mineral Development Department Khyber Pakhtunkhwa, do hereby solemnly affirm and declare that the contents of the accompanying application is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

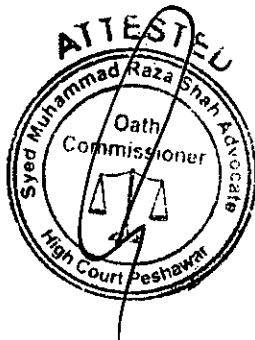
It is further on oath that in this appeal the answering Respondent have neither place expenditure nor their defense struck off/cost.

DEPONENT
Hameed Ullah Shah
Secretary MDD

CNIC No.

Identified by

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23 NOV 2023



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 608 /2022
In Service Appeal No. 983/2004

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1601

Dated 14-10-2022

Saad Akbar S/o Appellant Namely Late Muhammad Akbar Khan Ex-Deputy,
Director, Mineral Department, NWFP-Peshawar.
R/o H.NO 173, Street, Sector-J1, Phase-2, Hayatabad, Peshawar.

petitioner

VERSUS

1. The Govt of KP Through Chief Secretary Govt of KP, Peshawar.
2. The Chief Secretary Govt of KP, Peshawar.
3. The Secretary, Industries commerce, Mineral Development, Labour
Technical Education, Deptt, KP, Peshawar.
4. The Director General Mines & Mineral, KP, Peshawar.

RESPONDENTS

**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED: 14-09-2021 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**

*Attached
A-229*

RESPECTFULLY SHEWETH:

1. That the applicant/Petitioner filed Service Appeal No. 14-09-2021 against the dismissal order.
2. That the said appeal was finally heard by the Honorable Tribunal on 14-09-2021. The Honorable Tribunal is kind enough to accept the appeal vide judgment dated 22-11-2021 as prayed for. It is added that due to death of the appellant during pendency of appeal, his posthumous re-instatement into service will be ordered and he will be treated to have died during service. (Copy of judgment is attached as Annexure-A)

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

E.P.No. 608/2022

Inad Akbar vs Govt



26th Oct. 2023

1. Learned counsel for the petitioner present Mr. Asad Khan, Assistant Advocate General alongwith Mr. Aftab Ahmad, Legal Advisor for the respondents present.

2. Implementation report on behalf of the respondents has not been submitted despite numerous opportunities, therefore, the Tribunal is left with no other option but to attach salaries of respondents No. 3 and 4 in the manner as prescribed under Section-60(1)(i) of the code of Civil Procedure, 1908. The Accountant General Khyber Pakhtunkhwa shall submit report in writing that the salaries of the respondents No. 3 and 4 are actually attached. To come up for submission of implementation report on 29.11.2023 before S.B. P.P given to the parties.

Attached
A-219

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(Kalim Arshad Khan)
Chairman

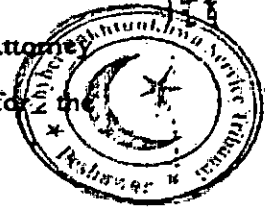
Adnan Shah

Date of Presentation of Application 26/10/23
Number of Words 2 P
Copying Fee 10/-
Urgent 10/-
Total 10/-
Name of Copyist 30/10/23
Date of Completion 30/10/23
Date of Delivery to Court 30/10/23

E.P. No.
Said Akbar vs Grant

12.10.2023

1. Mr. Muhammad Jan learned District Attorney alongwith Said Muhammad, Superintendent for the petitioners present.



2. Notices to the respondents not issued due to non-deposit of TCS expenses. Representative of the petitioner is directed to deposit expenses of TCS within three days. To come up for arguments on 14.11.2023 before D.B. P.P given to the petitioners.

Respondent was put on notice
for return

SCANNED
K.P. ST
Peshawar

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)

KakemUllah

14.11.2023

Mr. Muhammad Jan, District Attorney for the petitioners present. Syed Noman Ali Bukhari, Advocate on behalf of respondents present and requested that time may be granted for submission of Wakalatnama as well as reply on behalf of the respondents. Adjourned. To come up for submission of Wakalatnama as well as reply and arguments on 29.11.2023 before the D.B. Parcha Peshi given to the parties.

Alles had
A-29

(Fareeha Paul)
Member (E)

(Salah-ud-Din)
Member (J)

scem Amin*

Certified to be true copy

EXAMINER
Kyber Pakhtunkhwa
Service Tribunal
Peshawar



DIRECTORATE GENERAL, MINES & MINERALS PESHAWAR

Attached Department near Judicial Complex, Khyber Road, Peshawar Cantt

PHONE NO. 091-9210275-9211140 FAX NO. 9210236

AUTHORITY LETTER

The undersigned is hereby authorized to nominate Mr. Said Muhammad Superintendent (Litigation) Directorate General Mines & Mineral Khyber Pakhtunkhwa to submit application for release of salary of respondents No 03 & 04 in Execution Petition No 608/2022 in Service Appeal no 983/2004 title **Saad Akbar V/S Government of Khyber Pakhtunkhwa.**

**Director General
Mines & Minerals
Khyber Pakhtunkhwa**