

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution Petition No.392 of 2023
in Service Appeal No.1084/2019

Zaheer Ahmad
C&W Department

Appellant

Versus

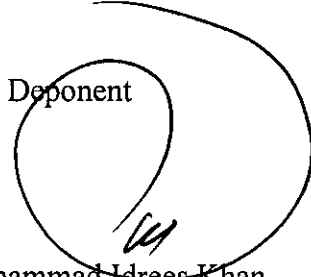
Secretary C&W through
Govt of Khyber Pakhtunkhwa, Peshawar & others

Respondents

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Deponent



Muhammad Idrees Khan,
Secretary to Govt of Khyber Pakhtunkhwa
C&W Department, Peshawar
(Respondent No.1)

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Before the Hon'ble Tribunal
Khyber Pakhtunkhwa

Execution Petition No.392 of 2023
in Service Appeal No.1084/2019

Case No. 10192

Date 2-1-2024

Zaheer Ahmad
C&W Department

Appellant

Versus

Secretary C&W through
Govt of Khyber Pakhtunkhwa, Peshawar & others

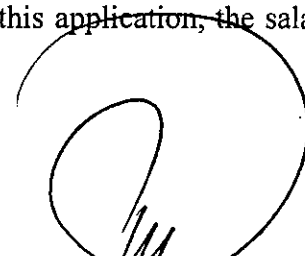
Respondents

APPLICATION FOR RELEASING THE MONTHLY SALARY OF THE
RESPONDENTS NO. 1 TO 4 ATTACHED BY THIS HON'BLE TRIBUNAL

Respectfully Sheweth:-

1. That the above titled Execution Petition has disposed of by this Hon'ble Tribunal on 28/11/2023.
2. That this Hon'ble Tribunal vides order dated 24/10/2023 has attached the salary of the Respondents No. 1 to 4 due to non attendance and non-filing of requisite record (**Attested copy of order sheet dated 24/10/2023 attached as Annex-I**).
3. That on the next date of hearing (i.e. 28/11/2023) representative of this department Mr. Zahid Amin, SDO C&W Division, Abbottabad attended the Hon'ble Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad alongwith requisite record/documents. Accordingly the Execution Petition was disposed off. Consigned (**Attested copy of order/judgment dated 28/11/2023 attached as Annex-II**).
4. That the order / judgment dated 20/09/2022 in Service Appeal No.1084 of 2019 has been implemented by the respondents in letter & spirit. The Implementation report has also been filed before this Hon'ble Tribunal on 28/11/2023.
5. That this Hon'ble Tribunal has got ample powers to release the salary of the respondents.

It is, therefore prayed that on acceptance of this application, the salary of the respondents No. 1 to 4 may graciously be released.


Muhammad Idrees Khan,
Secretary to Govt of Khyber Pakhtunkhwa
C&W Department, Peshawar
(Respondent No.1)

(2)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution Petition No.392 of 2023
in Service Appeal No.1084/2019

Zaheer Ahmad
C&W Department

Appellant

Versus

Secretary C&W through
Govt of Khyber Pakhtunkhwa, Peshawar & others

Respondents

AFFIDAVIT

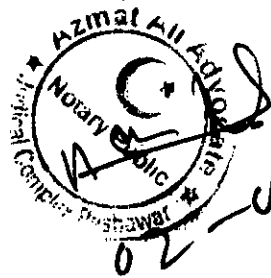
I, Muhammad Idrees Khan, Secretary to Govt of Khyber Pakhtunkhwa C&W Department, Peshawar (Respondent No.1) do hereby affirm and declare that all the contents of the Application for release of monthly salary is correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

It is further stated on oath that in this appeal, the answering respondent neither has been placed ex-parte nor their defence has been struck off.

Deponent

Muhammad Idrees Khan,
Secretary to Govt of Khyber Pakhtunkhwa
C&W Department, Peshawar
(Respondent No.1)

ATTESTED





**GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT**

NO. SO (Lit.)C&W/3-471/2023
Dated Peshawar, the January 02,2023

AUTHORITY LETTER

Mr. Mudasir Khan, Section Officer Litigation (BS-17), C&W Peshawar having CNIC 11101-3599327-1 is hereby authorized to file the Application for release of monthly salary of Respondent No. 1 to 4 in case titled "**Execution Petition No. 392 of 2023 in Service Appeal No. 1084 Of 2019 Zaheer Ahmad Vs Secretary C&W to Government Of Khyber Pakhtunkhwa Peshawar & Others**".

**Muhammad Idrees Khan,
Secretary to Govt of Khyber
Pakhtunkhwa C&W Department,
Peshawar
(Respondent No.1)**

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**BEOFRE KPK SERVICE TRIBUNAL
PESHAWAR**

Execution Petition No. 392 /2023

Zaheer Ahmad S/o Shamraiz, R/o Mohallah Thanda Pani,
Village & P.O Biran Gali, Tehsil and District Abbottabad,
Ex-Cleaner (C&W) Division Abbottabad

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 603 Petitioner

V/S Dated 20/6/2023

1. Secretary (C &W) through Government of KPK Peshawar
2. Deputy Director (C &W) Department Abbottabad
3. Executive Engineer (C &W) Division Abbottabad
4. Sub Divisional Officer, Building-II (C &W) Abbottabad
5. District Accounts Officer Abbottabad

....Respondents

**EXECUTION PETITION FOR EXECUTION/IMPLEMENTATION
OF ORDER CONTAINED IN JUDGMENT DATED 20/09/2022
PASSED BY THIS HONOURABLE TRIBUNAL IN SERVICE
APPEAL NO 1084 OF 2019.**


Respectfully Sheweth:-

The petitioner submits as under:-

1. That the petitioner was removed from service vide order dated 22/02/2019 of respondent No 3. Copy of the said order is annexure-"A".
2. That the petitioner filed appeal No 1084/2019 before this Honourable Tribunal for setting-a-side above order and for his reinstatement in service. Copy of aforesaid appeal is annexure-"B".
3. That this Honourable Tribunal has been pleased to accept the appeal and direct petitioner's reinstatement in service with direction to respondents to conduct denovo inquiry vide judgment dated 20/09/2022 in service appeal No 1084/2019. Copy of the judgment is annexure-"C".

24th Oct. 2023

1. Petitioner in person present. Mr. Asif Masood Ali Shah learned Deputy District Attorney present.
2. Neither any representative of the respondents is before the Tribunal nor record in respect of the outcome of de-novo inquiry has been submitted. Therefore, salaries of the respondents No.1 to 4 stand attached in the manner as prescribed under Section-60(1)(i) of the Code of Civil Procedure, 1908. The Accountant General Khyber Pakhtunkhwa and the District Accounts Officer, Abbottabad shall submit report in writing that the salaries of respondents No.1 to 4 are actually attached. To come up for further proceedings on 28.11.2023 before S.B at Camp Court, Abbottabad. P.P given to the parties.

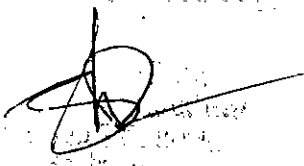

(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

28th Nov, 2023

1. Petitioner is present in person. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Zahid Amin, SDO for the respondents present.
2. Representative of the respondents referred to operative part of the judgment contained in para-7 of the same, which is reproduced as under:

"In view of the above, the instant appeal is partially accepted and the appellant stands reinstated in service for the purpose of denovo inquiry, to be completed within 90 days of the receipt of copy of this judgment, in view of discussion in preceding paras. Needless to mention that the appellant be given proper opportunity of defence. Parties are left to bear their own costs. Consign.

3. According to the concluding paragraph of the judgment, the appeal was partially accepted, the appellant was reinstated into service for the purpose of de-novo enquiry, which was directed to be conducted within 90 days after receipt of copy of the judgment, providing opportunity of defence to the





SCANNED
KPST
Peshawar
Muhammad Shah *

(6) (3)


petitioner/appellant. The enquiry report has accordingly been submitted by the respondents. In the enquiry report following recommendations were made.

"1. The accused i.e. Mr. Zaheer Ahmed, should undergo a medical examination by a medical board to verify his claim of medical illness. This examination will determine whether his illness was severe enough to prevent him from resuming his duties.

2. He may be re-instated in his position effectively from the order of Executive Engineer C&W Highway Division Abbottabad issued via office letter No.1152/305-MH Dated 14.09.2023. Furthermore, the period of his government service spanning from 12.02.2015 to 14.09.2023, should be considered as a period of leave without pay, treating it as a penalty on the accused due to his intentional absence from duty as according with the para 3(d), Para 4(iii) of E&D Rules 2011 read with the Para 12(3) of the revised leave rules of 1981."

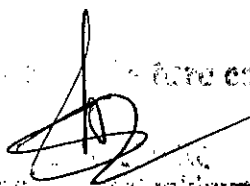
4. By the time this petition was filed on 20.06.2023, the de-novo enquiry had not been concluded. The prayer in this application is to direct respondent No.3 to implement the order of the Tribunal by reinstating the petitioner for the purpose of de-novo enquiry. The enquiry had been conducted by the XEN, C&W Building Division, who submitted report on 22.09.2023. The SDO present in the Tribunal says that further action was not taken because of pendency of this petition and has said that the competent authority would pass appropriate order on the recommendation of the enquiry report. It is thus directed that appropriate order may be passed by the competent authority on the report of the enquiry report within fifteen days. Disposed of accordingly. Consign.

5. *Pronounced in open court in Abbottabad and given under my hand and seal of the Tribunal on this 28th day of November, 2023.*


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Adnan Shah

Copy to file - true copy


Adnan Shah
Secretary
Service Tribunal,
Peshawar

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