

03.01.2024

Son of the petitioner on behalf of petitioner present. Mr. Mohammad Jan, District Attorney for the respondents present. Mr. Iftikhar Ghani, DEO (Male) Buner in person present.

Representative of respondents submitted objections upon execution petition and argued that in accordance with the judgement of this Tribunal dated 14.09.2021 in service appeal No. 5696/2020 respondents had already passed order/notification dated 07.01.2022. He further argued that recovery of amount is w.e.f 01.07.2016 to 30.04.2017 (10 months) during which petitioner had not performed his duties and in accordance with the judgment of this Tribunal he was retired w.e.f 01.07.2016. He further argued that double payment for the same period, which is after retirement of petitioner is not allowed as per law. He produce pension papers in accordance with which pension was issued to the petitioner w.e.f 02.07.2016. He further argued that the amount for which order of recovery passed by the respondent is the amount which is over payment made to the petitioner and Tribunal had not accepted this plea of the petitioner, which is evident from concluding para of this Tribunal. Therefore, he requested for release of salary and withdrawal of show cause notice issued to the respondents. Request in peculiar circumstance of the case seems genuine, therefore, show cause notice is withdrawn and salary attached is hereby released till further orders. Copy of objections upon execution is handed over to the son of the petitioner. File to come up for reply on objection petition on 06.02.2024 before S.B at camp court, Swat. P.P given to the parties.



(Rashida Bano)

Member (J)

Camp Court, Swat