

BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 690/2022 in Service Appeal No. 1006/2019

Mr. Syed Qamar Abbas.....Appellant

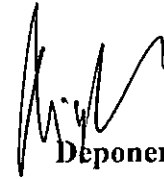
VERSUS

Chief Secretary, Khyber Pakhtunkhwa & OthersRespondents

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Dated: 26.12.2023



Deponent

CNIC No: 17301-6272682-3

Contact No: 0315-5737137

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

EXECUTION PETITION NO. 690/2022
IN SERVICE APPEAL NO. 1006/2019

Syed Qamar Abbas.....(Petitioner)

Versus

Government of Khyber Pakhtunkhwa & Others.....(Respondents)

Subject: IMPLEMENTATION REPORT ON BEHALF OF RESPONDENTS NO. 03
AND 04

Respectfully Sheweth:-

10445
09-1-2024

1. That this Hon'ble Tribunal vide its Order dated 17-08-2023 directed the flowing:

"Implementation report not submitted. Representative of the respondents seeks time for submission of implementation Report. Last Opportunity is granted. To come up for implementation report on 28-09-2023 before SBPP given to parties."

2. That in pursuance of the directions of the Hon'ble Tribunal, arrears have already been sanctioned to the appellant vide Finance Department letter dated 08-02-2023 as pay protection to the appellant has been granted (conditionally) w.e.f. 30-01-2003 from the date of his first appointment and not with immediate effect in compliance to Service Tribunal Order despite the fact that vide minutes of the meeting dated 21.01.2020 held in Finance Department, fixed Pay employees are not entitled to pay protection whereas the appellant was initially appointed on fixed pay basis, hence, he was granted pay protection along with arrears from the date of his initial appointment i.e. 30.01.2003 (**Annex-I**).

3. Moreover, the ibid letter dated 18-03-2021 also provides that no arrear is admissible as it is applicable with immediate effect. However, the appellant has been sanctioned arrears on the Order of this Hon'ble Tribunal.

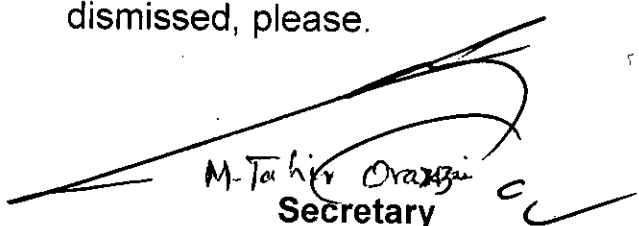
4. As regards the matter of counting of previous service of the contractual employees who got regularized subsequently as regular service is concerned, there exists no provision either in Finance Department's letter dated 18.03.2022 or other rules.


5. That in the instant Execution Petition No. 690/2022 in Service Appeal No. 1006/2019, a Civil Petition leave to Appeal No. 541-P/2022 against the judgment has already been filed, which is pending disposal before the Apex Supreme Court of Pakistan. Therefore, the instant Execution Petition is not sustainable.

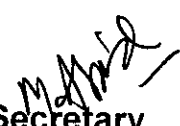
6. That a subsequent application for early hearing and suspension of judgment has also been filed, which is pending disposal before the Apex Supreme Court of Pakistan (Annex-II)


Prayer:-

Hence, the orders of Hon"able Tribunal in the instant Execution Petition in Service Appeal have already been complied with by the respondents, it is, therefore, humbly prayed that the Petition in hand may graciously be dismissed, please.


M. Tahir Orangi
Secretary
Irrigation Department,
Khyber Pakhtunkhwa
(Respondent No. 02)


for Shahidullah
Secretary
Establishment Department,
Khyber Pakhtunkhwa
(Respondent No.04)


Secretary
Finance Department
(Respondent No. 03)
Amir Sultan Tareen


for Nadeem Aslam Choudry
Chief Secretary,
Khyber Pakhtunkhwa
(Respondent No. 01)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 690/2022 in Service Appeal: 1006/2019

Mr. Syed Qamar Abbas.....Appellant

VERSUS

Chief Secretary Khyber Pakhtunkhwa & OthersRespondents

AFFIDAVIT

I, Kaleem Ullah Baloch, Special Secretary Establishment Department do hereby solemnly affirm and declare on oath that contents of the accompanying implementation report is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is further stated on oath that in this petition the answering respondents have neither been place ex-party nor their defense has been struck off.



DEPONENT

**Kaleem Ullah Baloch
Special Secretary Establishment
Contact: 0346-8853313.**




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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Judicial Wing)**

AUTHORITY LETTER

Mr. Riaz Khan, Superintendent (Litigation-III Section) Establishment Department is hereby authorized to submit Affidavit to The Khyber Pakhtunkhwa Service Tribunal, Peshawar in Execution Petition No. 690/2022 in Service Appeal No. 1006/2019 titled as "**SYED QAMAR ABBAS VS GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS**" on behalf of The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa and others being respondents.


**Kaleem Ullah Baloch
Special Secretary
Establishment**



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Annex-1

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GoKPFD](https://www.facebook.com/GoKPFD) [twitter.com/GoKPFD](https://www.twitter.com/GoKPFD)

NO. FD(SOSR-1)12-4/2023/Syed Qamar Abbas

Dated Peshawar the: 08-02-2023

To

The Secretary to Govt: of Khyber Pakhtunkhwa,
Planning & Development Department,
Peshawar

Subject: - PAY PROTECTION IN RESPECT OF SYED QAMAR ABBAS
CHIEF COORDINATION, PLANNING & DEVELOPMENT
DEPARTMENT.

Dear Sir,

I am directed to refer to the subject noted above and to convey that in pursuance of Khyber Pakhtunkhwa Service Tribunal's judgment in Service Appeal No.1006/2019 announced on 19.01.2022 and Execution Petition No. 690/22 dated 28.11.2022, Finance Department agrees to accord sanction of pay protection (conditionally) to the applicant of his previous service rendered in project from his 1st appointment i.e. 31.01.2003 and in case decision in CPLA comes against the applicant then the benefits received on account of pay protection will be recovered.

Your's faithfully,

SECTION OFFICER (SR-1)

Copy forwarded for information and necessary action to:-

1. Accountant General, Khyber Pakhtunkhwa w/r to the letter No.H-24/ Promotion Fixation/119 dated 26.10.2022.
2. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
3. Section Officer (Lit-II), Finance Department.
4. Mr. Syed Qamar Abbas, Chief Coordination, Planning & Development Department w/r to his letter No.RF/2017 dated 17.01.2023.
5. Master file.

SECTION OFFICER (SR-1)

Section Officer (Lit-II)
Plan & Adm Dept
Govt. of Khyber Pakhtunkhwa



IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Amended 7

Case No. CPLA No. 541-P/2022

Title: Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar and others Versus Mr. Syed Qamar Abbas

SUBJECT: APPLICATION FOR EARLY HEARING & TRANSFER

CATEGORY OF CASE: To grant allow/Pay fixation w.e.f 31/01/2003

BRIEF OF CASE (FROM TRIAL COURT TO IMPUGNED ORDER):-

Nature of Proceeding before lower Court:- (Execution Petition) before Khyber Pakhtunkhwa, Service Tribunal, Peshawar asking for implementation of the judgment and order dated 19-01-2022 which is impugned before this august Court in CPLA No. 541-P/2022.

Relief claimed in main case. That the impugned Judgment & Order dated 19-01-2022 passed in Service Appeal No. 1006/2019 be suspended.

GROUND/ REASON OF URGENCY:

1. Respondent filed Execution Petition before the Khyber Pakhtunkhwa, Service Tribunal, Peshawar for implementation of impugned order dated 19-01-2022. Grounds of E.P. No. 690/2022 is attached
2. Hon'ble Khyber Pakhtunkhwa, Service Tribunal, Peshawar vide order dated 01-06-2023 directed the petitioners to submit proper implementation report in respect of Judgment & Order dated 19-01-2022 in Service Appeal No. 1006/2019 on the date fixed i.e 13-07-2023. (Order dated 01-06-2023 is attached herewith).
3. That if the impugned Judgment & Order is compiled it will cause irreparable loss to the petitioners and also indulge the petitioners in multiplicity of litigations.

PROOF OF URGENCY: Attached Not attached

APPLICANT IS: Decree Holder Judgment Debtor other

PRAYER:

It is respectfully prayed that the Petition may kindly transferred to the Principal seat at Islamabad and be fixed in the 1st Week of July, 2023.

UNDERTAKING:

Certified that this is 2nd application by the AOR/Applicant for early fixation of instant case.

Atty Gen
M
Section Officer of the
Supreme Court of Pakistan
Islamabad

SUPREME COURTS OF
PAKISTAN

Moin-ud-Din Humayun
(Moin-ud-Din Humayun)
Advocate-on-Record
Supreme Court of Pakistan
Government/Petitioners



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)/E&AD/Misc/2020
Dated Peshawar, the December 24, 2020

To

1. The Director STI, E&A Department.
2. All Additional Secretaries in E&AD.
3. All Deputy Secretaries in E&AD.
4. All Section Officers in E&AD.
5. The Estate Officer/Programme Officer (Computer Cell) in E&AD.

Subject: SIGNING OF PARAWISE COMMENTS ETC IN SERVICE APPEALS.

Dear Sir,

I am directed to refer to this Department letter No.SOR-VI/E&AD/1-23/2005 dated 12-01-2008 (copy enclosed) on the subject, the Competent Authority has been pleased to authorize the Special Secretary (Establishment) Establishment Department to sign the para-wise comments in cases of service appeals filed by the Civil Servants before the Khyber Pakhtunkhwa Service Tribunal on behalf of Chief Secretary, Khyber Pakhtunkhwa and Secretary, Establishment Khyber Pakhtunkhwa.

Yours faithfully,

SECTION OFFICER (POLICY)

ENDST: NO. & DATE EVEN

Copy forwarded to:

1. Secretary to Govt. of Khyber Pakhtunkhwa, Law Department
2. Registrar Peshawar High Court Peshawar.
3. Advocate General Khyber Pakhtunkhwa, Peshawar.
4. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa
6. PS to Secretary Establishment, Khyber Pakhtunkhwa
7. PS to Special Secretary (Establishment) Establishment Department
8. PS to Special Secretary (Reg). Establishment Department.

SECTION OFFICER (POLICY)

Attached
Section Officer (i in-III)
Estab & Adm Dept
Govt. Of Khyber Pakhtunkhwa.