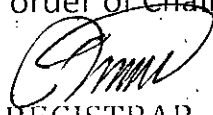


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 107/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	26.01.2024	<p>The implementation petition of Mr. Niaz Ali submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha Peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No. 107 /2024
In
Appeal No. 1215/2022

MR. NIAZ ALI

VS

THE GVOT: OF KP

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Implementation Petition with Affidavit	1-2
2.	Judgment dated 14/11/2023	"A"	3-4
3.	Copies of application	"B"	5
4.	Vakalatnama	6

THROUGH:

PETITIONER
MR. NIAZ ALI


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No. 107 /2024
In
Appeal No. 1215/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10808

Dated 26/11/24

Mr. Niaz Ali, Ex-Binder (BPS-6) Department of Printing & Stationary
Government of Khyber Pakhtunkhwa, Peshawar.

.....PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Establishment, Government of Khyber Pakhtunkhwa, Peshawar.
3. Secretary Finance Department, Government of Khyber Pakhtunkhwa, Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, at Mall Road, Peshawar.
5. The Manager, Government Printing Press at Bacha Khan Chowk, Peshawar.
6. Controller Printing & Stationary Department now Director General Industries Department, Government of Khyber Pakhtunkhwa, Peshawar.
7. Account Officer Pension, Accountant General Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

EXECUTION PETITION UNDER SECTION 7(2)(d) OF THE KP SERVICE TRIBUNAL ACT 1974, RULE 27 OF THE KP SERVICE TRIBUNAL RULES 1974 READ WITH SECTIONS 36 AND 51 OF THE CIVIL PROCEDURE CODE AND ALL ENABLING LAWS ON THE SUBJECT FOR THE IMPLEMENTATION OF THE JUDGMENT DATED 14/11/2023 IN LETTER AND SPIRIT.

R/SHEWETH:

- 1- That the petitioner filed service appeal bearing No. 1215/2022 before this august Service Tribunal, against the order dated 14/11/2023, whereby the petitioner has been compulsory retired from service.
- 2- That the appeal of the petitioner was finally heard on dated 14/11/2023 and as such the ibid appeal was disposed of with the following terms by this august Service Tribunal:-

At the outset of the arguments learned counsel for the appellant presented to similarly placed cases whereby Finance Department waived of the amount drawn in

excess in respect of one Mr. Sabihulalh, Driver of Health Department for the period beyond the age of superannuation vide No FD/SOSR-II/6-1/2017 dated 07/01/2019. Similarly, in another case vide FD (SOSR-II/6-1/2007 dated 25/10/2008, Finance Department waived of the amount drawn for the period of over stay beyond the age of sixty years in respect of one Gul Ahmad. The instant appeal being identical to the aforementioned two cases, we, therefore, direct the respondents to treat the appellant on equal footing by waiving of the amount drawn beyond the age of superannuation for which the appellant actually rendered duty in his parent office. The appeal in hand is disposed of on the above terms. Consign". Copy of the judgment dated 14/11/2023 is attached as annexure.....**A**

- 3- That after obtaining copy of the judgment dated 14/11/2023 the same was submitted with the respondents for implementation of his grievance coupled with an application, but the respondents/ department failed to do so, which is the violation of the judgment supra. Copy of application is attached as annexure.....**B**
- 4- That now the petitioner having no other remedy but to file this implementation petition.

It is therefore, most humbly prayed that on acceptance of the instant execution petition the respondents may kindly be directed to implement the Judgment dated 14/11/2023 passed in Appeal No. 1215/2022 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.



**PETITIONER
MR. NIAZ ALI**

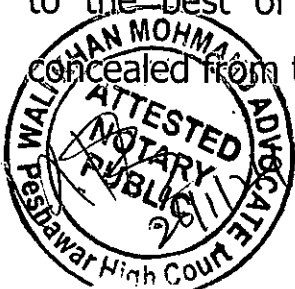
THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

AFFIDAVIT

I Mr. Niaz Ali, Ex-Binder (BPS-6) Department of Printing & Stationary Government of Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm that the contents of this Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



DEPONENT

"A"-3-



IN THE HON'BLE PESHAWAR HIGH COURT
PESHAWAR

Registry
Diary No. 941
Dated 10/08/2022

In W.P No- _____/2021

Niaz Ali Khan, Ex-Binder (BPS-6), Department of Printing and Stationary Government of Khyber Pakhtunkhwa, Peshawar.

.....Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Secretary Establishment, Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
3. Secretary Finance, Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
4. Accountant General, Khyber Pakhtunkhwa at Mall Road, Peshawar.
5. The Manager, Government Printing Press at Bacha Khan Chowk, Peshawar.
6. Controller Printer & Stationary Department, Government of Khyber Pakhtunkhwa Peshawar.
7. Account Officer Pension, Accountant General Khyber Pakhtunkhwa at Peshawar Cantt Peshawar.

.....Respondents

Filed to-day
Registrar

PETITION UNDER ARTICLE 199 OF
CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN 1973.

Respectfully Sheweth,

1. That the Petitioner is a naturally born bona-fide citizen of the Islamic Republic of Pakistan & hails from a respectable family.

~~certified to be true copy~~
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



Service Appeal No. 1215/2022 titled "Niaz Ali Versus Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar and others"

ORDER
14.11.2023

MUHAMMAD AKBAR KHAN, MEMBER (E):- Learned counsel for the appellant present. Mr. Asif Masood, Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. At the outset of arguments learned counsel for the appellant presented two similarly placed cases whereby Finance Department waived of the amount drawn in excess in respect of one Mr. Sabihullah, Driver of Health Department for the period beyond the age of superannuation vide No. FD/SOSR-II/6-1/2017 dated 07.01.2019. Similarly in another case vide No. FD (SOSR-II)6-1/2007 dated 25.10.2008 Finance Department waived of the amount drawn for the period of over stay beyond the age of sixty years in respect of one Gul Ahmed. The instant appeal being identical to the aforementioned two cases, we, therefore, direct the respondents to treat the appellant on equal footings by waiving of the amount drawn beyond the age of superannuation for which the appellant actually rendered duty in his parent office. The appeal in hand is disposed off on the above terms. Consign.

03. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 14th day of November, 2023.

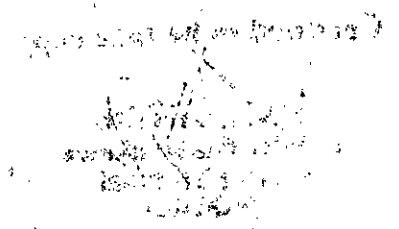
Certified to be true copy

EX. JINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Rashida Bano)
Member (J)

(Muhammad Akbar Khan)
Member (E)

Date of Presentation of Application 26-1-24
Number of Words 27
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copyist -
Date of Completion of Copy 26-1-24
Date of Delivery of Copy 26-1-24



To

-5-

The Director General,
Directorate General Industries & Commerce,
Khyber Pakhtunkhwa Peshawar.

Subject: REQUEST FOR IMPLEMENTATION OF JUDGEMENT OF HONERABEL SERVICE
TRIBUNAL IN SERVICE APPEAL NO.1215/2022, NIAZ ALI VS GOVT

With due respect, it is stated that I submitted an appeal in Honorable Service Tribunal against the deduction of payment from my Pension. The judgment against the appeal the was issued on 14.11.2023, a copy of judgment is enclosed for ready reference.

In view of above, it is very humbly requested that the judgment of the Honorable Service Tribunal may kindly be implemented in letter and spirit please.

Niaz Ali Khan

Niaz Ali Khan
Ex.Binder (BPS-06)

4/12/23

~~ATTACHED~~

Manager Govt Staff
785
4/12/23

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

EP No 12024

Niaz Ali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Gout

(RESPONDENT)
(DEFENDANT)

I/We Niaz Ali

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/202

CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

WALEED ADNAN

UMAR FAROOQ MOHMAND

&

**MAHMOOD JAN
ADVOCATES**

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)