


06.11.2017

Appellant in person, and Mian Amir Qadar, District Attorney alongwith Shahid Ali, and Suleman Daud, SDOs for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. To come up for further proceedings on 04.12.2017 before S.B at camp court, Swat.


Chairman
Camp court, Swat

04.12.2017

Petitioner alongwith counsel and Addl. AG alongwith Shahid Ali, SDO for the respondents present.

The learned counsel for the petitioner argued that the respondents have not released the pay to the petitioner as per judgment of this Tribunal dated 02.02.2016.

The learned Addl. AG argued that the petitioner has already received pay upto 02.02. 2016. This fact has been admitted by the petitioner before this Tribunal today. The learned AAG informed the court that the petitioner has been dismissed from service on 18.08.2016 w.e.f. 3.2.2016. The learned counsel for the petitioner states that copy of order dated 18.08.2016 has not been received by the petitioner.

In view of payment made to the petitioner upto 02.02.2016, the present execution petition has become infructuous and is disposed of, however, the petitioner is at liberty to seek his legal remedy against the order dated 18.08.2016, if so advised. File be consigned to the record room.


Chairman
Camp Court, Swat

ANNOUNCED

04.12.2017

04.05.2017

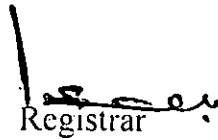
Petitioner alongwith his counsel present. Mian Amir Qadar, Deputy Attorney for the respondent also present. Implementation report not submitted. Salary of respondent is attached. Notice be issued to the respondent that in case the respondent failed to submit implementation report on the next date further coercive measures will be taken against him. To come up for further proceedings on 08.06.2017 before S.B at Camp Court Swat.



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat

08.06.2017

Since the tour programme for the month of June, 2017 to camp court Swat has been cancelled by the Worthy Chairman, therefore, to come up for the same on 07.09.2017 at camp court, Swat. Notices be issued to the parties for the date fixed accordingly.

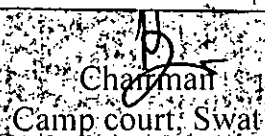

Registrar

07.09.2017

Petitioner in person and Mr. Muhammad Zubair, District Attorney for the respondents present. Petitioner requested for adjournment due to general strike of the bar. To come up further proceedings on 06.11.2017 before S.B at camp court, Swat.



Member
Camp court, Swat.


Chairman
Camp court, Swat

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 95/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19-05.2016	<p>The Execution Petition of Mr. Muhammad Daud submitted today by Mr. Muhammad Nabi Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 19/05/16</p>
2-	23-5-2016	<p>This Execution Petition be put up before Touring S. Bench at Swat on <u>28-6-2016</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
08.06.2016		<p>Petitioner in person present. Notices to the respondents be issued. To come up for implementation report on 03.08.2016 before S.B at camp court, Swat.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman Camp court, Swat.</p>

[Handwritten mark]

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR
CAMP COURT AT SWAT

E.P. no. 95/2016

COC No _____ of 2016

In

Appeal No. 899/2012

Muhammad DaudAppellant / petitioner.

VERSUS

Ghulam Ishaq

Executive Engineer Irrigation Division Dir Lower.

.....Respondent

INDEX

S. #	Description	Annexure	Pages No
1.	COC	-	1-4
2.	Affidavit	-	5
3.	Addresses of parties	-	6
4.	Copy of order dated 02-02-2016	"A"	7-8
5.	Copy of application	"B"	9
6.	Wakalatnama		10

Petitioner / applicant
Through Counsel



MUHAMMAD NABI
Advocate, High Court

Office: District Courts Dir Lower

Cell No: 0312-9992347

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

CAMP COURT AT SWAT.

Execution Petition no. 95/2016

COC No _____ of 2016.

In

Appeal No. 899/2012.

Muhammad Daud son of Mian Bakht Jan

r/o Village Katan Payeen, PO Darora,

District Dir.....Appellant/ Petitioner.

Versus

Ghulam Ishaq,

Executive Engineer, Irrigation Division Dir Lower.....

..... Respondent.

EXECUTION PETITION FOR
DIRECTING THE RESPONDENTS TO
IMPLEMENT THE JUDGEMENT DATED
2/2/16 OF THIS HONOURBLE TRIBUNAL
IN LETTER AND SPIRIT.

A.W.F. Provincial
Service Tribunal
Diary No. 390
Dated 19-5-16

Respectfully Sheweth:-

1. That the petitioner filed a Service appeal under section 4 of the NWFP Civil Service Act, 1974 against non-payment of salary to the appellant / petitioner.
2. That this Honorable Court was kind enough passed an order in a limine, thereby directing the respondent decided the appeal of the appellant / petitioner Non-payment of salary in the light of the Direction of this Honorable Court rendered in Service Appeal 899 of 2012 that *the respondents are directed to release pay and other service benefits of the appellant in the prescribed manners within a period of 30 days.* (Copy of order dated 02-02-2016 attached as annexure "A")
3. That in spite of the fact that more than two months have been passed after passing the judgment / order / direction of this honorable Court, but till today no step whatsoever has been taken by the respondents to give practical shape to the order / direction of this Honorable Court.

2. That petitioner / appellant moved application / appeal to the Respondent, but the respondent till date his no response. (Copy of application is attached as annexure "B")

3. That the petitioner time in again approached the Respondent for implementation of the said order, but the Respondent give no effort to resolved the matter, which is still pending before Respondent.

4. That the Respondent intentionally ignore the order of this Honorable Court.

5. That the Respondent utterly disregard the order of this Honorable Court, this attitude of the Respondent is highly condemnable and liable to be punished according to law, because the respondent making mockery of law this time he again did not dare to comply order of this Honorable Court causing contempt of this Honorable court.

It is therefore, most humbly prayed, that on acceptance of this petition / application:

(A) The Respondent may kindly be punished properly with whom the order of this Honorable Court is pending for the consideration.

(B) To implement the order of this Honorable Court in its true spirits without any further delay.

29/12/20

Petitioner / appellant

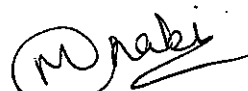
through Counsel



MUHAMMAD NABI
Advocate High Court

CERTIFICATE:

(As per directions of our client) No such like COC earlier has been filed by the applicant on the subject matter before this Honorable Court.



ADVOCATE

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR
CAMP COURT AT SWAT

COC No _____ of 2016

In

Appeal No. 899/2012

Muhammad Daud son of Mian Bakht Jan

.....Appellant / petitioner

VERSUS

Ghulam Ishaq

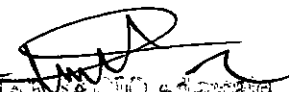
Executive Engineer Irrigation Division Dir Lower.

.....Respondent

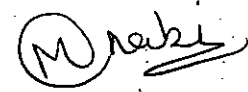
AFFIDAVIT

I, Muhammad Nabi Advocate, (As per direction of my clients), do hereby affirm and declare, that the contents of the accompany COC (application) are true and correct to the best of knowledge and belief and nothing has been concealed from this Honorable Court.

ATTESTED


UMAN WALI Advocate,
OATH COMPLETIONER
Distt: Court Swat
No. 97 Date 21/5/2016

DEPONENT


MUHAMMAD NABI
Advocate High Court

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR
CAMP COURT AT SWAT

COC No _____ of 2016

In

Appeal No. 899/2012

Muhammad Daud son of Mian Bakht Jan

.....Appellant / petitioner

VERSUS

Ghulam Ishaq

Executive Engineer Irrigation Division Dir Lower.

.....Respondent

MEMO OF ADDRESSES

PETITIONER -

Muhammad Daud son of Mian Bakht Jan R/o Village Katan

Payeen, P.O Darora, District Dir.

CNIC No: 15701-1241573-1 Cell No;0311-9457397

RESPONDENT

Ghulam Ishaq

Executive Engineer Irrigation Division Dir Lower.

Petitioner / Applicant
Through Counsel

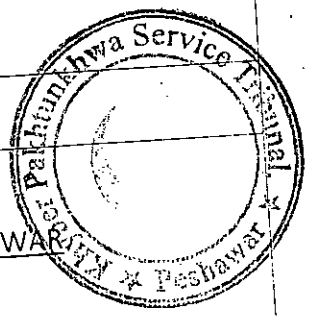


MUHAMMAD NABI
Advocate High Court

Amir A

7

Sl. No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	02.02.2016	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</p> <p style="text-align: center;"><u>APPEAL NO.899/2012</u></p> <p style="text-align: center;"><u>(Muhammad Daud -vs-Executive Engineer Irrigation Division Dir Lower and others.)</u></p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Appellant with counsel and Mr.Muhammad Zubair, Senior Govt. Pleader for respondents present. Respondents No. 1,2 and 4 have failed to submit written statement despite repeated opportunities including last opportunities and as such vide order dated 31.03.2015 no further chance was allowed to them for submission of written statement.</p> <p>2. Arguments of the learned counsel for the appellant and learned Sr. GP heard and record including para-wise comments submitted by respondent No.3 perused.</p> <p>3. Brief facts of the case of the appellant are that the appellant was appointed as Beldar (BPS-1) vide order dated 09.07.2011 on the basis of judgment of the august Peshawar High Court, Peshawar dated 02.11.2010 where after the appellant joined duty but was not paid the salary constraining him to prefer departmental appeal followed by the instant service appeal.</p> <p>4. Learned counsel for the appellant argued that the salary of the appellant is withheld despite the fact that the appellant is performing his duty till date. Learned Sr. GP argued that the services of the appellant have been terminated.</p>



ATTESTED

[Signature]
EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

According to the stance taken by respondent No.3 in his para-wise comments no bill whatsoever pertaining to the salary of the appellant was ever submitted to his office.

5. According to material placed on record the appellant was appointed as Beldar (BPS-01) on the strength of the judgment of the august Peshawar High Court, Peshawar dated 02.11.2010 and a proper office order to this effect was issued bearing No. 1901-5/2-E dated 07.09.2011. The contesting respondents No.1,2 and 4 have opted not to avail the opportunity of submitting written statements despite repeated opportunities including last opportunities and we are, therefore, left with no option but to decide the appeal in hand on the basis of material available on the record which includes the appointment letter of the appellant and copy of his service book containing entries including his appointment as Beldar vide appointment order referred to above.

6. In the light of the above, the appeal in hand is accepted. The respondents are directed to release pay and other service benefits of the appellant in the prescribed manners within a period of 30 days from the date of receipt of copy of this judgment. Parties are, however, left to bear their own costs. File be consigned to the record room.

Certified to be true copy
JUDGE
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Sd
Abdullahatif
member

Sd
Muhammad Azim Khan
Chairman

ANNOUNCED
02.02.2016

Date of Presentation of Application	15-2-2016
Number of Words	800
Copying Fee	6-00
Upstart	2-00
Total	8-00
Name of Copyholder	Sd
Date of Completion	15-2-2016
Date of Delivery of	15-2-2016

محمد من جناب ایگزیکٹو انجینئر ایئر لائنز ڈویژن ریل لوئر

جناب عالی!

سائل حسب ذیل گزارش ہے۔

1) یہ کہ سائل محمد داؤد ایئر لائنز محکمہ (BPS-2) پر

تعینات ہے۔

2) یہ کہ سائل $9 \frac{7}{2011}$ کو پشاور ہائی کورٹ پشاور

میں ریٹ پیشن دائر کیا تھا جو کہ سائل کے حق میں

فیصلہ ہوا تھا۔

3) یہ کہ اس کے بعد سائل نے سروس ٹیریونل منگوا

بیچ میں اپنے تنخواہ کیلبر اپریل 2012/899 دائر کیا

تھا جو محرمہ $2 \frac{2}{2016}$ کو سروس ٹیریونل نے

منتظر کر کے ایگزیکٹو انجینئر کو بھی کافی کافی

بھسی ہے۔

لہذا استدعا ہے کہ سائل محمد داؤد کے


منتخواہ تمام طابقا با حاتم ادا کرے۔

Date: 13/3/2016 محمد داؤد

ایگزیکٹو انجینئر

 <p>ایڈوکیٹ اور دستخط بار کونسل نمبر: BC-12402-0 بار ایسوسی ایشن نمبر: رابطہ نمبر: 0312-9992347</p>	  <p>6649</p> <h2>ڈسٹرکٹ بار ایسوسی ایشن سوات</h2>
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بعدالت جناب: سرسول ٹریبونل خیبر پختونخواہ اپینٹا اور کیپ کورٹ سوات

<p>منجانب: سائل محمد داؤد</p>  <p>غلام اسحاق</p>	<p>دعویٰ اور خواست: COC</p> <p>علت نمبر:</p> <p>مورخہ:</p> <p>جرم:</p> <p>تھانہ:</p>
<h3>بامستحیر آگہ</h3>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی کاروائی متعلقہ

آن مقام سوات کیلئے فیصلہ دینے والے جج کی طرف سے کوویل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلہ بر حلف دینے دعویٰ، جواب دعویٰ، اقبال دعویٰ، واپسی مقدمہ اور درخواست از جہتہم کی تصدیق زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف ذی اہلیت کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ بردار نہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سب سے ہوگا وہ وکیل موصوف وصول کرنے کا مختار ہوگا کوئی تاریخ پیش مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، مقدمہ کسی بھی عدالت میں بوجہ عدم پیروی داخل دفتر ہونے کی صورت میں وکیل موصوف ذمہ دار نہیں ہوگا، لہذا نکالت نامہ لکھ دیا تاکہ سدر ہے۔

المقوم: 27/5/2016

الع بد گواہ شد الع بد

مقام سوات کے لئے منظور ہے۔

Attested and Accepted by Muhammad Nabi Advocate High Court.

M Nabi

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1736 /ST

Dated 20 / 10 / 2016

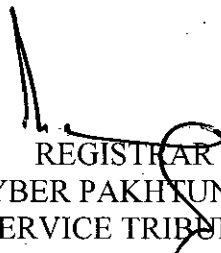
To

The District Accounts officer,
Dir Lower.

Subject: - ORDER.

I am directed to forward herewith a certified copy of order dated 6.10.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1245 /ST

Dated 8 / 5 / 2017

To


The Accountant General,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

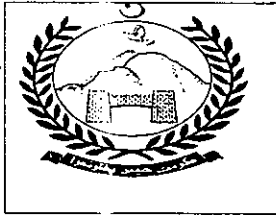
ATTACHMENT OF SALARY IN EXECUTION PETITION NO. 95/2016, AKHTAR ALI

I am directed to forward herewith a certified copy of order dated 4.5.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

1336
date: 16-2-17



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

NO.BO-II/FD/2-18/lrr/SNE/2016-17
Date Peshawar.the 13.02.2017

To

The Secretary to Government of Khyber Pakhtunkhwa,
Irrigation Department

S.O (Estt):
Irrg. Deptt: KPK
Dy: No. 158
Dated: 17/02/2017

SUBJECT: CREATION OF SUPERNUMERARY POST IN RESPECT OF COURT CASE
MR. MUHAMMAD DAWOOD VS GOVT.

Dear Sir,

I am directed to refer to your letter SO(E)/lrr:/9-3/2012/Misc/Vol-III dated 30.11.2016 on the subject noted above and to state that in pursuance of Khyber Pakhtunkhwa Service Tribunal orders in appeal No. 899/2012 02.02.2016, Finance Department agrees to the creation of one supernumerary post of Beldar (BPS-01) for the period from 08.09.2011 to 02.02.2016 in the office of Executive Engineer Dir Irrigation Division Dir Lower.

2. The Administrative Department may prepare audit copy incorporating therein accurate and verified financial implication involved, and submit the same to Finance Department for authentication subject to observance of all codal formalities, rules regulation and laid down procedure please.

Yours Faithfully

(Signature)
(FAZLE SUHBA)
BUDGET OFFICER-II

(Signature)
16/2
Secretary Irrigation
A/S

16/2
SO(E)
Relates to
SO(A) 1/20
17/2



GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT
(ACCOUNTS SECTION)

No.12-AO/IRR/Creation/2016-2017
Dated Peshawar, the 08-03-2017

To

The Chief Engineer (North),
Irrigation Department.

Subject: **CREATION OF SUPERNUMERARY POST IN RESPECT OF COURT CASE MR. MUHAMMAD DAWOOD VS GOVERNMENT**

I directed to refer to the subject noted above and to enclose herewith a copy of Finance Department letter No. BO-II/FD/2-18/SNE/2016-17 dated 08.03.2017, alongwith Audit copy duly authenticated for further proceeding into the matter, please.

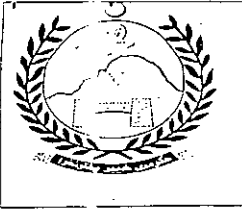
Encl: As Above:


ACCOUNTS OFFICER

Copy forwarded for information to: -

1. The Superintending Engineer, Swat Irrigation Circle, Swat.
2. The Executive Engineer, Dir Irrigation Division, Dir (Lower).
3. The District Accounts Officer, Dir (Lower).


ACCOUNTS OFFICER



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

No. BO-II/FD/2-18/SNE/2016-17
Date Peshawar the, 08.03.2017

To


The Secretary to Government of Khyber Pakhtunkhwa,
Irrigation Department

SUBJECT: CREATION OF SUPERNUMERARY POST IN RESPECT OF COURT CASE
MR. MUHAMMAD DAWOOD VS GOVT.

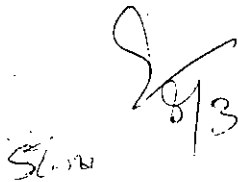
Dear Sir,

I am directed to refer your letter No. 12-AO/Irr/Creation/2016-17 dated
08.03.2017 on the subject noted above and to return herewith audit copy duly authenticated
please.

Yours faithfully,


(FAZLE SUBHAN)
BUDGET OFFICER-II

Encl: As Above.





GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

Dated Peshawar, the 08.03.2017

ORDER

No. 12-AO/IRR/Creation/2014-15: In pursuance of Finance Department letter No BO-III/FD/2-18/Irr/SNE/2016-17 dated 13.02.2017, sanction of the Government of Khyber Pakhtunkhwa Irrigation Department is hereby accorded to the creation of one supernumerary post of Baidar (BPS-01) in Dir Irrigation Division, Dir (Lower) with effect from 08.09.2011 to 02.02.2016 and to the incurrence of expenditure of Rs. 700334/- as detailed below: -

S.#	Object	1-9-2011 to 30-6-2012	1-7-2012 to 30-6-2013	1-7-2013 to 30-6-2014	1-7-2014 to 30-6-2015	1-7-2015 to 02-02-2016	Total
1	A0125 Basic Pay	48000	57600	59400	62880	55920	283800
2	A0122 HRA	8910	10692	10692	10692	7128	48114
3	A0123 CA	8500	10200	20400	21420	14280	74800
4	A0123 UAA/CA	9600	11520	11880	12000	8000	53000
5	A0123 MA	10000	12000	12000	14400	12000	60400
6	A0123 AA (2010)	14850	17820	17820	17820	11880	80190
7	A0123 A ARA (2011)	4450	5340	5340	5460	0	20590
8	A0123 M ARA (2012)	0	11520	11880	11880	0	35280
9	A0123 T ARA (2013)	0	0	8904	12576	6480	27960
10	A0123 Z ARA (2014)	0	0	0	6288	0	6288
11	A0123 C ARA (2015)	0	0	0	0	4320	4320
12	A0123 M ARA (2016)	0	0	0	0	5592	5592
Total Amount =		104310	136692	158316	175416	125600	700334

2. The expenditure involved shall be debitable to the function classification 04-Economic Affairs-042-Agriculture, Food, Irrigation, Forestry & Fisheries, 0422-Irrigation 042201-Admin. DA4181-Executive Engineer, Dir Irrigation Division Dir (Lower) will be arranged with sanction budget during the current financial year 2016-17.

Secretary
Govt. of Khyber Pakhtunkhwa
Irrigation Department

No. BO-III/FD/2-18/Irr/SNE/2016-17 dated 08 / 03 / 2017

Copy forwarded to

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The District Accounts Officer, Dir (Lower).

Budget Officer-II
Finance Department

Copy for information is forwarded to: -

1. The Chief Engineer (:) Irrigation Deptt: Khyber Pakhtunkhwa Peshawar.
2. The Director FMIU, Finance Department, Peshawar.
3. The Budget Officer-II, Finance Department Peshawar.
4. The Superintending Engineer, Swat Irrigation Circle, Swat.
5. The Executive Engineer, Dir Irrigation Division, Dir (Lower).

Accounts Officer
Irrigation Department