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REGISTERED
No. C.P.L.A. 912-922/2024 - SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 08-06-2024

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From The Registrar,
Supreme Court of Pakistan,
Islamabad.

To The Registrar,
K.P.K. Service Tribunal,
Peshawar.

Subject: **CIVIL PETITION 912-922/2024**

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 13529

Dated 14-06-2024

Hasan Dad

(in C.P.L.A.912/2024)

Habib Ullah Nasrullah

(in C.P.L.A.913/2024)

Raees Khan

(in C.P.L.A.914/2024)

Muhammad Tahir Shah

(in C.P.L.A.915/2024)

Muhammad Alamgir Khan

(in C.P.L.A.916/2024)

Muhammad Imran

(in C.P.L.A.917/2024)

Muhammad Ismail

(in C.P.L.A.918/2024)

Khuram Shehad

(in C.P.L.A.919/2024)

Ruhullah

(in C.P.L.A.920/2024)

Muhammad Tanveer

(in C.P.L.A.921/2024)

Shahab ud Din

(in C.P.L.A.922/2024)

Versus

Superintendent Engineer PBMC Communication & Works Department,
Peshawar and others

(in C.P.L.A.912/2024)

(in C.P.L.A.913/2024)

(in C.P.L.A.914/2024)

(in C.P.L.A.915/2024)

(in C.P.L.A.916/2024)

(in C.P.L.A.917/2024)

(in C.P.L.A.918/2024)

(in C.P.L.A.919/2024)

(in C.P.L.A.920/2024)

(in C.P.L.A.921/2024)

(in C.P.L.A.922/2024)

On appeal from the Order/Judgment of the K.P.K. Service Tribunal,
Peshawar dated 17/11/2023 in S.A.-453/2015

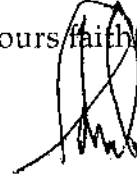
Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment of this Court dated 22/05/2024 dismissing the above cited cases in the terms stated therein for information and further necessary action.

Please acknowledge receipt of this letter along with its enclosure immediately.

Encl: Order/Judgment:

Yours faithfully,



(MUHAMMAD SHAHID HABIB)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

Encl: Order/Judgment:

Encl: Order/Judgment:

40/24

THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Bench-IV:

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Athar Minallah

Civil Petition Nos.912 to 922 of 2024

(Against judgment dated 17.11.2023 of the Khyber Pakhtunkhwa Service Tribunal, Peshawar passed in Service Appeal Nos.453, 441, 442, 443, 444, 445, 447, 449, 450, 454 and 455 of 2015)

Hasan Dad (in CP-912/2024)
Habibullah Nasrullah (in CP-913/2024)
Raees Khan (in CP-914/2024)
Muhammad Tahir Shah (in CP-915/2024)
Muhammad Alamgir Khan (in CP-916/2024)
Muhammad Imran (in CP-917/2024)
Muhammad Ismail (in CP-918/2024)
Khurram Shehzad (in CP-919/2024)
Ruhullah (in CP-920/2024)
Muhammad Tanveer (in CP-921/2024)
Shahab ud Din (in CP-922/2024)

...Petitioner(s)

Versus

Superintendent Engineer PBMC
Communication & Works Department,
Peshawar and others

...Respondents in all cases

For the petitioner(s): Mr. Zartaj Anwar, Sr. ASC

For the respondent(s): N. R.

Date of hearing: 22.05.2024

ORDER

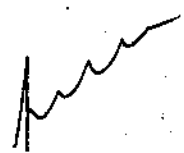
Muhammad Ali Mazhar, J.- The petitioners have challenged the judgment dated 17.11.2023 of the Khyber Pakhtunkhwa Service Tribunal, whereby their service appeals were dismissed.

2. The petitioners approached the Tribunal for release of their withheld salaries, whereas the Department took the plea that the entire process of recruitment was defective and the appointments were not made in accordance with law, therefore, there is no question of making payments of salaries to them.

ATTESTED



Court Associate
Supreme Court of Pakistan
Islamabad



3. We have heard the learned counsel for the petitioners at considerable length and perused the available record including the impugned judgment of the Tribunal. The Tribunal has thoroughly considered all aspects of the case and come to the conclusion that the relevant rules were not followed while appointing the petitioners, therefore, their appeals for release of withheld salaries have no merits. We find no justification for interference in the impugned judgment. It is also clarified that the Service Tribunal is the highest forum for the purpose of determination of facts and only a substantial question of law of public importance in terms of Article 212(3) of the Constitution of the Islamic Republic of Pakistan, 1973 arising out of the case can be taken up by this Court. See Secretary Revenue Division v. Iftikhar Ahmed Tabbasum (PLD 2019 SC 563). No such question is involved in the instant petitions. Leave is, therefore, declined and these petition are dismissed.

Sd/-
Sd/-

Certified to be True Copy

Court Associate
Supreme Court of Pakistan
Islamabad

