BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Execution Petition No. 315/2022
In
Service Appeal No. 5965/A/2021

Muntazir Khan .....Petitioner

VS

Government of Khyber Pakhtunkhwa through Chief Secretary & Others.....Respondents

REQUEST FOR WITHDRAWAL OF COST OF RS.100000/- VIDE ORDER DATED 14.05.2024

Respectfully Sheweth,

The respondent most humbly submitted as under:-

1. That the instant Execution Petition was fixed for hearing before the Hon'ble Service Tribunal, Khyber Pakhtunkhwa, Peshawar on 14.05.2024 and the Hon'ble Tribunal has imposed Rs-100000/- as cost upon respondents for not submitting the Implementation Report on the same date and the instant Execution Petition is fixed before Hon'ble Tribunal for hearing on 07.06.2024.

2. That this Hon'ble Tribunal directed the respondents to submit Implementation Report on the next date of hearing in the instant case.

3. In this regard it is submitted that in compliance of order of the Hon'ble Service Tribunal, the case of Mr.Muntazir Khan was placed before the PSB in its meeting held on 19.09.2023 but the PSB did not recommend it. The respondents has no fault on their own part.

4. However, a Note for worthy Chief Secretary was moved with the request to place the case before PSB, on the face of the Note, the worthy Chief Secretary directed, **"To place the case before the PSB once again" (flagged).**

5. That the case will be placed, once again, before PSB in its next meeting and the recommendation of PSB (being a recommendatory body), will be shared with tribunal, as and when made.

6. That on the request of this Department, the Hon'ble Chairman Services Tribunal was kind enough to suspend the imposition of the cost of Rs. 100000/- till filing of detailed report vide order dated 5.6.2024 (Annex-I).

It is therefore humbly requested that the order dated 14.05.2024 to the extent of cost of Rs.100000/- imposed upon official respondents may very graciously be withdrawn please.

SECRETARY
LAW DEPARTMENT
(Respondent No. 04)

SECRETARY
ESTABLISHMENT DEPARTMENT
(Respondent No. 03)

Through Approached
A.G. 6/6/2024

CHIEF SECRETARY,
KHYBER PAKHTUNKWHA
(Respondent No. 02)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In EP No.315/2022 titled "Muntazir Khan Vs. Government of Khyber Pakhtunkhwa"

Subject: **REQUEST FOR REMISSION OF COST AND RELEASE OF SALARIES**

Respectfully Sheweth:

1. The above titled petition is pending adjudication in this Tribunal and is fixed for 07.06.2024 wherein, the Tribunal has imposed cost upon the respondent and has also attached salaries.

2. That as regards the implementation of the judgment of the Tribunal, the respondents had to place the case of the petitioner before the PSB, which they did but the PSB did not recommend the promotion of the petitioner as directed by the judgment of the Tribunal. The respondents had no fault and thus request for remission of cost and release of salaries, however, a detailed report in respect will be submitted on the next date.

Dated: 05.06.2024

(Kalim Ullah Baloch)
Special Secretary
Establishment Department

14th May, 2024 1. Petitioner in person present. Mr. Umair Azam, Additional Advocate General present. Special Secretary (Regulation) Establishment Department is also present.

2. This application was filed on 01.06.2022 and since then this is being adjourned by the respondents on one pretext or the other. The judgment in the main appeal No. 5965-A/2021 titled "Muntazir Khan versus The Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar and there others" was passed on in the following terms:

> "11. It is un-disputed that the appellant was otherwise fit for promotion and the PSB had deferred his promotion only for want of pendency of case against him in the august Supreme Court of Pakistan in SMC No. 17-2016, the fact however remains that no case was pending against the appellant to the extent of Suo Moto case. In view of the foregoing discussion, the instant appeal is accepted. The impugned decision of PSB dated 30.12.2020 and opinion of Advocate General Office dated 23.11.2020 are set aside. Since the appellant stands retired from service on attaining the age of superannuation on 07.05.2021 without his promotion to BPS-20, hence he is held entitled for proforma promotion to BPS-20 without any condition from the date, when his other colleagues/juniors were promoted with all consequential benefits. Moreover, condition in his promotion to BPS-19 is also set aside and he is treated as normally promoted to BPS-19. This judgment is equally applicable in all similar cases, where the civil servants are exonerated of the charges of VR. Parties are left to bear their own costs. File be consigned to record room."

3. Instead of making compliance of the judgment, every time dilly dallying tactics are used by the respondents with no serious progress on implementation of the judgment in letter and spirit. The judgment is very much clear and is unequivocally requiring the

respondents what to do but even then, its execution is being delayed, thereby unnecessarily dragging the petitioner despite a judgment in his favour, therefore, the Tribunal is constrained to impose a cost of Rs. 100000/- upon the respondents No. 2,3 and 4 to be paid by in equal share. Besides, it is directed that all the three respondents shall appear in person alongwith compliance report of the judgment of the Tribunal. To come up on 07.06.2024 before S.B. P.P given to the parties.

14.5.24

(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A

2. CS
3. SE