

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M No. _____/2024

In

12 (2) Petition No. 896 /2024

In

Service Appeal No. 508/2024

Ahmad Khan

V/S

GOVT: KP & OTHERS

I N D E X

S.No.	Description of documents.	Annexure	Pages.
1	Memo of CM with affidavit	1
3	Copy of application to Advocate General	A	2
4.	Copy of statement on Stamp Paper	B	3
5.	Copy of application for implementation to Advocate General KP	C	4
6.	Copy of Office Note	D	5

Dated 21/09/2024

APPLICANT

Through

NOOR MOHAMMAD KHATTAK

Advocate Supreme Court

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M No. _____/2024

In

12 (2) Petition No. 896 /2024

In

Service Appeal No. 508/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16032

Dated 25-09-2024

Ahmad Khan

V/S

GOVT: KP & OTHERS

APPLICATION FOR AND ON BEHALF OF THE PETITIONER
FOR PLACING ON FILE ADDITIONAL DOCUMENTS.

Respectfully Sheweth:-

- 1) That the appellant filed the above titled service appeal before this Honourable Tribunal which is fixed for 26/09/2024.
- 2) That the annexed documents are very essential, which is necessary to be place on file for the just decision of the titled appeal. Copy of the relevant documents is attached as annexure.....**A-D**
- 3) That, there is no legal bar for placing on file the additional documents.

It is, therefore, humbly prayed that on acceptance of the instant application the additional documents may kindly be place on file to meet the ends of justice.

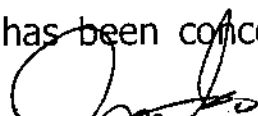

APPLICANT

Through

NOOR MUHAMMAD KHATTAK
Advocate Supreme Court

AFFIDAVIT

I, Ahmed Khan, (Applicant/appellant) do hereby solemnly affirm that the contents of this **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


DEPONENT



Amir J
To

(2)

"A"

W23
08/08/24
08/08/2024

The Advocate General,
Khyber Pakhtunkhwa,
Peshawar

Put up =

Subject: SERVICE APPEAL NO.508/2021 TITLED SHER KHAN VS GOVT OF KP

Respected Sir,

It is respectfully stated that my subject service appeal has been decided on 05/06/2024 by the KP Service Tribunal in my favour for all back benefits as prayed for in the Appeal. Then my case was referred to be placed before the scrutiny committee of the Law Department KP to judge its fitness or otherwise for CPLA before the august Supreme Court of Pakistan.

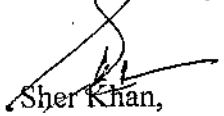
In this regard I would like to inform your good self that as I am low paid Govt. Servant and have five school/college going children to shoulder their expenses. I am financially constrained due to previous litigations and thus unable to undergo expenses of further litigations before the Supreme Court of Pakistan, if my case is declared fit for CPLA. Therefore, I undertake that in case my case is treated/declared as unfit for CPLA, I assure you that I would not claim any things whatever other than annual increments/salaries of the intervening period and subsequent increase thereon along with seniority. By the word **Seniority**, I mean that I only claim financial benefits and annual increments since 2014 till date.

I further assure that I would not challenge the promotion orders of those who have already been promoted. I further undertake that these two promotions orders, now and in future, if I am promoted to BPS-17, shall not be challenged and agitated in any court of law by me. However, my seniority shall remain intact amongst the rest of computer operators. If any post relating to IT cadre falls vacant or created in future, I would be entitled/eligible to promotion against those vacancies as per my seniority.

It is further added that this undertaking is being effected as per my own senses, I am not forced by any one and I am in my full senses.

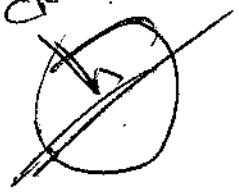
The statement
should be on
Judicial stamp

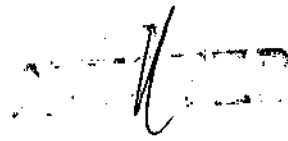
Yours sincerely


Sher Khan,

Computer Operator

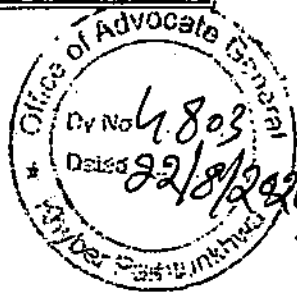
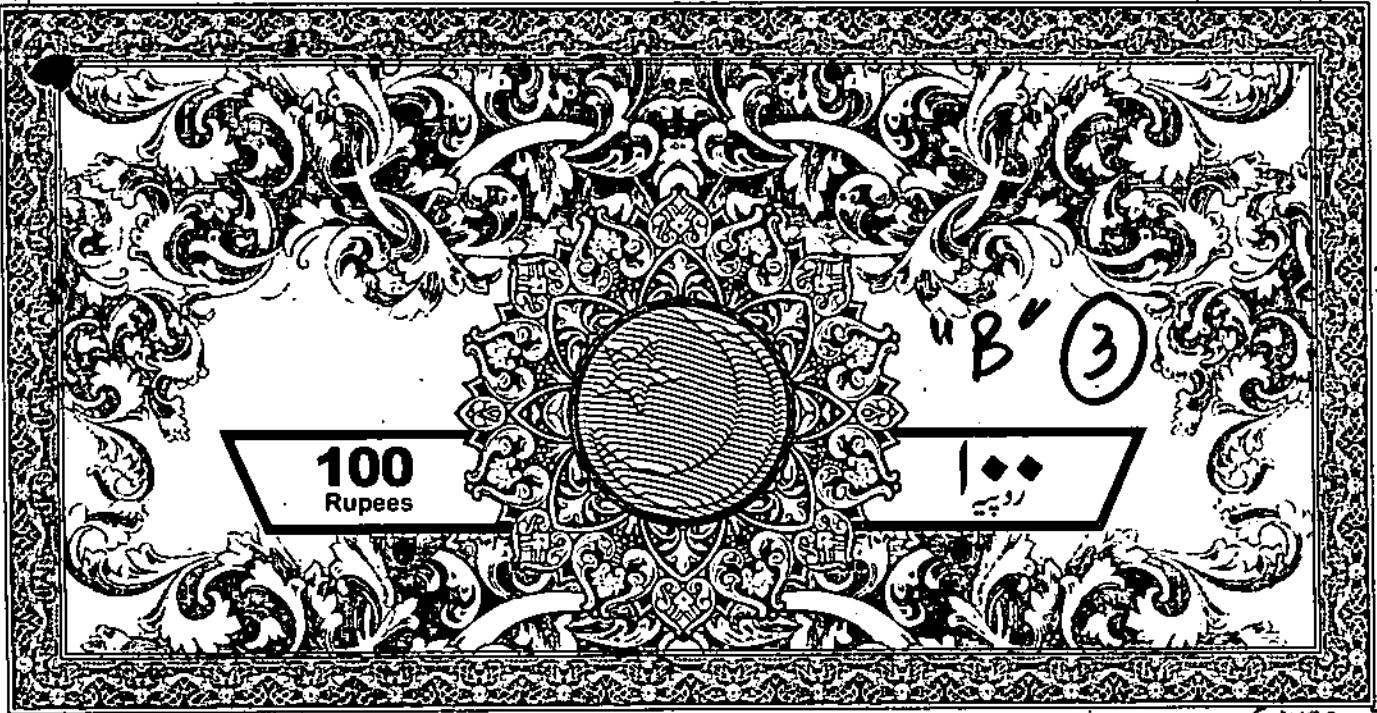
Dated 8/8/24







Ames
B



The Advocate General,
Khyber Pakhtunkhwa, Peshawar

Subject: SERVICE APPEAL NO.508/2021 TITLED SHER KHAN VS GOVT.

Respected Sir,

It is respectfully stated that my subject service appeal has been decided on 05/06/2024 by the KP Service Tribunal in my favour for all back benefits as prayed for in the Appeal. Then my case was referred to be placed before the scrutiny committee of the Law Department KP to judge its fitness or otherwise for CPLA before the august Supreme Court of Pakistan.

In this regard I would like to inform you your good self that as I am low paid Govt. Servant and have five school/college going students to shoulder their expenses. I have financially constrained due to previous litigations and thus unable to undergo expenses further litigations before the Supreme Court of Pakistan, if my case declared fit for CPLA. Therefore, I undertake that in case my case treated/declared as unfit for CPLA, I assured you that I would not claimed any things whatever other than annual increments/salaries of the intervening period and subsequent increased thereon along with seniority. By word Seniority, I mean that I only claim financial benefit and annual increments since 2014 till date. I further assured that I would not challenge the promotion orders of those who have already been promoted their promotion and seniority, however, if any post relating to IT cadre falls vacant or created in future, I would be entitled/eligible to promotion those vacancies.

It is further added that this undertaking is being effected as per my own senses, I am not forced by any one and I am in my full senses.

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22-8-24

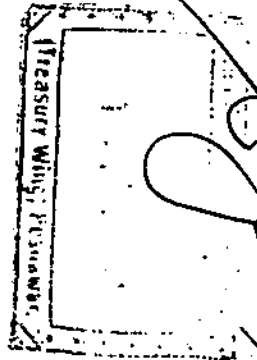
Yours sincerely

[Handwritten signature]
22/8/24
Sher Khan,
Computer Operator



ATTESTED

M. L. ...
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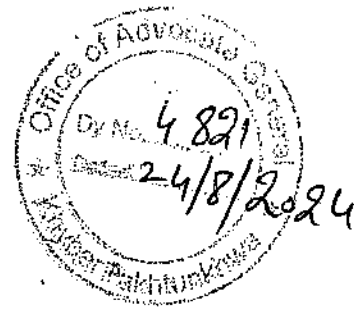


John W. ...
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...

22-8
24

Annex
2

NC (4)



To: **The Advocate General,
Khyber Pakhtunkhwa,
Peshawar**

Subject: **IMPLEMENTATION OF JUDGMENT DATED 05/06/2024 OF THE
HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR IN SERVICE APPEAL NO.508/2021.**

Respected Sir,

I have the honour to submit that my Service Appeal No. 508/2021 for all back benefit in Khyber Pakhtunkhwa Service Tribunal has been decided on 05/06/2024. The extract of the judgment is as under:

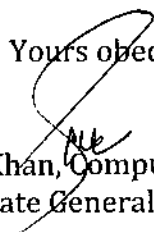
“The order of dismissal dated 30/04/2014 has been set aside four times, once by the Supreme Court and three times by this Tribunal in its judgments. However, the respondent have exonerated the appellant in the inquiry but has not held the appellant for back benefits of the intervening period, with no supporting grounds or justification.

In view of the above situation, instant service Appeal is accepted, the impugned order is set aside and the appellant is held entitled to all back benefits. Costs shall fallow the event.”

In light of the judgment of learned Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 05/06/2024 in Service Appeal No.508/2021 & undertaken dated 08/08/224 the appellant may please be reinstated with all back benefits as mentioned above.

Encls: **Copy of Judgment date 05/06/2024 is annexed**

Yours obediently


Sher Khan, Computer Operator (BPS-16)
Advocate General Office, KP, Peshawar

Dated 24/08/2024

ATT/STED

Amended

"D" (5)

OFFICE NOTE:

Subject: IMPLEMENTATION OF JUDGMENT DATED 05.06.2024 OF THE HONOURABLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR IN SERVICE APPEAL NO. 508/2021

1. Here is an application, dated 24/08/2024 regarding implementation of Judgment delivered on 05/06/2024 by the Khyber Pakhtunkhwa Services Tribunal, Peshawar in Service Appeal No. 508/2021 (Sher Khan-vs-Govt. of Khyber Pakhtunkhwa). The Appeal has been decided in favour of the Appellant allowing him all the back benefits, as prayed for in the Appeal.

2. The Judgment in question was placed before the Scrutiny Committee thrice on 03.07.2024, 10.07.2024 and 24.07.2024 and declared unfit for CPLA before the Supreme Court of Pakistan on the grounds as mentioned in the Minutes of the Meeting, held on 24/07/2024.

3. In this regard, it is submitted that the Appellant, namely, Sher Khan had approached the worthy Advocate General, Khyber Pakhtunkhwa through his written request, dated 08/08/2024 that if his case is declared as unfit, he would claim only salaries and increments of the intervening period. He further undertook that the two (02) promotion orders as Programmer and Web Administrator would also not be challenged / disturbed by the Appellant in any Court of Law. However, my seniority amongst the rest of the Computer Operators shall remain intact.

4. Furthermore, there are some errors of figures, that is year of the Service Appeal and announcement date of the Judgment etc in the Judgment for which correction, a CM has been moved in the Services Tribunal which is fixed on 09/09/2024. The errors are that year of the Appeal is 2021 whereas 2020 has been recorded on first page of the Judgment. Similarly, the Judgment was announced on 05/06/2024 whereas in the concluding para, the announcement date is mentioned as 05/05/2023. Similarly, on top of each page of the Judgment, the announcement date is recorded as 05.06.05.2024 instead of 05.06.2024.

5. The applicant requests for implementation of the judgment in light of his request as well as his undertaking, dated 08/08/2024.

6. Submitted for perusal and further appropriate orders.

27/09/2024

SENIOR ADMIN: OFFICER

LD. ADVOCATE GENERAL
KHYBER PAKHTUNKHWA

Implement the judgement in light of judgement and undertaking given by Mr. Sher Khan.

[Signature]

ATTACHED