

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

Execution Petition. No.608/2022 in Service Appeal No. 983/2004

Saad Akbar S/o of Appellant Namely Late Muhammad Akbar Khan Ex-Deputy Director, Mines & Minerals Department, NWFP Peshawar. R.o H.NO. 173, Street, Sector-J1, Phase-2, Hayat Abad, Peshawar.....Petitioner

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

The Govt of KP through Chief Secretary, Govt of Khyber Pakhtunkhwa, Peshawar.

Diary No. 14580

The Chief Secretary, Govt of KP, Peshawar.

Dated 29-07-24

The Secretary, Industries, Commerce, Minerals Development, Labour & Technical Education Department, Khyber Pakhtunkhwa, Peshawar.

The Director General, Mines & Minerals,

Khyber Pakhtunkhwa, Peshawar..... Respondents

**Subject: APPLICATION FOR REMISSION OF COST AGAINST THE RESPONDENTS
AS PER ORDER SHEET DATED 23.07.2024**

RESPECTFULLY SHEWETH:

1. That the appellant/petitioner filed Service Appeal No. 983/2024 in the Honourable Service Tribunal Khyber Pakhtunkhwa, which was accepted on 22.11.2021.
2. That the respondents filed CPLA in the August Supreme Court of Pakistan against the judgement dated 22.11.2021 of the Honourable Service Tribunal Khyber Pakhtunkhwa.
3. That the appellant/petitioners filed Execution Petition No. 608/2022 in Service Appeal No. 983/2004.
4. That the respondents submitted Summary/ recommendations for approval of the Honorable Chief Minister Khyber Pakhtunkhwa on 22.01.2024 (**Copy as Annex-A**).
5. That the Government of Khyber Pakhtunkhwa Minerals Development Department issued Notification SO(E)/MDD/2-17/Akbar Khan/2023 dated 02.04.2024 (**copy as Annex-B**) in compliance with judgement of Honourable Tribunal, copy of which has been endorsed to the worthy Registrar of this Tribunal.
6. The pension paper of the petition were already signed by Secretary Minerals and sent to Accountant General Office through letter dated 25.07.2024 (**copy as Annex-C**).
7. The respondent No.03 has already complied the order of the Honorable Service Tribunal in its true letter and spirit.
8. That the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar imposed cost of Rs. 50,000/- on each respondent (**copy as Annex-D**).
9. That the Next date of Hearing is fixed on 31.07.2024.

PRAYER

It is, therefore, humbly prayed that the cost imposed on the respondent No.03 vide order sheet dated 23.07.2024 may please be remitted as totally complied the directions of the Honorable Service Tribunal.

Secretary Minerals Development Department
Government of Khyber Pakhtunkhwa

SECRETARY
to Govt of Khyber Pakhtunkhwa
Minerals Dev: Deptt:

31-07-24

Muhammad Zeb

Annex-A
Annex-A



Government of Khyber Pakhtunkhwa
Minerals Development Department

Subject: EXECUTION PETITION NO.608/2022 IN SERVICE APPEAL NO.983/2004 TITLED MUHAMMAD AKBAR KHAN GANDAPUR VS GOVERNMENT OF KHYBER PAKHTUNKHWA.

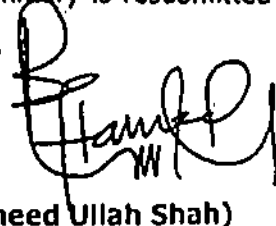
Para-23 to 29 of the summary refers:

30. In pursuance of law Department's advice contained vide Para 26 to 27 of the summary; and approval thereof vide Para-29 of the summary, an application under Section 12 (2) Civil Procedure Code, 1908 and an objection Petition under Section-47 of the Civil Procedure Code, 1908 in the pending execution petition No. 608/2022 were file In the Khyber Pakhtunkhwa Service Tribunal vide Annex-XIV & XV, respectively.

31. Now the Khyber Pakhtunkhwa Service Tribunal by covering both the above mention applications issued a detail judgment vide Annex-XVI, which is reproduce hereunder:-

"for what has been discussed above we find no merits in this application and would dismiss it with costs of litigation also imposing special compensatory cost of Rs. 20,000/- upon the Secretary Law for rendering opinion compelling the Government to enter into frivolous and ill-founded litigation".

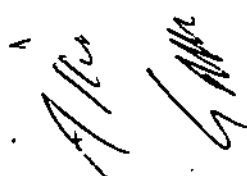
32. In light of dismissal of both the applications through the judgment of Khyber Pakhtunkhwa Service Tribunal dated: 08.12.2023 Para-5 of the summary is resubmitted for approval of the Hon'ble Chief Minister, Khyber Pakhtunkhwa, please.


22/11/24

(Hameed Ullah Shah)
Secretary Minerals Dev; Department

Chief Secretary,
Khyber Pakhtunkhwa

Chief Minister,
Khyber Pakhtunkhwa



Annex-B



Government of
Khyber Pakhtunkhwa
Minerals Development Department

Dated Peshawar the 2nd April, 2024

NOTIFICATION

No.SO(E)MDD/2-17/Akbar Khan/2023: In light of the Judgment of the Khyber Pakhtunkhwa Service Tribunal dated 14.09.2021 in Service Appeal No. 983/2004, the Competent Authority is pleased to order posthumous reinstatement into service of Muhammad Akbar Khan (Late), Ex-Deputy Director Minerals (BS-18), Directorate General Mines & Minerals, Khyber Pakhtunkhwa, subject to the outcome/ decision by the Supreme Court of Pakistan in the CPLA already filed against the ibid judgment.

-Sd-

Secretary to Govt. of Khyber Pakhtunkhwa,
Minerals Dev. Department

No.SO(E)MDD/2-17/Akbar Khan/2023:

Dated Peshawar, April 2nd, 2024

Copy is forwarded to:-

1. The Director General Mines & Minerals, Khyber Pakhtunkhwa
2. Registrar Khyber Pakhtunkhwa Service Tribunal w.r.t the above referred judgment
3. Legal heirs of the late officer through Directorate General Mines & Minerals
4. Section Officer (Lit) Minerals Development Department
5. PS to Secretary Minerals Development Department
6. Master File

Director General Mines & Minerals
Khyber Pakhtunkhwa Peshawar

Section Officer (Estt.)

Annex - C

Through Special Messenger/
By Registered Post



Government of
Khyber Pakhtunkhwa
Minerals Development Department

No: SO(E)/MDD/2017/Pension/2024/7839-43
Dated Peshawar, the 25 July, 2024

To

The Accountant General,
Khyber Pakhtunkhwa,
Peshawar.

Subject:

PENSION PAPERS IN RESPECT OF LATE MUHAMMAD AKBAR
KHAN GANDAPUR EX-DEPUTY DIRECTOR (BS-18).

FAMILY PENSION IN RESPECT OF FARZANA SHAH, DAUGHTER OF
LATE MUHAMMAD AKBAR KHAN GANDAPUR EX-DEPUTY
DIRECTOR.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith two Pension papers one in respect of in respect of Late Muhammad Akbar Khan Gandapur Ex- Deputy Director Minerals (in duplicate) and the other in respect of Farzana Shah D/O Late Muhammad Akbar Khan Gandapur (Family Pension), duly signed by the Secretary Minerals Development Department, for further necessary action at your end, please.

Yours faithfully,

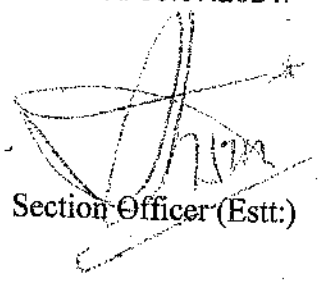

Section Officer (Estt.)

Encls: as above

Endst: No & Date even:

A copy is forwarded for information to the;

1. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar (Service Appeal No. 983/2004 Judgment dated 14.09.2021)
2. Section Officer (Lit), Minerals Development Department, Khyber Pakhtunkhwa.
3. The Assistant Director (Admin), Director General of Mines & Minerals, Khyber Pakhtunkhwa w.r.t his letter No. 13574/2/499/Vol-II/DGMM/Admin dated 18.07.2024.
4. P.S to Secretary, Minerals Development Department.


Section Officer (Estt.)



(Annex + D)

Execution Petition No.608/2022

23rd July, 2024

1. Learned counsel for the petitioner present. Mr. Umair Azam,
Additional Advocate General present.



2. This petition has been filed on 14.10.2022 for implementation of judgment dated 14.09.2021 passed in Service Appeal No.983/2004. On its first day of hearing, request for adjournment was made by the representative and after that, series of adjournments were made on the requests of this judgment debtors. On 23.01.2024, last chance was given, which was further extended in the shape of warning for coercive steps. Again last opportunity was granted on 08.05.2023 and on 09.06.2023, respondents were warned that in case of non-submission of implementation report, no lenient view would be taken but the respondents got the matter adjourned for 18.07.2023. On 18.07.2023, representative of the respondents stated that the department had submitted summary for approval to the Chief Minister, which was lying on his table, but on the next two dates, they made requests for adjournment, which resulted into attachment of salaries of respondents No.3 & 4. However, the matter was adjourned on different dates but respondents No.3 & 4 did not bother comply with the Court order or to submit any progress report. In the meanwhile, the respondents filed 12(2) against the judgment in question, which was dismissed and a cost of Rs.20,000/- was imposed upon one Shagufta Naveed, the then Secretary to Government of Khyber Pakhtunkhwa for rendering opinion compelling the Government to enter into frivolous multifarious litigations and direction was issued for her

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
High Court
Peshawar
26/7/24

personal appearance. On 03.06.2024, Miss. Shagufta Naveed had appeared in person and requested for adjournment and on the subsequent date too, adjournment was made. Today, the situation is, as it was. This shows their casual and lathergic attitude towards the compliance of the order of this Tribunal. Therefore, the Tribunal is constrained to impose cost of Rs.50,000/- upon each of the respondent. Ms. Shagufta Naveed is also not in attendance, who had to pay the amount of costs, nor anyone else is present on her behalf, therefore, her salary is also attached. She and all the reepsondents shall appear in person on 31.07.2024 along with implementation report. P.P given to the petitioner's counsel.

[Handwritten Signature]
23/7/24

(Kalim Arshad Khan)
Chairman

Mutazem Shah

ATTESTED

EXAMINER
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
Peshawar

Date of Presentation of Application 23-7-24
 Number of Words 29
 Copying Fee 10/-
 Urgent _____
 Total 10/-
 Name of Co. _____
 Date of Completion of Copy 24-7-24
 Date of Delivery of Copy 26-7-24

[Handwritten Signatures]