

JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT,
ISLAMABAD.

I.C.A No.79/2020.

Muhammad Akram Malik Vs Abdul Khaliq and others

Appellant by: Mr. Muhammad Akram Malik, Advocate.

Respondents by: Mr. Saqlan Haider Awan, AAG.

Date of Decision: 22.07.2020.

MOHSIN AKHTAR KAYANI, J:- Through instant Intra Court Appeal, the appellant has assailed the order dated 20.02.2020, passed by learned Judge in Chambers in Crl. Org. No.273-W-2013, whereby the Crl. Org. has been disposed of.

2. Learned counsel for the appellant contends that the appellant/petitioner filed writ petition No.895/2012 and prayed for payment of Secretariat allowance in the light of decision of Hon'ble Supreme Court in CP No.4 to 9/2007 dated 25.05.2009; that the said writ petition was allowed and Director General, Inter Services Intelligence was directed to issue No Objection Certificate by calculating Secretariat Allowance and other benefits of the petitioner within 02 months; that instead of complying with the order of learned Single Judge, the respondents filed I.C.A against the order of learned Single Judge, which was dismissed on 17.08.2017 by learned Division Bench of this Court, thereafter CPLA filed by the respondents before Hon'ble Supreme Court of Pakistan was also dismissed; that the matter was not concluded within time, therefore, criminal original was filed, however, during the proceedings, the respondents side submitted the details and took the stance that the payment has already been made and the judgment has been implemented in letter and spirit, however, there is some miscalculation in the Secretariat Allowance, which was not settled; that learned Judge in Chamber has disposed of the criminal original with the observation that it has borne fruit; that the appellant has suffered financial loss as well as mental torture due to conduct of the respondents, who have not complied with the direction passed in writ petition No.895/2012 although a very small amount is involved.

3. Conversely, learned AAG has submitted letter dated 18.06.2020 issued by Finance Division Government of Pakistan, whereby the judgment of this Court has been implemented in letter and spirit and the cheque has already been issued on 15.07.2020.

4. We have heard the arguments and perused the record.

5. Perusal of the record reveals that the appellant is mainly aggrieved by the order passed by learned Judge in Chambers, whereby criminal original No.273-W/2013 has been disposed of having borne fruit on the statement of the respondents although the Secretariat Allowance claimed by the petitioner through writ petition No.895/12, which was allowed on 29.03.2013 was not implemented in letter and spirit in the requisite time of two months, which persuaded the appellant to file criminal original. During the course of proceedings in the criminal original the respondents side has taken specific that Secretariat Allowance and other emoluments were being paid, however, inadvertently certain amount has been miscalculated, where-after learned Judge in Chamber has disposed of criminal original. During the course of proceedings in the instant appeal, the respondents side has submitted the confirmation regarding implementation of Court order dated 20.02.2020 in the following manner:-

“It is submitted that in compliance of Hon’able Court order dated 20/02/2020 (Page-11 to 14 of appeal), recovered/deducted amount from pension (Dec-2019 to May-2020) viz Rs.106,710/- has been paid back/credited into the petitioner’s bank account vide consolidated Defence Cheque No.4118827 dated 15/07/2020, the detail of amount paid to the petitioner in the month of July-2020 is as under:-

<i>Recovered/deducted amount as Arrear</i>	<i>106,710/-</i>
<i>Monthly pension (July-2020)</i>	<i>48,898/-</i>
<i>Medical Allowance</i>	<i>4,458/-</i>
<i>Total:-</i>	<i><u>160,066/-</u></i>

6. The above referred position spells out that the appellant’s monthly pension has been revised including the Secretariat Allowance and he has been paid the arrears with revised medical allowance claimed by the appellant. The respondents have also appended acknowledgment of Controller Military Accounts in the name of the appellant, which is appended with the comments as such the judgment has been implemented in letter and spirit, however, the delay occasioned in the entire process reflects the bad working of the

respondents department due to which the appellant has suffered for number of years, even in different Courts for no fault of his own, however, this Court will not pass any other order beyond the scope of criminal original and even no costs can be imposed upon the respondents in these proceedings. Instant I.C.A stands **disposed of** with the observation that issue raised in the writ petition as well as criminal original stands resolved.

(FIAZ AHMAD ANJUM JANDRAN)
JUDGE

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam