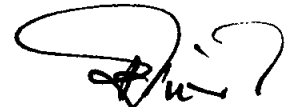


14.07.2022

Presence as before.

The undersigned is busy in D.B comprising of Mr. Salah Ud Din, learned Member (Judicial) and the undersigned and today, 20 cases have been fixed, therefore, the instant case is respectfully sent to the learned Chairman for entrustment to any SB for disposal in accordance with law.


(Rozina Rehman)
Member (J)

14.07.2022

Be sent to

the SB of Mr Mian
Muhammad CC as I
am also busy in DB
with Ma'am Fareeha
Paul.



14.07.2022

Husband of the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Husband of the appellant requested for adjournment on the ground that counsel for the petitioner is not available today. Adjourned. To come for further proceedings on 05.08.202 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

28.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 17.05.2022 for the same as before.


Reader

17.05.2022 Petitioner with counsel present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned counsel for the petitioner requested for adjournment to further prepare the brief. Granted. To come up for further proceedings on 03.06.2022.


(MIAN MUHAMMAD)
MEMBER (E)

3rd June, 2022

Husband of the petitioner present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Asif Khan, Assistant for the respondents present.

The respondents have produced copy of order of reinstatement of the petitioner. Learned counsel for the petitioner was present in the early hours but later on gone to attend cases in other courts. Therefore, it be adjourned to 14.07.2022 for further proceedings before S.B.


Chairman

24.11.2021

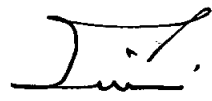
None for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Mehtab Gul, Law Officer for respondents present.

Learned Addl: AG requests for time to contact the concerned department for production of implementation report. Representative of respondent No. 3 requested for deletion of respondent No.3 from the penal of respondents being irrelevant. Request accepted and the respondent No.3 is deleted from the penal of respondent. Adjourned. To come up for implementation report on 12.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

12.01.2022

Learned counsel for the petitioner present. Mr. Haseen Ullah, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and produced copy of the inquiry report as well as order dated 14.09.2021 passed by the competent Authority, copies of the same also handed over to learned counsel for the petitioner, who requested that time may be granted to him for going through the same. Adjourned. To come up for further proceedings before the S.B on 28.02.2022.

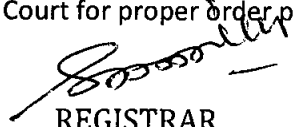



(Salah-Ud-Din)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 186 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	15.09.2021	<p>The execution petition of Mst. Farzana Begum submitted today by Mr. Amin-ur-Rehman Yousafzai Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench at Peshawar on <u>22/10/21</u>.</p> <p> CHAIRMAN</p>
	22.10.2021	<p>Learned counsel for the petitioner present.</p> <p>Notices be issued to the respondents for submission of implementation report on the next date of hearing. To come up for implementation report before the S.B on 24.11.2021.</p> <p> (SALAH-UD-DIN) MEMBER (J)</p>

BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,

PESHAWAR

Misc. Application No. 186/21 of 2021
IN
Service Appeal No. 1296 / 2019

Mst. Farzana Begum **VERSUS** Government of KP & 2 others

I N D E X

S.No.	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Application with affidavit		1
2.	Copy of Judgment dated: 03.06.2021 alongwith Service Appeal No.1296/2019	A	2-4
3.	Copy of application dated: 02.08.2021	B	5
4.	Wakalatnama		6



Farzana Begum
Applicant
Through


Amin ur Rehman Yusufzai


Sajjad Ahmad Mehsud


Khalid Khan Mohmand

&


Muhammad Kareem Afridi
Advocates, Peshawar

Dated: 11.09.2021

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

Misc. Application No. _____ of 2021
IN
Service Appeal No. 1296 / 2019

Mst. Farzana Begum **VERSUS** Government of KP & 2 others

APPLICATION U/S 7(2)(d) OF THE KP SERVICE TRIBUNAL ACT, 1974 (KP ACT NO.1 OF 1974), READ WITH ALL ENABLING PROVISIONS OF LAW GOVERNING THE SUBJECT, FOR EXECUTION/IMPLEMENTATION OF JUDGMENT DTAED: 03.06.2021 IN THE TITLED APPEAL.

=====

Respectfully Sheweth:

1. That Applicant/Appellant approached this Hon'ble Tribunal through Service Appeal Nos.1296/2019, which was allowed, vide Judgment dated: 03.06.2021.
(Copy of Judgment dated: 03.06.2021 alongwith Service Appeal No.1296/2019 is attached as Annexure "A").
2. That Judgment dated: 03.06.2021 supra was announced by this Hon'ble Tribunal in open court, in presence of the representatives of the Respondent Department, however, the same has not been implemented so far, although applicant/appellant has also communicated the Judgment ibid alongwith application dated: 29.06.2021 and subsequently on 02.08.2021, but to no avail so far, hence the instant application.
(Copy of application dated: 02.08.2021 is attached as Annexure "B").
3. That more than 3 months time has been elapsed, however, Respondent Department is reluctant to implement Judgment dated: 03.06.2021 of this Hon'ble Tribunal in letter and spirit, which has caused grave miscarriage of justice, moreover, this Hon'ble Tribunal has got ample jurisdiction to implement the Judgment ibid, by issuing appropriate directions to the delinquents for the desired relief.
4. That any other ground with the permission of this Hon'ble Tribunal will be taken at the time of arguments.

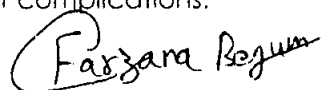
It is, therefore, most humbly prayed that on acceptance of instant application, Judgment dated: 03.06.2021 of this Hon'ble Tribunal may be ordered to be implemented in letter and spirit, so as to avoid untoward situation and further complications.

AFFIDAVIT

Stated on oath that contents of instant **Application** are true and correct to the best of knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent

Dated: 11.09.2021


Applicant / Appellant
Through


Amin ur Rehman Yusufzai


Sajjad Ahmad Mensud


Khalid Khan-Mehmood

&


Muhammad Kareem Afridi
Advocates, Peshawar

Annex = A

2



Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	03.06.2021	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">Appeal No. 1296/2019</p> <p style="text-align: center;">Mst. Farana Begum Versus Govt: of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar and others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>ROZINA REHMAN, MEMBER:-</u> Appellant alongwith his counsel present.</p> <p>02. Muhammad Adeel Butt, Learned Additional Advocate General alongwith Hamid Saleem, Law Officer for respondents present.</p> <p>03. Despite repeated directions, reply was not submitted on behalf of respondents No.1 & 2. Reply on behalf of respondent No.3 is available on file. At the very outset, learned counsel for appellant produced copy of judgment delivered in Service Appeal No.1014/2019, whereby, 40 Service Appeals of identical nature were disposed of vide judgment of this Tribunal dated 20.01.2021. Both the parties were directed to argue the case and accordingly arguments were heard and record perused.</p> <p>04. The present appellant Mst. Farzana Begum was appointed as S.S.T. She was directed to produce service record but failed and after completion of codal formalities, she was removed from service by means</p>

Handwritten signature and date: 03/6/21

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

③

of order dated 05.04.2019. She preferred departmental appeal but the same was not responded to, hence, the present service appeal.

05. Learned counsel for the appellant submitted that the appointment was made in accordance with law by following the prescribed procedure which could not be held fake appointment. He submitted that the appellant was not treated in accordance with law and she was not given an opportunity to defend herself as enshrined in Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973. Learned counsel submitted that identical service appeals were allowed by this Tribunal and the impugned orders were set aside by reinstating all the appellants in service with directions to the Department to conduct proper inquiry, therefore, the instant case was also requested to be disposed of keeping in view the order passed in the identical cases.

06. Learned A.A.G appearing on behalf of the respondents controverted the contentions of the learned counsel by contending that claim of the appellant regarding her appointment is baseless, however, he conceded the disposal of 40 identical service appeals by this Tribunal on 20.01.2021.

07. In view of the situation, and keeping in view order of this Tribunal in identical Service Appeal No.1014/2019, the impugned order stands set aside and the appellant is reinstated in service with direction to the Department to conduct proper inquiry. They shall investigate the issue through a proper inquiry reaching to a logical conclusion to find out the real culprit who maneuvered to make it possible and thereafter, the fate of

ATTESTED

ENAMUL HAQ
Khyber Pachtunkhwa
Service Tribunal
Peshawar

4

appellant to be decided in the light of the said inquiry. The respondents shall conclude the proceedings within ninety (90) days after the receipt of this judgment. The issue of back benefits shall be subject to the outcome of inquiry. With no order as to costs. File be consigned to the record room.

Announced:
03.06.2021



(AHMAD SULTAN TAREEN)
CHAIRMAN



(ROZINA REHMAN)
MEMBER

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar

Date of Presentation of Application 10-6-2021
 Number of Wards 1600
 Copying Fee 18-
 Deposits 4-
 Total 22-
 Date of Receipt of Copy 10-6-2021
 Date of Delivery of Copy 10-6-2021

محرم صاب ولدان ڈیڑھ لاکھ روپے کا حصہ دیکھ کر سیکرٹری ایجنسی کے پاس
KPK کے پاس

دعوت - Adjustment

جناب عالی

گزارش خودیہ حسب ذیل ہے کہ سائل کو

DEO (R) مردان سے فارغ ہوئے ہیں۔ یہاں نے Disowned کی ہے۔

جبکہ سائل باقاعدہ طور پر رہی کہوں نے انجام دیا ہے۔ اور طلبہ
قابلیت رکھتے ہیں۔ جسے باوجود اسکے سائل کی تاریخ 19-04-05 کو اس سے پہلے

جناب والا سائل نے اپنی دفاع کی ہے کہ اس کے پاس

میں اپنا کیس داخل کیا۔

کہہ رہے ہیں۔ سائل نے اپنا کیس بحال 03-06-2021

کیس بحال کرنے کے لیے Reinstate کی ہے۔

لہذا آپ یہاں سے عاجزانہ و ہمہ بردارہ اپنی

سائل کو رہنے کیلئے درخواستیں پیش کی گئی ہیں۔

صادر فرمائیں۔ "سائل کا سائل دیکھو اس کے لئے"

تاریخ: 29-06-21

مقام: اسلام آباد

1096

مسماہ فززانہ بیگم Ex SST دفتر رواج الدین

گورنمنٹ ٹیچنگ اسکول گوہر گڑھ مردان

روائٹل نمبر 0310-9012821

0345-8396727

2-8-2021

قسم

بعدالت

جناب سروس لڑ بیونلی پشاور

2 مخجاب

مسماة فوزانہ بیگم بنام گورنمنٹ

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام پشاور کیلئے امین الرحمن لکھنوی، صاحب خالو و کریم ازبیری Adv

مقرر کر کے اترار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلاف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور مصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یا طرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے امراء یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائزہ التوائے مقدمہ کے سبب سے وہ ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

الرقوم 11 ماہ 09 2021

العبد العبد العبد

بمقام پشاور کے لئے منظور ہے۔

Attested

&

Accepted

Sajjad Adv

Khalid Adv

Kasim Adv

Amin-us-Rehman
Yusufzai Adv.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Execution Petition 186 of 20 *21*
Appeal No.....

Mst. Farzana Begum Appellant/Petitioner

Versus

Govt. of K.P.K. Prov. ERSE Respondent

Respondent No. *3*

Notice to: —

through Chairman Public Service Commission Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....*24/11/21*.....at **8.00 A.M.** If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....*4th*.....

Day of.....*Nov*.....20 *21*

for implementation Report

[Signature]
Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No. Execution Petition 186 of 2021
Appeal No...... of 20.....
Mst. Farzana Begum.....Appellant/Petitioner
Govt. of KPK vs. ERSE.....Respondent
Director ERSE KPK Peshawar.....
Respondent No.....
Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 24/11/21 at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20.....

Handwritten notes:
7.00
1 - Penetration Report

Signature of Registrar
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No. - Execution Petition 186 of 20 21
Appeal No......
Mst. Farzana Begum Appellant/Petitioner
Versus
Court of KPK ERSF Respondent
Respondent No.....1

Notice to: - Court of KPK through Secretary
ERSF Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....24/11/21.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of E.P appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....4/11.....
Day of.....Nov.....20 21

for presentation report
Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.