


FORM OF ORDERSHEET

Court of _____

Misc. application No. 462/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11/08/2022	<p>The Misc. application in execution petition no. 112/2021 submitted by the District Education Officer, Dir Lower may be entered in the relevant Register. This Petition be put up before Single Bench at Peshawar on _____.</p> <p style="text-align: right;"> REGISTRAR</p>

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Khyber Pakhtunkhwa
Service Tribunal

CM No 462 /2022

Diary No. 977

In

Dated 11/08/2022

Execution Petition No. 112/2021

In


Service Appeal No.1228/2010

1. Sahib Zada v/s

Govt of KP and others

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3	Authority letter		4
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5	(Copy of implementation report)	"B"	6


District Education Officer
Dir Lower
~~District Education Officer~~
(Male) Dir Lower

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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

CM No /2022

In

Execution Petition No. 112/2021

In

Service Appeal No.1228/2010

1. Sahib Zada v/s Govt of KP and others

**Subject: APPLICATION FOR PLACEMENT OF IMPLEMENTATION REPORT/ORDER
SOUGHT BY THIS HONORABLE COURT VIDE ORDER DATED 23/04/2022
& 05/07/2022, AND ALSO FOR RELAESE OF SALARIES/WITHDRAWAL OF
SHOWCAUSE NOTICE ISSUED TO THE RESPONDENTS.VIDE No.2812-
15/ST Dated 03-08-2022**

Respectfully sheweth.

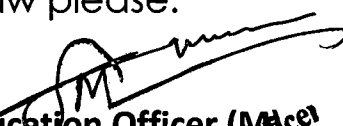
1. That The titled above case was fixed on 23-0~~6~~2022 before this Honourable court, in which implementation report/order was submitted accordingly and this Honourable Court was pleased to disposed off the instant execution petition as already executed but the Learned council of the appellant requested for a date in office for discussing of the implementation report/order that whether, the instant implantation is about our prayer or not, request for date in office was accepted but it is also pertinent to mention here that on the date fixed no date by court was given nor any notice for next date has been issued nor received by the respondents.
2. That vide order sheet dated 05-07-2022, the respondents were directed to implement the judgment dated 06-02-2017 and submit the compliance report on 06-09-2022. But it is pertinent to mention here that the said judgment was implemented in letter and spirit and the case was disposed off accordingly vide order dated 16-07-2020. Later on feeling again aggrieved, the appellant filed the subject above execution petition No.112/2021 and in compliance again

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after modification of the implementation report again was submitted in his Honourable Court vide dated 23-04-2022, but the learned council of the appellant request for a short date in office for further scrutiny of the implementation report, request of the Learned council of the appellant was accepted and the case was again re fixed on 05-07-2022, which was not in the notice of the official respondents as date by court was not given on that time , nor any summon/notice for next date was issued, that's why the representative of the department was not appeared **(Copy or order sheet regarding disposal of the execution petition dated 16-07-2020 is attached as "A")**.

3. That non appearing of the respondents is not deliberately, further more the implementation of the judgments was also provided to this Honourable Court on the last date of hearing that is 23-04-2022. **(Copy of the Implementation report is attached as "B")**

it is therefore ,humbly prayed that on acceptance of this application ,the implementation report may kindly be accepted, the salaries of the respondents may kindly be released please. It is further requested that showcause notice issued to the respondents vide No.2812-15/ST dated 03-08-2022 may kindly also be withdrawⁿ please.


District Education Officer (Male)
Dir lower
District Education Officer
(Male) Dir Lower

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

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CM No /2022

In

Execution Petition No. 112/2021

In

Service Appeal No.1228/2010

1. Sahib Zada v/s Govt of KP and others

Affidavit

I, Shahid Anwar Head Master/Litigation in charge O/O the DEO (M) Dir Lower Dir Lower do hereby solemnly affirm and state on oath that the whole contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this August court.

Identified by


Deponent

(4)

AUTHORITY LETTER

Mr. Shahid Anwar Head Master/ Litigation In charge O/O the DEO
(M) Dir Lower is hereby authorized to submit

CM No /2022


In

Execution Petition No. 112/2021

In

Service Appeal No.1228/2010

Title: Sahib Zada v/s Govt of KP and others on my behalf.


District Education Officer (M)
District Dir Lower
District Education Officer
(Male) Dir Lower

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)

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ist impl

Dir Lower (Phone # 0945 9250081-82)

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APPOINTMENT

Consequent upon the judgment of the August Service Tribunal Khyber Pakhtunkhwa Peshawar in the service appeal Nos. 1225/2010, 1226/2010, 1227/2010 & 1228/2010 dated 06-02-2017 and execution petition order dated 21-11-2017, the following appellants are hereby reinstated into service with immediate effect under the following terms & conditions.

S.#	Name of Appellant	Service Appeal No.	Designation	School Where Posted	Remarks
1	Khalil Ullah	1225/2010	Junior Clerk	GHS Biyari	A.V.Post
2	Haroon Rashid	1226/2010	Junior Clerk	GHSS Lajbook	A.V.Post
3	Saeed Mehmood	1227/2010	CT	GMS Bin Shahi	A.V.Post
4	Sahib Zada ✓	1228/2010	Junior Clerk	GHS Jawzo ✓	A.V.Post

Terms & Conditions

1. No TA/DA is allowed.
2. Charge reports should be submitted to all concerned.
3. They are directed to provide all their service documents i.e. initial appointment orders, Transfer orders, LPCs and service books to the office of the undersigned within 10 days after taking over the charge.
4. Their reinstatement is subject to the decision of Honorable Supreme Court of Pakistan as the CPLA has already been registered in the Superior Court.
5. Their reinstatement is subject to the condition that their service documents e.g. appointment orders, transfer orders, LPCs and service books will be verified from the offices issued by the concerned Districts.
6. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice their one month pay/allowances shall be forfeited to the Government treasury.
7. Pay shall not be drawn until and unless a certificate issued by this office that to the effect that their service documents have been verified and a certificate of pay released by this office.
8. They will be governed by such Rules and Regulations as issued from time to time by the Government.
9. Their services shall be terminated at any time in case their performance is found unsatisfactory during their service period. In case of misconduct, they shall be proceeded against under the relevant rules & regulations announced from time to time.
10. The concerned Principal / DDOs / Headmasters are required to collect an affidavit from each candidate that he will follow all the terms and condition listed above and will keep it on the record.
11. Errors and omissions are acceptable within the specified period.

(HAFIZ DR. MUHAMMAD IBRAHIM)
DISTRICT EDUCATION OFFICER
DIR LOWER AT TIMERGARA

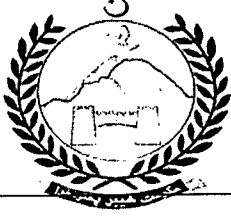
dated the timergara the: 21/12/2017

Endsr No: 15148-54

Copy of the above is forwarded for information & necessary action to: -

1. The Registrar Service Tribunal Kyber Pakhtunkhwa for information.
2. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. The District Account Officer Dir Lower.
4. The Deputy District Education Officer Male Dir Lower.
5. The Principal/Headmaster concerned.
6. The candidates concerned.
7. Master File.

DISTRICT EDUCATION OFFICER
DIR LOWER AT TIMERGARA



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
DIR LOWER AT TIMERGARA.

E- Mail: deomaledirlower@gmail.com. Tell: 0945-9250081-82

(6)

OFFICE ORDER

In compliance of the verdict of August Services Tribunal Khyber Pakhtunkhwa Peshawar vide order sheet dated 03/08/2021 in Execution petition 68/2017 S. Appeal No.1226/2010 titled Haroon Urashid , E.P No. 112 / 2021 in Service Appeal No. 1225/2010 titled Sahib Zada and E.P No.113/2021 Titled Khalil Ullah vs Govt. Addition in this office order No. 108-11 dated 4/01/2019 is made as,

“The absence period of the appellants according to the leave account from, if Earned leave found on his credit is hereby converted into into leave with pay and the remaining absent period may be converted into leave kind due as per court decision”.

District Education
Officer (M) Dir lower.

NO. 7745-49.

Dated 11 / 09 / 2021

Copy forwarded to:

- 1)-The Registrar High Court Khyber Pakhtunkhwa Peshawar.
- 2)-The Distt. Accounts Officer Dir Lower.
- 3)-The Appellant.

District Education
Officer (M) Dir lower.

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BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 68 /2017
In Service Appeal No.1226/2010

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 314

Dated 21-4-17

Haroon Rashid, Junior Clerk,
Govt: High School, Shikolai, Dir Lower.

PETITIONER

VERSUS

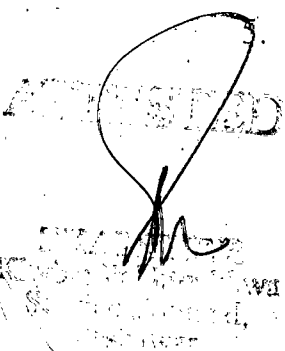
1. The Secretary Education, Elementary & Secondary, KPK, Peshawar.
2. The director Education, Elementary & Secondary, KPK, Peshawar.
3. The DC Dir Lower.
4. The EDO (E&SE), Dir Lower.

RESPONDENTS

.....
**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE JUDGMENT
DATED 06.02.2017 OF THIS HONOURABLE TRIBUNAL
IN LETTER AND SPIRIT.**
.....

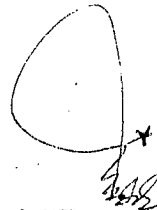
RESPECTFULLY SHEWETH:

1. That the petitioner filed Service Appeal No.1226/2010 in this august Tribunal against the order dated 30.10.2009 whereby the petitioner has been removed from service and against the final rejection order dated 26.01.2010, whereby the departmental appeal of petitioner has been rejected.
2. That the said appeal was decided on 06.02.2017 by the Honourable Tribunal and the august Tribunal was kind enough to accept the appeal and order for reinstatement of petitioner into service. (Copy of Judgment is attached as Annexure-A).
3. That the respondents were totally failed in taking any action regarded the Hon'able Tribunal Judgment dated 06.02.2017.
4. That in-action and not fulfilling formal requirements by the respondent after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to pass formal appropriate order.

ADMITTED


25.06.2020

Petitioner with counsel present. Addl: AG for respondents present. Representative of the respondents are not present. Learned counsel for the petitioner submitted an application for directing the respondents to process the pension file/case of the appellant which is placed on file. Notices of this application be issued to the respondents for reply. Adjourned. To come up for further proceedings on 16.07.2020 before S.B.


MEMBER

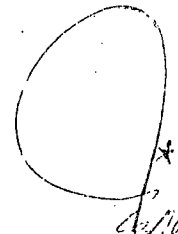
16.07.2020

Petitioner alongwith his counsel present. Addl: AG alongwith Mr. Shahid Anwar, ADEO for respondents present.

Learned counsel for the petitioner is satisfied with the execution to the extent of reinstatement in service and releasing of pay of the petitioner in true letter and spirit as per judgment of this Tribunal dated 06.02.2017.

On the other hand, learned Additional Advocate General and representative of the department apprised the court that the respondents have approached the Apex Court in CPLA and requested for early hearing at that level.


In view of the above manner, the instant execution proceedings are consigned being completed. The petitioner may apply for its restoration in case any part of relief granted to him remained unsatisfied. File be consigned to the record room.


MEMBER(E)

(MIAN MUHAMMAD)
MEMBER(E)

Certified to be true copy

Announced:
16.07.2020


MEMBER

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Name
Date
Date of

16-7-2020
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13-8-2020
13-8-2020



**OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
DIR LOWER AT TIMERGARA.**

E- Mail: deomaledirlower@gmail.com Tell: 0945-9250081-82

OFFICE ORDER

In Compliance of verdict of August Service Tribunal Khyber Pakhtunkhwa vide order sheet dated 13.01.2022, in Execution petition No. 113/2021 Titled Sahib Zada J/C addition in this office No.108-11 dated 04/01/2019 is made as,

The absent period of the appellant according to the Leave account form if Earned Leave found on his credit is hereby converted into Leave with pay and the remaining absent period may be treated as Leave Kind due.

1st Appointment----- 01/06/1999.
Re-instated on-----06/02/2017.
Total Leave on his credit-----~~227~~ days.
Total absent period----- 4691 days.

1. W.e.f 01.04.2004 to 29.7.2004 (120 days) on full pay.
 2. W.e.f 30.07.2004 to 10.11.2004 (104 days) on half pay.
 3. W.e.f 11.11.2004 to 05.02.2017 (4467 days) without pay.
- Total days= (4691 days)

**District Education
Officer (M) Dir lower.**

NO. 721-25 /

Dated 03 / 02/2022

Copy forwarded to:

- 1)-The Registrar KPK service Tribunal Peshawar.
- 2)-The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
- 3)-The Head Master GHS Jawzo.
- 4)-The Distt. Accounts Officer Dir Lower.
- 5)-The Appellant concerned.


District Education
Officer (M)Dir lower