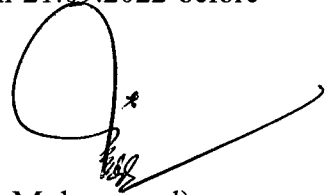


21.07.2022

Petitioner in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

As per previous order sheet dated 10.06.2022, both the Principals i.e. GHS Kula Dand District Charsadda as well as GHS Maryam Zai, District Peshawar were directed for personal attendance today. On perusal of the file, it came to limelight that notices to this effect could not be issued due to non-availability of postage stamp in the office of Registrar. Notice to both the Principals be issued to make sure that they are in attendance on the next date to apprise the court properly. Adjourned. To come up for implementation report on 21.09.2022 before S.B.



(Mian Muhammad)
Member (E)

Both respondents are out district, therefore notice was not sent due to non-availability of postal stamp. No contact number was mentioned in whole file as to inform the appellants about the matter.

29.03.2022

Petitioner in person present. Mr. Muhammad Adeel Butt,
Addl: AG alongwith Mr. Arshad, ADEO for respondent present.

On previous date the case was adjourned on ^{the strength of} reader note,
therefore notice of prosecution ^{per} order sheet dated 20.12.2021
be issued to respondent No. 3 for personal appearance alongwith
report about the case of the petitioner. Adjourned. To come up
for further proceedings on 10.06.2022 before S.B.

(MIAN MUHAMMAD)
MEMBER(E)

10.06.2022

Petitioner in person present.

Muhammad Adeel Butt, learned Additional
Advocate General for respondents present.

Despite directions implementation report was not
submitted. Today, this Bench was apprised that proper
person to submit bill in respect of arrears is Principal GHS
Kula Dand District Charsadda wherefrom the petitioner got
retired while the petitioner is of the opinion that the arrears bill
is in respect of the period while he was serving in GHS
Maryam Zai, District Peshawar. For the ends of justice both
the Principals of GHSS Maryam Zai and GHSS Kula Dand
be put on notice for personal attendance alongwith proper
report on 21.07.2022. Learned AAG is directed to make sure
the presence of both the Principals on the next date fixed.

(Rozina Rehman)
Member (J)

EP 93/21

02.11.2021

Petitioner in person and Mr. Kabirullah Khattak, Addl. AG alongwith Tauseefur Rehman, ADEO (L) for the respondents present.

Petitioner seeks time for preparation. Request is accorded. Case to come up for further proceedings on 20.12.2021 before the S.B.


Chairman

20.12.2021

Petitioner in person present.

Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Letter dated 03.11.2021 addressed to respondent No. 3 for certain information has been sent by the District Education Officer (Male) Peshawar. The same is produced and placed on file. It appears that the respondent No. 3 being the relevant authority for movement of the case for arrears is not proactive. Let he be given notice for personal appearance alongwith report about the case of the petitioner failing which he shall be liable to coercive measures provided under the law. Office is directed to issue notice. To come up for further proceedings on 08.02.2022 before S.B.

8-2-2022


Chairman

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 29-3-2022


Reader

27.07.2021

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Saleem Khan, S.O for the respondents present.

Learned AAG assured that he will take up the matter with the department for implementation. Case to come up on 06.09.2021 before S.B.


Chairman

06.09.2021

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

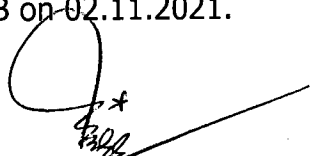
No representative of the respondents is available. Learned AAG assured that he will take up the matter with the department for implementation. On assurance of learned AAG, case is adjourned to 27.09.2021 before S.B for submission of implementation report.


Chairman

27.09.2021

Petitioner in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Touseef Ur Rehman, ADEO for respondents present.




Representative of the respondents submitted written reply to the execution petition which is placed on file. Adjourned. To come up for further proceedings before the S.B on 02.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 93 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02.04.2021	<p>The Execution Petition of Mr. Nasrullah submitted by him may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27/05/2021	<p>This Execution Petition be put up before S. Bench on 4/6/2021</p> <p style="text-align: right;"> CHAIRMAN</p>
	04.06.2021	<p>Petitioner present in person.</p> <p>Notices be issued to the respondents. To come up for implementation report on 27.07.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

To the matter of Appeal No.681/2016

Decided on 29-11-2018

Nasrullah Ex. S.E.T. Teacher, Kuludhand District Charsadda

Versus

1. The Director (E&SE) Khyber Pakhtunkhwa.
2. The D.E.O (M) Secondary District Peshawar.
3. The Headmaster G.H.S. Maryamzai District Peshawar.

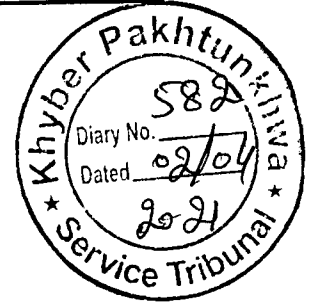
INDEX

S.No	Description of Documents	Page No.
1.	Memo of Appeal Affidavit	1-3
2.	Copy of Judgment and order 681/2016 dated 29-11-2018	4-8
3.	Application to the Director for implementation of Judgment salary from 01-09-2004 to 14-03-2005	9

Nasrullah
APPELLANT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

EP No 93/21
 To the matter of Appeal No.681/2016



Decided on 29-11-2018

Nasrullah Ex. S.E.T. Teacher, Kuludhand District Charsadda

Versus

1. The Director (E&SE) Khyber Pakhtunkhwa.
2. The D.E.O (M) Secondary District Peshawar.
3. The Headmaster G.H.S. Maryamzai District Peshawar.

APPLICATION FOR THE IMPLEMENTATION OF THE JUDGMENT
AND ORDER 681/2016 DATED 29-11-2018 SALARY FROM
01-09-2004 TO 14-03-2005

Respectfully Sheweth:

1. Appeal for the salary from 01-09-2004 to 14-03-2005 was decided vide judgment and order 681/2016 dated. 29-11-2018.
2. That vide judgment and order 681/2016 dated. 29-11-2018 this honorable tribunal allowed the salary from 01-09-2004 to 14-03-2005.
3. That the judgment and order of the this honorable tribunal was duly communicated to the respondents by the applicant therefore the applicant is continuously approaching the respondents for the implementation of the judgment dated. 29-11-2018. However they are reluctant to implement the same.
4. In the review of the judgment dated 29-11-2018 to the extent of correction of grant of salary w.e.f 01-09-2004 to 14-03-2005 instead of 14-03-2015. Its last para is reproduced below:

The application for correction appears to be well founded as the prayer of applicant also pertains to the payment of salary from 01-09-2004 to 14-03-2005. It is therefore allowed and the date mentioned as 14-03-2015 in the second last line of paragraph No.5 of the judgment shall be read as 14-03-2005. Further in the second line of the first paragraph of the judgment the date noted as "01-09-2005" shall be read as "01-09-2004".

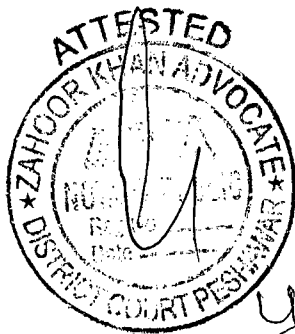
It is, therefore, prayed that on acceptance of this application the judgment and order 681/2016 dated 29-11-2018 of this honorable tribunal be implemented for the salary from 01-09-2004 to 14-03-2005.

Dated. 02-04-2021

Nasrullah
APPLICANTS

AFFIDAVIT

I solemnly and declare affirm on oath that the contents of this application are true and correct to the best of my knowledge and belief.



Nasrullah
DEPONENTS

24
2021



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 681 /2016

Nasrullah Ex- SET, (Retired) GHS Kula Dhand,
District Charsadda.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 642

Dated 20/6/2016

(Appellant)

VERSUS

1. The Secretary Education (E&SE), KPK, Peshawar.
2. The Director Education (E&SE) KPK, Peshawar.
3. The District Education Officer, Peshawar.
4. The Secretary Finance, KPK, Peshawar.
5. The Headmaster GHS Maryamzai, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 FOR DIRECTING THE RESPONDENTS TO PAY THE SALARIES TO THE APPELLANT FROM 01.09.2004 TILL 14.3.2005 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO PAY THE SALARIES OF THE APPELLANT FROM 01.09.2004 TILL 14.03.2005 DATE. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

Filed to day
[Signature]
Registrar

1. That the appellant was appointed against CT post on dated 12.11.1987 in GHSS Tehkal in District Peshawar and performed his duty up to the entire satisfaction of his superior and no complaint has been filed against him.

Re-submitted to day
and filed.

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Signature]
Registrar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appel No. 681/2016

Date of Institution ... 20.06.2016

Date of Decision ... 29.11.2018



Nasrullah Ex-SET (Retired) GHS Kula Dhand District Charsadda.
... (Appellant)

VERSUS

The Secretary, Elementary & Secondary Education, Peshawar and 4 others.
... (Respondents)

SYED NUMAN SHAH BUKHARI,
Advocate. ... For appellant


MR. MUHAMMAD JAN,
Deputy District Attorney ... For respondents

MR. HAMID FAROOQ DURRANI,
MR. HUSSAIN SHAH, ... CHAIRMAN
... MEMBER(E)

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Learned counsel for the appellant stated that the appellant was not paid salary for the period commencing from 01.09.2005 to 14.03.2005 (6 months and 14 days). To verify the said fact the respondents were required to apprise the Tribunal from their record regarding attendance of duty by the appellant or otherwise at the place of his posting during relevant period.

2. Today the record including attendance register of GHS Maryamzai, for the disputed period, has been produced in original which reflects that in the month of September 2004 the appellant had availed 9 days casual leave, in October 2004 the appellant remained absent throughout, in November 2004 he remained absent for 13 days, in December 2004 he was absent for 6 days, in January 2005 absence was for 18

days, in February 2005 he remained absent throughout and in March 2005 he was absent upto his last day of duty in the said school.

3. The appellant stated at the bar that he would be satisfied if his salary for the disputed period is released against the number of days on which he had performed his duty.

4. Learned counsel for the respondents, on the other hand, opposed the appeal and stated that the appellant, though retired now, had dubious conduct throughout his service and had remained away from duty at different intervals of time. In his view, the respondents had already remained lenient with the appellant by not initiating punitive proceedings against him for his faults.

5. At this stage, when the appellant already stands retired, we consider it appropriate to dispose of the appeal in hand in the manner that his salary for the days on which he performed duty as per documentary evidence available with the respondents during the disputed period i.e. between 01.09.2004 to 14.3.2015, shall be released forthwith in accordance with the law. File be consigned to the record room.

Announced
29.11.2018
Sd/- Hamid Farooq Durrani,
Chairman
Sd/- Hussain Shah,
Members

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Copy 12-12-18
Number of Words 1000
Copying Fee 8.00
Urgent 2.00
Total 10.00
Name of Copyist
Date of Completion of Copy 12-12-18
Date of Delivery of Copy 12-12-18



BEFORE THE HON'ABLE KHYBER PAKHTU NKHWA, SERVICE TRIBUNAL PESHAWAR

Application No. _____/2018. In Service Appeal No.681/2016.

Khyber Pakhtunkhwa Service Tribunal.

Nasrullah Ex-SET (Retired GHS Kuladand District Charsadda)

Diary No. 2232

Versus

Dated 11-12-2018

Secretary, (E&SE) Department Khyber Pakhtunkhwa Peshawar & Others.

APPLICATION UNDER SECTION 153 OF CPC 2018 FOR REVIEW OF THE JUDGMENT DATED 29/11/2018 TO THE EXTENT OF CORRECTION OF GRANT OF SALARY W.E.F.01-09-2004 TO 14-03-2005 INSTEAD OF 14-3-2015.

Respectfully sheweth:-

Respondents Nos. 1-5 submit as under:-

1. That the Titled case has been instituted on 20-06-2016 by the Appellant vide service Appeal No.,681,2016 under case Titled Nasrullah Ex-SET Retired GHS Kula Dand District Charsadda Versus Secretary, (E&SE) Department Khyber Pakhtunkhwa & Others. With the prayer That On acceptance of this appeal the respondents may be directed to pay the

salaries of the applicant from 01-09-2004 till 14-03-2005. (Copy for the servicer Appeal is attached as Annexure "A")

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

2. That the Titled case has been decided vide judgment dated 29-11-2018 in favour of the Appellant with the directions vide para 5 of the said judgment dated 29/11/2018 vide which the appellant has been made entitled for the grant of salaries w.e.f.01-09-2004 to 14-03-2015 as against the actual prayer of the Appellant for the grant of outstanding salaries against the SET post w.e.gf. 01-09-2004 to 14-03-2005 which is a clerical mistake & liable to be corrected as per prayer of the Respondents under the relevant provision of law. (copy of the judgments is attached as Annexure "B").

Misc. Application No. 474/2018

In appeal No. 681/2016

11.04.2019

Appellant Nasrullah in person and Addl. AG on behalf of Director, Elementary & Secondary Education present.

An application has been submitted by Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar with the prayer for correction of typographical error occurring in para-5 of the judgment dated 29.11.2018 handed down by this Tribunal in Appeal No. 681/2016. It is noted in the application that the appellant is entitled for grant of salary w.e.f. 01.09.2004 to 14.03.2005, however, the later date has been erroneously mentioned as 14.03.2015.

The application for correction appears to be well-founded as the prayer of appellant also pertains to the payment of salary from 01.09.2004 till 14.03.2005. It is, therefore, allowed and the date mentioned as 14.03.2015 in the second last line of Paragraph No. 5 of the judgment shall be read as "14.03.2005". Further in the second line of first paragraph of the judgment the date noted as "01.09.2005" shall be read as "01.09.2004".

ATTESTED

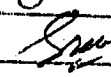
File be consigned to the record room.

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar


Chairman

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	18-4-2019
Number of Words	300 --
Copying Fee	6 -- 00
Urgent	2 -- 00
Total	8 -- 00
Name of Copyist	
Date of Completion of Copy	18-4-2019
Date of Delivery of Copy	18-4-2019

حضرت صاحب ڈائری کے نام سے
 ممبر خیر خیر خواہان مبلغ پشاور
 عنوان: ممبر ڈائری ٹریبونل کے فیصلے کے اجراء 2004ء تا 2005ء 14 مئی 2005ء کی درخواست کا جواب

جناب عالی

مورد بیان گزارش ہے کہ ممبر ڈائری ٹریبونل کے فیصلے کے اجراء کے سلسلے میں
 G.H.S. ٹریبونل نے مبلغ پشاور سے ایک AG کے AG سے Pay slip لانے
 کے لئے کہا۔ بلکہ ایک دفعہ اس کے لئے درخواست دی گئی اور
 AG office کے مفوض پر سب کو لیٹر مع منعلقہ کاغذات بھیج دیا گیا
 اور مجھے بھی اس کی کاپی ارسال کی گئی۔ پر سب نے سب کے لئے اجراء کرنے
 میں اپنی کاپی سے غور و خیزش کی ہے جس سے ثابت ہوا ہے کہ سب کو درج
 کیے وہ حال متوال ہے اور وہ ہے اور عدالت کا فیصلہ ماننے سے انکار کیا ہے
 برائے مہربانی اسے حکم دیا جائے کہ وہ ممبر ڈائری ٹریبونل کا
 فیصلہ تسلیم کرے اور اس پر عملدرآمد کرے اور اسے (14 مئی 2005ء تا 2004ء)
 نحوہ کامل بنائے اور AG سے جمع کرے اور اس کی ایک
 کاپی مجھے بھی دلا جائے۔

تشریح

الہ
 ADDRESS

آغا کا تابع زمانہ
 Nasrullah
 رقم القبول سید ایمن الحق
 (Ed. S.E.P.)

مورد
 2
 2-1 (الانوار)
 2

Diary No. 416 dt. 2/2/2020
 Director Office Peshawar
 Case No. 11/2019

"B"

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

SB

No.

E/P No. 93/2021

w Appeal No. 681 of 2016.

Nasrullah

Appellant/Petitioner

Versus

The Director (E&SE) KPK Peshawar Respondent

Respondent No. 2

The Director (E&SE) KPK Peshawar.

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 27/7/2021 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~~ E/P 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 27th

Day of..... June 21

14/6/21

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 application.

"B"

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

SB

No. *EIP No. 93/2021*

✓ Appeal No. *681* of ~~206~~

Nasrullah Appellant/Petitioner

Versus

The Director (EVSE) KP Pesh: Respondent

Respondent No. *2*

Notice to: *The D.E.O (M) Secondary Distt. 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 *27/7/2021* 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.

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 *7th* Day of *June* 20*21*.

Recd
[Signature]
14/06/2021

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same as that of the High Court except Sunday and Gazetted Holidays. Always quote Case No. while applying.



BEFORE The HON'BLE CHAIRMAN, KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No.93/2021 in Service Appeal No.681/2016

Nasrullah Ex. S.E.T Teacher Kuludhand District Charsadda Petitioner

VS

Director (E&SE) Khyber Pakhtunkhwa etc..... Respondents

**REPLY TO EXECUTION PETITION ON BEHALF OF RESPONDENT
DEPARTMENT.**

RESPECTFULLY SHEWETH.

ON FACTS

1. That para No 1 pertains to record.
2. That para No 2 is incorrect, misleading and against the facts, the Honorable Service Tribunal allowed the salary of those days on which the petitioner perform duty as per documentary evidence available in the record of respondent during the disputed period i.e. between 01-09-2004 to 14-03-2015, which has already mentioned in the judgment para No 5. (Judgment is annexed as Annexure-A).
3. That para No 3 is incorrect, misleading and against the facts. The respondents implemented the judgment of this Honorable Tribunal with letter and spirit. Moreover, the respondent prepared the salary bill of the petitioner in light of court judgment para No 5 and sent it to the concerned quarter on Dated 18-11-2019. (Bill is annexed as Annexure-B).
4. That reply to para No 4, it is submitted that the respondent Department prepared the salary bill of the petitioner in light of court judgment, thus the Department implemented the court judgment with letter and spirit. The salary bill has already annexed an annexure B of the reply.

It is therefore, prayed that on acceptance of this reply, the execution petition may very kindly be dismissed.

District Education Officer
(Male) Peshawar



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 681 / 2016

Nasrullah Ex- SET, (Retired) GHS Kula Dhand,
District Charsadda.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 642

Dated 20/6/2016

(Appellant)

VERSUS

1. The Secretary Education, (E&SE), KPK, Peshawar.
2. The Director Education (E&SE) KPK, Peshawar.
3. The District Education Officer, Peshawar.
4. The Secretary Finance, KPK, Peshawar.
5. The Headmaster GHS Maryamzai, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 FOR DIRECTING THE RESPONDENTS TO PAY THE SALARIES TO THE APPELLANT FROM 01.09.2004 TILL 14.3.2005 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO PAY THE SALARIES OF THE APPELLANT FROM 01.09.2004 TILL 14.03.2005 DATE. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

Filed to-day FACTS:

[Signature]
Registrar

1. That the appellant was appointed against CT post on dated 12.11.1987 in GHSS Tehkal in District Peshawar and performed his duty up to the entire satisfaction of his superior and no complaint has been filed against him.

Re-submitted to-day and filed.

[Signature]
Registrar

ATTESTED

[Signature]
SECRETARY
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 681/2016

Date of Institution ... 20.06.2016

Date of Decision ... 29.11.2018



Nasrullah Ex-SET (Retired) GHS Kula Dhand District Charsadda.
... (Appellant)

VERSUS

The Secretary, Elementary & Secondary Education, Peshawar and 4 others.
... (Respondents)

SYED NUMAN SHAH BUKHARI,
Advocate.

... For appellant

MR. MUHAMMAD JAN,
Deputy District Attorney

... For respondents.

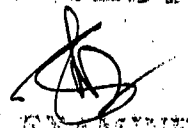
MR. HAMID FAROOQ DURRANI,
MR. HUSSAIN SHAH,

... CHAIRMAN
... MEMBER(E)

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

ATTESTED.


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Learned counsel for the appellant stated that the appellant was not paid salary for the period commencing from 01.09.2005 to 14.03.2005 (6 months and 14 days). To verify the said fact the respondents were required to apprise the Tribunal from their record regarding attendance of duty by the appellant or otherwise at the place of his posting during relevant period.

2. Today the record including attendance register of GHS Maryamzai, for the disputed period, has been produced in original which reflects that in the month of September 2004 the appellant had availed 9 days casual leave, in October 2004 the appellant remained absent throughout, in November 2004 he remained absent for 13 days, in December 2004 he was absent for 6 days, in January 2005 absence was for 18

days, in February 2005 he remained absent throughout and in March 2005 he was absent upto his last day of duty in the said school.

3. The appellant stated at the bar that he would be satisfied if his salary for the disputed period is released against the number of days on which he had performed his duty.

4. Learned counsel for the respondents, on the other hand, opposed the appeal and stated that the appellant, though retired now, had dubious conduct throughout his service and had remained away from duty at different intervals of time. In his view, the respondents had already remained lenient with the appellant by not initiating punitive proceedings against him for his faults.

5. At this stage, when the appellant already stands retired, we consider it appropriate to dispose of the appeal in hand in the manner that his salary for the days on which he performed duty as per documentary evidence available with the respondents during the disputed period i.e. between 01.09.2004 to 14.3.2015, shall be released forthwith in accordance with the law. File be consigned to the record room.

Announced
29.11.2018

Sd/- Hamid Farooq Durrani,
Chairman

Sd/- Hussain Shah,
Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	12-12-18
Number of Words	1200
Copying Fee	8.00
Urgent	2.00
Total	10.00
Name of Copyist	<i>[Signature]</i>
Date of Completion of Copy	12-12-18
Date of Delivery of Copy	12-12-18

1100-00500/52
Cell no = 0343-9094145

(0343-9094145)

Arrear of pay & allow in r/o Nasrullah Ex SET GHS Maryamzai Peshawar.

Rate 6165/- 562/- 516/- 925/- 925/-

Period	Pay	HRA	Spl AR	SRA	Ad Re	Total
20 days of 9/2004	4110	374	344	616	616	6060
10/2004	Absent	throughout	The month			
8 Days of 11/2004	1644	149	137	246	246	2422
12 Days of 12/2004	2386	217	199	358	358	3518
6 Days of 1/2005	1193	108	99	179	179	1758
2/2005	Absent	Throughout	The Month			
3/2005	Absent	Throughout	The Month			
Total	9333/-	848/-	779/-	1399/-	1399/-	13758/-

B Pay 0001	9333/-
HRA 1000	848/-
Spl AR	779/-
SRA	1399/-
Ad Re	1399

[Signature]
Head Master
G.H.S. Maryam Zai
Peshawar

AG office diary no = 563

Dated 18-11-2018-
5



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 30 / ST

Dated: 05/01 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The Headmaster G.H.S Maryamzai,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: ORDER IN EXECUTION PETITION NO. 93/2021, MR. NASRULLAH.

I am directed to forward herewith a certified copy of order dated 20.12.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

REMINDER -II

District Education Officer

(Male) Peshawar.

No. 10065 /

Dated 03 / 11 /2021

To.

The Principal,
G.H.S Maryamzai,
Peshawar.

Subject: **PROVISION OF INFORMATION REGARDING THE OUTSTANDING SALARY IN RESPECT OF NASIR ULLAH EX-SET IN LIGHT OF COURT JUDGMENT/ORDER DATED 2/11/2021 IN EXECUTION PETITION No.681/2021.**

Memo:

I am directed to refer to ask you to to furnish updated status of outstanding salary in respect of Mr. Nasir Ullah Ex SET of your school. So, that this office could be able to submit the same in the honorable court it earliest being a court matter please.

Note: Next date is fixed on 20-12-2021.

Dy. District Education Officer
(Male) Peshawar

Endst: No. 10066-68 / Date 03 / 11 /2021

Copy of the above is forwarded for information.

1. Registrar Service Tribunal Peshawar.
2. PS to Secretary (E & SE) KPK Peshawar.
3. PA to Director (E & SE) KPK Peshawar.

Dy. District Education Officer
(Male) Peshawar

OFFICE OF THE PRINCIPAL GHSS MARYAM ZAI PESHAWAR
No. 4047 dated 13/01/2022

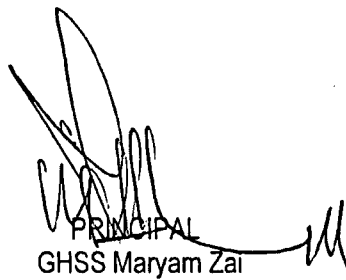
To

The Registrar Khyber Pakhtunkhwa Service Tribunal
Peshawar.

Subject: ORDER IN EXECUTION PETITION NO. 93/2021, NASRULLAH.

Memo:

Kindly refer to your letter No. 30/ST dated 05/01/2022 for compliance of the subject cited order of the honorable Service Tribunal Khyber Pakhtunkhwa Peshawar. To comply with the decision of the honorable Service Tribunal dated 29/11/2018 the previous Head Master of this school had submitted a bill amounting to Rs. 13758/- to the DAO Peshawar vide this office letter No. 563 dated 18/11/ 2019 in respect of Mr. Nasrullah Ex-SST, but it had not been honored for the reason that the teacher concerned has been retired from a school of district Charsadda wherefrom the claim in question should have been submitted. Again, a subsequent bill amounting to Rs. 13758/- has been submitted to the DAO Peshawar by the undersigned on 06/10/2021 bearing TR- No. 04 but it has also been rejected for the above said observation. (The photo copies of both the bills are hereby attached for perusal please.)


PRINCIPAL
GHSS Maryam Zai
Peshawar.

OFFICE OF THE PRINCIPAL GHSS MARYAM ZAI PESHAWAR

No. 4024 dated 22/11/2021

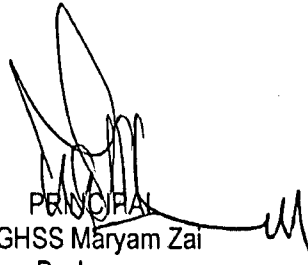
To

The District Education Officer (Male)
Peshawar.

Subject: PROVISION OF INFORMATION REGARDING THE OUTSTANDING SALARY IN
RESPECT OF NASRULLAH EX- SET.

Memo:

Kindly refer to your Endst. No. 10065 dated 03/11/2021 wherein the subject cited information is required to be furnished. In this regard it is stated that a bill amounting to Rs. 13758/- had been submitted to the DAO Peshawar vide this office letter No. 563 dated 18/11/2019 in compliance to the decision of the honorable Service Tribunal dated 29/11/2018 but it has not been honored for the reason that the teacher concerned has been retired from a school of district Charsadda wherefrom the claim should have been submitted. Again a subsequent bill amounting to Rs. 13758/- has been submitted to the DAO Peshawar on 06/10/2021 bearing TR- No. 04 but it has also been rejected for the above said observation. (The original bill is hereby attached for perusal.)


PRINCIPAL
GHSS Maryam Zai
Peshawar.


Arrear of pay & allow wef 01/09/2004 to 14/03/2005 in r/o Mr. Nasrullah Ex SET GHS Maryamzai Peshawar, DDO Code:- PW 6059

P.No :-00360732

Rate 6165/- 562/- 516/- 925/- 925/-

Period	Pay	HRA	Spl AR	SRA	Ad Re	Total
20 days of 9/2004	4110	374	344	616	616	6060
10/2004	Absent	throughout	The month			
8 Days of 11/2004	1644	149	137	246	246	2422
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B Pay 0001	9333/-
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SRA	1399/-
Ad Re	1399


Head Master
G.H.S. Maryam Zai
Peshawar

Head Master
GHS Maryamzai Peshawar

AG office diary no = 563

Dated. 18/11/2019.

District Education Officer.

(Male) Peshawar

No. 16483 /

Dated 15/02/2019

To,

The Principal,
GHS Maryamzai,
Peshawar.

Subject:- **IMPLEMENTATION OF COURT JUDGMENT DATED 29-11-2018 IN SERVICE APPEAL NO.681/2016 TITLED NASRULLAH EX-SET.**

Memo

You are directed to implement the court judgment r/o Mr. Nasrullah Ex-SET dated 29-11-2018 of the Appellant and submit the bills to quarter concerned in light of court judgment with intimation of this office.


District Education Officer

(Male) Peshawar

Endst: No. 16483 dated 15/02/2019

Copy forwarded to the:-

1. Registrar Hon'ble Service Tribunal KPK Peshawar.
2. Section officer Litigation-II E&SE KPK Peshawar.
3. Office file.


District Education Officer
(Male) Peshawar

District Education Officer

(Male) Peshawar

No 14983 /

Dated 15/02/2019

To,

The Principal,
GHS Maryanzai,
Peshawar.

Subject:- **IMPLEMENTATION OF COURT JUDGMENT DATED 29-11-2018 IN SERVICE APPEAL NO.681/2016 TITLED NASRULLAH EX-SET.**

Memo:

You are directed to implement the court judgment r/o Mr. Nasrullah Ex-SET dated 29-11-2018 of the Appellānt and submit the bills to quarter concerned in light of court judgment with intimation of this office.

District Education Officer

(Male) Peshawar

Endst: No. 14984-86 dated 15/02/2019

Copy forwarded to the:-

1. Registrar Hon'ble Service Tribunal KPK Peshawar.
2. Section officer-Litigation-H E&SE KPK Peshawar.
3. Office file.

5/11
District Education Officer
(Male) Peshawar