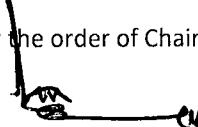


Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 558/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.09.2022	<p>The execution petition of Mst. Mehvish Munsif submitted today by Mr. Kaleemullah Advocate. It is fixed for implementation report before touring Single Bench at A.Abad on _____. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

**SCANNED
KPST
Peshawar**

AAG

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

SCANNED
KPST
Peshawar

E. AND 5587/2022
CM No. -A/2022

IN

Service Appeal No. 1403/2018

Mehvish Munsif Subject Specialist (Statistic) (BPS-17) GGHSS Mirpur,
Abbottabad.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary &
Secondary Education, Peshawar and others

...RESPONDENTS

IMPLEMENTATION APPLICATION

INDEX

S. #	Description	Page No.	Annexure
1.	Application alongwith affidavit	1 to 3	
2.	Copy of judgment/ order dated 16/03/2021 and appeal	4-13	"A" & B
3.	Copy of application dated 24/06/2021 and letter dated 28/09/2021,	14-15	"C" & D
4.	Wakalatnama	16	

...APPELLANT

Through

Dated: 14/09/2022

(Khalidullah)

Advocate High Court, Abbottabad

①

**BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

CM No. _____-A/2022
IN
Service Appeal No. 1403/2018

Mehvish Munsif Subject Specialist (Statistic) (BPS-17) GGHSS MirPur,
Abbottabad.

....APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar.
2. District Education Officer (Female), Abbottabad.
3. Director Elementary & Secondary Education, KPK, Peshawar.
4. District Accounts Officer, Abbottabad.
5. District Education Officer (Female) Haripur.
6. District Account officer, Haripur.

....RESPONDENT

IMPLEMENTATION PETITION

**APPLICATION FOR IMPLEMENTATION OF
ORDER/JUDGMENT DATED 16/03/2021 PASSED
BY THIS HONOURABLE TRIBUNAL IN THE
TITLED SERVICE APPEAL, FOR ADJUSTMENT
/PAYMENT OF THE SALARY FOR THE PERIOD
i-e 24-09-2009 TO 31-05-2010.**

PRAYER: ON ACCEPTANCE OF THE INSTANT IMPLEMENTATION PETITION, RESPONDENTS MAY BE DIRECTED TO EXECUTE THE JUDGMENT DATED 16/03/2021 OF THIS HONOURABLE TRIBUNAL, FAILING WHICH CONTEMPT OF COURT PROCEEDINGS MAY BE INITIATED AGAINST THEM.

Respectfully Sheweth;-

1. That the appellant filed service appeal no. 1403/2018 before this Honorable Tribunal.
2. That this Honourable Tribunal decided service appeal of the appellant on 16-03-2021. Copy of judgment/ order dated 16-03-2021 and appeal are attached as Annexure "A"& B.
3. That the appellant submitted application on dated 24-06-2021 for implementation of order /judgment dated 16-03-2021 passed by this honorable Tribunal in the titled service appeal, for adjustment of the salary for the period i-e 24-09-2009 to 31-05-2010. Copy of application and letter dated 28/09/2021 of the office of director are attached as Annexre " C"& D.

3

4. That noncompliance of orders of this Honorable Court amounts to contempt of this Honorable Court.
5. That, as per law, respondents is to implement judgment of this Honorable Tribunal in letter and spirit.
6. That valuable right of the applicant is involved.

In view of the above, it is prayed that on acceptance of the instant implementation petition, respondents' may graciously be directed to Adjustment/Payment of the salary for the period i-e 24-09-2009 to 31-05-2009 to the applicant forthwith as per judgment of this Honourable Tribunal.


...APPELLANT

Through

Dated: 14 /09 /2022


(Kalimullah)

Advocate High Court, Abbottabad

AFFIDAVIT:-

I, Mehvish Munsif Subject Specialist (Statistic) (BPS-17) GGHSS MirPur, Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


DEPONENT

P-4

Annex

A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD

Service Appeal No. 1403/2018

Date of Institution ... 19.11.2018
Date of Decision ... 16.03.2021



Mehvish Munsif Subject Specialist (Statistics) (BPS-17) GGHS
Keri Raiki, Abbottabad.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education Peshawar and three others.

... (Respondents)

Kalim Ullah,
Advocate

... For appellant.

Riaz Khan Paindakheil,
Assistant Advocate General

... For respondents.

ROZINA REHMAN
ATIQ UR REHMAN WAZIR

... MEMBER (J)
... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER : The relevant facts leading to filing of the instant appeal are that appellant was appointed as Subject Specialist (Statistics) on contract basis. Her contract service was regularized and all those similar Subject Specialists whose services were regularized were paid salary w.e.f 24.09.2009 to 31.05.2010 but

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

appellant was not paid salary. She, therefore, preferred departmental appeal which was not responded to, hence the present service appeal.

2. We have heard Mr. Kalim Ullah Advocate for appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Mr. Kalim Ullah Advocate learned counsel appearing on behalf of the appellant, inter-alia, argued that conduct of the respondents towards appellant is discriminatory, against law and policy. He argued that stoppage of salary for the period the appellant served the department is against fundamental rights as enshrined in the Constitution.

4. Conversely, learned A.A.G submitted that appellant was treated as per law, rules and policy. He contended that she was paid salary after her appointment and that she failed to show that she was not paid for a specific period.

5. As per record, appellant was appointed as Subject Specialist (Statistics) on contract basis on 26.12.2008, later on, her services were regularized vide notification dated 31.05.2010 w.e.f 24.09.2009. Her claim is in respect of her salary from 24.09.2009 to 31.05.2010. As per record, all those Subject Specialists, whose services were regularized vide notification dated 31.05.2010 alongwith the appellant have been paid salary for the said period but the appellant was not

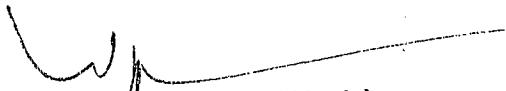
16/3/21


ATTACHED
 ENCLOSED
 REVISOR PAINDAKHEIL
 SERVICES


paid due to the reasons best known to the respondents. Neither any break in her service, nor absence from duty was shown. Nothing was brought in black and white in order to show that appellant did not serve Department from 24.09.2009 to 31.05.2010.


5. For the foregoing reasons, this appeal is accepted as prayed for. No order as to costs. File be consigned to the record room.

ANNOUNCED.
16.03.2021


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

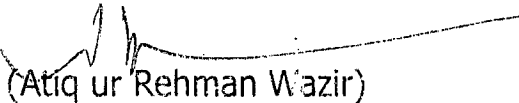
Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

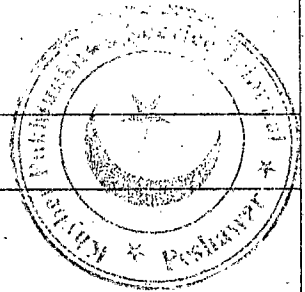
Date of Presentation of Application 19-4-2021
Number of Words 1600
Copying Fee 18-
Urgent 4-
Total 22-
Name of 
Date of Completion of Copy 19-4-2021
Date of Delivery of Copy 19-4-2021

P-(7)

Annex "B"

Service Appeal No. 1403/2018

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	16.03.2021	<p><u>Present.</u></p> <p>Kalim Ullah, ... For appellant Advocate</p> <p>Riaz Khan Paindakheil, ... For respondents Assistant Advocate General</p> <p>Vide detailed judgment of today placed on file, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 16.03.2021</p> <p>(Atiq ur Rehman Wazir) Member (E) Camp Court, Abbottabad</p> <p>(Rozina Rehman) Member (J) Camp Court, Abbottabad</p> <p>ATTESTED</p> <p> Atiq ur Rehman Wazir Member (E) Camp Court, Abbottabad</p>



**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2018

Mehvish Munsif Subject Specialist (Statistic) (BPS-17) GGHS Keri Raiki,
Abbottabad.

....APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar.
2. District Education Officer (Female), Abbottabad.
3. Director Elementary & Secondary Education, KPK, Peshawar.
4. District Accounts Officer, Abbottabad.
5. District Education Officer (Female), Haripur.
6. District Account Officer, Haripur.

....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT
APPELLANT IS SERVING IN GGHS AS SUBJECT
SPECIALIST (STATISTICS) IN THE
RESPONDENT'S DEPARTMENT SINCE 26/12/2008
BUT SHE HAS NOT BEEN PAID SALARY W.E.F

*Attested
Haripur
Adm. A*

24/09/2009 TO 31/05/2010 FOR THE SERVICES
RENDERED BY HER WHICH IS AGAINST THE
LAW, DISCRIMINATORY, PERVERSE, RULES AND
REGULATIONS.

Respectfully Sheweth: -

1. That the appellant got appointment as S.S
(Statistic) on contract basis on 26/12/2008. Copy
of appointment letter is annexed as Annexure "A".
2. That the Govt. of KPK announced KPK
Employees (Regularization of Service Act, 2009)
for regularization of contract employees. The
contract service of the appellant has been
regularized at serial No.183 of regularization
notification No.SO(G)E&S/1-85/2009/SS/Contract
dated 31/05/2010. Copy of regularization
notification No.SO(G)E&S/1-85/2009/SS/
Contract dated 31/05/2010 is attached as Annexure
"B".

A. U. Khan
Kalimullah Adv. A.
High Court of FTD

3. That once service of the appellant has been regularized as per the KPK (Regularization of Service Act, 2009). Hence, the appellant is entitled to receive salary of the period w.e.f 24/09/2009 to 31/05/2010. As per notification No. SOG(E&SE)1-85/2011/SS Regular dated 24/01/2011 wherein the authorities were directed to adjust salary of the appellant w.e.f 24/09/2009 to 31/05/2010. Copy of Notification dated 24/01/2011 is attached as Annexure "C"
4. That the department has paid salary to the appellant w.e.f 31/05/2010 instead of 24/09/2009 onward which is against the law.
5. That it is worth to mention here that all those similar (subject specialist) (BPS-17) whose services were regularized vide notification No.SO(G)E&S/1-85/2009/SS contract dated 31/05/2010 alongwith the appellant have been paid salary/emolument w.e.f 24/09/2009 to 31/05/2010 but the appellant has not been paid salary due to personal grudge, malafide and malice of the respondents' department which is discriminatory

Attorney
Kabirul Haq Advoca
High Court
ATD

against the law and rules and regulation. Copy of salary slip of similar S.S is as Annexure "D".

6. That feeling aggrieved, the appellant filed departmental appeal before the next higher authority on 27/07/2018. Copy of departmental appeal is attached as Annexure "E" but the reply is still awaited. Hence, the instant service appeal is filed inter-alia on the following grounds:-

*A. G. J. J. J.
KACIMMAY ADVOCATES
High Court
ADVERTISED*

GROUND:-

- a) That conduct of the respondents towards the appellant is discriminatory perverse against the law and policy in vogue. As per law, no authority with hold salary of their employees for the services rendered by them.
- b) That the appellant served the department with the sweat of her brows for earning her bread and butter. The stoppage of salary for the period, the appellant served the

department is against the fundamental rights as enshrined in the constitution.

Handwritten notes:
A. U. Khan
K. A. Mulla
High Court
A. M. Khan
A. T. Khan

c) That when law authorize the appellant for payment of her salary, then the department is supposed to follow the law. The stoppage of salary of the appellant amounts to misconduct on the part of the respondents.

d) That pay for the services rendered by the appellant is not a state bounty but it is a fundamental right of the appellant. Such attitude of the respondents towards the appellant is accountable at all forums.

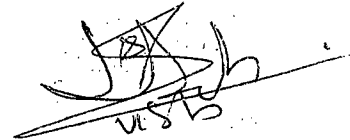
e) That the matter relates to the terms and conditions of services. Therefore, this Honourable Tribunal has jurisdiction to entertain the service appeal.

f) That other legal and factual points involved in this case shall be agitated before the

Honourable Tribunal at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the instant service appeal the salary/emolument of appellant may graciously be granted w.e.f 24/09/2009 to 31/05/2010. Any other relief which this Honourable Court deems appropriate fit and proper in the circumstances of the case may also be granted.

Attested
KALIMULLAH
Advocate High
Court ATD



...APPELLANT

Dated: 10/11 /2018

Through



(KALIMULLAH)
Advocate High Court, Abbottabad.

VERIFICATION: -

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



...APPELLANT

P- (14)

Annex 'C'

To

District Account Officer,
Abbottabad .

Subject:

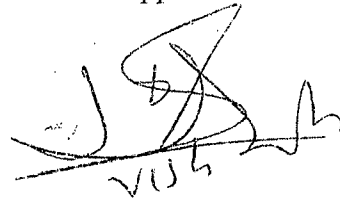
Application for Implementation of Order / Judgement dated 16-03-2021 of the Honorable Service Tribunal KPK Peshawar in Service appeal no 1403/18. Titled " Mehvish Munsif " versus Govt of KPK and others.
For Adjustment / Payment of the salary for The Period i-e 24-09-2009 to 31-05-2010

Accepted
IAZ MULLAH
Adv High Court ATD

Respected Sir:-

1. That the Applicant Mst. Mehvish Munsif got appointment as subject specialist (statistics) on 26/12/2008.
2. That applicant filed service Appeal before the KPK service Tribunal Peshawar for the Payment of salary w.e.f 24-09-2009 to 31-05-2010, which was accepted . Copies of service appeal no 1403/2018 and judgment / order dated 16-03-2021 of worthy Service Tribunal Kpk are attached.

In view of the above it is Prayed that salary of the appellant w.e.f 24 - 09 -2009 to 31 -05 -2010 may graciously be paid to the appellant.



(Mehvish Munsif) Subject Specialist
(Statistics) (BPS -17 GGSS Keri
Raiki ,Abbottabad.
Personal NO: 00488 284
CNIC No: 13101-8048738-2
Cell No; 0345 9548956

Dated: 24-06-2021

P-15

Annex D

OFFICE OF THE DIRECTOR OF ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

NO. _____ /A-12/G.Cases/BS-17/Abbottabad

DATED PESHAWAR THE 28th / 08 / 2021.

To

The Secretary to Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department

Subject: - **APPLICATION FOR IMPLEMENTATION OF ORDER/ JUDGMENT DATED:16-03-2021
OF THE HONORABLE SERVICE TRIBUNAL KPK IN SERVICE APPEAL
NO.1403/2018, TITLED MEVISH MUNSIF VS GOVERNMENT & OTHERS FOR
ADJUSTMENT/ PAYMENT OF THE SALARY FOR THE PERIOD i.e. 24-09-2009 to 31-
05-2010**

Memo:-

I am directed to refer to the subject noted above and to enclose herewith self contained letter of DEO (F) Abbottabad vide letter No.7702 dated: 31-08-2021 addressed to Director E&SE alongwith an application in r/o Mehvish Munsif on account of adjustment/payment of salary for the period of 24-09-2009 to 31-05-2010 alongwith other contained annexures which are self explanatory for further necessary action, please.

Endst: No. 3526-27

- sit -
Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Copy of the above is forwarded to the:-

1. District Education Officer (F) Abbottabad w/r to her letter & date cited above.
2. Mst. Mehvish Munsif SS BS-17 GGHS Kari Raiki Abbottabad
3. P.A to Director of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

Rashida
Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

*Principal Kari Raiki
GGHS
for n/a P/2
Shumaila
08/10/2021*

S.No. 176028

Name of Advocate KALIMULLAH

TBA NO. 610 TBA NO.

BC No. 14-5143



R.s.200/-

وکالت نامہ (16)

Before The Service Tribunal, KPK, Peshwar بعدالت

Mehwish Munsif - - - - - Govt of KPK & others عنوان

Implementation application نوعیت مقدمہ Appellant منجانب

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی کا تصفیہ مقدمہ بمقام ایس ایچ او / پشاور کے لیے

کو حسب ذیل شرائط پر مکمل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہونا ہوں گا اور بروقت پکارے

جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ

سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے

علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ

ساعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے

کسی معاوضہ کے ادا کرنے یا مٹانے کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداخت صاحب موصوف

مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم

درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے

اور ہر قسم کے بیان دینے اور اس پر تاشی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے میری نجات

از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا مٹانے یا ترقی یا گرفتاری قبل از گرفتاری و اجراء ڈگری بھی صاحب

موصوف کو بشرط ادائیگی علیحدہ مٹانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے

کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں

وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ اتوا پڑے گا وہ صاحب موصوف

کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ

کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 2022/09/14 دن 14 ماہ 09 سال

نوٹ: وکالت نامہ کی فوٹو کاپی قابل قبول نہ ہوگی

Handwritten signature and notes on the right margin.