




Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Execution Petition No. 581/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	28.09.2022	<p>The execution petition of Mst. Yasmeen Sarfaraz submitted today by Mr.Amjad Ali Advocate. It is fixed for implementation report before Single Bench at Peshawar 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>By the order of Chairman</p> <p> REGISTRAR</p>

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

*Execution Petition NO. 581/2022*

In Re:

Service Appeal No.273/2018

Mst. Yasmeen Sarfaraz.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa,  
Secretary E&SE & others .....Respondents

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Dated: 15.09.2022

Appellant  
through

**Amjad Ali (Mardan)**

Advocate

Supreme Court of Pakistan

*Mardan*

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

*Execution Petition no. 581/2022*

Khyber Pakhtunkhwa  
Service Tribunal

In Re:

Distry No. 1458

Service Appeal No.273/2018

Dated 28-9-2022

Mst. Yasmeen Sarfaraz S.S.T (General) BPS-16  
Sharif Abad, Near Sugar Mills Nowshera Road Mardan,  
Posted at GGHS Bakri Banda, Mardan

.....Appellant

**VERSUS**

- 1) Govt. of Khyber Pakhtunkhwa through Secretary E&SE,  
Civil Secretariat, Peshawar.
- 2) Chief Secretary Govt. of Khyber Pakhtunkhwa, Civil  
Secretariat, Peshawar.

...Respondents

**APPLICATION FOR IMPLEMENTATION OF  
JUDGMENT DATED 24.05.2022 OF THIS  
HON'BLE TRIBUNAL PASSED IN SA  
NO.273/2018**

Filed to-day

Registrar

Sir,

Appellant humbly submits as under:-

1. That appellant filed titled Service Appeal  
No.617/20185 before this hon'ble Tribunal with the  
prayer that

***“on acceptance of this appeal the order  
dated 14.11.2017 may please be  
modified by inserting name of appellant  
in promotion order dated 14.11.2017 as  
subject specialist (BPS-17) w.e.f.***

(2)

**14.11.2017 with all back benefits when  
respondents No.3 to 5 were promoted"**

2. That appeal of the appellant came up for hearing on 24.05.2022, and this Hon'ble Tribunal was pleased to allow the appeal of the appellant with the following order:-

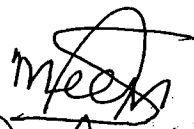
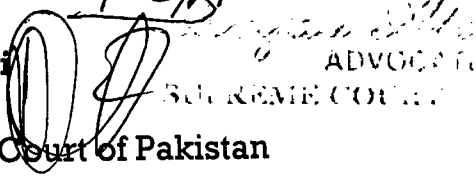
**"After going through case file and hearing the arguments from the counsel to the appellant and learned AAG we have arrived at the conclusion that the appellant was not informed by the relevant office to complete the missing PERs, if they were not available in her personal file. When confronted with the letter of DEO(F) Mardan dated 31.10.2017 enclosing the PERs of the appellant for the year 2012 to 2016 as provided by her counsel, the learned AAG had no answer. It was noted with regret that the departmental representative was not present during the hearing and the learned AAG could not provide any documentary proof that certain PERs were missing and that the appellant had been informed to provide the same. The appeal in hand is hence allowed and the concerned department is directed to promote the appellant from the date when her junior colleagues were promoted to the post of Subject Specialists, that is 14.11.2017, alongwith all back benefits. Parties are left to bear their own costs. Consign. "**

(Copy of order/ judgment dated 24.05.2022 is Annex "A")

- 3. That after announcement of judgment dated 24.05.2022, the appellant send the attested copy of the said judgment to the respondents for its implementation.
- 4. That since announcement of judgment/ order dated 24.05.2022 the same has not yet been implemented, nor any steps whatsoever in this respect have been taken by the respondents, despite several request of the appellant, but in vain.
- 5. That omission of respondents to act upon the order of this Hon'ble Tribunal speaks of the fact that respondents has undermined the authority of this Hon'ble Tribunal and have not moved even an inch for implementation of the same.
- 6. That this omission/ act of respondents squarely falls within the ambit of contempt of court as respondents have conveniently ignored the time frame provided by this Tribunal Court.


It is therefore, humbly requested to please direct respondents to implement the judgment dated 24.05.2022 in its letter and spirit

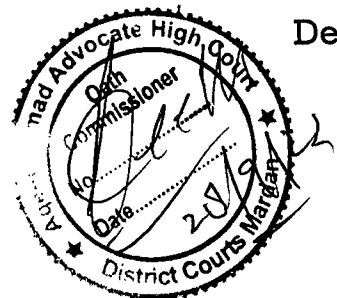
Appellant  
 through  
**Amjad Ali**  
 Advocate  
 Supreme Court of Pakistan  
 At Mardan

**AFFIDAVIT**

I, do hereby affirm and declare on oath that the contents of accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

Deponent 



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



Khyber Pakhtunkhwa Service Tribunal

Diacy No. 275

Date: 27-2-2018

Service Appeal No. 273 /2018

Mst. Yasmeen Sarfaraz S.S.T (General) BPS-16  
Sharif Abad, Near Sugar Mills Nowshera Road Mardan,  
Posted at GGHS Bakri Banda, Mardan

.....Appellant

**VERSUS**

1) Govt. of Khyber Pakhtunkhwa through Secretary E&SE,  
Civil Secretariat, Peshawar.

2) Chief Secretary Govt. of Khyber Pakhtunkhwa, Civil  
Secretariat, Peshawar.

3) Sobia Haq, S.S English (BPS-17), GGHS Kaddi, District  
Swabi.

4) Mst. Nusrat Jabeen GGHS Warjun, Chitral.

5) Mst. Nuzhat Shaheen, S.S English (BPS-17) GGHS Hafia  
Gali, Abbottabad.

.....Respondents

27/2/18

Appeal u/s 4 of Service Tribunal Act,  
1974 against the order dated  
14.11.2017 passed by respondent  
No.1, wherein appellant is not  
considered for BPS-17, subject  
No.3 to 5 are promoted, who are  
junior to the appellant and the  
departmental appeal dated  
15.11.2017 filed by appellant against  
the same was remained unresponded  
after lapse of 90 days which is illegal,  
against law and facts.

ATTESTED

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(5)

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Service Appeal No. 273/2018

BEFORE:           **MR. KALIM ARSHAD KHAN**     ... **CHAIRMAN**  
                          **MISS. FAREEHA PAUL**             ... **MEMBER(E)**

**Mst. Yasmeen Sarfaraz, SST (General) BPS-16, Sharif Abad, Near  
Sugar Mill Nowshra Road Mardan.**

.... **(Appellant)**

Versus

1. **Govt. of Khyber Pakhtunkhwa through Secretary E&SE, Civil Secretariat, Peshawar.**
2. **Chief Secretary Govt. of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.**
3. **Sobia Haq, S.S English (BPS-17), GGHS Kaddi, District Swabi.**
4. **Mst. Nusrat Jabeen GGHS Wargjun, Chitral.**
5. **Mst. Nuzhat Shaheen, S.S English (BPS-17) GGHS Hafia Gali, Abbottabad.**

... **(Respondents)**

Mr. Amjid Ali  
Advocate

...

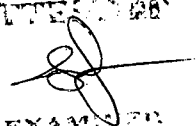
For appellant

Mr. Muhammad Riaz Khan Paindakhel,  
Asstt. Advocate General

...

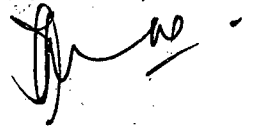
For respondents

Date of Institution.....27.02.2018  
Date of Hearing.....23.05.2022  
Date of Decision.....24.05.2022

ATTENDED  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**JUDGEMENT**

**FAREEHA PAUL MEMBER (E)** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 14.11.2017 passed by the Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa,



wherein appellant was not considered for promotion to BS-17 and her junior colleagues were promoted. The appellant filed a departmental appeal dated 15.11.2017 but it remained unresponded after lapse of 90 days. The order dated 14.11.2017 has been impugned with a prayer to modify it to the extent of inserting the name of the appellant in that order as Subject Specialist BS-17 with all back benefits. (6)

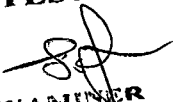
2. Brief fact of the case are that the appellant was appointed as PST vide order dated 22.12.2006. She was appointed as SST (General) vide order 30.5.2012 after recommendation of Public Service Commission and adjusted in GGHS Bakri Banda vide order dated 31.5.2012. As per final seniority list of the SSTs, as provided by the counsel of the appellant, the appellant stood at serial No. 2948 whereas her colleagues junior to her were promoted before her.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the Assistant Advocate General and perused the case file with connected documents minutely and thoroughly.

4. The learned counsel for appellant contended that the name of the appellant was not included in the working paper prepared for the promotion committee on the ground that her PERs were not complete. He presented the PERs duly completed before the Tribunal, with the argument that the same had already been provided to the concerned quarters.

5. When confronted the learned Assistant Advocate General stated that the appellant had not submitted her PERs and other documents mandatory for processing the case at the time of preparing working paper for the promotion committee. He could not respond to the query whether any notice was issued to the applicant for providing the relevant document

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar





including the missing PERs for processing the case for promotion committee.

6. After going through case file and hearing the arguments from the counsel to the appellant and learned AAG we have arrived at the conclusion that the appellant was not informed by the relevant office to complete the missing PERs, if they were not available in her personal file. When confronted with the letter of DEO(F) Mardan dated 31.10.2017 enclosing the PERs of the appellant for the year 2012 to 2016 as provided by her counsel, the learned AAG had no answer. It was noted with regret that the departmental representative was not present during the hearing and the learned AAG could not provide any documentary proof that certain PERs were missing and that the appellant had been informed to provide the same. The appeal in hand is hence allowed and the concerned department is directed to promote the appellant from the date when her junior colleagues were promoted to the post of Subject Specialist, that is 14.11.2017, alongwith all back benefits. Parties are left to bear their own costs. Consign.

7. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 24<sup>th</sup> day of May, 2022.

(KALIM ARSHAD KHAN)  
Chairman

(FAREEHA PAUL)  
Member (E)

**Certified to be true copy**

**JUDGE**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 03/06/2022  
 Number of copies 1600  
 Date of Copy 03/06/2022  
 Date of Delivery of Copy 03/06/2022

(8)

بعد الت صاحب سروس ٹریڈنگ ایسٹوٹ KP

2022ء منجانب ایسٹوٹ

29/9/22

مورخہ:

مقدمہ:

دعویٰ:

جرم:

گاہ پاسکین سرفراز مع حکومت

باجت تحریر آفدہ

الجزء

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
ان مقام کیلئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان اسلام آباد

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ  
برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر  
دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ 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 مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ  
التوائے مقدمہ کے سبب سے 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 لکھ دیا کہ سنڈ رہیے۔

2022

29 09 2022

المرقوم:

العبد

گواہ

العبد

بمقام لکھو کے لیے منظور ہے۔

Amjad Ali  
ADVOCATE  
SUPREME COURT

پاسکین سرفراز ایسٹوٹ

امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان، ڈسٹرکٹ کورٹس، مردان  
BC 105506 0321-9882434 0321-9870175  
Email Amjadaliase@com