

20th July 2022 1. None for the petitioner present. Syed Naseer Ud Din Shah, Asst: AG alongwith Mr. Sohail Ahmad Zeb, Litigation Officer for respondents present.

2. In compliance with the judgment the respondents/judgment debtor submitted compliance report as well as notification Endst: No. 2993-98/Promotion/Court Case PST/SPST to PSHT/2022 dated 30.05.2022 and according to the representative, notification is in line with the judgment that is why the petitioner has not turned up. Disposed of accordingly. Consign..

3. *Pronounced in open court in Camp Court Abbottabad and given under my hand and seal of the Tribunal on this 20th day of July, 2022.*



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

21.12.2021

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

Petitioner submitted an application for transfer of the
Execution Petition at hands to Camp Court, Abbottabad.
Application is placed on file. Since the matter pertains to
territorial limits of Hazara Division, therefore, application
is accepted. To come up for implementation report on
16.02.2022 before S.B at camp court, Abbottabad.
Notices be issued to the respondents for the date fixed.

16-2-22:

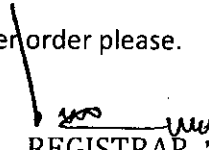

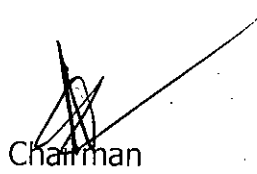
Due to retive-ent of
Chairman Wazir
Chairman Wazir
To come up for to some on 20/7/22
at camp court A/Abod -
functioned

Reads

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 210 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06.10.2021	<p>The execution petition of Mr. Aqeel Khan presented today by Mr. Muhammad Liaqat Advocate 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> <p>2-</p> <p>This execution petition be put up before S. Bench at Peshawar on <u>05/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>05.11.2021</p> <p>Nemo for the petitioner.</p> <p>Notices be issued to petitioner, his counsel as well as respondents. To come up for implementation report on 21.12.2021 before the S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. ____/2021

IN

Service Appeal No.2235/2019

Aqeel Ahmed S/o Khateeb ur Rehman, presently SPST GPS Tarror Tehsil Havelian District Abbottabad.

.....PETITIONER

VERSUS

Government Khyber Pakhtunkhwa, through Secretary E&SED, Khyber Pakhtunkhwa Peshawar and others

..... RESPONDENTS

EXECUTION PETITION

INDEX

Sr.No.	Description	Page Nos	Annexures
1	Execution Petition along with Affidavit	01 to 03	
2	Copy of Judgment dated 17-03-2021	4 to 10	"A"
3	Copy of application	11	"B"
4	Wakalatnama	12	--


Aqeel Ahmed
.....Petitioner

Through:


(MUHAMMAD LIAQAT)
Advocate High Court, Abbottabad

Dated: 30/09/2021

1/

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

E.P. No-210/21

Execution Petition No. ____/2021

IN

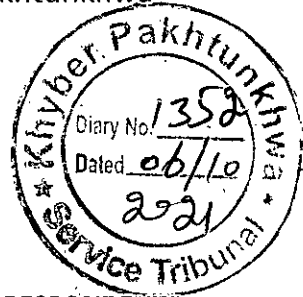
Service Appeal No.2235/2019

Aqeel Ahmed S/o Khateeb ur Rehman, presently SPST GPS Tarror Tehsil Havelian District
Abbottabad.

.....PETITIONER

VERSUS

1. Government Khyber Pakhtunkhwa, through Secretary E&SED, Khyber Pakhtunkhwa Peshawar.
2. Director E&SE, Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (M) Abbottabad.
4. Sub Divisional Education Officer (M) Lower Tanawal Abbottabad.



..... RESPONDENTS

EXECUTION PETITION

EXECUTION PETITION SEEKING FOR IMPLEMENTATION OF JUDGMENT
DATED 17/03/2021 PASSED IN SERVICE APPEAL NO. 2235/19 BY THIS
HONOURABLE TRIBUNAL KHYBER PAKHTUNKHWA AT CAMP COURT,
ABBOTTABAD.

Respectfully Sheweth,

1. That petitioner filed service appeal No. 2235/2019 before the Khyber Pakhtunkhwa Service Tribunal Peshawar which was allowed vide judgment dated 17-03-2021 passed in appeal No. 2231/2019 titled Muhammad Iqbal VS Govt. of KPK and others. (Copy of judgment dated 17.03.2021 is annexed herewith as annexure "A")

- 2/
2. That the petitioner submitted an application on before respondent No. 3 regarding implementation of the judgment but no vain. **(Copy of the application is annexed herewith as Annexure "B")**
 3. That the respondents are legally bound to implement the judgment of this Honourable Tribunal with letter & spirit but respondents are reluctant to implement the same.

It is therefore, very humbly prayed that on acceptance of instant execution petition judgment dated 17-03-2021 passed by this Honourable Tribunal may graciously be implemented in its true letter & spirit.

Dated: 30/09/2021

Through:


(MUHAMMAD LIAQAT)
Advocate High Court, Abbottabad


Aqeel Ahmed
.....Petitioner

3/

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. ____/2021

IN

Service Appeal No.2235/2019

Aqeel Ahmed S/o Khateeb ur Rehman, presently SPST GPS Tarror Tehsil Havelian District Abbottabad.

.....PETITIONER

VERSUS

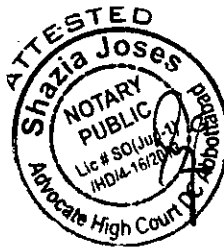
Government Khyber Pakhtunkhwa, through Secretary E&SED, Khyber Pakhtunkhwa Peshawar and others

..... RESPONDENTS

EXECUTION PETITION

AFFIDAVIT

I, Aqeel Ahmed S/o Khateeb ur Rehman, presently SPST GPS Tarror Tehsil Havelian District Abbottabad, do hereby affirm and declare that the contents of forgoing Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.



30/9/2021

Aqeel
DEPONENT

4

Annex A



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

Appeal No. 2235/2019

Aqeel Ahmed son of Khateeb ur Rehman, presently SPST GPS Tarror
Tehsil Havelian, District Abbottabad.

.....APPELLANT

VERSUS

Diary No. 2332
Dated 26/12/19

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department (E&SED), Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education (E&SE), Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (M) Abbottabad.
4. Sub Divisional Education Officer (M) Lower Tanawal Abbottabad.

.....RESPONDENTS

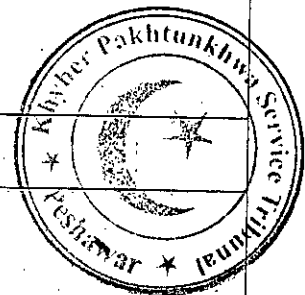
Filed May
26/12/19
Registrar

APPEAL UNDER SECTION 4 OF NWFP (NOW KPK) SERVICE TRIBUNAL, ACT, 1974 AGAINST THE OFFICE ORDER NO.13052/ADEO(Lit) DATED 18-12-2019 ISSUED BY RESPONDANT NO.3 VIDE WHICH DEPARTMENTAL REPRESENTATION OF THE APPELLANT WAS DISMISSED WHICH IS TOTALLY AGAINST THE LAW, POLICY, WITHOUT JURISDICTION, ARBITRARILY, VOID ABINITIO, AND HAVING NO LEGAL EFFECT UPON THE VESTED RIGHTS OF THE APPELLANT.

PRAYER:- ON ACCEPTANCE OF INSTANT APPEAL, THE IMPUGNED ORDER ENDST: NO. 13052/ADEO(Lit) DATED 18-12-2019 ISSUED BY RESPONDANT NO.3 MAY GRACIOUSLY BE SET-ASIDE AND RESPONDENTS MAY

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



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
	17.03.2021	<p><u>Present.</u></p> <p>Muhammad Liaqat Advocate, ... For appellant Advocate</p> <p>Riaz Khan Paindakheil, ... For respondents Assistant Advocate General</p> <p>Vide detailed judgment of today placed on file of connected Service Appeal No.2231/2019 titled Muhammad Iqbal Vs. Education, the instant appeal is accepted with direction to the respondents to consider the case of promotion of the appellant as per guidelines contained in the Promotion Policy of 2012. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 17.03.2021</p> <p>(Atiq ur Rehman Wazir) Member (E) Camp Court, Abbottabad</p> <p>(Rozina Rehman) Member (J) Camp Court, Abbottabad</p>

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 10/6/2021

Number of Words 8000

Copying Fee 10.00

Urgent 4.00

Total 14.00

Name of Copyiest _____

Date of Completion of Copy 10/6/21

Date of Delivery of Copy 10/6/21

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



Service Appeal No. 2231/2019

Date of Institution ... 26.12.2019
Date of Decision ... 17.03.2021

Muhammad Iqbal son of Abdul Kareem Khan, presently S.P.S.T
G.P.S No.4 Tehsil & District Abbottabad.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education (E&SE) Khyber Pakhtunkhwa
Peshawar and three others.

... (Respondents)

Muhammad Liaqat,
Advocate ... For appellant.

Riaz Khan Paindakheil,
Assistant Advocate General ... For respondents.

ROZINA REHMAN ... MEMBER (J)
ATIQU UR REHMAN WAZIR ... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER : This judgment is intended to dispose of

05 connected service appeals which are:

1. Service Appeal No.2231/2019

ATTESTED

T. S. Qureshi
Secretary, Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Scanned with CamScanner

⑦

2. Service Appeal No. 2234/2019
3. Service Appeal No. 2235/2019
4. Service Appeal No. 2236/2019
5. Service Appeal No. 2237/2019

In view of common questions of law and facts, the above captioned appeals are being disposed of by this order.

2. The relevant facts leading to filing of instant appeals are that appellants were appointed as P.T.C/P.S.T having prescribed qualification. There were duly qualified and eligible for promotion however, promotion was denied only on the strength of amendments brought about through notification dated 30.01.2018 wherein the requisite educational qualification was enhanced from Intermediate to B.A. Some of the appellants also filed Writ Petition before the august Peshawar High Court Abbottabad Bench which was treated as departmental representation and was sent to the respondents for decision which was rejected; hence, the present service appeal.

3. We have heard Muhammad Liaqat Advocate for appellant and 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.

4. Muhammad Liaqat Advocate counsel appearing on behalf of appellants, inter-alia, contended that the order dated 18.12.2019 is against law and facts which is void ab-initio and without legal authority. He argued that the impugned order is against the policy as a meeting

ATTESTED



17/3/21

was held on 08.05.2018 wherein issue of promotion was discussed at Serial No.10 and all the D.E.Os were directed that the promotion cases of the P.S.Ts to S.P.S.Ts/P.S.H.T must be entertained according to the previous policy of promotion while new rules are to be applied for new induction/recruitment. Learned counsel further submitted that the notification dated 30.11.2018 is not applicable in the case of appellants as at the time of their appointment, no such terms & conditions were incorporated in the appointment order of the appellants, hence, notification mentioned above has no legal value in the case of appellants and they are eligible for promotion in view of notification dated 13.11.2012.

5. As against that learned A.A.G submitted that as per notification dated 30.11.2018, the requisite qualification for promotion is Bachelor Degree, whereas, appellants do not fulfill the requisite qualification.

6. From the record, it is evident that the respondents had issued a notification dated 13.11.2012, wherein, method of recruitment/promotion has been laid down for Primary School Teachers (P.S.T BPS-12) Senior Primary School Teachers (S.P.S.T BPS-14) and Primary School Head Teachers (P.S.H.T B.P.S-15). Criteria for promotion from P.S.T to S.P.S.T is on the basis of seniority-cum-fitness with at least five years service with Intermediate or equivalent qualification. Similarly, promotion from S.P.S.T to P.S.H.T is based on seniority-cum-fitness with at least ten years service with Intermediate or equivalent. Appellants were appointed as P.S.T who were holding

17/3/21

ATTESTED
[Signature]
[Stamp]

almost 20-25 years of service with Intermediate qualification obtained during the year 2014-16. Record reveals that the appellants approached the Hon'ble Peshawar High Court in Writ Petition for their promotion on the strength of Promotion Policy 2012 and the High Court converted their petition into departmental appeals with directions to the respondents to consider their grievances and decide the same in accordance with law. The respondents accordingly processed their request but in the meanwhile, certain amendments were made in the promotion policy re-emerging as Promotion Policy 2018, wherein qualification for promotion was enhanced from Intermediate to Bachelor Degree, therefore, their requests were turned down as by now they were not eligible for promotion according to new policy. The appellants were qualified for promotion under the Policy of the year 2012 after obtaining the required qualification in 2014-16 but they were not promoted and their due right of promotion was violated. It is also evident from the Minutes of Meeting dated 16.05.2018 whereby respondent No.2 was conscious of the fact that promotions need to be done as per criteria laid down in 2012 Policy but somehow, the District Education Officer did not comply with such directions which resulted into miscarriage of justice.

7. In view of above, the instant appeals are accepted with direction to the respondents to consider the cases of promotion of the appellants as per guidelines contained in the Promotion Policy of 2012.


ATTESTED

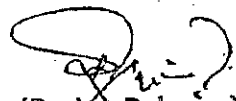

District Education Officer
Peshawar

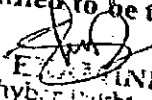
Parties are left to bear their own costs. File be consigned to the record room.

10

ANNOUNCED.
17.03.2021


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


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

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 25/3/21
Number of Words 2400
Copy Fee 26.00
Legal 4.00
Total 30.00
Name of Copyholder _____
Date of Completion of Copy 25/3/21
Date of Delivery of Copy 25/3/21

Annex "B"

11

صنای عالی ا

گزارش ضرورت خرید سائل آتش‌نشانی کو سید پرکاش و انصاف
 درجی ادا کر رہا ہے۔ اس کے ساتھ PSHT کے سائل مائل کی قیمتیں بھی
 فراہم کیے۔ اور سروکس ٹریڈنگ سے ریزروم کیسے خریدیں تو سید پرکاش
 سے۔ سروکس ٹریڈنگ کے خیرصاحب کو ورنڈر رکھتے ہوئے سائل
 خریدنے کی درخواست کی۔ گزارش کرین اسکا جواب بھی آج تک
 وصول نہ ہوا۔

اب جبکہ پروپوزیشن منظور ہوا تو سائل خریدنے اپنی فائل بھی
 جمع کروائی ہے۔ سن سے اس کے بعد خیرصاحب سروکس ٹریڈنگ
 خیرصاحب کو ورنڈر رکھتے ہوئے سائل کو بھی پروپوزیشن میں شامل
 کیا ہے، اور سائل کا منہ ہوا ہے

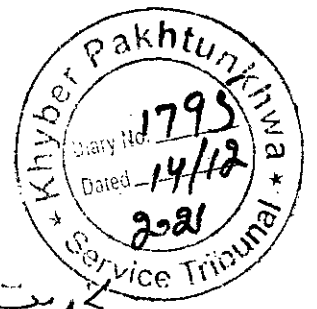
شکر

انصاف

سائل خریدنے کے لئے آتش
 PSHT کے سائل خریدنے کی
 کو شامل کر کے اس کے بارے

14.09.2024

میں حضور امیرت لکھی ہے



Put up to the Honorable chairman with relevant appeal/petition.

حکومت جناب بعدالت سروس ٹریبونل پشاور

عنوان: کیس ٹرانسفر اپیل نمبر EP210 ایسٹ آباد پشاور
14/12/21

جناب عالی!

Read

گزارش درست ہے کہ سائل کی اپیل EP210 جناب کے حضور زیر کما ہے جسکی آئندہ پستی پشاور میں بتاریخ 21-12-2021 کو ہوئی ہے۔
جیکہ دوسری پستی بنام اقبال 23-12-2021 کو ایسٹ آباد ہوئی ہے۔

Accepted
21/12/2021

جناب عالی! سائل ایسٹ آباد کارپالتی و سکونتی ہے۔ اور یہ کہ سائل عارضہ قلب میں مبتلا ہے۔ جسکی وجہ سے سائل کی حرکت سفر کرنے کی اجازت نہیں دینی۔

لہذا جناب عزت جناب کی عدالت میں التماس ہے کہ بنام اقبال کی اپیل کو 23-12-2021 کو ایسٹ آباد میں ہوئی ہے اس کے ساتھ ساتھ اپیل نمبر EP210 کو پشاور سے ایسٹ آباد پشاور میں سماعت کیے اور ٹرانسفر کیا جائے۔

سائل جناب عزت جناب کا شکریہ گزار رہے گا۔

العارضہ

عقیل احمد ولد فطیہ الرحمن
9/12/21

سینیئر پرائمری سکول ٹیچر، (PST) جی بی ایس ٹور

تحصیل وہیلیان ضلع ایسٹ آباد

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD.

Execution Petition No. 210/2021

In

Service Appeal No. 2235/2019

Aqeel Ahmad.....Appellant

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR & OTHERS.....RESPONDENTS

IMPLEMENTATION REPORT

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD.

Execution Petition No. 210/2021

In

Service Appeal No. 2235/2019

Aqeel Ahmad.....Appellant

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR & OTHERS.....RESPONDENTS

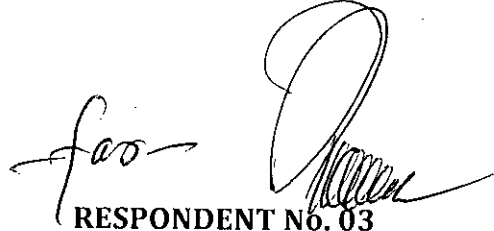
IMPLEMENTATION REPORT

Respectfully Sheweth:-

It is submitted as under:

1. That the above titled Execution Petition is pending adjudication before this Honorable Tribunal and today date is fixed for Implementation Report.
2. That the judgment of this Honourable Tribunal has been implemented in its true letter & spirit vide letter issued under Endst: No. 2993-98 dated 30-05-2022 and directed the Drawing Disbursing Officer accordingly. (Copy of letter dated 30-05-2022 is annexed herewith as Annexure "A").

It is, therefore, respectfully prayed that on acceptance of instant Implementation Report the Execution petition in hand may please be dismissed.



RESPONDENT No. 03
District Education Officer (M)
Abbottabad

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD.**

Execution Petition No. 210/2021

In

Service Appeal No. 2235/2019

Aqeel Ahmad.....Appellant

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR & OTHERS.....RESPONDENTS

IMPLEMENTATION REPORT

AFFIDAVIT

I, Mr. Muhammad Tanveer, District Education Officer (M) Abbottabad, declare on oath that the contents of the forgoing Implementation Report are correct and true according to the best of my knowledge and belief and nothing has been suppressed / concealed from this Honorable Tribunal.

DEPONENT



19/7/22

Office Of The District Education Officer (Male) Abbottabad.

Notification

In pursuance of the Judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar at Camp Court Abbottabad dated 17-03-2021 passed in 05 connected service appeals Nos. 2231/2019, 2234/2019, 2235/2019, 2236/2019 & 2237/2019 and this office challenged the Judgment before the August Supreme Court of Pakistan and filed CP Nos. 279-P/2021, 280-P/2021, 281-P/2021 & 283-P/2021 respectively and same are subjudice before the Honorable Supreme Court of Pakistan. As the petitioners filed Execution Petitions Nos. 144/2021, 146/2021, 147/2021 & 210/2021 before the Honorable Service Tribunal at Camp Court Abbottabad and Honorable Tribunal directed the department on 20-12-2021 to implement the Judgment conditionally subject to the final outcome of the CPLA. Hence, the following Primary School Teachers & Senior Primary School Teachers are hereby **provisionally promoted** subject to the final outcome of the above referred CPs as they do not fulfill the requisite criteria for promotion as per Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017 dated 30-01-2018, to the post of PSHT BPS-15 (Rs.16120-1330-56020) plus usual allowances on the terms & conditions given below and are hereby further posted against vacant post of PSHT (B-15) in the schools noted against their names with immediate effect.

S.No	Name & Desig:	Name of Present School	Place of Posting	Remarks
1	Muhammad Ashfaq, PST	GPS Khanda Khoo	GPS Darra Manna circle P.K.Khan	Against Vacant Post
2	Rab Nawaz, SPST	GPS Tandara	GPS Kangroora circle P.K Khan	-- do --
3	Muhammad Iqbal, SPST	GPS No.4 ATD	GPS Pind Ganda circle P.K.Khan	-- do --
4	Aqeel Ahmed, SPST	GPS Taroor	GPS Taroor	-- do --

Note: Pay of S.No.1 may be fixed as SPST (BPS-14) and then as PSHT BPS-15 accordingly.

Terms & Conditions:

1. Their Promotion is subject to the Final outcome of the above mentioned CPs and in case of acceptance of CPs their promotion order shall stand withdrawn automatically.
2. On their promotion, the teacher concerned will be on probation for a period of one year in terms of section-6(2) of Khyber Pakhtunkhwa Civil Servant Act 1973 read with rule 15(1) of Civil Servant (Appointment, Promotion & Transfer) Rules 1989.

