

E.P. No. 158/2021  
Hasanul Gul

28.09.2022

Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Syed Naseer-ud-Din Shah, Section Officer Assistant Advocate General for the respondents present.

In pursuance of the judgement of Service Tribunal rendered in service appeal No. 761/2018 on 05.07.2021, the respondent department has complied with and issued Notification bearing NO.SO(S/M) E&SED/4-2013/Hasant Gul dated 27.07.2022. The petitioner has been promoted to BS-19 on regular basis w.e.f. 13.06.2012 subject to the outcome of CPLA pending before the august Supreme Court of Pakistan. Notification is placed on file as well as copy thereof provided to learned counsel for the petitioner who stated at the Bar that he feels satisfied with the Notification/implementation report. As such Service Tribunal judgment dated 05.07.2021 stands implemented. Consign.

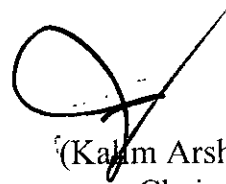
03. *Pronounced in open at Peshawar and given under my hand and seal of the Tribunal this 28<sup>th</sup> of September, 2022.*



(Mian Muhammad)  
Member (E)

7<sup>th</sup> July, 2022

1. The matter was fixed for 02.08.2022, but today the file was requisitioned on the application of the Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Peshawar for release of salary.
2. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Fahim Khan, Assistant, Mr. Faizan, SO for the respondents present and submitted copy of Notification No. SO(S/M)E&SED/4-13/2013/Hsanat Gul dated 23.06.2022 whereby in compliance of the judgment of the Tribunal, the grievance of the petitioner has been redressed. Since the order of the Tribunal has been complied with, therefore, non-bailable warrant of arrest of Mr. Faizan, SO (Litigaiton) is cancelled while the Accountant General, Khyber Pakhtunkhwa is directed to release salary as well as the Accounts of Secretary Educaiton E&SE, Khyber Pakhtunkhwa Peshawar and Director Education, Directorate of Education (E&SE) Peshawar forthwith.
3. To come up for the date already fixed for further proceedings i.e on 02.08.2022.



(Kam Arshad Khan)  
Chairman

2-8-2022

Learned member (E) on leave  
therefore the case is adjourned  
to 28-9-2022



Reader

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Execution Petition No. 158/2021

In Service Appeal No. 761/2018

**Hasanat Gul, Principal (BPS-19),**

GCMHS, Akora Khattak, Nowshera

**VERSUS**


1. The Govt: of KP through Chief Secretary KPK, Civil Secretariat Peshawar.
2. The Secretary Education (E&SE) Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Director Education, Directorate of Education (E&SE), Peshawar.

**EXEMPTION FROM APPEARANCE AND  
CANCELLATION OF ORDER DATED:  
20.06.2022 AND RELEASE OF SALARY.**

**RESPECTFULLY SHEWETH:**

1. That the undersigned has all respect for the Hon'ble Tribunal and even cannot think of a disobedience of this Hon'ble Tribunal.
2. This Hon'ble Tribunal vide order dated: 20.06.2022, non bailable warrant of arrest as well as attachment of salary of the undersigned was passed (Annex-A).
3. That the undersigned was transferred from the post of Section Officer (Litigation-II) to Section Officer (Schools/Female) and the undersigned was relieved from the Litigation Section and took over charge of the Section Officer (Schools/Female) (Annex-B).
4. That while relieving from Litigation Section, handed over all the record to the new incumbent along with the instant case wherein the undersigned requested the concerned section that is Section Officer (Schools/Male) to provide the implementation report in the instant case (Annex-C).

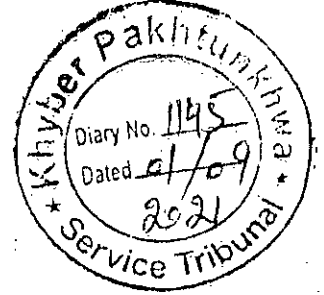
In view of the above facts and circumstances, the order dated: 20.06.2022 may kindly be withdrawn and the undersigned may please be exempted from appearance and salary may be released, please.

  
**MUHAMMAD FAIZAN ZEB**  
Section Officer (Schools/Female),  
E&SE Department Peshawar  
07/07/22

A

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

Execution Petition No. 158 /2021  
In Service Appeal No.761/2018



Hasanat Gul, Principal (BPS-19),  
GCMHS, Akora Khattak, Nowshera.

**PETITIONER**

**VERSUS**

1. The Govt: of KP through Chief Secretary KPK, Civil Secretariat, Peshawar.
2. The Secretary Education (E&SE) Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
3. The Director Education, Directorate of Education (E&SE), Peshawar.

**RESPONDENTS**

.....  
**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED 05.07.2021 OF THIS  
HONOURABLE TRIBUNAL IN LETTER AND  
SPIRIT.**  
.....

**RESPECTFULLY SHEWETH:**

1. That the petitioner has filed service appeal No.761/2018 against the seniority list dated 29.11.2017 wherein the name of the petitioner has not been included with the prayer that on acceptance of the appeal the respondents may be directed to include the name of the petitioner in seniority list of BPS-19 officials (Teaching Cadre) at his proper place and to regularize the promotion of the petitioner after completion of probationary period from his due date as per law.


20<sup>th</sup> June, 2022

Petitioner in person present. Mr. Kabir Ullah Khattak,  
AAG. for respondents present.

On previous date Mr. Faizan, SO (Litigation) and  
respondent No.2 were directed to appear in person alongwith  
implementation report but today neither any representative from  
the respondents is in attendance nor implementation report has  
been submitted. This Tribunal has left with no other option but  
to take action against respondents under Section 51 of the CPC.  
Non-bailable warrant of arrest of Mr. Faizan, SO (litigation) be  
issued through CCPO, Peshawar. The Accountant General  
Khyber Pakhtunkhwa is also directed to attach salaries as well  
as the accounts of Secretary Education (E&SE), Khyber  
Pakhtunkhwa Peshawar and Director Education, Directorate of  
Education (E&SE) Peshawar till further orders of this Tribunal.  
Respondents are directed to appear in person alongwith the  
proper implementation report on the next date.

Copy of this order sheet be sent to the Chief Secretary  
Khyber Pakhtunkhwa to look into the conduct of the  
respondents and take necessary action against them under  
intimation to the Tribunal through its Registrar.

To come up on 02.08.2022 for further proceedings.

  
(Kalim Arshad Khan)  
Chairman



20/6/22  
ref  
ref  
20/6/22



Government of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department

Dated Peshawar the 10/05/2022

OFFICE ORDER

No. SOG/E&SED/1-31/2022. As an internal arrangement, the Competent Authority is pleased to order posting/transfer of the following officers of Elementary & Secondary Education Department with immediate effect, till further orders:

Sr	Name and Designation	From	To
1.	Mr. Naseer Abbas Khalil (PMS BS-17)	Section Officer (Coordination)	Section Officer Schools (Male)
2.	Muhammad Faizan Zeb (PMS BS-17)	Section Officer (Litigation-II)	Section Officer Schools (Female)
3.	Mr. Waseem Yousaf Khan Khattak (PMS BS-17)	New Arrival	Section Officer (Coordination)
4.	Mujeeb-ur-Rahman Deputy Provincial Coordinator, Girls Stipend Programme	--	He is authorized to hold Additional charge of the post of Section Officer (Litigation-II) with addition to his own duties.

Additional Secretary (G)  
Elementary and Secondary Education  
Department.

Ends: No. & date even.

Copy forwarded to:

1. P.S to Secretary, E&SE Department.
2. P.S to Special Secretary E&SE Department.
3. P.A to Additional Secretary (G), E&SE Department.
4. P.A to Additional Secretary (Estab), E&SE Department.
5. P.A to Additional Secretary (R&I), E&SE Department.
6. P.A to Deputy Secretary (Admn), E&SE Department.
7. Officers concerned.

Section Officer (General)

C



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

MOST IMMEDIATE / COURT MATTER.

NO.SO (LI-II) E&SED/1-3/SA/761/18/EP/158/21/Hasanat  
Dated Peshawar, the 19-04-2022.

To

The Section Officer School (Male)  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

*[Handwritten signature]*  
19/04/22

Subject: - ORDER IN SERVICE APPEAL NO. 761/18/EP. 158/2021 TITLED MR. HASANAT GUL VS GOVT. OF KHYBER PAKHTUNKHWA

I am directed to refer to the subject noted above and to state that the subject case is fixed today on 19.04.2022, when in the Service Tribunal is pressing hard for implementation report.

Therefore, you are requested to expedite the case, as this department could submit the implementation report on the next date of hearing, please.

*[Handwritten signature]*  
SECTION OFFICER (LI-II)

Ends: of even No. & date.

Copy is forwarded to the:-

1. P.A to Deputy Secretary (Legal) E&SE, Department.

*[Handwritten signature]*  
SECTION OFFICER (LI-II)

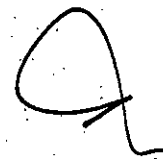
20<sup>th</sup> June, 2022

Petitioner in person present. Mr. Kabir Ullah Khattak,  
AAG for respondents present.

On previous date Mr. Faizan, SO (Litigation) and respondent No.2 were directed to appear in person alongwith implementation report but today neither any representative from the respondents is in attendance nor implementation report has been submitted. This Tribunal has left with no other option but to take action against respondents under Section 51 of the CPC. Non-bailable warrant of arrest of Mr. Faizan, SO (litigation) be issued through CCPO, Peshawar. The Accountant General Khyber Pakhtunkhwa is also directed to attach salaries as well as the accounts of Secretary Education (E&SE), Khyber Pakhtunkhwa Peshawar and Director Education, Directorate of Education (E&SE) Peshawar till further orders of this Tribunal. Respondents are directed to appear in person alongwith the proper implementation report on the next date.

Copy of this order sheet be sent to the Chief Secretary Khyber Pakhtunkhwa to look into the conduct of the respondents and take necessary action against them under intimation to the Tribunal through its Registrar.

To come up on 02.08.2022 for further proceedings.



(Kalim Arshad Khan)  
Chairman



07.06.2022

Petitioner in person present.

Muhammad Adeel Butt, learned Additional Advocate General absent. Fahim Khan Section Officer representative respondents present.

On the preceding date, Law Officer himself had requested for a short adjournment in order to produce the implementation report as meeting of the PSB had been held some two weeks before but today no proper implementation report was submitted. Last chance is given with proper notice to respondent No.3 to attend this Tribunal in person alongwith implementation report in respect of promotion order of petitioner to BPS-19 on regular basis w.e.f 13.06.2012 alongwith all back benefits.

Adjourned to 10.06.2022 before S.B.



(Rozina Rehman)  
Member (J)

10.06.2022

Petitioner in person present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Syed Naseer Ud Din Assistant for respondents present.

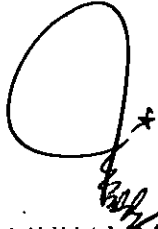
Despite directions, implementation report was not produced. Muhammad Faizan S.O (Litigation) who had attended this Tribunal on 19<sup>th</sup> April, 2022 with a request for adjournment in order to submit implementation report in the light of meeting of PSB but to no avail. Therefore, respondent No.2 alongwith Muhammad Faizan Section Officer be put on notice through learned AAG alongwith entire record and salary of these two persons be attached till further orders. To come up for implementation report on 20.06.2022 before S.B.

(Rozina Rehman)  
Member (J)

28.03.2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Fizan Zeb, SO for respondents present.

So far the question of imposition of cost of Rs. 2000/- is concerned, learned AAG admitted and owned his presence on 11.01.2022. He, however, requested to waive off the cost. The request, is acceded to. Moreover, a copy, of the <sup>Correspondence of</sup> respondent-department dated 17.02.2022 submitting thereby reply to the observations of PSB Section Establishment Department, was submitted. A copy of the reply is placed on file as well as provided to the petitioner. Adjourned. To come up for implementation report on 19.04.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER(E)

19<sup>th</sup> April, 2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Faizan, S.O (Litigation) for the respondents present.

Learned Law Officer stated at the bar that the meeting of the PSB has been held some two weeks before and after issuance of proper notification, implementation report will be placed before the Tribunal. To come up for proper implementation report on 07.06.2022 before the D.B.



Chairman

02.02.2022

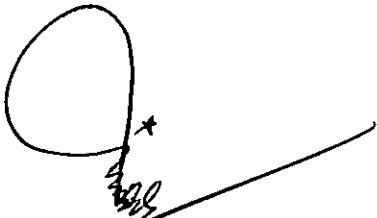
Junior of learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present. Preliminary arguments could not be heard due to illness of (Executive) Mian Muhammad is on leave. To come up for proceedings on 22.03.2022 before S.B.

  
Reader

22.03.2022

Petitioner along with his counsel present. Mr. Kabirullah Khattak, Addl: AG for the respondents are present.

Learned counsel for the petitioner apprised the court that the petitioner is going to retire on attaining the age of superannuation falling on 01.04.2022. He therefore, emphasized the need to let the Service Tribunal judgement dated 05.07.2021 be executed by the respondent-department. Perusal of Para-8 of the said judgement reveals that CPLA is pending in the apex court. Learned AAG is therefore, directed to consult the respondents and to come up with updated position to be submitted in the court on or before the next date of hearing on 28.03.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER(E)

14.12.2021


Petitioner in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Naseer Ud Din Shah, Assistant for respondents present.

The case was adjourned on the request of learned AAG and the department was given last chance to come up with implementation report. However, no implementation report was submitted today, hence, a cost of Rs. 2000/- is imposed to be deposited in the office of Registrar Service Tribunal on the next date. To come up for further proceedings on 11.01.2022 before S.B

  
(MIAN MUHAMMAD)  
MEMBER (E)

11.01.2022

Petitioner alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and again sought time for submission of implementation report. Adjourned. Last opportunity given. To come up for submission of implementation report as well as payment of costs of RS. 2000/- on 02.02.2022 before the S.B

  
(Salah-Ud-Din)  
Member (J)


E.P. No. 158/2021  
Hasanat Gul vs Govt

28.10.2021

Petitioner with counsel and Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Saleem Khan, SO for the respondents present

The representative of the respondents has produced copy of CPLA before august Supreme Court of Pakistan is in progress. Needless to say, it is right of the respondents to pursue their remedy against the judgment of this Tribunal before the august Supreme Court of Pakistan but in case no order as to suspension of the judgment of this Tribunal is passed, the respondents in absence of suspension order are under obligation to implement the judgment conditionally subject to the decision of the CPLA, after obtaining affidavit from the petitioner that in case the judgment of this Tribunal is reversed, he will have to surrender the benefits got under the conditional order. To come up for implementation of the judgment in the given manner on 29.11.2021 before S.B.

29.11.2021

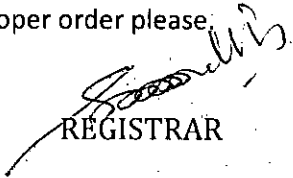

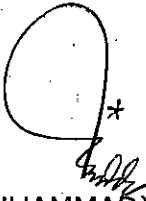
Counsel for the petitioner present. Mr.  Muhammad Adeel Butt, Addl: AG alongwith Syed Naseer Ud Din Shah, Assistant for respondents present.

Representative of the respondent-department produced a copy of correspondence dated 17.11.2021 where-under respondent No.3 has been asked to furnish working paper. It was stated at the bar that draft working paper stands received to respondent No.1 for further submission to Establishment Department. Learned AAG requested for adjournment which is acceded to but as a last chance. To come up for implementation report on 14.12.2021 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Execution Petition No. 158 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.09.2021	<p>The execution petition of Mr. Hasanat Gull submitted today by Mr. Taimur Ali Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench at Peshawar on <u>01/10/21</u>.</p> <p> CHAIRMAN</p>
	01.10.2021	<p>Petitioner alongwith his counsel present.</p> <p>Notices be issued to the respondents for submission of implementation report. Adjourned. To come up for further proceedings before the S.B on 28.10.2021.</p> <p> (MIAN MUHAMMAD) MEMBER (E)</p>

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

Execution Petition No. 158 /2021  
In Service Appeal No.761/2018



Hasanat Gul, Principal (BPS-19),  
GCMHS, Akora Khattak, Nowshera.

**PETITIONER**

**VERSUS**

1. The Govt: of KP through Chief Secretary KPK, Civil Secretariat, Peshawar.
2. The Secretary Education (E&SE) Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
3. The Director Education, Directorate of Education (E&SE), Peshawar.

**RESPONDENTS**

.....  
**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED 05.07.2021 OF THIS  
HONOURABLE TRIBUNAL IN LETTER AND  
SPIRIT.**  
.....


**RESPECTFULLY SHEWETH:**

1. That the petitioner has filed service appeal No.761/2018 against the seniority list dated 29.11.2017 wherein the name of the petitioner has not been included with the prayer that on acceptance of the appeal the respondents may be directed to include the name of the petitioner in seniority list of BPS-19 officials (Teaching Cadre) at his proper place and to regularize the promotion of the petitioner after completion of probationary period from his due date as per law.


2. The said appeal was finally heard by this Honourable Service Tribunal on 22.06.2021. The Honourable Service Tribunal allowed the appeal and respondents were directed to issue the promotion order of the petitioner to BPS-19 on regular basis with effect from 13.06.2012 and he shall be entitled to all back benefits. The promotion of the petitioner shall, however not debar the authority from continuing with the disciplinary proceeding against the petitioner in light of judgment dated 08.12.2010 passed by the worthy Peshawar High Court, Peshawar, in W.P No.1376-P/2014, subject to outcome of the CPLA pending adjudication in the august Supreme Court of Pakistan. **(Copy of judgment dated 05.07.2021 is attached as Annexure-A)**
3. That the petitioner filed application for regular promotion to BPS-19 w.e.f 13.06.2020 with all back benefits in light of judgment dated 05.07.2021 of this Honourable Tribunal. **(Copy of application is attached as Annexure-B)**
4. That the respondents did not promote the petitioner to BPS-19 w.e.f 13.06.2012 with all back benefits as per judgment dated 05.07.2021 of this Honourable Tribunal till date.
5. That in-action and not fulfilling formal requirements by the respondents after passing the judgment of this Honourable Service Tribunal, is totally illegal amount to disobedience and Contempt of Court.
6. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 05.07.2021 of this Honourable Service Tribunal in letter and spirit.
7. That the petitioner has having no other remedy except to file this execution petition for implementation of judgment dated 05.07.2021 of this Honourable Tribunal.



It is, therefore, most humbly prayed that the respondents may kindly be directed to implement the judgment dated 05.07.2021 of this Honourable Service Tribunal in letter and spirit. Any other remedy, which this august Service Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.


  
PETITIONER  
Hasanat Gul


THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

**AFFIDAVIT:**

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief.

  
DEPONENT

  
3/2

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 761 /2018.

Hasanat Gul, Principal BPS-19,  
GCMHS, Akora Khattak Nowshera.....



1013  
30/5/2018  
Appellant.

*VERSUS*

1. The Govt. of KPK Through The Chief Secretary KPK, Civil Secretariat Peshawar.
2. The Secretary Education (E&SE), Civil Secretariat Peshawar.
3. The Director Education, Directorate of Education (E&SE) Peshawar.

.....Respondents

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE SENIORITY LIST DATED 29.11.2017 CAME INTO KNOWLEDGE OF APPELLANT IN FEBRUARY 2018 WHEREIN THE NAME OF THE APPELLANT HAS NOT BEN INCLUDED AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

File today

30/5/18

PRAYER:

*That on acceptance of this appeal the respondents may be directed to include the name of the appellant in the seniority list of BPS-19 officials ( Teaching Cadre) at his proper place and to regularize the promotion of appellant after completion of probationary period from his due date as per law. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of appellant.*

*Attested*

**ATTESTED**  
*[Signature]*  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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

Service Appeal No. 761/2018

Date of Institution ... 30.05.2018

Date of Decision ... 05.07.2021



Hasanat Gul, Principal BPS-19,  
GCMHS, Akora Khattak Nowshera

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary  
Khyber Pakhtunkhwa, Civil Secretariat Peshawar and two others.

... (Respondents)

Mr. TAIMUR ALI KHAN,  
Advocate

---  
--- For appellant.

MR. JAVED ULLAH,  
Assistant Advocate General

---  
--- For respondents.

MR. SALAH-UD-DIN  
MR. ATIQ-UR-REHMAN WAZIR

--- MEMBER (JUDICIAL)  
--- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts as alleged by the appellant in the instant service appeal are that he is serving in Education Department and vide Notification dated 13.03.2007, the Provincial Government in consultation with Provincial Selection Board, promoted the appellant alongwith his other colleagues from BPS-18 to BPS-19 on acting charge basis; that vide Notification dated 13.06.2012, certain officers, who were junior to the appellant were promoted on regular basis to BPS-19; that a tentative seniority list of officers of BPS-19 was initially issued by the respondents in the year 2017,

*Attested*

**ATTESTED**  
*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

wherein the name of the appellant was missing; that despite raising the issue before the competent Authority through application, the name of the appellant was not included in the final seniority list issued on 29.11.2017, however the seniority list was not circulated and the same came into the knowledge of the appellant in the month of February 2018, therefore, he filed the department appeal, however the same was not responded within the statutory period of ninety days, hence the instant service appeal.

2. Respondents submitted their comments, wherein they denied the averments of the appellant.

3. Learned counsel for the appellant has argued that the appellant was promoted to BPS-19 and in view of the prevalent rules, the service of the appellant in BPS-19 was required to be regularized in the year 2010 but it is an irony that the respondents have not even included the name of the appellant in the seniority list of officers of BPS-19, circulated in the year 2017; that the inaction/omission on part of the respondents is based on malafide, which has resulted in grave miscarriage of justice in the shape of deprivation of the appellant from his promotion; that the juniors of the appellant have been promoted on regular basis in BPS-19 in the year 2012, while the appellant has been still kept on probation without any plausible legal reasons. Reliance was placed on 2000 SCMR 645, 2008 PLC (C.S) 551, 2016 SCMR 1784, 2018 PLC (C.S) Note 66, 2017 PLC (C.S) 643, 2011 PLC (C.S) 1527, 2009 PLC (C.S) 178 and 1999 SCMR 880.

4. Conversely, the learned Assistant Advocate General for the respondents has argued that the appellant was promoted on acting charge basis, which cannot create any right of seniority as well as regular promotion in favour of the appellant; that disciplinary action was taken against the appellant on the allegations of committing irregularities in the appointment of PSTs (Male), while serving as DEO (Male) Nowshera and in the de-novo inquiry, inquiry committee has recommended his removal from service; that the appellant filed Writ Petition in the august Peshawar High Court, Peshawar, which was allowed by declaring the de-novo inquiry as illegal, unlawful and of no legal effect, however the judgment of august Peshawar High Court has

ATTESTED

EXAMINER  
Khan Pakhtukhwa  
Service Tribunal  
Peshawar

Attested

been challenged through filing of CPLA in the august Supreme Court of Pakistan, which is still pending adjudication.

5. We have heard the arguments of learned counsel for the appellant as well as learned Assistant Advocate General for the respondents and have perused the record.

6. A perusal of record would show that the appellant alongwith his other colleagues were promoted from BPS-18 to BPS-19 on acting charge basis, vide Notification dated 13.03.2007, issued by Government of NWFP School and Literacy Department. Vide Notification dated 13.06.2012 certain officers juniors to the appellant were also promoted from BPS-18 to BPS-19 on regular basis, however the appellant was ignored. The copy of minutes of meetings of Provincial Selection Board held on 17.02.2012 and 17.01.2014 are available on record, which would show that the promotion of the appellant to BPS-19 on regular basis was deferred for the sole reason that an inquiry was pending against him. It appears from the record that while posted as District Education Officer Nowshera, disciplinary action was taken against the appellant as well as other officers/officials on the charge of irregularities in the appointments of Teachers in various categories as well as other charges and on the conclusion of the inquiry, the inquiry officer submitted his report alongwith recommendations to the competent Authority, however the competent Authority was not satisfied regarding the punishments proposed for imposition upon the appellant and other officers/officials, therefore, an inquiry committee comprising of two officers was constituted for de-novo inquiry into the matter. The same was challenged by the appellant alongwith others through filing of Writ Petition No. 1376-P/2014 before august Peshawar High Court, Peshawar, which was allowed vide judgment dated 08.12.2016 by declaring the de-novo inquiry as illegal, unlawful, without lawful Authority and of no legal effect. It was, however observed that the competent Authority may proceed on the basis of first inquiry.

**ATTESTED**

EXAMINER  
Hyber Pakhtunkhwa  
Service Tribunal  
Peshawar


7. The judgment dated 08.12.2016 passed by august Peshawar High Court, Peshawar, has been impugned by the respondents through filing of CPLA before the august Supreme Court of Pakistan, however the appellant submitted an affidavit to the effect that neither the order dated 08.12.2016 passed by august Peshawar High Court, Peshawar,

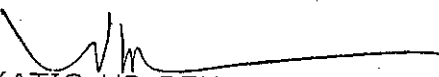
*[Handwritten Signature]*  
Attested

has been suspended nor any status-quo order has been issued by the august Supreme Court of Pakistan. In this scenario, the inquiry against the appellant is still pending and according to the certificate issued by District Education Officer (Male) Nowshera, he is presently performing his duty as Principal BPS-19 in GCMHS Akora Khattak Nowshera. It is settled law that mere pendency of disciplinary proceedings against a civil servant, is no valid ground for not considering such civil servant for promotion. Reliance in this respect is placed on 2000 SCMR 645 and 2007 PLC (C.S) 716. Mere pendency of inquiry proceedings against the appellant thus could not be considered to be a legal ground for deferring his promotion to BPS-19 on regular basis.

8. In view of the above discussion, the appeal in hand is allowed and the respondents are directed to issue the promotion order of the appellant to BPS-19 on regular basis with effect from 13.06.2012 and he shall be entitled to all back benefits. The promotion of the appellant shall, however not debar the Authority from continuing with the disciplinary proceedings against the appellant in light of the judgment dated 08.12.2010 passed by worthy Peshawar High Court, Peshawar, in Writ Petition No. 1376-P/2014, subject to outcome of the CPLA pending adjudication in the august Supreme Court of Pakistan. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
05.07.2021

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

  
(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 27/7/21  
Number of Words 2000  
Copying Fee 225/-  
Urgent: 4/5  
Total 26/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 27/7/21  
Date of Delivery of Copy 27/7/21

  
Atiq-ur-Rehman Wazir

B

To

The Honorable Secretary (E&SE)  
Khyber Pakhtunkhwa.

Subject: (1); Application for Regular Promotion to BPS-19 w.e.f 13-06-2012 with all back benefits in the light of Khyber Pakhtunkhwa service tribunal Judgement in Service Appeal # 761/2018.  
(2); Promotion to BPS-20 w.e.f 11-02-2019.

R/Sir;

With great reverence the following few lines are stated for your kind consideration.

1. That I have been promoted from BPS-18 to BPS-19 vide notification No SO (S) 1-2/Promotion BPS-18 to BPS-19 (Male) Dated Peshawar the 13-03-2007 at S.No 8 on acting charge basis after observing the formalities of consultation of P.S.B.
2. That Junior Colleagues of the appellant in BPS-18 were regularly Promoted to BPS-19 vide notification No SO(S/M) E&SE/1-2/2011/Promotion BS-18 to BS-19(Male) Dated Peshawar the 13-06-2012.

In the said Notification the officer at S.No 6 and onward were all junior to the appellant in BPS-18.

3. That the Name of the appellant has not been included in the said Notification due to pending inquiry.
4. That service Appeal No 761/2018 has been filed in the august Service tribunal Khyber Pakhtunkhwa and the same has been decided on 05-07-2021.

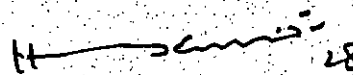
The Honorable Tribunal allowed the appeal and the respondents are directed to issue the Promotion order of the appellant to BPS-19 on regular basis with effect from 13-06-2012 with all back benefits. (Judgement Copy is attached herewith please).

It is therefore humbly Prayed that

(i) In the light of the august service tribunal Judgement I may please be regularized in BPS-19 w.e.f 13-06-2012 with all back benefits.

(ii) I may please be promoted to BPS-20 w.e.f 11-02-2019 In the light of Notification No SO(E-I) E&AD/9-88/2019 Peshawar the February 11, 2019 where in a Junior One Muhammad Riaz Principal BPS-19 has been Promoted to BPS-20 at S.No 7



  
(HASANAT GUL)  
Principal BPS-19  
GCMHS Akora Khattak (NSR) 28/2/2021

صنات کل 2، پنجاب  
صنات کل بنام حکمہ تعلیم

مقدمہ  
دعویٰ  
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام کیسے اور کیلئے تھمور علی خان ایڈووکیٹ  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جو اب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا حق ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرار کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داخہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے وہ 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 سندر ہے۔

Accepted  
&  
Attested

20

ماہ

الرقوم

العہدہ العہدہ العہدہ

کے لئے منظور ہے۔

تصدیق

مقام





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the July 22, 2022

**NOTIFICATION**

**NO.SO(S/M)E&SED/4-13/2013/Hasnat Gul:** In continuation of this Department Notification of even number dated 23-06-2022, on the recommendation of Provincial Selection Board (PSB) in its meeting held on 06.07.2022, the Competent Authority is pleased to promote Mr. Hasnat Gul, Ex-Principal on Acting Charge Basis (BS-19) on regular basis to (BS-19) on Notional basis w.e.f 13-06-2012, subject to final decision of Supreme Court of Pakistan.

2. Consequent upon his promotion to BS-19 on regular basis, he is posted as Principal (BS-19) at GHSS Khair Abad Nowshera against the vacant post w.e.f. 13.06.2012 (for the purpose of pension only). His promotion as well as assumption of charge in BS-19 shall be on (Proforma) notional basis.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

**Endst: of even No. & Date:-**

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Registrar, KP Service Tribunal Peshawar.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officers concerned.
5. District Accounts Officers concerned.
6. Section Officer (Lit-II), E&SE Department
7. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
8. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
9. Incharge EMIS E&SE Department.
10. Officer concerned.
11. Office order file.

*Baqir Ali*  
(BAQIR ALI) 22/07/2022  
SECTION OFFICER (SCHOOLS MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

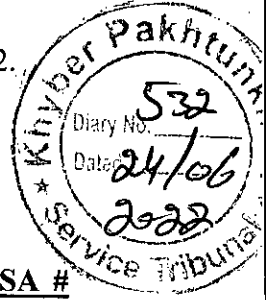
Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

**MOST IMMEDIATE / COURT MATTER**

NO.SO (Lit-II) E&SED/1-3/EP# 158/21/Hasanat Gul

Dated Peshawar, the 24-06-2022.



To

The Registrar,  
Service Tribunal, Khyber Pakhtunkhwa.

Subject:

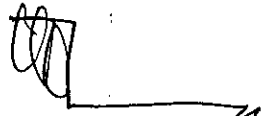
**REQUEST FOR EARLY HEARING IN EP NO. 158/2021 OUT OF SA # 761/2018 TITLED HASANAT GUL VS EDUCATION DEPARTMENT.**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of CM in the subject case and to state that instant EP fixed for hearing on 02.08.2022, wherein the salaries of the respondents are attached.

It is therefore requested that early date of hearing may be granted instead of 02.08.2022 to release salary of the respondent.

**Encl. As above.**

  
SECTION OFFICER (LIT:II)-

Endst: of even No. & date.

Copy is forwarded to the:-

1. Additional Advocate General, Service Tribunal, Peshawar.
2. PS to Secretary Law Department.
3. PS to Secretary E&SE, Department.

  
SECTION OFFICER (LIT:II)

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

C.M NO. \_\_\_\_\_/2022

In

E.P.# 158/2021

Out of S.A # 761/2018.

Hasanat Gul ..... **Appellant.**

**VERSUS**

Secretary E&SE, Govt: of Khyber Pakhtunkhwa & others..... **Respondents.**

**Application for early hearing & release of salaries of the Respondents.**

**Respectfully Sheweth,**

**The Respondents submit as under:-**

1. That the instant EP was fixed for hearing before this Hon'ble Tribunal on 20.06.2022.
2. That this Hon'able Tribunal while hearing the instant EP passed the following directions:  
"Non-bailable warrant of arrest of Mr. Faizan, SO(Litigation) be issued through CCPO, Peshawar. The Accountant General Khyber Pakhtunkhwa is also directed to attached salaries as well as the accounts of Secretary E&SED and Director E&SE Peshawar till further orders of this Tribunal. Respondents are directed to appear in person alongwith the proper implementation report on next date of hearing".
3. That this Hon'ble Tribunal passed the directions vide its judgment that the appellant may be promoted to BPS -19.
4. That the Respondents in compliance with the directions of this Hon'able Tribunal promoted the appellant to BPS-19 (Annex-A).

In view of the above made submissions, it is, therefore, most humbly prayed that this Honourable Tribunal may very graciously be pleased to dismiss the present Execution Petition of the Appellant and withdraw the order dated 20-06-2022 and release the salaries of the respondents.

  
**Secretary**  
Elementary & Secondary Education Department.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the June 23, 2022

**NOTIFICATION**

**NO.SO(S/M)E&SED/4-13/2013/Hasnat Gul:** In pursuance of Khyber Pakhtunkhwa, Service Tribunal Peshawar in its Judgment dated 05.07.2021 in Service Appeal No.761/2018, on the recommendation of Provincial Selection Board (PSB) in its meeting held on 07.04.2022, the Competent Authority is pleased to promote Mr. Hasnat Gul, Ex-Principal on Acting Charge Base (BS-19) on regular basis to (BS-19) on Notional basis w.e.f 01.04.2022 (one day before his retirement), subject to final decision of Supreme Court of Pakistan.

2. Consequent upon his promotion to BS-19 on regular basis, he is posted as Principal (BS-19) at GHSS Khair Abad Nowshera against the vacant post w.e.f. 01.04.2022 (for the purpose of pension only). His promotion as well as assumption of charge in BS-19 shall be on (Proforma) notional basis.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

**Endst: of even No. & Date:-**

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Registrar, KP Service Tribunal Peshawar w.r.to his judgment quoted above.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officers concerned.
5. District Accounts Officers concerned.
6. Section Officer (Lit-II), E&SE Department
7. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
8. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
9. Incharge EMIS E&SE Department.
10. Officers concerned.
11. Office order file.

(NAVEED ULLAH SHAH)  
SECTION OFFICER (SCHOOLS MALE)

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

CPLA NO. \_\_\_\_\_/2021

Government of Khyber Pakhtunkhwa through  
Chief Secretary, Peshawar & Another

-----PETITIONERS

**VERSUS**

Hasanat Gul

-----RESPONDENT

*Appeal from* : *Khyber Pakhtunkhwa Service Tribunal,  
Peshawar*  
*Counsel for Petitioner* : *Advocate General, KPK, Peshawar*  
*Instituted by* : *Moin-ud-Din Humayun, AOR*

I N D E X

S.No	Description of documents	Dated	Page
1.	Concise statement	02-09-2021	A-B
2.	C.P.L.A	02-09-2021	1-4
3.	Judgment of Service Tribunal Peshawar	05-07-2021	5-9
4.	Grounds of appeal	30-05-2018	10-13
5.	Comments`		14-16
6.	Judgment of Peshawar High Court in W.P. No. 1376-P/2014	08-12-2016	17-30
7.	Final Seniority list as stood on 15-06-2009		31-45
8.	Notification regarding appointments	13-03-2007	46-47
9.	Notification regarding promotion	13-06-2012	48-53
10.	Application for including name in the tentative seniority list		54
11.	Reply to above application	27-07-2017	55
12.	Application for including name in the tentative seniority list	08-08-2017	56
13.	Final Seniority list as stood on 29-11-2017		57-59
14.	Departmental appeal	04-02-2018	60-62
15.	Notification regarding amendment in civil Servant (Appointment, promotion & Transfer) Rules, 1989	07-12-2017	63
16.	Stay application	02-09-2021	64-65
17.	Affidavits	02-09-2021	66-67
18.	Notice to respondent	02-09-2021	68

**CERTIFIED** that the paper book has been prepared in accordance with the rules of the Court and all the documents necessary for due appreciation of the court have been included in it. Index is complete in all respect.

(Moin-ud-Din Humayun)  
Advocate-on-Record  
Supreme Court of Pakistan  
For Government

(A)

(Appellate Jurisdiction)

CHAND

Government of Khyber Pakhtunkhwa through  
Chief Secretary, Peshawar & Awaran

VERSUS

Hassant Gul  
RESPONDENT

CONCISE STATEMENT

1. Subject matter and the law  
 Claim for inclusion of Name in seniority list of BPS-19 officials & to Regularize the promotion after completion of probationary period from his date

Court / Forum	a) Institution b) Decision	Date of Who filed it and with what result
KPK Service Tribunal Peshawar	a) 30/03/2018 b) 05/07/2021	Respondent filed service appeal which has been rejected.
Judgment	Treatment of points in the impugned Judgment	
<p>Learned counsel for the respondent argued that respondent was promoted to BPS-19 and was required to be regularized in the year 2010 but his name was not included in the seniority list of officers of BPS-19, circulated in the year 2017 which has resulted in grave miscarriage of justice in the shape of deprivation of the respondent from his promotion and his juniors were promoted on regular basis in the year 2012 while the respondent was kept on probation without any plausible legal reasons.</p> <p>Learned Assistant Advocate General for the petitioners argued that the respondent was promoted on acting charge basis, which cannot create any right of seniority as well as regular promotion in favour of the respondent that disciplinary action was taken BPS-19 on regular basis.</p>	<p>Record would show that the respondent alongwith his other colleagues were promoted from BPS-18 to BPS-19 on acting charge basis vide notification dated 13/3/2007, issued by Government of Khyber Pakhtunkhwa School and Literacy Department vide notification dated 13/06/2012. Certain officer's juniors to the respondent were also promoted from BPS-18 to BPS-19 on regular basis, however the respondent was ignored due to the sole reason that an inquiry was pending against him. It is settled law that mere pendency of disciplinary proceedings against a civil servant is no valid ground for not considering such civil servant for promotion. Mere pendency of inquiry proceedings against the respondent thus could not be considered to be a legal ground for deterring his promotion to BPS-19 on regular basis.</p>	

<p>against the respondent on the allegations of committing irregularities in the appointment of PSTs (Male) while serving as DEO (Male) Nowshera and in the denovo inquiry, inquiry committee has recommended his removal from service. However the judgment of Hon'ble Peshawar High Court has been challenged by the petitioners through filing of CPLA in the august Court of Pakistan, which is still pending adjudication.</p>	<p>The appeal is hand is allowed and the petitioners are directed to issue the promotion order of the respondent to BPS-19 on regular basis with effect from 13/06/2012 and he shall be entitled to all back benefits. The promotion of the respondent shall, however not debar the authority from continuing with the disciplinary proceedings against the respondent in light of the judgment dated 08/12/2010 passed by worthy Peshawar High Court, Peshawar in WP NO.1376-P/2014, subject to outcome of the CPLA pending adjudication in the august Court.</p>
---	--

**LAW/RULING ON THE SUBJECT**

**FOR**

- 1- Constitution of Islamic Republic of Pakistan, 1973

**CERTIFICATE:**

Certified that I, myself prepared the above concise statement which is correct.

(Moin-ud-Din Humayun)  
 Advocate-on-Record  
 Supreme Court of Pakistan  
 For Government



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No.SO(S/M) E&SED/4-17/2013/Hasnat Gul  
Dated Peshawar the November 17, 2021

To,

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.



17/11

Subject: - **ORDER IN SA NO. 761/18/EP.158/221 TITLED MR. HASNAT GUL  
VERSIS GOVERNMENT OF KHYBER PAKHTUNKHWA**

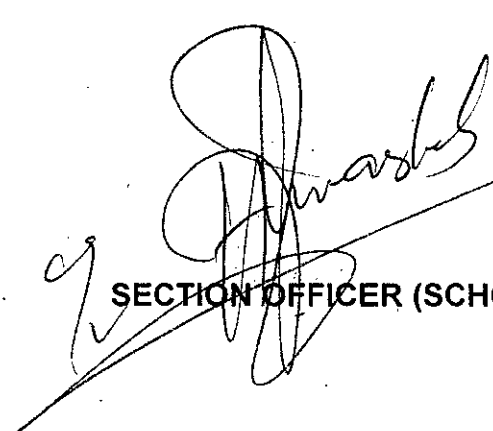
I am directed to refer to the subject noted above and to enclose herewith a copy of a letter dated 02.11.2021 along with a judgment passed in execution petition No. 158/221 in service appeal no. 461/18 dated 28.10.2021 and other relevant documents received from Section Officer (Lit-II) with the request to furnish working paper for further necessary action please.



(HAFEEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS/MALE)

**Endst: Even No. & Date:**

Copy of the above is forwarded to the PS to Secretary, E&SE Department Khyber Pakhtunkhwa, Peshawar.



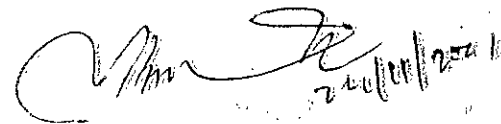
SECTION OFFICER (SCHOOLS MALE)



**OFFICE OF THE ADVOCATE GENERAL KHYBER PAKHTUNKHWA**  
**PESHAWAR**

**Receipt.**

Received a sum of Rs. 500/- (Rupees Five Hundred only) as expenses for filing Early Hearing/Transfer along-with Exemption application in the Supreme Court of Pakistan in its Branch Registry at Peshawar in connection with case titled CPLA No. 459-P of 2021-Government of Khyber Pakhtunkhwa and others Versus Hasanat Gul & others



Supreme Court of Pakistan  
Govt. of Khyber Pakhtunkhwa  
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No. SO(S/M) E&SED/4-17/2013/Hasnat Gul  
Dated Peshawar the November 17, 2021

To,

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

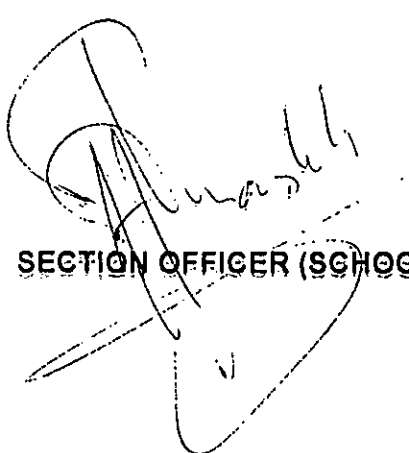
Subject: - ORDER IN SA NO. 761/18/EP.158/221 TITLED MR. HASNAT GUL  
VERSIS GOVERNMENT OF KHYBER PAKHTUNKHWA

I am directed to refer to the subject noted above and to enclose herewith a copy of a letter dated 02.11.2021 along with a judgment passed in execution petition No. 158/221 in service appeal no. 461/18 dated 28.10.2021 and other relevant documents received from Section Officer (Lit-II) with the request to furnish working paper for further necessary action please.

  
(HAFEEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS/MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the PS to Secretary, E&SE Department Khyber Pakhtunkhwa, Peshawar.

  
SECTION OFFICER (SCHOOLS MALE)

2/02

**BEFORE THE HON'ABLE SERVICE TRIBUNAL, PESHAWAR.**

EP No. 158/2021

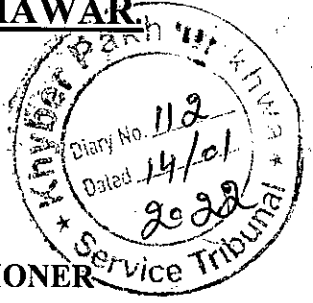
IN

SERVICE APPEAL 761/2018

HASANAT GUL .....PETITIONER

VERSUS

CHIEF SECRETARY, KHYBER PAKHTUNKHWA & OTHER .....RESPONDENTS



**APPLICATION FOR EXONERATION OF FINE**

Respectfully sheweth:

The respondents most humbly submitted as under:

1. That the instant Appeal was fixed for hearing before this Honorable Service Tribunal on 14.12.2021 and the Honorable Tribunal burdened with a cost of Rs.2, 000 to be deposit in the office of Registrar KP Service Tribunal.
2. That this Hon'able Tribunal directed to implement the judgment dated 05.07.2021 in the instant case.
3. That in compliance to this Hon'able Tribunal direction working paper were sent to Establishment Department on 29.12.2021 (Annex-A).
4. That the case of the petitioner is in process in the establishment department for arrangement of Pre-PSB, hence the E&SE department implement this honorable tribunal judgment in its true shape.

In view of the above submission it is most humbly requested that this Hon'able Tribunal order dated 14.12.2021 for the burden of cost Rs. 2,000/- may kindly be withdrawn due to the fact that the petitioner case has already been in process.

*Put up to the worthy chair - as with E. Petitioner*

*Reader*

*[Signature]*  
17/1/22

*[Signature]*

SECRETARY  
Elementary & Secondary Education,  
Department Khyber Pakhtunkhwa.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

SO(SM) E&SED/4-17/2013/Court Cases  
Dated Peshawar the December 29, 2021

To

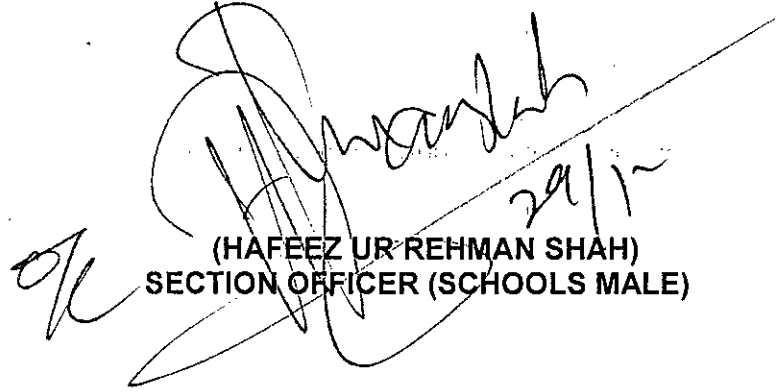
The Section Officer (PSB)  
Establishment Department  
Government of Khyber Pakhtunkhwa

40  
29.12.2021

Subject: - **WORKING PAPER FOR PROMOTION IN RESPECT OF MR. HASNAT GUL, PRINCIPAL (BS-19) GCMHS AKORA KHATTAK NOWSHERA IN LIGHT OF EP# 158/2021 OUT OF SERVICE APPEAL NO. 761/2018 TITLED MR. HASNAT GUL VS GOVT. OF KHYBER PAKHTUNKHWA**

I am directed to refer to the subject noted above and to forward herewith 07 sets of working papers alongwith relevant documents regarding implementation of judgment dated 29.11.2021 passed by Hon,able Service Tribunal Peshawar EP# 158/2021 out of SA# 761/2018 for promotion in respect of Mr. Hasnat Gul Principal (BS-19) GCMHS Akora Khattak on regular basis of Elementary & Secondary Education Department for placing before the Provincial Selection Board for consideration please.

**Encl: As Above:**

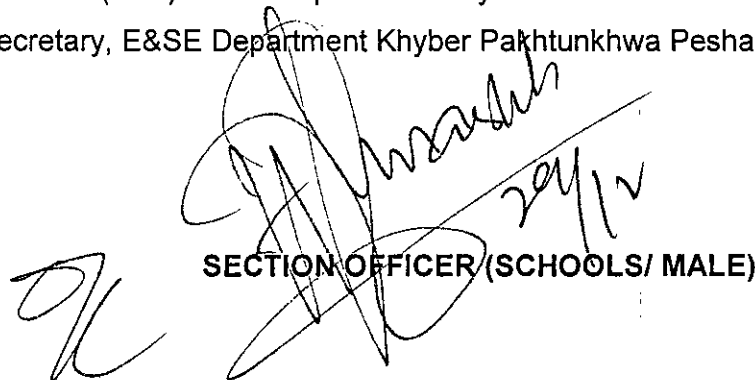
  
(HAFEEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS MALE)

**Endst: Even No. & Date:**

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1. Director E&SE Khyber Pakhtunkhwa, Peshawar w.r.to his letter quoted above.
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SECTION OFFICER (SCHOOLS/ MALE)

**BEFORE THE HON'ABLE SERVICE TRIBUNAL, PESHAWAR.**

EP No. 158/2021

IN

SERVICE APPEAL 761/2018

HASANAT GUL .....PETITIONER

VERSUS

CHIEF SECRETARY, KHYBER PAKHTUNKHWA & OTHER .....RESPONDENTS

**APPLICATION FOR EXONERATION OF FINE**

Respectfully sheweth:

The respondents most humbly submitted as under:

1. That the instant Appeal was fixed for hearing before this Honorable Service Tribunal on 14.12.2021 and the Honorable Tribunal burdened with a cost of Rs.2, 000 to be deposit in the office of Registrar KP Service Tribunal.
2. That this Hon'able Tribunal directed to implement the judgment dated 05.07.2021 in the instant case.
3. That in compliance to this Hon'able Tribunal direction working paper were sent to Establishment Department on 29.12.2021 (Annex-A).
4. That the case of the petitioner is in process in the establishment department for arrangement of Pre-PSB, hence the E&SE department implement this honorable tribunal judgment in its true shape.

In view of the above submission it is most humbly requested that this Hon'able Tribunal order dated 14.12.2021 for the burden of cost Rs. 2,000/- may kindly be withdrawn due to the fact that the petitioner case has already been in process.



SECRETARY

Elementary & Secondary Education,  
Department Khyber Pakhtunkhwa.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

SO(SM) E&SED/4-17/2013/Court Cases  
Dated Peshawar the December 29, 2021

To

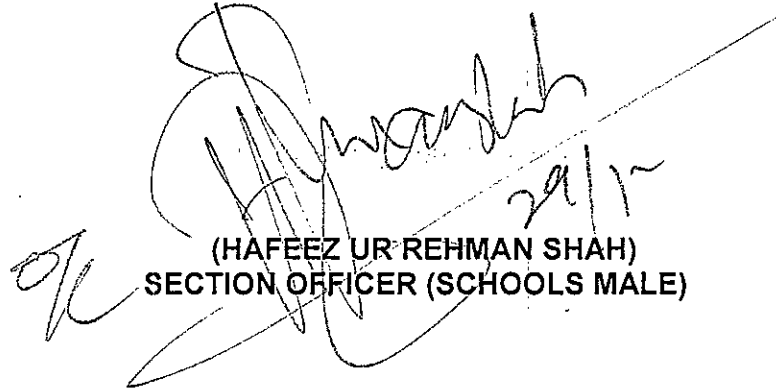
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Subject: - **WORKING PAPER FOR PROMOTION IN RESPECT OF MR. HASNAT GUL, PRINCIPAL (BS-19) GCMHS AKORA KHATTAK NOWSHERA IN LIGHT OF EP# 158/2021 OUT OF SERVICE APPEAL NO. 761/2018 TITLED MR. HASNAT GUL VS GOVT. OF KHYBER PAKHTUNKHWA**

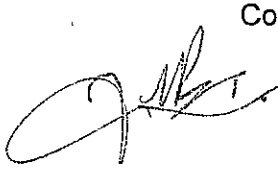
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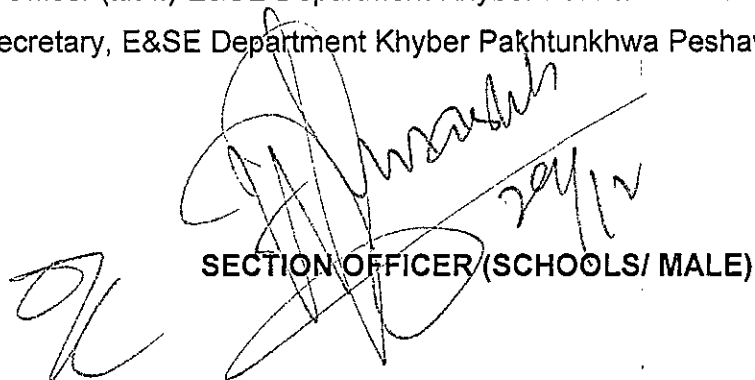
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SECRETARY

Elementary & Secondary Education,  
Department Khyber Pakhtunkhwa.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

SO(SM) E&SED/4-17/2013/Court Cases  
Dated Peshawar the December 29, 2021

To

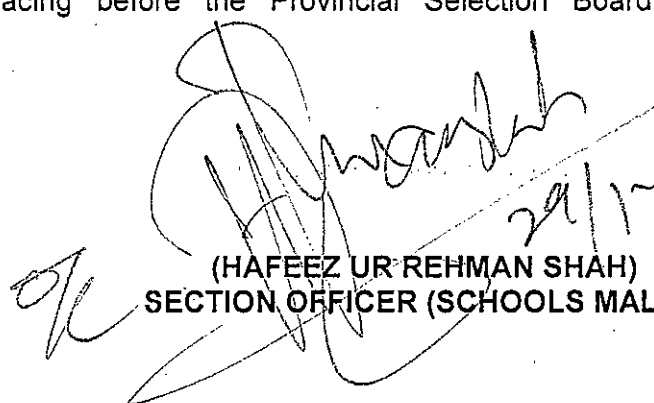
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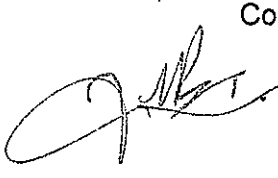
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**Encl: As Above:**

  
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SECTION OFFICER (SCHOOLS MALE)

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SECTION OFFICER (SCHOOLS/ MALE)



**BEFORE THE HON'ABLE SERVICE TRIBUNAL, PESHAWAR.**

EP No. 158/2021

IN

SERVICE APPEAL 761/2018

HASANAT GUL .....PETITIONER

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SECRETARY

Elementary & Secondary Education,  
Department Khyber Pakhtunkhwa.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

SO(SM) E&SED/4-17/2013/Court Cases  
Dated Peshawar the December 29, 2021

To

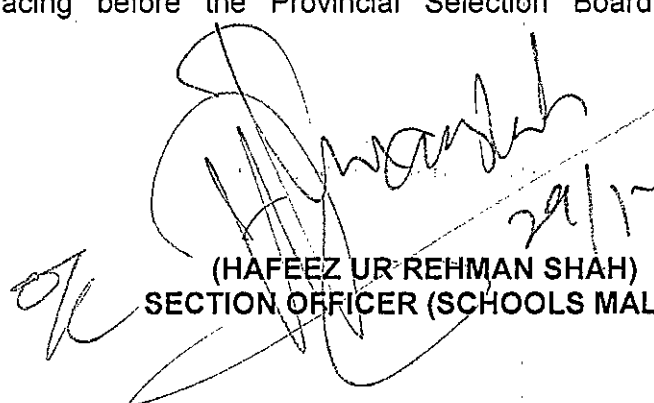
The Section Officer (PSB)  
Establishment Department  
Government of Khyber Pakhtunkhwa

40  
29.12.2021

Subject: - **WORKING PAPER FOR PROMOTION IN RESPECT OF MR. HASNAT GUL, PRINCIPAL (BS-19) GCMHS AKORA KHATTAK NOWSHERA IN LIGHT OF EP# 158/2021 OUT OF SERVICE APPEAL NO. 761/2018 TITLED MR. HASNAT GUL VS GOVT. OF KHYBER PAKHTUNKHWA**

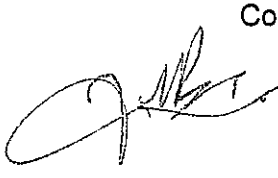
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Encl: As Above:

  
(HAFEEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

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SECTION OFFICER (SCHOOLS/ MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No.SO(SM) E&SE/4-17/2013/Hassnat Gul/Court Case  
Dated Peshawar the February 17, 2021

To

The Section Officer (PSB)  
Establishment Department, Civil Secretariat Peshawar

Subject: - **PROMOTION IN RESPECT OF MR. HASNAT GUL PRINCIPAL BS-19  
GCHMS AKORA KHATTAK NOWSHERA IN LIGHT OF EP#158/2021  
OUT OF SERVICE APPEAL NO. 761/2018 TITLED HASNAT GUL VS  
GOVT. OF KHYBER PAKHTUNKHWA.**


I am directed to refer to your letter No.SO (PSB)/ED/1-4/2021/P-215 dated 12.01.2022 on the subject noted above and to submit reply to the observation raised in your letter under reference.

S#	Observations	Reply
i.	The Service Tribunal order dated 29.11.2021 mentioned in the PSB-1 proforma has not been attached alongwith working paper.	The date of Service Tribunal order has been mistakenly written as 29.11.2021, whereas, it may be read as 05.07.2021 ( <b>Annex-E</b> ).
ii.	Name of the petitioner is also included in another working paper regarding promotion of teaching cadre officers from BS-18 to BS-19. The Administrative department may clarify as to why the subject case was not clubbed in the mentioned working paper so as to discuss it together.	In light of EP No. 158/2021 out of Service Appeal No. 761/2018 judgment dated 05.07.2021. the respondents are directed to issue the promotion order of the appellant to BS-19 on regular basis with effect from 13.06.2012 and he shall be entitled to all back benefits. The promotion of the appellant shall, however not debar the authority from continuing with the disciplinary proceeding against the appellant in light of the judgment dated 08-12-2010 passed by worthy Peshawar High Court Peshawar in 1376-P/2014, subject to outcome of th CPLA pending adjudication in the august Supreme Court of Pakistan.
iii.	It has not been mentioned in the working paper as to whether CPLA has been filed in the Supreme Court of Pakistan or otherwise against the Judgment of Service Tribunal dated 05.07.2021	It is clarified that CPLA has been filed in the Apex Court of Law and has been attached ( <b>Annex-G</b> )
iv.	The notification dated 13.06.2012 where his juniors were regularized is not attached with the working paper.	The said notification dated 13.06.2012 at <b>Annex-H</b> .
v.	Status of the inquiry pending against the officer has not been mentioned in the working paper.	As long as status of the inquiry is concerned the Hon' ble Peshawar High Court has ordered in its judgment dated 08-12-2016. (operative part of the judgment is reproduced as under:- " for what has been discussed above, we admit and allow this petition by declaring the denov enquiry as illegal, unlawful, without lawful authority and of no legal effect. However, (Competent Authority) may proceed

	on the basis of first enquiry, which is not subject matter of instant petition" (Copy of judgment as Annex-I).
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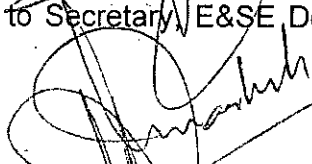
**Note:** It is further added that order sheets dated 28-10-2021, 29-11-2021 and 14-12-2021 in EP No. 158/2021 out of service appeal.No: 761/2018 are hereby attached as Annex-J.

07 sets of working paper is resubmit for further necessary action Please.

  
(BAFEEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS/MALE)

**Endst: Even No. & Date:**

Copy of the above is forwarded to the PS to Secretary, E&SE Department Khyber Pakhtunkhwa, and Peshawar.

  
SECTION OFFICER (SCHOOLS/MALE)



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

No: 2105 /ST Dated: 27 / 06 /2022

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

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

To,

- 1 The Accountant General,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: SALARY ATTACHMENT OF THE SECRETARY, ELEMENTARY AND SECONDARY EDUCATION, KHYBER PAKHTUNKHWA TILL FURTHER IN IMPLEMENTATION PETITION NO. 158/2021 IN CASE TITLE Mr. HASNAT GUL VS EDUCATION

I am directed to forward herewith a certified copy of Order dated 20.06.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As Above.

  
(WASEEMAKHTAR)

REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

KHYBER PAKHTUNKWA  
SERVICE TRIBUNAL, PESHAWAR

No: 2166-07 /ST Dated: 27/06 /2022

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

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

to,

- 1 Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
- 2 Director, Elementary & Secondary Education, Khyber pakhtunkhwa Peshawar.

Subject: PERSONAL APPEARANCE OF EXECUTION PETITION NO.158/2021 IN CASE TITLE HASNAT GUL VS EDUCATION.

I am directed to forward herewith a certified copy of Order dated 06.06.2022 passed by this Tribunal on the above subject for strict compliance.

Incl: As Above.



(WASEEM AKHTAR)

REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'A'

To be filled by the Counsel/Applicant

Case Number	EP # 158/2021 SA # 761/2018			
Case Title	Hasnat Gul.			
Date of Institution	20/06/2022			
Bench	SB		DB	E.P
Case Status	Fresh		Pending	
Stage	Notice		Reply	Argument
Urgency to clearly stated.	non bailable warrant of a rest of Mr Faizan So (Litigation) and the salary of the Secretary EDSE & Director EDSE are attached may kindly be realized.			
Nature of the relief sought.	<del>early</del> Early Hearing in the above titled case.			
Next date of hearing	2/08/2022			
Alleged Target Date				
Counsel for	Petitioner		Respondent	In person



Signature of counsel/party

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing 532 -p/2022

In case No. BP # 158/2021 SA # 76/2018 p/20

Hasnat Gul vs Secretary EdSE Deptt.

Presented by AAG on behalf of \_\_\_\_\_ Entered in the relevant register.

Put up alongwith main case ✓

REGISTRAR

Last date fixed	<u>20-06-2022</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>-</u>
Date(s) fixed in the similar matter by the Branch Incharge	<u>-</u>
Available dates Readers/Assistant Registrar branch	<u>NPA</u>

mi  
26/7/22  
Assistant Registrar

REGISTRAR

Registered

26/7/22