


13.06.2022

Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Sohail Ahmed Zeb, Litigation Officer for respondents present.

Representative of the respondent department seeks time for submission of implementation report till Thursday positively. Request accepted. To come up for implementation report on 16.06.2022 before S.B at camp Court A/Abad.


(Fareeha Paul)
Member (E)
Camp Court A/Abad.


16.06.2022

Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Sohail Ahmed Zeb, Litigation Officer for respondents present.

Representative of the respondent department submitted two implementation reports, first dated 13.06.2022 according to which the petitioner was promoted against the vacant post of SPST (BPS-14) w.e.f. 18.05.2021 and second implementation report dated 15.06.2022 according to which the petitioner was promoted to PSHT (BPS-15) w.e.f 14.06.2022. These promotions are subject to the final outcome of CPLA as respondent department challenged the judgment of Service Tribunal before august Supreme Court of Pakistan. The department further submits that they have prepared working paper for promotion to (BPS-16) and submitted it before the competent authority. Copies of the orders dated 13.06.2022 and 15.06.2022 are placed on file.

In view of the above, instant petition is disposed off. File be consigned to record room.

Announced.
16.06.2022


(Fareeha Paul)
Member (E)
Camp Court A/Abad.

17.05.2022

Petitioner alongwith his counsel present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present.

2. Learned AAG submits that notice of this execution petition was received late and he ensure implementation of the judgment if date is given to the respondents. Adjournd with the directions to respondents to implement the judgment and submit compliance report a week prior to the fixation of the case.

3. Learned counsel for the petitioner submitted an application for placing some documents in order to properly calculate the back benefits of the petitioner. Copy alongwith annexures is handed over to the learned AAG. It is expected that the respondents would properly calculate the back benefits for which the petitioner is entitled in light of the judgement passed by this Tribunal.

4. To come up for proper implementation report on 13.06.2022 before D.B at camp court Abbottabad.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT ABBOTTABAD

Execution Petition No. 167/2022

IN

Service Appeal No. 1726/2019

Maqsood Ahmed.....Petitioner

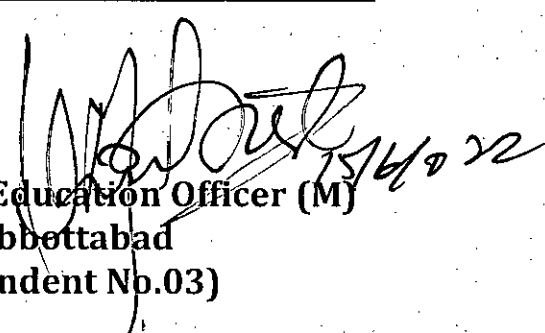
VERSUS

Govt. Of Khyber Pakhtunkhwa & Others.....RESPONDENTS

IMPLEMENTATION REPORT

INDEX

Sr. #	Description	Page No's	Annexure
1	Implementation Report alongwith Affidavit	01 to 02	
2	Copy of promotion order dated 14-06-2022	03	"A"
3	Copy of letter No. 3516 dated 14-06-2022	04	"B"
4	Copy of working papers	05	"C"


District Education Officer (M)
Abbottabad
(Respondent No.03)

①

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT ABBOTTABAD**

Execution Petition No. 167/2022
IN
Service Appeal No. 1726/2019

Maqsood Ahmed.....Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa & Others.....RESPONDENTS

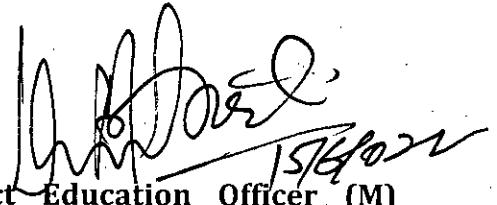
IMPLEMENTATION REPORT

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 Honorable Tribunal has been provisionally implemented and petitioner has been promoted from the post of SPST (BPS-14) to PSHT (BPS-15) vide Notification Endst: No. 3563-70 dated 14-06-2022. Moreover, working papers for promotion to the post of SST (G) (BPS-16) has been forwarded to Directorate being competent Authority vide letter No. 3516 dated 14-06-2022 alongwith working papers (Copy of promotion order dated 14-06-2022, copy of letter No. 3516 dated 14-06-2022 and working papers are attached as Annexure "A", "B" & "C" respectively).

It is, therefore, respectfully prayed that on acceptance of instant Implementation Report the Execution Petition in hand may please be dismissed with cost as the judgment of this Honorable Tribunal has been implemented.


District Education Officer (M)
Abbottabad.
(RESPONDENT No.3)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT ABBOTTABAD**

Execution Petition No. 167/2022
IN
Service Appeal No. 1726/2019

Maqsood Ahmed.....Petitioner

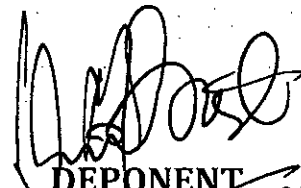
VERSUS

Govt. Of Khyber Pakhtunkhwa & Others.....RESPONDENTS

IMPLEMENTATION REPORT

AFFIDAVIT

I, Mr. Muhammad Shaukat, District Education (Male),
Abbottabad do hereby affirm and declare on oath that the contents of
forgoing Implementation Report are correct and true according to the best of
knowledge and belief and nothing has been suppressed from this Honorable
Tribunal.


DEPONENT
13/6/22

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 02.12.2021 passed in service appeal No: 1726/2019 and this office challenged the Judgment before the August Supreme Court of Pakistan and filed CPLA and same is subjudice before the Honorable Supreme Court of Pakistan. As the petitioner filed Execution Petition No. 167/2022 before the Honorable Service Tribunal at Camp Court Abbottabad and Honorable Tribunal directed the department on 13.06.2022 to submit compliance report of judgment dated 02.12.2021. Hence, the following Senior Primary School Teacher is hereby **provisionally promoted** subject to the final outcome of the CPLA, 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 school noted against his name with immediate effect.

S.No	Name & Desig:	Name of Present School	Place of Posting	Remarks
1	Maqsood Ahmed, SPST	GPS Muslim Town	GPS Sumbal Dharra circle Hajia Gali	Against Vacant Post

Terms & Conditions:

1. His Promotion is subject to the Final outcome of the CPLA and in case of acceptance of CPLA his promotion order shall stand withdrawn automatically.
2. On his 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.
3. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
4. His services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he will be proceeded under the rules framed time to time.
5. His Inter-Se-Seniority on the lower post will intact.
6. **He will give an undertaking on Judicial Stamp Paper to be recorded in his Service Book to the effect that if any over payment is made to him shall be recovered and if the above CPLA accepted he will be reversed to his previous post.**
7. He should join his post within fifteen days (15) of the issuance of this order. In case of failure to join his post within 15 days, his promotion will expire automatically and no subsequent appeal will be entertained.
8. Necessary entries should be recorded in his service book.
9. Charge report should be submitted to all concerned.
10. Checking of verification of all documents shall be ensured by the DDO concerned.
11. No TA/DA is allowed.

sd
DISTRICT EDUCATION OFFICER (MALE)
ABBOTTABAD

Endst: No. 3563-70 /Promotion/Court Case PST/SPST to PSHT /2022 Dated 14/06/2022

Copy forwarded to the:

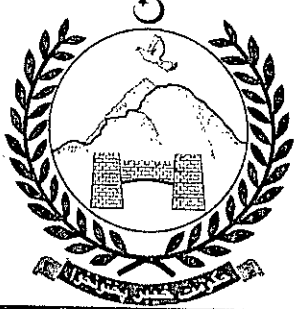
- 1 PS to Secretary Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
- 2 Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3 District Monitoring Officer (IMU) Abbottabad
- 4 District Comptroller of Accounts Abbottabad
- 5 Sub Divisional Education Officer (M) Abbottabad
- 6 Sub Divisional Education Officer (M) Havelian
- 7 Assistant Programmer EMIS Local Office
- 8 Teacher concerned.

[Signature]
DISTRICT EDUCATION OFFICER (MALE)
ABBOTTABAD
14/6/2022

Annex - B

04

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD



No. 3516 /ADEO LIT

Dated: 14 /06/2022

0992-9310102, 0992-330131

EDO.Education.Atd@gmail.com

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

Subject: PROMOTION IN R/O MAQSOOD AHMAD PSHT.
Memo:

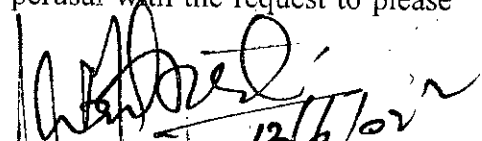
It is submitted for your kind information that the promotion case of Mr. Maqsood Ahmad for the post of SST (G) was deferred in DPC held on 30.03.2016 due to the remarks that "disciplinary proceeding is under process". (Copy of Working Paper attached as Annex-A). His promotion was withheld for three years vide Notification issued under Endst.No.3728-32/PF dated 21.05.2013. (copy attached as Annex-B). Subsequently his promotion order was once again withheld vide Notification No.5612-18 dated 13.07.2016 alongwith recovery of Rs.368674/ with immediate effect (copy attached as Annex-C).

The above named teacher filed Service Appeal No.1726/2019 before Khyber Pakhtunkhwa Service Tribunal at Camp Court Abbottabad and which was allowed on 02.12.2021. This office challenged the Judgment of Honorable Tribunal dated 02.12.2021 before the August Supreme Court of Pakistan and filed CPLA which is subjudice.

Now Mr. Maqsood Ahmad filed execution Petition No.167/22 before Khyber Pakhtunkhwa Service Tribunal at Camp Court Abbottabad and Honorable Tribunal directed the department on 13.06.2022 to submit compliance report of Judgment dated 02.12.2021 on 16.06.2022.

In pursuance of the directions of Honorable Tribunal dated 13.06.2022, this office provisionally promoted Mr. Maqsood Ahmad as PSHT BS-15 vide Notification No.5663-70 dated 14.06.2022 (copy attached as Annex-D).

Hence, working papers alongwith relevant documents in respect of Mr. Maqsood Ahmad PSHT to SST(G) are hereby submitted for your kind perusal with the request to please fix the date for DPC.


13/6/22
District Education Officer (M)
Abbottabad

Ann-C
05

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

WORKING PAPER FOR DEPARTMENTAL PROMOTION COMMITTEES FOR PROMOTION OF

PST/SPST/PSHT TO SST (G).

The above named teacher was differed in DPC held on 30-03-2016 due to under proceeding/Court Case.

Total No. of vacant posts of SST (G)	1
25 % share of intial recruitment	0
75% share of promotion	1
PST/SPST/PSHT	1
Post Available for Promotion of PST/SPST/PSHT	1
Proposed For Promotion	1

S.No.	Sn: No.	Name of Official	Father Name	Name of School	Date of Birth	Date of 1st appointment as PST	Date of appointment as PST Trained	Qualification		Committee Decision
								Acad:	Prof:	
1	278	Maqsood Ahmed	Manzoor Ahmed..	GPS Sumbal Dharra ATD.	16-04-1969	3/8/1990	3/8/1990	B.A	B.Ed	Provisionally Recommended for promotion subject to the final outcome of the CPLA.

- 1 His promotion is subject to the Final outcome of the CPLA and in case of acceptance of CPLA, his promotion order shall stand withdrawn automatically.
- 2 He will give an undertaking on judicial Stamp Paper to be recorded in his Service Book to the effect that if any over payment is made to him shall be recovered be recovered and if the above CPLA accepted he will be reversed to his previous post.
- 3 The Departmental Promotion Committee is requested to dertermine the suitability of the above named PST/SPST for promotion to SST (G)with immediate effect.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

[Signature]
14/6/22

- 1 Director E & SE Khyber Pakhtunkhwa Peshawar
- 2 District Education Officer (M) A.Abad
- 3 Deputy Director E & SE Khyber Pakhtunkhwa Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT ABBOTTABAD

Execution Petition No. 167/2022

IN

Service Appeal No. 1726/2019

Maqsood Ahmed.....Petitioner


VERSUS

Govt. Of Khyber Pakhtunkhwa & Others.....RESPONDENTS

IMPLEMENTATION REPORT

INDEX

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1	Implementation Report alongwith Affidavit	01 to 02	
2	Copy of the promotion order dated 18-05-2021	03	"A"
3	Copy of Certificate	04	"B"
4	Copy of the Monthly Salary Statement	05	"C"


District Education Officer (M)
Abbottabad
(Respondent No.03)

①

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT ABBOTTABAD**

Execution Petition No. 167/2022

IN

Service Appeal No. 1726/2019

Maqsood Ahmed.....Petitioner

VERSUS

Govt. Of Khyber Pakhtunkhwa & Others.....RESPONDENTS

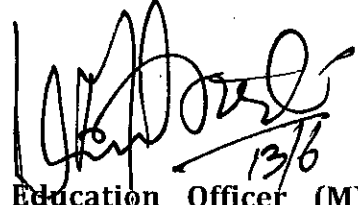
IMPLEMENTATION REPORT

Respectfully Sheweth:-

It is submitted as under:

1. That the above titled Execution Petition is pending adjudication before this Honorable Tribunal and on 13-06-2022 is fixed for implementation report.
2. That the petitioner has already been promoted to the post of SPST (BPS-14) vide Notification Endst: No. 3109/15 dated 18-05-2021 and as per Certificate provided by Sub Divisional Education Officer (M) Abbottabad dated 09-06-2022 petitioner is receiving all benefits of SPST BPS-14 from the month of August 2021. (Copies of promotion order dated 18-05-2021, Certificate and Monthly Salary Statement "A", "B" & "C" respectively).

It is, therefore, respectfully prayed that on acceptance of instant Implementation Report the Execution Petition in hand may please be dismissed with cost as the judgment of this Honorable Tribunal has been implemented.


13/6
District Education Officer (M)
Abbottabad.
(RESPONDENT No.3)

2

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT ABBOTTABAD**

Execution Petition No. 167/2022

IN

Service Appeal No. 1726/2019

Maqsood Ahmed.....Petitioner

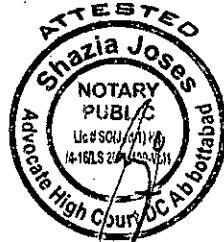
VERSUS

Govt. Of Khyber Pakhtunkhwa & Others.....RESPONDENTS

IMPLEMENTATION REPORT

AFFIDAVIT

I, Mr. Muhammad Shaukat, District Education (Male), Abbottabad do hereby affirm and declare on oath that the contents of forgoing Implementation Report are correct and true according to the best of knowledge and belief and nothing has been suppressed from this Honorable Tribunal.



13/6/22

[Handwritten Signature]
DEPONENT 13/6

ANNEX 'A'

3

287

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

185

NOTIFICATION:-

Consequent upon the recommendation of the Departmental Promotion Committee dated 17.04.2021 and in pursuance to the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Notification issued vide No. SO (B&A)/1-18/E&SE/2012 dated 11.7.2012, Finance Department Endst: No.SO(FR)/FD/10-22(E)/2010 dated 16.7.2012 & further amendment vide Notification No. SO (PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017 dated 30/01/2018, the following (01) Primary School Teacher is hereby promoted to the post of SPST BPS-14 (Rs.15180-1170-50280) plus usual allowances as admissible under the rules on regular basis on the terms & conditions given below and are hereby further posted against vacant post of SPST BPS-14 in the school noted against his name with immediate effect.

S #	PST Seniority No.	Name of Teacher	Present School	Place of posting	Remarks
1	578	Maqsood Ahmed	GPS Muslim Town	Promoted & posted in the same school	Against V/Post

Terms & Conditions:

1. On his 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.
2. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. His services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he will be proceeded under the rules framed time to time unsatisfactory during probationary period. In case of misconduct, he will be proceeded under the rules framed time to time probationary period.
4. His Inter-Se-Seniority on the lower post will intact.
5. He will give an undertaking to be recorded in his Service Books to the effect that if any over payment is made to him will be recovered and if he is wrongly promoted, he will be reversed.
6. He should join his post within fifteen days (15) of the issuance of this order. In case of failure to join his post within 15 days, his promotion will expire automatically and no subsequent appeal will be entertained.
7. Necessary entries should be recorded in his service book.
8. Charge report should be submitted to all concerned.
9. Checking & verification of all documents shall be ensured by the DDO concerned.
10. NO TA/DA is allowed.

**MUHAMMAD SHAUKAT
DISTRICT EDUCATION OFFICER (MALE)
ABBOTTABAD**

Endst: No. 9109-15 /Promotion PST to SPST 5/2018 ^{dt:} 18-05-2021

21/2/2021

1. PS to Secretary Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Monitoring Officer (IMU) Abbottabad.
4. District Comptroller of Accounts Abbottabad.
5. Sub Divisional Education Officer (M) Abbottabad.
6. Assistant Programmer EMIS Local Office.
7. Teacher concerned.

Received

Handwritten signatures and notes:
Maqsood Ahmed
29/5/2021
in town

Handwritten signature of Muhammad Shaukat
**DISTRICT EDUCATION OFFICER (MALE)
ABBOTTABAD**

34

CERTIFICATES

Annex "B"

4

Certified that Mr. Masood Ahmed
is receiving all benefits of SPST-B-14.
From the month of August-2021. (Copy overleaf)

SPD/19
Sub Divisional Edu: Officer
(Male) Abbottabad
9/6/2022
Assistant Sub Divisional
Education Officer (Male)
District Abbottabad

Annex B

(B)

(4)

Dist. Govt. NWFP-Provincial
District Accounts Office Abbotabad
Monthly Salary Statement (August-2021)



Personal Information of Mr MAQSOOD AHMAD d/w/s of MANZOOR AHMAD

Personnel Number: 00008270 CNIC: 1310109364745 NTN:
 Date of Birth: 16.04.1969 Entry into Govt. Service: 01.07.2001 Length of Service: 20 Years 02 Months 001 Days

Employment Category: Vocational Temporary

Designation: SENIOR PRIMARY SCHOOL TEA 80000364-DISTRICT GOVERNMENT KHYBE
 DDO Code: AD6127-DY DISTT OFFICER (M) PRY ATD
 Payroll Section: 003 GPF Section: 001 Cash Center: 01
 GPF A/C No: EDU 014300 Interest Applied: Yes **GPF Balance: 541,100.00**

Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 14 Pay Stage: 26

Wage type		Amount	Wage type		Amount
0001	Basic Pay	45,600.00	1210	Convey Allowance 2005	2,856.00
1300	Medical Allowance	1,500.00	1897	Housing Subsidy Allowance	7,728.00
2148	15% Adhoc Relief All-2013	975.00	2199	Adhoc Relief Allow @10%	654.00
2211	Adhoc Relief All 2016 10%	3,274.00	2224	Adhoc Relief All 2017 10%	4,560.00
2247	Adhoc Relief All 2018 10%	4,560.00	2264	Adhoc Relief All 2019 10%	4,560.00
2309	Adhoc Relief All 2021 10%	4,560.00	2316	Teaching Allowance 2021	3,036.00
5150	Adj. Teaching Allow 2021	5,704.00	5801	Adj Basic Pay	6,101.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-1,009.00	3990	Emp.Edu. Fund KPK	-125.00
4004	R. Benefits & Death Comp:	-600.00	5149	Adj. Special Allow 2021	-3,500.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	468,000.00	-13,000.00	182,000.00

Deductions - Income Tax

Payable: 15,983.60 Recovered till August-2021: 1,905.00 Exempted: 3995.20 Recoverable: 10,083.40

Gross Pay (Rs.): 95,668.00 Deductions: (Rs.): -22,054.00 Net Pay: (Rs.): 73,614.00

Payee Name: MAQSOOD AHMAD

Account Number: 7793-6

Bank Details: NATIONAL BANK OF PAKISTAN, 230591 ABBOTTABAD CITY BRANCH ABBOTTABAD CITY BRANCH, ABBOTABAD

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: ATD Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City: Email:

Annex "C" 5

Dist. Govt. NWFP-Provincial
District Accounts Office Abbotabad
Monthly Salary Statement (April-2022)

Personal Information of Mr MAQSOOD AHMAD d/w/s of MANZOOR AHMAD

Personnel Number: 00008270 CNIC: 1310109364745 NTN:
 Date of Birth: 16/04/1969 Entry into Govt. Service: 01.07.2001 Length of Service: 20 Years 10 Months 001 Days

Employment Category: Vocational Temporary

Designation: SENIOR PRIMARY SCHOOL TEA 80000364-DISTRICT GOVERNMENT KHYBE
 DDO Code: AD6127-DY DISTT OFFICER (M) PRY ATD
 Payroll Section: 003 GPF Section: 001 Cash Center: 01
 GPF A/C No: EDU 014300 Interest Applied: Yes GPF Balance: 666,060.00
 Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 14 Pay Stage: 27

Wage type		Amount	Wage type		Amount
0001	Basic Pay	46,770.00	1210	Convey Allowance 2005	2,856.00
1300	Medical Allowance	1,500.00	1897	Housing Subsidy Allowance	7,728.00
2148	15% Adhoc Relief All-2013	975.00	2199	Adhoc Relief Allow @10%	654.00
2211	Adhoc Relief All 2016 10%	3,274.00	2224	Adhoc Relief All 2017 10%	4,677.00
2247	Adhoc Relief All 2018 10%	4,677.00	2264	Adhoc Relief All 2019 10%	4,677.00
2309	Adhoc Relief All 2021 10%	4,677.00	2316	Teaching Allowance 2021	3,036.00
2341	Dispr. Red All 15% 2022KP	7,015.00	5155	Adj. Disp. Red All 2022KP	7,016.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-1,420.00	3990	Emp.Ed. Fund KPK	-125.00
4004	R. Benefits & Death Comp.	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	468,000.00	-13,000.00	78,000.00

Deductions - Income Tax

Payable: 17,960.00 Recovered till April-2022: 10,631.00 Exempted: 4489.66 Recoverable: 2,839.34

Gross Pay (Rs.): 99,532.00 Deductions: (Rs.): -18,965.00 Net Pay: (Rs.): 80,567.00

Payee Name: MAQSOOD AHMAD

Account Number: 7793-6

Bank Details: NATIONAL BANK OF PAKISTAN, 230591 ABBOTTABAD CITY BRANCH ABBOTTABAD CITY BRANCH, ABBOTABAD

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: ATID

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:


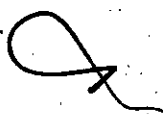

Email:

(50626722/09.05.2022/14:26:18) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

Form- A
FORM OF ORDER SHEET

Court of _____

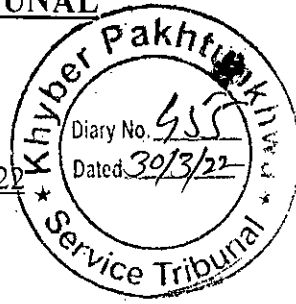
Execution Petition No. 167/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.03.2022	<p>The execution petition of Mr. Maqsood Ahmed submitted today in person 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 to Single Bench at Peshawar on <u>19.4.22</u>.</p> <p> CHAIRMAN</p>
	19.04.2022	<p>Petitioner in person present. Notice be issued to the respondents and to come up for implementation report on 17.05.2022 before the S.B at Camp Court Abbottabad.</p> <p> (Salah-Ud-Din) Member (J) Camp Court Abbottabad</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR CAMP COURT, ABBOTTABAD

Execution Petition No. 167 /2022



IN

Service Appeal No-1726/2019

Maqsood Ahmed (PST) Govt Primary School Muslim Town, Circle,
Abbottabad, Tehsil & District, Abbottabad.

.....PETITIONER

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education, KPK, Peshawar & 02 Others.

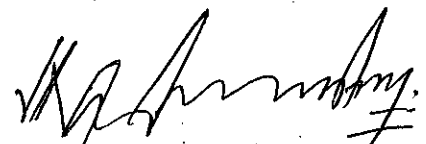
.....RESPONDENTS

EXECUTION PETITION

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE NO
1.	<i>Memo of Execution Petition alongwith Affidavit</i>		1-2
2.	<i>Copies of service appeal and order / Judgment dated 02/12/2021.</i>	"A & B"	3-18
3.	<i>Copy of application for implementation.</i>	"C"	18
4.			

Dated: 28 03/2022


(Maqsood Ahmed)
.....PETITIONER

0310-5820209

**BEFOE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT, ABBOTTABAD**

Execution Petition No. 167/2022

IN

Service Appeal No-1726/2019

Maqsood Ahmed (PST) Govt Primary School Muslim Town Circle,
Abbottabad, Tehsil & District, Abbottabad.

.....PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, KPK, Peshawar.
2. Director E&S Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), District, Abbottabad.

.....RESPONDENTS

=====

**SUBJECT: EXECUTION PETITION SEEKING IMPLIMENTATION OF
JUDGMENT WITH LETTER AND SPIRIT PASSED IN ABOVE
TITLE SERVICE APPEAL NO-1726/2019, DATED 02/12/2021.**

=====

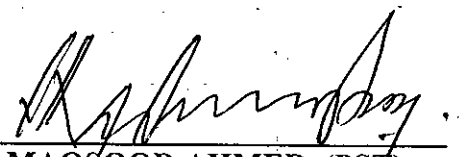
RESPECTFULLY SHEWETH:

1. That Petitioner /appellant filed Service Appeal No. 1726 / 2019 which was decided by this Hon'ble Tribunal in favor of petitioner / appellant vide order dated 02/12/2021. (Copies of service appeal and order / Judgment dated 02/12/2021 are attached as Annexure "A & B" respectively)
2. That, after obtaining the attested copy of said Judgment of Hon'ble Tribunal dated 02/12/2021, petitioner / appellant moved an application for implementation of said judgment before respondent No.3. (Copy of application for implementation is attached as Annexure "C")

3. That, respondents are not going to implement the said order/judgment of this Hon'ble Tribunal dated 02/12/2021 with letter and spirit and, are using delaying tactics by one way or other pretext.
4. That according to the law, respondents are bound to implement the order /judgment of this Hon'ble Tribunal with letter and spirit but they are delaying the matter due to malafide intention due to which the petitioner / appellant's service career is suffering badly.

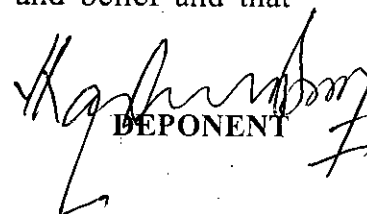
It is therefore, humbly prayed that on acceptance of instant Execution Petition, respondents may graciously be directed to implement the order / Judgment dated 02/12/2021 of this Hon'ble Tribunal with letter and spirit.

Dated: 28/03/2022


MAQSOOD AHMED (PST)
(PETITIONER IN PERSON)

AFFIDAVIT:

I, Maqsood Ahmed (PST) Govt Primary School Muslim Town, Circle, Abbottabad, Tehsil & District, Abbottabad, **Petitioner / Appellant**, do hereby solemnly affirm and declare on oath that the contents of instant Execution Petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.


DEPONENT

(3) (3)

BEFORE THE KHYBER PAKHTUNHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD

Service Appeal No: 1726/2019

Maqsood Ahmed (PST) Govt Primary School Muslim Town, Circle
Abbottabad, Tehsil & District, Abbottabad,

....APPELLANT.

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Peshawar.
2. Director of Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Elementary & Secondary Education) (Male), Abbottabad.

....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST IMPUGNED ORDER DATED 10/07/2019 ISSUED UNDER ENDORSEMENT NO 7775-79 WHEREBY RESPONDENT NO 3 IMPOSED MINOR PENALTY OF "WITHHOLDING OF PROMOTION FOR PERIOD OF 03 YEARS" UPON APPELLANT. THE SAID ORDER IS TOTALLY AGAINST LAW, WITHOUT JURISDICTION, MALAFIDY AND NO REGULAR INQUIRY HAS BEEN CONDUCTED AGAINST THE APPELLANT.

PRAYER:

IT IS RESPECTFULLY PRAYED BEFORE THIS HONOURABLE TRIBUNAL THAT THE INSTANT APPEAL MAY GRACIOUSLY BE ACCEPTED AND IMPUGNED ORDER DATED 10/07/2019, BE SET ASIDE AND RESPONDENTS MAY PLEASE BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION AT THE BASIS OF ORIGINAL SENIORITY LIST WITH ALL BACK BENEFITS.

Respectfully Sheweth,

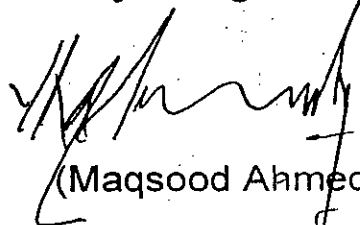
FACTS

- 1) That, appellant was working as a PST BPS-12 at GPS Tangola, Kakul, District Abbottabad, respondent No-3 issued order for stoppage of promotion for 3 years of appellant and appellant was also transfer vide another order to a far-flung area at GPS Riala on 21-05-2013.
- 2) That, appellant challenged the above said order before the KPK Service Tribunal through service appeal No-1252/ 2013, which was accepted by the service tribunal on 16-02-2016, the impugned order was set aside and service tribunal issued direction to the respondents for conduct of Denovo Inquiry against appellant within the specified period of two months.

5

It is therefore, humbly prayed that on acceptance of instant appeal the impugned order No.7775/79 dated 10/07/2019, may graciously be set aside and the appellant may please be considered for promotion as a original Seniority List Number with all back benefits. Any other relief for which the appellant is entitled and same is not asked/prayed specifically may kindly be granted in the favour of the Appellant too.

Dated 26 / 11 / 2019



(Maqsood Ahmed)
(Appellant in person)

AFFIDAVIT:

I, Maqsood Ahmed (PST) Govt Primary School Muslim Town, Circle, Abbottabad, Tehsil & District, Abbottabad, Appellant, do hereby affirm on oath that contents of instant appeal are correct and true to the best of my knowledge and belief and that nothing has been suppressed from this Honourable Tribunal and instant appeal is first appeal and same nature of any other appeal is not pending before this Honourable Tribunal.

Dated 26 / 11 / 2019

DEPONENT


(MAQSOOD AHMED)
(Appellant in person)

Through 

(6)

BEFORE THE KHYBER PAKHTUNHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD



Service Appeal No: 1726/2019

Maqsood Ahmed (PST) Govt Primary School Muslim Town, Circle
Abbottabad, Tehsil & District, Abbottabad,

Khyber Pakhtunkhwa
Service Tribunal
.....APPELLANT

Diary No. 1692

Versus Date 28/11/2019

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Peshawar.
2. Director of Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Elementary & Secondary Education) (Male), Abbottabad.

....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KHYBER

PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST

IMPUGNED ORDER DATED 10/07/2019 ISSUED UNDER

ENDORSEMENT NO 7775-79 WHEREBY RESPONDENT NO 3

IMPOSED MINOR PENALTY OF "WITHHOLDING OF

PROMOTION FOR PERIOD OF 03 YEARS" UPON APPELLANT.

THE SAID ORDER IS TOTALLY AGAINST LAW, WITHOUT

JURISDICTION, MALAFIDY AND NO REGULAR INQUIRY HAS

BEEN CONDUCTED AGAINST THE APPELLANT.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Filed to-day

Registrar

28/11/19

Re-submitted to-day
and filed.

Registrar

10/12/19

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT ABBOTTABAD



Service Appeal No. 1726/2019

Date of Institution ... 28.11.2019

Date of Decision ... 02.12.2021

Maqsood Ahmed (PST) Government Primary School Muslim Town,
Circle Abbottabad, Tehsil & District, Abbottabad.

... (Appellant)

VERSUS

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

... (Respondents)

MR. MAQSOOD AHMED,
Appellant

--- Pro-se

MR. RIAZ AHMED PAINDAKHEL,
Assistant Advocate General

--- For respondents.

MR. AHMAD SULTAN TAREEN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts forming the background of the instant service appeal are that the appellant while serving as PST at GPS Surjal was proceeded against on the allegations of inefficiency, misconduct as well as habitual absence and as a consequence of findings of the inquiry committee, minor punishment in the shape of withholding of promotion for three years as well as recovery of an amount of Rs. 300438/- was awarded to the appellant vide order dated 21.05.2013. The same was challenged by the appellant through filing of

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Service Appeal bearing No. 1252/2013, which was decided vide judgment dated 16.02.2016, whereby the penalty awarded to the appellant was set-aside and the respondents were directed to conduct proper inquiry under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. It was during the inquiry proceedings that ASDEO Circle Sherwan informed SDEO (Male) Abbottabad through letter dated 01.07.2016 that the appellant has refused to receive letter No. 5334 dated 23.06.2016 as well as letter No. 5415-18 dated 27.06.2016 addressed to the appellant, where-upon District Education Officer (Male) Abbottabad appointed Sub-Divisional Education Officer (Male) Abbottabad for inquiry into the alleged refusal of receiving of the aforementioned letter by the appellant. On conclusion of the inquiry, competent Authority awarded minor penalty of withholding of promotion for a period of three years to the appellant, which was challenged by the appellant through filing of Service Appeal bearing No. 313/2017, which was allowed by this Tribunal vide judgment dated 19.02.2019 by setting-aside the impugned order with the direction to respondents to conduct de-novo inquiry strictly in accordance with law within a period of 90 days. On conclusion of the de-novo inquiry, the appellant was again awarded minor penalty of withholding of promotion for a period of three years vide order dated 10.07.2019. The departmental appeal of the appellant was rejected on 26.09.2019, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellant in his appeal.

3. The appellant argued that he had not at all refused the receiving of the concerned letters, however the concerned ASDEO submitted false information to the District Education Officer (Male) Abbottabad by alleging that the appellant had refused to receive the letters sent by District Education Officer (Male) Abbottabad. He further contended that this fact has

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

even proved during the inquiry that the letters were not only received by the appellant, rather its replies were also submitted by him to the competent Authority. He further argued that the inquiry committee was biased against the appellant and neither his statement was recorded during the inquiry nor he was provided any opportunity to produce evidence in his defense. He further contended that the inquiry proceedings were conducted in sheer violation of relevant provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, therefore, the impugned order is liable to be set-aside.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant had refused to receive letters issued to him by District Education Officer (Male) Abbottabad, which was blatant violation of service discipline and comes within the ambit of misconduct. He further argued that a regular inquiry was conducted in the matter and the allegations against the appellant stood proved, therefore, he was rightly awarded minor penalty of withholding of promotion for a period of three years.

5. Arguments heard and record perused.

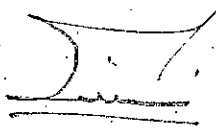
6. A perusal of the record would show that a committee comprising of Mr. Tariq Samar, Principal GHS No. 4 Abbottabad and Mr. Ikram-ul-Haq, Principal GHS Takia Sheikhan was constituted for de-novo inquiry against the appellant. While going through findings of the inquiry committee, it is crystal clear that the only allegation considered by the inquiry committee for probe was that as per report of ASDEO Circle Sherwan, the appellant had refused to receive letter No. 5334 dated 23.06.2016 as well as letter No. 5415-18 dated 27.06.2016 addressed to the appellant by District Education Officer (Male) Abbottabad. It is evident from the record that it was during the proceedings of another inquiry carried against the appellant on certain allegations that letter No. 5334 dated 23.06.2016 as well as letter No. 5415-18 dated 27.06.2016 were issued by District

ATTESTED

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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Education Officer (Male) Abbottabad to the appellant. On 01.07.2016, the then ASDEO Circle Sherwan wrote letter to SDEO (Male) Abbottabad, alleging therein that the appellant had refused to receive the above mentioned letters. It was in this backdrop that an inquiry was initiated against the appellant by considering his alleged act of refusal of receiving of letters as in-subordination and misconduct. Chanzeb SDEO (Male) Abbottabad, the then ASDEO Circle Sherwan was examined as witness during the inquiry, who has stated that the appellant refused to receive the show-cause notice, therefore, the same was handed over to Head Teacher Gulzar Ahmed, however he then also wrote to Chanzeb that the appellant has refused to receive the show-cause notice. On the other hand, aforementioned Head teacher namely Gulzar Ahmed has stated in his statement that the appellant initially refused to receive show-cause notices, however after about one and half hours, the appellant received the show-cause notices and the ASDEO Circle Sherwan was informed by him in this respect personally. The statement of head teacher namely Gulzar Ahmed clearly shows that the letters were received by the appellant. Moreover, it is not understandable as to what were the reasons, which prompted Chanzeb, the then ASDEO Circle Sherwan, to personally serve the letters upon the appellant, when nothing is available on the record which could show that any such directions were issued to him by his high-ups.



7. The appellant has alleged that his statement was not recorded during the inquiry and he was not afforded any opportunity of producing evidence in his defense. The available record supports the contention of the appellant. The aforementioned fact has created material dent in the inquiry proceedings and has caused prejudice to the appellant. In view of material available on record, the impugned order is not sustainable in the eye of law and is liable to be set-aside.

8. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned order and the appellant

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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is held entitled to all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
02.12.2021

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

(AHMAD SULTAN TAREEN)
CHAIRMAN
CAMP COURT ABBOTTABAD

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 22/02/2022
 Number of Words 2400
 Copying Fee 26/-
 Urgent 4/-
 Total 30/-
 Name of Copyist _____
 Date of Completion of Copy 22/02/2022
 Date of Delivery of Copy 22/02/2022

To

12

DEO (M) ATD

Secretary Elementary & Secondary Education
Department, KPK, Peshawar.

Please submit a
detailed report
to implement the
court order.

SUBJECT: APPLICATION FOR IMPLIMENTATION OF THE ORDER DATED 02/12/2021
PASSED BY HONOURABLE SERVICE TRIBUNAL, PESHAWAR IN SERVICE APPEAL
NO.1726 OF 2019 TITLED "MAOSOOD AHMED VERSUS GOVERNMENT OF KPK
AND OTHERS.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Respected Sir,

1. That, appellant was working as a PST (BPS-12) and on 21/05/2013 department stopped the promotion of applicant for the period of three years and on 16/02/2016 Hon'ble Tribunal set aside the impugned order dated 21/05/2013 and conducted a proper inquiry under F&D Rules 2011 in service appeal No.1252/2013.
2. That, on 13/07/2016 once again department issued order against the appellant for stoppage of promotion for the period of three years which was also set-aside by the KPK Service Tribunal on 24/08/2017 in service appeal No.1114/2016.
3. That, on 13/12/2016 department 3rd time issued order against the appellant for stoppage of promotion for three years and also set-aside the impugned order on 19/02/2019 by Hon'ble Tribunal with the direction to conduct the Denovo Inquiry strictly according with law in Service appeal No.313/2017.
4. That, on 10/07/2019 department issued 4th order of the stoppage of the promotion of appellant for the time of three years which was also set-aside by the KPK Service Tribunal on 02/12/2021 in Service appeal No.1726/2019.

It is therefore humbly requested that kindly implement the above said Judgment/ order dated 02/12/2021 passed by Hon'ble KPK Service Tribunal in Service appeal No.1726/2019 with letter and spirit and the applicant may kindly be promoted on the ground of "Seniority cum Fitness" from PST post to SPST (BPS-14), PSHT (BPS-15), SST (Gen) BPS-16 with all constitutional benefits in the light of notifications dated 11/07/2012 and 20/12/2013 issued by the Government of KPK.

(Copies of Judgment and relevant notifications / orders are attached herewith the application)

Directly E&S
Please kindly examine the
case and take appropriate
action according to rules & policy
as desired by the worthy
Secretary E&S at your end.

Your Sincerely;

Maqsood Ahmed

Maqsood Ahmed (SPST)
GPS Muslim Town, Abbottabad.

Dated: 22/02/2022

22/02/2022
Private Secretary to
Secretary E&S Department
Government of Khyber Pakhtunkhwa

No-DEO(M)ATD/Abad.

1105

23/02/2022

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Civil Miscellaneous Application No of 2022

IN

Execution Petition No: 167 of 2022

IN

Service Appeal No 1726 of 2019

POA
17/5/22
Maqsood Ahmed Sheikh S/O Manzoor Ahmad, PST teacher, GPS Muslim Town, Tehsil & District Abbottabad, Resident of Kunj Jadeed, Tehsil & District Abbottabad.

Petitioner

VERSUS

- 1) Government of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education Department, Peshawar.
- 2) Director of Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3) District Education Officer, Elementary & Secondary Education Department (Male) District Abbottabad.

Respondents

APPLICATION FOR PLACING DOCUMENTS RELATING TO
PREVIOUS LITIGATION TO AVOID COMPLICATIONS IN THE
TITLED EXECUTION PETITION

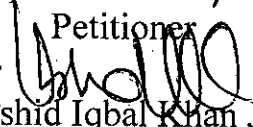
INDEX

S.No	DESCREPTION OF DOCUMENTS	ANNEXURES	PAGE NO
1	Memo; of Application	----	01 to 02
2	Copy of Departmental Order dated 21/05/2013, and order passed in Appeal No 1252 of 2013 on 16/02/2016.	A-1	03 to 05
3	Copy of Departmental Order dated 13/07/2016, and order passed in Appeal No 1114 of 2016 on 24/08/2017.	A-2	06 to 10
4	Copy of Departmental Order dated 13/12/2016, and order passed in Appeal No 313 of 2017 on 19/02/2019.	A-3	11 to 14
5	Power of Attorney	A-4	15

Dated 17/05/2022


(Maqsood Ahmed Sheikh)
Petitioner

Through


(Rashid Iqbal Khan Jadoon)
Attorney Abbottabad.

(1)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Civil Miscellaneous Application No of 2022

IN

Execution Petition No: 167 of 2022

IN

Service Appeal No 1726 of 2019

Maqsood Ahmed Sheikh S/O Manzoor Ahmad, SPST teacher, GPS Muslim Town, Tehsil & District Abbottabad, Resident of Kunj Jadeed, Tehsil & District Abbottabad.

Petitioner

VERSUS

- 1 Government of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education Department, Peshawar.
- 2 Director of Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3 District Education Officer, Elementary & Secondary Education Department (Male) District Abbottabad.

Respondents

APPLICATION FOR PLACING DOCUMENTS RELATING TO PREVIOUS LITIGATION TO AVOID COMPLICATIONS IN THE TITLED EXECUTION PETITION

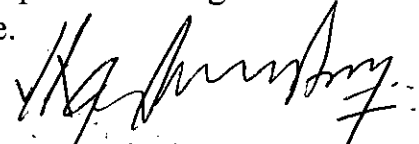
Respectfully Sheweth,

- 1) That petitioner is serving as SPST teacher, in Education Department Abbottabad and his promotion, on the basis of seniority cum fitness, had been stopped from the year 2013, though all the previous departmental orders, including present one, against the promotion, had been set aside by this Honourable Tribunal.
- 2) That respondents are being tried to linger on, or to create complications in the implementation of the Judgment of this Honorable Tribunal in letter and spirit, due to this reason petitioner is filing instant CMA for clarification of above matter with reference to previous decided service appeal in petitioner's favour.

- a) Departmental Order dated 21/05/2013, Set aside in Appeal No 1252 of 2013 on 16/02/2016. (Two Month time)
- b) Departmental Order dated 13/07/2016, Set aside in Appeal No 1114 of 2016 on 24/08/2017.
- c) Departmental Order dated 13/12/2016, Set aside in Appeal No 313 of 2017 on 19/02/2019. (with in 90 days De-Novo Enquiry).
- d) Departmental Order dated 10/07/2019, Set aside in Appeal No 1726 of 2019 on 02/12/2021. Judgment under Implementation.

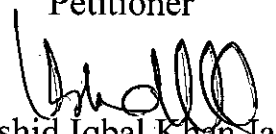
Copies of above mentioned documents in para (a) to (c) are annexed as Annexure A-1, A-2, A-3 while documents mentioned in para (d) is already available in titled Execution Petition

It is respectfully prayed that petitioner may please be allowed to file instant application for placing documents relating to previous litigation in the titled Execution Petition in the interest of justice.


(Maqsood Ahmed Sheikh)
Petitioner

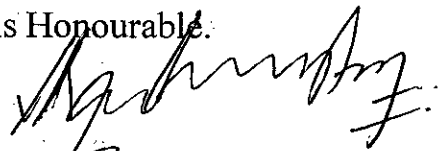
Dated 17/05/2022

Through


(Rashid Iqbal Khan Jadoon)
Attorney Abbottabad.

VERIFICATION

It is verified that the contents of the instant application for placing documents relating to previous litigation in the titled Execution Petition are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable.


(Maqsood Ahmed Sheikh)
Petitioner

Dated 17/05/2022

Annexure A-1

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NOTIFICATION

WHEREAS, as per report of Sub Divisional Education Officer (M) Abbottabad, you Mr. Maqsood Ahmed PST GPS Surjal remained absent from duty for which you were proceeded for having committed the following acts which constitute inefficiency, misconduct and habitually absenting yourself without prior approval of leave and drawn Rs.300438/- as pay for the absent period inflicting huge financial loss to the Govt: treasury in result of dishonestly and fraudulently under Rule-3 Sub Rules-(a),(b) of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011.

Detail of wilful absent period is as under:-

- | | | | |
|----|------------------------------------|----|------------------------------------|
| 1. | 05.11.2010 to 30.11.2010 (26 days) | 2. | 01.12.2010 to 31.12.2010 (31 days) |
| 3. | 01.01.2011 to 30.03.2011 (89 days) | 4. | 08.05.2011 to 31.07.2011 (85 days) |
| 5. | 21.10.2011 to 31.12.2011 (72 days) | 6. | 01.01.2012 to 28.02.2012 (59 days) |
- Total absent period = 362 days

AND WHEREAS Inquiry Committee was constituted vide this office Endst: No.12440 13 dated 7.7.2012 regarding your absence from duty and illegal drawl of salary for the absent period

The Inquiry Committee confirmed your wilful absence and recommended recovery of amount of Rs.391604/- drawn as pay without performing any type of duty.

AND WHEREAS a Show Cause Notice was served upon you through Sub Divisional Education Officer (M) Abbottabad vide this office No. 12917 dated 24.7.2012 under charge of wilful absence and irregular drawl of Rs.391604/-.

AND WHEREAS your reply received vide Sub Divisional Education Officer (M) Abbottabad letter No.1888 dated 28.8.2012 and was found unsatisfactory, however you subsequently submitted an other written statement in response to the same show cause notice before the Sub Divisional Education (M) Abbottabad on 15.1.2013 whereby you have admitted your absence period and contended that you performed Censes duty from 01.04.2011 to 7.5.2011 and Election duty from 01.8.2011 to 20.8.2011 (03 months & 27 days).

AND WHEREAS by treating the period of Censes/Election duties as duty period, your wilful absent period is 362(three hundred & sixty days) for which you have drawn Rs.300438/- as a pay un-lawfully.

AND WHEREAS you have been found guilty of misconduct, inefficiency and absenting yourself for the period of 362 days and irregular and unauthorized drawl of Rs. 300438/- from the Govt: Exchequer.

NOW THEREFORE, in exercise of Powers conferred by the Khyber Pakhtunkhwa, Govt: servant (Efficiency & Discipline) Rules-2011, the undersigned being Competent Authority is hereby pleased to impose minor penalty of withholding of promotion for a period of three years and recovery of Rs.300438/- (Three lac four hundred & thirty Eight only) @ Rs.7000/- PM. upon Mr. Maqsood Ahmed PST GPS Surjal with immediate effect. Moreover, absent period is converted into Extra Ordinary Leave without pay.

Endst: No. 3728-32 P1: Maqsood Ahmed PST

Copy forwarded to the:-

1. Secretary to Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Comptroller of Accounts Abbottabad
4. Sub Divisional Education Officer (Male) Abbottabad w/r to his No. 1888 dated 28.8.2012 with the direction that entry should be recorded in the service book & deduction/recovery be made accordingly under intimation to this office.
5. Official concerned.

Received
11/11/2013

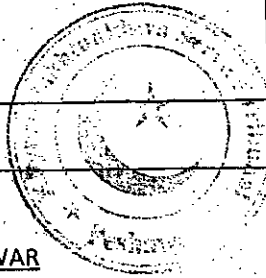
Maqsood Ahmed
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Dated 21/5 2013

Maqsood Ahmed
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

4

1 Date of Order or proceedings.	2 Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
16.02.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u> <u>CAMP COURT ABBOTTABAD.</u></p> <p style="text-align: center;"><u>SERVICE APPEAL NO 1252/2013</u></p> <p>(Maqsood Ahmad -vs- Govt. of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department, Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Appellant with counsel and Mr. Zubair Ali, ADO alongwith Mr. Muhammad Saddique, Senior Government Pleader for respondents present.</p> <p>2. Maqsood Ahmad, hereinafter referred to as the appellant, has preferred the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 21.5.2013 whereby order for recovery of Rs.300438/- and minor punishment in the shape of withholding of promotion for three years was awarded.</p> <p>3. Brief facts giving rise to the present appeal are that the appellant was serving as PST at GPS Surjal when subjected to inquiry on the allegations of inefficiency, misconduct and habitual absence and as a consequence of the findings of the inquiry committee the penalty referred to above was awarded.</p> <p>4. We have heard arguments of learned counsel for the parties and perused the record.</p> <p>5. Perusal of record would suggest that vide notification dated 12.7.2012 three inquiry officers namely Syed Amjad Ali, Mr.Abdur Rashid and Mr.Ghulam</p>



Handwritten signature and date: 16.02.16

ATTESTED

Handwritten signature
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



Sarwar were appointed. According to inquiry report Syed Amjad Ali and Mr. Abdur Rashid have signed the same while Mr. Ghulam Sarwar has added a note in the following words:

"As I have not been involved in inquiry process, hence I cannot sign as member of the Committee."

6. The afore-stated note would suggest that the said inquiry was not conducted in the directed manners and, moreover, the same was a fact finding inquiry and, therefore, could not be substituted for a regular inquiry. In view of the nature of allegations the competent authority was obliged to conduct regular inquiry under the rules in vogue and should have there-after passed orders deemed appropriate. Since the inquiry is not conducted in the prescribed manners and appellant not associated with the same as such the impugned order dated 21.5.2013 is ~~void~~ and it is directed that a proper inquiry under the E&D Rules, 2011 shall be conducted by the competent authority in the prescribed manners expeditiously but not beyond a period of two months from the date of receipt of judgment of this Tribunal and there-after pass any order deemed appropriate. The appeal is accepted in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record room.

Certified to be true copy

K. M. Khan
Peshawar

(Abdul Latif)
Member

(Muhammad Azim Khan Afridi)
Chairman
16-02-16

ANNOUNCED
16.02.2016

Date of _____	27-2-19
Number of _____	1200
Copying _____	800
Urgent _____	2-00
Total _____	10-00
Name of _____	
Date of _____ of _____	27-2-19
Date of Delivery of Copy _____	27-2-19

Annexure A-2

1. WHEREAS you Mr. Maqsood Ahmed, PST GPS Kumar Bandi (Circle Sherwan) Abbottabad was proceeded for having committed the following gross irregularities which constitute inefficiency, misconduct and corruption under Rule-3 Sub Rules (a), (b) & (c) of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.
2. AND WHEREAS, minor penalty of withholding of promotion for a period of three years and recovery of Rs.300438/- (Three lac, four hundred & thirty eight only) @Rs.7000/-PM was imposed upon you regarding your willful absence from duty and dishonestly/fraudulently/unlawfully drawl of above amount as pay for the absent period vide this office Notification issued under Endst: No. 3728-32 dated 21-05-2013.
3. AND WHEREAS, you preferred service appeal in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar against the said Notification.
4. AND WHEREAS, in pursuance to the judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No.1252/2013 announced on 16-02-2016, charge sheet, statement of allegation was served upon you and regular inquiry committee was constituted vide this office notifications issued under Endst: Nos.2557-63 dated 02-04-2016, 3168-75 dated 22-04-2016 to inquire the charges leveled against you. The inquiry committee provided you full opportunity of self defence, even to cross examines the evidence against you and submitted its finding/report vide No.378 dated 13-06-2016.
5. AND WHEREAS, as per findings and recommendation of inquiry report, you have illegally, fraudulently and unlawfully drawn Rs.368764/- as pay for the following absent period inflecting huge financial loss to the Govt: Treasury.

S.#	Absence Period.	Months/Days.	Gross Pay.	Pay Drawn.
1	05-11-2010 to 30-11-2010.	26 days.	22732/-	19701/-
2	01-12-2010 to 20-12-2010.	20 days.	23259/-	15005/-
3	23-12-2010 to 31-12-2010.	09 days.	23259/-	6753/-
4	01-01-2011 to 31-03-2011.	03 Months.	23259/-	69777/-
5	07-05-2011 to 09-05-2011.	03 days.	23259/-	2325/-
6	13-05-2011 to 30-06-2011.	01 Months & 18 days.	23259/-	36764/-
7	01-07-2011 to 30-09-2011.	03 Months.	27866/-	83598/-
8	01-10-2011 to 30-11-2011.	02 Months.	27866/-	55732/-
9	01-12-2011 to 22-02-2012.	02 Months & 22 days.	28366/-	79019/-
		Total Amount:-		Rs.368674/=

6. AND WHEREAS Show Cause Notice was served upon you through Sub Divisional Education Officer (Male) Abbottabad vide this office Memo: No.5142 dated 16-06-2016, wherein minor penalties were tentatively proposed under Rule-4(1) Sub Rule (a)(ii)&(iii) of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule,2011 with recovery of unlawfully drawn amount of Rs.368674/- from Government treasury, wherein it is clearly mentioned at S.No.4 "that if no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you".
7. AND WHEREAS, you have received the said Show Cause Notice on 23-06-2016 and failed to reply the same within stipulated period. In response to your applications dated 26-06-2016 and 01-07-2016, you was further directed to avoid lame excuses and submit reply to Show Cause Notice upto 01-07-2016 vide this office Memo: No.5415-18 dated 27-06-2016, whereas you have further refused to receive the said letter as per report of ASDEO Circle Sherwan dated 01-07-2016 and the said letter was also sent on your home address through registered post.

8. WHEREAS you have failed to submit your reply of the show cause notice within stipulated period and deliberately delayed the inquiry proceedings, which is established evidence that you have committed gross misconduct, corruption, inefficiency, insubordination, professional dishonesty and financial loss to the Govt: Exchequer.
9. AND By reason of above, charges levelled against you, have been proved and you are found guilty of gross misconduct, corruption, inefficiency, insubordination, professional dishonesty and financial loss to the Govt: Exchequer under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rule, 2011.

NOW THEREFORE, the Competent Authority in exercise of the power conferred upon him under Rule-4(1) Sub Rule (a)(ii)&(iii) of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule, 2011 is pleased to impose minor penalty of **"WITHHOLDING OF PROMOTION FOR A PERIOD OF THREE YEARS AND RECOVERY OF Rs.368674/= (Rs. Three lac, sixty eight thousand six hundred seventy four) in installments @ Rs.10000/= PM"** upon Mr. Maqsood Ahmed, PST GPS Kumar Bandi (Circle Sherwan) Abbottabad and the absence period is converted as leave without pay.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 5612-18 /AE-II/PF Maqsood Ahmed PST

Dated 13/7/2016.

Copy for information & necessary action to the:-

1. Honorable Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to Execution petition No.49/2016 in service appeal No.1252/2013.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Abbottabad.
4. PS to Secretary to Govt: of Khyber Pakhtunkhwa E&SED Peshawar.
5. Sub Divisional Education Officer (Male) Abbottabad with the remarks that relevant entry be recorded in his service book.
6. Mr. Maqsood Ahmed, PST Govt: Primary School Kumar Bandi (Circle Sherwan) Abbottabad.
7. Master File.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

(7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 1114/2016

Date of Institution... 26.10.2016
Date of decision... 24.08.2017



Maqsood Ahmad (PST) GPS Kamar Bandi, Circle Sherwan, Tehsil and District,
Abbottabad. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and
Secondary Education, Peshawar and 4 others. ... (Respondents)

MR. AZIZ KHAN TANOLI,
Advocate ...

For appellant.

MR. MUHAMMAD BILAL
Deputy District Attorney ...

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD HAMID MUGHAL ...

CHAIRMAN
MEMBER

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the

counsel for the parties heard and record perused.

FACTS

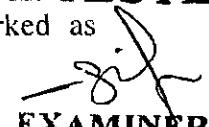
2. This is an appeal against the impugned order dated 13.07.2016 whereby the appellant was awarded minor penalty of withholding of promotion for a period of 3 years and recovery of Rs. 368674/- for the salary which the appellant received during the period of his absence. Against this order, the appellant filed his departmental appeal on 26.7.2016 which was not responded to and hence the present appeal on 26.10.2016.



ARGUMENTS

3. The learned counsel for the appellant argued that in the first round, this Tribunal had passed an order dated 16.02.2016 for conducting denovo enquiry expeditiously but not beyond the period of two months from the date of receipt of the judgment. That the department had not concluded the enquiry within the aforesaid period, hence in view of a judgment reported as 2007-PLC(C.S) 959 of the Federal Service Tribunal no enquiry could be conducted by the department. That in the enquiry the department has failed to prove the allegations of absence of the appellant. That no right of defence was afforded to the appellant by the enquiry officer. That despite application of the appellant some important witnesses have not been examined by the enquiry officer. That the confession of the appellant referred to in the enquiry report was not voluntary and under duress. That according to record of the school the appellant was on duty. That during the period in which the appellant has been shown absent, some inspections were conducted and register was duly signed by the Inspection Officer in which the appellant was marked as present. That no show cause notice was issued to the appellant.

ATTESTED


EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

4. On the other hand, the learned Deputy District Attorney argued that the enquiry was initiated within two months but could not be completed and that non adherence to the period of two months would not entail any consequences as no consequence had been mentioned in the order of this Tribunal dated 16.02.2016. That in the reported judgment referred to by the learned counsel for the appellant, the circumstances were different as in the said very judgment the consequences of non adherence to the time schedule were mentioned. That the appellant had confessed his guilt on five occasions in written form as mentioned by himself in reply to the charge sheet. That the appellant was served with final show cause notice which is evident from his reply to the final show cause notice but in the said



reply instead of refuting the allegations on facts, the appellant denied to reply the show cause notice on the ground that the time of two months, scheduled by this Tribunal had already ~~been~~^{VA} expired and that some Execution Petition was filed and was pending before the Tribunal. That the appellant was given opportunity of defence but he could not produce any defence.

CONCLUSION

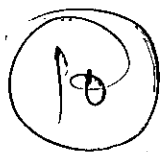
5. First of all this Tribunal would like to discuss non honoring the time schedule of two months. In reported judgment referred to by the learned counsel for the appellant, the circumstances were different as the time schedule was followed by the consequences of non adherence but in the present order no consequence has been given.

6. Secondly, this Tribunal on its own observed that in the impugned order, the period of absence has been converted into leave without pay. In the light of a judgment reported as 2006-SCMR-434, the authority converting the period of absence into any kind of leave, makes the charge as redundant and the whole disciplinary proceedings fell to ground as there remains no absence of the delinquent official. Since the whole proceedings have dashed to ground in the light of the afore stated judgment, there is no need of any further discussion on the enquiry proceedings viz-a-viz the objection raised by the learned counsel for the appellant.

7. Consequently, the impugned order to the extent of awarding minor penalty is set aside and recovery of amount which is also a part of minor penalty is also set aside, The department is however, at liberty to consider the issue of leave for the period in which the appellant has been shown absent

ATTENDED

EXAMINER
Khyber Pakhtunkhwa
Peshawar



under the relevant rules other than the E&D Rules and if the rules allow the recovery of amount for the period which has been converted into extraordinary leave then that can be made by the department by issuing fresh order in this behalf. The appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

Sd *ml*
 Niqaz Muhammad Khan
 chairman

Sd
 Muhammad Hamid
 Mughal
 member
 camp court Abbottabad

Certified to be true copy
EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Date of Presentation of Application 12-9-2017
 Number of Words 18000
 Copying Fee 10 0
 Urgent 2 0
 Total 12 0
 Name of Copyist Samiullah
 Date of Completion 12-9-2017
 Date of Receipt 12-9-2017

Annexure A-3

11

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

ORDER

1. Whereas you Mr. Maqsood Ahmed, PST GPS Kumar Bandi (Circle Sherwan) Abbottabad was proceeded to have committed the following gross irregularities which constitute inefficiency, mismanagement and corruption under Rule-3 Sub Rules (a), (b) & (c) of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.
2. AND WHEREAS, Show Cause Notice was served upon you vide this Office Memo: No.5142 dated 23.06.2016, you received the same on 23-06-2016 and failed to reply the same within stipulated period. In response to your applications dated 26-06-2016 and 01-07-2016, you were further directed to avoid lame excuses and submit reply to Show Cause Notice upto 01-07-2016 vide this office Memo: No.5-15-18 dated 27-06-2016, whereas you have refused to receive the said letter as per report of ASDEO Circle Sherwan dated 01-07-2016 and the said letter was sent on your home address through registered post.
3. AND WHEREAS, Inquiry Officer was appointed vide this office Notification issued under Endst: No.5826-28 dated,27.7.2016 to inquire the charges leveled against you.
4. AND WHEREAS, the Inquiry Officer provided you full opportunity of self-defence and submitted its finding/report vide Endst: No.2459 dated 28.9.2016.
5. AND WHEREAS, Show Cause Notice under the charge of "misconduct, inefficiency & insubordination" was served upon you through Sub Divisional Education Officer (Male) Abbottabad vide this office Memo: No.8099 dated 20.10.2016.
6. AND WHEREAS, on receipt of your reply dated 12.11.2016 of show cause notice, you were summoned for personal hearing on 28.11.2016 through Sub Divisional Education Officer (M) Abbottabad vide this Office memo: No.9399 dated 22.11.2016.
7. AND WHEREAS, you appeared for personal hearing on the scheduled date and failed to defend the charges levelled against you.
8. AND By reason of above, charges levelled against you have been proved and you are found guilty of "misconduct, inefficiency" under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rule, 2011.

NOW THEREFORE, the Competent Authority in exercise of the power conferred upon him under Rule-4(1) Sub Rule (a)(ii) of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule,2011 is pleased to impose minor penalty of "**WITHHOLDING OF PROMOTION FOR A PERIOD OF THREE YEARS**" upon Mr. Maqsood Ahmed, PST GPS Kumar Bandi (Circle Sherwan) Abbottabad with immediate effect.

sd—
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Dated 13-12 /2016.

Endst: No. 10150-52 /AE-II/PF Maqsood Ahmed PST

Copy for information & necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Abbottabad.
3. PS to Secretary to Govt: of Khyber Pakhtunkhwa E&S:ED Peshawar.
4. Sub Divisional Education Officer (Male) Abbottabad with the remarks that relevant entry be recorded in his service book & submit compliance report positively.
5. Mr. Maqsood Ahmed, PST Govt: Primary School Kumar Bandi (Circle Sherwan) Abbottabad.
6. Master File

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

(12)

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

Service Appeal No. 313/2017

Date of Institution 06.04.2017

Date of Decision : 19.02.2019

Maqsood Ahmed (PST) Govt: Primary School Dehri, Circle Qalandar Abad, U/C
Jhangi, Tehsil and District, Abbottabad. (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary
Education Department and two others. (Respondents)

MR. MUHAMMAD AWAIS KHAN,
Advocate

For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney

For respondents

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER (Executive)
MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the
parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that this is the second round of litigation. Previously, service appeal no. 1252/2013 filed by the appellant was decided on 16.02.2016. As the appellant was punished on the basis of fact finding enquiry so the case was remitted to the respondents to conduct proper enquiry under E&D Rules 2011. Again vide impugned order dated 13.12.2016, minor penalty of withholding of promotion for a period of three years was imposed on him. He preferred departmental appeal on 14.12.2016 which remained un-responded, hence, the present service appeal. Strange

enough the said order was again passed without conducting formal enquiry which is nullity in the eyes of law. Opportunity of fair trial was denied to the appellant.

3. Learned Deputy District Attorney argued that in pursuance of the judgment passed by this Tribunal referred to above in the precedings paras. Enquiry was conducted against the appellant strictly in accordance with law and rules and thereafter impugned order was passed. He deserved the penalty awarded to him.

CONCLUSION.

4. Attention is invited to endorsement dated 27.07.2016 through which Mr. Babar Bashir, SDEO(M), Abbottabad was appointed as enquiry officer to conduct enquiry against the appellant. One thing is clear beyond doubt that the respondents again committed the same mistake and instead of conducting formal enquiry under E&D Rules 2011 a fact finding enquiry was conducted which has not legal value and punishment awarded on the basis of fact finding enquiry is illegal, unlawful and nullity in the eyes of law. It has also made the impugned order void. In these circumstances, the Tribunal is left with no other option but to again remit the case back to the respondents for initiating action in accordance with E&D Rules 2011.

5. Before parting with this judgment we would like to bring to the kind notice of respondent no.1 situation prevailing at the lower tiers of the department. It is a classic case which has badly exposed apathy, inefficiency, indifference, slackness of those at the helm of affairs. It is just tip of the ice berg and warrants immediate corrective measures for putting the house in order. The officers responsible for these serious lapses are guilty of criminal negligence and should be brought to book by showing zero tolerance. It is high time to roll heads of the concerned, so as give message to others that system of rewards and punishment exists in the department.

14

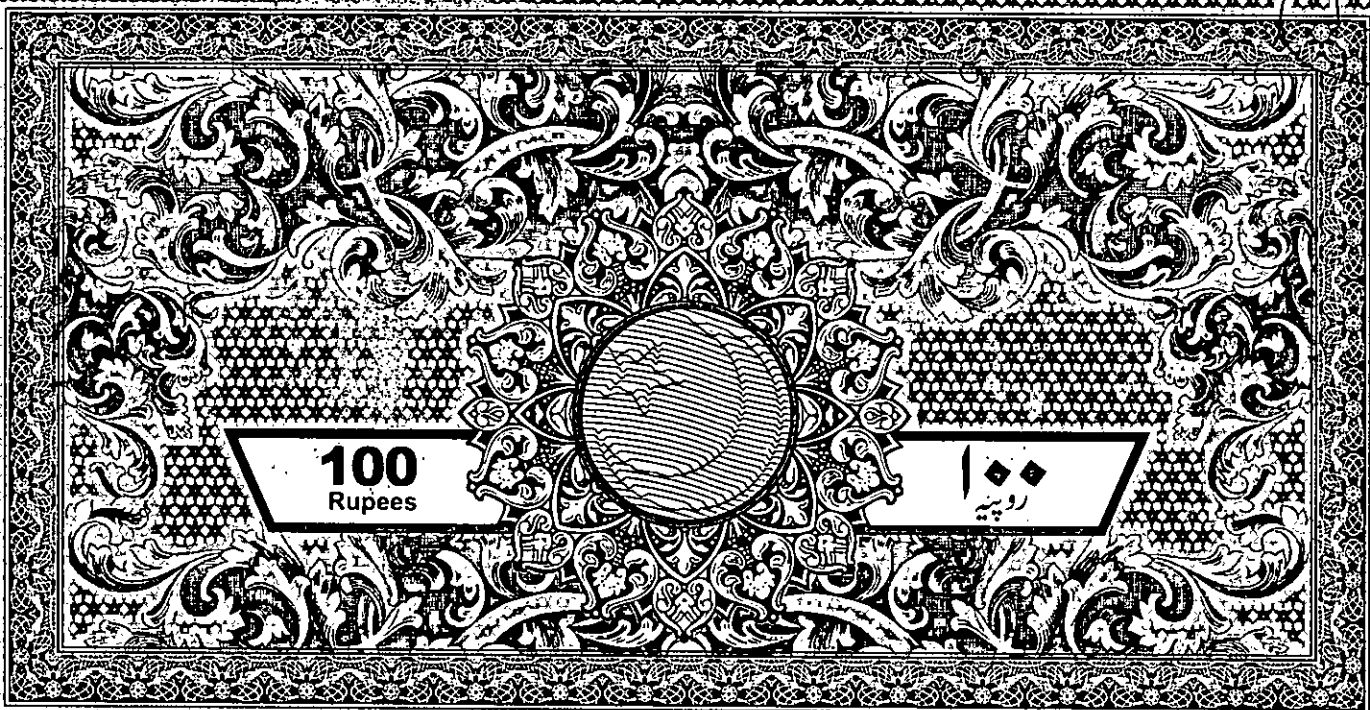
As a sequel to above, the appeal is accepted and the impugned order dated 13.12.2016 is set aside. The respondents are directed to conduct de-novo enquiry strictly in accordance with law and rules within a period of 90 days from the date of receipt of this judgment. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

*SAJ - About 4/5/19 member
Comp cost 1/10/19*

A.S.P.M. Annon Kudu member

ANNOUNCE
19.02.2019

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Rupees

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No: 167 of 2022

IN

Service Appeal No 1726 of 2019

Maqsood Ahmed Sheikh S/O Manzoor Ahmad, PST teacher, GPS Muslim Town, Tehsil & District Abbottabad, Resident of Kunj Jadeed, Tehsil & District Abbottabad.

Petitioner

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education Department, Peshawar.

Respondents

APPLICATION FOR PLACING DOCUMENTS RELATING TO PREVIOUS LITIGATION TO AVOID COMPLICATIONS IN THE TITLED EXECUTION PETITION

POWER OF ATTORNEY

NAME & OTHER PARTICULARS OF ATTORNEY

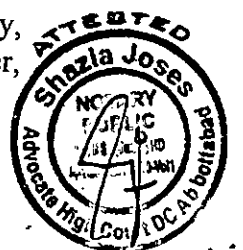
Mr Rashid Iqbal Khan Jadoon S/o. Shamarez Khan Jadoon resident of Street no 15, Mohallah Khawaja Ahmad Khail, Jadoon Colony, Link Road Narrian Cantt; Tehsil and District Abbottabad. CNIC No 13101-0944593-9. Cell no 0333-5025002

I, Maqsood Ahmed Sheikh S/O Manzoor Ahmad, PST teacher, GPS Muslim Town, Tehsil & District Abbottabad, Resident of Kunj Jadeed, Tehsil & District Abbottabad, deponent, do hereby solemnly affirm and declare on oath that I appoint above named as attorney to act on my behalf as my substitute and he would be competent to exercise all the powers which I myself holds as petitioner, he is authorized all powers, to institute case, to appear, to submit any kind of application or reply, argue the case, in short, all powers or authority which I am entitled being petitioner, would be transferred to above named attorney through instant power of attorney.

Sworn at Abbottabad on this 17th day of May, 2022.

CNIC No 13101-09364745 DEPONENT

[Handwritten Signature]
13/5/2022



13/5/2022

