

14-2-2022:

Due to retirement of worthy chairman case is adjourned. To come up for the same as before on 18-7-2022.

SCANNED  
KPST  
Peshawar

Reader


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

1. Petitioner in person present. Syed Naseer Ud Din Shah, Asst: Advocate General alongwith Mr. Saqib Shahzad, Office Assistant for respondents present.

2. Respondents submitted copy of notification endorsement No. 2993-98/promotion/Court Case PST/SPST to PSHST/2022 dated 30.05.2022 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, the instant execution petition is disposed off in the above terms. Consign.

3. *Pronounced in open court in Abbottabad and given under my hand and seal of the Tribunal on this 18<sup>th</sup> day of July, 2022.*



  
(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabd.

## Office Of The District Education Officer (Male) Abbottabad.

### Notification

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

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

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

### Terms & Conditions:

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

- 10
3. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
  4. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be proceeded under the rules framed time to time.
  5. Their Inter-Se-Seniority on the lower post will intact.
  6. They will give an undertaking on Judicial Stamp Paper to be recorded in their Service Books to the effect that if any over payment is made to them shall be recovered and if the above CPs accepted they will be reversed to their previous posts.
  7. They should join their posts within fifteen days (15) of the issuance of this order. In case of failure to join their post within 15 days, their promotion will expire automatically and no subsequent appeal will be entertained.
  8. Necessary entries should be recorded in their service books.
  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.

  
DISTRICT EDUCATION OFFICER (MALE)  
ABBOTTABAD

Endst: No. 2993-98 /Promotion/Court Case PST/SPST to PSHT /2022 Dated 30-05 /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) Lower Tanawal.
- 7 Sub Divisional Education Officer (M) Lora.
- 8 Assistant Programmer EMIS Local Office
- 9 Teachers concerned.

  
DY: DISTRICT EDUCATION OFFICER (MALE)  
ABBOTTABAD

10.11.2021

Nemo for the petitioner. Mr. Kabirullah Khattak, Addl. AG alongwith Sohail Ahmad, Litiogation Officer for the respondents present.

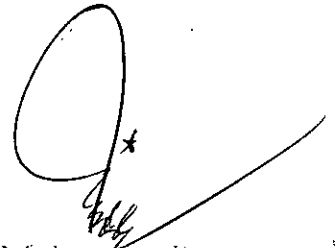
Reply submitted on behalf of the respondents. To come up for objection of the petitioner and arguments on 23.12.2021 before S.B at Camp Court, Abbottabad.

  
Chairman

20.12.2021

Clerk of learned counsel for the Petitioner present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Alamzeb, Litigation Officer for respondents present.

Representative of the department submitted copy of the receipt to the effect that CPLA has been filed in the august Supreme Court of Pakistan against the judgment of Service Tribunal dated 17.03.2021. The department is directed either to get the Service Tribunal judgement suspended from the august Supreme Court of Pakistan or implement it conditionally subject to the outcome of CPLA. Last chance is therefore, granted to the respondent-department with the direction to come up with conditional implementation report. Adjourned. To come up for further proceedings on 14.02.2022 before S.B at camp court Abbottabad.

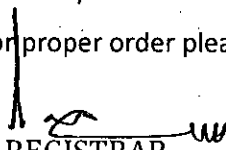

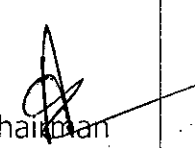


(Mian Muhammad)  
Member(E)  
Camp Court Abbottabad

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_  
 Execution Petition No. 146 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.08.2021	<p>The execution petition of Mr. Muhammad Iqbal submitted today by Mr. Muhammad Liaqat Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench on <u>17/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	17.09.2021	<p>Nemo for the petitioner. Notices be issued to petitioner as well as respondents. To come up for implementation report on 10.11.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Execution Petition No. \_\_\_\_/2021

IN

Service Appeal No. 2231/2019

Muhammad Iqbal S/o Abdul Kareem Khan, presently posted as SPST GPS No.4  
Abbottabad.

.....PETITIONER

VERSUS

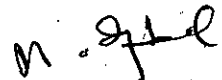
Government Khyber Pakhtunkhwa, through Secretary E&SED, Khyber Pakhtunkhwa  
Peshawar and others

..... RESPONDENTS

**EXECUTION PETITION**

**INDEX**

Sr.No.	Description	Page Nos	Annexures
1	Execution Petition along with Affidavit	01 to 03	
2	Copy of Judgment dated 17-03-2021	4 to 8	"A"
3	Copy of application dated 28-03-2021 & Wakalat nama	9 to 10	"B"

  
Muhammad Iqbal  
.....Petitioner

Through:

  
(MUHAMMAD LIAQAT)  
Advocate High Court, Abbottabad

Dated: 16/08/2021

/

146

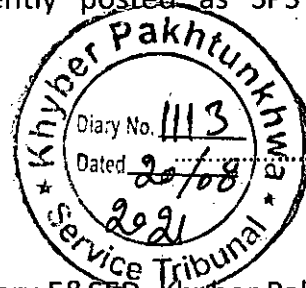
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Execution Petition No. \_\_\_\_/2021

IN

Service Appeal No.2231/2019

Muhammad Iqbal S/o Abdul Kareem Khan, presently posted as SPST GPS No.4  
Abbottabad.



.....PETITIONER

VERSUS

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

..... RESPONDENTS

**EXECUTION PETITION**

**EXECUTION PETITION SEEKING FOR IMPLEMENTATION OF JUDGMENT  
DATED 17/03/2021 PASSED IN SERVICE APPEAL NO. 2231/19 BY THIS  
HONOURABLE TRIBUNAL KHYBER PAKHTUNKHWA AT CAMP COURT,  
ABBOTTABAD.**

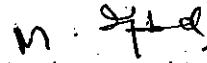
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**Respectfully Sheweth,**

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

- 2**
2. That the petitioner submitted an application on 28-3-2021 before respondent No. 3 regarding implementation of the judgment but no vain. (Copy of the application is annexed herewith as Annexure "B")
  3. That the respondents are legally bound to implement the judgment of this Honourable Tribunal with letter & spirit but respondents are reluctant to implement the same.

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

  
Muhammad Iqbal  
.....Petitioner

Dated: 6/08/2021

Through:

  
(MUHAMMAD LIAQAT)  
Advocate High Court, Abbottabad



3/

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Execution Petition No. \_\_\_\_/2021

IN

Service Appeal No.2237/2019

Muhammad Iqbal S/o Abdul Kareem Khan, presently posted as SPST GPS No.4  
Abbottabad.

.....PETITIONER

VERSUS

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

..... RESPONDENTS

**EXECUTION PETITION**

**AFFIDAVIT**

I, Muhammad Iqbal S/o Abdul Kareem Khan, presently posted as SPST GPS No.4  
Abbottabad, do hereby affirm and declare that the contents of forgoing  
Execution Petition are true and correct to the best of my knowledge and  
belief and nothing has been concealed therein from this Honourable  
Tribunal.

ATTESTED



16/8/2021

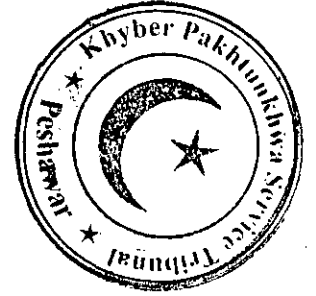
*M. Iqbal*  
DEPONENT

4

Annexure "A"

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

Service Appeal No. 2231/2019



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

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

... (Appellant)

VERSUS

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

... (Respondents)

Muhammad Liaqat,  
Advocate

... For appellant.

Riaz Khan Paindakheil,  
Assistant Advocate General

... For respondents.

ROZINA REHMAN  
ATIQU UR REHMAN WAZIR

... MEMBER (J)

... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER : This judgment is intended to dispose of  
05 connected service appeals which are:

1. Service Appeal No.2231/2019

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

5/

2. Service Appeal No. 2234/2019

3. Service Appeal No. 2235/2019

4. Service Appeal No. 2236/2019


5. Service Appeal No. 2237/2019

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

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

3. We have heard Muhammad Liaqat Advocate for appellant and Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

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


**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtukhwa  
Service Tribunal  
Peshawar

6/

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

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


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

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

7/

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

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

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtukhwa  
Service Tribunal  
Peshawar

\* 8/

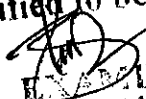
Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
17.03.2021

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

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

**Certified to be true copy**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

**Date of Presentation of Application** 10-06-2021  
**Number of Words** 2000  
**Copying Fee** 22.00  
**Urgent** 4.00  
**Total** 26.00  
**Name of Copyist** \_\_\_\_\_  
**Date of Completion of Copy** 10-06-2021  
**Date of Delivery of Copy** 10-06-2021



## وکالت نامہ

بعدالت: جناب ضیبر، مختونخوا، سروس لٹری بیورو، پشاور

عنوان: محمد اقبال گودمنڈ پشاور

منجانب: مشتک

نوعیت مقدمہ: Execution Petition

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب وہی کل کاروائی متعلقہ آل مقام  
محمد لیاقت سے ایڈووکیٹ باپٹی کورٹ

بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور  
بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر  
حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز  
وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی  
کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات  
کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے  
کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرداختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور  
صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر  
دستخط صدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسیدہ  
دینے اور داخل کرانے کا ہر قسم کا بیان دینے اور سپروائٹی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا۔  
اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجرائے ڈگری  
بھی صاحب موصوف کو شرط ادا کی علیحدہ پیروی مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے  
واسطے کسی دوسرے وکیل یا پیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات  
حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار  
ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔  
لہذا مختار نامہ لکھ دیا ہے کہ سند ہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

المرقوم: 16-08-2021

Attested  
&  
Accepted

بمقام:

محمد لیاقت

محمد لیاقت



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

Execution Petition No. 146/2021

IN

Service Appeal No. 2231/2019

Muhammad Iqbal.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa & Others .....Respondents

**JOINT REPLY ON BEHALF OF RESPONDENTS**

**INDEX**

<b>Sr.No</b>	<b>Description</b>	<b>Page Nos</b>	<b>Annexures</b>
1	Reply alongwith affidavit.	01 to 03	

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

Execution Petition No. 146/2021

IN

Service Appeal No. 2231/2019

Muhammad Iqbal.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa & Others .....Respondents

**JOINT REPLY ON BEHALF OF RESPONDENTS**

**Respectfully Sheweth:-**

**PRELIMINARY OBJECTION:-**

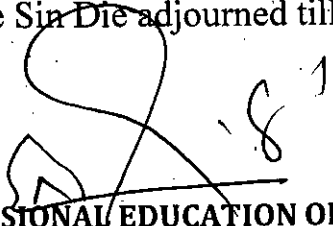
1. That the instant execution petition is not maintainable in the present form.
2. That the petitioner is estopped by his own conduct to filed the present petition.
3. That the petitioner has not come to this Tribunal with clean hands.
4. That the petitioner has got no cause of action to file the present petition against the respondents.
5. That the respondents have challenged the judgment of this Honorable Tribunal passed in appeal No. 2231/2019 dated 17-03-2021 before the Honourable Supreme Court of Pakistan and CPLA No. 279-P/2021 is subjudice before the Honourable Supreme Court of Pakistan.

**Factual objections:-**

1. That Para No. 1, of the execution petition relates to record hence, need no comment.
2. In response to Para No. 2, of the execution petition it is submitted that department challenged the judgment of this Honourable Tribunal dated 17-03-2021 before the August Supreme Court of Pakistan and CPLA No. 279 P/2021 is pending before the Honourable Supreme Court of Pakistan.
3. In reply to Para No. 3, of the execution petition it is submitted that the judgment of this Tribunal is impugned before the August Supreme Court of Pakistan and CPLA is subjudice before the Supreme Court of Pakistan.

4. That the respondents seek leave of this Honourable Tribunal to raise additional grounds during the course of arguments.

It is therefore, respectfully prayed that instant executive petition may please be ~~Sin Die~~ adjourned till the final decision of CPLA.

  
SUB DIVISIONAL EDUCATION OFFICER (M)  
LOWER TANAWAL  
(Respondent No. 4)

  
DISTRICT EDUCATION OFFICER  
ABBOTTABAD  
(Respondent No. 3)

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

Execution Petition No. 146/2021

IN

Service Appeal No. 2231/2019

Muhammad Iqbal.....Appellant

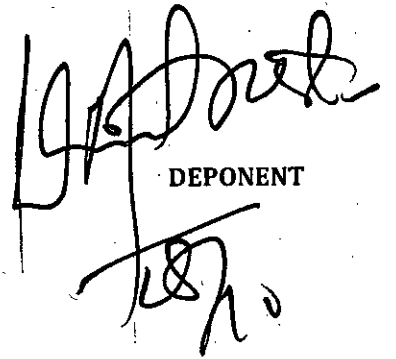
**VERSUS**

Government of Khyber Pakhtunkhwa & Others .....Respondents

**JOINT REPLY ON BEHALF OF RESPONDENTS**

**AFFIDAVIT**

I, Mr. Muhammad Shaukat, District Education Officer (M) Abbottabad, do hereby affirm and declared that contents of forgoing reply are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

  
DEPONENT

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

Execution Petition No. 146/2021

IN

Service Appeal No. 2231/2019

Muhammad Iqbal.....Appellant

**VERSUS**

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**JOINT REPLY ON BEHALF OF RESPONDENTS**

**INDEX**

<b>Sr.No</b>	<b>Description</b>	<b>Page Nos</b>	<b>Annexures</b>
1	Reply alongwith affidavit.	01 to 03	

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Muhammad Iqbal.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa & Others .....Respondents

**JOINT REPLY ON BEHALF OF RESPONDENTS**

**Respectfully Sheweth:-**

**PRELIMINARY OBJECTION:-**

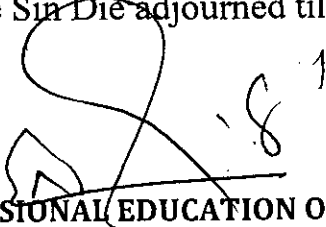
1. That the instant execution petition is not maintainable in the present form.
2. That the petitioner is estopped by his own conduct to filed the present petition.
3. That the petitioner has not come to this Tribunal with clean hands.
4. That the petitioner has got no cause of action to file the present petition against the respondents.
5. That the respondents have challenged the judgment of this Honorable Tribunal passed in appeal No. 2231/2019 dated 17-03-2021 before the Honourable Supreme Court of Pakistan and CPLA No. 279-P/2021 is subjudice before the Honourable Supreme Court of Pakistan.

**Factual objections:-**

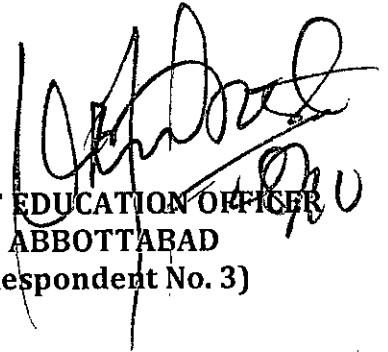
1. That Para No. 1, of the execution petition relates to record hence, need no comment.
2. In response to Para No. 2, of the execution petition it is submitted that department challenged the judgment of this Honourable Tribunal dated 17-03-2021 before the August Supreme Court of Pakistan and CPLA No. 279 P/2021 is pending before the Honourable Supreme Court of Pakistan.
3. In reply to Para No. 3, of the execution petition it is submitted that the judgment of this Tribunal is impugned before the August Supreme Court of Pakistan and CPLA is subjudice before the Supreme Court of Pakistan.

4. That the respondents seek leave of this Honourable Tribunal to raise additional grounds during the course of arguments.

It is therefore, respectfully prayed that instant executive petition may please be ~~Sin Die~~ adjourned till the final decision of CPLA.



**SUB DIVISIONAL EDUCATION OFFICER (M)  
LOWER TANAWAL  
(Respondent No. 4)**



**DISTRICT EDUCATION OFFICER  
ABBOTTABAD  
(Respondent No. 3)**

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
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Muhammad Iqbal.....Appellant

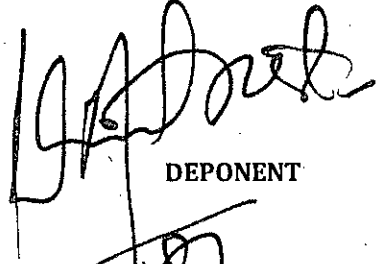
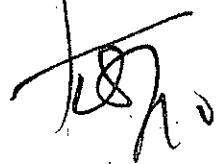
VERSUS

Government of Khyber Pakhtunkhwa & Others .....Respondents

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 DEPONENT  




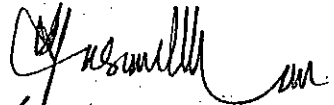
(1)

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

**RECEIPT**

Received a sum of Rs. 3500x5=17500/- (Rupees Seventeen thousand and five hundred only) as expenses for filing CPLA (Photo Stat, binding, Supreme Court tickets, court fee and notices to the respondents) in the Supreme Court of Pakistan in its branch registry at Peshawar in connection with the following cases.

- 1- S.A. No. 2231/2019 Muhammad Iqbal Versus Govt. of KPK
- 2- S.A. No. 2234/2019 Muhammad Ishfaq Versus Govt. of KPK
- 3- S.A. No. 2235/2019 Aqeel Ahmad Versus Govt. of KPK
- 4- S.A. No. 2236/2019 Muhammad Javed Versus Govt. of KPK
- 5- S.A. No. 2237/2019 Rabnawaz Versus Govt. of KPK

  
For \_\_\_\_\_ 21/4/2019



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-921111

**MOST IMMEDIATE / COURT MATTER**

NO.SO (Lit-II) E&SED/1-3/SA# 2231 & 2234 to 2237/19/M. Iqbal SPST  
Dated Peshawar, the 07-04-2021.

To

✓  
The District Education Officer (Male),  
E&SE Abbottabad.

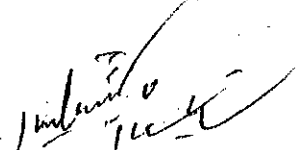
Subject: **SERVICE APPEALS NO. 2231 & 2234 TO 2237/2019  
MUHAMMAD IOBAL AND OTHERS VS GOVT. OF KHYBER  
PAKHTUNKHWA THROUGH SECRETARY E&SE  
DEPARTMENT AND OTHERS.**

I am directed to enclose herewith a copy of minutes of the meeting received from Law Department vide letter No.SO(Lit)/LD/9-5(58 to 62) E&SED / 2021/4120 dated 07.04.2021. The Scrutiny Committee decided in its meeting that *"the subject case is a fit case for filing of Appeal/ CPLA before the Suprme Court of Pakistant."*

It is therefore, requested that a well conversant officer of your office (not below the rank of BS-17) alongwith relevant record of the subject case may please be deputed to attend the office of Advocate General Khyber Pakhtunkhwa immediately for doing the needful under intimation to this Department and all other concerned.

Enc: as above.

Endst: of even No. & date.

  
SECTION OFFICER (LIT:II)

Copy forwarded to:-

1. The Advocate General, Khyber Pakhtunkhwa, Peshawar.
2. The Assistant Law Officer (Lit), Law Department, w/r to his letter cited above.
3. PA to Deputy Secretary (Legal) E&SE Department.

  
SECTION OFFICER (LIT:II)

**THE SUPREME COURT OF PAKISTAN**  
**(APPELLATE JURISDICTION)**  
**(ORIGINAL JURISDICTION)**

CP No. ....-P/2021

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

PETITIONER(S)

VERSUS


Rab Nawaz

RESPONDENT

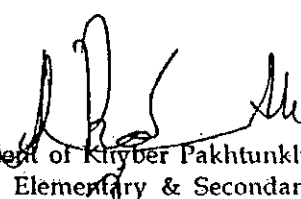
**I (we) Petitioner (Govt. of KPK)** in the above suit/Appeal/Petition/Reference, do hereby appoint and constitute Mian Saadullah Jandoli, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid appellant [ or plaintiff(s) or Petitioner(s) or Respondent (s) or defendant (s) or opposite party] to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the process of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [ or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority

In witness whereof I/we do hereunto set my/our hand (s) this day of

Accepted

  
(Mian Saadullah Jandoli)  
Advocate-on-Record  
Supreme Court of Pakistan  
(for KPK), Advocate General's  
Office KPK, High Court Building, Peshawar.  
Office Tel: #0919210312, 9210119  
Fax: Govt. of

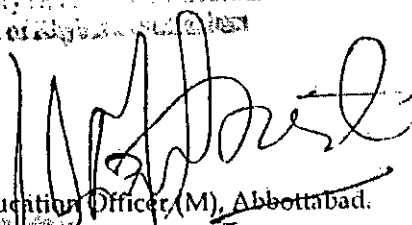
1. Government of Khyber Pakhtunkhwa through  
Secretary Elementary & Secondary Education  
Department, Peshawar

  
SECRETARY  
Elementary & Secondary Education  
GOVT. OF KHYBER PAKHTUNKHWA

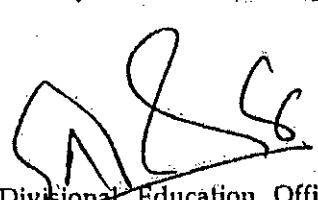
2. Director Elementary & Secondary  
Education, Khyber Pakhtunkhwa,  
Peshawar.

  
Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

3. District Education Officer (M), Abbottabad.

  
District Education Officer  
(Male) Abbottabad

4. Sub Divisional Education Officer (M),  
Lower Tanawal, Abbottabad.

  
S/D E O (M)  
Lower Tanawal  
Abbottabad

**THE SUPREME COURT OF PAKISTAN**  
**(APPELLATE JURISDICTION)**  
**(ORIGINAL JURISDICTION)**

CP No. ....-P/2021

Government of Khyber Pakhtunkhwa through  
Secretary Elementary & Secondary Education  
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PETITIONER(S)

VERSUS


Muhammad Iqbal


RESPONDENT

**I (we) Petitioner (Govt. of KPK)** in the above suit/Appeal/Petition/Reference, do hereby appoint and constitute **Mian Saadullah Jandoli**, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid appellant [ or plaintiff(s) or Petitioner(s) or Respondent (s) or opposite party] to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the process of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [ or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority

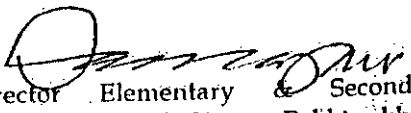
In witness whereof I/we do hereunto set my/our hand (s) this day of

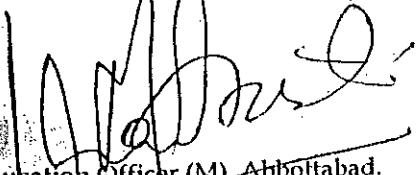
Accepted

  
Mian Saadullah Jandoli  
Advocate-on-Record  
Supreme Court of Pakistan  
(Govt. of KPK) Advocate General's  
Office KPK, High Court Building, Peshawar.  
Office Tel: 9210312, 9210119  
Fax: Govt. of K.P.K.

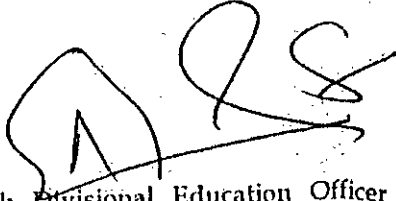
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PETITIONER(S)

VERSUS

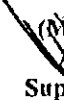
Muhammad Ashfaq

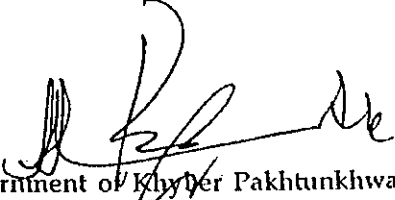
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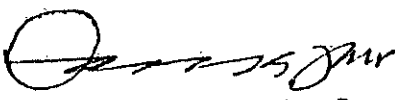
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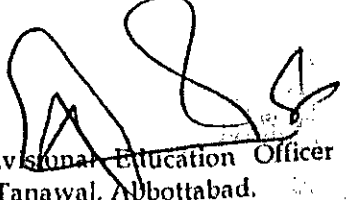
  
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