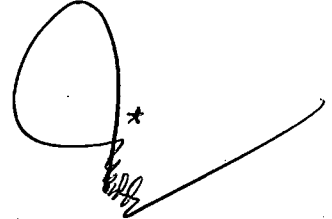


15.07.2022

Junior of learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Hussain Ali, Litigation Officer for the respondents present.

Implementation report not submitted. Representative of the respondents requested that time may be granted to him for submission of implementation report. Granted. To come up for implementation report on 05.09.202 before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

05.09.2022

Nemo for petitioner. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Learned AAG sought time for submission of implementation report. Notice be issued to the petitioner as well as his counsel. To come up for implementation report on 25.10.2022 before S.B.



(Fareeha Paul)
Member (E)

Counsel was informed for the date fixed 25/10/2022. Due to non-availability of postal tickets notice was not sent to them.


07.12.2021 None for the petitioner present. Mr. Muhammad Adeel Butt,
Addl: AG for respondents present.

Notices of prosecution be issued to the petitioner and his
counsel. Adjourned. To come up for further proceedings on
25.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

25.01.2022 Clerk of counsel for the petitioner present. Mr. Muhammad
Adeel Butt, Addl: Advocate General for respondents present.

Former requests for adjournment due to general strike of
the bar. Adjourned. To come up for further proceedings on
14.03.2022 before S.B.


(Mian Muhammad)
Member (E)

14.03.2022 Due to retirement of the Worthy Chairman, the
Tribunal is defunct, therefore, case is adjourned to
09.06.2022 for the same as before.


Reader.

09.06.2022 None for petitioner present. Lawyers are on
strike. Mr. Muhammad Riaz Paindahkhel, Assistant
Advocate General for official respondent present.

Previous date was changed on Reader note.
Therefore, notices be issued to the respondents for
submission of implementation report. Adjourned. To
come up for implementation report on 15.07.2022 before
S.B.

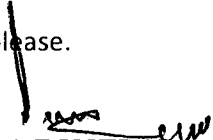


(Fareeha Paul)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of 124/2021

Execution Petition No. 6781 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.07.2021	<p>The execution petition of Mr. Attaullah submitted today by Mr. Abdul Kabeer 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>30/07/21</u>.</p>
	30.07.2021	<p>Counsel for the petitioner present.</p> <p>Notices be issued to the respondents. To come up for implementation report on 08.09.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

08.09.2021

Junior to counsel for the petitioner present. Notices be issued to the respondents. Case to come up for implementation report on 12.10.2021 before S.B.


Chairman

12.10.2021

None for the petitioner present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Hussain Ali, Assistant Litigation for respondents present.

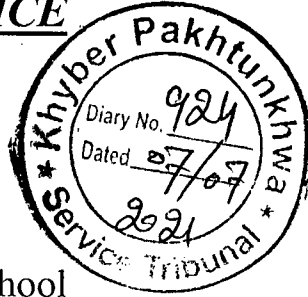
Learned AAG submitted that CPLA has been filed in the Apex court, therefore, the respondent-department has kept the case pending till the final outcome of pending CPLA. However, it is observed that no suspension order has been issued by the august Supreme Court of Pakistan, therefore, the respondent-department is obligated to implement judgement of this Tribunal dated 12.02.2021 provisionally. Learned Additional Advocate General requested for adjournment. To come up for implementation report 07.12.2021 before the S.B.


(MIAN MUHAMMAD)
MEMBER (E)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR.

EP No 124/2021



Attallah S/o Mir Hassan Class-IV Government Primary School
Shahbeka, Tehsil Kabal, District Swat.

.....Petitioner.

Versus

- 1:- Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar secretariat and two others...
- 2:- *Director elementary and Secou Educa. KPK Peshawar -* Respondents.
- 3:- *District Education officerz male Dist. Swat.*

Service Appeal No.248/2018

APPLICATION FOR IMPLEMENTATION /
EXECUTION OF JUDGMENT DATED: 12-02-2021 OF
THIS HONOURABLE TRIBUNAL IN SERVICE
APPEAL NO.248/2018

Respectfully Sheweth;

The Petitioner submits as under:


- 1) That the petitioner/appellant filed a service appeal No.248/2018 on dated 22-02-2018 before this honourable tribunal for correction of dated of birth in his service record.

- 2) That after hearing of the parties this honourable tribunal accepted the appeal of the petitioner /appellant and directed the respondents to make the necessary correction in the service record of the appellant.
- 3) That after getting the order of this honourable tribunal the petitioner time and again submitted the same to the respondents for necessary correction in the service record of the petitioner, but the respondents refused to do so without any cogent reasons.
- 4) That the respondents are bound by law to implement the order of this honourable tribunal in letter and spirit.

It is therefore most humbly prayed that the respondents may kindly be directed to implement /execute the judgment dated 12-02-2021 in letter and spirit.

Petitioner:


Atta Ullah

Through Council
Abdul Kabir Adu


BEFORE THE KHYBER PATKHUNKHWA SERVICE
TRIBUNAL PESHAWAR.

Attaullah S/o Mir Hassan Class-IV Government Primary School
Shahbeka, Tehsil Kabal, District Swat.

.....Petitioner.

Versus

Secretary Elementary & Secondary Education Khyber
Pakhtunkhwa at Peshawar secretariat and two others...

.....Respondents.

AFFIDAVIT

It is stated on oath that all the contents of this petition are true and correct to best of my knowledge and belief and nothing has been kept concealed therein.

Deponent:

Attaullah
Atta Ullah

ATTAULLAH

Attaullah
34
Date 6/7-24

①

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____ of 2018

Ata Ullah S/o Mir Hassan Class-IV Government Primary School Shahbeka,
Tehsil kabal, District Swat.....Appellant

VERSUS

1. Secretary Elementary & Secondary Education K.P at Peshawar Secretariat.
2. Director Elementary & Secondary Education K.P.K Peshawar.
3. District Education Officer Male District Swat..... Respondents

A
CIC

Appeal U/s 4 of K.P Service Tribunal Act, 1974,
for the correction of date of birth of the appellant in
service record.

PRAYER:

On acceptance of the instant service appeal the incorrect date of birth of the appellant mentioned as 11-11-1981 in the service record may kindly be corrected as 04-01-1986 and the same may be inserted in the entire service record of the appellant.

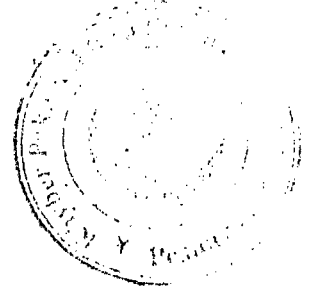
Respectfully Sheweth:

Brief facts of the case give rise for filing the instant service appeal are as under;

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.248/2018

Date of Institution ... 22.02.2018
Date of Decision ... 12.02.2021



Atta Ullah S/O Mir Hassan Class-IV Government Primary School Shahbeka,
Tehsil Kabal, District Swat.

... (Appellant)

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c/c

VERSUS

Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at
Peshawar Secretariat and two others.

... (Respondents)

Present:

Abdul Kabir,
Advocate ... For appellant.

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

ROZINA REHMAN ... MEMBER (J)
MIAN MUHAMMAD ... MEMBER (E)

ATTES
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EX-AMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

JUDGMENT

ROZINA REHMAN, MEMBER: Appellant Atta Ullah has filed the instant service appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, for the correction of his date of birth in his service record.

2. Brief facts of the case are that appellant was appointed as Class-IV against the vacant/newly created post on 01.11.2014 and accordingly he joined his duty in Government Primary School Shahbeka, Tehsil Kabal,

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12/2/21

District Swat. He then came to know regarding his date of birth recorded in the CNIC as 1981 instead of 04.01.1986. He, therefore, filed a civil suit for rectification of record which suit was decreed in his favor. He then filed an application for correction of his date of birth in the service record which application was forwarded to the D.E.O Swat but in vain. He then filed a departmental appeal which was not responded to, hence, the present service appeal.

3. Learned counsel for appellant submitted that the actual date of birth of appellant is 04.01.1986 which is crystal clear from the school record which record was considered correct by a competent court of law. He argued that he filed suit for correction of date of birth well within time and after getting decree from the competent court of law, a proper application was submitted to the department but his application was not considered and lastly, he argued that he served the department for a period of three years very honestly and no complaint whatsoever was filed against him, therefore, rectification may kindly be made in the service record of the appellant. Reliance was placed on 1990 PLC (C.S) 145, 1979 PLC (CST) 35, 2008 SCMR 255 and PLD 2002 Supreme Court 84.

4. Conversely, learned A.A.G argued that the appellant was appointed as Chowkidar on 01.11.2014 against the newly created post and that his date of birth was recorded in his service record from his CNIC which was presented by the appellant himself. He argued that no school certificate was produced to the department and that he filed a civil suit against NADRA while Education Department was not made a party in the civil suit, hence, the said decree of the court is not binding upon the Education Department and lastly, he argued that a civil servant can apply for correction of date of birth within

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ATTORNEY
EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar
Handwritten signature and date 12/29/21

two years from the date of entry into service but the appellant failed to do so.

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CIC

5. Admittedly, the appellant was appointed as Class-IV against vacant/newly created post upon the recommendation of Departmental Selection Committee vide notification dated 01.11.2014. No doubt, his date of birth was recorded in the service record as 11.11.1981. GFR-116 also provides that the date of birth once recorded cannot be altered except in the case of clerical error, without the previous orders of the local Administration. A request for an alteration in the recorded date of birth of a Government servant is entertained if Government servant applied for it within two years from the date of his entry into Government service. The present appellant filed civil suit much before the completion of two years of his service in the civil court wherein rectification was sought in the CNIC. This suit was decreed in his favor but his parent department was not made a party to the civil suit. The authenticity of the document which was produced in the trial court, has not been questioned by the respondents till today and accordingly we are of the view that the school record of the appellant being an authentic document, favors appellant. Nothing was said before us as well if the authenticity of the school record was doubted. In case of Government of Baluchistan through their Secretary, S&GAD, Quetta Vs. Arjun Khan 2003 PLC (C.S) 245 and 2003 SCMR 444, the change of date of birth in the service record was made after about 27 years. In that case, much credence was given to the documents such as Municipal record, medical certificate issued by the Medical Superintendent. In the instant case, proper school record was produced and the same was relied upon by the competent court of law and a decree was granted in favor of appellant as well. Learned A.A.G contended that the appellant is not entitled to condonation of delay in filing of this

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12/2/21

APPEARED

[Faint stamp]

appeal as he wasted his time in seeking relief from a wrong forum, namely, the civil court and therefore, the appeal is barred by limitation. In view of the fact that the civil court has given its decision in favor of appellant and in consequence thereof, correction was made in his CINC but his parent department was not a party to the suit, therefore, the decision was not properly implemented by the department. However, it is on record that he filed suit well within two years and where-from he got a decree. We, therefore, condone the delay involved for this reason. Question of condonation of delay squarely falls within the jurisdictional domain of Service Tribunal and no restriction whatsoever has been imposed by any law and condonation can be granted in suitable cases and question of suitability is to be assessed by the Service Tribunal. In this regard, we are fortified by the dictum laid down in the following authorities:

(Signature)
CIC

2010 PLC (C.S) 435; 1986 SCMR 1086 and 1976 SCMR 262.

6. Accordingly, this service appeal is accepted. Necessary correction be made in the service record of the appellant. No order as to costs. File be consigned to the record room.

ANNOUNCED.
12.02.2021

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar
va
(Mian Muhammad)
Member (E)

(Rozina Rehman)
Member (J)

Date of Presentation of Application 18-7-2021

22-

22-

 Date of Delivery of Copy 2-3-2021
2-3-2021

قیمت
50 روپے

90020



ایڈوکیٹ: عبدالملک
بار کونسل/ ایسوسی ایشن نمبر: 11-8413
رابطہ نمبر: 0343911014

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس ٹریبونل ملتان، پشاور، خیبر پختونخواہ

منجانب: سبیل	دعویٰ: اجراء
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام نشی و سروس ٹریبونل ملتان، پشاور، خیبر پختونخواہ کے کوڈیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز کوڈیل صاحب کو راضی نامہ کرنے کو تقرر ثالث و فیصلہ برحلاف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف سے یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور کوڈیل یا مختار قانونی کوڈیل سے ہر اہم نامے لکھنے کے لئے اختیار ہوگا اور صاحب مقرر شدہ کو کوئی جملہ مذکورہ بالا اختیار حاصل ہوں گے اور ان کے ساتھ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو چیزیں ہر جاندا تو ان کے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو کوڈیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:

الع

مقام نشی و سروس ٹریبونل ملتان، پشاور، خیبر پختونخواہ کے لیے منظور ہے۔
Acceptance
نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
Swat (Cell # 0946 9240209-228)

OFFICE ORDER

Whereas Mr. Attaullah S/O Mir Hassan was appointed as Class-IV at GPS Shahbeka, Tehsil Kabal, District Swat on 01.11.2014. His date of birth has been recorded in his service record as per his CNIC which is 19-11-1981.

Whereas he filed a civil suit against NADRA with the prayer that his correct date of birth is 04.1.1986 as per school record and may be corrected accordingly, However Education department was not made a party in the said civil suit. The learned trial court decreed the civil suit.

Whereas he submitted application to DEO (M) Swat for correction of his date of birth as per court orders, however his application was not entertained, Being not party in the civil suit.

Whereas feeling aggrieved, he filed a Service appeal No.248/2018 before the Khyber Pakhtunkhwa Service Tribunal Peshawar which was accepted by the Honourable Tribunal vide judgment 12.2.2021 and directed that necessary correction be made in the Service record of the appellant.

Whereas feeling aggrieved from the said judgment, the department filed CPLA in the apex court which is pending before the Honourable court and no date has yet been fixed.

Whereas the appellant filed execution Petition No.124/2021 before the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar.

Whereas the Honourable Tribunal vide order dated 12.10.2021 not accepted the stance of the learned AAG that CPLA has been filed by the department and directed that the department is obligated to implement judgment of this Tribunal dated 12.02.2021 provisionally and adjourned the hearing date to 07.12.2021 for implementation report.

Now therefore, in view of the above factual position, the undersigned being competent authority is pleased to direct that necessary correction may be made in the Service record of the appellant provisionally subject to the final outcome of the Honourable Supreme Court judgment in the pending CPLA.

DISTRICT EDUCATION OFFICER
(MALE) SWAT

Endst: No 710-15 Swat

Dated 7/12 /2021

Copy forwarded to:-

1. The Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Comptroller of Accounts Swat at Saidu sharif.
3. The SDEOs (M) Kabal Swat.
4. PA to DEO (M) local office.
5. The official concerned.

Received order

Mirshahidullah Pst
GPS Shahbeka
13462423269

DISTRICT EDUCATION OFFICER
(MALE) SWAT

Information on this page should be corrected as soon as possible for reasons for years of the date to limit

Name: ATTULU

Religion: A7 Hindu

Residence: W. Liage of P. O. Sub. Police Station

Father's Name and residence: ATTULU HASAN

Correction of the Date of birth with the court case and order of DEO(M) Surat No 710 TS Dated 01-12-2001 has corrected Date of Birth as 04-01-1986


Date of birth by Christian era as nearly as can be ascertained: 11-11-1981


(11th November N.H of E. Gujarat)

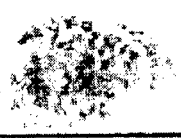
Exact height by measurement: 5 - 6

Personal marks for identification: sun


Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger: 

Ring Finger: 


Middle Finger: 

Fore Finger: 

Thumb: 

Signature of Government Servant: Bullet

Signature and designation of the Head of the officer, or other Attesting Officer:


Sub Dist. Edu. Officer (M)
Primary, S...

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

E/P No. 124/21

Appeal No..... of 20

Rgd

Attallah Appellant/Petitioner

Versus

Secy ERSE Pesh. Respondent

Respondent No..... 3

Notice to:

Distt. Education offices Male Distt. Swat.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 12/10/2021..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No..... dated.....

14/10

Given under my hand and the seal of this Court, at Peshawar this.....

Sep 21

Day of..... 20

(Implementation Report)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.B

No.

E/P No 124/21

Appeal No..... of 20

A Haulah

Appellant/Petitioner

Versus

Secy ERSE Pesh

Respondent

Respondent No.....

Secretary Elementary & Secondary Education
KPK Peshawar

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 12/10/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of ~~appeal~~ ^{E/P ✓} is attached. Copy of appeal has already been sent to you vide this

office Notice No..... dated.....

Given under my hand and the seal of this Court, at Peshawar this..... 14th

Day of..... Sep 20

(Implementation report)

22/9/21

~~Signature~~

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S. D

E/P No. 124/21

No.

Appeal No..... of 20 .

Attallah

Appellant/Petitioner

Versus

Secy EESK Pesh.

Respondent

Respondent No.....

2

Notice to: —

Director Elementary and Secondary Education
KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No..... dated.....~~

EIP ✓

14/12

Given under my hand and the seal of this Court, at Peshawar this.....

Day of..... Sep 20 21
(Implementation Report)

[Signature]

[Signature]
Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 124/2021

In

Service Appeal No. 248/2018

Attaullah S/O Mir Hassan Class-IV Government Primary School Shahbeka, Tehsil Kabal, District Swat.Appellant

Versus


- 1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
- 2. Director Elementary and Secondary Education Khyber Pakhtun Khwa Peshawar.
- 3. District Education officer (Male) Swat.Respondents.

Parawise Comments on Behalf of the Respondents No. 3

Respectfully shewith

FACTS

- 1. That the Para No. 1 is correct.
- 2. That the Para No. 2 is correct.
- 3. That the Para No. 3 is incorrect and denied. The respondent department cannot even think of the disregard of the Judgment of this Honorable Tribunal. In fact, after the Judgment of this Honorable Tribunal, the respondent department approached Law Department for filing/proposed CPLA against the instant Judgment. The scrutiny committee of the Law Department declared the case as fit for filing CPLA in the Apex Court. The respondent department accordingly filed CPLA which is pending before the Honorable Apex Court. As for as the implementation of the Judgment of this Honorable Tribunal is concerned, the Petitioner has no urgent benefit or loss on the implementation of the said Judgment. Therefore, the respondent department kept the case pending till the final outcome of the filed/pending CPLA by the Honorable Apex Court being not an urgent issue. As soon as the pending CPLA is decided in either way, the Judgment will be implemented in letter and spirit. **(Minutes of the Scrutiny Committee meeting & Power of Attorney annexed as annexure A & B)**
- 4. That the detail reply of this para has been given in para No. 3 above.


 DISTRICT EDUCATION OFFICER (M)
 SWAT AT GULKADA

Annexure 'A'
(2)

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

CP No.-P/2021

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

PETITIONER(S)

VERSUS

Ata Ullah

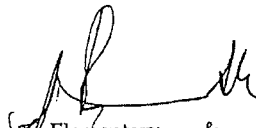
RESPONDENT

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

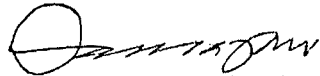
In witness whereof I/we do hereunto set my/our hand (s) this day of


Accepted

Mian Saadullah Jandoli
Advocate-on-Record, DOLI
Supreme Court of Pakistan
(for KPK) Advocate-Generals
Office KPK, High Court Building, Peshawar.
Office Tel. # 991-9210312, 9210119
For Govt.


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

Elementary & Secondary Education
Government of Khyber Pakhtunkhwa


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


3. District Education Officer (Male), District Swat
District Education Officer
Male, Swat



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

Annexure B1
(3)

(Agenda Item No.09)

No.SO (Lit)/LD/9-5(56)/E&SED/2021/4126
Dated Peshawar the 07-04-2021

To

1. The Advocate General,
Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary
Education Department, Peshawar.

SUBJECT SERVICE APPEAL NO. 248/2018 ATTA ULLAH VERSUS GOVERNMENT
OF KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY
& SECONDARY EDUCATION DEPARTMENT AND OTHERS.

I am directed to refer to your letter No.SO(Lit-II)/E&SED/1-3/SA# 248/18/Atta Ullah Class-Iv, dated 24.03.2021, on the subject noted above and to state that a meeting of the Scrutiny Committee has been held on 07-04-2021 under the Chairmanship of Secretary Law Department in order to determine the fitness of the subject case for filing of appeal / CPLA in the upper forum.

After threadbare discussion on the subject case particularly hearing the stance of Administrative Department, it was decided with consensus by the Scrutiny Committee that the subject case is a fit case for filing of Appeal / CPLA before the Supreme Court of Pakistan.

Therefore, the Administrative Department is advised to approach the office of Advocate General Khyber Pakhtunkhwa through well conversant representative alongwith complete record of the case for doing the needful forthwith, please (Power of Attorney for signature of petitioners attached).

Yours faithfully,


TAHIR IQBAL KHATTAK
SOLICITOR
LAW DEPARTMENT

Endst: No & Date Even.

Copy forwarded to the.

1. PS to Secretary Law Department.
2. PA to Law Officer, Law Department.

/
SOLICITOR

BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 124/2021

In

Service Appeal No. 248/2018

Attaullah S/O Mir Hassan Class-IV Government Primary School Shahbeka, Tehsil Kabal, District Swat.Appellant

Versus


- 1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
- 2. Director Elementary and Secondary Education Khyber Pakhtun Khwa Peshawar.
- 3. District Education officer (Male) Swat.Respondents.

Parawise Comments on Behalf of the Respondents No. 3

Respectfully shewith

FACTS

- 1. That the Para No. 1 is correct.
- 2. That the Para No. 2 is correct.
- 3. That the Para No. 3 is incorrect and denied. The respondent department cannot even think of the disregard of the Judgment of this Honorable Tribunal. In fact, after the Judgment of this Honorable Tribunal, the respondent department approached Law Department for filing/proposed CPLA against the instant Judgment. The scrutiny committee of the Law Department declared the case as fit for filing CPLA in the Apex Court. The respondent department accordingly filed CPLA which is pending before the Honorable Apex Court. As for as the implementation of the Judgment of this Honorable Tribunal is concerned, the Petitioner has no urgent benefit or loss on the implementation of the said Judgment. Therefore, the respondent department kept the case pending till the final outcome of the filed/pending CPLA by the Honorable Apex Court being not an urgent issue. As soon as the pending CPLA is decided in either way, the Judgment will be implemented in letter and spirit. **(Minutes of the Scrutiny Committee meeting & Power of Attorney annexed as annexure A & B)**
- 4. That the detail reply of this para has been given in para No. 3 above.


 DISTRICT EDUCATION OFFICER (M)
 SWAT AT GULKADA

Annexure 'A' ②

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

CP No.-P/2021

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

PETITIONER(S)

VERSUS


Ata Ullah

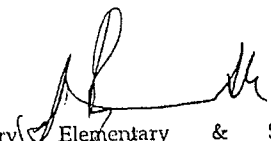
RESPONDENT

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

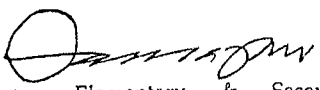
In witness whereof I/we do hereunto set my/our hand (s) this day of


Accepted


(Mian Saadullah Jandoli)
Advocate-on-Record, DOLI
Supreme Court of Pakistan
(for KPK) Advocate-General's
Office, KPK, High Court Building, Peshawar.
Office Tel. # 091-9210312, 9210119
For Govt.


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

Elementary & Secondary
Education, Government of Khyber
Pakhtunkhwa


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


3. District Education Officer (Male), District Swat
District Education Officer
Male, Swat



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

Amedune "B"
(3)

(Agenda Item No.09)

No.SO (Lit)/LD/9-5(56)/E&SED/2021/4126
Dated Peshawar the 07-04-2021

To

1. The Advocate General,
Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary
Education Department, Peshawar.

SUBJECT SERVICE APPEAL NO. 248/2018 ATTA ULLAH VERSUS GOVERNMENT
OF KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY
& SECONDARY EDUCATION DEPARTMENT AND OTHERS.

I am directed to refer to your letter No.SO(Lit-II)/E&SED/1-3/SA# 248/18/Atta Ullah Class-Iv, dated 24.03.2021, on the subject noted above and to state that a meeting of the Scrutiny Committee has been held on 07-04-2021 under the Chairmanship of Secretary Law Department in order to determine the fitness of the subject case for filing of appeal / CPLA in the upper forum.

After threadbare discussion on the subject case particularly hearing the stance of Administrative Department, it was decided with consensus by the Scrutiny Committee that the subject case is a fit case for filing of Appeal / CPLA before the Supreme Court of Pakistan.

Therefore, the Administrative Department is advised to approach the office of Advocate General Khyber Pakhtunkhwa through well conversant representative alongwith complete record of the case for doing the needful forthwith, please (Power of Attorney for signature of petitioners attached).

Yours faithfully,


TAHIR IQBAL KHATTAK
SOLICITOR
LAW DEPARTMENT

Endst: No & Date Even.

Copy forwarded to the.

1. PS to Secretary Law Department.
2. PA to Law Officer, Law Department.

/
SOLICITOR

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

APPEAL No. E.P. No. 124 of 20 21

Atta ullah

Appellant/Petitioner

Versus

Recy: FERSE UPK

RESPONDENT(S)

Notice to Appellant/Petitioner

counsel

Abdul Kabir Advocate
Swat.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 25/1/22 at 9:00

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.


Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Regd

SB

Appeal No. E.P NO 124 of 20 21

Attaullah

Appellant/Petitioner

Versus

Secy E & SE ICPK Peshawar

Respondent

Respondent No. (3)

Notice to: - District Education officer male
 distt, swat

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 15/7/2022 at 8:00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, on any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement along with any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

E.P ✓

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 17th

Day of June 2022.

*(For Impl-ment-ion)
 Report*

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

SB

No.

Appeal No. E.P No 101 of 2011

Attorney Appellant/Petitioner

Versus

Govt of F&S Peshawar Respondent

Respondent No. (1)

Notice to: Attorney F & S Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appelland/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.


Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

E.P

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 17th

Day of.....2011

(for Impl-men-tion) Report 

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appeal No.....

E.P.No. 124

SB
of-20

27
Appellant/Petitioner

Attaulah Versus

Respondent

Secy ESSE KPK Peshawar

Respondent No.....

(1)

Notice to: —

Secy ESSE KPK Peshawar

①
98/6

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

E.P ✓

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

17/6

Day of.....20

June

22

(For Impl-ment-ion Report)

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.