

Before The Service Tribunal Khyber Pakhtunkhwa
Peshawar.

E.P No. 208/21.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1800

Dated 31/10/22

SCANNED
KPST
Peshawar

Title : Shehnaz Begum.

Application for Submission of Notification issued by
Directorate of E&SE vide dated. 31/10/2022.
in pursuance of the judgment dated 26/1/2009.

Respectfully Sheweth:

most respectfully it is stated
that in view of the judgement of the
Honorable Tribunal a notification has been
issued.

It is therefore requested that
kindly accept the Notification vide
dated: 31/10/2022.

Respondent: Directorate of E&SE



Assistant Director

03078044344

31/10/2022.

Allowed.
31/10/22



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR**

NOTIFICATION.

- 1. Whereas**, the appellant, namely Mst: Shahnaz Begum joined E&SE Department as untrained SET in BPS-15 vide order dated 04-04-1990. Later on, she was appointed against the noted post on regular basis by the then competent authority. During course of service, the Respondent Department issued Seniority List stood on 31-12-2006 & circulated on dated 25-01-2007 for SET Cadre in terms of Section-8 of the Civil Servant Act, 1973 read with Rule-17 of Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, wherein, name the teacher concerned was shown at S.No. 758 on the basis of his service record, academic & professional qualification.
- 2. And whereas**, feeling aggrieved from the final seniority stood on 31-12-2006, the appellant invoked the constitutional jurisdiction under Article-212 of constitution of the Islamic Republic of Pakistan, 1973 through filing Service Appeal No. 1087/2009 under case titled Mst: Shahnaz Begum, SET Vs Govt of KP through Secretary E&SED. The appeal of the appellant was decided vide judgement dated 26-01-2009, whereby, the appeal of the appellant was allowed by the Honorable Court.
- 3. And whereas** the judgement dated 26-01-2009 of the Honorable Service Tribunal has been implemented by the Respondent Department in letter & spirit by placing the name of the appellant at S.No. 245A instead of 758 in the seniority list stood on 31-12-2006 & notified vide order 25-01-2007 by the then competent authority.
- 4. And whereas**, in the meantime, the appellant has filed an Execution Petition No. 208/2021 for the implementation of the Judgment dated 26-01-2009 rendered in Service Appeal No. 1087/2007. Besides, the appellant has also submitted Departmental Appeal bearing No. 2259 dated 01-6-2021 for the award of Selection grade in compliance of the Judgment under reference which is against the factual position that no plea whatsoever had taken by the appellant in her main Service Appeal No. 1087/2007 decided vide Judgment dated 26-01-2009 by the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar, wherein, only Seniority w.e.f. 08-11-1990 has been allowed to the appellant with no mention of award of Selection Grade.

Now therefore, in pursuance of the Judgment dated 26-01-2009 of the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar & having gone through the whole case record, the undersigned, being competent authority, is of the considered view that the judgement supra has been implemented in true letter & spirit by the Respondent Department. However, the claim of the appellant for award of Selection Grade in BS-17 against the SST/SET post is beyond the scope and parameter of the Judgment dated 26-01-2009 of the Honorable Service Tribunal, Peshawar & is hereby stands rejected with immediate effect in the larger public interest.

**DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.**

Endst: No: 4935-40

Dated Peshawar the: 31/10/2022

Copy forwarded for information & n/action to the:-

- 1 ✓ Learned Registrar Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 2 Learned AAG Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 3 District Education Officer (Female) Peshawar.
- 4 Deputy Director (Legal) E&SE Khyber Pakhtunkhwa.
- 5 Section Officer (Lit-II) E&SE Department Khyber Pakhtunkhwa.
- 6 Mst. Shahnaz Begum, Principal GGHS Wadpaga Peshawar.
- 7 Official concerned.


**DEPUTY DIRECTOR (ESTAB/F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.**

31/10/2022