

30.06.2022

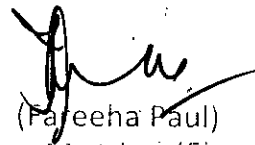
Learned counsel for the petitioner present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Sohail Ahmed Zeb, Litigation Officer for respondents present.

Representative of the respondent department submitted implementation report alongwith a notification Endst; No. 3756-61/lit/Court File Abdul Shaqoor dated 25.06.2022 which is placed on file and stated that petitioner has already been reinstated in service and the current notification has allowed him all back benefits w.e.f 01.02.2015 to 30.06.2018 provisionally subject to the outcome of CPLA. Thus judgement has thus been implemented.

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

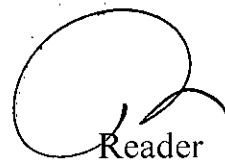
Announced.

30.06.2022


(Fajeeha Paul)
Member (E)
Member (E)

16.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 12.04.2022 for the same as before.




Reader

12.04.2022

Learned counsel for the petitioner present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Learned AAG requested for time to submit proper implementation report. Last chance is given. To come up for implementation report on 30.06.2022 before S.B.



(Rozina Rehman)
Member (J)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT ABBOTTABAD

Execution Petition No. 162/2021

IN

Service Appeal No. 478/2016

Abdul ShakoorPetitioner

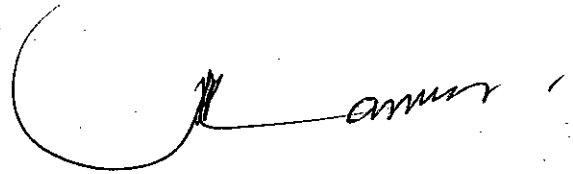
VERSUS

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 Notification No. 3756-61 dated 25-06-2022	03	"A"



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

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

Execution Petition No. 162/2021

IN

Service Appeal No. 478/2016

Abdul ShakoorPetitioner

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 submission of implementation report.
2. That this office challenged the judgment dated 06-07-2021 before Honorable Supreme Court of Pakistan and filed CPLA No. 472-P/2021 which is subjudice. However, the judgment of this Honorable Tribunal has been provisionally implemented and the impugned order dated 11-12-2015 has been set-aside and petitioner was granted back benefits w.e.f 01-05-2015 to 30-06-2018 vide Notification No. 3756-61/Lit/Court File Abdul Shakoor dated 25-06-2022 (Copy of Notification is annexed herewith as Annexure "A").

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


District Education Officer (M)
Abbottabad.
(RESPONDENT No. 2)

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

Execution Petition No. 162/2021

IN

Service Appeal No. 478/2016

Abdul ShakoorPetitioner

VERSUS

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

IMPLEMENTATION REPORT

AFFIDAVIT

I, Mr. Muhammad Tanveer, District Education Officer (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.



25/6/22

DEPONENT

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD



0992-9310102, 0992-330131

EDO.Education.Atd@gmail.com

NOTIFICATION

In pursuance to the judgment of Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No: 478/2016 dated: 06.07.2021 and this office challenged the judgment before the august Supreme Court of Pakistan and filed CPLA No: 472-P/2021 which is subjudice. As the petitioner filed Execution Petition No. 162/2021 before the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar and Honourable Tribunal directed the department to submit the implementation report on 30.06.2022. As the petitioner has already been re-instated in Service vide office order issued under Endst No: 7398-7402/PF Abdul Shakoor (Litig) Dated: 26.06.20218 with immediate effect but back benefits were not given Hence, this office order issued under Endst: No.9665-68/EB/IPT/F.No..24/Vol-I Dated 11.12.20215 in r/o Mr. Abdul Shakoor PSHT B-15 GPS Thakrialia Lora is hereby set-aside and back benefits w.e.from 01.02.2015 to 30.06.2018 as confirmed by SDEO (Male) Abbottabad vide No: 639 dated 23.06.2022 are hereby granted **provisionally subject to the final outcome of the above referred CPLA.**

Note:- This notification is subject to the final outcome of the CPLA and in case of acceptance of CPLA filed by the Department instant Notification shall stand withdrawn automatically and back benefits shall be recovered from the above named official, accordingly.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

3756-61

Endst: No _____ lit/Court File Abdul Shaqoor

Dated: 25/06/2022

Copy forwarded to the:

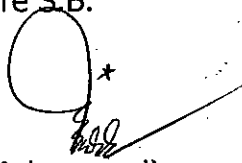
01. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
02. PS to Secretary, Govt of Khyber Pakhtunkhwa E&SED Peshawar.
03. Director, E&SED Khyber Pakhtunkhwa Peshawar.
04. Sub Divisional Education officer (Male) Lora with the Direction to obtain an undertaking from the above named official on Judicial Stamp paper to be recorded in his service book to the fact that if the CPLA filed by the Department is accepted, all back benefits shall be recovered, accordingly and implement this office order within in three days positively.
05. District Comptroller of Accounts Abbottabad.
- Mr. Abdul Shaqoor PSHT GPS Thakrialia Lora.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

16.11.2021

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Learned AAG seeks time to submit implementation report on the next date of hearing. Adjourned. To come up for preliminary hearing on 04.01.2022 before S.B.


(Mian Muhammad)
Member(E)


04.01.2022

Learned counsel for the petitioner present.

Mr. Kabirullah Khattak, AAG for respondents present.



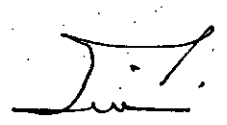
Learned AAG sought time for submission of implementation report. If the CPLA has been filed and the judgment has not been suspended then the respondents are under obligation to implement the judgment, subject to decision of CPLA by the august Supreme Court of Pakistan.

Case to come up for implementation report on 16/02/2022 before S.B.


(Atiq-Ur-Rehman Wazir)
Member (E)

Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 162 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06.09.2021	<p>The execution petition of Mr. Abdur Shakoor submitted today by Mr. Taimur Ali Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench at Peshawar on <u>08/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
08.10.2021		<p>Clerk of counsel for the petitioner present. Notice be issued to the respondents for submission of implementation report before the S.B on 16.11.2021.</p> <p style="text-align: right;"> (SALAH-UD-DIN) MEMBER (JUDICIAL)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Execution Petition No. 162 /2021
In Service Appeal No.478/2016



Abdul Shakoor, Ex-PST,
GPS Banda Ghazan Abbotabad.

PETITIONER

VERSUS

1. The Secretary Education Khyber Pakhtunkhwa Peshawar.
2. The Director Education (E&SE) Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (M), Abbottabad.

RESPONDENTS

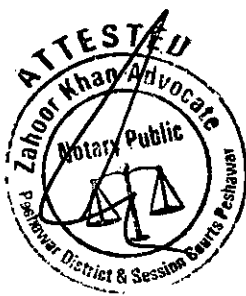
.....
**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED 06.07.2021 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**
.....


RESPECTFULLY SHEWETH:

1. That the petitioner has filed service appeal No.478/2016 against the order dated 11.12.2015, whereby the appellant was compulsory retired from service and against the order dated 27.01.2017, whereby the departmental appeal of the appellant was rejected. 25.06.2019 with the prayer to set aside the impugned orders and reinstated him into service with all back and consequential benefits.
2. The said appeal was heard by this Honourable Service Tribunal on 06.07.2021. The Honourable Service Tribunal accepted the appeal and appellant was reinstated in service with all back benefits. (Copy of judgment dated 06.07.2021 is attached as Annexure-A)

3. That the petitioner filed application to respondents for implementation of judgment dated 06.07.2021 of this Honourable Tribunal. **(Copy of application is attached as Annexure-B)**
4. That the Honourable Tribunal reinstated the appellant in service with all back benefits through judgment dated 06.07.2021, but the respondent department did not reinstate the appellant in service till date by implementing the judgment dated 06.07.2021 of this august Tribunal.
5. That in-action and not fulfilling formal requirements by the respondents after passing the judgment of this Honourable Service Tribunal, is totally illegal amount to disobedience and Contempt of Court.
6. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 06.07.2021 of this Honourable Service Tribunal in letter and spirit.
7. That the petitioner has having no other remedy except to file this execution petition for implementation of judgment dated 06.07.2021 of this Honourable Tribunal.

It is, therefore, most humbly prayed that the respondents may kindly be directed to implement the judgment dated 06.07.2021 of this Honourable Service Tribunal in letter and spirit. Any other remedy, which this august Service Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.




PETITIONER
Abdul Shakoor

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

AFFIDAVIT:

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


DEPONENT

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.



APPEAL NO. 478/2016

A.W.P. Peshawar
Service Tribunal
Dary No. 402
dated 21-4-2016

Abdul ShaKoor, Ex-PST,
GPS, Banda Ghazan, Abbottabad.

(APPELLANT)

VERSUS

1. The Secretary Education KPK, Peshawar.
2. The Director Education (E&SE) KPK, Peshawar.
3. The District Education Officer (M) Abbottabad.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 11.12.2015, WHEREBY THE MAJOR PENALTY OF "COMPULSORY RETIREMENT" HAS BEEN IMPOSED UPON THE APPELLANT W.E.FROM 12.11.2013 WITH RECOVERY OF PAY DRAWN DURING THE ABSENCE PERIOD W.E.FROM 12.11.2013 TO 31.1.2015 OUT OF HIS EMOLUMENTS, PENSION/GP FUND AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINE DAYS. *the order dt 27-1-2017 received by appdt on 14-4-2017 where by has been rejected.*

vide order sheet dated 19-4-2017

21/4/16

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 11.12.2015 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

21/4/16

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 478/2016

Date of Institution ... 21.04.2016

Date of Decision ... 06.07.2021



Abdul Shakoor Ex-PST, GPS Banda Ghazan, Abbottabad.

... (Appellant)

VERSUS

The Secretary Education Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

MR. TAIMUR ALI KHAN

Advocate

... For Appellant

MUHAMMAD ADEEL BUTT,

Additional Advocate General

... For Respondents

MR. SALAH-U-DIN

MR. ATIQ UR REHMAN WAZIR

... MEMBER (JUDICIAL)

... MEMBER (EXECUTIVE)

JUDGMENT

Mr. ATIQ UR REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant was appointed as PST on 20-03-2000. The appellant was transferred on deputation for three years to Federal Directorate of Education, Islamabad vide order dated 20-05-2010 and he was relieved by the respondents on 12-11-2010, whereupon he joined his new assignment in Islamabad and served there till 09-12-2014 with an overstay of more than one year. The appellant was repatriated by borrowing department on the request of parent department of the appellant vide order date 09-12-2014. Upon repatriation, the appellant reported his arrival on 31-01-2015 in his parent

ATTESTED


MEMBER
Khyber Pakhtunkhwa
Service Tribunal

department. The appellant was proceeded against on the charges of absence from duty and ultimately, major penalty of compulsory retirement from service was imposed upon the appellant vide order dated 11-12-2015, against which the appellant filed service appeal No. 478/2016, which was decided in favor of the appellant vide judgment dated 17-10-2017. The respondent filed CPLA in the Supreme Court of Pakistan and the apex court vide judgment dated 16-02-2021 set aside the judgment of this Tribunal and remanded the case back to this Tribunal for decision afresh in accordance with law.

02. Written reply/comments were submitted by respondents.

03. Arguments heard and record perused.

04. Learned counsel for the appellant has contended that while imposing major penalty of compulsory retirement from service, the appellant was issued only show cause notice and no regular inquiry was conducted, nor any charge sheet/statement of allegations was served upon the appellant. Learned counsel for the appellant further contended that the appellant was not treated in accordance with law, as the respondents did not bother to afford an opportunity of defense to the appellant and awarded major penalty in a slipshod manner, which is against law and rules. Learned counsel for the appellant argued that the appellant was proceeded against on the charges of absence from duty, but in fact the appellant performed his duty in Islamabad, which is evident from the relieving report dated 31-01-2015. Learned counsel for the appellant further argued that the appellant applied for extension in deputation, six months before expiry date of the deputation and series of correspondence took place between borrowing and lending department in a very positive manner and it was almost agreed to grant extension, but all of a sudden the appellant was repatriated. Learned counsel for the appellant

TESTED

AD
 EXAMINER
 Service Tribunal
 Islamabad

explained that during the whole process, the respondents never reprobated the request for extension in deputation, which however, was required by the respondents to refuse in the initial stage, but a lot of correspondence took place and the appellant was under impression that extension is being granted; that the appellant has been condemned unheard, hence the impugned order dated 11-12-2015 and not taking action on departmental appeal of the appellant within statutory period are against law, fact and norms of justice, therefore are not tenable and are liable to be set aside.

05. Learned Additional Advocate General appeared on behalf of official respondent has contended that the appellant was transferred on deputation for three years w.e.f 12-11-2010 to 11-11-2013 and it is very clearly mentioned in the deputation order dated 12-02-2010 that no extension in deputation will be granted, but inspite of that the appellant overstayed till 30-01-2015 and absented from duty. Learned Additional Advocate General further contended that the appellant was not granted any extension in deputation, rather the appellant was asked during disciplinary proceedings to produce order regarding extension in deputation but the appellant did not produce any order regarding extension in deputation. Learned Additional Advocate General argued that the appellant was proceeded against by issuing directly a show cause notice, as the competent authority dispensed with the inquiry and upon submission of reply to the show cause notice, the appellant was awarded major penalty as he did not prove his innocence. Learned Additional Advocate General further argued that the penalty so awarded does commensurate with guilt of the appellant, hence his appeal being devoid of merit may be dismissed.

06. We have heard learned counsel for the parties and have perused the record. Record reveals that the appellant submitted an application for extension of his deputation vide appeal dated 04-05-2013, much earlier than the expiry

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date of deputation i.e. 11-11-2013, upon which a series of correspondence took place between borrowing and lending departments. What we have gathered from such correspondence was that his appeal was properly processed by the respondents and the respondents principally agreed for grant of extension in his deputation, which is evident from the record. Record reveals that correspondence were held between lending and borrowing departments for grant of NOC in respect of the appellant, which also were granted reciprocally. It took almost two years lingering his case between the parties, but neither the respondents reminded or recalled him after expiry of deputation period, nor respondents sought extension in such period, which had created an impression in mind of the appellant that extension will be granted in due course. Record is silent as to what prompted the respondents to obliterate the whole process and all of a sudden, repatriated the appellant and initiated disciplinary proceedings on the charges of absence from duty, which however was not warranted in the manner and mood adopted by the respondents. Reliance was placed on 1990 SCMR 1170.

07. Main charges as per Show Cause notice are absence from duty w.e.f 12-11-2013 to 30-01-2015, whereas the appellant was performing duty with the borrowing department during this particular time, as is evident from the available record. Respondents were well in the knowledge about status of the appellant as is evident from series of correspondence between the parties. We are unable to understand as to how the appellant was declared absent, inspite of the fact that his case was under process between lending and borrowing departments and finally he was repatriated on the request of lending department. We are conscious of the fact that the appellant stayed beyond expiry of deputation period, but the appellant kept the respondents engaged during the whole process and respondents never objected his request for

TESTED
 K. J. ...
 K. J. ...
 K. J. ...

further extension, rather processed his case very positively and it was in the final stage of approval, when something went wrong and he was repatriated and awarded major punishment on the charges of absence, inspite of the fact that he was not on their strength yet and was not posted back in the parent department. While ignoring and closing eyes on lengthy correspondence for his further extension, the appellant was wrongly charged on account of absence, which however was not absence, rather it was an overstay beyond permissible time of deputation and that too, with tacit approval of the respondents, hence act of the respondents put the appellant in a disadvantageous position, which is contrary to the norms of natural justice.

08. While dispensing with the inquiry, the competent authority was required to record reasons in writing, which however, was not done in case of the appellant. It is a well-settled legal proposition backed by numerous judgments of the Apex Court that regular inquiry is must before awarding major penalty, but in case of the appellant, no regular inquiry was conducted, hence the appellant was deprived of availing appropriate opportunity of defense. One disadvantage of non holding of a regular inquiry was that alongwith penalty of compulsory retirement, the appellant was also awarded penalty of recovery of pay drawn during the absence period w.e.f 12-11-2013 to 31-01-2015, the period, when he was on the strength of Federal Directorate of Education and that the appellant had drawn salaries from there during the mentioned period, which means that the competent authority was altogether not aware of such fact that the appellant has drawn no salary from the respondents during the alleged period of absence. Had a regular inquiry been conducted, the blunder as mentioned above would not have happened. Needless to mention that the proceedings so conducted are also replete with deficiencies and the respondents have skipped mandatory provisions of law,

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 Mr. J. K. JAIN
 Member
 Tribunal
 Patna

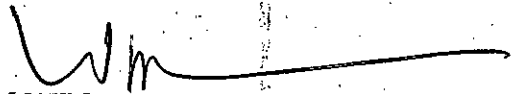
which made the whole process liable to be struck down. We are of the considered opinion that injustice was done to the appellant, as he was wrongly subjected to disciplinary proceedings for a charge, which was not committed by the appellant.

09. In view of the foregoing discussion, the instant appeal is accepted and the appellant is re-instated in service with all back benefits. Parties are left to bear their own cost. File be consigned to record room.

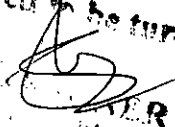
ANNOUNCED
06.07.2021



(SALAH-U-DIN)
MEMBER (JUDICIAL)



(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

Certified to be true copy

MEMBER
Service Tribunal
Peshawar

Date of Presentation of Application 03/8/21
Number of Words 2400
Copying Fee 26/-
Urgent 4/5
Total 26/-
Name of Copyist _____
Date of Completion of Copy 03/8/21
Date of Delivery of Copy 03/8/21

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ایبٹ آباد
 بخدمت جناب ڈائریکٹر ایلیمینٹری اینڈ سیکنڈری ایجوکیشن پشاور
 بخدمت جناب سیکرٹری تعلیم ایلیمینٹری اینڈ سیکنڈری ایجوکیشن پشاور

B

Subject: Implementation of Judgment Dated 06-07-2021 Passed by KPK, Services

Tribunal in service Appeal No 478/16

بمقام عالی

- ۱۔ یہ کہ سائل بحیثیت PST گریڈ 12 میں اپنے فرائض سرانجام دے رہا تھا کہ سوریہ 11-12-2015 کو سائل ملازمت سے جبری ریٹائر کر دیا گیا۔
- ۲۔ یہ کہ سوریہ 17-10-2017 کو سروس اپیل نمبر 478/16 سائل کی طرف سے ٹریبونل نے منظور کر لی اور سائل کو سوریہ 26-06-2018 with Immediate effect ملازمت پر گریڈ 12 میں بحال کر دیا گیا اور گورنمنٹ پرائمری سکول دناہ (لورہ) میں تعینات کر دیا گیا۔
- ۳۔ 30-05-2020 کو سائل کو BPS-14 میں ترقی دے دی گئی جبکہ سائل ترقی کا حق دار سینارٹی کی روشنی میں سوریہ 28-02-2013 کو تھا۔
- ۴۔ یہ کہ محکمہ نے سروس ٹریبونل کا فیصلہ سوریہ 17-10-2017 CPLA No 554/P کے تحت سپریم کورٹ میں چیلنج کیا اور سوریہ 16-02-2021 کو سپریم کورٹ نے محکمہ کی اپیل جذوی طور پر منظور کرتے ہوئے کیس دوبارہ نظر ثانی کے لئے مردان ٹریبونل پشاور بھیج دیا۔
- ۵۔ یہ کہ سوریہ 06-07-2021 کو سروس ٹریبونل نے جبری ریٹائرمنٹ کو آرڈر سوریہ 11-12-2015 کو منسوخ کرتے ہوئے All back Benefit سائل کو ملازمت پر بحال کرنے کا حکم دیا۔

لہذا استدعا ہے!

- ۱۔ یہ کہ محکمہ تعلیم کے نوٹیفیکیشن نے مطابق سوریہ 11-07-2012 کی روشنی میں سائل کو گریڈ 12 میں ترقی دی جائے۔
 - ۲۔ اور سوریہ 28-02-2013 سے سائل کو گریڈ 14 میں ترقی دی جائے۔
 - ۳۔ یہ کہ سوریہ 11-01-2020 سے سائل کو (BPS-15) C.T میں ترقی دی جائے۔
 - ۴۔ یہ کہ سوریہ 31-01-2015 تا 30-05-2018 سائل کو تمام تنخواہیں جاری کرنے کا حکم صادر فرمایا جائے۔
- مردان ٹریبونل پشاور کے فیصلہ کی کاپی ساتھ منسلک ہے۔
 المرقوم: 13-08-2021

الرض

عبدالحکیم عبدالوحید GPS دناہ (لورہ)، ڈاکخانہ گھوڑا گلی، تحصیل لورہ ضلع ایبٹ آباد۔

موبائل نمبر: 0344-8941787 / 0316-5601807

Attested

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal, Peshawar

Abdul Shakoor

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt

(Respondent)
(Defendant)

I/We, Abdul Shakoor

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021



(CLIENT)

ACCEPTED



TAIMUR ALI KHAN
Advocate High Court
BC-10-4240

CNIC: 17101-7395544-5

Cell No. 0333-9390916

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

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

Execution Petition No. 162/2021

IN

Service Appeal No. 478/2016

Abdul Shakoor.....Appellant

VERSUS

The Secretary Education Khyber Pakhtunkhwa & OthersRespondents

REPLY ON BEHALF OF RESPONDENTS

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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
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REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth:-

PRELIMINARY OBJECTION:-

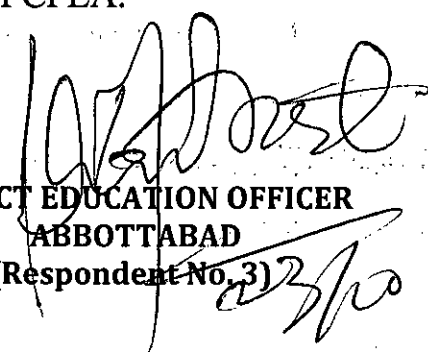
1. That the instant execution petition is not maintainable in the present form.
2. That the petitioner is estopped by his own conduct to filed the present petition.
3. That the petitioner has not come to this Tribunal with clean hands.
4. That the petitioner has got no cause of action to file the present petition against the respondents.
5. That the respondents have challenged the judgment of this Honorable Tribunal passed in appeal No. 478/2016 dated 06-07-2021 before the Honourable Supreme Court of Pakistan and **CPLA No. 472-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.
2. That Para No. 2, of the execution petition relates to record.
3. That Para No. 3, of the execution petition also relates to record, hence need no comment.
4. That the Para No. 4, of the execution petition as composed is incorrect, hence denied. Appellant was reinstated in service vide Endst: No. 7395-7402 dated 26-06-2018. (Copy of Reinstatement order dated 26-06-2018 is annexed herewith as Annexure "A").

5. That Para No. 5, of the execution petition as composed is incorrect hence, denied.
6. In reply to Para No. 6 of execution petition, it is submitted that respondents challenged the judgment of this Honourable Tribunal dated 06-07-2021 before the August Supreme Court of Pakistan and CPLA No. 472-P/2021 is subjudice, hence instant execution petition may please be Sine Die adjourned till the final decision of CPLA.
3. 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 execution petition may please be Sine Die adjourned till the final decision of CPLA.


DISTRICT EDUCATION OFFICER
ABBOTTABAD
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD

Execution Petition No. 162/2021

IN

Service Appeal No. 478/2016

Abdul Shakoor.....Appellant


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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
23/10

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

REINSTATEMENT

In pursuance to Judgment of Honourable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad passed in Service Appeal No.478/2016 dated 17.10.2017 & order sheet dated 18.4.2018, Mr. Abdul Shakoor, Ex-PST GPS Banda Ghazan, Abbottabad is hereby reinstated in service and further posted at GPS Dannah (Lora) Havelian with immediate effect till the decision of CPLA filed before the August Supreme Court of Pakistan.

SA
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 1398-7402 / PF Abdul Shakoor (Litig)

Dated 26/6/2018

Copy forwarded to:-

1. Registrar Honourable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad w/r to Judgment passed in Service Appeal No. 478/2016 dated 17.10.2017.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Comptroller of Accounts Abbottabad
4. Sub Divisional Education Officer (Male) Abbottabad & Havelian.
5. Mr. Abdul Shakoor, Ex-PST GPS Banda Ghazan presently reinstated & posted at GPS Dannah (Lora) Havelian.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

ATTESTED