

25th July, 2022

1. Nobody is present on behalf of the petitioner. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Jan Bakht Said, Supdt for respondents present.

2. On 16.09.2020, representative of the respondents had provided final seniority list of female D.M Teachers of Dir Lower at Timergara, which was placed on file and copy of the same was handed over to the learned counsel for the petitioner, who had requested for some time to go through the list and submit observations/objections, if any. The matter was adjourned to 02.11.2020 but on 02.11.2020, nobody appeared on behalf of the petitioner and the matter was then posted to 23.12.2020 on which date the learned counsel for the petitioner appeared before the Tribunal and sought some more time to go through the list and submit objections/comments. Last opportunity was granted to the learned counsel for the petitioner to submit objections/comments, if any, before 04.02.2021. On 04.02.2021 and the subsequent dates i.e 13.07.2021, 26.08.2021, 23.11.2021 nobody appeared on behalf of the petitioner. On the 20.01.2022 clerk of counsel for the petitioner appeared. On last date learned counsel for the petitioner was present. Today since, nobody is present thus desired list seems to be the compliance with the judgment of the Tribunal, therefore, this execution petition is filed. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 25th day of July, 2022.*



(Kalim Arshad Khan)
Chairman

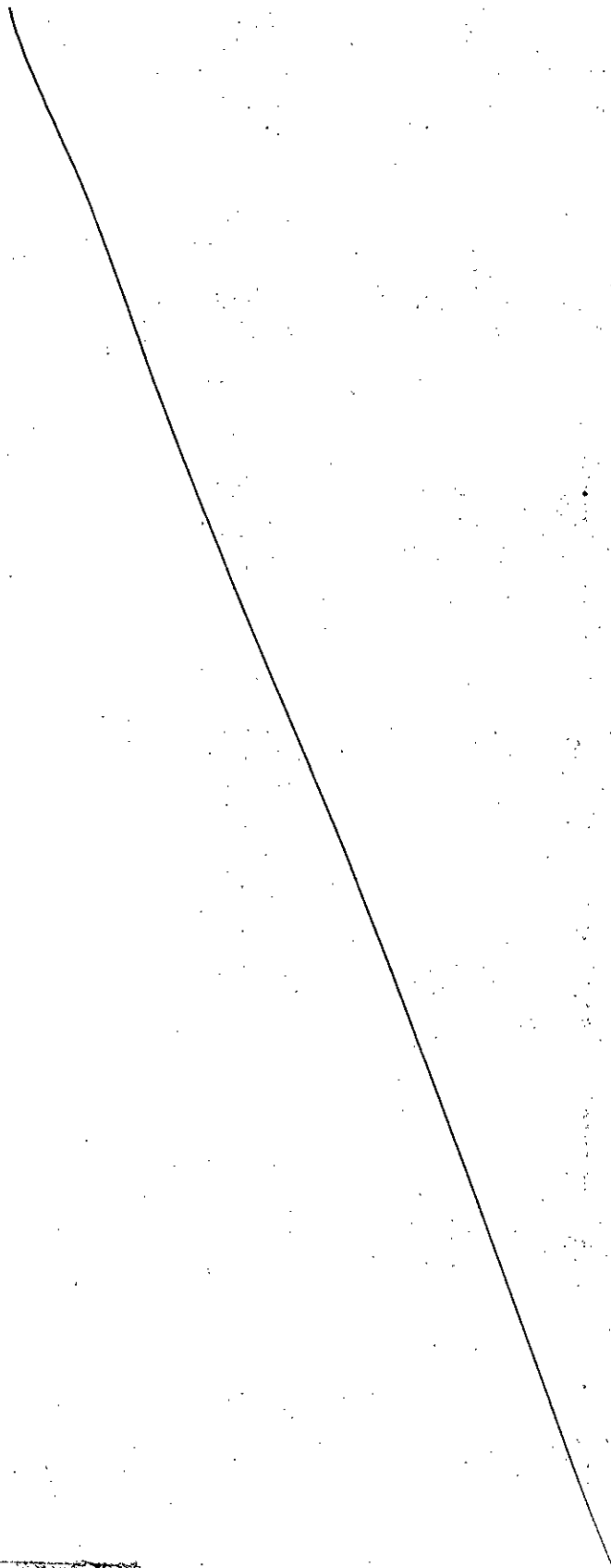
1st June, 2022

Counsel for the petitioner present. Nobody is present on behalf of the respondents nor any Law Officer is present.

Notices be issued to the respondents to appear in person alongwith compliance report on 25.07.2022 before S.B.



Chairman



23.11.2021

None for the petitioner present. Mr. Muhammad Adeel Butt,
Additional Advocate General for respondents present.

Notices be issued to the petitioner and his counsel. Adjourned.
To come up for further proceedings on 20.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

20.01.2022

Clerk of learned counsel for the petitioner present.
Muhammad Adeel Butt, Addl: AG for respondents present.

Due to general strike of the bar, the case is adjourned. To
come up for further proceedings on 08.03.2022 before S.B.


(Mian Muhammad)
Member(E)

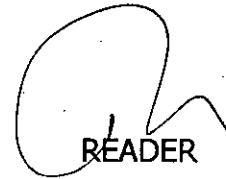
08.03.2022

Due to retirement of the Worthy Chairman, the
Tribunal is defunct, therefore, case is adjourned to
01.06.2022 for the same as before.

Reader.

06.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 13.07.2021 for the same as before.


READER

13.07.2021

Nemo for the petitioner. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Jehan Bakht Superintendent for the respondents present.

Implementation report has been submitted but counsel for the petitioner is not in attendance due to strike of the lawyers. The departmental representative is relieved from attendance. File to come up for further proceedings on 26.08.2021 before S.B.


Chairman

26.08.2021

Nemo for the petitioner. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Notice for prosecution of the petition be issued to the petitioner and to come up for further proceedings before the S.B on 23.11.2021.


(SALAH-UD-DIN)
MEMBER (J)

23.12.2020

Counsel for petitioner present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Jan Bakht Said Superintendent for respondents present.

A request was made for adjournment on behalf of petitioner; allowed.

Perusal of order sheet dated 16.09.2020 reveals that seniority list of Female D.M Teachers of Dir Lower at Timergara had been provided by the representative of respondents, copy whereof was handed over to the learned counsel for petitioner who requested for some time to go through the list and submit comments/objections but till today, objections/comments were not submitted. Last chance is given to learned counsel for petitioner with direction to submit objections/comments, if any, before the date and file to come up for arguments on 04.02.2021 before S.B.



(Rozina Rehman)
Member (J)

04.02.2021

Nemo for petitioner, Addl. AG alongwith Jan Bakht Superintendent for the respondents present.

Learned counsel for the petitioner appeared in the morning but at the time when case was called neither the petitioner nor her learned counsel appeared. It is already past 01.00 P.M, therefore, proceedings are adjourned to 06.04.2021 before S.B.



Chairman

16.09.2020

Counsel for the petitioner and Addl. AG alongwith Miss Asmat Ara Qureshi for the respondents present.

Representative of the respondents has provided final seniority list of Female D.M Teachers of Dir lower at Timergara, which is placed on record. A copy of the same ~~list~~ has been handed over to learned counsel for the petitioner who requests for some time to go through the list and submit comments/objection, if any, thereon.


Adjourned to 02.11.2020 before S.B.


Chairman

02.11.2020

Nemo for petitioner. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for the petitioner is not available today. Adjourned to 23.12.2020 on which date to come up for further proceedings before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

25.03.2020

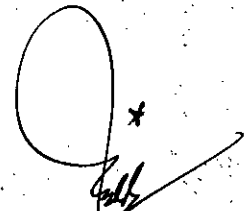
Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.06.2020 before S.B.



Reader

17.06.2020

Counsel for the petitioner and Asst: AG for respondents present. Notices be issued to the respondents for submission of implementation report on 29.07.2020 before S.B.



MEMBER

29.07.2020

Nemo for the petitioner. Addl. AG alongwith Jan Bakht Said Superintendent for the respondents present.

Representative of the respondents states that settlement of fresh seniority list is in process. He, therefore, requests for further time to submit implementation report.

Adjourned to 16.09.2020 on which date the requisite report shall positively be submitted.



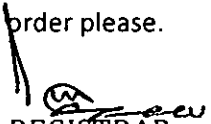


Chairman

Form- A

FORM OF ORDER SHEET

Court of 17/2020

Execution Petition No: 17/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.01.2020	<p>The execution petition of Mst. Nuzhat Ali submitted today by Mr. Irfan Ali Yousafzai 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-	07.02.2020	<p>This execution petition be put up before S. Bench on <u>07/02/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the petitioner present. Addl: AG for respondents present. Notice be issued to the respondents for submission of implementation report. To come up for further proceedings on 25.03.2020 before S.B.</p> <p style="text-align: right;"> Member</p>

**BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

EP No 12/2020
Service Appeal No: 59/2014

Mst. Nuzhat Ali **PETITIONER**

V E R S U S

District Education Officer (Female), Dir Lower

..... **RESPONDENTS**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of Execution Petition & affidavit	*	1-4
2.	Copy of the judgment dated 07/11/2016	A	5-9
3.	Copy of order dated 11/01/2017	B	10
4.	Wakalat Nama	*	11

Nuzhat Ali
Petitioner
Mst. Nuzhat Ali

Through

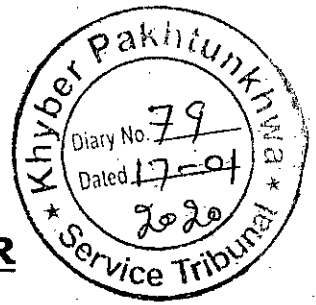
Arif Tajik
Shams-Ul-Hadi
&
Sardar Muhammad
Arif Tajik

Irfan Ali Yousafzai
&
Irfan Ali Yousafzai
Advocates High Court
Peshawar

Date: 17/01/2020

Cell# 0347-4773440
0314-9070658

1



**BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

EP No 17/2020
Service Appeal No: 59/2014
Date of judgment: 07/11/2016

Mst. Nuzhat Ali D/o Khair Ur Rehman
DM, GGMS Mandesh, District Lower
Dir.....**PETITIONER**

V E R S U S

1. District Education Officer (Female), Dir Lower.
2. District Coordination Officer, Dir Lower.
3. Director (School & Literacy) Khyber
Pakhtunkhwa, Peshawar.
4. Secretary Finance, Govt. of Khyber
Pakhtunkhwa, Civil Secretariat, Peshawar

.....**RESPONDENTS**

**EXECUTION PETITION FOR
IMPLEADMENT OF THE
JUDGMENT DATED 07/11/2016
PASSED BY THIS HON'BLE
TRIBUNAL IN LETTER AND SPIRIT.**

Respectfully Sheweth:

1. That the petitioner had presented the service appeal in this Hon'ble Tribunal and this Hon'ble


Tribunal vide judgment dated 07/11/2016 had accepted the appeal and the petitioner is entitled to be considered as appointees with effect from the date with other similar candidates were appointed. **(Copy of the judgment dated 07/11/2016 is attached as annexure "A")**.

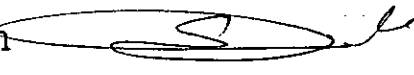
2. That the respondents department issued a letter No. 235-40 dated 11/01/2017 in which the respondents department gave the seniority to the appointees on the direction of this Hon'ble Tribunal but ignored the present petitioner. **(Copy of order dated 11/01/2017 is Annexure "B")**
3. That the petitioner having no other alternate remedy for impalement of judgment dated 07/11/2016 in letter and spirit except to knock the door of this Hon'ble Tribunal.
4. That the petitioner tired to make them see light of reason and implement the judgment passed by this Hon'ble Tribunal in letter in spirit but same proved as cry in the wildness, the said conduct of respondent falls within the mischief of law of COC and disobedience of Court orders, duly explained by the August Superior Court of Pakistan.

5. That any other grounds will be raised at time of arguments with prior permission of this Hon'ble Court.

It is, therefore most humbly requested that on acceptance of this execution petition the respondents may kindly be directed to implement the judgment dated 07/11/2016.

Any other relief which this Hon'ble Tribunal deems appropriate may also be awarded to the petitioner.

Petitioner 
Mst. Nuzhat Ali

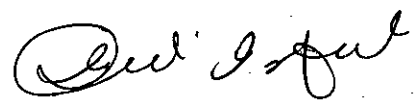
Through 

Shams-Ul-Hadi

&


**Sardar Muhammad
Arif Tajik**

&


Irfan Ali Yousafzai
Advocates High Court
Peshawar

Date: 17/01/2020

**BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No: 59/2014

Mst. Nuzhat Ali.....**PETITIONER**

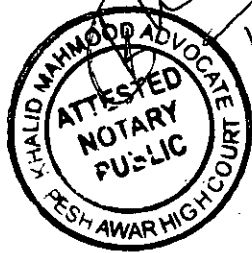
V E R S U S

District Education Officer (Female), Dir Lower

.....**RESPONDENTS**

AFFIDAVIT

I, **Irfan Ali Yousafzai Advocate (Counsel for appellant)**, do hereby solemnly affirm and declare that the contents of the accompanying **Execution Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



[Handwritten Signature]

DEPONENT

(2) Annexure - A³ 5



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 59 /2014

Mst. NUZHAT ALI D/O KHAIR UR REHMAN
DM, GGMS MANDESH, DISTRICT LOWER DIR

54
13-1-14

APPELLANT

VERSUS

1. DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER
2. DISTRICT COORDINATION OFFICER, DIR LOWER
3. DIRECTOR (SCHOOL & LITERACY) KHYBER PAKHTUNKHWA, PESHAWAR
4. SECRETARY FINANCE, GOVT OF KHYBER PAKHTUNKHWA, PESHAWAR


RESPONDENTS

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for grant of Arrears and Seniority to the appellant from the date of application i.e. 22/08/2007 for the post or alternatively, from the date of decision of the Hon'ble Peshawar High Court, Peshawar dated June 28, 2012 till June 19, 2013

ATTESTED

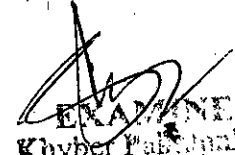
Respectfully submitted as under.

Brief facts of the case are as follows.


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

1. That the appellant got appointed with the respondents as DM, BPS-15 vide office order dated 20.06.2013.
(Appointment order is appended herewith as Annexure "A").
2. The appointment of the appellant was the result of the Writ Petition No. 1896/ 2007 titled "Mst. Nagina and Others Vs EDO & Others where the Divisional Bench of Hon'ble Peshawar High Court, Dar Ul - Qaza at



S.No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
		<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;"><u>CAMP COURT SWAT</u></p> <ol style="list-style-type: none">1. Appeal No. 51/2014, Khaista Rahman,2. Appeal No. 52/2014, Muhammad Ishaq,3. Appeal No. 53/2014, Rehman Said,4. Appeal No. 54/2014, Mst. Noorsheeda,5. Appeal No. 55/2014, Mst. Fatima Bibi,6. Appeal No. 56/2014, Mst. Rabia Bibi,7. Appeal No. 57/2014, Mst. Salma Bibi,8. Appeal No. 58/2014, Mst. Mehnaz,9. Appeal No. 59/2014, Mst. Nuzhat Ali,10. Appeal No. 60/2014, Mst. Thaoheed Begum,11. Appeal No. 61/2014, Mst. Hemayat Shaheen,12. Appeal No. 62/2014, Mst. Faryal Bano,13. Appeal No. 63/2014, Mst. Farah Naz,14. Appeal No. 64/2014, Mst. Zahida Begum,15. Appeal No. 65/2014, Mst. Farzana Tabasum,16. Appeal No. 66/2014, Mst. Farida Bibi,17. Appeal No. 67/2014, Mst. Farhana Bibi,18. Appeal No. 68/2014, Mst. Gul Naz Begum19. Appeal No. 69/2014, Mst. Ghazala Shams20. Appeal No. 70/2014, Mst. Nagina Bibi,21. Appeal No. 71/2014, Mst. Rabia Sultan,22. Appeal No. 72/2014, Mst. Hina Sumbal,23. Appeal No. 73/2014, Mst. Sujaat Bibi,24. Appeal No. 84/2014, Atta Ullah,25. Appeal No. 85/2014, Sherin Zada,26. Appeal No. 86/2014, Ghulam Hazrat, <p style="text-align: right;">ATTESTED</p> <p style="text-align: right;"> EXAMINER Khyber Pakhtunkhwa Service Tribunal Peshawar</p>

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07.11.16.

27. Appeal No. 87/2014, Shahid Mahmood,
 28. Appeal No. 88/2014, Ikram Ullah,
 29. Appeal No. 89/2014, Hafiz Ul Haq,
 30. Appeal No. 90/2014, Gul Rasool Khan,
 Versus District Education Officer(Male) Dir Lower & 3 others.

JUDGMENT

07.11.2016

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Mr. Fayazud Din, ADO for respondents present.

2. This judgment shall dispose of the instant service appeals No. 51/2014 as well as connected service appeals No. 52/2014 to 73/2014 and service appeals No. 84/2014 to 90/2014 as identical questions of facts and law are involved therein.

3. Brief facts of the afore-stated cases are that the appellants were declined appointments against posts advertised by the respondents constraining them to prefer Writ Petitions No. 1896, 2093 of 2007, 294 of 2008, 3402 of 2009, 3620 and 4378 of 2010, 159 and 2288 of 2011 before the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat which were allowed vide worthy judgment dated 28.06.2012 and respondents were directed to appoint the appellants against the said posts. The said worthy Judgment of the Hon'ble High Court was challenged before the august Supreme Court of Pakistan in Civil Petitions No. 456-P of 2012, 7-P to 11-P of 2013 and 19-P & 20-P of 2013. The said appeals were dismissed vide worthy judgment of the apex court dated 21.06.2013 as the appellants were appointed and their

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 07.11.16

ATTESTED

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 CHAIRMAN
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 Peshawar

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appointments orders were produced before the august Supreme Court of Pakistan. There-after Review Petitions were preferred by certain petitioners in the said Writ Petitions before the Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat which was allowed vide worthy judgment dated 22.10.2013 and the petitioners seeking relief were allowed to be considered as appointees from the dates when other candidates were appointed, without any financial benefits.

4. Learned counsel for the appellants has argued that the appellants are also entitled to similar treatment as extended to similarly placed employees by the Hon'ble High Court in Review Petition No. 7-M/2012 in Writ Petition No. 3620/2012(D).

5. In support of his stance he placed reliance on case-laws reported as 2009-SCMR-1 (Supreme Court of Pakistan), 1998-SCMR-2472 (Supreme Court of Pakistan) and 1999-SCMR-988 (Supreme Court of Pakistan).

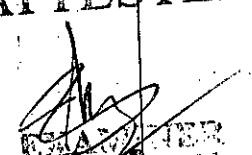
6. Learned Senior Government Pleader has argued that the appellants are not entitled to the relief claimed as they have not preferred any Review Petition against the judgment and appointment orders before the Hon'ble High Court.

7. We have heard arguments of learned counsel for the parties and perused the record.

8. The august Supreme Court of Pakistan in the reported cases referred to above, had ruled that if a Tribunal or the Supreme Court decides a point of law relating to the terms and conditions of a civil

07.11.16

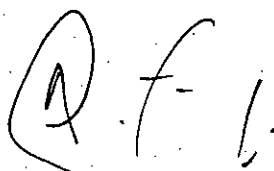
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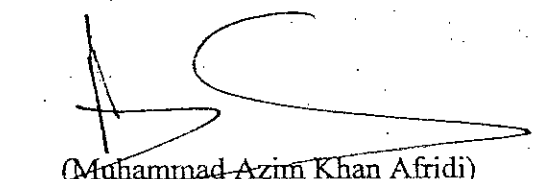

ESMAZUL TER
Member Peshawar High Court
Peshawar

servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also, who may, not be parties to that litigation, instead of compelling them to approach the Tribunal or any other legal forum.

9. Though the appellants have not preferred any review petition before the Hon'ble High Court but in view of the case-laws as discussed above, appellants are entitled to the benefits of the decision of the Hon'ble High Court as they are similarly placed civil servants.

10. In view of the above, we hold that the appellants are entitled to be considered as appointees with effect from the dates when other similarly placed candidates were appointed. The appellants would however not be entitled to any financial back benefits. The respondent-department is to prepare their seniority list according to rules. The appeals are accepted in the above terms, leaving the parties to bear their own costs. File be consigned to the record room.


(Abdul Latif)
Member


(Muhammad Azim Khan Afridi)
Chairman
Camp Court, Swat
07.11.16

ANNOUNCED
07.11.2016

Date of Presentation of Application 13/11/2016
Number of Words 1600
Copying Fee 1800
Urgent 4-3
Total 2200
Name of Copyist [Signature]
Date of Completion of Copy 13/11/2016
Date of Delivery of Copy 13/11/2016

Certified to be true copy


Khyber Pakhtun Khwa
Service Tribunal,
Peshawar

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DIR LOWER.
OFFICE ORDER

Anxi "B" 10

Consequent upon the verdict of Khyber Pakhtunkhwa Service Tribunal Peshawar vide Service Appeal No,51,52 & 53,84,86,87,88 & 89/2014 dated 7/11/2016, the following D.Ms appointed vide No,9968-75 dated 20/5/2013 are hereby placed at the seniority after the appointees of order No,3864-79 dated 22/8/2007 without financial benefits.

1. Mohammad ishaq D.M GMS Ganjla
2. Khaitsa Rahman D.M GHS Katan
3. Rahman Said D.M GMS Tango Manz
4. Attaullah D.M GHS Munjai
5. Shahid. Mehmood D.M GMS Qandaray
6. Ghulam Hazrat DM GHS Shamsi Khan
7. Ikramullah D.M GHS Bajam Makhai
8. Hafizul Haq D.M GMS Gumbat Talash

Note;- Necessary entries to this effect should be made in their Service Books accordingly.

(Hafiz Dr. Mohammad Ibrahim)
District Education Officer
(Male) Dir lower.

Endst; No, 235-40 / Dated Timergara the

11/01/2017

Copy forwarded to:-

1. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. The Director (E&SE) KPK Peshawar.
3. The District Accounts Officer Dir Lower.
4. The Deputy District Officer (M) Local office.
5. The Principals/Headmasters concerned.
6. The Teachers concerned.

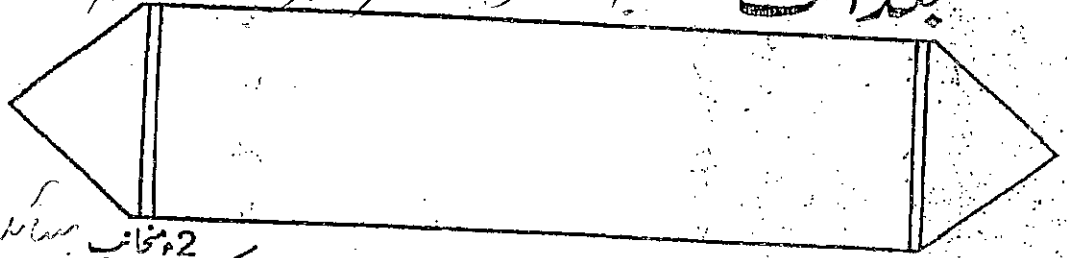
District Education Officer
(Male) Dir lower.

ATTESTED

to be
Advocate

(Signature)

بعدالت عالیہ ایس آر پی پی پی



2۔ مخاطب صاحب مکہ
مسماہ نرہیر علی بیٹام ڈاکٹر لکھنؤ

موضوع
مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

مقدمہ بندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آج مقام _____ کیلئے _____
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضعی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائد التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم _____ ماہ _____ 2015

واہ العب

کے لئے منظور ہے۔

Accepted & Notarized

Arif

مسماہ نرہیر علی بیٹام
ڈاکٹر لکھنؤ
2۔ مخاطب صاحب مکہ