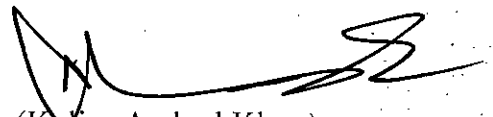


E.P.No. 113/2021
Khalil ur Rahman vs Govt

6th September, 2022

1. Clerk of learned counsel for the petitioner present. Muhammad Adeel Butt, Addl: AG alongwith Shahid Anwar, ADEO for respondents present.
2. Representative of the respondents has submitted implementation report which is available on file and according to the learned AAG grievance of the petitioner have been redressed, therefore, the instant execution petition is disposed of.
3. In view of the implementation of the judgment, the Accountant General, Khyber Pakhtunkhwa is directed to release salaries of the respondents forthwith. Consign.
4. *Pronounced in open court in Peshawar and given under my hand and seat of the Tribunal on this 6th day of September, 2022.*



(Kalim Arshad Khan)
Chairman

5th July, 2022

Learned counsel for the petitioner present. None for the respondents present.

Mr. Adeel Butt, Addl: AG on behalf of the respondents put appearance in early hours of the court and assured that he would submit compliance report in the matter in some moments but later on neither compliance was submitted nor he put appearance. Therefore, salaries of the judgment debtors attached. The Accountant General Khyber Pakhtunkhwa is directed to attach the salaries of the respondents not to release the same till further order by this Tribunal. Show cause notice be also issued to the respondents as to why they should not be proceeded under the Contempt of Court Ordinance-2003.

Last chance is given to the respondents to implement the judgment and submit compliance report on 06.09.2022 before S.B.



(Kalim Arshad Khan)
Chairman



14.04.2022

Petitioner with learned counsel present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Shahid Anwar, ADEO (M) Dir Lower for the respondents present and submitted office order saying that the judgment of the Tribunal has been implemented.

Learned counsel for the petitioner submitted that let him check and verify the calculation made by the respondents in the order produced before the Tribunal and for that purpose he seeks a short date.

It appears that the original execution application was consigned to record room holding the same to be completed. It was, however, observed that the petitioner might apply for restoration of the same in case any part of relief granted to him remained unsatisfied. It was then this application was moved, the application has not been decided yet. On acceptance of the application original execution application stands restored. The learned counsel for the petitioner may peruse the order produced by the respondents on or before next date. To come up for arguments on 23.05.2022 before S.B.



Chairman

23.05.2022

Petitioner in person present. Mr. Naseer-Ud-Din Shah, Assistant Advocate General for the respondents present.

Petitioner requested for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 05.07.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER (E)

13.01.2022

This case was fixed for 17.02.2022 but was requisitioned on the request of District Education Officer (Male) Dir Lower with a request for release of salary of the respondent which was ordered to be attached on the preceding date i.e. 05.01.2022. Today, he produced office order dated 11.09.2021 in respect of the present petitioner. He is directed to properly calculate leave account of the petitioner and to submit proper report on or before 17.02.2022, failing which, coercive measures will be taken. Salaries of the respondents stand released.



(Rozina Rehman)
Member (J)

17.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 14.04.2022 for the same as before.



Reader

EP No. 113/2021

05.01.2022 Petitioner alongwith counsel and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

No representative of the respondents is in attendance to apprise the Tribunal about the progress taken for implementation of the judgment under execution. It appears from the given state of things that the respondents are not interested in implementation of judgment of this Tribunal. Salary of District Education Officer(M) Dir Lower and Director E&SE Khyber Pakhtunkhwa, Peshawar is attached till further orders.

Obviously, this Tribunal within the meaning of sub section (2) of Section 7 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 has got the power of Civil Court with all powers vested in such court under the Civil Procedure Code, 1908 including those meant for execution of decree through coercive measures. Therefore, this Tribunal has got jurisdiction to exercise all powers for execution of its judgment. Section 51 of the CPC among other coercive measures of executing the court decision provides detention and committal to civil imprisonment as well as to pass such order as may be deemed fit to get the implementation of the judgment. Show cause notice be issued to the District Education Officer (M) Dir Lower and Director E&SE Khyber Pakhtunkhwa as to why one or more coercive measures provided under Section 51 CPC should not be taken against them; if they fail to submit the implementation report regarding judgment under execution at credit of the petitioner on or before the next date. To come up on 17.02.2022 before S.B.



(Rozina Rehman)
Member (J)

16.08.2021

Counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG for the respondents present. No representative of the respondents is in attendance.

Learned AAG seeks time to contact the respondents. Request is accorded. To come up for implementation report on 18.10.2021 before S.B.


Chairman

18.10.2021

Petitioner in person and Mr. Kabirullah Khattak, Addl. AG alongwith Shah Alam, PHST for the respondents present.

Learned AAG seeks time. Request is accorded. To come up for implementation report on 17.11.2021 before S.B.


Chairman

17.11.2021

None for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

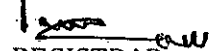


Notices be issued to the petitioner and his counsel. To come up for further proceedings on 05.01.2022 before S.B.


(Mian Muhammad)
Member(E)

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 113 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04.06.2021	<p>The Restoration Application submitted by Mr. Khalil Ur Rehman through Mr. Muhammad Jalal 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> <p>2-</p> <p>This Restoration Application be put up before S. Bench on <u>25/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	25.06.2021	<p>Counsel for the petitioner present.</p> <p>Notice be issued to the respondents. To come up for implementation report on 16.08.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

Execution Petition No. _____/2021

In

Service Appeal No 1225/2010

Khalil ur Rehman, Junior Clerk

.....Petitioner

VERSUS

The Secretary Elementary and Secondary Education

...Respondents

INDEX

S.No	Description of Documents	Annex	Pages
7.	Application		1-2
8.	Affidavit		3
9.	Copy of the APPEAL, ORDER, EXECUTION Petition A, B, C		4-10
10.	Copy of the statement	D	11
11.	Copy of application	E	12
12.	Wakalatnama		13

Through

Petitioner

Date: 07-Mar-21

Mohammad Jalal
Mohammad Jalal
Advocate, High Court
Peshawar.

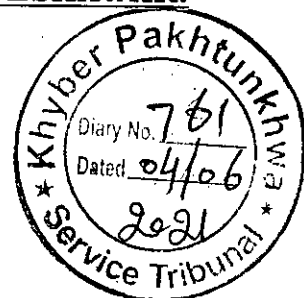
8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 113 /2021

In

Service Appeal No.1225/2010



Khalilullah, Junior Clerk.....

Petitioner

VERSUS

1. The Secretary Elementary and Secondary Education, Government of Khyber pakhtunkhwa, Peshawar
2. The Director Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar
3. The Deputy Commissioner Dir Lower.
4. The District Education Officer Elementary and Secondary Education, Dir Lower

..... Respondents

APPLICATION FOR RESTORATION OF THE ABOVE TITLED EXECUTION PETITION CONSIGNED VIDE ORDER DATED 16-07-2020

Respectfully Sheweth...

1. That the above titled execution petition was pending before this honorable tribunal and was considered completed vide order dated 16-07-2020, but with the observation that the petitioner may apply for the restoration if any part of the relief granted remained unsatisfied. (copy of the order is enclosed as Annexure "A")
2. That the judgment of this honorable tribunal dated 06-02-2017 is never implemented in its true letter and spirit and the same is causing valuable loses to the petitioner.
3. That the petitioner has served for 21years have 4 months whereas the respondents have considered the services of petitioner from the date of

Judgment and the respondents are not extending the benefits of the judgment to the petitioner. (Monthly salary statement reflecting the length of service is annexed as Annexure "B")

- 4. That the petitioner time and again requested the respondents for his grievance but they turned deaf years to him. (Application is annexed as Annexure "C").
- 5. That in order to safeguard the interests of the petitioner, not only the above titled execution petition needs to be restored but the judgment of this honorable tribunal also needs to be implemented in its true letter and spirit.

*It is therefore humbly prayed that the
 On acceptance of this application, the above titled
 Execution petition may kindly be restored in the
 interest of justice to safeguard the valuable rights
 of the petitioner.*

Petitioner

Sahib Zada

Through

Zahanat Ullah

Moammar Jalal

Adeel Ilyas Advocates

Dated: 8-3-2011

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Execution petition No. _____/2021

In

Service Appeal No: 1225/2010

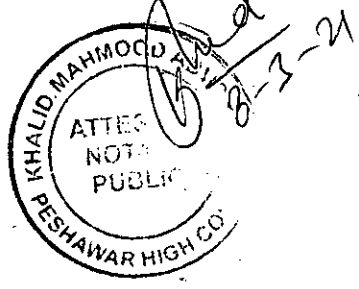
Khalil Ullah (Petitioner)

V E R S U S

The Secretary Elementary and Secondary Education,
Government of Khyber pakhtunkhwa, Peshawar
and others.....(Respondents)

AFFIDAVIT

I, Khalil Ullah Junior Clerk, do hereby solemnly affirm and declare on oath that the contents of the **petition/application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


KHALID MAHMOOD
ATTES
NOTA
PUBLIC
PESHAWAR HIGH CO.
8-3-21


DEPONENT

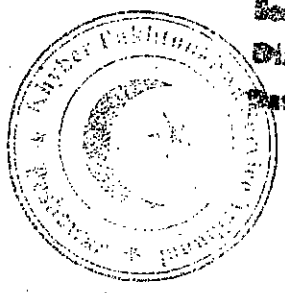
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(5) (4)

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR.

APPEAL NO 1825 /2010

N.W.F. Service Tribunal
Diary No 664
dated 2/3/10



Khalilullah J/Clerk,
Govt: High School, Khal, Dir Lower.

VERSUS.

1. Secretary Education, Elementary & Secondary, NWFP Peshawar.
2. The Director Education Elementary & Secondary, NWFP Peshawar.
3. The DCO Dir Lower.
4. The EDO (E&SE) ,Dir Lower.

APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNAL ACT 1974 READ WITH S.10 OF THE RSO 2000 AGAINST THE ORDER DATED 30.10.2009 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE AND AGAINST THE FINAL REJECTION ORDER DATE 26.1.2010 RECEIVED BY APPELLANT ON 31.1.10 WHEREBY THE DEPARTMENTAL APPEAL OF APPELLANT HAS BEEN REJECTED.

Registered to-day
Registrar
2/3/10

ATTESTED

Registrar
Peshawar

PRAYERS.

On acceptance of this appeal the impugned orders may be set aside and the appellant may be re-instated with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

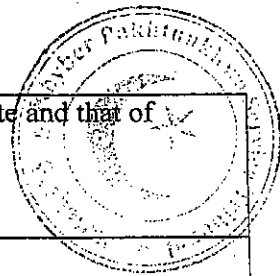
-submitted to-day
d filed.

Registrar
23/6/10

Attested

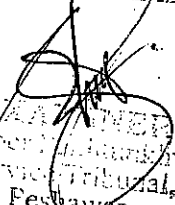
Amir R

(10) (5)



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
	06.02.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>CAMP COURT SWAT</u></p> <p>1. Appeal No. 1225/2010, Khalilullah, 2. Appeal No. 1226/2010, Haroon Rashid, 3. Appeal No. 1227/2010, Saeed Mehmood and 4. Appeal No. 1228/2010, Sahib Zada Versus Secretary Education E&SE, Khyber Pakhtunkhwa, Peshawar and others.</p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Raees Khan, ADO for respondents present.</p> <p>2. This judgment shall dispose of the instant service appeal No. 1225/2010, titled "Khalillah Versus Secretary Education, E&SE, Khyber Pakhtunkhwa Peshawar and others", as well as connected service appeals No. 1226/2010, Haroon Rashid Versus Secretary Education, E&SE, Khyber Pakhtunkhwa Peshawar and others", No. 1227/2010 titled "Saeed Mehmood Versus Secretary, Education E&SE, Khyber Pakhtunkhwa Peshawar and others" and No. 1228/2010, titled "Sahib Zada Versus Secretary Education, E&SE, Peshawar and others" as identical questions of facts and law are involved therein.</p> <p>3. Brief facts of the afore-stated service appeals are that the appellants were serving as Junior Clerks when departmentally proceeded against on the allegations of managing fake appointments and removed from service for the first time in the year 2004, where-against they preferred service appeals which were decided by this Tribunal vide judgment dated 18.10.2005 wherein directions were given to the respondents to conduct a full-fledged</p>

ATTESTED

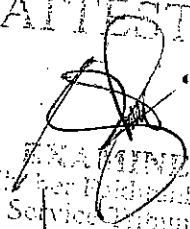

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
Peshawar

Attested

enquiry as the enquiry conducted was in questionnaire form. It was also observed by this Tribunal that in order to ascertain genuineness or otherwise of appointments of the appellants, it shall be inter-alia probed as to who were the other officials involved in the scam of bogus appointments. The said judgment was finally implemented vide orders dated 13.02.2008 and services of the appellants were terminated where-against service appeals were preferred which were decided vide judgment dated 29.12.2008 wherein this Tribunal again observed that neither charge sheet was framed nor statement of allegations issued and as such mandatory provisions of law were violated. It was further observed that the respondent department has not conducted enquiry in accordance with the directions given in the judgment of this Tribunal. The respondents were therefore directed to reinstate the appellants in service by treating intervening period as leave of the kind due. The respondent department was placed at liberty to conduct fresh enquiry subject to fulfillment of all legal requirements. There-after the respondent department again conducted the enquiry and the appellants were removed from service vide impugned order dated 30.10.2009, where-against their departmental appeals dated 16.11.2009 were rejected on 26.01.2010 communicated to the appellants on 31.01.2010 and hence the instant service appeals on 02.03.2010.

4. Learned counsel for the appellants argued that despite repeated directions the respondent department has failed to conduct the enquiry in the prescribed manner. That the directions of the Tribunal were repeatedly ignored and that the enquiry was again conducted in questionnaire form. That no chance of personal hearing was extended to the appellants and that no final show cause notices were ever issued to them. That the provisions

ATTESTED


 EXAMINER
 Chief Executive Officer
 Service Tribunal,
 Peshawar

Attested

of Section 5(1)(c) of Removal from Service (Special Powers) Ordinance 2000 were frustrated, as neither any evidence was recorded nor opportunity of cross-examination ever extended to the appellants.

5. Learned Senior Government Pleader has argued that the appointment orders of the appellants were fake as the same were not issued by the competent authority. He further admitted that the enquiry was conducted in the questionnaire form and that neither final show cause notices were issued nor opportunity of personal hearing were extended to appellants. He also admitted that witnesses were neither examined nor cross-examined and that the other officials involved in the scam were not sorted out nor the said aspect of the case was probed. He also admitted that a criminal case regarding fake appointments registered against the appellants was finally decided by the Hon'ble Peshawar High Court, Peshawar, Mingora Bench (Dar-ul-Qaza) Swat wherein the appellants were acquitted of the charges and salary recovered from their persons was returned to the appellants.

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

7. The appellants are facing enquiry since 2004. This Tribunal had earlier directed conducting denovo enquiry against the appellants and against the officials involved in scam strictly in accordance with law but the directions of this Tribunal were ignored by the competent authority. Even the enquiry placed before us would suggest that the same was conducted in undesirable manners giving no attention to the directions of this Tribunal. No steps were taken for digging out the real culprits involved in the alleged

ATTESTED

EXAMINER
Member Peshawar
Service Tribunal,
Peshawar

Attested

(8)

scam. We are constrained to observe that such conduct of the competent authority and enquiry officer shall be taken note of by the relevant authority. Since the respondents have failed to adhere to the directions of the court and conduct the enquiry in the mode and manner prescribed by rules despite repeated opportunities as such we see no reason to issue further directions for yet another enquiry and would, therefore, order reinstatement of appellants in service by treating the period of their absence as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

Announced
06-02-2017

Sh. M. Azim Khan Afidi,

*Chairman -
Conf. Court Secret*

Certified true copy
E. Khalid
Secretary
Peshawar

*Sh. Ahmad Hassan,
Member*

Date of Presentation of 15-02-17
 Number of Words 2000
 Copying Fee 12/-
 Urgent 2/-
 Total 14/-
 Name of Officer *[Signature]*
 Date of Copying 15-2-17
 Date of Delivery 15-2-17

Attested

Annex C.

(9)

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.



Execution Petition No. 69 /2017
In Service Appeal No.1228/2010

Diary No. 213

Dated 21-9-17

Sahib Zada, Junior-Clerk,
Govt: High School, Damtal, Dir Lower.

PETITIONER

VERSUS

1. The Secretary Education, Elementary & Secondary, KPK, Peshawar.
2. The director Education, Elementary & Secondary, KPK, Peshawar.
3. The DC Dir Lower.
4. The EDO (E&SE), Dir Lower.

RESPONDENTS

.....

**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE JUDGMENT
DATED 06.02.2017 OF THIS HONOURABLE TRIBUNAL
IN LETTER AND SPIRIT.**

.....

RESPECTFULLY SHEWETH:

1. That the petitioner filed Service Appeal No.1228//2010 in this august Tribunal against the order dated 30.10.2009 whereby the petitioner has been removed from service and against the final rejection order dated 26.01.2010, whereby the departmental appeal of petitioner has been rejected.
2. That the said appeal was decided on 06.02.2017 by the Honourable Tribunal and the august Tribunal was kind enough to accept the appeal and order for reinstatement of petitioner into service. (Copy of Judgment is attached as Annexure-A).
3. That the respondents were totally failed in taking any action regarded the Hon'able Tribunal Judgment dated 06.02.2017.
4. That in-action and not fulfilling formal requirements by the respondent after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to pass formal appropriate order.

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

E.P. No. 69/2017
Sahib Zada B Ghat

(10)



16.07.2020

Petitioner alongwith his counsel present. Addl: AG alongwith Mr. Shahid Anwar, ADEO for respondents present.

Learned counsel for the petitioner is satisfied with the execution to the extent of reinstatement in service and releasing of pay of the petitioner in true letter and spirit as per judgment of this Tribunal dated 06.02.2017.

On the other hand, learned Additional Advocate General and representative of the department apprised the court that the respondents have approached the Apex Court in CPLA and requested for early hearing at that level.

In view of the above manner, the instant execution proceedings are consigned being completed. The petitioner may apply for its restoration in case any part of relief granted to him remained unsatisfied. File be consigned to the record room.

Announced:
16.07.2020

(MIAN MUHAMMAD)
MEMBER(E)

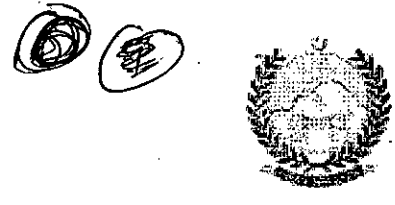
Date of Presentation of Application 01/6/21
Number of Words 800
Copying Fee 10.00
Urgent 4.00
Total 14.00
Name of Applicant _____
Date of Completion of Copy 01/6/21
Date of Delivery of Copy 01/6/21

Certified to be true copy

CERTIFIER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

11
Amad

Dist. Govt. NWFP-Provincial
District Accounts Office Dir at Timargar
Monthly Salary Statement (September-2020)



Personal Information of Mr SAHIB ZADA d/w/s of MUHAMMAD RAHMAN

Personnel Number: 00891318 CNIC: 1530209342439 NTN:
Date of Birth: 12.03.1974 Entry into Govt. Service: 01.06.1999 Length of Service: 21 Years 04-Months 001 Days

Employment Category: Active Permanent

Designation: JUNIOR CLERK 80001519-DISTRICT GOVERNMENT KHYBE

DDO Code: DA6210-GHS JOWZO

Payroll Section: 001 GPF Section: 001 Cash Center:
GPF A/C No: 891318 Interest Applied: Yes **GPF Balance: 48,833.00**

Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 11 Pay Stage: 2

Wage type		Amount	Wage type		Amount
0001	Basic Pay	14,330.00	1000	House Rent Allowance	1,853.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1923	UAA-OTHER 20%(1-15)	1,000.00	2211	Adhoc Relief All 2016 10%	1,051.00
2224	Adhoc Relief All 2017 10%	1,433.00	2247	Adhoc Relief All 2018 10%	1,433.00
2264	Adhoc Relief All 2019 10%	1,433.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3011	GPF Subscription	-1,290.00	3501	Benevolent Fund	-600.00
3534	R. Ben & Death Comp Fresh	-600.00	3990	Emp.Edu. Fund KPK	-125.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

Payable: 0.00 Recovered till September-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 26,889.00 Deductions: (Rs.): -2,615.00 Net Pay: (Rs.): 24,274.00

Payee Name: SAHIB ZADA
Account Number: PLS 3441-2
Bank Details: ALLIED BANK LIMITED, 250395 TIMERGARA DISTT DIR TIMERGARA DISTT DIR,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:
City: TAKORA Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address:
City: Email:

Attested

(12)

(E)

Handwritten signature and initials.

To,

The DEO(L)
at Timergara

Subject: Applications for the grant of salary
from April 2004 to 21¹⁰/₂₀₁₈ in the light
of the honourable court decision dated 6²/₂₀₁₇
Appeal No 1225/2010 and Appeal No 1228/2010
Title Khalil ullah J/c Clerk Govt; High
School Khat, Dir Lower vs Edu, Dir(L) at
Timergara.

Respected Sir,

Respectfully it is stated for your kind
information that we have been re-instated into Service
by the honourable Service Tribunal on dated 6/2/2017 and
directed the Edu; department to grant the period of their
absence as leave of the kind due.

Therefore it is humbly requested in your
kind honour to grant us salaries from April 2004
to 21¹⁰/₂₀₁₈. We shall be remained highly thankful
to you for your favourable reply.

Note: Modified order and decision of the honourable court
are attached herewith this application

Contact No: 03429613865 (1)
" " 03062015105




Yours Sincerely

Khalil ullah J/c GHS: Beyari
Distt; Dir (Lower)


(2) Sahib Zada J/c GHS: Jawzo
Distt; Dir (Lower)

Dated: 15/10/2020

Attested


قیمت 50 روپے	87766			
ایڈوکیٹ:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ایسوسی ایشن نمبر: 15C 107960				
رابطہ نمبر: 031 5066166				

بعدالت جناب: صدر پختونخواہ سروسز ٹریسول ٹیما

منجانب: <i>for primary Applicant</i>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ عدلیہ کی طرف سے
 آن مقام *محمد رفیق صاحب* کے نام پر *محمد رفیق صاحب* کے نام پر *محمد رفیق صاحب* کے نام پر *محمد رفیق صاحب* کے نام پر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز ذیل صاحب کو
 راضی نامہ کر کے و تقرر ثالث و فیصلہ بر حلف دینے جو اب 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 یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل گرانے و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار ذرا کوئی کو اپنے ہمراہ لے سکتے ہیں اور اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کا ساختہ پر داخلہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جاندا تو ائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دومہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: *محمد رفیق صاحب*


العبد _____

 مقام کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

محمد رفیق صاحب

طلیہ السیاحیہ
 محمد رفیق صاحب

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Executaion petition No. 113/2021

In

Service Appeal No 1228 /2010

1. Sahib Zada, Junior Clerk (Petitioner)

Versus

1. The Secretary Elementary and secondary Education Khyber Pakhtunkhwa Peshawar and others.

(RESPONDENTS)

**Subject: Application for release of salary of the respondents,
in the title above Execution petition.**

Respectfully sheweth,

1. The title above case is pending before this Honorable court, in which date 17-02-2022 has been fixed.
2. That salary of the official respondents has been attached by this Honorable Tribunal vide order sheet dated 05-01-2022, for implementation whereas implementation in the subject above case has already been done with inter Alai implementation report.
 - a) The petitioner has been reinstated
 - b) Salary of the petitioner has been released
 - c) Gap/intervening period has been converted into leave kind due. (Copy of Implementation is attached)

So it is therefore, humbly prayed that on acceptance of this application, the salary attached of the applicants /Respondents may kindly be released.

DISTRICT EDUCATION OFFICER (M)

DISTRICT DIR LOWER



**OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)**
Dir Lower (Phone # 0945 9250081-82)

26-01

APPOINTMENT

Consequent upon the judgment of the August Service Tribunal Khyber Pakhtunkhwa Peshawar in the service appeal Nos. 1225/2010, 1226/2010, 1227/2010 & 1228/2010 dated 06-02-2017 and execution petition order dated 21-11-2017, the following appellants are hereby reinstated into service with immediate effect under the following terms & conditions.

S.#	Name of Appellant	Service Appeal No.	Designation	School Where Posted	Remarks
1	Khalil Ullah	1225/2010	Junior Clerk	GHS Biyari	A.V.Post
2	Haroon Rashid	1226/2010	Junior Clerk	GHSS Lajbook	A.V.Post
3	Saeed Mehmood	1227/2010	CT	GMS Bin Shahi	A.V.Post
4	Sahib Zada ✓	1228/2010	Junior Clerk	GHS Jawzo ✓	A.V.Post

Terms & Conditions

1. No TA/DA is allowed.
2. Charge reports should be submitted to all concerned.
3. They are directed to provide all their service documents i.e. initial appointment orders, Transfer orders, LPCs and service books to the office of the undersigned within 10 days after taking over the charge.
4. Their reinstatement is subject to the decision of Honorable Supreme Court of Pakistan as the CPLA has already been registered in the Superior Court.
5. Their reinstatement is subject to the condition that their service documents e.g. appointment orders, transfer orders, LPCs and service books will be verified from the offices issued by the concerned Districts.
6. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice their one month pay/allowances shall be forfeited to the Government treasury.
7. Pay shall not be drawn until and unless a certificate issued by this office that to the effect that their service documents have been verified and a certificate of pay released by this office.
8. They will be governed by such Rules and Regulations as issued from time to time by the Government.
9. Their services shall be terminated at any time in case their performance is found unsatisfactory during their service period. In case of misconduct, they shall be proceeded against under the relevant rules & regulations announced from time to time.
10. The concerned Principal / DDOs / Headmasters are required to collect an affidavit from each candidate that he will follow all the terms and condition listed above and will keep it on the record.
11. Errors and omissions are acceptable within the specified period.

(HAFIZ DR. MUHAMMAD IBRAHIM)
DISTRICT EDUCATION OFFICER
DIR LOWER AT TIMERGARA

Endst No: 15148-54

dated the timergara the: 21/12/2017

Copy of the above is forwarded for information & necessary action to: -

1. The Registrar Service Tribunal Kyber Pakhtunkhwa for information.
2. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. The District Account Officer Dir Lower.
4. The Deputy District Education Officer Male Dir Lower.
5. The Principal/Headmaster concerned.
6. The candidates concerned.
7. Master File.

[Signature]
DISTRICT EDUCATION OFFICER
DIR LOWER AT TIMERGARA

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

In compliance with the order of the August Service Tribunal KPK Peshawar Service Appeal No.1226/2010, execution petition No 68/2017 vide order sheet dated 20.11.2017 the word "with immediate effect" at para-4 of the re-statement order vide No 15140 dated 21/12/2017 is hereby modified and be read as "with effect from 06.02.2017"

(Mohammad Riaz)
District Education Officer
(Male) Dir lower

Endst;No, 108 / 1 /Dated Timergara the 01 /01/2019

Copy of the above is forwarded to,-

- 1.The Additional Registrar KPK Service Tribunal Peshawar
- 2.The District Accounts Officer Dir lower.
3. The Principal/Headmaster concerned.
4. The official concerned.

District Education Officer
(Male) Dir lower



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

E- Mail: deomaledirlower@gmail.com. Tell: 0945-9250081-82

OFFICE ORDER

In compliance of the verdict of August Services Tribunal Khyber Pakhtunkhwa Peshawar vide order sheet dated 03/08/2021 in Execution petition 68/2017 S. Appeal No.1226/2010 titled Haroon Urashid , E.P No. 112 / 2021 in Service Appeal No. 1225/2010 titled Sahib Zada and E.P No.113/2021 Titled Khalil Ullah vs Govt. Addition in this office order No. 108-11 dated 4/01/2019 is made as,

“The absence period of the appellants according to the leave account from, if Earned leave found on his credit is hereby converted into ~~into~~ leave with pay and the remaining absent period may be converted into leave kind due as per court decision”.

District Education
Officer (M) Dir lower.

NO. 7745-49

Dated 11/09 /2021

Copy forwarded to:

- 1)-The Registrar High Court Khyber Pakhtunkhwa Peshawar.
- 2)-The Distt. Accounts Officer Dir Lower.
- 3)-The Appellant.

District Education
Officer (M) Dir lower.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 68 /2017
In Service Appeal No.1226/2010

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 314

Dated 21-4-1

Haroon Rashid, Junior Clerk.
Govt. High School, Shikolai, Dir Lower.

PETITIONER

VERSUS

1. The Secretary Education, Elementary & Secondary, KPK, Peshawar.
2. The director Education, Elementary & Secondary, KPK, Peshawar.
3. The DC Dir Lower.
4. The EDO (E&SE), Dir Lower.

RESPONDENTS

EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE JUDGMENT
DATED 06.02.2017 OF THIS HONOURABLE TRIBUNAL
IN LETTER AND SPIRIT.

RESPECTFULLY SHEWETH:

1. That the petitioner filed Service Appeal No.1226/2010 in this august Tribunal against the order dated 30.10.2009 whereby the petitioner has been removed from service and against the final rejection order dated 26.01.2010, whereby the departmental appeal of petitioner has been rejected.
2. That the said appeal was decided on 06.02.2017 by the Honourable Tribunal and the august Tribunal was kind enough to accept the appeal and order for reinstatement of petitioner into service. (Copy of Judgment is attached as Annexure-A).
3. That the respondents were totally failed in taking any action regarded the Hon'able Tribunal Judgment dated 06.02.2017.
4. That in-action and not fulfilling formal requirements by the respondent after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to pass formal appropriate order.

26.06.2020

Petitioner with counsel present. Addl: AG for respondents present. Representative of the respondents are not present. Learned counsel for the petitioner submitted an application for directing the respondents to process the pension file/case of the appellant which is placed on file. Notices of this application be issued to the respondents for reply. Adjourned. To come up for further proceedings on 16.07.2020 before S.B.


MEMBER

16.07.2020

Petitioner alongwith his counsel present. Addl: AG alongwith Mr. Shahid Anwar, ADEO for respondents present.

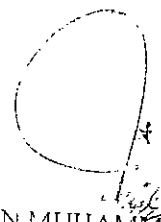
Learned counsel for the petitioner is satisfied with the execution to the extent of reinstatement in service and releasing of pay of the petitioner in true letter and spirit as per judgment of this Tribunal dated 06.02.2017.

On the other hand, learned Additional Advocate General and representative of the department apprised the court that the respondents have approached the Apex Court in CPLA and requested for early hearing at that level.

In view of the above manner, the instant execution proceedings are consigned being completed. The petitioner may apply for its restoration in case any part of relief granted to him remained unsatisfied. File be consigned to the record room.



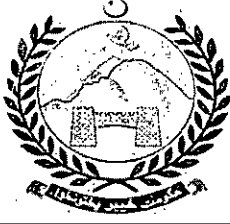
Announced:
16.07.2020



(MIAN MUHAMMAD)
MEMBER(E)

16-7-2020
800
10
10 -
13-8-2020
13-8-2020

Date



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

E- Mail: deomaledirlower@gmail.com Tell: 0945-9250081-82

OFFICE ORDER

In Compliance of verdict of August Service Tribunal Khyber Pakhtunkhwa vide order sheet dated 13.01.2022, in Execution petition No. 119/2021 Titled Khalil Ullah J/C addition in this office No.108-11 dated 04/01/2019 is made as,

The absent period of the appellant according to the Leave account form if Earned Leave found on his credit is hereby converted into Leave with pay and the remaining absent period may be treated as Leave Kind due.

1st Appointment----- 01/06/1996.
Re-instated on-----06/02/2017.
Total Leave on his credit-----368 days.
Total absent period-----4609 days.

1. W.e.f 01.04.2004 to 29.7.2004 (120 days) on full pay.
 2. W.e.f 30.07.2004 to 13.04.2005(248 days) on half pay.
 3. W.e.f 14.04.2005 to 05.02.2017(4241 days) without pay.
- Total days= (4609 days)


District Education
Officer(M) Dir lower.

726-31
NO. _____/

Dated 03 / 02/2022

Copy forwarded to:

- 1)-The Registrar KPK service Tribunal Peshawar.
- 2)-The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
- 3)-The Head Master GHS Beyarai.
- 4)-The Distt. Accounts Officer Dir Lower.
- 5)-The Appellant concerned.


03/2/2022
District Education
Officer(M) Dir lower