

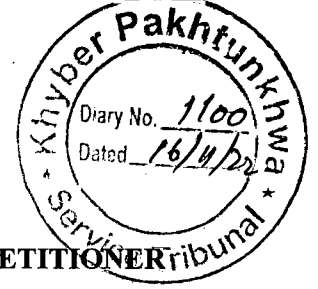
**BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR**

EP NO 208/2021

OUT OF

SA No 1087/2007

MST SHAHNAZ BEGUM .....



.....PETITIONER

**VERSUS**

**GOVT: OF KHYBER PAKHTUNKHWA & OTHERS..... RESPONDENTS**

**SUBJECT:- APPLICATION/REQUEST FOR RELEASE OF MONTHLY SALARY OF THE RESPONDENTS NO 1 ATTACHED BY THIS HON'ABLE COURT VIDE ORDER DATED , 31/10/2022 IN EP#208//2021.**

**Respectfully sheweth,**

**It is entreated with great reverence before this generous Court as under:-**

1. That this Hon'able Court instructed the Respondents to implement this Hon'able Tribunal order/judgment.
2. That the Respondent No 2 has submitted the implementation report on date fixed i.e 31/10/2022 .(Annx-A)
3. That the Respondent No 2 has implemented the Hon'able service Tribunal order and the copy along with application has filed on the date, but the Hon'able service Tribunal again attached the salary of the respondent No 1.(Annex-B)

**It is therefore, humbly prayed that on acceptance of this Application this generous court may be very graciously pleased to release the monthly salary of the Respondents.**

  
Secretary  
Elementary & Secondary  
Education Department.

**KHYBER PAKHTUNKWA**  
**SERVICE TRIBUNAL, PESHAWAR**

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

No. 3028-30/ST Dated 26/10/2022


To:

- 1 ✓ Secretary Education Government of Khyber Pakhtunkhwa, Peshawar
- 2 District Education Officer, Peshawar.
- 3 Director Schools and Literacy, Department, Peshawar

SUBJECT:- ORDER REGARDING PERSONAL APPEARANCE OF THE RESPONDENT No. 1 to 3 IN EXECUTION PETITION NO. 208/2021, TITLED Mst. SHAHNAZ BEGUM-VS-EDUCATION DEPARTMENT

I am directed to forward herewith a certified copy of order dated 13.10.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance.

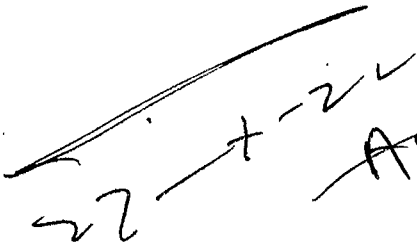
Encl. As above.

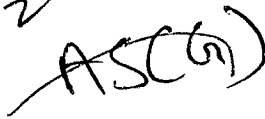
  
(WASEEM AKHTAR)  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.

SECRETARY DIARY  
No. 458  
Dated 26/10/22

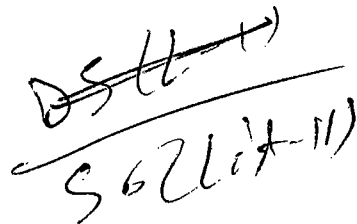






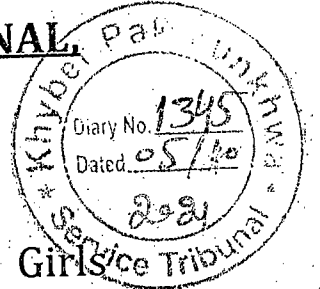






(1)

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**



Mst. Shahnaz Begum, Principal Government Girls  
High School Peshawar, Wadpaga, Peshawar.

.....Petitioner

**VERSUS**

1. The Secretary Education, Government of Khyber  
Pakhtunkhwa, Peshawar.

2. The District Education Officer, Peshawar.

3. *The Director Schools and Literacy, Department,  
Peshawar.*

.....Respondents

**APPLICATION FOR IMPLEMENTATION OF**  
**DECISION /JUDGMENT DATED 26/01/2009**  
**PASSED BY THIS HON'BLE COURT IN APPEAL**  
**NO: 1087/2007**

13<sup>th</sup> Oct. 2022

Learned counsel for the petitioner present. Mr.  
Muhammad Adcel Butt, Addl: AG for respondents present.

Implementation report has not been submitted despite last  
opportunity. Therefore, let the salaries of the judgment debtors  
are attached. The Accountant General Khyber Pakhtunkhwa is  
directed to attach salaries of respondents No. 1 to 3 till further  
orders of this Tribunal. Respondents are directed to appear in  
person alongwith the proper implementation report on the next  
date.

To come up on 31.10.2022 for further proceedings.

*Certified to be  
true copy of the  
original  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar*

(Kalim Arshad Khan)  
Chairman

Before The Service Tribunal Khyber Pakhtunkhwa.

Peshawar.

E.P No. 208/21.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1800

Dated 31/10/22

SCANNED  
KPST  
Peshawar

Title : Shehnaz Begum.

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

Respectfully Sheweth :

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

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


Respondent : Directorate of E&SE



Assistant Director

03078044344

31/10/2022.

Allowed.  
  
31/10/22



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

**NOTIFICATION.**

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

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

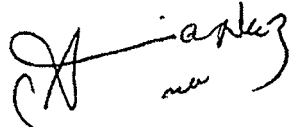
**DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.**

Endst: No: 4935-40

Dated Peshawar the: 31/10/2022

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

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

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

31/10/2022

E.P. No. 208/2021  
Shahnoor Begum

31<sup>st</sup> Oct, 2022

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



On previous date salaries of the respondents were attached but again they did not bother to submit implementation report nor did any of them put appearance. The order of attachment of salaries shall continue and show cause notice be issued to the respondents as to why they should not be proceeded under the relevant law for not complying the court order. To come up for implementation report on 22.11.2022 before S.B.

9

(Kalim Arshad Khan)  
Chairman

Original  
True copy  
[Signature]  
Chairman  
National Commission for Human Rights  
Islamabad

Copy of Documentation of application ..... 01/11/22  
8/20  
10/-  
10/-  
15/11/22  
15/11/22

