

26th Oct, 2022

Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Behramand, Assistant Director for respondents present .

On the previous date respondents stated at bar that the implementation under execution is in process and compliance report will be submitted on the next date but today implementation report has not been submitted. This Tribunal has no other alternative but to take action against respondents. The Accountant General Khyber Pakhtunkhwa and District Accounts Officer, Hairpur are directed to attach salary of the respondents No. 1 to 3 till further orders by this Tribunal. Respondents are directed to appear in person alongwith the implementation report on 26.12.2022 before S.B.

**SCANNED
KPST
Peshawar,**




(Kalim Arshad Khan)
Chairman

14.06.2022

Appellant present in person. DEO (Male) Abbottabad present. Mr. Muhammad Adeel Butt, Additional AG for respondents present.

Despite the fact that Director Elementary & Secondary Education was summoned to be present in person, he sent Haseen Ullah, Assistant to attend the hearing.

Representative of the department submitted an application seeking time as they have initiated the case and have forwarded working paper for promotion of the Petitioner to the Director E&SE Peshawar. Last opportunity is granted. To come up for implementation report on 18.08.2022 before S.B at Camp Court Abbottabad.


(Fareeha Paul)
Member (E)
Camp Court A/Abad

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 6608 /2021

Abdul Hameed S/O Muhammad Khan PSHT GPS Gheba Haripur R/O Village Gheba, Tehsil and District Haripur.....

(Appellant)

Versus


Govt: of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar & Others.....

(Respondents)

APPLICATION FOR THE SUBMISSION OF IMPLEMENTATION REPORT

1. That the above titled case is pending before the Honorable Service Tribunal.
2. That the case is related to the promotion of the petitioner/appellant from PSHT BPS-15 to SST BPS -16 which is the competency of Worthy Director E&SE Khyber Pakhtunkhwa Peshawar.
3. That the applicant/respondent has prepared the working papers for the promotion of the appellant and sent to Worthy Director E&SE Khyber Pakhtunkhwa Peshawar through registered post on 10-06-2022 **(Copy of working papers and registry receipt are attached as A & B)**
4. That the applicant/respondent has implemented the judgment of the Honorable Service Tribunal to the extent of his power.

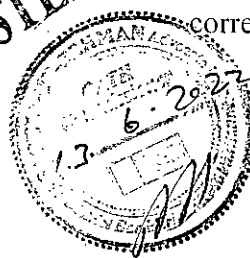
Therefore it is requested to accept the implementation of the applicant/respondent and the petition of the petitioner/appellant may very kindly be decided accordingly please.



District Education Officer (M)
Haripur.

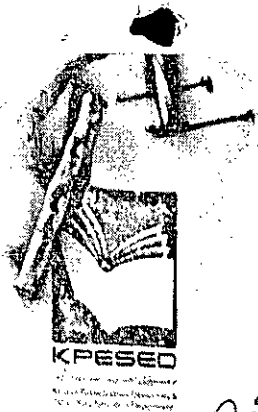
Affidavit:

Solemnly affirmed and declared that the contents of the application are true and correct to the best of my knowledge.

ATTESTED




Applicant/Defendant
District Education Officer (M)
Haripur



**OFFICE OF THE DISTRICT EDUCATION OFFICER (M)
HARIPUR**

Ph.No.0995-920150,920151
Email:deomalehrp@gmail.com



No-

282-85
/SA 6608/2021 Abdul Hameed

Dated: 10 / 06 / 2022

To,

Director
E&SE Khyber Pakhtunkhwa
Peshawar.

Subject:


**IMPLEMENTATION OF JUDGMENT PASSED BY HONORABLE
SERVICE TRIBUNAL IN EXECUTION PETITION NO. 32/2022 IN SA
6608/2021 TITLED ABDUL HAMEED VS GOVT: OF KHYBER
PAKHTUNKHWA.**

Memo;

With reference to the Execution Petition No. 32/2022 in Service Appeal No. 6608/2021 and Khyber Pakhtunkhwa Service Tribunal letter No. 933-34 dated 25-04-2022 received on 01-06-2022.

It is stated that working papers for the case of promotion from PSHT (BPS-15) to SST (G) (BPS-16) in r/o Abdul Hameed PSHT GPS Gheba are hereby prepared and being sent to your good office which are attached herewith for further necessary action/implementation please.


Encls: i. Working Papers. (01 page)
ii. Seniority List. (13 pages)


District Education Officer (M)
Haripur

Even No. & date:

Copy forwarded to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. SDEO (M) Haripur.
3. Abdul Hameed PSHT GPS Gheba Haripur.
4. Office Record.


District Education Officer (M)
Haripur

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) HARIPUR

Promotion of PSHT Male to the post of SST (G) (BPS-16) on Regular Basis

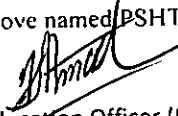
The case of Promotion of PSHT Male to SST -G (BPS-16) was considered in light of direction conveyed Judgment passed on by KPK Service Tribunal Peshawar Petition No.32/2022 Appeal No.6608/2021

Total No. of Vacant post of SST (G)								23
25% Initial Recruitment Quota								06
75% Promotion Quota								03
20% PSHT Promotion Quota to SST (G)								1
Already Promoted PSHT to SST (G)								0
Proposed for Promotion to SST (G)								1
Sl. No.	Sr. No.	Name of Official	Name of School	Date of Birth	Date of Apptt	Date of Apptt as Regular PST	Academic & Professional Qualification	Remarks
1	167	Abdul Hameed	GPS Gheba	12/Mar/67	16/Feb/88	29/May/94	M.A (PTC) B.Ed	He is junior in seniority, however in the light of judgment of Service Tribunal in SA No. 6608/2021 passed on 20-04-2022 he is included in promotion zone.

Certificate:

1. All the PHST (Male) have been included in the pannel for promotion to SST (G) post.
2. All the PSHT (Male) hold the post on regular basis and none of them is on Adhoc/acting charge/contract basis.
3. All the PSHT (Male) have completed the required minimum length of qualifying service and qualification as required for promotion to SST(G) under the rules.
4. None of them is on deputation to any organization under the Federal/Provincial/Autonomous/International Organization.
5. Neither any disciplinary/ departmental proceeding/anti -corruption/judical inquiry is pending against them, nor has been penalty been imposed upon any one of them during the last 05 years.
6. None of them is on long leave /Ex-Pakistan Leave.
7. Their ACRs synopsis is free of adverse remarks.
8. They are aloive & serving.
9. Their appointment order against PSHT post is attached herewith.
10. The Seniority list of PSHT officials is final, undisputed and not subjudious.
11. The Departmental Promotion committee is requetsed to determine the suitability of the above named PSHT for Promotion with immediate effect.

Superintendent
O/O DEO (M) Haripur


District Education Officer (M)
Haripur


Chairman _____
Member _____
Member _____
Member _____


02.02.2022

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG Haseenullah, Asstt. and Saleh Mushtaq, ADEO for the respondents present.

The representative of the respondent No. 2 has brought and produced the copy of summary moved for implementation of the judgment. Recommendation has been made for conditional implementation of the judgment vide para-5 of the said summary and the same has been submitted for approval competent authority i.e. the respondent No. 2. The copy of summary is placed on file. To come up for progress report on 21.02.2022 before S.B.

21.02.2022

Due to retirement of the Worthy  Chairman, the Tribunal is defunct, therefore, case is adjourned to 20.04.2022 for the same as before.


Reader.

20th April, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG requests for further time to implement the judgment and submit implementation report. Last opportunity is granted. Respondents No. 2 and 3 be summoned to attend the Tribunal personally alongwith implementation report on 14.06.2022 before S.B at Camp Court, Abbottabad.


Chairman

EP 32/2022

31.01.2022

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Saleh Mushtaq, ADEO and Basirullah, Librarian, for the respondents present.

Learned AAG seeks further time to implement the judgment conditionally. Learned AAG is required to take the respondents on board to implement the judgment dated 09.11.2021 in the light of order dated 13.01.2022 and submit compliance report positively on 01.02.2022 before S.B.


Chairman

01.02.2022

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Saleh Mushtaq, ADEO and Tahseenullah, Asstt. for the respondents present.

Learned AAG seeks further time. Learned AAG is required to take the respondents on board to implement the judgment at credit of the petitioner in the light of order dated 13.01.2022 and submit compliance report positively on 02.02.2022 before S.B.


Chairman

26.01.2022

Counsel for the petitioner present and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Saleh Mushtaq, ADEO and Basirullah, Librarian for the respondents present.

The copy of letter dated 20.01.2022 alongwith order dated 13.01.2022 has been handed over to Mr. Basirullah, Librarian in attendance on behalf of respondent No. 2 with the direction to submit the same in the relevant section of the office for further necessary action in view of the order dated 13.01.2022. To come up for implementation report on 31.01.2022 before S.B.


CHAIRMAN

26.01.2022

The copy of letter dated 20.01.2022 alongwith order dated 13.01.2022 has been handed over to Mr. Basirullah, Librarian in attendance on behalf of respondent No. 2 with the direction to submit the same in the relevant section of the office for further necessary action in view of the order dated 13.01.2022. To come up for implementation report on 31.01.2022 before S.B.

CHAIRMAN

20.01.2022

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG seeks short adjournment to contact the respondents and submit implementation report as per directions given on 3.01.2022. Request accorded. Case to come up for implementation report on 21.01.2022 before S.B.


Chairman

21.01.2022

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG Mr. Muhammad Saleh Mushtaq, ADEO for the respondents present.

Learned AAG again seeks short adjournment in order to contact the concerned respondents to implement the judgment in light of directions given on 03.01.2022 and submit compliance report on next date. Request accorded. Case to come up for implementation report on 26.01.2022 before S.B.


Chairman

13.01.2022

Learned counsel for the petitioner present.

The petitioner through this Execution Petition has brought the judgment of this Tribunal for execution which was passed in his favor on 09.11.2021, in service appeal No. 6608/2021. The findings in the judgment were followed by the operative part as copied below:-

"In view of the above discussion, the instant appeal is accepted. Consequently, the respondents are directed to actualize the recommendation of appellant's promotion from the post of PSHT to SST with effect from 11.11.2019 with all back benefits."

The petitioner has submitted that the judgment is still in field and has not been suspended or set aside by the august Supreme Court of Pakistan. Therefore, the respondents are legally bound to pass formal reinstatement order and he prayed for implementation of the judgment at his credit in letter and spirit.

Needles to say that the respondents are at liberty to challenge the judgment at credit of the petitioner before the august Supreme Court of Pakistan, if so advised; however, filing of the petition against the judgment before august Supreme Court of Pakistan does not absolve the respondents from their obligation from implementation of the judgment of this Tribunal in letter and spirit unless the same is suspended by a specific order of the august Supreme Court of Pakistan. If the respondents are not in possession of any such order, they are supposed to implement the judgment at credit of the petitioner but with liberty to get an affidavit from him for return/restoration of the benefits, if the judgment of this Tribunal at his credit is set aside by the august Supreme Court of Pakistan. Copy of Execution Petition alongwith copy of this order be sent to Respondent No. 3 for implementation report on or before the date fixed. Notice of Execution Petition be given to other respondents.

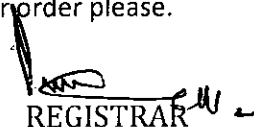

To come up for implementation report on 20.01.2022 before S.B.


CHAIRMAN

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 32/2022

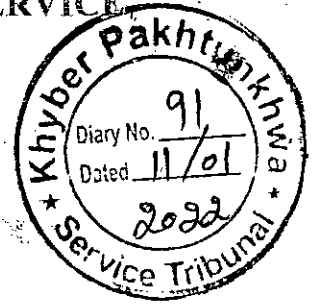
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.01.2022	<p>The execution petition of Mr. Abdul Hameed submitted today by Syed Noman Ali Bukhari Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench at Peshawar on <u>13.01.2022</u>.</p> <p> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

SCANNED
KPST
Peshawar

Execution Petition No. 32 /2022

In Service Appeal 6608/2021



Abdul Hameed S/o Muhammad Khan PHST, GPS Gheba
Haripur R/o Village Gheba Tehsil and District Haripur.
(APPELLANT)

VERSUS

- (1) Government of Khyber Pakhtunkhwa through Secretary E&SE
KPK Peshawar.
- (2) Director E&SE KPK Peshawar.
- (3) District Education Officer (Male) Haripur.
- (4) Departmental Promotion Committee through its Chairman
Director E&SE.

(RESPONDENTS)

EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED 09.11.2021 OF THIS
HONORABLE TRIBUNAL IN LETTER AND
SPIRIT.

Respectfully Sheweth:

1. That the appellant filed an appeal bearing No.6608/2021 against the DPC recommendation held on 11.11.2019.
2. That the said appeal was finally heard by the Honorable Tribunal on 09/11/2021 which was accepted and the respondent are directed to actualise the recommendation of appellant promotion from the post of PSHT to SST with effect from 11/11/2019 with all back benefit. (Copy of the Judgment as Annexure-A).


3. That in-action and not fulfilling formal requirements by the department after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
4. 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.
5. That the appellant has having no other remedy except to file this execution petition.

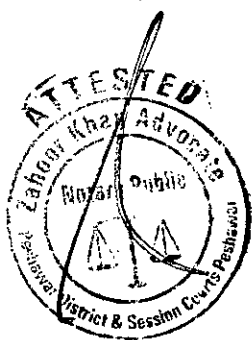
It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment dated 09.11.2021 of this august Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.


Petitioner

Abdul Hameed


Through:


Syed Noman Ali Bukhari
Advocate, High Court Peshawar



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 and nothing has been concealed from Hon'able Tribunal.


Deponent

①

③

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO: 6608 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6659

Dated 25/6/2021

Abdul Hameed S/o Muhammad Khan PHST GPS Gheba Haripur R/o
Village Gheba Tehsil & District Haripur.

Versus

- Appellant
- Khyber Pakhtunkhwa Service Tribunal Peshawar
1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary Secondary Education, KPK, Peshawar.
 - ✓ 2. Director Elementary & Secondary Education, KPK, Peshawar.
 - ✓ 3. District Education Officer (Male) Haripur.
 4. Departmental Promotion Committee through its Chairman, Directorate E&SE.

....Respondents

.....

APPEAL U/S 4 OF THE KP SERVICE TRIBUNAL ACT'S 1974, AGAINST THE IMPUGNED REVISED SENIORITY LIST DATED 31.08.2019 AND FOR THE DECLARATION TO THE EFFECT THAT THE APPELLANT IS ENTITLED FOR THE PROMOTION TO THE POST OF SST, IN THE LIGHT OF DPC MEETING AND RECOMMENDATION HELD ON 11.11.2019 AND RESPONDENTS MAY ALSO BE DIRECTED TO PREPARE SENIORITY LIST OF PSTS STRICTLY IN ACCORDANCE WITH SECTION 8 OF CIVIL SERVANT ACT,1973 AND RULE-17 OF APT RULES 1989 READ WITH THE KP-EMPLOYEES REGULARIZATION OF SERVICE ACT 2018 AS GUIDANCE ISSUED VIDE LETTER NO. 29015-70/F.NO, APPEAL DI KHAN DATED PESHAWAR THE 0.807.2020. AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN PERIOD GIVEN BY THE PESHAWAR HIGH COURT PESHAWAR.

ATTESTED

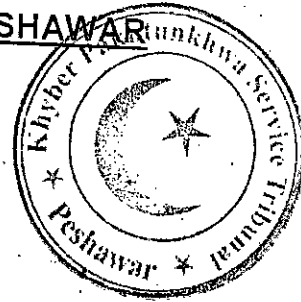
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Present-day
Registrar
25/6/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 6608/2021

Date of Institution ... 25.06.2021
Date of Decision ... 09.11.2021



Abdul Hameed S/O Muhammad Khan P.S.H.T G.P.S Gheba
Haripur R/O Village Gheba Tehsil & District Haripur.
(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education Khyber Pakhtunkhwa
Peshawar and three others.
(Respondents)

Syed Noman Ali Bukhari,
Advocate

For appellant.

Kabir Ullah Khattak,
Additional Advocate General

For respondents.

Ahmad Sultan Tareen
Rozina Rehman

Chairman
Member (J)

JUDGMENT

Rozina Rehman, Member(J): Brief facts of the case are that appellant was appointed as P.T.C against the vacant post at Masjid Primary School Kalanwan Tehsil Haripur, District Abbottabad vide order dated 15.02.1988. He got the certificate of P.T.C in 1994 and the entries regarding P.T.C certificate were properly entered and recorded in his service Book. His service was regularized vide Notification dated 30.03.2009 and two advance increments were also awarded to the appellant. He was promoted to B.P.S-15 as P.S.H.T. The S.D.E.O (Male) issued general seniority list as stood on 31.08.2019 and the appellant was placed at Serial No.237. In the light

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

⑤

of seniority list, his case for promotion from BS-15 to BS-16 was duly considered and recommended by the D.P.C held on 11.11.2019. The respondents were reluctant to issue promotion order which act made the appellant aggrieved. He, therefore, filed departmental appeal which was not responded to. He then filed writ petition and vide order dated 29.09.2020, the respondents were directed to consider the departmental appeal and to decide the same within a period of one month after giving an opportunity to the appellant but without giving opportunity, his appeal was rejected, hence, the present service appeal.

2. We have heard Noman Ali Bukhari Advocate learned counsel for appellant and Kabir Ullah Khattak, learned Additional Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Noman Ali Bukhari Advocate, learned counsel for appellant submitted that the appellant was not promoted despite the fact that the departmental Promotion Committee properly recommended appellant for promotion to the post of S.S.T which clearly shows malafide on the part of respondents. He submitted that the impugned seniority list is against the norms of service law and principles of natural justice as the Department failed to take into consideration the settled principles governing seniority/promotion and lastly, he submitted that valuable rights of the appellant were affected by the respondents by not granting him his due promotion from the date of his actual entitlement.

4. Conversely, learned A.A.G submitted that appellant was regularly appointed on 29.05.1994 and that as per Khyber Pakhtunkhwa Civil


ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Servants (Appointment, Promotion & Transfer) Rules, 1989, the seniority of civil servant would be counted from the date of regular appointment. He submitted that his service was regularized and he was rightly placed in the seniority list as per Section-4(2) of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009. Lastly, he submitted that his name was placed at Serial No.167 which was not objected to by the appellant, therefore, he is not entitled for promotion due to low position in the seniority list and that his name was dropped from promotion papers by the office of respondents because his name had been entered in the working paper of D.P.C beyond the right position in the seniority.

5. From the record it is evident that appellant is holder of higher degrees as M.A, M.Ed who was initially appointed as P.T.C on 15.02.1988. His services were regularized later on. This is not denied that SDEO (Male) office issued general seniority list of P.S.H.T (BS-15) as stood on 31.08.2019 and the appellant was placed at Serial No.237. On the strength of this seniority list, working paper for Departmental Promotion Committee for the promotion of P.S.H.T to S.S.T (Male) (BS-16) was prepared and placed before the duly constituted DPC with footnotes including that the seniority list was final. Working paper clearly shows name of the present appellant at Serial No.6 and he was recommended for promotion by D.P.C among other four persons/teachers out of six while two namely Muhammad Ikram (at Serial No.1) and Sagheer Ahmad (at Serial No.4) were not recommended. The validity of working paper bearing signatures of the DPC members though rebuttable but remained unrebutted in absence of any cogent plea on behalf of respondents. Rather they in their factual reply to para 04 of the Memo of appeal affirmed the

ATTESTED


 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

from this post to PSHT (BPS-15). The holders of PSHT post who possess the prescribed higher qualification in general and professional education are promoted to the post of SST (BPS-16) in respective category having regard to their higher qualification, on the basis of seniority list of the incumbents of PSHT post. The plea taken by the respondent department in their comments about change of seniority position of appellant on PSHT post is quite shallow when his length of service was not questioned for his promotion to the post of PSHT at the time of his promotion to the said post. The appellant having been considered for promotion as PSHT on the same length of service cannot be taken aback by curtailing his length of service for promotion to SST post for which the length of service is not the part of criteria; and he otherwise was eligible for promotion in view of his particulars given in the Working Paper taken into account for recommendation of his promotion to SST post noted acted upon by the respondents.

6. Before preference of present appeal, the appellant filed writ petition in the Hon'ble Peshawar High Court, Abbottabad Bench challenging the non-action of respondents on recommendation of DPC and being not proper forum, he was shown the way for this Tribunal. He reached in the Tribunal with his appeal on 25-06-2021 before recasting of seniority list as stood on 30-06-2021 when the matter of promotion of appellant was subjudice. So, the respondents' plea against the already recommended promotion is not workable unless they could show a tangible order of the competent authority i.e. Respondent No.3 meant to set aside the recommendation of DPC with valid reasons. We afforded the respondents with reasonable opportunity by adjournment of hearings with direction to their

ATTESTED

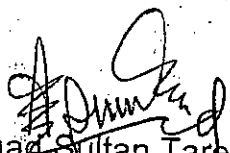
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal

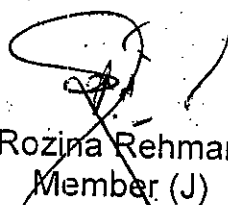
representative for production of such order, if any, to demonstrate as to why after holding of DPC followed by its recommendations, appointment of appellant/recommendee through promotion was withheld by the competent authority. Certainly, they could not be able to produce such order despite the given opportunity. In this background of the case, it has become inevitable to hold that the appellant is entitled for promotion on the basis of recommendation of DPC held on 11.11.2019 and inaction of the respondents towards implementation of such recommendation is unwarranted.

6. In view of the above discussion, the instant appeal is accepted. Consequently, the respondents are directed to actualise the recommendation of appellant's promotion from the post of PSHT to SST with effect from 11-11-2019 with all back benefits. Parties are left to bear their own cost. File be consigned to the record room.

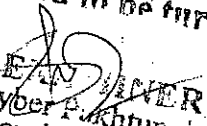
ANNOUNCED.

09.11.2021


(Ahmad Sultan Tareen)
Chairman


(Rozina Rehman)
Member (J)

Certified to be true copy


E.A. JAFFER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 23/12/21
Number of Words 2400
Copying Fee 26/-
Urgent 4/-
Total 30/-
Name of Copyist _____
Date of Completion of Copy 23/12/21
Date of Delivery of Copy 23/12/21

VAKALAT NAMA

NO. _____/20

IN THE COURT OF ISP Service Tribunal Peshawar

Abdul Hameed - _____ (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt (Respondent)
(Defendant)

I/We, Abdul Hameed

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI 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 11-2 /2022

[Signature]
(CLIENT)

ACCEPTED

[Signature]
SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)

HARIPUR

Ph. No. 0995-920150, 920151
Email: deomalehrp@gmail.com



No. 8671 /SA 6608/2021/A.Hameed

Dated 20 / 01/2022

To,

Director
E&SE Khyber Pakhtunkhwa
Peshawar.

Subject:- OBTAINING OF INJUNCTION FROM AUGUST SUPREME COURT OR
IMPLEMENTATION OF THE JUDGMENT

Memo:

It is submitted that:-

1. The Service Appeal No. 6608/2021 titled Abdul Hameed VS Govt of KPK etc has been decided against the department vide judgment dated 09-11-2021. (Copies of appeal and judgment are attached as annexure A&B)
2. The working papers for CPLA had been prepared and sent to your good office to filing to appeal in August Supreme Court against the above mentioned judgment. (Copy of working papers is attached as annexure C)
3. The appellant has filed execution petition before Khyber Pakhtunkhwa Service Tribunal Peshawar in which the date is fixed for 20-01-2022 and provided Court Affidavit for promotion. (Copy of Execution Petition and Original Court affidavit is attached as annexure D&E)
4. The injunction on execution petition may be obtained or the judgment may very kindly be implemented.

Therefore it is requested to approach the law department for obtaining of stay order or the judgment may be implemented as your good self deems fit please.

Encls: 17 pages


District Education Officer (M)
Haripur

Even No. & date:

Copy forwarded for information to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Office Copy.



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)

HARIPUR

Ph. No. 0995-920150, 920151
Email: deomalehrp@gmail.com



No. 8671 /SA 6608/2021/A.Hameed

Dated 20 / 01/2022

To,

Director
E&SE Khyber Pakhtunkhwa
Peshawar.

Subject:- OBTAINING OF INJUNCTION FROM AUGUST SUPREME COURT OR IMPLEMENTATION OF THE JUDGMENT

Memo:

It is submitted that:-

1. The Service Appeal No. 6608/2021 titled Abdul Hameed VS Govt of KPK etc has been decided against the department vide judgment dated 09-11-2021. (Copies of appeal and judgment are attached as annexure A&B)
2. The working papers for CPLA had been prepared and sent to your good office to filing to appeal in August Supreme Court against the above mentioned judgment. (Copy of working papers is attached as annexure C)
3. The appellant has filed execution petition before Khyber Pakhtunkhwa Service Tribunal Peshawar in which the date is fixed for 20-01-2022 and provided Court Affidavit for promotion. (Copy of Execution Petition and Original Court affidavit is attached as annexure D&E)
4. The injunction on execution petition may be obtained or the judgment may very kindly be implemented.

Therefore it is requested to approach the law department for obtaining of stay order or the judgment may be implemented as your good self deems fit please.

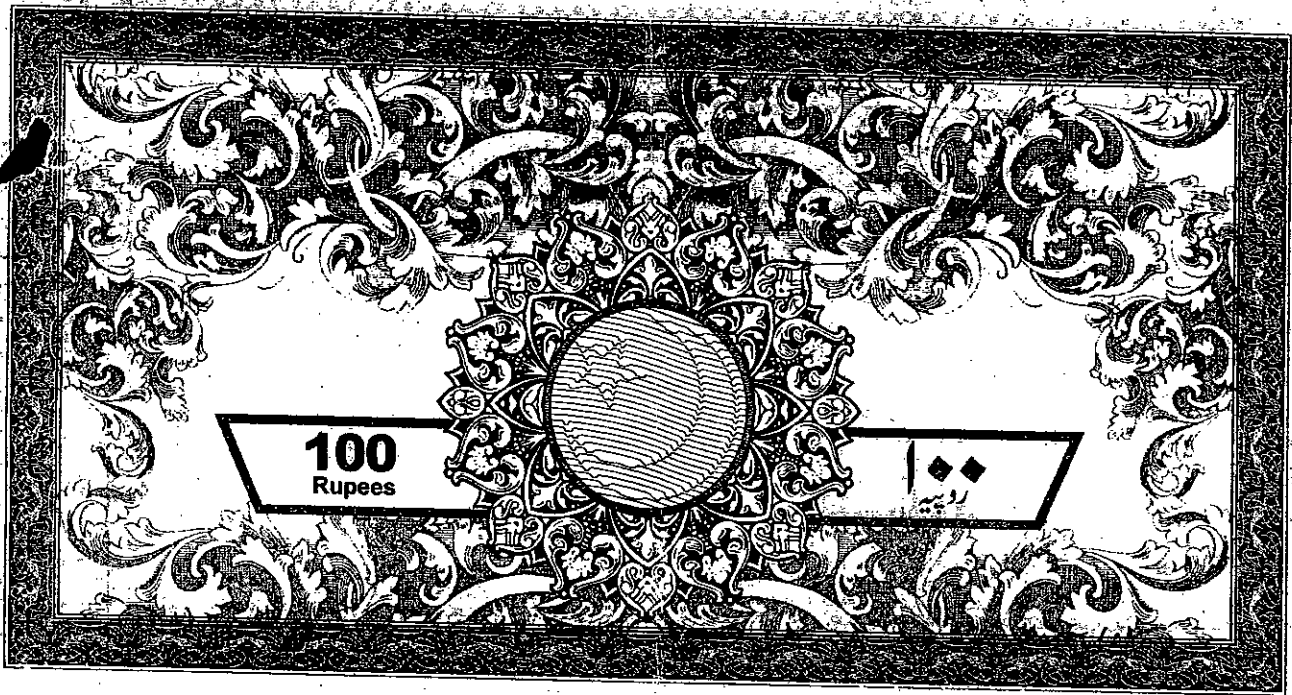
Encls: 17 pages


District Education Officer (M)
* Haripur

Even No. & date:

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1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Office Copy.



بیانِ صلہ

فقہ عبد الحمید ولد عمر خان تہ قصیدہ الہ سرائے صلح لڑا اور صلحوں

میں جہازوں میں مندرجہ ذیل پرانے مال کی تصدیق لیا۔
میل 15 میں تصدیق ہوں جو کہ محکمہ ایکسپویشن کی طرف سے سکیل 15 سے
سکیل 16 میں پروٹ سرورس لڑی ہوئی پشاور پروٹ لیا گیا تھا
جوہ 50 ملے لڑا اور مندرجہ ذیل صلح سپریم کورٹ آف پاکستان سے
سکیل پروٹیشن کی طرف جانا چاہتا ہے۔ یہ آرڈر مندرجہ ذیل صلح
سپریم کورٹ کی طرف سے فقہ آغا کو میں سے حکیم صلح واپس

رہتا گیا پانڈو بازار ہوسٹل

وسیم اختر ڈائریکٹر جنرل ایس جی پی

ڈسٹرکٹ ٹریسورر

بریل نمبر 94
18-01-2022
موسم سکس والی 16
عبد الحمید ولد عمر خان
ہول کراچی

بیانِ صلح کے ذریعے

17302.0527028.9 (01 18 اگست)
22

عبد الحمید
بند

18.01.2022
سکس

18-1-2022
No-151

Subject: CONDITIONAL IMPLEMENTATION OF JUDGMENT DATED 09-11-2021 PASSED BY HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

HISTORY OF THE CASE

Abdul Hameed PSHT G.P.S Gheba Haripur has filed Service Appeal No.6608/2021 under case titled Abdul Hameed PSHT Vs Govt; of Khyber Pakhtunkhwa before the Khyber Pakhtunkhwa Service Tribunal Peshawar, seeking for promotion PSHT to the post of SST BPS-16 with effect from 11-11-2019 with all back benefits.

2. The appeal of the appellant was allowed vide Judgment dated 09-11-2021, whereby the Respondent Department was directed vide operative part of the judgment which is re-produced as under:-

“Certainly, they could not be able to produce such order despite the given opportunity. In this background of the case. It has become inevitable to hold that the appellant is entitled for promotion on the basis of recommendation of DPC held on 11-11-2019 and inaction of the respondent toward implementation of such recommendation is unwarranted. In view of the above discussion, the instant appeal is accepted. Consequently, the respondent are directed to actualize the recommendation of appellant’s promotion from the post of PSHT to SST with effect from 11-11-2019 with all back benefit.”

3. The appellant then filed in Execution Petition No.32/2022 before the Service Tribunal for the implementation of the Judgment dated 09-11-2021, wherein, an order dated 13-01-2022 has been passed by the Tribunal for strict compliance & submission of implementation report before the Honorable Court with direction to the Respondent Department as under:

“In view of the above discussion, the instant appeal is accepted. Consequently, the respondent are directed to actualize the recommendation of appellant’s promotion from the post of PSHT to SST with effect from 11-11-2019 with all back benefit.”

4. In continuation of the Order dated 20-01-2022, a subsequent Order dated 21-01-2021 has been passed by the Honorable Court, whereby the Respondent Department has been once again directed for compliance of court orders with regard to the implementation of the said Judgment, failing which may result in the shape of adverse action against the Worthy Director & Secretary E&SE Khyber Pakhtunkhwa Peshawar.

5. *Therefore, it is suggested that the case in hand may be referred to the Deputy Director (Estab-I/M) local Directorate for the implementation of the Courts order dated 03-01-2022 (which have been reproduced in Para-3/N) conditionally till the outcome of pending CPLA before the august Supreme Court of Pakistan, so that to avoid consequences of non-compliance in the shape adverse action against the Respondents i.e. Worthy Secretary & Director E&SE Khyber Pakhtunkhwa Peshawar if agreed Sir.*

A
1-2-22
AD (LIT-II)

Deputy Director (Legal):

Para-05/01 may please
be approved Sir;

J
01/02/22

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Fo
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W. Director o
o



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 933-34 1ST

Dated: 25-4- /2022

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

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


To

1. The Director E&SE,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. District Education Officer Male,
Government of Khyber Pakhtunkhwa,
Haripur.

Subject: ORDER IN EXECTION PETITION NO. 32/2022 MR. ABDUL HAMEED.

I am directed to forward herewith a certified copy of order dated 20.04.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above


REGISTRAR,
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR