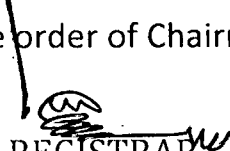


Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Execution Petition No. 692/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.11.2022	<p>The execution petition of Mst. Zahida Mehboob submitted today by Mr. Inayat Ullah Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

AA 9

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

Execution Petition No. 692 /2022  
In Service Appeal No. 3235/2021

Mst. Zahida Mehboob.....**PETITIONER**

**V E R S U S**

Govt. of KP and others.....**RESPONDENTS**

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Implementation Petition	*	1-6
2.	Affidavit	*	7
3.	Copy of order dated 05/10/2022	A	8
4.	Copies of applications dated 17/10/2022 and 03/11/2022	B & C	9-10
5.	Copy of the undertaking dated 17/10/2022	D	11
6.	Wakalatnama	*	12

*Zahida Mehboob*  
Petitioner/Appellant

Through

*Inayatullah Khan*  
Advocate Supreme  
Court of Pakistan  
LL.M (UK)  
Cell# 0333-9227736

Date: 22/11/2022

①

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

Execution Petition No. 692 /2022

In Service Appeal No. 3235/2021

Mst. Zahida Mehboob D/o Mehboob Ali Shah R/o Ghour  
Amir Killa Village Surrani Tehsil and District Bannu,  
Presently serving as TT in GGMS at Bannu

.....**PETITIONER**

**V E R S U S**

1. The Government of Khyber Pakhtunkhwa through  
Chief Secretary, Peshawar.
2. The Secretary (E&SE) Department Khyber  
Pakhtunkhwa, Peshawar.
3. The Secretary Finance, Khyber Pakhtunkhwa,  
Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa,  
Peshawar.
5. The Director (E&SE) Department, Khyber  
Pakhtunkhwa, Peshawar.
6. The District Education Officer, (Female) District  
Bannu.....**RESPONDENTS**

**EXECUTION**            **PETITION**            **FOR**  
**IMPLEMENTATION OF ORDER DATED**  
**05/10/2022**        **PASSED**        **BY**        **THIS**

2

**HON'BLE SERVICE TRIBUNAL IN**  
**APPEAL NO. 3235/2021 TITLED AS**  
**"MST. ZAHIDA MEHBOOB VS GOVT.**  
**OF KPK AND OTHER"**

---

**Respectfully Sheweth:**

Brief facts giving rise to this petition are as under:

1. That the petitioner/appellant filed a service appeal No. 3235/2021 which was disposed off vide order dated 05/10/2022 by this Hon'ble Tribunal in the following terms:

**"After hearing learned counsel for the appellant and learned Additional Advocate General at some length, when the learned Additional AG was referred to the grounds of the reply, wherein stoppage of monthly pay was admitted but there is no clear order found placed on file as to what was the reason of stoppage of salary and when that was stopped and by whom, the learned Additional Advocate General did not controvert the situation. In the circumstances, we deem it appropriate to direct the respondents to decide the application of the appellant dated 14.11.2020 treating contents of this appeal as**

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part of application of the appellant and to pass a speaking and well reasoned order after providing fair opportunity of hearing to the appellant, within a period of sixty days from the receipt of this order under intimation to the Tribunal through its Registrar. The date of receipt of judgment/order be also communicated to the Registrar. Learned counsel for the appellant, however, submitted that the current salaries of the appellant may be ordered to be released. It is, in this respect directed that the current salaries of the appellant be released on her furnishing an undertaking that in case it is found that she had been paid over and above her entitlement, she would return the same. The appeal is disposed of in the above terms".

**(Copy of order dated 05/10/2022 is attached as Annexure-A)**

2. That the petitioner/appellant filed an application dated 17/10/2022 followed by another application dated 03/11/2022 for implementation of the order dated 05/10/2022 passed by this Hon'ble Tribunal with contention to release her current salary, however her salary has not been released so far despite clear cut directions given by this Hon'ble Tribunal.

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**(Copies of applications dated 17/10/2022 and 03/11/2022 are attached as Annexure-B & C)**

3. That the appellant /petitioner also wanted to file her undertaking that in case it is found that she had been paid over and above her entitlement, she would return the same in the light of observations recorded by this Hon'ble Tribunal but no such undertaking was entertained by the official respondents.

**(Copy of the undertaking dated 17/10/2022 is attached as Annexure-D)**

4. That the petitioner/appellant feeling aggrieved and dissatisfied with the inaction of the department, the petitioner/appellant having no other alternate remedy, hence constrained to approach this Hon'ble Tribunal for execution of order dated 05/10/2022 in its letter and spirit for release of her current salaries on the following amongst other grounds:

**GROUND S:**

- A. That non-compliance of the aforesaid order dated 05/10/2022 passed by this Honourable Tribunal in Service Appeal No. 3235/2021 wherein clear directions were given to the respondents to release her current salaries, however despite communicating the order to the official

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respondents and filing applications for its implementation, no action towards release of her current salaries has been taken so far by the officials respondents which amounts to Contempt of Court and wilful disobedience of order dated 05/10/2022 passed by this Hon'ble Tribunal.

- B. That the respondents are bound to give effect to the order dated 05/10/2022 in its letter and spirit and no excuse can be forwarded in its implementation.
- C. That the Hon'ble Tribunal further directed the official respondents to provide a fair opportunity of hearing to the petitioner/appellant and thereafter pass speaking and well reasoned order, however the official respondents failed to provide an opportunity in accordance with law to substantiate her case and to provide her an opportunity of providing her defence in a regular inquiry, therefore, the concept of due process of law as embodied in Article 10-A of the Constitution of Pakistan was violated. Apart from this the mandatory provisions of E & D Rules 2011 have been grossly violated therefore, again the official respondents failed to implement the directions given by this Hon'ble Tribunal vide order dated 05/10/2022.

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- D. That legally speaking, the official respondents cannot deny the implementation of the order dated 05/10/2022.
- E. That additional grounds will be raised at the time of arguments with kind permission of this Hon'ble Tribunal.

**Keeping in view, what has been stated above, it is, therefore, most humbly prayed to allow this application with strict directions to the official respondents to implement the order dated 05/10/2022 in its letter and spirit with further direction to release her salaries within a week time, failing which Contempt of Court proceedings may kindly be initiated against the official respondents.**

**Any other relief to whom the petitioner/  
appellant found entitle may also be granted.**

*Zahida Mehboub*

Petitioner/Appellant

Through

*Inayatullah Khan*

**Inayatullah Khan**  
Advocate, Supreme  
Court of Pakistan  
LL.M (UK)

Date: 22/11/2022



7

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

Execution Petition No. \_\_\_\_\_/2022

In Service Appeal No. 3235/2021

Mst. Zahida Mehboob.....**PETITIONER**

**V E R S U S**

Govt. of KP and others.....**RESPONDENTS**

**AFFIDAVIT**

I, **Mst. Zahida Mehboob D/o Mehboob Ali Shah R/o Ghour Amir Killa Village Surrani Tehsil and District Bannu, Presently serving as TT in GGMS at Bannu**, do hereby solemnly affirm and declare on oath that the contents of this accompanying **Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*Zahida Mehboob*

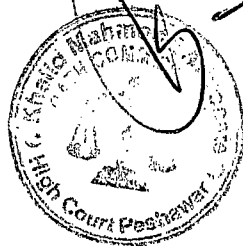
Identified by

**DEPONENT**

CNIC: 11101-1396977-0



**Inayatullah Khan**  
Advocate, Supreme Court  
of Pakistan  
LL.M (UK)

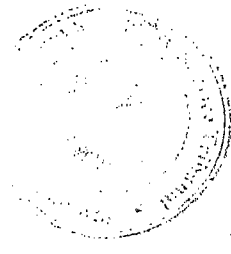


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A

Appeal No. 3235/2021  
Titled "Mst. Zahia Mehboob-vs-Govt: of Khyber Pakhtunkwha and other"

**ORDER:**  
05<sup>th</sup> Oct, 2022



1. Appellant alongwith her counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

2. After hearing learned counsel for the appellant and learned Additional Advocate General at some length, when the learned Addl: AG was referred to the grounds of the reply, wherein stoppage of monthly pay was admitted but there is no clear order found placed on file as to what was the reason of stoppage of salary and when that was stopped and by whom, the learned Addl: Advocate General did not controvert the situation. In the circumstances, we deem it appropriate to direct the respondents to decide the application of the appellant dated 14.11.2020 treating contents of this appeal as part of the application of the appellant and to pass a speaking and well reasoned order after providing fair opportunity of hearing to the appellant, within a period of sixty days from the receipt of this order under intimation to the Tribunal through its Registrar. The date of receipt of judgment/order be also communicated to the Registrar. Learned counsel for the appellant, however, submitted that the current salaries of the appellant may be ordered to be released. It is, in this respect directed that the current salaries of the appellant be released on her furnishing an undertaking that in case it is found that she had been paid over and above her entitlement, she would return the same. The appeal is disposed of in the above terms. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 5<sup>th</sup> day of October, 2022.



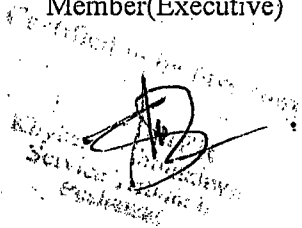
*[Signature]*

(Kalim Arshad Khan)  
Chairman.

*[Signature]*

(Jareha Paul)  
Member(Executive)

800  
05/10/22  
10/-  
10/-  
13-10-22  
13-10-22



(9)

محفوظ جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحبہ زینا بیگم بتوں  
جناب عالیہ

نہایت ادب سے تندریش چیکہ سرورس ٹریبونلز سچا اور کورٹ  
میں اپیل نمبر 3235 2022 کیا تھا جس میں میں نے  
زادہہ محبوب ٹی ٹی GMS حاجی محمد زمان لوزی سولائی  
کے تنخواہ جاری کرنے کی استدعا کی تھی جو مسترد شدت کے  
منفی حکم کے زادہہ محبوب ٹی ٹی کی تنخواہ جاری کرنے کا حکم  
جاری کیا ہے۔ فیصلہ عدالت ہمراہ درخواست لفظ  
یادیں جو یہ آپ صاحبہ کے حضور درخواست گزاروں کے عدالت کے  
حکم پر عمل درآمد کے زادہہ محبوب ٹی ٹی کی تنخواہ جاری کرنے  
کا حکم صادر فرما کر تازہ کاری دیا گیا ہے۔

عین توجہ سے

انصار علی  
سہ ماہ فورگان سسر آف ٹریبونلز  
حاجی محمد زمان لوزی بتوں -

شمارہ

17/4/2022

## بحضور جنابہ ڈسٹرکٹ ایجوکیشن آفیسر صاحبہ (زنانہ) ضلع بنوں

جناب عالیہ!

نہایت ادب سے گزارش ہے کہ میں زاہدہ محبوب ٹی ٹی استانی آپ کے زیر سایہ عرصہ تقریباً 13 سالوں سے خدمت سرانجام دے رہی ہوں۔ میری تعلیمی قابلیت عربی ایم اے، اسلامیات ایم اے، سی ٹی، بی ایڈ، ایم ایڈ، عربیک آنر ایچ نمبروں سے کئے ہیں۔ جملہ ڈگریوں، اسناد، سرٹیفکیٹس کی مصدقہ نقول Verified و Attested ہمراہ درخواست لف ہیں۔ سکولوں میں بہت محنت و تہمت ہی سے پڑھاتی رہی ہوں۔ اور آج تک پڑھا رہی ہوں اپنی ڈیوٹی میں کبھی کوتاہی نہیں کی ہے۔ تعیناتیوں کی کاپی ہمراہ درخواست لف ہیں۔

سروس ٹریبونلز نے میری تنخواہ ریلیز کرنے کے احکامات صادر کئے ہیں آرڈر کاپی بھی ہمراہ درخواست لف ہے۔ ہائی کورٹ بنوں بیج نے بھی تنخواہ ریلیز کرنے کے احکامات صادر کئے ہیں۔ میرے چھوٹے بچے ہیں جو کہ دوسری اور فرسٹ (ون) کلاس میں پڑھتے ہیں۔ تقریباً 6/8 میل سے سفر کر کے رکشہ پر سکول آتی جاتی ہوں۔ نہایت عاجزانہ گزارش ہے کہ میری تنخواہ ریلیز کی جائے۔ تاحیات دعا گور ہوں گی۔

میں نوازش ہوگی

مورخہ: 03/11/2022

### العارضہ

زاہدہ محبوب ٹی ٹی استانی 11101-1396977-0  
GGMS سکول حاجی محمد زمان للوزنی بنوں علاقہ سورانی

Zahida Mehboob

03/11/2022

بخدمت جناب ڈی ای او (زنانه) بنوں

Undertaking

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مکتہ مسماة زاہدہ محبوب (ٹی ٹی استانی، GGMS سکول حاجی محمد زمان للوزئی بنوں علاقہ سورانی) دختر محبوب  
علی شاہ ساکن گوہر عامر قلعہ گاؤں سورانی تحصیل و ضلع بنوں کی ہوں، اقرار کرتے لکھ دیتی ہوں کہ اگر مجھے  
میری حق زیادہ تنخواہ اگر غلطی سے ادا کی جاتی ہے تو میں اضافی تنخواہ بخوشی خود واپس کرنے کیلئے تیار ہوں، اور  
محکمہ کی جانب سے ایسی تنخواہ کی واپسی پر من حالفہ کو کوئی عذر و اعتراض نہ ہوگا، لہذا بابت تنخواہ میرا  
Undertaking درست و صحیح ہے۔  
المزقوم 17/10/2022

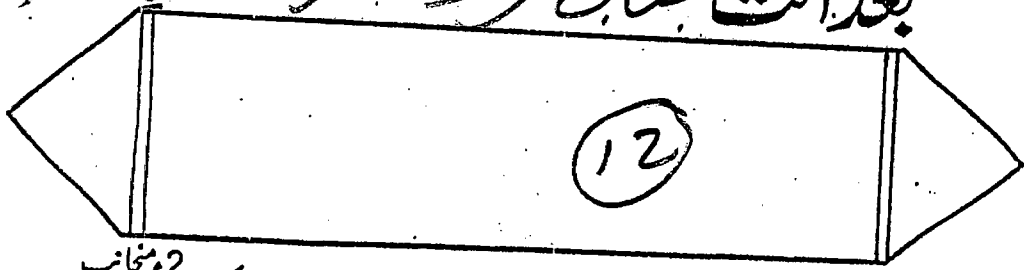
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مسماة زاہدہ محبوب

(ٹی ٹی استانی، GGMS سکول حاجی محمد زمان للوزئی بنوں علاقہ سورانی)

شناختی کارڈ نمبر 0-1396977-11101  
Zahida Mahboob

# بعدالت حساب سرکاری سبٹیکل شیڈ



2 مہینے

موزخہ	---	زائد محسوب	بنام
مقدمہ	---		
دعویٰ	---		
جرم	---		

ایڈووکیٹ

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
 Inayat Ullah Ichan کے لیے Peshawar

آن مقام LMC (UK) کیلئے ASC مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی 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 صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی  
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ  
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے دہرگا۔  
 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 لکھدیا کہ مندر ہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

\_\_\_\_\_ گواہ الع

بمقام

کے لئے منظور ہے۔

Accepted  
 accepted by  
 Inayat Ullah  
 Ichan

Melwate  
 Supreme  
 court of  
 Pakistan

LMC  
 (UK)

2022 05 07 11:11

11:11 172018257890-3- B.C 10-7560

Ashida Mehboob