

(فالتسیر)

BEFORE THE SERVICE TRIBUNAL PESHAWAR for Peshawar
Service Tribunal

Implementation No. 459/2022

Slip No. 2461

In

Dated: 22/12/2022

Service Appeal No. 3934/2020

Falak Sher, Physical Education Teacher.....Appellant

Versus

Secretary Elementary & Secondary Education Department.....Respondent

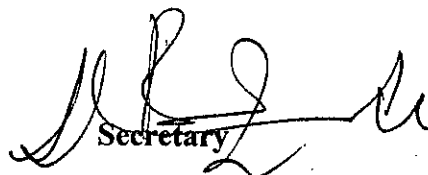
Subject: **APPLICATION/REQUEST FOR RELEASE OF MONTHLY SALARY/LIVING WAGE OF THE RESPONDENT ATTACHED BY THIS HONORABLE TRIBUNAL VIDE ORDER DATED 21-10-2022**

Respectfully Sheweth,

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

1. That the subject case was fixed for hearing on 21-10-2022 on the date the Honorable Service Tribunal has attached the salary of the Respondent with the direction to submit implementation report on the next date of hearing i.e 23-11-2022 that the representative of the respondent has already submitted implementation report alongwith application for release of monthly salary on 23-11-2022 but the implementation petition was consigned being satisfied but the salary of the applicant was not released (copies are Annex-A, B).
2. It is further submitted that the order of Service Tribunal has compiled but the salary of the Respondent is not released, which a clear needs order in this respect.

It is therefore, humbly prayed that on acceptance of this application this generous Service Tribunal may be very graciously pleased to release the salary of the applicant.


Secretary

**Elementary & Secondary Education,
Department Peshawar.**

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Implementation Petition No 459/2022
In
Service Appeal No 3934/2020



Falak Sher, Physical Education Teacher, District Mohmand, Son of
Malak Rehmat Sher R/O Peer Qilla Shabqadar District Charsadda.

.....Petitioner

V E R S U S

1. District Education Officer (Male) Mohmand Tribal District.
2. Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Secretary, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

.....Respondents

**IMPLEMENTATION PETITION UNDER SECTION 7 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
FOR THE IMPLEMENTATION OF JUDGMENT/ORDER
DATED 01-02-2022 PASSED BY THIS HONORABLE
TRIBUNAL IN THE ABOVE TITLED SERVICE APPEAL.**

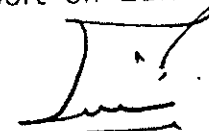
Respectfully Submitted:-

1. That the Petitioner/appellant earlier filed Service Appeal No 3934/2020, before this honorable Tribunal for his reinstatement in service, which was accepted and the appellant was ordered to be reinstated in service, however he will not claim financial benefits & Salaries of his absence period since 2005 till his reinstatement vide Order/Judgment dated 01-02-2022. **(Copy of the Order/Judgment dated 01-02-2022 is enclosed as Annexure A).**
2. That the Petitioner/appellant after obtaining attested copy of the stated Order/Judgment of this honorable Tribunal approached respondents by conveying the same through written application which was duly forwarded but even then the appellant is not treated as per the Judgment ibid of this honorable Tribunal.
3. That the respondents are not ready to implement the Order/Judgment of this honorable Tribunal in its true spirit for no legal and valid reasons, this act of the respondents is unlawful, unconstitutional and goes against the Order dated 01-02-2022 of this honorable Tribunal.

EXA
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

23.09.2022


Learned counsel for the petitioner present. Mr. Noor Badshah, Litigation Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and sought time for submission of implementation report. Adjourned. To come up for submission of implementation report on 21.10.2022 before the S.B.


(Salah-Ud-Din)
Member (J)

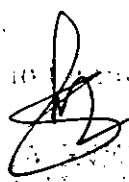
21st Oct, 2022

None for the petitioner present. Mr. Muhammad Jan, District Attorney alongwith Mr. Shiraz Ahmad, DEO (M), Mohmand for respondents present.

Mr. Shiraz Ahmad, DEO (M), Mohmand says that the implementation is not within his competence, therefore, Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa and Director, Elementary and Secondary Education, Khyber Pakhtunkhwa who are not before the court despite directions for implementation of the judgment of this Tribunal are directed to appear in person alongwith the implementation report and their salaries are also attach. The Accountant General, Khyber is directed to attach salaries of respondent No. 2 and 3 till implementation of the judgment of this Tribunal. To come up for implementation report on 23.11.2022 before S.B.


(Kalim Arshad Khan)
Chairman

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EX. A. 1000
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Service Tribunal
Peshawar



23rd Oct, 2022

1. Petitioner alongwith his counsel present. Mr. Kabirullah Khan, Addl: AG alongwith Mr. Abdul Manan, DEO (M) Mohmand and Mr. Faheem Khan, Assistant for respondents present.

02. Representative of the respondents submitted an reinstatement order bearing Endst: No. 4716-26 dated 19.11.2022, whereby in compliance of the judgment of the Tribunal, the petitioner was reinstated in service subject to the decision of CPLA which is said to be pending before the august Supreme Court of Pakistan. Since the order of the Tribunal has been complied with. This petition is filed, however, the petitioner may make another application if he considers that any part of the relief was not yet granted. Consign.

3. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 23rd day of November, 2022.

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 22/12/22
Number of Sheets 1200
Copying 14/-
Urgent 21/-
Total 18/-
Name of _____
Date of _____ 22/12/22
Date of Delivery of Copy 22/12/22

Filed to the _____ copy
Kyber Pakhtunkhwa
Service Tribunal
Peshawar