25.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.06.2020 before S.B.

Reader

17.06.2020

None for the parties present. On the last date of hearing the matter was adjourned on the strength of Reader note. The office shall, therefore, issue notices to the parties for 29.07.2020before S.B.

MEMBER 2

29.07.2020

Counsel for the petitioner and Addl. AG for the respondents present.

Former states that since the appellant has been reinstated in service he is under instructions to request for consigning the proceedings in hand.

. Consigned to the record.

Chairman

FORM OF ORDER SHEET

Court of			
Execution Petition No.	30/2020		

S.No.	¡Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	22.01.2020	The execution petition of Mst. Akhtar Noumana submitted today by Mr. Muhammad Saeed Khattak Advocate may be entered in
:		the relevant register and put up to the Court for proper order please. REGISTRAR
2-		This execution petition be put up before S. Bench on 67/02/2020.
•		CHAIRMAN
-	ang may hapronous sangage age i	The state of the s
,	07.02.2020	Counsel for the petitioner present. Addl: AG respondents present. Notice be issued to
		respondents for submission of implementation reports to come up for further proceedings on 25.03.20 before S.B.
		. Member
,		

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

E.P. No. 30 /2020

In

Service Appeal No. 521/2018

Akhtar Numana Ex. Primary School Teacher GGPS Dil Nawaz

Kot Mirali Miran Shah District North

Waziristan.....(Applicant/Appellant)

VERSUS

- 1. Director Elementary & Secondary Education, Peshawar.
- 2. District Education Officer, District North Waziristan at Miran

 Shah.....(Respondents)

APPLICATION FOR IMPLEMENTATION OF JUDGMENT DATED 30/08/2019.

Respectfully Sheweth:

1. That the applicant filed the titled Service Appeal having a prayer as under:

"On acceptance of the instant Service Appeal, the impugned order dated 13/12/2017 passed by respondent No. 2 may very graciously be set aside

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and the appellant may kindly be re-instated on the post with all back benefits"

2. That this Hon'ble Tribunal was pleased in allowing the same vide judgment dated 30/08/2019 in the following terms:

"In view of above, the impugned orders of removal from service dated 13/12/2017 in relation to the appellants are set aside and appellants are reinstated in service and their absence period and intervening period shall be treated as leave without pay"

- 3. That after getting the attested copy of above mentioned judgment, the applicant presented the same to the respondents and visited their offices time and again but every time she was turned on one pretext or the other.
- 4. That the attitude/ conduct of the respondents is likely to delay the benefit of the judgment in favour of the applicant/ appellant and reluctant to adjust her on the post.

5. That being left with no other option the applicant prefers the instant application for implementation of the mentioned judgment.

view of the above submissions it is respectfully prayed that the application in hand kindly accepted and appropriate proceedings may be initiated against respondents so that they may be brought to book, and be dealt with according to law and to rehabilitate the faith of the general public and a lot re-esteem the prestige of the judicial system. Any other relief which deems fit may also be granted.

Applicant/Appellant

Through

Dated: 22/01/2020

Muhammad Saeed Khattak Advocate High Court,

Peshawar.



Service Appeal No. 52\ /2018

Akhtar Numana Ex. Primary School Teacher GGPS Dil Nawaz Kot Mirali Miran Shah North Waziristan Agency. (Appellant)

VERSUS

Khybor Pakhtskinya Buruko Tribungi

Director Education, FATA, KPK, Peshawar.

2. Agency Education Officer, North Waziristan Agency at Miran Shah.

(Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 13 /12 /2017, PASSED BY RESPONDENT NO.2 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT TO RESPONDENT NO. 1 AGAINST THE ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 IS/WAS NOT DISPOSED WITHIN STATUTORY PERIOD.

PRAYER - IN - APPEAL

ON ACCEPTANCE OF THE INSTANT APPEAL THE IMPUGNED ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 MAY VERY GRACIOUSLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE RE-INSTATED ON THE POST WITH ALL BACK BENEFITS.

Respectfully Sheweth:

- I. That the appellant consequent upon the approval of Departmental Education Committee was appointed as PTC (Female) in BPS 07 on 21.09.2005. (Copy of the appointment order is attached as annexure A)
- 2. That the appellant thereafter took the charge of her duties and performed her duties during the service whole heartedly and to the quite satisfaction of officials concerned as well as according to the demand and nature of her duties.
- 3. That the appellant came to know about a publication published in daily "Mashriq" dated 03,12,2017 regarding an appellant's absence from the duty along with other female teachers. Further in the said publication a show cause notice has been mentioned, which is/was issued to the appellant but the appellant has received no show cause notice. (Copy of the publication is attached as annexure B)



Service Appeal No. 519..../2018

Gulshan Ara Ex. Senior Primary School Teacher GGPS Taj Ali Kot Miran Shah North Waziristan Agency.

(Appellant pyber Pakhtukhwa Service Tribuna)

VERSUS

Diary No. <u>551</u>

1. Director Education, FATA, KPK, Peshawar.

Dated 13-4-20/2

2. Agency Education Officer, North Waziristan Agency at Miran Shah.

(Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 13 /12 /2017, PASSED BY RESPONDENT NO.2 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT TO RESPONDENT NO. 1 AGAINST THE ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 IS/WAS NOT DISPOSED WITHIN STATUTORY PERIOD.

PRAYER - IN - APPEAL

ON ACCEPTANCE OF THE INSTANT APPEAL. THE IMPUGNED ORDER DATED 13.12.2017
PASSED BY RESPONDENT NO. 2 MAY VERY GRACIOUSLY BE SET ASIDE AND THE
APPELLANT MAY KINDLY BE RE-INSTATED ON THE POST WITH ALL BACK BENEFITS.

Respectfully Sheweth;

- 1. That the appellant consequent upon the approval of Departmental Education Committee was appointed as PTC (Female) in BPS 07 on 13.09.2007. (Copy of the appointment order is attached as annexure A)
- 2. That the appellant thereafter took the charge of her duties and performed her duties during the service whole heartedly and to the quite satisfaction of officials concerned as well as according to the demand and nature of her duties.
 - 3. That the appellant came to know about a publication published in daily "Mashriq" dated 03,12,2017 regarding an appellant's absence from the duty along with other female teachers. Further in the said publication a show cause notice has been mentioned, which is/was issued to the appellant but the appellant has received no show cause notice. (Copy of

the publication is attached as annexure B)



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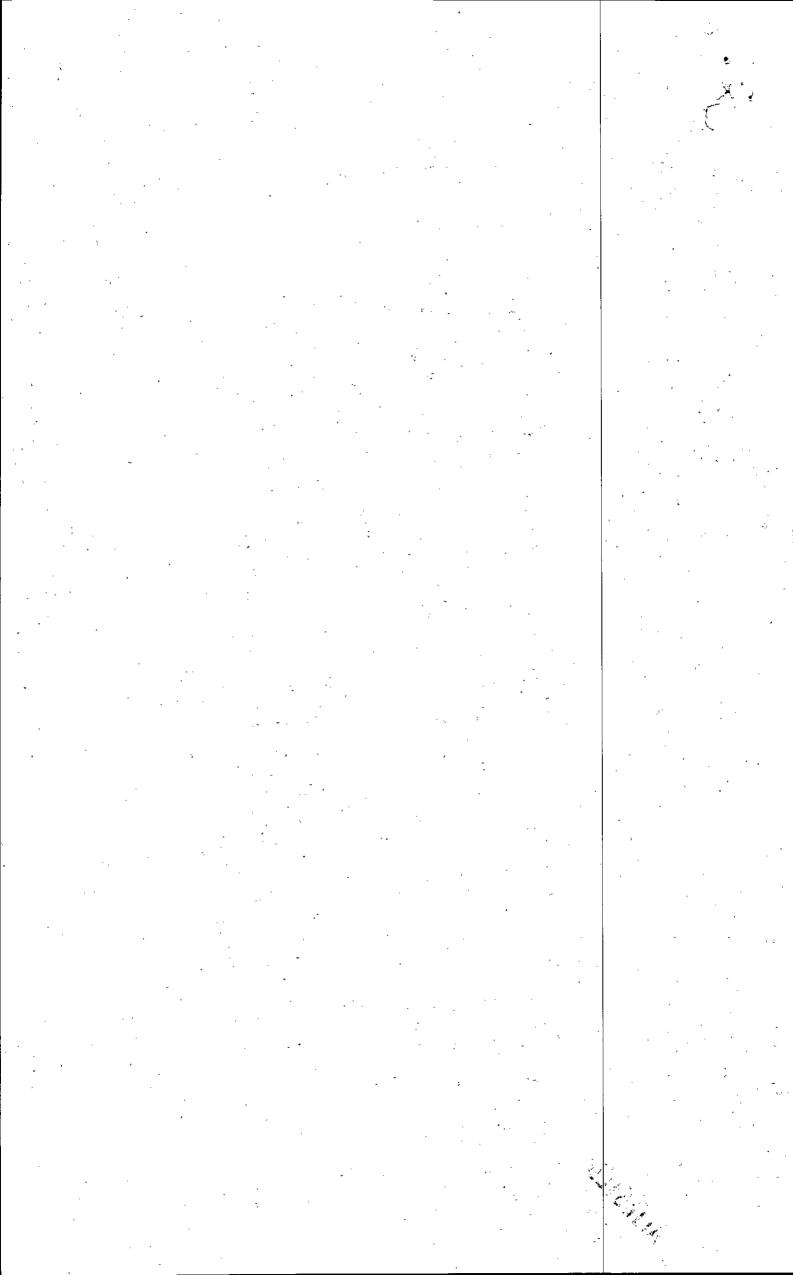
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		BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
		Service Appeal No. 519/2018
		Data of Lucia
	,	Date of Institution 13.04.2018 Date of Decision 30.08.2019
		Date of Decision 30.08.2019
	·	Gulshan Ara Ex-Senior Primary School Teacher GGPS Taj Ali Kot Miran Shah North Waziristan Agency.
		Appellant
	-	Versus
		1. Director Education FATA, Khyber Pakhtunkhwa Peshawar.
		2. Agency Education Officer, North Waziristan Agency at Miran Shah
		Respondents
	30.08.2019	Mr. Muhammad Hamid MughalMember(J) Mr. Ahmad HassanMember(E)
		JUDGMENT
		MUHAMMAD HAMID MUGHAL, MEMBER: - Learned
		counsel for appellant and Mr. Zia Ullah learned Deputy Distric
,	9	Attorney present.
70	9	2. This Single/common judgment in the above captioned service
		appeal shall also dispose of service appeal bearing No.520/2018 filed
		by Mst. Salma, service appeal bearing No.521/2018 filed by Mst.
		Akhtar Numana, service appeal bearing No.522/2018 filed by Mst.
	TED	Nusrat Kalsoom, service appeal bearing No.523/2018 filed by Mst.
A		Zainab Bibi, service appeal bearing No.524/2018 filed by Mst. Kauser
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Shabana, service appeal bearing No.525/2018 filed by Mst. Mehnaz,



service appeal bearing No.526/2018 filed by Mst. Zartaj Begum and service appeal bearing No. 527/2018 filed by Mst. Baswari Begum being identical in nature having arisen from the same facts and circumstances.

- 3. The appellant (Ex-Senior Primary School Teacher) has filed the present appeal against the order dated 13.12.2017 whereby she was awarded major penalty of removal from service on the charge of absence from duty.
- 4. Learned counsel for the appellant argued that the appellant was removed from service without observing the codal formalities. Learned counsel for the appellant also pleaded that one of similarly placed person namely Mst. Shabnam who was also removed from service vide order dated 13.12.2017 by the same authority on the ground of absence from duty, has been reinstated in service on the acceptance of her service appeal bearing No.393/2018 vide judgment dated 11.04.2019.
 - 5. As against that learned Deputy District Attorney resisted the present service appeal and the connected service appeals on the ground that schools were checked on different dates and it was proved that all the terminated teachers remained absent from duties for long time and that the habitual absenteeism remained constant. Further argued that through local media notices were given to all the habitual absent teachers, similarly absence notice was also published in the daily newspaper in relation to the absent female teachers including the appellants, however they did not report for duty.
 - 6. Arguments heard. File perused.

ATTESTEL

SEARCHER

Sorvice Pakitunkhw

Sorvice Tribunal.

8/00

- After issuance of Show Cause Notice and publication of absence notice in the daily Mashriq, many female teachers were removed from service by the Agency Education Officer North Waziristan Agency vide separate orders dated 13.12.2017.
- There is no dispute that out of those removed female teachers, 8. one of the PST Mst. Shabnam/similarly placed person, has been reinstated in service by this Tribunal vide judgment dated 11.04.2019 in Service Appeal bearing No.393/2018.
- 9. In view of above, the impugned orders of removal from service dated 13.12.2017 in relation to the appellants, are set aside and the appellants namely Mst. Gulshan Ara, Mst. Salma, Mst. Akhtar Numana, Mst.Nusrat Kalsoom, Mst. Zainab Bibi, Mst. Kauser Shabana, Mst. Mehnaz, Mst. Zartaj Begum and Mst. Baswari Begum are reinstated in service and their absence period and the intervening period shall be treated as leave without pay. All the appeals are accepted in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.

(Ahmad Hassan) Member

(Muhammad Hamid Mughal) Member

ANNOUNCED. 30.08.2019

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دعوى 7.7 باعث تحرمرآ نكه مقدمه مندرج عنوان بإلامس ابن طرف سه واسط بيروى وجواب واي وكل كاروائي متعلقه TURY JE MENT 3 - ELL - TURY OF TOUT مقرركر كا تراركيا جاتا ب- كدصا حب موصوف كومقدمه كاكل كارواكى كاكال اختيارة وكانيز وكيل صاحب كوراضى نامه كرف وتقرر فالت وفيعله برحلف دسيع جواب داى اورا تبال دعوى اور بسورت ومرى كرفي اجراءا درصولى چيك ورويديارعوضى دعوى اوردرخواست برسم كى تقديق زرای پردستخط کرانے کا افتیار موگا۔ نیز صورت عدم بیروی یا ڈگری میطرفہ یا ایل کی برا مرگ اورمنسونی نیز دا ترکرف ایل مکرانی ونظر دانی و بیروی کرنے کا اختیار موگا۔ از بصورت ضرورت مقدمہ ندکور ككل ياجزوى كاروائى كواسط اوروكيل يامخارقالونى كواسيع بمراه يااسيع بجائة تقرركا اختيار موكا اورصاحب مقررشده كوجعي واي جمله تدكوره باا ختيارات حاصل مول محاوراس كاساخة م ربرواخت منظور قبول موكا دوران مقدمه ميل جوخر چدد مرجان التواع مقدمه كمسبب سے وموكا۔ کوئی تاریخ بیشی مقام دوره بر مو یا صدید با بر موتو و کیل صاحب یا بند مول مے کہ بیروی کے 🗦 🗸 🗥 ندگور میں۔ لہدا وکالت نام کھوریا کرسندرہے۔ ا خنوری _ مح 20.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

E)P. No. <u>30</u>/2020 In Service Appeal No. 521/2018

Akhtar Numana Ex. Primary School Teacher GGPS Dil Nawaz
Kot Mirali Miran Shah District North
Waziristan.....(Applicant/Appellant)

VERSUS

- 1. Director Elementary & Secondary Education, Peshawar.
- 2. District Education Officer, District North Waziristan at Miran Shah.....(Respondents)

APPLICATION FOR IMPLEMENTATION OF JUDGMENT DATED 30/08/2019.

Respectfully Sheweth:

1. That the applicant filed the titled Service Appeal having a prayer as under:

"On acceptance of the instant Service Appeal, the impugned order dated 13/12/2017 passed by respondent No. 2 may very graciously be set aside

and the appellant may kindly be re-instated on the post with all back benefits"

2. That this Hon'ble Tribunal was pleased in allowing the same vide judgment dated 30/08/2019 in the following terms:

"In view of above, the impugned orders of removal from service dated 13/12/2017 in relation to the appellants are set aside and appellants are reinstated in service and their absence period and intervening period shall be treated as leave without pay"

- 3. That after getting the attested copy of above mentioned judgment, the applicant presented the same to the respondents and visited their offices time and again but every time she was turned on one pretext or the other.
- 4. That the attitude/ conduct of the respondents is likely to delay the benefit of the judgment in favour of the applicant/ appellant and reluctant to adjust her on the post.

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5. That being left with no other option the applicant prefers the instant application for implementation of the mentioned judgment.

In view of the above submissions it respectfully prayed that the application in hand may kindly accepted and appropriate proceedings initiated be against may respondents so that they may be brought to book, and be dealt with according to law and to rehabilitate the faith of the general public and a lot re-esteem the prestige of the judicial system. Any other relief which deems fit may also be granted.

Applicant/Appellant

Through

Dated: 22/01/2020

Muhammad Saeed Khattak Advocate High Court,

Peshawar.

BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 52\.../2018

Akhtar Numana Ex. Primary School Teacher GGPS Dil Nawaz Kot Mirali Miran
Shah North Waziristan Agency.

(Appellant)

VERSUS

1. Director Education, FATA, KPK, Peshawar.

2. Agency Education Officer, North Waziristan Agency at Miran Shah.

(Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 13 /12 /2017, PASSED BY RESPONDENT NO.2 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT TO RESPONDENT NO. 1 AGAINST THE ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 IS/WAS NOT DISPOSED WITHIN STATUTORY PERIOD.

PRAYER - IN - APPEAL

ON ACCEPTANCE OF THE INSTANT APPEAL THE IMPUGNED ORDER DATED 13.12.2017
PASSED BY RESPONDENT NO. 2 MAY VERY GRACIOUSLY BE SET ASIDE AND THE
APPELLANT MAY KINDLY BE RE-INSTATED ON THE POST WITH ALL BACK BENEFITS.

Respectfully Sheweth;

- That the appellant consequent upon the approval of Departmental Education Committee was appointed as PTC (Female) in BPS 07 on 21.09.2005. (Copy of the appointment order is attached as annexure A)
- 2. That the appellant thereafter took the charge of her duties and performed her duties during the service whole heartedly and to the quite satisfaction of officials concerned as well as according to the demand and nature of her duties.
 - 3. That the appellant came to know about a publication published in daily "Mashriq" dated 03,12,2017 regarding an appellant's absence from the duty along with other female teachers. Further in the said publication a show cause notice has been mentioned, which is/was issued to the appellant but the appellant has received no show cause notice. (Copy of the publication is attached as annexure B)

AND



Service Appeal No. 519..../2018

Gulshan Ara Ex. Senior Primary School Teacher GGPS Taj Ali Kot Miran Shah North Waziristan Agency.

(Appellant byber Pakhtukhwa Service Tribunai

VERSUS

Diary No. 551

1. Director Education, FATA, KPK, Peshawar.

Dates 13-4-20/2

2. Agency Education Officer, North Waziristan Agency at Miran Shah.

(Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 13 /12 /2017, PASSED BY RESPONDENT NO.2 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT TO RESPONDENT NO. 1 AGAINST THE ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 IS/WAS NOT DISPOSED WITHIN STATUTORY PERIOD.

PRAYER - IN - APPEAL

ON ACCEPTANCE OF THE INSTANT APPEAL THE IMPUGNED ORDER DATED 13.12.2017
PASSED BY RESPONDENT NO. 2 MAY VERY GRACIOUSLY BE SET ASIDE AND THE
APPELLANT MAY KINDLY BE RE-INSTATED ON THE POST WITH ALL BACK BENEFITS.

Respectfully Sheweth;

- 1. That the appellant consequent upon the approval of Departmental Education Committee was appointed as PTC (Female) in BPS 07 on 13.09.2007. (Copy of the appointment order is attached as annexure A)
- 2. That the appellant thereafter took the charge of her duties and performed her duties during the service whole heartedly and to the quite satisfaction of officials concerned as well as according to the demand and nature of her duties.
 - 3. That the appellant came to know about a publication published in daily "Mashriq" dated 03,12,2017 regarding an appellant's absence from the duty along with other female teachers. Further in the said publication a show cause notice has been mentioned, which is/was issued to the appellant but the appellant has received no show cause notice. (Copy of

the publication is attached as annexure B)

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		-	BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
		. * ·	Service Appeal No. 519/2018
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Date of Institution 13.04.2018 Date of Decision 30.08.2019

Gulshan Ara Ex-Senior Primary School Teacher GGPS Taj Ali Kot Miran Shah North Waziristan Agency.

Appellant

Versus

- 1. Director Education FATA, Khyber Pakhtunkhwa Peshawar.
- 2. Agency Education Officer, North Waziristan Agency at Miran Shah.

Respondents

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30.08.2019

Mr. Muhammad Hamid Mughal---Member(J) Mr. Ahmad Hassan--Member(E)

JUDGMENT

MUHAMMAD HAMID MUGHAL. MEMBER: counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney present.

2. This Single/common judgment in the above captioned service appeal shall also dispose of service appeal bearing No.520/2018 filed by Mst. Salma, service appeal bearing No.521/2018 filed by Mst. Akhtar Numana, service appeal bearing No.522/2018 filed by Mst. Nusrat Kalsoom, service appeal bearing No.523/2018 filed by Mst. Zainah Bibi, service appeal bearing No.524/2018 filed by Mst. Kauser Shabana, service appeal bearing No.525/2018 filed by Mst. Mehnaz,

service appeal bearing No.526/2018 filed by Mst. Zartaj Begum and service appeal bearing No. 527/2018 filed by Mst. Baswari Begum being identical in nature having arisen from the same facts and circumstances.

- The appellant (Ex-Senior Primary School Teacher) has filed the present appeal against the order dated 13.12.2017 whereby she was awarded major penalty of removal from service on the charge of absence from duty.
- Learned counsel for the appellant argued that the appellant was removed from service without observing the codal formalities. Learned counsel for the appellant also pleaded that one of similarly placed person namely Mst. Shabnam who was also removed from service vide order dated 13.12.2017 by the same authority on the ground of absence from duty, has been reinstated in service on the acceptance of her service appeal bearing No.393/2018 vide judgment dated 11.04.2019.
 - As against that learned Deputy District Attorney resisted the present service appeal and the connected service appeals on the ground that schools were checked on different dates and it was proved that all the terminated teachers remained absent from duties for long time and that the habitual absenteeism remained constant. Further argued that through local media notices were given to all the habitual absent teachers, similarly absence notice was also published in the daily newspaper in relation to the absent female teachers including the appellants, however they did not report for duty.
 - Arguments heard. File perused.

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- After issuance of Show Cause Notice and publication of absence notice in the daily Mashriq, many female teachers were removed from service by the Agency Education Officer North Waziristan Agency vide separate orders dated 13.12.2017.
- There is no dispute that out of those removed female teachers, 8. one of the PST Mst. Shabnam/similarly placed person, has been reinstated in service by this Tribunal vide judgment dated 11.04.2019 in Service Appeal bearing No.393/2018.
- In view of above, the impugned orders of removal from service dated 13.12.2017 in relation to the appellants, are set aside and the appellants namely Mst. Gulshan Ara, Mst. Salma, Mst. Akhtar Numana, Mst. Nusrat Kalsoom, Mst. Zainab Bibi, Mst. Kauser Shabana, Mst. Mehnaz, Mst. Zartaj Begum and Mst. Baswari Begum are reinstated in service and their absence period and the intervening period shall be treated as leave without pay. All the appeals are accepted in the above noted terms. Parties are left to bear their own

costs. File be consigned to the record room.

(Ahmad Hassan) Member

(Muhammad Hamid Mughal) Member

ANNOUNCED. 30.08.2019

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