

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Execution No. 377/2022

In

Service Appeal #1075/2018

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 2595
20/12/2022
Appellant.

Taj Muhammad.....

VERSUS

Secretary E&SE, Govt: of Khyber Pakhtunkhwa & others..... **Respondents.**


Subject:- SUBMISSION OF COMPLIANCE REPORT AND REQUEST FOR RELEASE OF MONTHLY SALARY OF THE RESPONDENTS

Respectfully Sheweth,

It is entreated with great reverence before this Honorable Tribunal as under:-

1. That this Honorable Tribunal instructed the Respondents to implement this Honorable Tribunal Order/Judgment dated 12-04-2022 in Execution Petition No. 377/2022 title above.
2. That the Respondent Department already implemented the order of this Honorable Service Tribunal. (Copy enclosed)
3. The Respondents are much merciful for the said delay which was not intentional but due to unavoidable circumstances and due procedure of law.

It is therefore, humbly prayed that on acceptance of this compliance report this Honorable Tribunal may be very graciously pleased to file the show cause notice and release the monthly salary of the Respondents.


Secretary
Elementary & Secondary Education
(Respondents No.1 & 02)

BEFORE THE SERVICE TRIBNAL KHYABER PAKHTUNKHAWA,
PESHAWARE

Execution Petition No. 377/2022

Taj Muhammad -----(Appellant)

VERSUS

Education Department, Karak.

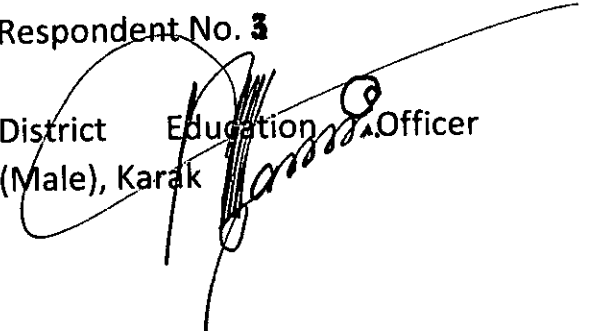
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Dated :- 22/12/2022

Respondent No. 3

District Education Officer
(Male), Karak



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BEFORE THE SERVICE TRIBNAL KHYABER PAKHTUNKHAWA,
PESHAWARE

Execution Petition No. 377/2022

Taj Muhammad -----(Appellant)

VERSUS

Education Department, Karak.

Written reply of show cause notice and request for filing of show notice served against the respondents in the above titled execution petition vide which the judgment dated 13/04/2022 of this Hon'able Tribunal has been implemented.

Written Reply Show Cause Notice on behalf of respondents is as under:-

Respectfully Sheweth

1. That the above titled execution petition is fixed on 30/12/2022 before this Hon'able Tribunal for written reply of show cause notice on behalf of respondents.
2. That against the above judgement / decision of this Hon'able Tribunal, the Education Department has filed CPLA No. 573-P/2022 titled "Govt: of Khyber Pakhtunkhwa V.S Taj Muhammad" in august Supreme Court of Pakistan at Registry Bench Peshawar which is pending, however, the District Education Officer (Male), Karak has implemented the judgment dated 13/04/2022 of this Hon'able Tribunal vide notification and implementation order subject to final outcome of above mentioned CPLA. -----(Photocopy of notification is attached as Annexure "A").
3. That copy of implementation notification /order of the judgement of this Hon'able Tribunal has been sent to appellant through Headmaster of GHS Esak Khumari, Karak.
4. That no ill will is involved in implementation the judgement of this Hon'able Tribunal, however on priority basis, the respondents have adopted legal procedure against the judgment dated 13/04/2022 by filing CPLA in august Supreme Court of Pakistan which is pending for adjudication / decision.
5. That with great apology and with permission of this Hon'able Tribunal, the respondents may be allowed to explain the case.

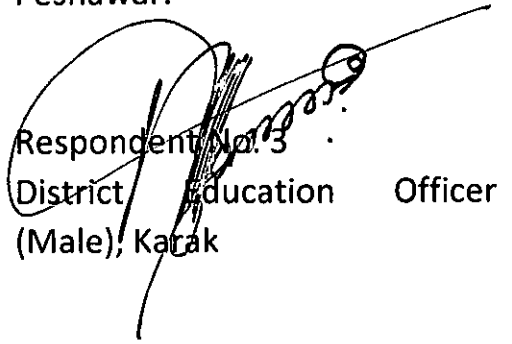
In view the aforesaid explanation, it is, therefore, most humbly and respectfully prayed that by acceptance of this written explanation and reply the show cause notice service against the respondents may very graciously be pleased to file / consigned.

Dated :- 22/12/2022

Respondent No. 1
Secretary E & SED KP
Peshawar.



Respondent No. 2
Director E & SED KP
Peshawar.



Respondent No. 3
District Education Officer
(Male), Karak

BEFORE THE SERVICE TRIBNAL KHYABER PAKHTUNKHAWA,
PESHAWARE

Execution Petition No. 377/2022

Taj Muhammad -----(Appellant)

VERSUS

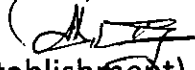
Education Department, Karak.

AFFIDAVIT

I, Abdualh, Assistant District Education Officer (Establishment), Karak do hereby solemnly affirm and declare on oath that all the contents of the accompanying written reply are correct to the best of my knowledge and belief, nothing is lie and nothing has been concealed from this Hon'able Court.

Dated 22/12/2022

Deponent

Abdullah 
ADEO (Establishment)
Karak

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK
SANCTION OF COMPULSORY RETIREMENT

WHEREAS, Mr. Taj Muhammad S/o Rasool Muhammad was appointed as Qari at GHS Teri (Karak) vide Office of the District Education Officer (Male) Karak Endst: No. 8933-55 Dated 21/10/1986 at S. No 8 of the order and took over charge on 22/10/1986.

WHEREAS, He was serving in Education Department found involved in Criminal case vide FIR No. 257 Dated 21/08/2010 registered under 13-AO/14-AO Police Station Karak.


WHEREAS, He was convicted and sentenced by Session Judge Karak to undergo for three years with fine of Rs.20000/- or default thereof to undergo for 06 months on 11/05/2011 and his sentence was confirmed from august Peshawar High Court on 15/05/2012.

WHEREAS, he was removed from service with effect from the date of the decision of District Session Judge Karak i.e. 11/05/2011 vide Executive District Officer Elementary & Secondary Education Karak Endst: No. 6797-98 Dated 15/10/2012.

WHEREAS, he submitted his appeal vide No. 1075/2018 in the Khyber Pakhtunkhwa Service Tribunal, Peshawar for converting his major penalty of "Removal from services" to "Compulsory Retirement" being served as regular service man for completing 25 years of service which was accepted and announced on 13/04/2022 & submission of implementation report of execution petition No. 377/22 was received to the office of the undersigned from the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar vide his No. 519/AD(Lit-II) Dated Peshawar the 19/08/2022.

Therefore, in view of the above Mr. Taj Muhammad S/o Rasool Muhammad, Ex-Qari, GHS Esak Khumari is hereby allowed for compulsory retirement w.e.f 11/05/2011 subject to the final outcome of CPLA.

Note: Necessary entry to this effect should be made in his service book.


**DISTRICT EDUCATION OFFICER
(MALE) KARAK**

Endst: No. 4465-68/ADEO Secy: Dated Karak The 06/10/2022

Copy to the:

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
3. District Accounts Officer Karak.
4. Head Master GHS Esak Khumari a/w original service book for necessary action.


**DISTRICT EDUCATION OFFICER
(MALE) KARAK**