

Khyber Pakhtunkhwa
Service Tribunal

Entry No. 2717

Dated 4/11/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 459/2022

Out of

S.A.# 3934/2020

Falak Sher PET (BPS-15) District Mohmand.....Appellant.

VERSUS

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

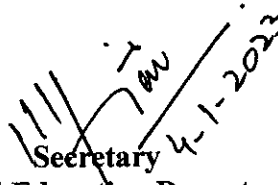
**APPLICATION/REQUEST FOR RELEASE OF MONTHLY SALARY/LIVING WAGE
OF THE RESPONDENT ATTACHED BY THIS HONORABLE TRIBUNAL VIDE
ORDER DATED 21-10-2022**

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 ie. 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 and 17-12-2022 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 complied 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 Respondent No. 03, please


Secretary 4-1-2023
E&S Education Department.
Respondent No. 03



DEO Charsada

Office of the
Accountant General
Fort Road, Khyber Pakhtunkhwa
Peshawar Pakistan
Phone: 091 9211250-54

No. Lit/S.T/Attachment of salary/ 2022/ 1220-23

Dated: 10.11.2022

To,

**The Accounts Officer,
Payroll.....08.....**

SUBJECT:- ATTACHMENT OF SALARY

PET

Please refer to Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar letter No.3038/St, dated: 26.10.2022 and order sheet dated: 21.10.2022 on the subject noted above.

It is requested to attach the salary of the officers as mentioned below in the Execution Petition No.459/2022 as per Court orders.

- Secretary E & SE Department, Govt of Kpk Peshawar.
- Director General E & SE Department, Govt of Kpk Peshawar.

*Accounts Officer
(Litigation)*

Copy is forwarded to the:-

1. Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar with reference to the above quoted order.
- ✓ 2. Secretary E & SE Department, Govt of Kpk Peshawar.
3. Director General E & SE Department, Govt of Kpk Peshawar.

SSO

*Accounts Officer
(Litigation)*

SPT

Next date
23-11-2022

E.P.No. 959/2022

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

21th 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.

Q

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 16-11-22
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Copies 14/2
Urgent 5/1
Total 15/2
Name of Counsel
Date of Completion of Copy 16-11-22
Date of Delivery of Copy 16-11-22

Certified to be true copy
16/11/2022
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

APP Submitted on dated: 23/11/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 459/2022

Out of

S.A.# 3934/2020

Falak Sher PET (BPS-15) District Mohmand.....Appellant.

VERSUS


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

APPLICATION FOR RELEASE OF MONTHLY SALARY

Respectfully Sheweth,

1. That on the last of hearing salary of the Secretary Elementary & Secondary Education Respondent No. 01 has been attached for non-implementation of the judgment dated 01-02-2022 passed by this Honorable Service Tribunal in the title case.
2. That no^w the Respondent Department has implemented the judgement ibid has been implemented vide order Endst bearing No. 4716-26 dated 19-11-2022

Therefore, it is requested that this Honorable Service Tribunal may very graciously be pleased to release the monthly salary of Worthy Secretary E&SE Department Respondent No. 01 in the interest of justice please.


Secretary
Elementary & Secondary Education Department.
Respondent No. 01

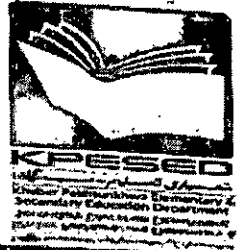


OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) MOHMAND TRIBAL DISTRICT

Ph. No. : 0924-290180

FAX : 0924290180

Email :- deomohmand@gmail.com



REINSTATEMENT ORDER

In compliance with the judgment of Honorable Service Tribunal Peshawar KP service appeal No. 3934/2020 dated 01-02-2022 and execution Petition No.459/2022 the removal order Endst No. 5189-95 dated 04-10-2019 is set aside. The Competent Authority is pleased to reinstate Mr. Falak Sher Physical Education Teacher (PET) Conditionally at the school noted against his name till the outcome of CPLA No. 861/2022 before Supreme Court of Pakistan.

S.#	Name	Designation	School	Remarks
1	Falak Sher	PET B-15	GMS Sohail Kore Pandiali	Implementation of Judgment vide Honorable Service Tribunal Peshawar

2. The leave case of the incumbent will be processed to the sanctioning authority accordingly.

District Education Officer
(Male) District Mohmand

Endst: No. 4716-26-

Dated: 19 /11/2022

Copy forwarded to the:

1. Secretary E&SE Education Khyber Pakhtunkhwa Peshawar
2. PA to Director Elementary and Secondary Education KP Peshawar
3. Registrar service Tribunal KP Peshawar
4. Deputy Commissioner District Mohmand.
5. DMO EMA District Mohmand.
6. District Account Officer District Mohmand.
7. Pay Clerk Local Office.
8. EMIS Section.
9. Official concerned.
10. Office record.

District Education Officer
(Male) District Mohmand

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Implementation No. 459/2022

In

Service Appeal No. 3934/2020

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

Versus

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

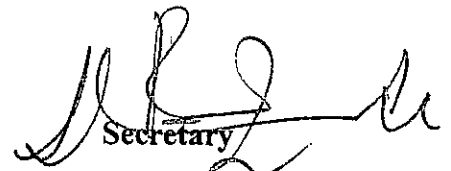
Subject: **APPLICATION/REQUEST FOR RELEASE OF MONTHLY SALARY/LIVING WAGE OF THE RESPONDENT ATTACHED BY THIS HONORABLE TRIBUNAL VIDE ORDER DATED 21-10-2022**

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.**

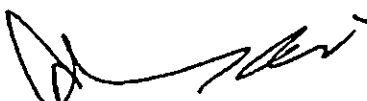


23rd Oct, 2022

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 02/11/22
Number of Words 800
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Urgent -/-
Total 18/-
Name of Copy _____
Date of Completion of Copy 07/11/22
Date of Delivery of Copy 07/11/22

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal
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.

(Handwritten signature and stamp)