

14.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 08.07.2020 for the same. To come up for the same as before S.B.


Reader

08.07.2020

Counsel for petitioner present.

Due to note reader, process could not be issued, therefore, notice be issued to respondents for implementation report, for 02.09.2020 before S.B.

30.08.2020



Member (J)

02.09.2020

Counsel for the petitioner and Addl. AG on behalf of the respondents present.

Requests for consigning the instant proceedings as the judgment under execution has been implemented in favour of petitioner.

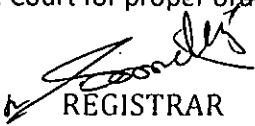

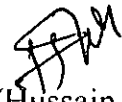
Consigned to record.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

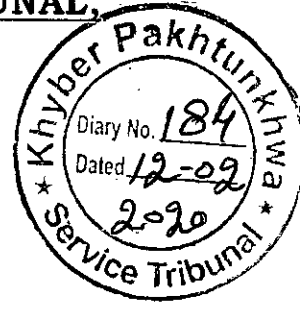
Execution Petition No. 47 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.02.2020	<p>The execution petition of Mst. Nusrat Kalsoom 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.</p> <p> REGISTRAR</p> <p>This execution petition be put up before S. Bench on <u>06/03/2020</u>.</p> <p> CHAIRMAN</p>
2	06.03.2020	<p>Learned counsel for the petitioner present. Notices of be issued to the respondents for implementation report on 14.04.2020 before S.B.</p> <p> (Hussain Shah) Member</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Execution Petition No 47 /2020



C.M. No. _____/2020

In

Service Appeal No. 522/2018

Nusrat Kalsoom Ex. Primary School Teacher GGPS
Muhammad Azam Khaisor, 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 re-instated 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.

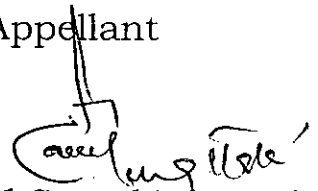
5. That being left with no other option the applicant prefers the instant application for implementation of the mentioned judgment.

In view of the above submissions it is respectfully prayed that the application in hand may kindly be accepted and appropriate proceedings may be initiated against the 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: 12/02/2020.


Muhammad Saeed Khattak
Advocate High Court,
Peshawar.

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

Service Appeal No. 522 /2018

Nusrat Kalsoom Ex. Primary School Teacher GGPS Muhammad Azam Khaisor
North Waziristan Agency.

(Appellant)

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 554
Dated 13-4-2018

1. Director Education, FATA, KPK, Peshawar.
2. Agency Education Officer, North Waziristan Agency at Miran Shah

(Respondents)

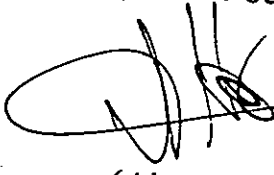
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 13 /12 /2017, PASSED BY RESPONDENT NO.2 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT TO RESPONDENT NO. 1 AGAINST THE ORDER DATED 13.12.2017 PASSED BY RESPONDENT NO. 2 IS/WAS NOT DISPOSED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

30.08.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Vide separate/common judgment of today of this Tribunal placed on file of connected service appeal bearing No.519/2018, the impugned order of removal from service dated 13.12.2017 in relation to the appellant, is set aside and the appellant is reinstated in service and her absence period and the intervening period shall be treated as leave without pay. The appeal is 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

Date of Presentation 10-02-2020
 Number of Pages 400
 Copying Fee 6-00
 Court Fee 4-00
 Total 10-00
 Name of Officer [Signature]
 Date of Issue 10-2-2020
 Date of Receipt 10-2-2020

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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

Service Appeal No. 519 /2018

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

(Appellant) *Khyber Pakhtunkhwa
Service Tribunal*

Diary No. 551

Dated 13-4-2018

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;

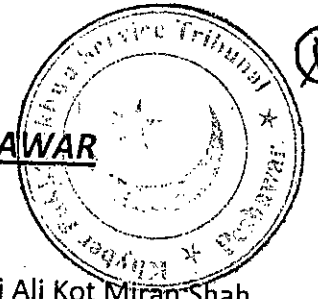
1. That the appellant consequent upon the approval of Departmental Education Committee was appointed as PTC (Female) in BPS 07 on 13.09.2007. (Copy of the appointment order is attached as annexure A)
2. That the appellant thereafter took the charge of her duties and performed her duties during the service 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)

ATTESTED

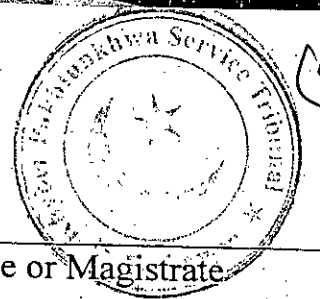
[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Filed to-day

Registrar
13/4/18



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6

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
Service Appeal No. 519/2018

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

30.08.2019

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

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Learned 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. Zainab Bibi, service appeal bearing No.524/2018 filed by Mst. Kauser Shabana, service appeal bearing No.525/2018 filed by Mst. Mehnaz,

30.8.2019

ATTESTED

Attester
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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.

ATTESTED

30.8.2019
 KYAMIDAR
 Cyber Tribunal
 Service Tribunal,
 Peshawar

7. 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.

8. There is no dispute that out of those removed female teachers, 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

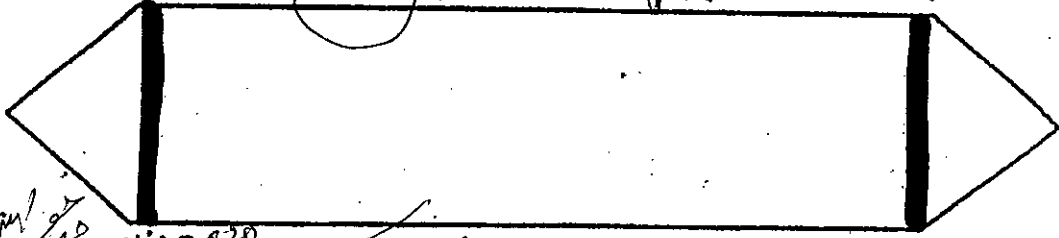
(Muhammad Hamid Mughal)
Member

ANNOUNCED.
30.08.2019

Certified to be true copy
Khushal Khan Khattak
Service Tribunal,
Peshawar

Date of Presentation of Application 10-2-2020
Number of Words 1200
Copying Fee 1400
Urgent 400
Total 1800
Name of Copyist
Date of Completion of Copy 10-2-2020
Date of Delivery of Copy 10-2-2020

بعدالت کا اصولی سرٹیکل



2020ء منجانب عدالت عالیہ سندھ
بنام

لکھنؤ

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ
آن مقام کے لئے کیے گئے۔
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقررات ہاں فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بسورت ڈگری کرنے اجراء اور صولی چیک دروپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بسورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
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 یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساخت
پروا اختیار منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانا التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حدی سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کرائیں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

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المرقوم 12 ماہ 02 20

بمقام کے لئے منظور ہے۔