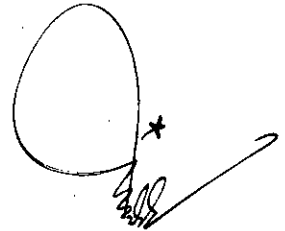


13.07.2020

None for the petitioner present. Addl: AG for respondent present.

Notices be issued to the petitioner and her counsel.

Adjourned to 14.09.2020 before S.B.

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(Mian Muhammad)
Member(E)

14.09.2020

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

Former states that the judgment under execution has been implemented by the respondents, therefore, requests for consigning of the proceedings to the record.

Order accordingly.

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Chairman

10.02.2020

Learned counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Fawad Afzal Senior Clerk on behalf of Additional Director Elementary & Secondary Education Marged Districts Khyber Pakhtunkhwa, present. No one present on behalf of respondent No.2. Fresh notice be issued to the respondent No.2 for implementation report. Adjourned to 17.03.2020 for further proceedings/implementation report before S.B.


Member

17.03.2020

Clerk to counsel for the petitioner present. Mr. Kabirullah Khattak learned Addl. AG for the respondents present. Implementation report not submitted, therefore, notice be issued to the respondents to submit implementation report on the next date positively. Adjourned. To come up for further proceedings/implementation report on 23.04.2020 before S.B.


Member




23.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 13.07.2020 for the same. To come up for the same as before S.B.


Reader

Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 434/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	25.11.2019	<p>The execution petition of Mst. Salma 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 style="text-align: right;"> REGISTRAR</p>
2-	26/11/19	<p>This execution petition be put up before S. Bench on <u>20/12/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	20.12.2019	<p>Counsel for petitioner present.</p> <p>Issue notice to respondents for submission of implementation report on 10.02.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

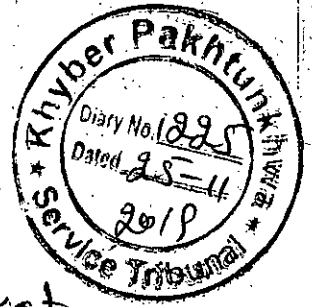
E. Petition No. 434/2019

C.M. No. _____/2019

In S.A 520/2018

Mst Salma PST GGS Nakam Kot
Razmak Dist. North Waziristan

Applicant



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 re-instated in service and their absence period and intervening period shall be treated as leave without pay”

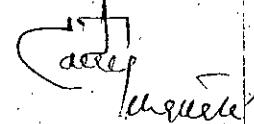
3. That after getting the attested copy of above mentioned judgment, the applicant presented the same to the respondents and visited their offices time and again but every time she was turned on one pretext or the other.
4. That the attitude/ conduct of the respondents is likely to delay the benefit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

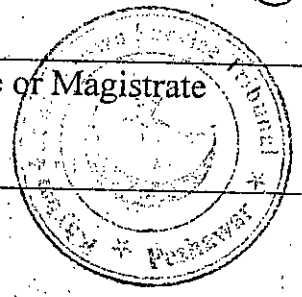
Through



Dated: 22/11/2019

Muhammad Saeed Khattak
Advocate High Court,
Peshawar.

(B) (4)



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

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

GTC

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

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

etc.

→

30.8.2019

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

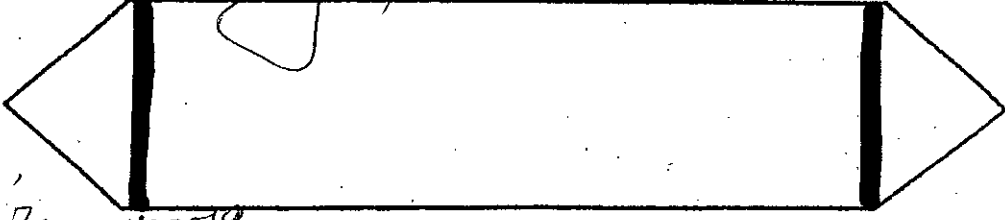
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MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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Date of Delivery of Copy _____ 21-11-19

CJC
CJA

بعدالت ۱۰۲۱۲ اور اس طرح کیوں لکھا گیا



۲۰۱۹ء منجانب درخواست گزار
مسماہ سلیمی بنام ڈاکٹر ملک دین

موزعہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دیکھ کر روائی متعلقہ
آن مقام کے اصرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کُل کارروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا بکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کُل یا جزوی کارروائی 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حدیبے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

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المرقوم ۲۰۱۹ء

بمقام گواہ الب

کے لئے منظور ہے۔

بمقام

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