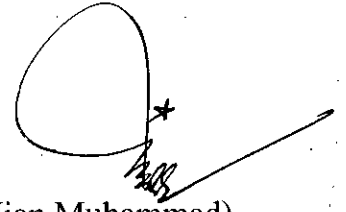


13.07.2020

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.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a diagonal stroke extending to the right.

(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

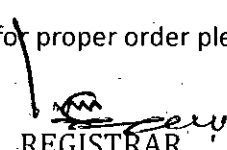

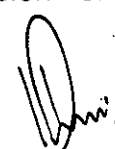
Due to public holiday on account of COVID-19, the case is adjourned to 13.07.2020 for the same. To come up for the same as before S.B.

  
Reader

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Execution Petition No. 436/2019

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. Zar Taj Begum 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.**

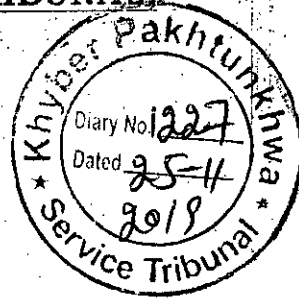
*Execution petition no 436/2019*

C.M. No. \_\_\_\_\_/2019

In

*Service Appeal No 526/2018*

*Zartaj Begum Ex PST GGS at Miran Shah  
District 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.

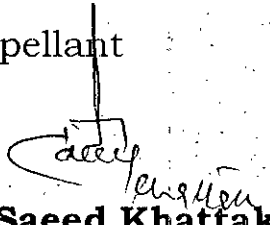
- 3
5. That being left with no other option the applicant prefers the instant application for implementation of the mentioned judgment.

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.

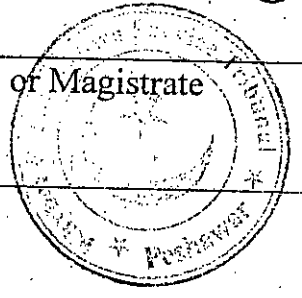
Applicant/Appellant

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
1	2	3
	30.08.2019	<p align="center"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b>  <b>Service Appeal No. 519/2018</b></p> <p>Date of Institution ..... 13.04.2018  Date of Decision ..... 30.08.2019</p> <p>Gulshan Ara Ex-Senior Primary School Teacher GGPS Taj Ali Kot  Miran Shah North Waziristan Agency.</p> <p align="right"><b>Appellant</b></p> <p align="center"><b>Versus</b></p> <p>1. Director Education FATA, Khyber Pakhtunkhwa Peshawar.  2. Agency Education Officer, North Waziristan Agency at Miran Shah.</p> <p align="right"><b>Respondents</b></p> <p>Mr. Muhammad Hamid Mughal-----Member(J)  Mr. Ahmad Hassan-----Member(E)</p> <p align="center"><b><u>JUDGMENT</u></b></p> <p><b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> - Learned counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney present.</p> <p>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,</p>

30.8.2019

**ATTESTED**



**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

CTC

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

30.8.2019

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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

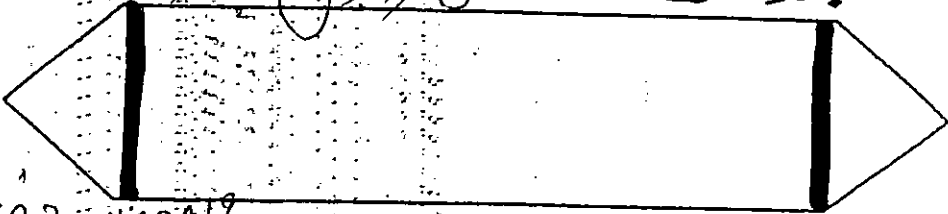
ANNOUNCED.  
30.08.2019

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Preparation of Copy 19-11-19  
Number of Words 1600  
Copying Fee 20-00  
Urgent 20-00  
Total 20-00  
Name of Copy  
Date of Completion of Copy 21-11-19  
Date of Delivery of Copy 21-11-19

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بعدالت ۱۶۲۱ سہ ماہی شریعتی کالج



۲۰۱۹ء مہینہ نومبر  
 نام: \_\_\_\_\_  
 پتہ: \_\_\_\_\_

موزعہ  
 مقدمہ  
 دعویٰ  
 جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کمال کارروائی متعلقہ  
 آن مقام سید محمد سعید شاہ کیلئے  
 مقرر کر کے اتر کر کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی مکمل کارروائی کا کامل اختیار ہوگا۔ نیز  
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ 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 کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ ناپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔  
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
 مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 22 \_\_\_\_\_ ماہ نومبر 2019

۱۰/۱۱/۱۹

بمقام \_\_\_\_\_ کے لئے منظور ہے۔

Attested & accepted  
 \_\_\_\_\_