

11.03.2020

None present on behalf of the petitioner. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sher Azam for the respondents present. Representative of the department submitted implementation report. The same is placed on record. Notice be issued to petitioner for attendance for the date fixed. Adjourned to 15.04.2020 for further proceedings before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

15.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 09.07.2020 for the same. To come up for the same as before S.B.

09.07.2020

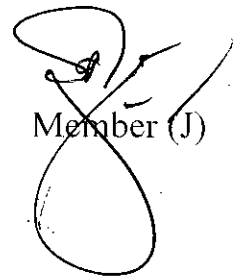
Rabia Muzaffar Advocate learned counsel for petitioner present.

  
Reader

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

At the very outset, learned counsel for petitioner produced pay release order in respect of the petitioner and submitted that in pursuance of this Tribunal's order, pay of petitioner was released by District Education Officer (Female) Malakand at Batkhela.

In view of the above, the execution proceedings stand consigned being fully satisfied.

  
Member (J)

08.11.2019

Miss Rabia Advocate is present on behalf of learned counsel for the petitioner. Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. None present on behalf of the respondent department, therefore, notice be issued to the respondent department to direct the representative to attend the court and submitted implementation report on the next date of hearing.

Adjourned to 17.12.2019 before S.B

  
(Hussain Shah)  
Member

17.12.2019

Nemo for petitioner. Addl. AG for the respondents present.

Adjourned to 29.01.2020 for further proceedings.

  
Chairman

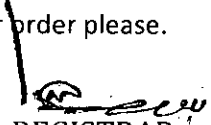
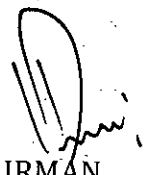

29.01.2020

Nemo for the petitioner. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Notice be issued to the petitioner for 11.03.2020. Adjourn. To come up for further proceedings on 11.03.2020 before S.B. Notice be also issued to the respondents for the date fixed.

  
Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Execution Petition No. 347 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.09.2019	<p>The execution petition of Mst. Noreen Bibi submitted today by Mr. Fazal Shah Mohmand 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-	20/09/19.	<p>This execution petition be put up before S. Bench on <u>11/10/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	11.10.2019	<p>Miss Rabia Advocate is present on behalf of learned counsel for petitioner.</p> <p>Notices be issued to the respondents for submission of implementation report on 08.11.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Implementation Petition No 347 /2019

In

Service Appeal No 740/2014

Mst. Noreen Bibi.....Applicant/Appellant.

**V E R S U S**

DEO and Others.....Respondents

**I N D E X**

S.No	Description of documents	Annexure	Pages
1.	implementation Petition with Affidavit		1-2
2.	Copy of the Order and Judgment dated 26-09-2016	A	3-5
3.	Wakalat Nama		6

Dated:-17-09-2019

*Noreen*  
Applicant/Petitioner

Through

*Fazal Shah*  
Fazal Shah Mohmand  
Advocate Peshawar.

**OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell # 0301 8804841**

**Email:- fazalshahmohmand@gmail.com**

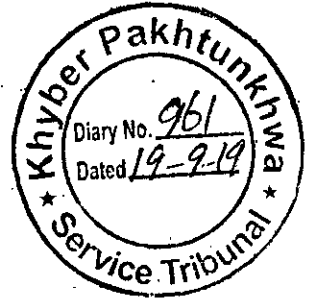
-1-

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Implementation Petition No 347 /2019

In

Service Appeal No 740/2014



Mst. Noreen Bibi Primary School Teacher D/O Ibadu Rehman R/O Kot District Malakand. ....**Applicant/Appellant.**

**V E R S U S**

1. District Education Officer (Female) Malakand at Batkhela.
2. Director, Elementary and Secondary Education Govt. of KPK Peshawar.
3. Secretary, Elementary and Secondary Education Govt. of KPK Peshawar. ....**Respondents**

**PETITION FOR THE IMPLEMENTATION OF  
ORDER/JUDGMENT DATED 26-09-2016 PASSED BY THIS  
HONORABLE TRIBUNAL IN THE ABOVE TITLED SERVICE  
APPEAL.**

**Respectfully Submitted:-**

1. That the applicant/appellant earlier filed Service Appeal No 740/2014 for her reinstatement in service which was accepted in terms that the appellant be paid the pay be paid to the appellant of the period with effect from 30-04-2013 to 10-02-2014 within a period of two months vide Order and Judgment dated 26-09-2016. **(Copy of the Order and Judgment is enclosed as Annexure A).**
2. That the applicant/appellant time and again approached respondents for the implementation of the Order and Judgment dated 04-05-2017 of this honorable Tribunal but of no use and the appellant has not been paid the pay of the said period as per the Judgment of this honorable tribunal.

3. That the respondents are not ready to implement the Order and Judgment of this honorable Tribunal dated 26-09-2016 in its true spirit for no legal and valid reasons, this act of the respondents is unlawful; unconstitutional and goes against the Orders and Judgment dated 26-09-2016 of this honorable Tribunal.

**It is therefore prayed, that on acceptance of this Application/Petition, respondents may kindly be directed to implement the Order and Judgment of this honorable Tribunal dated 26-09-2016 passed in Service Appeal No 740/2014.**

Dated:-17-09-2019

*Noreen*  
Applicant/Petitioner

Through

*Fazal Shah Mohmand*  
Fazal Shah Mohmand  
Advocate Peshawar.

## AFFIDAVIT

I, Mst. Noreen Bibi Primary School Teacher D/O Ibadu Rehman R/O Kot District Malakand, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Implementation Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

*Noreen*  
**DEPONENT**

ATTESTED  
WALI KHAN MOHMAND  
Oath Commissioner  
Advocate High Court  
Peshawar

*Wali Khan Mohmand*  
18/9/19

-A-3-



**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 740/2014

Mst. Noreen Bibi Ex. Primary School Teacher D/O Ibadatur-Rehman  
R/O Kot Malakand Agency.....**Appellant**

**VERSUS**

1. District Education Officer (Female) Malakand at Batkhela.
  2. Director Elementary and Secondary Education, Govt. of KPK Peshawar.
  3. Secretary Elementary and Secondary Education, Govt. of KPK Peshawar
  4. Secretary, Finance Govt. of KPK Peshawar
- .....**Respondents**

730  
20/5/2014

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 10-02-2014 PASSED BY RESPONDENT NO 1 WHERE BY THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN WITHDRAWN AND AGAINST WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:-**

On acceptance of this appeal the impugned orders dated 10-02-2014 of respondent No 1 may kindly be set aside and the appellant may kindly be ordered to be reinstated in Service with all back benefits.

**Respectfully Submitted:-**

1. That the appellant joined the respondent Department as Primary School Teacher herein after referred to as PST vide order dated 30-04-2013 in the quota reserved for the children of deceased employees, was posted to Govt. Girls primary School Naranji (Total) and reported arrival on 02-05-2013 and since then performed her duties honesty and with full devotion but

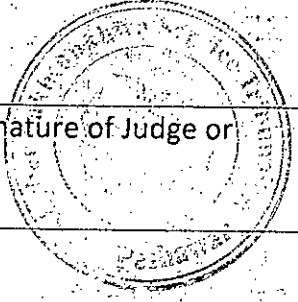
20/5/14

mitted to-  
d.

7/5/14

*[Handwritten Signature]*  
Peshawar Service Tribunal  
Peshawar

-4-



Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	26.09.2016	<p align="center"><u>BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR</u></p> <p align="center">Appeal No. 740/2014</p> <p align="center">Mst. Noreen Bibi Versus District Education Officer (Female) Malakand at Batkhela and 3 others.</p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Bashir Ahmad, Headmaster for respondents present.</p> <p>2. <u>Mst. Noreen Bibi</u> D/O Ibadatur Rehman hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 10.2.2014 whereby appointment order of the appellant was withdrawn and where-against departmental appeal of the appellant dated 20.2.2014 was not responded and hence the instant service appeal on 20.5.2014.</p> <p>3. Learned counsel for the appellant has argued that impugned order is against facts and law and was liable to be set aside. That the appellant has been re-appointed in service. That pursuant to appointment order dated 30.4.2013 appellant had served as PST till <u>10.2.2014</u> i.e. date of withdrawal of the said appointment order but no salary whatsoever was granted to the appellant despite putting in uninterrupted service. That the</p>

ATTESTED

*[Signature]*

CHIEF CLERK  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



- 5 -

appellant is entitled to the salaries for the period she served.

4. Learned Addl. AG has argued that the appellant was re-appointed and as such the instant appeal has become infructuous. Regarding non-payment of salary he argued that appointment order was illegal and as such appellant was not entitled to salaries for the said period w.e.f/ 30.4.2013 upto 10.2.2014.

5. We have heard arguments of learned counsel for the parties and perused the record.

6. According to the record placed before us appellant was appointed as PST vide appointment order dated 30.4.2013. She has resumed her duty vide charge report dated 02.05.2013 and has put in uninterrupted service till 10.2.2014 i.e. the date of issuance of termination order. In such circumstances we are convinced that the appellant is entitled to pay etc. for the period served w.e.f. 30.4.2013 upto 10.02.2014. We therefore direct that the appellant be paid pay etc. for the said period by the respondents within a period of 2 months from the date of receipt of judgment of this Tribunal. The appeal is accepted in the above terms. No order as to costs. File be consigned to the record room.

*sd/- M. Azim Khan Afzidi,*

*Chairman*

*sd/- P. Bakht Shah,*

*Member*

Certified to be true copy

Khush Bakht  
Service Tribunal  
Peshawar

*Announced*

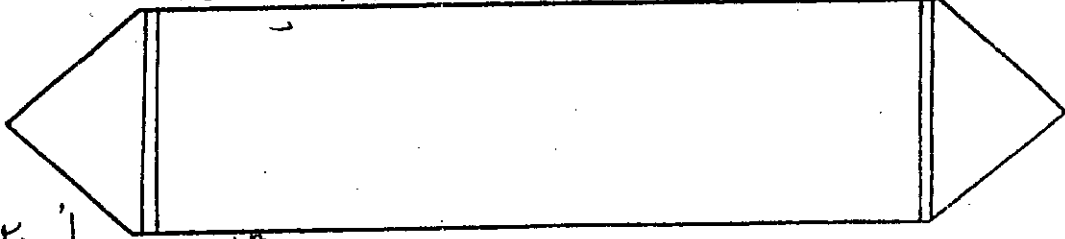
26.09.2016

2

Date of Presentation 13-10-16  
 Number of Words 1200  
 Copying Fee 8.6  
 Urgent 2  
 Total 10.6  
 Name of Copyist PMO  
 Date of Completion 13-10-16  
 Date of Delivery of Copy 13-10-16

(6)

بعدالت سندرویں ٹریسوں KPK لسٹ



2019ء پنجاب ٹورس بی بی

ٹورس بی بی بنام DEO و مشرہ

موزخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام لسٹ و کیلئے فضل شاہ سمیٹ A.S.C. رالم صلفی

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی 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 صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت 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 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 ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب 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 وکالت نامہ لکھ دیا کہ سند رہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

العبد \_\_\_\_\_ راہ العبد \_\_\_\_\_

کے لئے منظور ہے۔

بمقام  
Accepted  
عبد العبد



PAYROLL SYSTEM  
AMENDMENT FORM  
SINGLE EMPLOYEE ENTRY

FORM: PAY02

Date <sup>1</sup> \_\_\_\_\_

Page No. <sup>2</sup> \_\_\_\_\_

OFFICE OF THE <sup>3</sup> \_\_\_\_\_

SDEO(F) SWAT RANIZAI AT BATKHELA

FOR THE MONTH OF <sup>4</sup> 3 / 2020

DDO Code <sup>5</sup>  
(Cost Center)

**M D 6 0 8 2**

Description <sup>6</sup>

SDEO(F) BATKHELA

Personnel  
Number <sup>7</sup>

**0 0 8 0 6 6 4 3**

Employee  
Name <sup>8</sup>

NOREEN BIBI

National ID <sup>9</sup>  
Card Number

15402-0269263-4

Grade (Pay  
Scale Group) <sup>10</sup>

**1 2** <sup>11</sup>

PST

Salary  
Status <sup>12</sup>

Start

Stop

Info <sup>14</sup> Type	Field ID <sup>15</sup>	GENERAL DATA CHANGE <sup>13</sup>		CHANGE IN PAYMENTS / DEDUCTIONS <sup>17</sup>							Effective Date <sup>21</sup>	Remarks <sup>22</sup>		
		New Contents <sup>16</sup>	Wage Type <sup>18</sup>	Amount										
				Rupees <sup>19</sup>	Paise	Adj								
		Adjustment of Basic Pay	5801	6	6	6	7	8			P	01-03-20	Arrear of Pay and Allowances w.e.f 01-05-2013 To 10-02-2014 has not been drawn previously (Detail attached). As per the Decision of the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar, the bill may be honoured please. (Copy of Court Decision and Pay Release Order attached)	
		Adjustment of HRA	5002	1	2	2	2	0			P	do		
		Adjustment of Convey Allow	5011	2	5	4	5	1			P	do		
		Adjustment of Medical Allow	5012		9	3	5	7			P	do		
		Adjustment of UAA/CA	5866		9	3	5	7			P	do		
		Adjustment of ARA 2013	5309		7	7	2	5			P	do		
		Total			130788/-									
		Adjustment of G.P.F	6164	1	0	4	4	0				do		
		" " B/F	6001		1	6	2	0						
		" " E.E.F	6060			9	0	0						
		" " Addl: G/Ins:	6145			1	1	7						
		" " G/Ins:	6006		1	0	3	5						
		Total Ded:			14112/-									
		Net Amount			116676/-									

Prepared By <sup>23</sup>

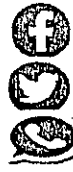
**Safiq**  
SUB DIVISIONAL  
EDUCATION OFFICER  
(F) SWAT RANIZAI AT BATKHELA

Audited/Checked By <sup>24</sup>

Entered / Verified By



**DISTRICT EDUCATION OFFICER (FEMALE)**  
**MALAKAND AT BATKHELA**



FB.Com/DEOMalakand

Twitter.com/DEOMalakand

03442803007

**PAY RELEASE**

In pursuance of honorable court decision date: 26-09-2016 in the service appeal No. 740/2014 pay w-e-f 30-04-2013 to 10-02-2014 in respect of Mst: Noreen Bibi PST GGPS Naranji Totai District Malakand is hereby released.

(FEHMIDA BEGUM)  
DISTRICT EDUCATION OFFICER (F)  
MALAKAND AT BATKHELA

Endst: No.

5747-53

Dated: 07/11/2019.

Copy of the above is forwarded to:-

1. The Registrar service Tribunal Peshawar.
- ✓ 2. The Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officer Malakand.
4. The S.D.E.O (F) Batkhela.
5. Teacher Concerned.
6. Master File.

  
DISTRICT EDUCATION OFFICER (F)  
MALAKAND AT BATKHELA



**DISTRICT EDUCATION OFFICER (FEMALE)**  
**MALAKAND AT BATKHELA**



FB  
Twitter  
0344280800

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DISTRICT EDUCATION OFFICER (F)  
MALAKAND AT BATKHELA