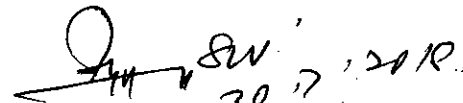


30.07.2018

Later on Miss. Roeeda Khan, Advocate for the petitioner put appearance. Similarly, Mr. Inayatullah, ADO (Legal) also appeared and produced office order showing the implementation of order of this Tribunal.

As such in view of the above stated circumstances, the present execution petitioner are filed without any further action. No order as to costs. File be consigned to the record room.

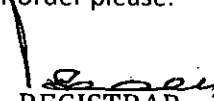

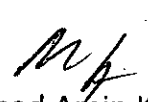
Announced:
30.07.2018


Chairman 30.7.2018

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _172/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07.06.2018	<p>The execution petition submitted by Mst.Robeena Begum through Roeeda Khan 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-	12.06.2018	<p>This execution petition be put before S. Bench on <u>12/6/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	30.07.2018	<p>Counsel for the petitioner present. Notice be issued to the respondents for implementation report for 30.07.2018 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>
		<p>Neither petitioner nor her counsel present. Mr. Kabirullah Khan Khattak, Addl: AG for respondents present. Case to come up for further proceedings on 11.09.2018 before S.B.</p> <p style="text-align: right;">Chairman</p>



OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
NOWSHERA
(Office Phone#0923-9220105, Fax#0923-9220105)
Email: deof.nowshera@yahoo.com

OFFICE ORDER:

In compliance of the Khyber Pakhtunkhwa Service Tribunal order dated 16/02/2018 passed in service appeal No. 1298/12 Titled as "Robina Begum VS Govt. of KPK and other" The representation/Appeal is acceted and appellant Mst. Robina Begum D/O Nazeefur Rehman Resident of Village Aurang Abad (Babi Qadeem) PO Taru Jabba District Nowsshera is hereby posted/adjusted as PST at GGPS, Babe Qadeem with immediate effect.

Note: 1. Charge report should be submitted to all concerned.

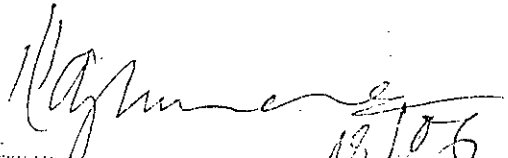
(NAGHMANA SARDAR)
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

Ends: No. 3531-34 / Dated: 19-06- /2018

Copy forwarded for information and necessary action to the:-

1. Director E/S Education Khyber Pakhtunkhwa Peshawar
2. Senior District Accounts Officer Nowshera
3. Sub Divisional Education Officer (Female) Pabbi
4. Official concerned.

Place in file
30.7.2018


DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Executive Petition No. 172 /2018

Diary No. 650

In Service Appeal No. 1298/2012

Dated 07/06/2018

Miss Robeena Begum D/o Nazeef Ur Rehman, PST
Government Girls Primary School Shabara Nowshera.

.....*Petitioner*

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
2. Director Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. Executive District Officer (Elementary and Secondary Education) District Nowshera.

.....*Respondents*

**EXECUTION PETITION FOR
DIRECTING THE RESPONDENTS
TO IMPLEMENT THE JUDGMENT
OF THIS HON'BLE TRIBUNAL IN
LETTER AND SPIRIT**

Respectfully Sheweth,

1. That the applicant/appellant filed Service Appeal No.1298/2012 in this August Tribunal against the order dated 15/07/2001, where the respondents/departments refused the appellant to paid salary and to adjust the appellant as Primary School teacher by the district Education officer Nowshera.

2. That this Hon'ble tribunal was pleased to accept the appeal of the appellant and set aside the impugned order dated 15/07/2001 and to remit the case of the appellant to the appellate authority with the direction of to examine the case of the appellant and to decide her appeal within a period of three months of the receipt of this judgment.
(Copy of judgment is attached)
3. That the appellant submitted the judgment/order dated 16/02/2018 to the respondent/department.
4. That the respondent/department is legally bound to implement the judgment and this Hon'ble Tribunal in its true sense.
5. That the petitioner has no remedy except to file this execution petition.

It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment of this Hon'ble Tribunal in letter and spirit.

Dated: 07/06/2018

Robina

Applicant

Through

Roeeda

Roeeda khan

Advocates Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Executive Petition No. _____/2018

In Service Appeal No. 1298/2012

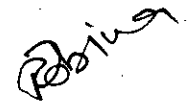
Robeena

VERSUS

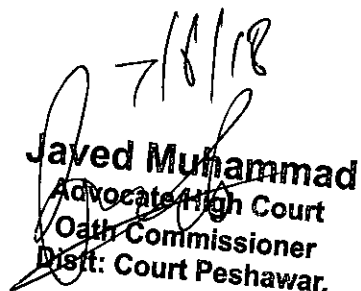
The Government of Khyber Pakhtunkhwa and others

Affidavit

I, Miss Robeena Begum D/o Nazeef Ur Rehman, PST Government Girls Primary School Shabara Nowshera, do hereby solemnly affirm and declare on oath that all the contents of the instant Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Deponent

7/8/18

Javed Muhammad
Advocate High Court
Oath Commissioner
Distt: Court Peshawar.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1298/2012

K.W.F. Province
Case No. 1273
Date 28/11/12

MS Robeena Begum D/o Nazeef ur Rehman, PST Government Girls Primary School Shabara Nowshera.

(Appellant)

VERSUS

*Height of experts
to 1/104 to be fixed.
sides credit dt. 23/11/12*

(1) Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department KPK Peshawar.

(2) Director Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.

(3) Executive District Officer (Elementary & Secondary Education) District *Nowshera*.

(Respondents)

Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the non-granting of salary to the appellant w.e.f 15-07-2001 and non adjustment of the appellant, against which the departmental appeal dated 30.7.2012 was not responded despite the lapse of 90 days.

*Filed to-day
28/11/12*

Prayed in Appeal:

*Re-submitted to-day
and filed.*

Registrar 5/12/12

On acceptance of this Appeal the respondents may please be directed to release the salary of the appellant w-e-f 15-7-2001 and she may be adjusted against the post of PST with all back benefits and arrears or any other remedy deemed proper may also be allowed.

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.1298/2012

Date of Institution ... 28.11.2012
Date of Decision ... 16.02.2018



Ms. Robcena Begum D/o Nazcef ur Rehman, PST
Government Girls Primary School Shabara, Nowshera.

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education Department Khyber Pakhtunkhwa Peshawar & 02 others.

(Respondents)

Mr. Yasir Saleem,
Advocate

For appellant.


Mr. Riaz Paindakhel,
Assistant Advocate General

For respondents

MR. GUL ZEB KHAN
MR. MUHAMMAD HAMID MUGHAL

MEMBER
MEMBER

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

GUL ZEB KHAN, MEMBER. The aforesaid appeal dated 28.11.2012 has been lodged by Ms Robcena Begum hereinafter referred to as the appellant, under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against non-payment of salary and non adjustment. The appellant preferred departmental appeal on 30.7.2012, which was not responded.

2. Learned counsel for the appellant argued that the appellant was initially appointed as PST by the District Education Officer Nowshera vide order dated 16.04.1995. That due to some family dispute the appellant shifted to Sargodha alongwith family and informed the department accordingly. That simultaneously the appellant also applied for 2 years earned leave. That on return for duty, the

appellant has neither been adjusted for duty nor paid her monthly salary. That the appellant was neither proceeded against nor even served with any charge sheet / show cause notice. That neither any absence notice was ever served. That the appellant was never terminated from service, thus she is fully entitled for adjustment posting and payment of regular monthly salary.

4. On the other hand learned Deputy District Attorney while opposing the present appeal stated that the appellant quit her service in the year 2003 and submitted departmental appeal on 30.07.2012 for her adjustment and starting of her monthly salary, hence the present appeal is devoid of any substance.

5. We have heard arguments of the learned counsel for the appellant and the learned DDA for the respondents and have gone through the case file.

6. Nothing is found on the record that the departmental appeal of the appellant has been examined by the respondent department as on record there is no order of the appellate authority. In the present case the respondent department has also not filed comments. In the stated circumstances this Tribunal is of the considered view to remit the case of appellant to the appellate authority with the direction to examine the case of the appellant and to decide her appeal with speaking order within a period of three (03) months of the receipt of this judgment. The present appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

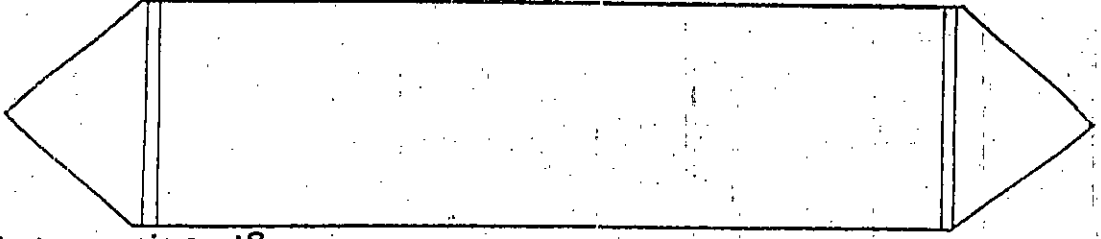
Announced
16.02.2018

SD/- Gul Zeb Khan,
Member

SD/- M. Hamid Nughal,
Member

Certified to be true copy
EX-10
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

بعدالت مناب حج سوہ



2018ء منجانب اسلام آباد

سے روپیہ پنجم بنام الجولیت

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آئینکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکل کارروائی متعلقہ

آن مقام سجاد کیلئے روپیہ پنجم

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور

بسورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی 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 یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساخت

پر داختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جاتہ 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 سندر ہے۔

المرقوم 7 ماہ جون 2018ء

واہ الع

بمقام سجاد کے لئے منظور ہے۔

Accepted
By
P

مستطوع
سے روپیہ پنجم