

11-09-2018


Mr. Muhammad Ishfaq, counsel for the petitioner and M/S Jamil Shah, Senior Auditor and Shahid Nawaz, ADO alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. ADO stated at the bar that time and again the petitioner was directed to provide the relevant record laying in her position so that her case for increment is prepared and submit to the local Account Office, however, she did not responded his request. At this stage the learned counsel for the petitioner undertook that his client would approach and provide all the necessary documents to the above named representative within a week. As such, the above named representative is directed that after provision of relevant record by the petitioner then he should submit the progress report on 01.10.2018 before S.B.

  
Chairman

01-10-2018

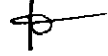
Mr. Saleemullah Khan, husband of the petitioner alongwith Mr. Muhammad Ishfaq Khan, Advocate for the petitioner present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Jameel Ahmad, Senior Auditor and Mr. Shahid Anwar, ADO for the respondents present. Learned counsel for the petitioner submitted copy of implementation report, which is placed on record. Learned counsel for the petitioner further contended that grievance of the petitioner has been redressed therefore, the present execution petition has become infructuous. As such, the present execution petition is dismissed being infructuous. File be consigned to the record room.

ANNOUNCED  
01.10.2018

  
(Muhammad Amin Khan Kundi)  
Member

17.07.2018

Counsel for the petitioner and Mr. Sardar Shoukat Hayat, Adll: AG for respondents present. Notices be issued to the respondents for submission of implementation report. To come up for further proceedings on 17.08.2018 before S.B.



(Ahmad Hassan)  
Member

17.08.2018

Mr. Saleemullah, husband of the petitioner alongwith her counsel Mr. Muhammad Ishfaq, Advocate present. M/S Jamil Shah, Senior Auditor and Shahid Anwar, ADO alongwith Mr. Kabirullah Khattak, Adll: AG present. The above named representative, Shahid Anwar, ADO produced the implementation order. However, learned counsel for the petitioner stated that the increment has not been actualized so far. The learned AAG sought time to apprise this Tribunal on next date. Granted. Case to come up for implementation report on 11.09.2018 before S.B.



Chairman

FORM OF ORDER SHEET

Execution Petition No. 85/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	20.03.2018	<p>The Execution Petition of Mst. Shahzia Ahmad submitted to-day by Mr. Muhammad Ashfaq 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;"><i>[Signature]</i> REGISTRAR</p>
2-	21/03/18.	<p>This Execution Petition be put up before S. Bench on <u>02/04/18.</u></p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>
	02.04.2018	<p>None for the petitioner present. Addl: AG for respondents present. Adjourned. To come up for implementation report on 20.04.2018 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (Ahmad Hassan) Member</p>
	20.04.2018	<p>Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Representative of the department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court. Adjourned. To come up for implementation report on 17.07.2018 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (Muhammad Amin Khan Kundi) Member</p>

**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER.**  
**OFFICE ORDER**

As per court decision dated 03/01/2017 by the KPK Service Tribunal Peshawar in Service Appeal No,718/2014 and Execution petition No,85/2018, Mst; Shazia Ahmad EX CT/SST GGHS Rani Dir lower is hereby allowed/granted Annual increment i.e on 01/12/2012 subject to the of decision of August Supreme Court of Pakistan in the CPLA lodged against the decision of the Service Tribunal by the Department.

Note:- Necessary entry to this effect should be made in his Service Book accordingly.

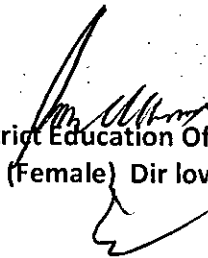
(Dr.Hafiz Mohammad Ibrahim)  
District Education Officer  
(Female) Dir lower.

Endst:- No, 7506-11 / Dated Timergara the 30 / 06/2018

Copy forwarded to:-

1. The Director (E&SE) Khyber-Pakhtunkhwa Peshawar.
2. The Registrar KPK Service Tribunal Peshawar.
3. The Section Officer(Lit;ii Govt of KPK E&SE Deptt; Peshawar.
4. The District Accounts Officer Dir lower..
5. The Headmisress GGHS Rani.
6. The Teacher concerned.

*Plan in file.  
17/06/2018*

  
District Education Officer  
(Female) Dir lower.

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

Execution Petition No...../2018

In respect of

Service Appeal N. 718 / 2014

Mst Shazia Ahmed D/O Ahmad Gul

.....Petitioner/ Judgment holder

**VERSUS**

Government of KPK & Others

.....Respondents/Judgment Debtor

**INDEX**

S.No	Description of Documents	Annexure	Pages
1.	Execution Petition with Certificate		1-2
2.	Addresses of Parties		3
3.	Affidavit		4
4.	Copy of Order of this Honorable Tribunal'	A	5-8
5	Wakalatnama		9

*M. Ashfaq Khan*

Petitioner/Judgment Holder

Through

*M. Ashfaq Khan*  
M. Ashfaq Khan

&

*Mujib Ullah*  
Mujib Ullah

Advocates

46. C 2nd Floor, Cantonment

Plaza Saddar Cantt Peshawar.

Dated : 17.03.2018

Handwritten text at the top left, possibly a date or reference number.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR



Appeal No. 518 / 2014

Mst Shazia Ahmad D/O Ahmad Gul presently serving in Government's Girl School Rani, Tarsai Balambar, District Dir Lower

Appellant

VERSUS

1. Government of KPK through Sec. Elementary and Secondary Education at Peshawar
  2. Director Elementary and Secondary Education at Peshawar
  3. Executive District Officer (ESSE) Dir Lower
  4. District Account Officer Dir Lower at Timergara
- Respondents

APPEAL UNDER 4 OF THE SERVICE TRIBUNAL ACT 1974  
 AGAINST THE ORDER OF RESPONDENT NO. 3 DATED  
 01.12.2012 WHICH THE APPELLANT WAS DERIVED  
 FROM THE ANNUAL INCREMENT OF 11/2012

Handwritten signature and date: 12/11/14

ATTESTED

EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

Handwritten signature and date: 12/11/14

Respectfully Sheweth

1. That the Appellant was appointed as Primary School Teacher on 04.12.1995 and she had performed her duties at different schools of Dir Lower.

lower.

(C)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

Execution Petition No. 85 /2018  
In respect of  
Service Appeal N. 718 / 2014

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 316

Date 20/03/2018

Mst Shazia Ahmed D/O Ahmad Gul  
Presently serving in Government Girls School Rani, Tehsil Balambat, District Dir (L)

.....Petitioner/ Judgment holder

**VERSUS**

1. Government of KPK through Secretary elementary and secondary Education at Peshawar.
2. Director Elementary and Secondary Education at Peshawar.
3. Executive District officer (E and SE) Dir lower
4. District account officer Dir Lower at Timergara.

.....Respondents/Judgment Debtor

**EXECUTION PETITION U/S 7 (2) (d) OF SERVICE TRIBUNAL  
ACT 1974 FOR THE EXECUTION OF ORDER DATED 03.01.2017  
PASSED BY THIS HONOURABLE COURT**

Respectfully Submitted,

1. That the Petitioner preferred an appeal before this Hon'ble Court, which was accepted vide Order and Judgment dated 03-01-2017.

**Copy of Judgment dated 03-01-2017 is annexed as annexure A**

2

2. That it is pertinent to mention here that vide Judgment dated 03-01-2017, this Hon'ble Court directed the Respondent/ Judgment debtor that CT increment for the year 2012 be granted. The relevant portion of the Judgment is reproduce as under,

*"We are therefore constrained to accept the present appeal and direct that the said increment of C.T be granted to the appellant for the calendar year 2012 as she has then served as C.T as well as SST"*

3. That the Petitioner along with attested copy of the Judgment of this Hon'ble Court approached Respondents for implementation. But Respondents till now have not implemented the order of this August Court in its letter and spirit.
4. That having no other remedy the Petitioner is constrained to file the instant execution petition

It is therefore most humbly prayed that Respondents may graciously be directed to grant the said increment of C.T for the calendar year 2012

Petitioner/Judgment Debtor

Through

M. Ashfaq Khan

&

Mujib Ullah

Advocates,

Peshawar High Court, Peshawar

### CERTIFICATE

Certified that prior to the present Execution Petition, no such like Petition has been filed before this Hon'ble Court.

Advocate



**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

*Execution Petition No...../2018  
In respect of  
Service Appeal N. 718 / 2014*

Mst Shazia Ahmed D/O Ahmad Gul  
.....Petitioner/ Judgment holder

**VERSUS**

Government of KPK & Others  
.....Respondents/Judgment Debtor

**ADDRESSES OF PARTIES**

**Petitioner**

Mst Shazia Ahmed D/O Ahmad Gul  
Presently serving in Government Girls School Rani, Tehsil Balambat, District Dir (L)

**Respondents**

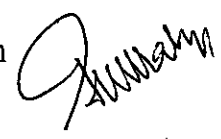
1. Government of KPK through Secretary elementary and secondary Education at Peshawar.
2. Director Elementary and Secondary Education at Peshawar.
3. Executive District officer (E and SE) Dir lower
4. District account officer Dir Lower at Timergara.

**Petitioner/Judgment Holder**

Through

  
M. Ashfaq Khan

&

Mujib Ullah 

**Advocates,  
Peshawar High Court, Peshawar**

4

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

*Execution Petition No...../2018  
In respect of  
Service Appeal N. 718 / 2014*

Mst Shazia Ahmed D/O Ahmad Gul

.....Petitioner/ Judgment holder

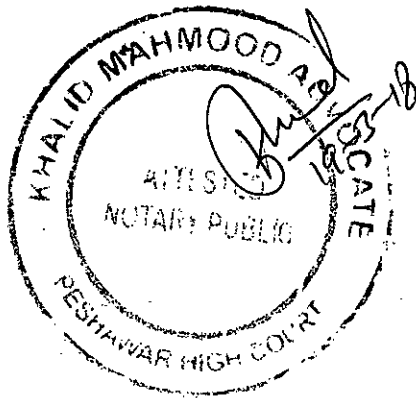
**VERSUS**

Government of KPK & Others

.....Respondents/Judgment Debtor

**AFFIDAVIT**

I **M. Ashfaq Khan** Advocate as per instruction of my client do hereby affirm and declare on oath that the contents of Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this court.



  
Advocate

5

Annexure = "A"

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR



701  
15/5/2014

Appeal No 718 / 2014

Mst Shazia Ahmad D/O Ahmad Gul presently serving in Governments Girl School Rani, Tehsil Balambat, District Dir Lower. Appellant

VERSUS

1. Government of KPK through Sec. Elementary and Secondary Education at Peshawar
2. Director Elementary and Secondary Education at Peshawar
3. Executive District Officer (E&SE) Dir Lower
4. District Account Officer Dir Lower at Timergara. Respondents

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT 1976 AGAINST THE ORDER OF RESPONDENT NO. 3 DATED 7/6/2012 VIDE WHICH THE APPELLANT WAS DEPRIVED FROM THE ANNUAL INCREMENT OF 1/12/2012

15/5/14

PRAYER

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

On acceptance of this Appeal the adjustment order of Respondent No. 3 may be corrected and the Respondents may be directed to issue the appointment/adjustment order of Appellant from 30.05.2012 instead of 07.06.2012.

27/5/14

Respectfully Sheweth,

1. That the Appellant was appointed as Primary School Teacher on 04.12.1995 and she had performed her duties at different schools of Dir lower.

(6)



No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	03.01.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>CAMP COURT SWAT</u></p> <p style="text-align: center;">Service appeal No. 718/2014</p> <p>Mst. Shazia Ahmad Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar and 3 others.</p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith M/S Muhammad Shoaib, ADO and Sarzamin, District Accounts Officer for respondents present.</p> <p>2. Mst. Shazia Ahmad D/O Ahmad Gul 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 07.06.2012 vide which the appellant was deprived from annual increment of 01.12.2012.</p> <p>3. Brief facts giving rise to the present appeal are that the appellant was appointed as PST vide order dated 04.12.1995 and after passing C.T examination her services were regularized vide order dated 13.12.2003. That there-after the appellant applied for the post of SST (G) through proper channel advertised by the Public Service Commission and, after due process, the appellant was notified as SST vide notification dated 30.05.2012. That she was adjusted as SST (C) vide office order dated 07.06.2012. That despite adjustment of the appellant in BPS-16 on 30.05.2013 she was not granted increment constraining her to submit</p>

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

representation which was not responded and hence the instant service appeal.

4. Learned counsel for the appellant has argued that the appellant was entitled to the said increment as her notification was issued on 30.05.2012. That the appellant has applied for the post of SST through proper channel but despite the same she was deprived of the increment of her service as C.T and SST.

5. Learned Senior Government Pleader has argued that the appellant has not served as SST for a period of 6 months as such she was not entitled to any increment of SST for the said year. That the increment is awarded on the completion of the calendar year while the appellant was not serving as C.T on the completion of the year of 2012.

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

7. It was admitted before us that the appellant was serving as C.T when the posts of SSTs were advertised by the Public Service Commission and the appellant was selected against one of the said posts who joined the said post on 07.06.2012. It was also admitted that there was no service break and that the appellant has served for more than 6 months in the said calendar year as C.T.

8. Since the appellant was appointed as SST vide notification dated 30.05.2012 and she had joined her new assignment on 07.06.2012 as such she had served as C.T for more than 6 months and as SST for the remaining period of the said calendar year. As such we are of the considered view that the appellant is entitled to the said annual increment as C.T which was not granted to her despite her entitlement. We are therefore constrained to

ATTESTED

EXAMINER  
Khajur Fakhrukhwa  
Service Tribunal,  
Peshawar

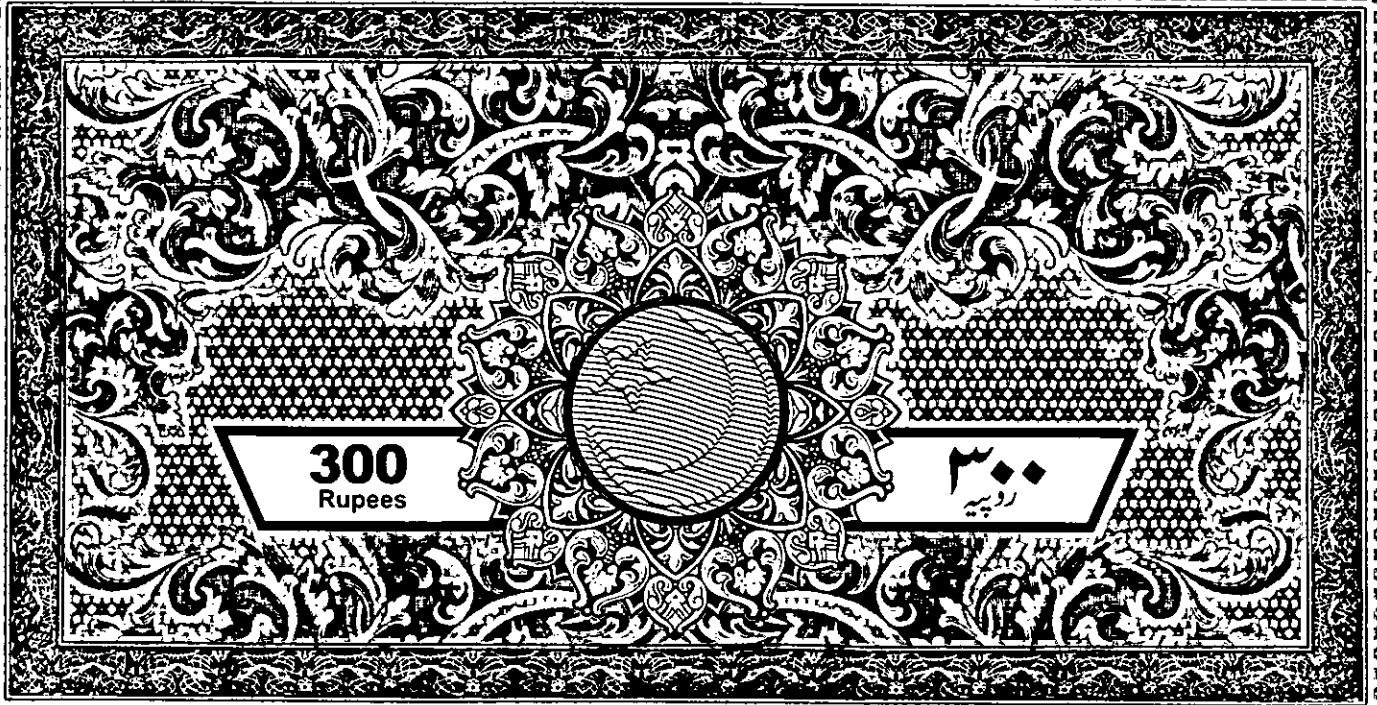
accept the present appeal and direct that the said increment of C.T be granted to the appellant for the calendar year 2012 as she has <sup>been</sup> served as C.T as well as SST. Parties are left to bear their own costs. File be consigned to the record room.

Announced *03.01.2017*  
*Sh. M. Azim Khan Afridi,*  
*Chairman*  
*Camp Court Sial*

*Sh. Ahmad Hassan,*  
*Member*

Certified to be true copy  
*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 10-01-2017  
Number of Words 1600  
Copying Fee 10-00  
Urgent -  
Total 10-00  
Name of Copyist [Signature]  
Date of Completion of Copy 16-01-2017  
Date of Delivery of Copy 16-01-2017



300

Rupees

۳۰۰

روپیہ

بعدالت جناب چیئرمین صاحب سروس ٹریبونل خیبر پختون خواہ بمقام پشاور

مسماة شازیہ احمد - بنام سیکرٹری تعلیم خیبر پختونخواہ وغیرہ  
مختیار نامہ خاص بنام سلیم اللہ خان ولد امیر شرعی خان سکنہ گل باغ رانی تحصیل بلامبٹ ضلع دریا پائین

منکہ مسماة شازیہ احمد دختر احمد گل زوجہ سلیم اللہ خان سکنہ گل باغ رانی تحصیل بلامبٹ ضلع دریا پائین بروئے تحریر ہذا اقرار کر کے لکھ دیتی ہوں کہ میں عورت ذات بوجہ پردہ نشینی مقدمہ بالا میں عدالت حضور میں اصالتاً حاضری سے قاصر ہوں اس لئے اپنی جانب سے مسی سلیم اللہ خان ولد امیر شرعی خان سکنہ گل باغ رانی تحصیل بلامبٹ ضلع دریا پائین مختیار خاص مقرر کر کے لکھ دیتی ہوں کہ مختیار موصوف میرے جانب سے اپنا دستخط کر کے عدالت حضور میں دعویٰ، جواب دعویٰ داخل کرے۔۔۔ پیروی مقدمہ کرے۔ تصدیق کرے۔ راضی نامہ کرے۔ بیان حلفی دیں۔ حلف لیں۔ ثالث مصلح مقرر کرے۔ وکیل مقرر کرے۔ بصورت عدم پیروی درخواست برآمدگی کرے۔ درخواست، جواب درخواست دیں۔ گواہ طلب کرے۔ روکیہ جمع کرے۔ اپیل نگرانی یا نظر ثانی کرے۔ راضی نامہ کرے۔ غرضیکہ مقدمہ بالا میں جو جو اختیارات مجھے حاصل ہیں وہ سب مختیار خاص کو تفویض کر دیتی ہوں۔ لہذا مختیار نامہ خاص ہذا اسناداً تحریر ہے۔

مورخہ 13/2/2017

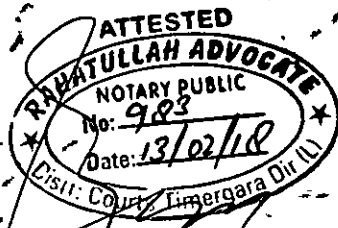
العبد العالی

سلیم اللہ خان ولد امیر شرعی خان

15302-0923646-1

العبد العالی

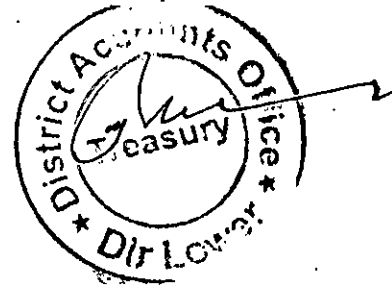
مسماة شازیہ احمد 8-15302-0844471



041918  
13/02/18  
سماة شاذیه الدین دفتر القلم زوجه سلیم اللہ خان کارکن باغ (السنی) تحصیل بلالہب ضلع میرپور سی



مراجعت احتیاطی و اضافی

  
KHAN BADSHAH  
Stamp Vender  
Distt: Courts Timergara





2

50			32086
Mujib Ullah	ایڈوکیٹ:	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
bc-17-7302	بار کونسل ایسوسی ایشن نمبر:		
0301 8521721	رابطہ نمبر:		

بعدالت جناب: Services Tribunal Khyber Pakhtoon Khwa

Petitioner/Judgment holder: منجانب	دعوی:
Mst Shahzia Ahmad	علت نمبر:
بنام	مورخہ:
Govt of KPK & others	جرم:
	تھانہ:

**باعت تحریر آگہ**

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

آن مقام Peshawar کیلئے Adv M. Ashfaq Khan کو وکیل 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 ثالث و فیصلہ بر حلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے 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 مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 19-03-2018

العبد گواہ شد العبد

مقام Peshawar کے لیے منظور ہے۔

M. Ashfaq  
Adv M. Ashfaq

Attested & Accepted  
Adv Mujib Ullah

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔