

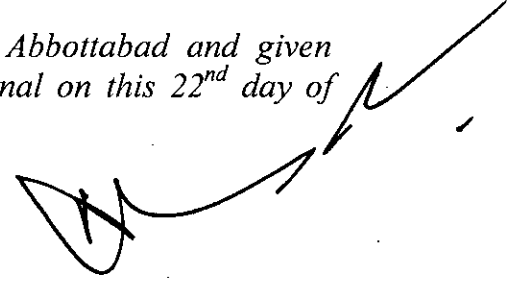
22<sup>nd</sup> Feb, 2023

1. Petitioner in person present. Muhammad Adeel Butt, Addl: AG alongwith Mr. Mukhtiar Ahmad Khan, DEO(M) Haripur for respondents present.

2. Mr. Mukhtiar Ahmad Khan, DEO(M) Haripur present in the court submitted notification bearing Endst: 1928-32 dated 22.12.2022, whereby in compliance of the judgment of the Tribunal, the grievance of the petitioner has been redressed. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is disposed off in the above terms.

3. An application for release of salary of the respondents has also <sup>been</sup> submitted. In view of the implementation of the judgment, the Accountant General, Khyber Pakhtunkhwa and District Accounts Officer, Haripur are directed to release salaries of the respondents forthwith. Consign.

4. *Pronounced in open court in Abbottabad and given under my hand and seal of the Tribunal on this 22<sup>nd</sup> day of February, 2023.*



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

SCANNED  
KEUT  
Peshawar

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL CAMP COURT ABBOTTABAD**

Execution Petition No. 32/2022  
IN  
Service Appeal No. 6608/2021

Abdul Hameed .....Petitioner

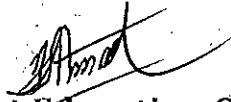
VERSUS

GOVT. OF KHYBER PAKHTUNKHWA & OTHERS.....RESPONDENTS

**IMPLEMENTATION REPORT**

**INDEX**

Sr. #	Description	Page No's	Annexure
1	Implementation Report alongwith Affidavit	01 to 02	
2	Copy of Promotion Notification dated 22-12-2022	03	"A"
3	Copy of Notification dated 23-12-2022	04	"B"

  
District Education Officer (M)  
Haripur  
(Respondents)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL CAMP COURT ABBOTTABAD**

Execution Petition No. 32/2022  
IN  
Service Appeal No. 6608/2021

Abdul Hameed.....Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa & Others.....RESPONDENTS


**IMPLEMENTATION REPORT**

**Respectfully Sheweth:-**

It is submitted as under:

1. That the above titled Execution Petition is pending adjudication before this Honorable Tribunal and today date is fixed for submission of implementation report.
2. That the judgment of this Honorable Tribunal dated 09-11-2021 has been provisionally implemented subject to the final outcome of CPLA and the petitioner has been promoted conditionally against the post of SST (G) vide Notification Endstt: No. 1928-32 dated 22-12-2022 and further posted against the vacant post at GHS Dingi vide Notification Endstt: no. 5673-79 23-12-2022. (Copy of promotion Notification dated 22-12-2022 and adjustment Notification dated 23-12-2022 is annexed herewith as Annexure "A" & "B" respectively).

It is, therefore, respectfully prayed that on acceptance of instant Implementation Report the Execution Petition in hand may please be dismissed as the judgment of this Honorable Tribunal has been implemented in its true letter and spirit.

  
District Education Officer (M)  
Haripur.  
(RESPONDENTS)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL CAMP COURT ABBOTTABAD**

Execution Petition No. 32/2022  
IN  
Service Appeal No. 6608/2021

Abdul Hameed .....Petitioner

VERSUS

GOVT. OF KHYBER PAKHTUNKHWA & OTHERS.....RESPONDENTS

**IMPLEMENTATION REPORT**

**AFFIDAVIT**

I, Mr. Mukhtar Ahmad Khan, District Education Officer (Male), Haripur do hereby affirm and declare on oath that the contents of forgoing Implementation Report are correct and true according to the best of knowledge and belief and nothing has been suppressed from this Honorable Tribunal.



DEPONENT

  
**SHAHBAZ KHAN ADVOCATE  
DATH COMMISSIONER  
ABBOTTABAD  
LIC NO: 1371 72**



ANNEX A  
3

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)**  
**HARIPUR**

PII No. 0995-920150, 920151



**NOTIFICATION:**

In pursuance of the Notification issued by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide NO 1928-32/F.No. 1 /Promotion of SST G (BPS 16) dated: 22/12/2022, the services of the following PSHT promoted for SST (G) (B-16) are hereby further adjusted against the vacant post of SST (G) B-16 (28070-2260--95870-) post mentioned against his name with immediate effect in the interest of public service, subject to the terms & condition is remained intact as mentioned in the Notification issued by Director Elementary & Secondary Education KPK Peshawar referred above.

**Promotion order PSHT to SST (G)**

S.N	S/List No	Name of Teacher	Name of School	Place of new posting	Remarks
1	406	Abdul Hameed	GPS Gheba	GHS Dingi	Against vacant post of SST (G) conditionally subject to the final outcome of pending CPLA against the judgement of Service Tribunal KPK dated 09/11/2021 before the August Supreme Court of Pakistan in Service Appeal No. 6608/2021 and Execution Petition No. 32/2022

**Terms & Conditions**

1. He shall be on probation for a period of one year extendable for another year.
2. His Services can be terminated at any time in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
3. Charge report should be submitted to all concerned.
4. No TA/DA is allowed for joining their duties.
5. His inter-seniority on lower post will remain intact.
6. He will give an under taking to be recorded in his service book to the effect that if any over payment is made to him in the light this order will be recovered and if he is wrongly promoted he will be reversed.

-----sd-----  
District Education Officer (M)  
Haripur

Endst No. 5673-79 /F.No 5-1/EB/Promotion SST (G)

Date: 23/12/2022

**Copy of the above is forwarded to the:-**

1. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Senior District Account Officer Haripur.
4. District Monitoring Officer. (EMA) Haripur.
5. Headmaster/SDEO concerned.
6. EMIS Branch Local Office.
7. Teachers Concerned.
8. Office file.

District Education Officer (M)  
Haripur

9C

mer



Annex "B"

**DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR**

**NOTIFICATION.**

1. Whereas, the appellant, namely Mr. Abdul Hameed was appointed as an untrained teacher against the PST post vide order dated 15-02-1988, issued by the then District Education Officer (Male) Abbottabad & was posted at Masjid Primary School Kalanwan District Haripur. His services were regularized vide order dated 30-3-2009 from the date of passing PTC course/training. Later on, the appellant was promoted to the post of PSHT (BPS-15) on the strength of his seniority position and service record in District Haripur.
2. And whereas, during course of service, the authority concerned notified seniority list of PSHT teachers, stood on 31-08-2019 under the provision of Section-8 of Civil Servants Act 1973 read with Rule-17 of Government Servants, (APT) Rules, 1989, wherein, the appellant has been shown at Seniority No. 406. In the meanwhile, the DEO (M) Haripur processed working papers for the promotion of teachers from PSHT (BS-15) to SST (BS-16) to the Directorate E&SE under the 20% reserved Quota notified vide Notification dated 24-7-2014 by the E&SE Department. Whereupon, a DPC meeting was conducted on 11-11-2019 in the Directorate E&SE and eligible teachers were promoted to SSTs (BS-16) after due process of law & rules. However, the appellant was not promoted to the post in question on the ground that his name was not included in the working papers by the DEO concerned in view of his seniority position in the seniority list ibid.
3. And whereas, feeling aggrieved, the appellant filed a Service Appeal No. 6608/2021 before the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar for his promotion as SST (G) on the basis of fake & bogus working papers attributed to the DEO (M) Haripur which was decided vide judgement dated 09-11-2021 in favor of the appellant, where against, a CPLA before the Supreme Court of Pakistan has also been filed by the Respondent Department which is still pending for disposal.
4. And whereas, now the appellant has filed an Execution Petition No.32/2022 under the said title before the Honorable Service Tribunal, Peshawar for the implementation of the aforementioned judgment, whereupon, the Honorable court has directed the Respondent Department for submission of implementation report on the up-coming date of hearing fixed on 20-10-2022.

Now therefore, in compliance of the Judgment dated 09-11-2021 of the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar, consulting with the relevant provision of law, rules & policy in vogue & in exercise of the powers conferred upon the undersigned under Section-21 of the General Clauses Act, 1897 as amended in 1956, the undersigned, in capacity of competent authority, is pleased to promote Mr. Abdul Hameed PSHT (BS-15) District Haripur to the post of SST (General) in BS-16 along with his batch mates conditionally subject to the final outcome of pending CPLA against the Judgment dated 09-11-2021 before the august Supreme Court of Pakistan. Moreover, the services of the appellant are hereby placed at the disposal of DEO (M) District Haripur for further adjustment against the noted post with immediate in the interest of public service.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.

Endst: No: 1928-327

Dated Peshawar the: 22/12/2022

**Copy forwarded for information & n/action to the:-**

- 1 Learned Registrar Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 2 Learned AAG Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 3 District Education Officer (Male) Haripur.
- 4 Section Officer (Lit-II) E&SE Department Khyber Pakhtunkhwa.
- 5 Official concerned.

  
**ASSISTANT DIRECTOR (ESTAB/M-I)**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL CAMP COURT ABBOTTABAD**

Execution Petition No. 32/2022

IN

Service Appeal No. 6608/2021

Abdul Hameed.....Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa & Others.....RESPONDENTS


**APPLICATION FOR RELEASE OF SALARY OF RESPONDENTS**

Respectfully Sheweth:-

It is submitted as under:

1. That the above titled Execution Petition is pending adjudication before this Honorable Tribunal and today date is fixed for submission of implementation report.
2. That the salaries of answering respondents have been attached by this Honorable tribunal due to non submission of implementation report and today implementation report has been submitted before this Honorable Tribunal.

It is, therefore, respectfully prayed that the salaries of the answering respondents may kindly be released accordingly.

  
District Education Officer (M)  
Haripur  
(Respondents)

26<sup>th</sup> Oct, 2022

Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Behramand, Assistant Director for respondents present.

On the previous date respondents stated at bar that the implementation under execution is in process and compliance report will be submitted on the next date but today implementation report has not been submitted. This Tribunal has no other alternative but to take action against respondents. The Accountant General Khyber Pakhtunkhwa and District Accounts Officer, Hairpur are directed to attach salary of the respondents No. 1 to 3 till further orders by this Tribunal. Respondents are directed to appear in person alongwith the implementation report on 26.12.2022 before S.B.

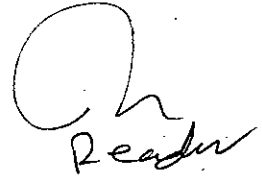
**SCANNED  
KPST  
Peshawar.**



(Kalim Arshad Khan)  
Chairman

26-12-22-

Due to winter vacation the case is adjourned, To come up for the same on 22-2-2023



Reader




14.06.2022

Appellant present in person. DEO (Male) Abbottabad present. Mr. Muhammad Adeel Butt, Additional AG for respondents present.

Despite the fact that Director Elementary & Secondary Education was summoned to be present in person, he sent Haseen Ullah, Assistant to attend the hearing.

Representative of the department submitted an application seeking time as they have initiated the case and have forwarded working paper for promotion of the Petitioner to the Director E&SE Peshawar. Last opportunity is granted. To come up for implementation report on 18.08.2022 before S.B at Camp Court Abbottabad.

  
(Fareeha Paul)  
Member (E)  
Camp Court A/Abad

02.02.2022

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG Haseenullah, Asstt. and Saleh Mushtaq, ADEO for the respondents present.

The representative of the respondent No. 2 has brought and produced the copy of summary moved for implementation of the judgment. Recommendation has been made for conditional implementation of the judgment vide para-5 of the said summary and the same has been submitted for approval competent authority i.e. the respondent No. 2. The copy of summary is placed on file. To come up for progress report on 21.02.2022 before S.B.

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 20.04.2022 for the same as before.

  
Reader.

20<sup>th</sup> April, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG requests for further time to implement the judgment and submit implementation report. Last opportunity is granted. Respondents No. 2 and 3 be summoned to attend the Tribunal personally alongwith implementation report on 14.06.2022 before S.B at Camp Court, Abbottabad.

  
Chairman

EP 32/2022

31.01.2022

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Saleh Mushtaq, ADEO and Basirullah, Librarian, for the respondents present.

Learned AAG seeks further time to implement the judgment conditionally. Learned AAG is required to take the respondents on board to implement the judgment dated 09.11.2021 in the light of order dated 13.01.2022 and submit compliance report positively on 01.02.2022 before S.B.

  
Chairman

01.02.2022

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Saleh Mushtaq, ADEO and Tahseenullah, Asstt. for the respondents present.

Learned AAG seeks further time. Learned AAG is required to take the respondents on board to implement the judgment at credit of the petitioner in the light of order dated 13.01.2022 and submit compliance report positively on 02.02.2022 before S.B.

  
Chairman

26.01.2022

Counsel for the petitioner present and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Saleh Mushtaq, ADEO and Basirullah, Librarian for the respondents present.

The copy of letter dated 20.01.2022 alongwith order dated 13.01.2022 has been handed over to Mr. Basirullah, Librarian in attendance on behalf of respondent No. 2 with the direction to submit the same in the relevant section of the office for further necessary action in view of the order dated 13.01.2022. To come up for implementation report on 31.01.2022 before S.B.

  
CHAIRMAN

31.01.2022

Mr. Muhammad Adeel Butt, Counsel for the petitioner and Mr. Basirullah, Librarian in attendance on behalf of respondent No. 2 alongwith Muhammad Saleh Mushtaq, ADEO and Basirullah, Librarian in attendance on behalf of respondent No. 2 have been directed to submit the implementation report on 31.01.2022 before S.B.

CHAIRMAN

20.01.2022

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG seeks short adjournment to contact the respondents and submit implementation report as per directions given on 3.01.2022. Request accorded. Case to come up for implementation report on 21.01.2022 before S.B.

  
Chairman

21.01.2022

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG Mr. Muhammad Saleh Mushtaq, ADEO for the respondents present.

Learned AAG again seeks short adjournment in order to contact the concerned respondents to implement the judgment in light of directions given on 03.01.2022 and submit compliance report on next date. Request accorded. Case to come up for implementation report on 26.01.2022 before S.B.

  
Chairman

13.01.2022

Learned counsel for the petitioner present.

The petitioner through this Execution Petition has brought the judgment of this Tribunal for execution which was passed in his favor on 09.11.2021, in service appeal No. 6608/2021. The findings in the judgment were followed by the operative part as copied below:-

*"In view of the above discussion, the instant appeal is accepted. Consequently, the respondents are directed to actualize the recommendation of appellant's promotion from the post of PSHT to SST with effect from 11.11.2019 with all back benefits."*

The petitioner has submitted that the judgment is still in field and has not been suspended or set aside by the august Supreme Court of Pakistan. Therefore, the respondents are legally bound to pass formal reinstatement order and he prayed for implementation of the judgment at his credit in letter and spirit.

Needles to say that the respondents are at liberty to challenge the judgment at credit of the petitioner before the august Supreme Court of Pakistan, if so advised; however, filing of the petition against the judgment before august Supreme Court of Pakistan does not absolve the respondents from their obligation from implementation of the judgment of this Tribunal in letter and spirit unless the same is suspended by a specific order of the august Supreme Court of Pakistan. If the respondents are not in possession of any such order, they are supposed to implement the judgment at credit of the petitioner but with liberty to get an affidavit from him for return/restoration of the benefits, if the judgment of this Tribunal at his credit is set aside by the august Supreme Court of Pakistan. Copy of Execution Petition alongwith copy of this order be sent to Respondent No. 3 for implementation report on or before the date fixed. Notice of Execution Petition be given to other respondents.

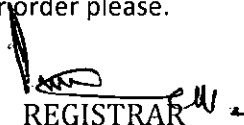

To come up for implementation report on 20.01.2022 before S.B.

  
CHAIRMAN

Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. 32/2022

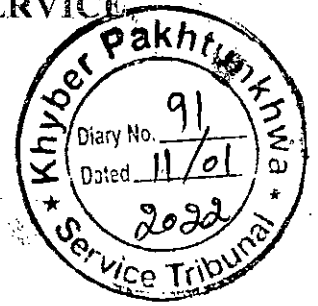
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.01.2022	<p>The execution petition of Mr. Abdul Hameed submitted today by Syed Noman Ali Bukhari Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench at Peshawar on <u>13.01.2022</u>.</p> <p> CHAIRMAN</p>

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.

SCANNED  
KPST  
Peshawar

Execution Petition No. 32 /2022



In Service Appeal 6608/2021

Abdul Hameed S/o Muhammad Khan PHST, GPS Gheba  
Haripur R/o Village Gheba Tehsil and District Haripur.  
(APPELLANT)

VERSUS

(1) Government of Khyber Pakhtunkhwa through Secretary E&SE  
KPK Peshawar.

(2) Director E&SE KPK Peshawar.

(3) District Education Officer (Male) Haripur.

(4) Departmental Promotion Committee through its Chairman  
Director E&SE.

(RESPONDENTS)

EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED 09.11.2021 OF THIS  
HONORABLE TRIBUNAL IN LETTER AND  
SPIRIT.

Respectfully Sheweth:

1. That the appellant filed an appeal bearing No.6608/2021 against the DPC recommendation held on 11.11.2019.
2. That the said appeal was finally heard by the Honorable Tribunal on 09/11/2021 which was accepted and the respondent are directed to actualise the recommendation of appellant promotion from the post of PSHT to SST with effect from 11/11/2019 with all back benefit. (Copy of the Judgment as Annexure-A).



- 3. That in-action and not fulfilling formal requirements by the department after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
- 4. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to pass formal appropriate order.
- 5. That the appellant has having no other remedy except to file this execution petition.

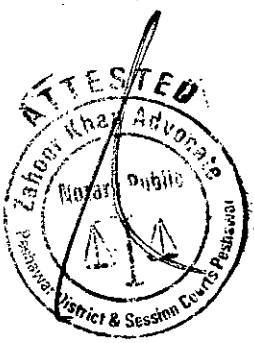
It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment dated 09.11.2021 of this august Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.

*[Signature]*  
**Petitioner**

Abdul Hameed

Through:

*[Signature]*  
**Syed Noman Ali Bukhari**  
 Advocate, High Court Peshawar



**AFFIDAVIT:**

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able Tribunal.

*[Signature]*  
 Deponent

(1)

(3)

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO: 6608 /2021**

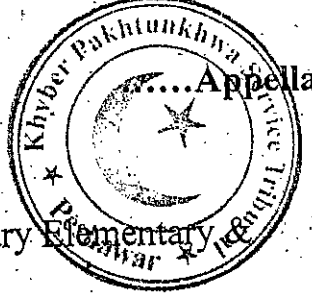
Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6659

Dated 25/6/2021

Abdul Hameed S/o Muhammad Khan PHST GPS Gheba Haripur R/o  
Village Gheba Tehsil & District Haripur.

**Versus**

- .....Appellant**
- 
1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary  
Secondary Education, KPK, Peshawar.
  - ✓ 2. Director Elementary & Secondary Education, KPK, Peshawar.
  - ✓ 3. District Education Officer (Male) Haripur.
  4. Departmental Promotion Committee through its Chairman, Directorate E&SE.

**.....Respondents**

.....

APPEAL U/S 4 OF THE KP SERVICE TRIBUNAL ACT'S  
1974, AGAINST THE IMPUGNED REVISED  
SENIORITY LIST DATED 31.08.2019 AND FOR THE  
DECLARATION TO THE EFFECT THAT THE  
APPELLANT IS ENTITLED FOR THE PROMOTION  
TO THE POST OF SST, IN THE LIGHT OF DPC  
MEETING AND RECOMMENDATION HELD ON  
11.11.2019 AND RESPONDENTS MAY ALSO BE  
DIRECTED TO PREPARE SENIORITY LIST OF PSTS  
STRICTLY IN ACCORDANCE WITH SECTION 8 OF  
CIVIL SERVANT ACT,1973 AND RULE-17 OF APT  
RULES 1989 READ WITH THE KP-EMPLOYEES  
REGULARIZATION OF SERVICE ACT 2018 AS  
GUIDANCE ISSUED VIDE LETTER NO. 29015-70/F.NO,  
APPEAL DI KHAN DATED PESHAWAR THE  
0.807.2020. AND AGAINST NOT TAKING ACTION ON  
THE DEPARTMENTAL APPEAL OF THE APPELLANT  
WITH IN PERIOD GIVEN BY THE PESHAWAR HIGH  
COURT PESHAWAR.

Filed to-day  
Registrar  
25/6/2021

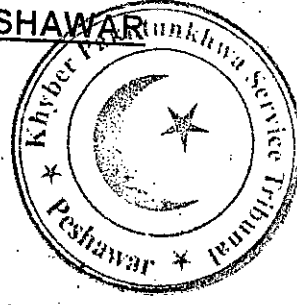
**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

4

Service Appeal No. 6608/2021



Date of Institution ... 25.06.2021  
Date of Decision ... 09.11.2021

Abdul Hameed S/O Muhammad Khan P.S.H.T G.P.S Gheba  
Haripur R/O Village Gheba Tehsil & District Haripur.  
(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Khyber Pakhtunkhwa  
Peshawar and three others.  
(Respondents)

Syed Noman Ali Bukhari,  
Advocate

For appellant.

Kabir Ullah Khattak,  
Additional Advocate General

For respondents.

Ahmad Sultan Tareen  
Rozina Rehman

Chairman  
Member (J)

JUDGMENT

Rozina Rehman, Member(J): Brief facts of the case are that  
appellant was appointed as P.T.C against the vacant post at Masjid  
Primary School Kalanwan Tehsil Haripur, District Abbottabad vide  
order dated 15.02.1988. He got the certificate of P.T.C in 1994 and  
the entries regarding P.T.C certificate were properly entered and  
recorded in his service Book. His service was regularized vide  
Notification dated 30.03.2009 and two advance increments were also  
awarded to the appellant. He was promoted to B.P.S-15 as P.S.H.T.  
The S.D.E.O (Male) issued general seniority list as stood on  
31.08.2019 and the appellant was placed at Serial No.237. In the light

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

of seniority list, his case for promotion from BS-15 to BS-16 was duly considered and recommended by the D.P.C held on 11.11.2019. The respondents were reluctant to issue promotion order which act made the appellant aggrieved. He, therefore, filed departmental appeal which was not responded to. He then filed writ petition and vide order dated 29.09.2020, the respondents were directed to consider the departmental appeal and to decide the same within a period of one month after giving an opportunity to the appellant but without giving opportunity, his appeal was rejected, hence, the present service appeal.

2. We have heard Noman Ali Bukhari Advocate learned counsel for appellant and Kabir Ullah Khattak, learned Additional Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Noman Ali Bukhari Advocate, learned counsel for appellant submitted that the appellant was not promoted despite the fact that the departmental Promotion Committee properly recommended appellant for promotion to the post of S.S.T which clearly shows malafide on the part of respondents. He submitted that the impugned seniority list is against the norms of service law and principles of natural justice as the Department failed to take into consideration the settled principles governing seniority/promotion and lastly, he submitted that valuable rights of the appellant were affected by the respondents by not granting him his due promotion from the date of his actual entitlement.

4. Conversely, learned A.A.G submitted that appellant was regularly appointed on 29.05.1994 and that as per Khyber Pakhtunkhwa Civil

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Servants (Appointment, Promotion & Transfer) Rules, 1989, the seniority of civil servant would be counted from the date of regular appointment. He submitted that his service was regularized and he was rightly placed in the seniority list as per Section-4(2) of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009. Lastly, he submitted that his name was placed at Serial No.167 which was not objected to by the appellant, therefore, he is not entitled for promotion due to low position in the seniority list and that his name was dropped from promotion papers by the office of respondents because his name had been entered in the working paper of D.P.C beyond the right position in the seniority.

5. From the record it is evident that appellant is holder of higher degrees as M.A, M.Ed who was initially appointed as P.T.C on 15.02.1988. His services were regularized later on. This is not denied that SDEO (Male) office issued general seniority list of P.S.H.T (BS-15) as stood on 31.08.2019 and the appellant was placed at Serial No.237. On the strength of this seniority list, working paper for Departmental Promotion Committee for the promotion of P.S.H.T to S.S.T (Male) (BS-16) was prepared and placed before the duly constituted DPC with footnotes including that the seniority list was final. Working paper clearly shows name of the present appellant at Serial No.6 and he was recommended for promotion by D.P.C among other four persons/teachers out of six while two namely Muhammad Ikram (at Serial No.1) and Sagheer Ahmad (at Serial No.4) were not recommended. The validity of working paper bearing signatures of the DPC members though rebuttable but remained unrebutted in absence of any cogent plea on behalf of respondents. Rather they in their factual reply to para 04 of the Memo of appeal affirmed the


ATTESTED

KHYBER PAKHTUNKHWA  
Service Tribunal  
Peshawar

correctness of the placement of appellant on Serial No. 237 of the seniority list dated 31-08-2019 which was implemented for the said working paper, being final and undisputed. However, they in addition to said reply simultaneously assert that according to the latest seniority list as stood on 30-06-2021, Appellant's name is placed on serial No. 167, which has not been objected to by him. So he is not entitled for promotion due to low position in the seniority list. What fun was lying there for the Appellant to file objection on the seniority list after his recommendation by DPC on the working paper based on the seniority list dated 31.08.2019 when it was intact till his recommendation for promotion and still it is not the case of respondents before us that said seniority list was set aside owing to any valid objection after its implementation for the working paper brought before us as a supporting document with Memo of appeal. The said assertion of respondents as to recasting of seniority list with adverse change in the seniority position of appellant and there being no objection to it on his behalf is devoid of substance. Undeniably, the appellant has got at his credit proper recommendation of DPC for his promotion from PSHT post to SST Post. The preliminary objections of the respondents as discussed above and their added reply to para 04 in our observation are an afterthought. We are constrained to observe that the appellant was appointed on PTC post now it stands as PST (BPS-12) with the changed nomenclature. The holders of said post have been provided carrier progression path by two promotions on the basis of prescribed service length and one on possessing of higher qualification of Bachelor Degree with B.Ed from PSHT post to SST post on the basis of seniority. In case of first two promotions, they are promoted from the post of PST (BPS -12) to SPST (BPS-14) and then

from this post to PSHT (BPS-15). The holders of PSHT post who possess the prescribed higher qualification in general and professional education are promoted to the post of SST (BPS-16) in respective category having regard to their higher qualification, on the basis of seniority list of the incumbents of PSHT post. The plea taken by the respondent department in their comments about change of seniority position of appellant on PSHT post is quite shallow when his length of service was not questioned for his promotion to the post of PSHT at the time of his promotion to the said post. The appellant having been considered for promotion as PSHT on the same length of service cannot be taken aback by curtailing his length of service for promotion to SST post for which the length of service is not the part of criteria; and he otherwise was eligible for promotion in view of his particulars given in the Working Paper taken into account for recommendation of his promotion to SST post noted acted upon by the respondents.

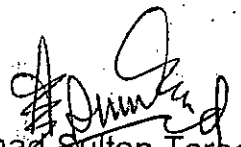
6. Before preference of present appeal, the appellant filed writ petition in the Hon'ble Peshawar High Court, Abbottabad Bench challenging the non-action of respondents on recommendation of DPC and being not proper forum, he was shown the way for this Tribunal. He reached in the Tribunal with his appeal on 25-06-2021 before recasting of seniority list as stood on 30-06-2021 when the matter of promotion of appellant was subjudice. So, the respondents' plea against the already recommended promotion is not workable unless they could show a tangible order of the competent authority i.e. Respondent No.3 meant to set aside the recommendation of DPC with valid reasons. We afforded the respondents with reasonable opportunity by adjournment of hearings with direction to their

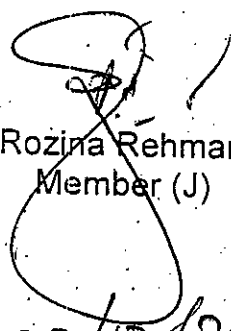
ATTESTED  
  
 EXAMINER  
 Khayber Pakhtunkhwa  
 Service Tribunal  
 Pesh.

representative for production of such order, if any, to demonstrate as to why after holding of DPC followed by its recommendations, appointment of appellant/recommendee through promotion was withheld by the competent authority. Certainly, they could not be able to produce such order despite the given opportunity. In this background of the case, it has become inevitable to hold that the appellant is entitled for promotion on the basis of recommendation of DPC held on 11.11.2019 and inaction of the respondents towards implementation of such recommendation is unwarranted.

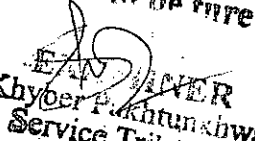
6. In view of the above discussion, the instant appeal is accepted. Consequently, the respondents are directed to actualise the recommendation of appellant's promotion from the post of PSHT to SST with effect from 11-11-2019 with all back benefits. Parties are left to bear their own cost. File be consigned to the record room.

ANNOUNCED.  
09.11.2021

  
(Ahmad Sultan Tareen)  
Chairman

  
(Rozina Rehman)  
Member (J)

**Certified to be true copy**

  
E. N. JAFFER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 23/12/21  
 Number of Words 2400  
 Copying Fee 26/-  
 Urgent 4/-  
 Total 30/-  
 Name of Copyist \_\_\_\_\_  
 Date of Completion of Copy 23/12/21  
 Date of Delivery of Copy 23/12/21



**VAKALAT NAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF ISP Service Tribunal Peshawar

Abdul Hameed \_\_\_\_\_ (Appellant)  
(Petitioner)  
(Plaintiff)

**VERSUS**

Education deptt \_\_\_\_\_ (Respondent)  
(Defendant)

I/We, Abdul Hameed

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 11-1 /2022

[Signature]  
(CLIENT)

ACCEPTED

[Signature]  
**SYED NOMAN ALI BUKHARI**  
Advocate High Court Peshawar.



**OFFICE OF THE DISTRICT EDUCATION OFFICER (M)**

**HARIPUR**

Ph. No. 0995-920150, 920151  
Email: deomalehrp@gmail.com



No. 8671 /SA 6608/2021/A.Hameed

Dated 20 / 01/2022

To,

Director  
E&SE Khyber Pakhtunkhwa  
Peshawar.

Subject:- **OBTAINING OF INJUNCTION FROM AUGUST SUPREME COURT OR IMPLEMENTATION OF THE JUDGMENT**

Memo:

It is submitted that:-

1. The Service Appeal No. 6608/2021 titled Abdul Hameed VS Govt of KPK etc has been decided against the department vide judgment dated 09-11-2021. (Copies of appeal and judgment are attached as annexure A&B)
2. The working papers for CPLA had been prepared and sent to your good office to filing to appeal in August Supreme Court against the above mentioned judgment. (Copy of working papers is attached as annexure C)
3. The appellant has filed execution petition before Khyber Pakhtunkhwa Service Tribunal Peshawar in which the date is fixed for 20-01-2022 and provided Court Affidavit for promotion. (Copy of Execution Petition and Original Court affidavit is attached as annexure D&E)
4. The injunction on execution petition may be obtained or the judgment may very kindly be implemented.

Therefore it is requested to approach the law department for obtaining of stay order or the judgment may be implemented as your good self deems fit please.

Encls: 17 pages

  
District Education Officer (M)  
Haripur

Even No. & date:

Copy forwarded for information to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Office Copy.



**OFFICE OF THE DISTRICT EDUCATION OFFICER (M)**

**HARIPUR**

Ph. No. 0995-920150, 920151  
Email: deomalehrp@gmail.com



No. 8671 /SA 6608/2021/A.Hameed

Dated 20 / 01/2022

To,

Director  
E&SE Khyber Pakhtunkhwa  
Peshawar.

Subject:- **OBTAINING OF INJUNCTION FROM AUGUST SUPREME COURT OR IMPLEMENTATION OF THE JUDGMENT**

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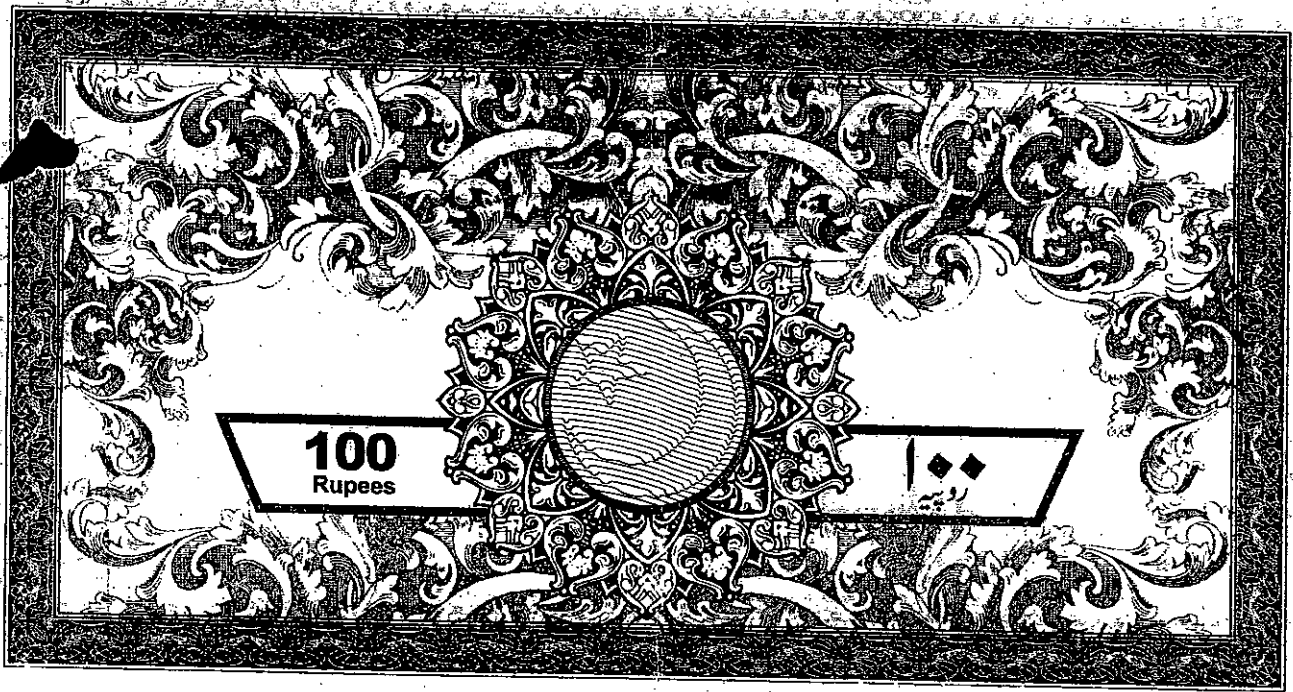
Encls: 17 pages

  
District Education Officer (M)  
Haripur

Even No. & date:

Copy forwarded for information to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Office Copy.



بیان قلمرو

فقہ عبد الحمید ولد عمر خان تہ قصیدہ الہیہ سرائے معلع پلاؤ ریسٹاویں

حد نما بیان میں مندرجہ ذیل پلاؤں کا سوا لکھ روپے والا

میل 15 میں تقیات ہوں جوہر عہدہ بیگمیشن سکینڈ سے سکینڈ 15 سے

سکینڈ 16 میں پروٹ سروسز پلاؤں پشاور پروٹ پلاؤں

جوبہ 50 میل پلاؤں میں تقیات سکینڈ پیریم گورن آف پانڈان عہدہ

سکینڈ پروٹیشن تقیات جانا چاہتا ہے پیریم گورن تقیات سکینڈ

پیریم گورن سکینڈ پیریم گورن تقیات سکینڈ سکینڈ سکینڈ سکینڈ

ریت کا پانڈا و پلاؤں پلاؤں

وسیم اشرفی پلاؤں پلاؤں

7822-77

18-01-2022 94

پلاؤں سکینڈ والی 16

پلاؤں سکینڈ والی 16

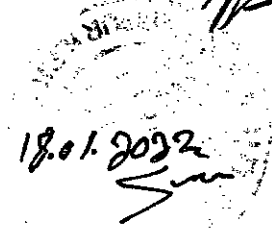
پلاؤں سکینڈ والی 16

سندھ ایبٹ آباد پلاؤں

13302.0527028.9 ( 01 18 )

22

عبد الحمید



18-1-2022  
No-151

**Subject: CONDITIONAL IMPLEMENTATION OF JUDGMENT DATED 09-11-2021 PASSED BY HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**HISTORY OF THE CASE**

1. Abdul Hameed PSHT G.P.S Gheba Haripur has filed Service Appeal No.6608/2021 under case titled Abdul Hameed PSHT Vs Govt; of Khyber Pakhtunkhwa before the Khyber Pakhtunkhwa Service Tribunal Peshawar, seeking for promotion PSHT to the post of SST BPS-16 with effect from 11-11-2019 with all back benefits.

2. The appeal of the appellant was allowed vide Judgment dated 09-11-2021, whereby the Respondent Department was directed vide operative part of the judgment which is re-produced as under:-

*"Certainly, they could not be able to produce such order despite the given opportunity. In this background of the case. It has become inevitable to hold that the appellant is entitled for promotion on the basis of recommendation of DPC held on 11-11-2019 and inaction of the respondent toward implementation of such recommendation is unwarranted. In view of the above discussion, the instant appeal is accepted. Consequently, the respondent are directed to actualize the recommendation of appellant's promotion from the post of PSHT to SST with effect from 11-11-2019 with all back benefit."*

3. The appellant then filed in Execution Petition No.32/2022 before the Service Tribunal for the implementation of the Judgment dated 09-11-2021, wherein, an order dated 13-01-2022 has been passed by the Tribunal for strict compliance & submission of implementation report before the Honorable Court with direction to the Respondent Department as under:

*"In view of the above discussion, the instant appeal is accepted. Consequently, the respondent are directed to actualize the recommendation of appellant's promotion from the post of PSHT to SST with effect from 11-11-2019 with all back benefit."*

4. In continuation of the Order dated 20-01-2022, a subsequent Order dated 21-01-2021 has been passed by the Honorable Court, whereby the Respondent Department has been once again directed for compliance of court orders with regard to the implementation of the said Judgment, failing which may result in the shape of adverse action against the Worthy Director & Secretary E&SE Khyber Pakhtunkhwa Peshawar.

5. *Therefore, it is suggested that the case in hand may be referred to the Deputy Director (Estab-I/M) local Directorate for the implementation of the Courts order dated 03-01-2022 ( which have been reproduced in Para-3/N) conditionally till the outcome of pending CPLA before the august Supreme Court of Pakistan, so that to avoid consequences of non-compliance in the shape adverse action against the Respondents i.e. Worthy Secretary & Director E&SE Khyber Pakhtunkhwa Peshawar if agreed Sir.*

*A*  
1-2-22  
AD (LIT-II)



KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR  
No. 933-34 IST

All communications should be  
addressed to the Registrar KPK Service  
Tribunal and not any official by name.

Ph:- 091-9212281

Deputy Director (Legal):

Para-05/01 may please  
be approved Sir;

017/02/22

07  
W. Director



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 933-34 /ST

Dated: 25-4- /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To

1. The Director E&SE,  
Government of Khyber Pakhtunkhwa,  
Peshawar.
2. District Education Officer Male,  
Government of Khyber Pakhtunkhwa,  
Haripur.

Subject: ORDER IN EXECTION PETITION NO. 32/2022 MR. ABDUL HAMEED.

I am directed to forward herewith a certified copy of order dated 20.04.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above

  
REGISTRAR,  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Appeal No. 6608 /2021

Abdul Hameed S/O Muhammad Khan PSHT GPS Gheba Haripur R/O Village Gheba, Tehsil and District Haripur.....

(Appellant)

**Versus**


Govt: of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar & Others.....

(Respondents)

**APPLICATION FOR THE SUBMISSION OF IMPLEMENTATION REPORT**

1. That the above titled case is pending before the Honorable Service Tribunal.
2. That the case is related to the promotion of the petitioner/appellant from PSHT BPS-15 to SST BPS -16 which is the competency of Worthy Director E&SE Khyber Pakhtunkhwa Peshawar.
3. That the applicant/respondent has prepared the working papers for the promotion of the appellant and sent to Worthy Director E&SE Khyber Pakhtunkhwa Peshawar through registered post on 10-06-2022 **(Copy of working papers and registry receipt are attached as A & B)**
4. That the applicant/respondent has implemented the judgment of the Honorable Service Tribunal to the extent of his power.

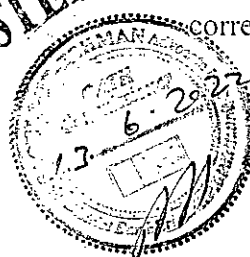
Therefore it is requested to accept the implementation of the applicant/respondent and the petition of the petitioner/appellant may very kindly be decided accordingly please.


  
District Education Officer (M)  
Haripur.

**Affidavit:**

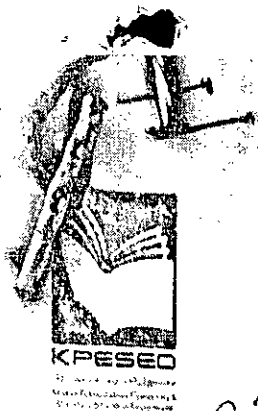
Solemnly affirmed and declared that the contents of the application are true and correct to the best of my knowledge.

**ATTESTED**



  
Applicant/Defendant  
District Education Officer (M)  
Haripur





**OFFICE OF THE DISTRICT EDUCATION OFFICER (M)  
HARIPUR**

Ph.No.0995-920150,920151  
Email:[deomalhrp@gmail.com](mailto:deomalhrp@gmail.com)



No-

282-85  
/SA 6608/2021 Abdul Hameed

Dated: 10 / 06 / 2022

To,

Director  
E&SE Khyber Pakhtunkhwa  
Peshawar.

Subject:

**IMPLEMENTATION OF JUDGMENT PASSED BY HONORABLE  
SERVICE TRIBUNAL IN EXECUTION PETITION NO. 32/2022 IN SA  
6608/2021 TITLED ABDUL HAMEED VS GOVT: OF KHYBER  
PAKHTUNKHWA.**

Memo;

With reference to the Execution Petition No. 32/2022 in Service Appeal No. 6608/2021 and Khyber Pakhtunkhwa Service Tribunal letter No. 933-34 dated 25-04-2022 received on 01-06-2022.

It is stated that working papers for the case of promotion from PSHT (BPS-15) to SST (G) (BPS-16) in r/o Abdul Hameed PSHT GPS Gheba are hereby prepared and being sent to your good office which are attached herewith for further necessary action/implementation please.

Encls: i. Working Papers. (01 page)  
ii. Seniority List. (13 pages)

District Education Officer (M)  
Haripur

Even No. & date: /

Copy forwarded to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. SDEO (M) Haripur.
3. Abdul Hameed PSHT GPS Gheba Haripur.
4. Office Record.

District Education Officer (M)  
Haripur

# OFFICE OF THE DISTRICT EDUCATION OFFICER (M) HARIPUR

Promotion of PSHT Male to the post of SST (G) (BPS-16) on Regular Basis

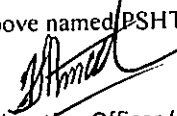
The case of Promotion of PSHT Male to SST -G (BPS-16) was considered in light of direction conveyed Judgment passed on by KPK Service Tribunal Peshawar Petition No.32/2022 Appeal No.6608/2021

Total No. of Vacant post of SST (G)								23
25% Initial Recruitement Quota								06
75% Promotion Quota								03
20% PSHT Promotion Quota to SST (G)								1
Already Promoted PSHT to SST (G)								0
Proposed for Promotion to SST (G)								1
S#	Sr. No	Name of Official	Name of School	Date of Birth	Date of Apptt	Date of Apptt as Regular PST	Academic & Professional Qualification	Remarks
1	167	Abdul Hameed	GPS Gheba	12/Mar/67	16/Feb/88	29/May/94	M.A (PTC) B.Ed	He is junior in seniority, however in the light of judgment of Service Tribunal in SA No. 6608/2021 passed on 20-04-2022 he is included in promotion zone.

**Certificate:**

1. All the PHST (Male) have been included in the pannel for promotion to SST (G) post.
2. All the PSHT (Male) hold the post on regular basis and none of them is on Adhoc/acting charge/contract basis.
3. All the PSHT (Male) have completed the required minimum length of qualifying service and qualification as required for promotion to SST(G) under the rules.
4. None of them is on deputation to any organization under the Federal/Provincial/Autonomous/International Organization.
5. Neither any disciplinary/ departmental proceeding/anti -corruption/judical inquiry is pending against them, nor has been penalty been imposed upon any one of them during the last 05 years.
6. None of them is on long leave /Ex-Pakistan Leave.
7. Their ACRs synopsis is free of adverse remarks.
8. They are aloive & serving.
9. Their appointment order against PSHT post is attached herewith.
10. The Seniority list of PSHT officials is final, undisputed and not subjudious.
11. The Departmental Promotion committee is requestesd to determine the suitability of the above named PSHT for Promotion with immediate effect.

Superintendent  
O/O DEO (M) Haripur

  
District Education Officer (M)  
Haripur

Chairman \_\_\_\_\_

Member \_\_\_\_\_

Member \_\_\_\_\_

Member \_\_\_\_\_



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

No. 839-40 /ST Dated 02/03 /2023

To

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The District Accounts Officer, Haripur.

Subject:

**ORDER REGARDING RELEASE OF SALARIES OF THE RESPONDENTS IN EXECUTION PETITION NO. 32/2022 OF SERVICE APPEAL NO. 6608/2021 TITLED ABDUL HAMEED -VS- GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH E&SE, PESHAWAR AND OTHERS.**

Dear Sir,

I am directed to forward herewith a certified copy of order dated 22.02.2023, passed by this Tribunal in the above mentioned execution for strict compliance.

Encl. As above.

(AAMIR FAROOQ)  
ASSISTANT REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.