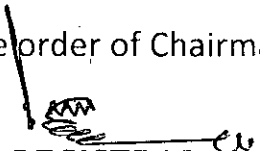


Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 164/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.03.2023	<p>The execution petition of Mst. Razia submitted today through Mr. Fazal Ghani her special attorney. It is fixed for implementation report before touring Single Bench at Swat on _____. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

بعدالت جناب سروس ٹریبونل صوبہ خیبر پختونخوا ایشاور بمقام کمپ کورٹ سوات

سال 2023

اجرا نمبر
Execution Petition NO. 164/2023

فیصلہ مورخہ: 9/12/2021 برپروموشن اپیل نمبر 51/2018

حکومت وغیرہ

بنام

مسماة رضیہ

انڈکس

s.no	تفصیل کاغذات	Annexures	pages
1	درخواست اجرا	-	1-2
2	نقل آرڈر محررہ مورخہ: 9/12/2021	A	3-7
3	نقل آرڈر محررہ مورخہ: 4/10/2022	B	8
4	نقل پروموشن آرڈر مورخہ: 4/11/2022	C	9
5	نقل مشورہ بانڈ	D	10

مسماة رضیہ ڈگریدارہ (اپیلانٹ)

نام

بذریعہ فضل عینی (مختار خاص)

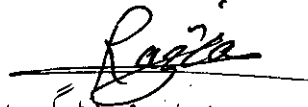
#03469410068

3:- یہ کہ ریسیانڈنٹ نمبر 2 نے پروموشن آرڈر نمبر 65-6360 مورخہ: 4/11/2022 عدالت حضور کے آرڈر مورخہ: 9/12/2021 اور آرڈر مورخہ: 4/10/2022 کے مطابق نہ ہے۔ نقل آرڈر "C" Annexure لف ہے۔ جس پر D.A.O سوات عمل درآمد کرنے سے انکاری ہے۔

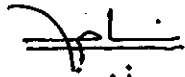
4:- یہ کہ من اپیلانٹ ڈگریدارہ نے شورٹی بانڈ بھی داخل کی ہے۔ نقل "D" Annexure لف ہے۔

لہذا استدعا ہے۔ کہ بمنظوری درخواست ہذا ریسیانڈنٹس کو عدالت حضور کے جاری کردہ آرڈر مورخہ: 9/12/2021 اور آرڈر مورخہ: 4/10/2022 کے مطابق پروموشن آرڈر جاری کرنے کے احکامات صادر فرمائی جائے۔

عرض



مسماة رضیہ (ڈیگریدارہ)



بذریعہ فضل عنی (مختار خاص)

مورخہ: 07/12/2022



جناب سرسٹریٹریوٹل صوبہ خیبر پختونخواہ پشاور بمقام کمپ کورٹ سوات

Appeal No. 51/2018

سال 10 جنوری 2018

پروٹوشن اپیل نمبر:

مستقل ضمیمہ T.T گورنمنٹ گرلز ٹیڈل سکول اکبر آباد/بارناما منگورہ ----- اپیل نمٹ

Khyber Pakhtunkhwa Service Tribunal

بنام

Diary No. 36

Dated: 12-1-2018

۱۔ حکومت صوبہ خیبر پختونخواہ بذریعہ سیکرٹری (المنٹری اینڈ سیکنڈری) ایجوکیشن پشاور

۲۔ ڈائریکٹر سکول صوبہ خیبر پختونخواہ پشاور

۳۔ ڈسٹرکٹ ایجوکیشن آفیسر (میل) ضلع سوات بمقام سید و شریف سوات

۴۔ D.E.O(F) سوات

ریسپانڈنٹ

order sheet
05/19/18

اپیل زیر دفعہ 4 صوبہ خیبر پختونخواہ سرسٹریوٹل ایکٹ 1974

استدعاء اپیل:

اپیل بدیں مراد کہ من اپیلانٹ کو NOTIFICATION

Peshawar, Dated the November 13, 2012

No: So (PE) 4-5 /SSR/ Meeting /2012/Teaching Cader:

کے تحت مورخہ 24-07-2015 سے BPS:15 سے BPS:16 کو پروٹوشن دینے کے احکامات

صادر فرمائی جائے۔

Filed
12-1-18
Registered

وجوہات اپیل:

۱۔ یہ کہ من اپیلانٹ نے مورخہ 01-02-2010 سے T.T پوسٹ پر گورنمنٹ گرلز ہائی سکول

کورے تحصیل ملہ سوات میں چارج لیا ہے۔ (نقل چارج رپورٹ "Annexure" لف ہے)۔

۲۔ یہ کہ من اپیلانٹ نے ڈائریکٹر ایجوکیشن سکول صوبہ خیبر پختونخواہ پشاور کی طرف سے منظور شدہ مدراس

کی جاری شدہ لیٹر نمبر 9262 مورخہ 25-09-1990 کی رو سے مستقل طور پر منظور شدہ مدراس

کا ذکر ہے۔ سیریل نمبر 35 پر جامعۃ البنات الاسلامیہ سر ڈھیرئی چارسدہ ہے شہادت العالمیہ

ATTESTED حاصل کی ہے (نقل لیٹر "Annexure B" لف ہے)۔

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT SWAT

Service Appeal No. 51/2018

Date of Institution ... 12.01.2018

Date of Decision ... 09.12.2021



Mst Razia T.T Government Girl Middle School Akbar Abad/ Barama Mingora.
... (Appellant)

VERSUS

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

Fazal Ghani, ... Father of the Appellant

Muhammad Rasheed,
Deputy District Attorney ... For respondents

ROZINA REHMAN ... **MEMBER (JUDICIAL)**
ATIQ-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant was initially appointed as Theology Teacher (TT) vide order dated 20-01-2010. As per seniority list, issued on 30-06-2012, the appellant stood at serial No. 73 of the seniority list. During the course of promotions, the respondents effected certain promotions vide order dated 24-07-2015 and 13-09-2017, but case of the appellant was deferred every time and other colleagues/juniors of the appellant were promoted, against which the appellant filed departmental appeal dated 21-02-2017, which was not responded, but in the meanwhile the appellant was promoted vide order dated 22-02-2020, which was made impugned by the appellant in the instant service appeal with prayers that

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

her promotion may be made effective from 24-07-2015, the date when her other colleagues were promoted.

02. Father of the appellant has contended that the appellant was initially recruited as Theology Teacher on the basis of Sanad acquired from Jamia Lilbanath Islamia Sarderri Charsada, which was on the approved list dated 25-09-1990 of the Directorate of Education(Schools); that the Sanad of the appellant is equivalent to MA Arabic/Islamiyat as per notification dated 12-09-1981 of University Grant Commission Islamabad; that as per notification dated 13-11-2012 of the service rules, the appellant is entitled to be promoted with effect from 24-07-2015, the date when other colleagues of the appellant were promoted, as the appellant is already holding a degree equivalent to MA Islaimiat; that 21 Theology Teachers, who were appointed alongwith the appellant on the same date, were granted promotions vide order dated 24-07-2015, but case of the appellant was deferred for no good reason; that respondents also ordered promotions vide order dated 13-09-2017, but the appellant was again ignored; that the appellant filed departmental appeal date 21-09-2017, which was not considered; that respondents had made promotion on the basis of personal like and dislike, which is evident from the fact that Mst. Sara Bibi was initially terminated due to submission of fake documents but was later on appointed vide order dated 22-01-2010, subsequently promoted vide order dated 24-07-2015; that the appellant has not been treated in accordance with law and was discriminated in violation of Article-25 of the constitution; that at a belated stage, the appellant was promoted vide order dated 22-02-2020 but with immediate effect; that case of the appellant for promotion was deferred every time on a frivolous ground, which are not tenable in the eye of law.

03. Learned Deputy District Attorney for the respondents has contended that it is correct that the appellant was appointed as TT on the basis of Sanad issued by Jamia Lilbanath Islamia Sarderri Charsada, which was on the approved list dated 25-09-1990 issued by Directorate of Education (Schools), but she was not

ATTESTED

PK-1011011
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

entitled to be promoted on the basis of such qualification, as qualification so obtained is not from recognized Madrasas as categorized in service rules, 2012; that notification dated 12-09-1981 issued by University Grant Commission Islamabad is considered valid for teaching in Colleges and Universities, whereas the appellant is a teacher in school, hence cannot be termed as equivalent for the purpose of promotion.

04. We have heard both the parties and have perused the record.

05. Record reveals that the appellant was appointed as TT vides order dated 20-01-2010 based on a Sanad obtained from Jamia Lilbanath Islamia Sarderi Charsada. As per approved list of Deeni Madrasas, the said Madrasa is available at serial No 35 of the list of recognized list of Deeni Madrasas, as is evident from letter dated 25-09-1990, which shows that Sanad of the appellant was from a recognized Madrasa. Interestingly, the respondents admit it to the extent that the appellant acquired her appointment against the post of TT on the same very Sanad, but is not useful for her promotion is ridiculous, as at the time of her appointment, the said Sanad was considered equivalent to MA degree, but at the time of her promotion, the respondents denied their own stance, which is highly deplorable. The Sanad in question however is equivalent to MA Degree. Placed on record is a notification dated 12-09-1981 issued by University Grant Commission Islamabad, relevant portion of the said notification is reproduced as under:

"It is hereby notified that the Sanad/Degree of Fauqania, the highest Sanad/Degree, awarded by Tanzimul Madaris, Wafaqul Madaris and other recognized institutions has been considered equivalent to MA Arabic and Islamic Studies for the purpose of teaching Arabic and Islamiat in colleges and universities."

06. Stance of the respondents to the effect that such Sanad is considered valid for teaching in colleges and universities can be termed as funny, as how an individual equipped with a Sanad, which is valid for teaching in colleges and universities can be termed as un-valid for teaching in school. Such excuse of the

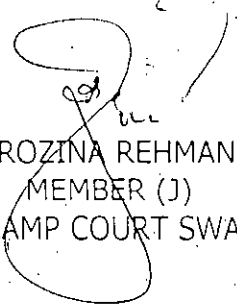
ATTESTED

CHIEF CLERK
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

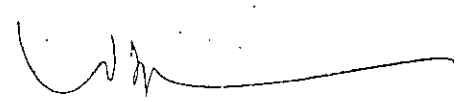
respondents is highly pitiable. The appellant was kept deprived of her due right of promotion due to the reason that the Sanad/qualification obtained from Madrasa is not included in the notification dated 12-11-2012, inspite of the fact that the appellant obtained such Sanad from a Madrasa which was on the approved list of the Directorate of Education(Schools). Secondly, the notification of service rules dated 12-11-2012 also contains the provision of second class master degree in Islamiat from a recognized university for promotion to the post of STT, whereas Sanad of the appellant was already made equivalent to MA Islamiat by University Grant Commission, but the respondents did not consider this aspect of the issue and on this score alone, stance of the appellant is considered as valid and legal. The respondents however promoted the appellant on the same qualification at a belated stage vide order dated 22-02-2020. Representative of the respondents were unable to clarify as to how the appellant was promoted at a belated stage with the same qualification.

07. We are of the considered opinion that the appellant was holding the requisite qualification and was otherwise fit for promotion, but the respondents did not bother to properly examine her case and she suffered for longer for the reckless behavior of the respondent, which was not warranted. In view of the foregoing discussion, the instant appeal is accepted. The impugned order dated 22-02-2020 is modified to the extent that the appellant is held entitled for promotion as well as seniority with effect from 24-07-2015, the date when her other colleagues were promoted with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
09.12.2021


(ROZINA REHMAN)
MEMBER (J)
CAMP COURT SWAT

Certified to be true copy
ROZINA REHMAN
Khairpur Munkhwa
Service Tribunal
Peshawar


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)
CAMP COURT SWAT

Date of Presentation of Application 14-01-22

Number of Words 2000

Copying Fee 22/-

Urgent 4/-

Total 26/-

Number of Copies —

Date of Completion of Copy 14-01-22

Date of Delivery of Copy 14-01-22

سال مارچ 2022

ایزا نمبر

Execution petition no. 142/2022 سال 2018

پر پروموشن اپیل نمبر 51/2018

تاریخ فیصلہ 9/12/2021



مسماة رضیہ T.T گورنمنٹ گرلز ہائی اسکول اکبر آباد ابارامہ نیگورہ سوات ڈگری دارہ (اپیلانٹ)

(حال مسماة رضیہ S.T.T گورنمنٹ گرلز ہائی اسکول بریکوٹ سوات)

بنام

1۔ حکومت صوبہ خیبر پختونخوا ایدر ایڈریکٹری (ایمنٹری اینڈ سیکنڈری) ایجوکیشن ایشاور

2۔ ڈائریکٹر سکولز صوبہ خیبر پختونخوا ایشاور

3۔ ڈسٹرک ایجوکیشن آفسر (میل) بمقام سید و شریف ضلع سوات۔

4۔ ڈسٹرک ایجوکیشن آفسر (فیمیل) بمقام سید و شریف ضلع سوات۔ (ریسپانڈنٹس)

درخواست برائے اجراء فیصلہ محررہ مورخہ 9/12/2021 مذکورہ بالا

04.10.2022

Father of petitioner present on behalf of petitioner.

Mr. Riaz Khan Paindakhel, learned Assistant Advocate General alongwith Sultan Nabi ADEO for respondents present.

On the preceding date, last chance was granted to the respondents to submit final and conclusive implementation report but today once again, a request was made for adjournment on behalf of respondents. Representative of respondents is strictly directed to make sure the submission of final implementation report, otherwise, strict legal action would be taken against all the respondents in accordance with law including stoppage of their salaries. To come up for implementation report on 07.11.2022 before S.B at Camp Court, Swat.

Handwritten notes and dates: 13/10/22, 13/10/22, 10/10/22, 6/10/22, 5/10/22

Certified true copy of (Ruzina Rehman) Member (J) Camp Court Swat. Khyber Pakhtunkhwa Service Tribunal

Swat Senior Cadre / DPC

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Notification

In compliance to the Judgment dated 13-10-2022 of the Honorable Service Tribunal Camp Court Swat rendered in Service Appeal No. 51/2018 titled Mst. Razia VS Govt of KP & Others and Execution Petition No. 142/2022, the Competent Authority is pleased to promote Mst. Razia, STT, GGSS Bari Kot, District Swat w.e.f 24-7-2015 instead of 22-2-2020 conditionally subject to the out come of CPLA vide No.185-P/2022 filed in Supreme Court of Pakistan.

(Hafiz Muhammad Ibrahim)
 Director
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar

Endst. No. 6360-05 /DPC-2021/SwatDated Peshawar the 4-11-2022

Copy forwarded for information and necessary action to the: -

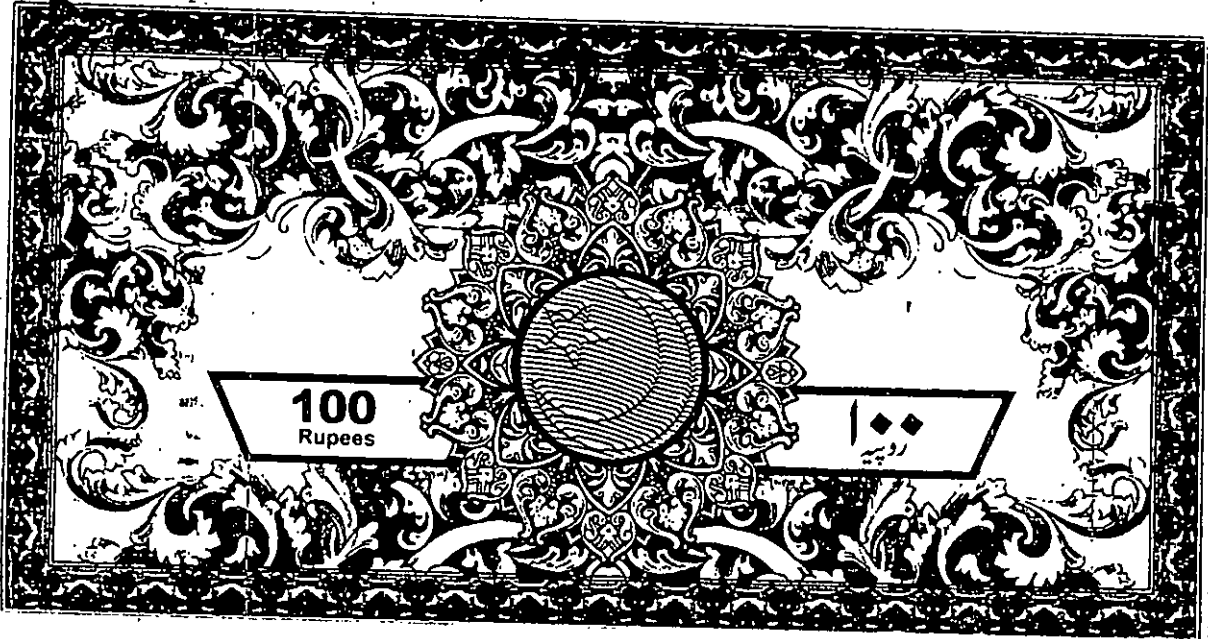
1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Register Khyber Pakhtunkhwa Service tribunal court camp, Swat
3. P/S to Secretary Elem; & Secy; Education Department Peshawar.
4. District Education Officer Female Swat w/r to her letter NO:11856 dated 4-11-2022
5. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
6. M/File

Deputy Director Establishment (F)
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar



District Education Officer (F)
 Swat

M440491



شورٹی بلنڈ

من مسماة رضیہ دختر فضل غنی T.T گورنمنٹ گرلز مڈل سکول اکبر آباد بارا ماینگورہ سوات حال S.T.T گورنمنٹ گرلز ہائی سکول بریکوٹ سوات اقرار کر کے لکھ دیتی ہوں۔ کہ من مسماة رضیہ نے پر دموشن کے لئے سروس ٹریبونل صوبہ خیبر پختونخوا ایشیاور میں اپیل نمبر 51/2018 دائر کی تھی۔ جس کو کمپ کورٹ سوات نے مورخہ 09-12-2021 کو منظور کیا تھا۔ اس کے بعد میں نے معزز عدالت سروس ٹریبونل صوبہ خیبر پختونخوا ایشیاور میں اجراء داخل کی تھی۔ لیکن اسی دوران حکومت نے اس فیصلہ کے خلاف سپریم کورٹ آف پاکستان CPLA NO185-P/2022 دائر کی ہے۔ اگر سپریم کورٹ آف پاکستان نے حکومت کے CPLA مذکورہ کو میرے خلاف فیصلہ کیا۔ تو من مقررہ معزز عدالت سروس ٹریبونل صوبہ خیبر پختونخوا کمپ کورٹ سوات کے فیصلہ کے تحت وصول شدہ

العبد
رضیہ دختر فضل غنی

ہر آفات یکمشت ادا کرونگی۔

کارڈ نمبر: 2-15602-7944196
گواہ شد: فضل حامدی ولد فضل حمید ساکن نواں گلے جگورہ سوات۔

گواہ شد: اکرام اللہ ولد فضل غنی ساکن اکبر آباد بارا ماینگورہ سوات۔

شناختی کارڈ نمبر: 5-15602-0297729

شناختی کارڈ نمبر: 8-15602-291245

No 347

