



**DIRECTORATE OF ELEMENTARY SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR**

No. \_\_\_\_\_ / (AD Lit-II)

Dated Peshawar the \_\_\_\_/\_\_\_\_/2023

To

**The Worthy Secretary,  
Govt; of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department.**

**Subject: - IMPLEMENTATION OF S/A NO.887-A/2019 TITLED AS RAFIQ JAVED SCT  
GHSS NO.1 VS GOVT; OF KHYBER PAKHTUNKHWA.**

**Memo:**

*I am directed to enclose herewith the letter dated 24-02-2023 of the District Education Officer (Male) Mansehra on the subject cited above, seeking for implementation of the order dated 24-9-2020 of the Honorable Khyber Pakhtunkhwa Service Tribunal in the titled case. Brief facts forming backgrounds of the case as outline as under: -*

1. That as per memorandum of the titled Service appeal, the appellant was appointed as CT vide order dated 17-06-1993 & was further promoted to the post of SCT (BPS-16) vide order dated 17-11-2014.
2. That during course of service, the then Principal GHSS No.1 Mansehra, issued instructions to the teacher concerned vide order book of the school on dated 01-10-2016 for working as in charge of the library on temporary basis for smooth running of the library activities.
3. That appellant has further asserted in his Service Appeal that he has submitted Departmental Appeal to the authority concerned for grant of pay & allowances of higher post (BPS-17) as well as adjustment against the post of Liberian (BS-17) on regular base which was not Responded within the statutory period of 90 days & hence, the instant service appeal.
4. That the Service Appeal of the appellant has been decided vide order dated 24-9-2020 by the Honorable Khyber Pakhtunkhwa Service Tribunal, whereby, the case of the appellant has been converted into Departmental Appeal of the appellant & has been remitted to the Respondent No.1/Worthy Secretary E&SE Department to decide the same on merit.
5. Now, the appellant has filed Execution Petition No. 73/2022 before the Honorable Khyber Pakhtunkhwa Service Tribunal for implementation of the order dated 24-9-2020. The legal representative concerned has intimated telephonically that when the said Execution Petition came up for hearing on 31-3-2023, the Honorable Court showed sever displeasure upon the non-submission of compliance report & as the result thereof, the salaries of the Worthy Secretary & Director E&SE have been attached for non-submission of the implementation report.

*In view of the afore-noted facts & circumstances of the case, it is requested that the order dated 24-09-2020 of the Honorable Court may be implemented as per direction of the Court with regard to the disposal of the Departmental Appeal of the appellant for grant of pay & allowances w.e.f. 01-10-2016 & adjustment against the post of Liberian (BS-17) on regular basis so that compliance report may be submitted before the Court on next date of hearing fixed on 29-3-2023. However, to put a rebuttal statement in response to the prayer of the appellant, it is submitted that the appellant is not entitled to the service/back benefits as he has prayed for because the instruction/direction dated 01-10-2016 for working as in charge of the Library has been written in the order book of the school by the then Principal GHSS No.1 Mansehra on temporary basis, whereas, appointment against the post in question comes under the purview of the Khyber Pakhtunkhwa Public Service Commission.*

3907-10

**Assistant Director (Litigation-II)**

Endst No: \_\_\_\_\_/File No.AD(Lit-II)/General Letter/2023

Dated Peshawar the: 24/2/2023

**Copy forwarded for information 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) Mansehra.
4. Deputy Director (Legal) E&SE Khyber Pakhtunkhwa.
5. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.
6. Master file.

**Assistant Director (Litigation-II)**