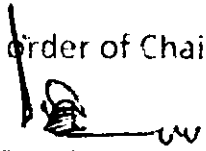


Form- A

FORM OF ORDER SHEET

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

Implementation Petition No. 226/2023

S No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	
1	05.04.2023	<p>The execution petition of Mr Qaim Shah submitted by him. It is fixed for implementation report before Single Bench at Peshawar 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>

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

Execution petition No. \_\_\_\_\_/2023

In

Service Appeal No: 480/2019

Qaim Shah

**V**ersus

Government of Khyber Pakhtunkhwa and others

**INDEX**

S#	Description of Documents	Annex	Pages
1.	Execution Petition with Affidavit		1-4
2.	Copy of Judgment		5-7

Dated: 05/04/2023

*Qaim Shah*

Petitioner

(In Person)

(1)

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

Execution petition No. \_\_\_\_\_/2023

In

Service Appeal No: 430/2019

Qaim Shah S/o Feroz Shah R/o Ziarat Kaka Sahib,  
Tehsil & District Nowshera.

.....Petitioner

**V**ersus

1. The Secretary Elementary and Secondary Education KPK Peshawar.
2. The Director Elementary and Secondary Education KPK, Peshawar.
3. The Secretary Finance Department KPK, Peshawar.
4. The District Education Officer (Male) Nowshera.

.....Respondents

**EXECUTION PETITION FOR**  
**IMPLEMENTATION OF THE**  
**JUDGMENT OF THIS HON'BLE**  
**TRIBUNAL IN APPEAL No.**  
**430/2019 DECIDED ON 15/04/2022**

**Respectfully Sheweth,**

1. That the above mention appeal was decided by  
Hon'ble Peshawar High Court Peshawar vide

②

Judgment dated 15/04/2022 (Copy of the judgment is annexed as annexure "A")

2. That the relevant portion of the judgment is reproduced "on 12-04-2022, the appellant had himself argued the appeal and it was fixed for order today, but today the learned counsel for the appellant, produced copy of Notification No. SO (B&A)/1-18/E&SE/2012 dated 11-07-2012 and has also referred to the application of the appellant submitted to the then Executive District Officer, Nowshera that the posts of all PST Teachers were upgraded vide notification dated 11-07-2012, while such treatment was not given to the appellant. When confronted with the situation, learned Addl. AG for the respondents and Mr. Shoaib Akhtar ADEO (M) Nowshera, did not controvert the notification and submitted that for seeking up gradation, the appellant might make application to the to the department with all annexures and copy of this notification. But when asked about the application already submitted by the appellant and then this appeal, they said the Tribunal may make appropriate order in this respect. On the precious date too the departmental representative Mr. Shoaib Akhtar ADEO (Legal) had stated at the bar, that post of the appellant would be upgraded to BPS-12 from

3

*the date of issuance of the above referred notification, if he made an application. Such indifferent attitude is taken serious notice of, the department ought to have extended benefits of the notification to all such employees to whom it could extend such benefit without making any application. Therefore, in case the benefits of the above notification were to be extended to the appellant, the respondents should have themselves extended such benefits at the relevant point and time. While disposing of appeal, it is directed that in case the appellant is entitled to the benefits of the notification, he shall be given those w.e.f the date of notification. This appeal is decided in the above terms. Consign".*

3. That the Petitioner after getting of the attested copy of same approached the Respondents several time for implementation of the above mention judgment. However they are using delaying tactics and reluctant to implement the judgment of this Hon'ble Tribunal.

4. That the Petitioner has no other option but to file the instant petition implementation of the judgment of this Hon'ble Tribunal.

(4)

5. That there is nothing which may prevent this Hon'ble Tribunal from implementing of its own judgment.

*It is, therefore, requested that on acceptance of this petition the Respondents may directed to implement the judgment of this Hon'ble Tribunal by reinstating the Petitioner with all back benefits.*

Dated: 05/04/2023

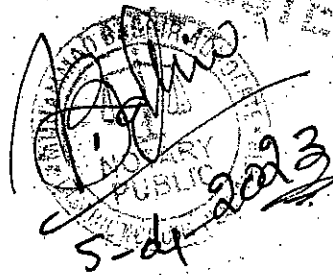
*Qaim Shah*  
Petitioner

(In Person)

AFFIDAVIT:-

I, Qaim Shah S/o Feroz Shah R/o Ziarat Kaka Sahib, Tehsil & District Nowshera, do hereby solemnly affirm and declare on oath that all the contents of above application are true and correct to the best of my knowledge and belief and nothing has been misstated or concealed from this Hon'ble Court.

*Qaim Shah*  
Deponent



BEFORE THE PESHAWAR HIGH COURT PESHAWAR

W.P No. 1382 P Appeal No. 430/2019  
.....of 2017

Qaim Shah S/O Feroz Shah R/O Ziarat Kaka Sahib, Tehsil  
& District Nowshera.



(PETITIONER)

Versus

- 1) The Secretary Elementary and Secondary Education  
KPK Peshawar.
- 2) The Director Elementary and Secondary Education  
KPK, Peshawar.
- 3) The Secretary Finance Department KPK, Peshawar.
- 4) The District Education Officer (Male) Nowshera.

(RESPONDENTS)

WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN 1973.

Respectfully Sheweth,

The Petitioner humbly submits as under:

- 1) That the Petitioner was appointed as a PTC in BPS-07 by  
the competent authority vide order dated 08-05-1988. The  
petitioner since then continuously performing his duty

FILED TODAY

Deputy Registrar

15. MAR 2017

ACCEPTED

EX. 11/15/17  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



Service Appeal No. 430/2019

(Qaim Shah)

15<sup>th</sup> April, 2022 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Shoaib Akhtar ADEO (Legal) for the respondents present.

On 12.04.2022, the appellant had himself argued the appeal and it was fixed for order today, but today the learned counsel, for the appellant, produced copy of Notification NO. SO. (B&A)/1-18/E&SE/2012 dated 11.07.2012 and has also referred to the application of the appellant submitted to the then Executive District Officer, Nowshera that the posts of all PST Teachers were upgraded vide notification dated 11.07.2012, while such treatment was not given to the appellant. When confronted with the situation, learned Addl. AG for the respondents and Mr. Shoaib Akhtar ADEO (M) Nowshera, did not controvert the notification and submitted that for seeking upgradation, the appellant might make application to the department with all annexures and copy of this notification. But when asked about the application already submitted by the appellant and then this appeal, they said the Tribunal may make appropriate order in this respect. On the previous date too the departmental representative Mr. Shoaib Akhtar ADEO (Legal) had stated at the bar, that post of the appellant would be upgraded to BPS-12 from the date of issuance of the above referred notification, if he made an application. Such indifferent attitude is taken serious

ATTESTED



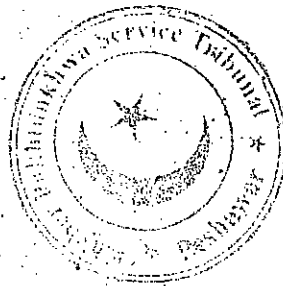
7

notice of, the department ought to have extended benefits of the notification to all such employees to whom it could extend such benefit without making any application. Therefore, in case the benefits of the above notification were to be extended to the appellant, the respondents should have themselves extended such benefits at the relevant point and time. While disposing of appeal, it is directed that in case the appellant is entitled to the benefits of the notification, he shall be given those w.e.f the date of notification. This appeal is decided in the above terms. Consign.

*Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 15<sup>th</sup> day of April, 2022.*

*[Signature]*  
**(ROZINA REHMAN)**  
**MEMBER (J)**

*[Signature]*  
**(KALIM ARSHAD KHAN)**  
**CHAIRMAN**



Certified  
*[Signature]*  
 Peshawar Service Tribunal  
 Peshawar

Date of Presentation of Appeal ..... 17-5-22  
 Number of Members ..... 1200  
 14/5  
 7/5  
 18/5  
 17-5-22  
 17-5-22