

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
AT CAMP COURT SWAT

Execution Petition No. 80/2023

Date of institution 17.02.2023

Mst. Shaheen D/O Fatih Rahman, Certified Teacher (BS-15) GGMS Bandagai Dir
Lower Khyber Pakhtunkhwa.

VERSUS

Mohtasim Billah, Secretary Elementary and Secondary Education Khyber
Pakhtunkhwa, Peshawar and 03 others.

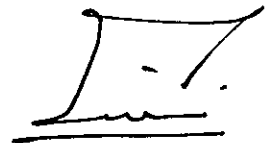
ORDER

06.04.2023

Husband of the petitioner alongwith clerk of learned counsel for the petitioner present. Mr. Aziz Ullah, Litigation Officer alongwith Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present and produced copy of final seniority list of Female SCT Teacher BPS-16 and stated that the judgment under execution has been implemented, therefore, the instant execution petition may be filed being implemented. This Tribunal in its judgment dated 01.11.2022 passed in Service Appeal No. 7211/2021 had held that the appellant may make application to the respondent/department for supply of latest final/notified seniority and in case appellant is aggrieved of the same he may resort to the legal proceedings to get her grievance redressed; that on making application by the appellant, the department shall provide the list within 15 days. As copy of final seniority list of Female SCT Teacher BPS-16 has been produced by representative of the respondents, therefore, the execution petition in hand stands filed being implemented. However, the appellant is at liberty to agitate the matter before the competent forum in accordance with relevant law and rules, if she so desires. File be consigned to the record room.

ANNOUNCED

06.04.2023



(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

5th April, 2023

1. Learned counsel for the petitioner present. Mr. Fazal Shah, Addl: AG alongwith Mr. Muhammad Usman, ADEO and Mr. Aziz Ullah, Litigation Officer for the respondents present.

2. Learned counsel for the petitioner, at the very outset, submits that instead of filing application for execution/implementation of the judgment passed by the Tribunal he has inadvertently moved an application for initiating contempt of court proceedings against the respondents. He requested that there was a provision in the Khyber Pakhtunkhwa Service Tribunal Rules 1974 that under Rule-7 of the Pakhtunkhwa Service Tribunal Rules 1974, the Tribunal could execute its judgment, therefore, this application may be treated as implementation petition. The learned Addl: AG and District Attorney were fair enough that the Tribunal could convert this contempt application to that of implementation of the judgment. The application is as such treated as implementation application. The ADEO stated that the compliance of the judgment has been made as the seniority list directed to be handed over to the petitioner has accordingly been handed over but the learned counsel for the petitioner denies this fact, therefore, the respondents are directed to produce that list to the Tribunal by tomorrow. To come up on 06.04.2023 before S.B at camp court Swat. P.P given to the parties.



(Kalim Arshad Khan)
Chairman
Camp Court Swat