

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Contempt of Court Application No. **742-748/2022** in
Execution Petition No. **2-16/2022** in
Service Appeal No. **410-412/2019 & 424-427/2019**

Syed Jamal Shah and others.....**Appellant**

Versus

Government of Khyber Pakhtunkhwa through Secretary, Industries and
Technical Education Khyber Pakhtunkhwa, Peshawar & others.

Respondents

INDEX

S#.	Description of Document	Annexure	Page No.
01	Reply of Show Cause Notice	-----	1
02	Affidavit	-----	2
03	Show Cause Notice	Annexure-I	3
04	Self-contained Note	Annexure-II	4-5
05	BOVIII letter dated 05-05-2023	Annexure-III	6



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

(1)

NO.SO(Lit-II)FD/2-1976/2023

Dated Peshawar the 15.05.2023

To

The Assistant Registrar,
Khyber Pakhtunkhwa, Service Tribunal.
Peshawar

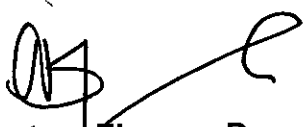
Subject: **REPLY TO SHOW CAUSE NOTICE IN CONTEMPT OF COURT
APPLICATION NO.742-748/22 TITLED SYED JAMAL SHAH VS
SECRETARY INDUSTRIES AND TECHNICAL EDUCATION
DEPARTMENT PESHAWAR**

Respected Sir,

In response to Khyber Pakhtunkhwa Service Tribunal Show Cause Notice No.565/68/ST dated 13.02.2023 on the subject noted above (**Annex-I**). The following facts are submitted: -

1. A self-contained note regarding implementation of Service Tribunal decision in case titled Syed Jamal Shah vs Government submitted by Industries Department was discussed in Finance Department and Finance Department agreed for conversion of five (5) posts of DPEs/ Librarians in each cadre from BS-17 to BS-18 (**Annex-II**).
2. Accordingly, Industries, Commerce & Technical Education Department was asked to properly indicate the institutions/ colleges against demanded posts of Director Physical Education (BS-19) and Librarian (BS-18) vide this department's letter No.BOVIII/FD/2-1/2022-23 dated 05.05.2023 (**Annex-III**) but till date department response is still awaited.

Prayer: It is evident from the above submissions that the Honorable Service Tribunal judgement has been compiled in letter and spirit. In view of these facts, it is requested that the instant show cause notice dated 13.02.2023 may kindly be dismissed.


Secretary Finance Department
SECRETARY
Govt: of Khyber Pakhtunkhwa
Finance Deptt:

2

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Contempt of Court Application No. 742-748/2022 in
Execution Petition No. 2016/2022 in
Service Appeal No. 410-412/2019 & 424-427/2019

Syed Jamal Shah and others.....**Appellant**

Versus

Government of Khyber Pakhtunkhwa through Secretary, Industries and
Technical Education Khyber Pakhtunkhwa, Peshawar & others.

Respondents

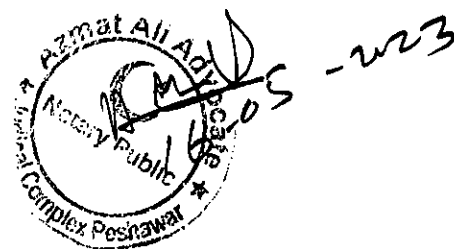
Reply of Show Cause Notice on Behalf of Secretary Finance Govt. of
Khyber Pakhtunkhwa Respondent No.01.

AFFIDAVIT

I Hashmatullah, Superintendent Govt. of Khyber Pakhtunkhwa
Finance Department do hereby solemnly affirm and declare on oath
that the contents of Reply of Show Cause Notice in Contempt of Court
Application No. 742-748/2022 on behalf of Secretary to Govt. of Khyber
Pakhtunkhwa Finance Department is true and correct to the best of my
knowledge and belief and that nothing has been concealed from the
Honorable Tribunal.

Hashmatullah
Deponent

ATTESTED





KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 565-13/ST Dated 13/12/2023

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

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

Annex-I (9)

To

1. The Secretary Industry Commerce and Technical Education Department, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Finance, Peshawar.
3. Government of Khyber Pakhtunkhwa through Secretary Establishment, Peshawar.
4. Managing Director Khyber Pakhtunkhwa TEVETA Headquarters, Peshawar.

Subject:

SHOWCAUSE NOTICE IN CONTEMPT OF COURT APPLICATION NO: 742-748/2022 TITLED SYED JAMAL SHAH -VS- SECRETARY INDUSTRY COMMERCE AND TECHNICAL EDUCATION DEPARTMENT, PESHAWAR.

I am directed to say that contempt of court applications No. 742-748/2022 were filed in this Tribunal against the respondents for disobedience of the order dated 03.11.2022 passed by this Tribunal in execution petition no. 216/2022 of Service Appeal No's. 410-412/2019 & 424-427/2019 titled Syed Jamal Shah and others (list enclosed) -vs- The Secretary Industry Commerce and Technical Education Department, Peshawar & others.

That when the above execution petition came up for hearing before this Tribunal on 1st day of February, the following orders were passed:

.. "Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

This is a contempt application filed against the respondents named in the panel of respondents, therefore, all the respondents be put on notice to show cause as to why they should not be proceeded under the contempt law. They are directed to appear in person and submit to the show cause notice on 28.02.2023 before S.B."

You are, therefore, served with show cause notice to explain as to why appropriate action may not be initiated against you for non-compliance of order of this Tribunal dated 03.11.2022 & 31.01.2022.

Handwritten signature/initials

*Attested
S. H. Butt
Suptd.*

D/D (Lit)

(AAMIR FAROOQ)
ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION DEPARTMENT

Annex-II

(41)

No.SOIII(IND)/1-10/2022/4218-21
Dated Peshawar the, 03rd January, 2023



To

The Secretary to Govt: of Khyber-Pakhtunkhwa,
Finance Department

Subject: - UP-GRADATION OF POSTS OF DPE & LIBRARIAN FROM (BPS-17) TO (BPS-18)

Dear Sir,

I am directed to refer to the subject noted above and to state that two promotion cases in respect of Librarians BPS-17 and Director Physical Education BPS-17 of KP-TEVTA were forwarded to Establishment Department for placement before PSB for consideration (Annex-I & II) in light of Khyber Pakhtunkhwa, Service Tribunal Judgment dated 31.01.2022 (Annex-III).

In response, the Establishment Department returned the said promotion cases with observations / directions that sanctioned posts in BPS-18 are not available in the budget book (Annex-IV & V). Therefore, the case may be taken up with Finance Department for creation / reflection of posts in BS-18 under 25% share as per Finance Department Notification (Annex-VI).

Now, the Deputy Director (B&A) KP-TEVTA has forwarded the case for creation / reflection of 05 posts under 25% share in the budget book as per detail below:

There is no female incumbent exist in the above said cadres. Detail of the sanctioned posts as per current budget book 2022-2023 is as under: -

- i. Total sanctioned posts of Director Physical Education = 18
- ii. 05 posts falling to the share of promotion @ 25%
- iii. Total sanctioned posts of Librarian = 20
- iv. 05 posts falling to the share of promotion @ 25%

Attested copies of the budget book (2022-2023) along-with institute wise allocation of proposed posts to be upgraded from BPS-17 to BPS-18 (Annex-VII).

I am therefore, directed to request you to kindly upgrade and incorporate the same posts in the budget book (2022-2023) so as the promotion cases of eligible incumbents against the said posts is finalized.

DC A/HR

DDC HR + B&A

Attested
S. H.ullah
Suptd.

9/1

2/10/23

TD-I

11/1/23

TEVTA



Finance
No

Being a court matter and under execution in Khyber Pakhtunkhwa, Service Tribunal an urgent action is requested, please.

Encl: As Above

Yours Faithfully,

SECTION OFFICER-III

Endstt: No. & Date even:

Copy forwarded for information to the: -

1. Managing Director KP-TEVTA with reference to letter No. KP-TEVTA/Estt/S.Jamal Shah/KP-S-Trib:/12160(1-5) dated 28.12.2022
2. Section Officer (PSB) Establishment Department with reference to letters No. SO(PSB)ED/1-10/2022/P-32 & P-33 dated 20.12.2022
3. PS to Special Secretary IC&TE Department

SECTION OFFICER-III

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

facebook.com/GoKFPD

twitter.com/GoKFPD

NO. BOVIII/FD/2-1/2022-23

Dated Peshawar, the 05.05.2023

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Industries, Commerce & Technical Education &
Manpower Training Department.

**SUBJECT:- CONVERSION OF POSTS OF DPE & LIBRARIA FROM BPS-17 TO BPS-18
IN LIGHT OF KP SERVICE TRIBUNAL JUDGMENT / ORDER DATED
31.01.2022 IN SERVICE APPEAL NO.410,424,425 & 427., CHARSADDA.**

Dear Sir,

I am directed to refer to your letter No.SOIII (IND)/1-10/KC/Librarian & DPE/443-48 dated: 14-04-2023 on the subject noted above and to state that the Administrative department may properly indicate/ justify the institutions/ Colleges demanding for the posts of Director Physical Education (BPS-18) & Librarians (BPS-18) respectively to Finance Department to proceed further in the matter, please.

Yours faithfully,

Attested
Shahid Ullah
Subd.

Shahid Ullah

(SHAHID ULLAH)
BUDGET OFFICER.VIII



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

**NO.SO (LIT-II)/FD/2- 1976/2020.
Dated Peshawar the 15-05-2023.**

AUTHORITY LETTER.

Mr. **Hashmatullah Superintendent** (Litigation-II) Section Finance Department is hereby authorized to attend the Service Tribunal on behalf of Secretary Finance in case titled Syed Jamal Shah versus Government of Khyber Pakhtunkhwa and others on 16-05-2023.

Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department.
Govt. of Khyber Pakhtunkhwa
Finance Deptt.