


Form- A

FORM OF ORDER SHEET

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

Implementation Petition No. 358/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06.06.2023	<p>The execution petition of Mr. Shafi Ullah received today by registered post through Sheikh Iftikhar ul Haq Advocate. It is fixed for implementation report before touring Single Bench at D.I.Khan on _____ . Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST

Case Title: Shafi Ullah vs DEO (Male) et al

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	Whether Appeal is within time?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.	Whether the enactment under which the appeal is filed mentioned?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.	Whether the enactment under which the appeal is filed is correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	Whether affidavit is appended?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Whether affidavit is duly attested by competent oath commissioner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.	Whether appeal/annexures are properly pagged?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.	Whether annexures are legible?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.	Whether annexures are attested?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12.	Whether copies of annexures are readable/clear?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13.	Whether copy of appeal is delivered to A G/D A G?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15.	Whether numbers of referred cases given are correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.	Whether appeal contains cuttings/overwriting?	<input type="checkbox"/>	<input type="checkbox"/>
17.	Whether list of books has been provided at the end of the appeal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18.	Whether case relate to this Court?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19.	Whether requisite number of spare copies attached?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20.	Whether complete spare copy is filed in separate file cover?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21.	Whether addresses of parties given are complete?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22.	Whether index filed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23.	Whether index is correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
24.	Whether Security and Process Fee deposited? on _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
26.	Whether copies of comments/reply/rejoinder submitted? on _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Shafi Ullah

Signature: [Signature]

Dated: 31-05-2023

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR, CAMP AT D.I.KHAN.**

Implementation/Execution Petition No...358... of 2023.

Shafi Ullah .....Petitioner

**VERSUS**

DEO (Male) DIKhan etc .....Respondents

**INDEX**

No.	Particulars	Annexure	Pages
1	Grounds of Implementation /Execution Petition along with affidavit.		1-3
2	Copy of service appeal & judgment dated 28/09/2022 passed by this Honourable Tribunal.	A & B	4-13
3	Copies of implementation petition and order dated 17/05/2023, letter of appointment, application and relevant record	C to C /4	14-20

Your Humble Petitioner

  
Shafi Ullah

Through Counsel

Dated, 31/05/2023

  
A.S.C.  
Sheikh Iftikhar Ul Haq

Advocate Supreme Court of Pakistan,  
Stationed at DIKhan.

①

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR, CAMP AT D.I.KHAN.**

Implementation/Execution Petition No. 358 of 2023.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5861

Dated 6/6/2023

**Shafi Ullah** S/o Sher Khan R/o Wanda Norak Tehsil /  
Paharpur District DIKhan.

**Cell No. 0345-9808302**

.....**Petitioner**

**VERSUS**

1. District Education officer (Male), District Dera Ismail Khan.
2. District Account Officer, Dera Ismail Khan.

.....**Respondents**

**IMPLEMENTATION PETITION/EXECUTION  
PETITION OF JUDGMENT DATED  
28/09/2022 REGARDING REINSTATEMENT  
INTO SERVICE WITH ALL BACK BENEFITS  
IN LETTER AND SPIRITS.**

Respectfully Sheweth:-

That the brief facts of the case are as under:

1. That the present petitioner filed a service appeal before this Honourable Tribunal on 27/06/2016 which was decided by this Honourable Tribunal on 28/09/2022. Copy of service appeal and order dated 28/09/2022 are enclosed as **Annexure "A & B"**.
2. That after the lapse of considerable time Department is hesitating to implement the Judgment of Hon'ble Service Tribunal dated; 28/09/2022 in Service Appeal No. 690/2016, so petitioner has no other remedy at that time

but filed implementation petition, wherein during the pendency of execution petition the respondent No. 1 produced the order of reinstatement of the petitioner and execution petition was filed by this Honourable Tribunal with the observation that the grievance of the petitioner has been redressed on 17/05/2023. Thereafter, the petitioner after receiving the order went to the relevant school for joining duties, wherein the head teacher had not taken the charge from the petitioner and he / headmaster of said school explained that the reinstatement order is bogus one having no ID. No vacancy of Naib Qasid is available on school. He further explained one Muhammad Sajid S/o Mutee Ullah Khan has already join on the post of Naib Qasid and further said Class-IV criminal intimated to the petitioner. Copies of implementation petition and order dated 17/05/2023, letter of appointment produced by the respondent No. 1, application and relevant record are enclosed as Annexure "C to C/4".

***In view of the above, it is, therefore, most respectfully prayed that on acceptance this petition, may kindly implement the judgment dated 28/09/2022 issued in Service Appeal No 690/2016.***

Your Humble Petitioner



**Shafi Ullah**  
Through Counsel

Dated 31/05/2023



**Sheikh Iftikhar Ul Haq**  
**Advocate Supreme Court of Pakistan,**  
**Stationed at Dikhan.**

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR, CAMP AT D.I.KHAN.**

Implementation/Execution Petition No..... of 2023.

Shafi Ullah .....Petitioner

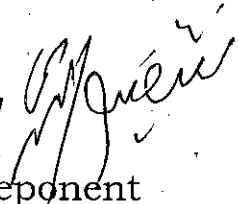
**VERSUS**

DEO (Male) DIKhan etc .....Respondents

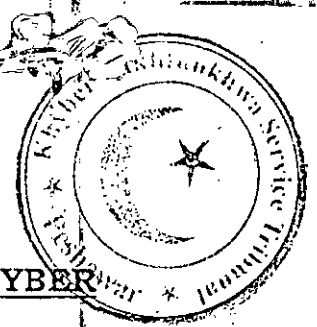
**AFFIDAVIT**

I, **Shafi Ullah** S/o Sher Khan R/o Wanda Norak Tehsil Paharpur District DIKhan, the appellant, do hereby solemnly affirm and declare on OATH that the contents of the implementation petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable Tribunal.

Oath Commissioner  
District DIKhan

  
Deponent

-4-  
Ann = A



**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No. 640/2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 673

Dated 27-6-2016

Shafi Ullah S/o Sher Khan R/o Wanda Noorak Tehsil  
Paharpur District Dera Ismail Khan (KPK).

.....(Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa, through the secretary Education Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Elementary & Secondary Education Dera Ismail Khan.

.....(Respondents)

**SERVICE APPEAL UNDER SECTION 4  
OF KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT 1974 AGAINST THE  
ORDER DATED 31/12/2011, ISSUED /  
PASSED BY RESPONDENT NO. 3  
WHEREBY THE SERVICE OF THE  
APPELLANT WAS TERMINATED DUE  
TO ALLEGED ABSENCE FROM  
SERVICE FROM 02/04/2011 VIDE  
ORDER NO. 17876-80 IN VIOLATION  
OF LAW, RULES AND NOTHING BUT  
MALAFIDES.**

**PRAYER:-**

**ON ACCEPTANCE OF THE INSTANT  
APPEAL THE IMPROVED ORDER  
RESPONDENT NO. 3 MAY BE SET-ASIDE  
AND APPELLANT MAY BE ALLOWED TO  
CONTINUE HIS SERVICES IN YOUR  
INCUMBENCY AS NAIB QASID BPS-1  
WITH ALL BACK BENEFITS.**

**Respectfully Sheweth:-**

**ATTESTED**

**Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar**

**Filed to-day  
Registrar  
27/6/16 I-**

The appellant very humbly submits as under:-

That the appellant was appointed as Naib Qasid BPS-1 (Class-IV) vide appointment order Endst No. 4573-76 dated DIKhan the 01/04/2011 at G.M.S

- 5 -

30

Jhok Mohana Dera Ismail Khan. Copy of appointment order is enclosed as Annexure "A".

- 2- That on 02/04/2011 the appellant in pursuance of said appointment letter reported to the said G.M.S Jhok Mohana Dera Ismail Khan after clearing the medical fitness. Charge report along with medical certificate of the appellant are enclosed as Annexure "B & C".
- 3- That the appellant since day first has been punctual, dedicated committed performing his duties regularly and honestly and no complaint was ever made or heard against him during the course of his services.
- 4- That the appellant from the date of appointment i.e 01/04/2011 till 31/01/2012 drew his monthly salaries from National Bank of Pakistan Lar Branch the Paharpur Dera Ismail Khan.
- 5- That when the appellant came into the knowledge that the service of appellant has been terminated vide Endst No. 17876-80 dated 31/12/2011 of impugned order the appellant submitted departmental appeal on 27/06/2012 along condonation of delay which was not accepted with stipulated period. Copy of impugned order dated 31/12/2011 & Departmental appeal along with application for condonation of delay are enclosed as Annexure "D, E & F" respectively.
- 6- That the appellant approached Service Tribunal wherein the Honourable Service Tribunal were pleased to remit the same to the authority. Copy of order of Service Tribunal dated 22/02/2016 is enclosed as Annexure "G".
- 7- That the appellant submitted application to the Department along with judgment / order of this Honourable Tribunal for decision in the light of letter inspirit of the judgment of this Honourable Tribunal on 08/03/2016 which was not responded within stipulated period (Copy of Application enclosed as Annexure "H"), hence the instant appeal amongst other on the following grounds:-





GROUNDS:-

- a) That impugned order dated 31/12/2011 of respondent No. 3 is against law, admitted realities and is violative of the principle of justice.
- b) That the appellant is a regular government servant and without fulfillment of legal and codal formalities the services of appellant were terminated by the E.D.O (Education) D.I.Khan.
- c) That during service the appellant, no charge sheet show cause notice and enquiry regarding the termination of appellant issued by the respondents.
- d) That the appellant has been subjected to injustice in the matter of his termination from service and as the said discrimination smacks of malafides, the impugned order merit annulment.
- e) That the Counsel of the Appellant may very graciously be allowed to add further grounds during the course of arguments.

*It is, therefore, humbly prayed that the instant appeal may be accepted as prayed for.*

Your Humble Appellant

شہزاد شفیق اللہ

Shafi Ullah

Through Counsel

Dated: 22/06/2016

شہزاد شفیق اللہ  
Shahk Iftikhar Ul Haq  
Advocate High Court,  
Dera Ismail Khan.



**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No. \_\_\_\_\_/2016

Shafi Ullah

**VERSUS**

Govt; of KPK etc

**AFFIDAVIT**

I,  
Shafi Ullah S/o Sher Khan R/o Wanda Noorak Tehsil  
Paharpur District Dera Ismail Khan (KPK), the appellant, do  
hereby solemnly affirm declared on oath that contents of the  
above Appeal are true and correct to the best of my  
knowledge and nothing has been concealed from this  
Honourable Tribunal.

شعیب اللہ بقم

**DEPONENT**

ABDUL WAHID LAGARI  
Oath Commissioner D I Khaz  
Date: 22/8/2016

BEEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR  
AT CAMP COURT D.I.KHAN

Service Appeal No. 690/2016

Date of Institution ... 27.06.2016

Date of Decision ... 28.09.2022



Shafi Ullah S/O Sher Khan. R/O Wanda Noorak Tehsil Paharpur District Dera  
Ismail Khan (KPK).

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through the Secretary Education  
Peshawar and 02 others.

... (Respondents)

-----  
MR. SHAIKH IFTIKHAR-UL-HAQ,  
Advocate

--- For appellant.

MR. ASIF MASOOD ALI SHAH,  
Deputy District Attorney

--- For respondents.

KALIM ARSHAD KHAN  
MR. SALAH-UD-DIN

--- CHAIRMAN  
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precisely stated the facts as  
narrated in the instant appeal are that the appellant was appointed as  
Naib Qasid vide appointment order bearing Endst: No. 4573-76  
dated 01.04.2011 against the vacant post of Class-IV at GMS Jhoke  
Mohana. The appellant submitted charge report and started  
performing his duty in the concerned school. The appellant also drew  
his salary with effect from 01.04.2011 till 31.01.2012 from National

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Bank of Pakistan Kar Branch, Paharpur Dera Ismail Khan. The services of the appellant were terminated vide order dated 31.12.2011, which was challenged by the appellant through filing of departmental appeal, however the same was not responded, therefore, the appellant filed Service Appeal No. 1290/2012 before this Tribunal. The same was disposed of vide order dated 22.02.2016 with the observations that the case is remitted to the respondent-department with the direction to decide the departmental appeal of the appellant within a period of one month. The departmental appeal of the appellant was, however not decided within the time specified in the judgment dated 22.02.2016 of this Tribunal, therefore the appellant submitted the instant service appeal. It was during the pendency of the instant service appeal, that the departmental appeal of the appellant was decided vide order dated 23.01.2017 constraining the appellant to file amended appeal, wherein the order dated 23.01.2017 regarding dismissal of departmental appeal of the appellant was also challenged.

2. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the appellant was appointed as Naib Qasid on regular basis vide appointment order dated 01.04.2011 and he assumed the charge of his post at Government Middle School Jhoke Mohana on the same date; that after fulfillment of all legal and codal formalities, the pay

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

of the appellant was activated and he received his salary even after his termination from service vide order dated 31.12.2011; that the order of termination of service of the appellant was never communicated to him and it was after gaining knowledge of the same, that he submitted departmental appeal; that the appellant had never remained absent from duty but he was wrongly and illegally terminated from service on the ground of his absence from duty; that the procedure as prescribed in Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 was not complied with and the appellant was condemned unheard; that the appellant was though appointed as Naib Qasid, however he was deputed for performing his duty as Driver with the then EDO (Elementary & Secondary) Education D.I.Khan; that the appellant was wrongly and illegally terminated from service due to mala-fide intention as he had asked the then EDO (Elementary & Secondary) Education D.I.Khan that he may be relieved to perform his duty in the school; that fundamental rights of the appellant as enshrined in Articles 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973 have been violated.

4. On the other hand, learned Deputy District Attorney for the respondents has argued that after taking of the charge of his post, the appellant remained absent from duty, therefore, disciplinary action was taken against him; that the appellant did not attend his duty despite being summoned through show-cause notice as well as publication of absence notice in the newspaper, therefore, ex-parte

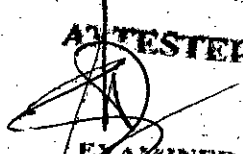
ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

action was taken against him in accordance with the relevant rule; that as the appellant had failed to complete his probation period satisfactorily, therefore, he has rightly been terminated from service.

5. Arguments have already been heard and record perused.

6. It is an admitted fact that the appellant was appointed as Naib Qasid vide appointment order dated 01.04.2011 and he assumed the charge of his post in Government Middle School Jhoke Mohana on the same date. The appellant was terminated from service vide order dated 31.12.2011 on the allegations that he remained absent from duty with effect from 02.04.2011. According to the available record, show-cause notice No. 16002 dated 18.11.2011 was issued to the appellant by the then Executive District Education Officer Dera Ismail Khan, which was followed by publication in newspaper "Daily Darpan" but the appellant did not attend his duty. According to Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, competent Authority was required to have issued notice to the appellant through registered acknowledgement on his home address but the competent Authority has failed to adopt such procedure. Moreover, as per the *ibid* Rule-9, publication of notice was required to have been made in at least two leading newspapers but in the instant case, publication has been made only in one local newspaper. The competent Authority has failed to comply with provision of Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline)

ATTESTED  
  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

Rules, 2011, which fact has created material dent in the departmental proceedings taken against the appellant.

7. The appellant had previously challenged the order of his termination through filing of Service Appeal No. 1290/2012 before this Tribunal, which was disposed of vide order dated 22.02.2016 with the directions that the respondent-department shall decide the departmental appeal of the appellant within a period of one month of receipt of the order. The departmental appeal of the appellant was not decided, therefore, he filed an application dated 08.03.2016 to the District Education Officer D.I.Khan requesting therein for decision of his departmental appeal in light of directions of this Tribunal passed vide order dated 22.02.2016. The departmental appeal of the appellant was to be decided by Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar being an appellate Authority, however it is strange enough that the same was decided by District Education Officer (Male) Dera Ismail Khan. Moreover, the appellant had filed departmental appeal before the Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar, however the impugned order dated 23.01.2017 would show that the application submitted by the appellant on 08.03.2016 for decision of his departmental appeal has been considered as departmental appeal by the District Education Officer (Male) Dera Ismail Khan. Similarly, in his order dated 23.01.2017, District Education Officer (Male) Dera Ismail Khan has mentioned that while deciding Service Appeal bearing



ATTESTED  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

No. 1290/2012 vide order dated 22.02.2016 this Tribunal had issued directions that the appellant shall file departmental appeal before District Education Officer (Male) Dera Ismail Khan. We have minutely gone through the order dated 22.02.2016 passed by this Tribunal in Service Appeal No. 1290/2012 and have observed that no directions for filing of departmental appeal before the District Education Officer (Male) Dera Ismail Khan were given in the said order. All this would show the casual attitude of the concerned District Education Officer (Male) Dera Ismail Khan in discharging of his official duties. The impugned orders are thus not sustainable in the eye of law and are liable to be set-aside.

8. In view of the above discussion, the appeal in hand is accepted by setting-aside the impugned orders and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

28.09.2022



(KALIM ARSHAD KHAN)  
CHAIRMAN  
CAMP COURT D.I.KHAN



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT D.I.KHAN

Certified to be true copy  
Khyber Pakhtunkhwa  
Serving Below  
Government

Date of Presentation of Copy \_\_\_\_\_ 22/5/23  
Number of Pages \_\_\_\_\_ Page 6  
Copying Fee \_\_\_\_\_ 30/-  
Urgent \_\_\_\_\_  
Total \_\_\_\_\_ 30/-  
Name \_\_\_\_\_  
Date \_\_\_\_\_ 22/5/23  
Date of Delivery of Copy \_\_\_\_\_ 22/5/23



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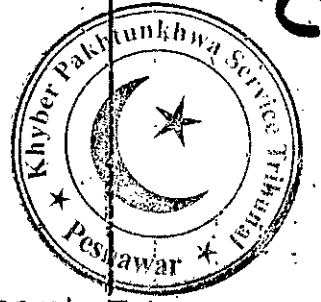
Annex C

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Implementation Petition No. 54 of 2023

In Service Appeal No. 690/2016

Decided on 28/09/2022



**Shafi Ullah** son of Sher Khan r/o Wanda Noorak Tehsil  
Paharpur District Dera Ismail Khan. Cell#0345-9808302

..... **Petitioner**

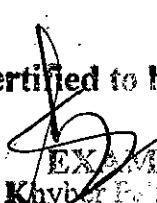
**VERSUS**

1. Government of KPK, Through Secretary Elementary & Secondary Education Peshawar.
2. The Director (E&S) Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Dera Ismail Khan.

..... **Respondents**

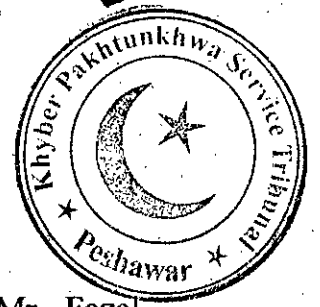
**IMPLEMENTATION PETITION UNDER KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT 1974 READ WITH KPK SERVICE  
TRIBUNAL SERVICE TRIBUNAL RULES 1974 AS AMENDED  
FOR IMPLEMENTATION OF THE ORDER/JUDGMENT IN  
SERVICE APPEAL NO. 690/2016 DECIDED ON 28/09/2022  
BY THIS HONOURABLE TRIBUNAL.**

**Certified to be true copy**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

E.P. No. 54/2023  
Shahidullah vs Govt

-15-



17<sup>th</sup> May, 2023

1. Petitioner alongwith his counsel present. Mr. Fazal Shah Mohmand, Addl: AG alongwith Mr. Rehmatullah, ADEO for the respondents present.

Ann. C/1

02. Representative of the respondents has submitted copy of office order bearing Endst: No. 9424-30 dated 17.05.2023, whereby in compliance of the judgment of this Tribunal, the grievance of the petitioner has been redressed. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is filed. Consign.

03. *Pronounced in open court in D.I.Khan and given under my hand and seal of the Tribunal on this 17<sup>th</sup> day of May, 2023.*

(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

\*Adnan Shah, P.A. Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 22/5/23  
Number of Words 28  
Copying Fee 10/-  
Urgent       
Total 10/-  
Name of       
Date of Copying 22/5/23  
Date of Delivery 22/5/23


22.03.2023

Learned counsel for the petitioner present. Mr. Muhammad Kamran, ADEO alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Representative of the respondents stated that the process for implementation of the judgment under execution has been initiated and implementation report will be produced on the next date. Last opportunity given. To come up for submission of implementation report on 15.05.2023 before the S.B at Camp Court D.I.Khan.

Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar

  
(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

15<sup>th</sup> May, 2023

1. Petitioner alongwith his counsel present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Mr. Musarrat Hussain Baloch, District Education Officer (Male), D.I.Khan for respondents present.

2. Implementation report has not been submitted. Mr. Musarrat Hussain Baloch, District Education Officer (Male), D.I.Khan seeks short adjournment for filing of implementation report. To come up for implementation report on 17.05.2023 before S.B at camp court D.I.Khan. P.P given to the parties.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
\*Adnan Shah, P.A.\*

(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

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Ann- "C/2"



**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN**

Tell: 09669280128 / 09669280131

Email: deom.dik@kpese.gov.pk

**OFFICE ORDER:**

**WHEREAS** Mr. Shafi Ullah S/o Sher Khan was appointed as Naib Qasid at GMS Jhoke Muhana DIKhan vide EDO E&SE DIKhan Endst No. 4573-76 Dated 01/04/2011.

**WHEREAS** He was removed from service on the allegations of absence from duty on 31 December 2011.

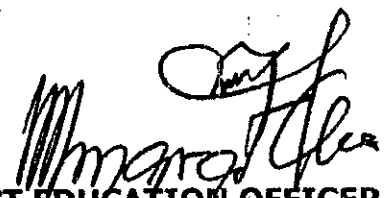
**WHEREAS** Mr. Shafi Ullah S/o Sher Khan has lodged service appeal No. 690/2016 in Honorable Service Tribunal Khyber Pakhtunkhwa for his reinstatement into service.

**WHEREAS** Honorable Service Tribunal Khyber Pakhtunkhwa has accepted his appeal and set aside the termination orders.

**WHEREAS** He filed execution petition before Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.

**WHEREAS** Honorable Service Tribunal Khyber Pakhtunkhwa passed the judgment in service appeal no. 690/2016 on 28/09/2022 stating that **"The appeal in hand is accepted by setting aside the impugned orders and the appellant is reinstated in service with all back benefits"**

**THEREFORE**, Consequent upon the judgment passed by the Honorable Service Tribunal, I Mr. Musarrat Hussain Khan District Education Officer (Male) DIKhan has been pleased to reinstate Mr. Shafi Ullah S/o Sher Khan as Naib Qasid at GMS Kot Tagga with all back benefits.

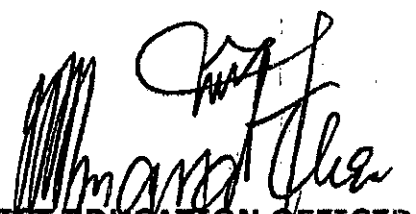
  
**DISTRICT EDUCATION OFFICER  
(MALE) DIKHAN**

Endst No 9424-30

Dated DIKhan the 17/5/2023

Copy forwarded for information to the:-

1. Registrar, Honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar.
2. District Monitoring Officer (EMA) DIKhan.
3. District Accounts Officer, DIKhan.
4. Dy: DEO (M) DIKhan.
5. Head Master concerned.
6. Official Concerned.
7. Master File.

  
**DISTRICT EDUCATION OFFICER  
(MALE) DIKHAN**

خدمت خراب ڈسٹرکٹ ایجوکیشن آفیسر (سرڈنر) ڈیڑھ سالوں سے

### Ann - C/3

عنوان: ڈسٹرکٹ ایجوکیشن آفیسر، سرڈنر، ضلع راولپنڈی، حکومت پاکستان  
28-9-2022  
Service Appeal No 690/2016  
عبر بخیر الخیر و حسن الخیر  
(In letter and spirit)

تھا عالی: مسائل / اپیلوں کے تھیں ذیل عرض کیا ہے۔

1- یہ کہ مسائل / اپیلوں کے قرض 2011-04-01 کو منظور کیا گیا تھا مگر گورنمنٹ ڈپٹی سیکرٹری جیو کھو گئے اور اس کا فیصلہ نہیں ہوا۔

2- یہ کہ مسائل / اپیلوں کے قرض 2011-12-31 کو سروس سے ہٹا دیا گیا اور اس کا فیصلہ نہیں ہوا (Removed)۔

3- یہ کہ مسائل / اپیلوں کے قرض Removal کے خلاف خیر بخیر الخیر و حسن الخیر کے قرضوں کو اپیل دائر کر لی ہے  
Service Appeal No 690/2016

4- یہ کہ مسائل کی اپیل منظور ہوئی اور removal کا حکم منظور کر کے مسائل / اپیلوں کے قرض 28-9-2022 کو سروس سے ہٹا دیا گیا ہے۔

5- یہ کہ مسائل / اپیلوں کے قرض Implementation اور عدالت کے فیصلوں کے قرضوں کی جتنی رقم سے مسائل / اپیلوں کے قرضوں کو منظور کیا گیا ہے۔

6- یہ کہ مسائل / اپیلوں کے قرض مختلف سطحوں سے لے کر گورنمنٹ ڈپٹی سیکرٹری جیو کے پاس تک پہنچا گیا ہے۔ جو حیدر آباد خارجہ اور خارجہ اور خارجہ کے پاس پہنچا گیا ہے۔ اور اس کے قرضوں کو منظور کیا گیا ہے۔ اور اس کے قرضوں کو منظور کیا گیا ہے۔ اور اس کے قرضوں کو منظور کیا گیا ہے۔

Attached to  
the form  
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[Signature]

ٹیکٹ نمبر 68 کی مورسٹ پیسٹ میں 100 روپے کا ٹیکٹ لکھا گیا ہے۔ یہ ٹیکٹ کول حیدرآباد میں

میل سے نمبر 38-39 کے حکم کے تحت مورسٹ پیسٹ میں 100 روپے کا ٹیکٹ لکھا گیا ہے۔ یہ ٹیکٹ کول حیدرآباد میں مورسٹ پیسٹ میں 28-5-20 مورسٹ پیسٹ نمبر 68 کی مورسٹ پیسٹ میں 100 روپے کا ٹیکٹ لکھا گیا ہے۔ یہ ٹیکٹ کول حیدرآباد میں مورسٹ پیسٹ میں 28-5-20 مورسٹ پیسٹ نمبر 68 کی مورسٹ پیسٹ میں 100 روپے کا ٹیکٹ لکھا گیا ہے۔

میرزا اسد علی کے گھر میں خالوت میں ساکن اسد علی کو مورسٹ پیسٹ کے حکم کے تحت مورسٹ پیسٹ میں 100 روپے کا ٹیکٹ لکھا گیا ہے۔ یہ ٹیکٹ کول حیدرآباد میں مورسٹ پیسٹ میں 28-5-20 مورسٹ پیسٹ نمبر 68 کی مورسٹ پیسٹ میں 100 روپے کا ٹیکٹ لکھا گیا ہے۔

تدفیق اللہ علی خان قوم حیدرآباد مورسٹ پیسٹ میں 100 روپے کا ٹیکٹ لکھا گیا ہے۔ یہ ٹیکٹ کول حیدرآباد میں مورسٹ پیسٹ میں 28-5-20 مورسٹ پیسٹ نمبر 68 کی مورسٹ پیسٹ میں 100 روپے کا ٹیکٹ لکھا گیا ہے۔

مورسٹ پیسٹ نمبر 68 کی مورسٹ پیسٹ میں 100 روپے کا ٹیکٹ لکھا گیا ہے۔ یہ ٹیکٹ کول حیدرآباد میں مورسٹ پیسٹ میں 28-5-20 مورسٹ پیسٹ نمبر 68 کی مورسٹ پیسٹ میں 100 روپے کا ٹیکٹ لکھا گیا ہے۔

گامی نوٹ

ڈاکٹر علی آف ایجوکیشن ایف ایس اے

حیدرآباد مورسٹ پیسٹ میں 100 روپے کا ٹیکٹ لکھا گیا ہے۔ یہ ٹیکٹ کول حیدرآباد میں مورسٹ پیسٹ میں 28-5-20 مورسٹ پیسٹ نمبر 68 کی مورسٹ پیسٹ میں 100 روپے کا ٹیکٹ لکھا گیا ہے۔

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Am- "C/4"

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN  
Tel: 09669280128- 09669280131  
Email: emisdikhan@yahoo.com

OFFICE ORDER

Consequent upon recommendation/approval of the Departmental Selection Committee (DSC) as contained in its minutes of the meeting held on 17-05-2022, the appointment of the following candidate is hereby ordered against the vacant post of Class-IV, in BPS-03 (Rs: 9610-390-21310) plus usual allowances as admissible under the existing policy of the Provincial Government, on the terms and conditions given below with effect from the date of their taking over charge in the interest of public service.

OPEN MERIT

S/1	Name of Candidates with Father Name	CNIC	Post	Station of Posting	Remarks
1	Muhammac Sajid Khan S/o Mati Ullah Khan	12102-8034712-7	Naib Qasid	GMS Kot Tagga	A.V.P.

TERMS AND CONDITIONS.

1. His services shall be considered as regular in terms of Section-19 of the NWFP Civil Servant Act, 1973 amended in 2013 issued vide Govt of KPK Finance Department(Regulation Wing) No SOR-III FD/ 12-1/2005 dated 27/02/2013.
2. He will be governed by such rules and regulations as may be issued by the Govt. from time to time for the category to which they belong.
3. His appointment is made purely on temporary basis and liable to terminate at any time with out assigning any reasons.
4. One month pay will be forfeited to Govt. in case of resignation without prior notice. The period of giving notice is one month before the date of resignation.
5. His pay may not be drawn till the verification of Certificates/Degrees from the concerned Board/University/ Institution.
6. He is required to join the post within 15-days, failing which the appointment order will be cancelled automatically.
7. The appointment is made subject to the condition that the candidate is permanent domicile holder of District DIKhan.
8. He is required to produce Health & Age Certificate from the Medical Suptd./Hospital Director DIKhan with in one week after the assumption of charge.
9. Charge Reports should be submitted to all concerned.
10. No TA/DA is allowed.

Sd/-  
District Education Officer  
(Male) Dera Ismail Khan  
Dated: 28/5/2022

Endst No. 11311-322/DEO(M)

- Copy forwarded for information & necessary action to the:
1. Director E&SE KPK Peshawar.
  2. District Comptroller of Accounts DIKhan.
  3. Principal/Headmaster/SDEO(M) Concerned.
  4. Candidate Concerned.
  5. Master File.

*Muhammad*  
District Education Officer  
(Male) Dera Ismail Khan

Attached to be true  
copy  
in file



President

Secretary

# وکالت نامہ

کورٹ  
فیس

بعد ازاں حیدر سروس ڈیپارٹمنٹ کی طرف سے درج ذیل اسماء علیہ السلام

Pettitioner: منجانب  
Deo (Male) D-1-K نام  
شفیع اللہ  
Implementation دعوی یا جرم

لاصل دعوی یا جرم

باعث تحریر آنگہ

D-1-K

مقدمہ مذکور بالا عنوان میں اپنی طرف واسطے بیروی درج ذیل اسماء علیہ السلام

شہادت (المستأجر) اور (المستأجر)

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذرا بیرونی درج ذیل اسماء علیہ السلام کے نام سے کسی طور بیرونی خلاف ہو گیا تو صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ بیرونی غیر حاضری کی وجہ سے کسی طور بیرونی خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پٹنہ کے علاوہ یا پٹنہ کے اوقات سے پہلے یا بیچے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پٹنہ کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پٹنہ کے اوقات کے آگے یا بیچے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ دابیں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔

کوکل ساختہ پر وادع صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا درخواست اجراء اسمائے ذکری نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر پٹنہ یا ریش نامہ و فیصلہ برعکس کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکور بہر ذمہ از پٹنہ کی طرف سے مقدمہ مزکور نظر ثانی اپیل گمرانی و ہر قسم مقدمہ یا مستحق ذکری یک طرفہ یا درخواست حکم اتحالی یا قرنی یا گمرانی نقل از فیصلہ اجراء ذکری بھی صاحب موصوف کو بشرط ادا اپنی علیحدہ مختصم بیروی کا اختیار ہو گا اور تمام ساختہ پر وادع صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیر مشرک اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دیے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جائز التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند ہے

موزعہ

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Attested

Accepted

Sh. H. H. H.

Handwritten signature

9808302-2345