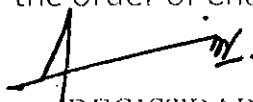


Form-A  
FORM OF ORDER SHEET

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

Implementation Petition No. 367/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	
1	09.06.2023	<p>The execution petition of Mr. Quraish Khan submitted today by Mr. Akhtar Ilyas Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>13-06-2023</u>. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

Execution Petition No. 367 /2023  
Service Appeal No. 5696/2020  
Decided on 14-09-2021

Quraish Khan .....Petitioner

**Versus**

District Education Officer and others .....Respondents

**INDEX**

S.No	Description of Documents	Annexure	Pages
1.	Petition for directing respondents to implement the order dated 14.09.2021 passed in service Appeal no. 5696/2020 with Affidavit		1-5
2.	Copy of order dated 14-09-2021	A	6-10
3.	Copy corrigendum dated 04-11-2021	B	11
4.	Copy of notification	C	12
5.	Copy of Execution petition and orders	D	13-16
6.	Copy of execution petition	E	17-20
7.	Copy of letter No <del>624-1</del> dated <del>07-02-2023</del>	F	21

8. Wakalat Nama 22

*Quraish Khan*  
Petitioner

Through

*Akhtar Ilyas*

**AKHTAR ILYAS  
ADVOCATE HIGH COURT**

*Abdul Majeed Yousafzai*  
**ABDUL MAJEED YOUSAFZAI  
ADVOCATE, PESHAWAR.**

①

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

Execution Petition No. 367 /2023

Service Appeal No. 5696/2020

Decided on 14-09-2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5915

Dated 9/6/2023

**Quraish Khan,**

Ex-PST, GPS, Nagrai, District Buner.

.....Petitioner

**Versus**

1. District Education Officer (Male), Buner.
2. Director (E&SE) KPK.  
Education Directorate, GT Road Peshawar
3. Head Teacher, GPS Nagrai, Buner

.....Respondents

**PETITION FOR DIRECTING  
RESPONDENTS TO IMPLEMENT THE  
ORDER DATED 14-09-2021 PASSED  
IN SERVICE APPEAL NO. 5696.2020.**

---

**Sheweth!**

1. That the appellant filed a Service Appeal No. 5696/2020, the same has been accepted vide order dated 14-09-2021 **(Copy attached as annexure-A)**, the operative part whereof is reproduced for ready reference:

***"In view of above factual and legal position, by acceptance of this appeal, we set aside the impugned order and appellant stands voluntarily retired from 01-07-2016 when he himself submitted application seeking premature retirement due to his health issues. In order to relieve the agony of the appellant, the respondents are directed to expedite and process the pension case of appellant within 30 days of the receipt of this judgment. Parties by are left to bear their own costs. File to be consigned to the record room"***

2. That the above referred judgment has been remitted to respondent No. 1 through an application.
3. That the letter for compliance of the order has also been sent by worthy Registrar of this Honorable Tribunal as well.
4. That it will be not out of place to mention here that the respondents have not assailed the stated judgment

before the august Supreme Court of Pakistan, so the judgment has got finality.

5. That it is astonishing rather shocking to know that the respondents No. 1 has issued corrigendum dated 04-11-2021 **(Copy is attached as annexure-B)**, whereby he acted as appellate forum and assumed the jurisdiction of Supreme Court and thus struck down the order passed by the worthy KPK Service Tribunal which is a clear violation of the law on the subject, for which separate application is being filed against the respondent No. 1.
6. That the petitioner filed execution petition No. 353/21 and this honorable tribunal was gracious enough to issue notices to the respondents: when the respondents received the notice they withdrew the referred corrigendum
7. That the respondents No. 1 submitted notification **(Copy of notification is attached as annexure-C)**, the respondent No. 1 misguided this Honorable Tribunal and stated at the bar that the order of this Honorable Tribunal has duly implemented in letter and spirit and this honorable tribunal has consigned the execution petition along with the miscellaneous application. Needless to mention here that counsel for the petitioner was not present on the date of hearing, the order dated 09-06-2022 is witness of the fact. **(Copy of Execution**

**petition and orders dated are attached as annexure-D)**

- 8. That petitioner filed yet another execution petition No. 695/2022 **(Copy of execution petition is attached as annexure "E")** on 07.02.2023, the respondent No. 1 submitted a letter No. ~~624/26~~ dated ~~07-01-2023~~ **(Copy of letter is attached as annexure "F")** and this Hon'ble Court has consigned the execution petition. Needless to mention here that this Hon'ble Tribunal has set aside the recovery, how the learned DEO termed the same as over-payment?
  
- 9. That the recovery of Rs. 4,12,585/- has already been set aside by this Hon'ble Tribunal, the deduction of the same is violation of the judgment of this Hon'ble Tribunal.
  
- 10. That the respondents are under legal obligations to implement the order passed by the worthy Service Tribunal in letter and spirit but they failed to do so, hence this petition for second time.
  
- 11. That the appellant seeks leave of the Court to urge additional ground at the time of arguments.

**PRAYER:**

It is, therefore, prayed that the order dated 14-09-2021 passed in Service appeal No. 5696/2020 may kindly be implemented in letter and spirit without further amount of delay and the deduction of Rs 412585 from the pension of petitioner may kindly be struck down and the respondents be directed to release the stated amount to the petitioner.

*Ans*  
Petitioner

Through *Ilyas*

**AKHTAR ILYAS  
ADVOCATE HIGH COURT**

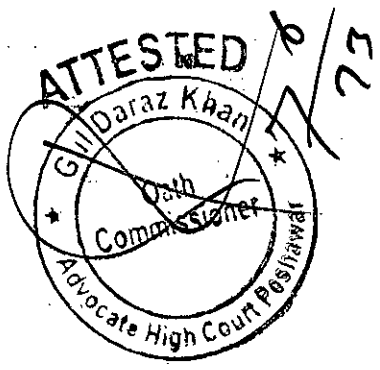
*M*  
**ABDUL MAJEED YOUSAFZAI  
ADVOCATE, PESHAWAR.**

**AFFIDAVIT**

It is hereby verified and declared on oath that the contents of above Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*Ans*  
Deponent

**CNIC 15101-0343790-5**



Annex - A (6)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 5696/2020



Date of Institution ... 11.06.2020  
Date of Decision ... 14.09.2021

Quraish Khan, Ex-PST, GPS Nagrai, District Buner.  
... (Appellant)

VERSUS

District Education Officer (Male), Buner and two others.  
... (Respondents)

Akhtar Ilyas,  
Advocate ... For appellant.

Muhammad Adeel Butt,  
Additional Advocate General ... For respondents.

AHMAD SULTAN TAREEN ... CHAIRMAN  
ROZINA REHMAN ... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The relevant facts leading to filing of instant appeal are that the appellant rendered services as PST in Education Department. He filed an application for his retirement which was duly forwarded. Astonishingly, on one hand his application was forwarded to the quarter concerned while on the other hand, he stood retired in the Service Book. There was conflict of his date of birth in his C.N.I.C and Service Book, therefore, his forwarded application was not accepted and it was returned that the same be forwarded after correction of date of birth but this process was kept secret from the appellant. That despite duty, his attendance was not marked, he, therefore, filed an application for attendance but in the

**ATTESTED**  
  
Rozina Rehman  
Member (J)  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



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meanwhile, major penalty of compulsory retirement was imposed upon the appellant. He filed service appeal which was accepted and case was remanded to the competent authority for de-novo inquiry. He waited for considerable time, but in vain. He, therefore, filed petition for implementation of the order and receipt of notice by the respondents, impugned order was passed on 18.02.2020. He, therefore, filed departmental appeal which was not responded to, hence, the present service appeal.

2. We have heard Akhtar Ilyas Advocate for appellant and Muhammad Adeel Butt learned Additional Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Akhtar Ilyas Advocate, learned counsel appearing on behalf of appellant, inter-alia, contended that the respondents failed to follow the dicta laid down by the Service Tribunal in Service Appeal No.755/2018. He contended that in the earlier round of litigation, case was remitted for de-novo inquiry and the respondents were required to reinstate the appellant and then to initiate de-novo inquiry but such practice was not undertaken in utter disregard of rules. He submitted that no regular inquiry was conducted in the case of appellant and no witness was examined in his presence. He contended that appellant was condemned unheard as he was not given the right of defense. He submitted that it is settled by now that until and unless the competent authority has accepted resignation, a civil servant cannot be retired from his duty and lastly, he submitted that appellant has not committed any misconduct by way of his absence or by way of any



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KHAYAT  
Service Tribunal  
Peshawar

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embezzlement but even then, harsh punishment was imposed upon appellant.

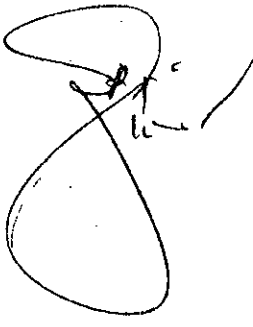
4. Conversely learned A.A.G submitted that the appellant had not submitted any retirement application to the competent authority rather he purposely deceived the Head Teacher and gave him the impression of retirement from service for which appellant got marked his retirement application and got written in his column in the attendance register that the appellant stood retired w.e.f 01.07.2016. He contended that the Head Teacher marked the application and handed over to the appellant for further submission to the S.D.E.O concerned but the appellant purposely detained application with himself and did not submit the same to the concerned S.D.E.O for further submission to the competent authority (D.E.O). He contended that he remained absent from the date of getting his application marked from the Head Teacher i.e. 01.07.2016 and on the other hand, he did not submit the already marked retirement application to the S.D.E.O concerned in order to keep the S.D.E.O in ignorance and thereby not to stop his salary and get it regularly. Lastly, he submitted that the appellant remained absent w.e.f 01.07.2016 to 30.05.2017 (10 months) for which he regularly took his salaries.

5. From the record, it is evident that appellant Quraish Khan P.S.T submitted an application seeking retirement on 01.07.2016. This entry has properly been made by the Headmaster G.P.S Nagrai in the register of attendance which is not denied by the respondents. As there was conflict in the date of birth of appellant in his C.N.I.C and Service Book, therefore, he once again submitted an application to D.E.O for marking his attendance in the school on 02.08.2018. The

ATTACHED  
EX-111016  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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competent authority without taking any regular inquiry under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 compulsory retired the appellant by way of major punishment, therefore, in the earlier round of litigation, case of the appellant was remitted to the competent authority for decision afresh after de-novo inquiry in accordance with law. As per record, the competent authority constituted an Inquiry Committee vide notification dated 12.10.2019 and the said Committee intimated Head Teacher and the appellant on telephone to be present on 31.10.2019. From perusal of the inquiry report, it is evident that neither charge sheet nor statement of allegation was ever served upon appellant. No show cause was issued and in view of the recommendation of the Inquiry Committee, impugned order was passed on 18.02.2020, whereby, major penalty of compulsory retirement from service was imposed upon appellant w.e.f 01.07.2016 and amount of Rs.412885/- (salary of 10 months) w.e.f 01.09.2015 to 30.06.2016 was ordered to be recovered and deposited in the Government Exchequer. On one hand, the competent authority did not follow the dicta laid down by this Tribunal in Service Appeal No.755/2018 as no charge sheet and statement of allegations were issued in accordance with the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 while on the other hand, he was charged for recovery of an amount of Rs. 412885/- w.e.f 01.09.2015 to 30.06.2016. This period of 10 months was not justified as the record is totally silent in respect of any absence or any sort of misconduct by the appellant from 01.09.2015 to 30.06.2016 as admittedly he submitted application seeking premature retirement on 01.07.2016 and the allegations were

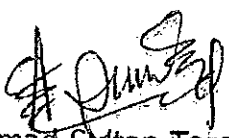


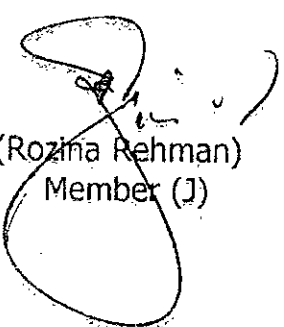
**ATTESTED**  
16/12/23  
Khyber Pakhtunkhwa  
Service Tribunal

in respect of recovery of pay for period w.e.f 01.07.2016. The appellant is aged and ailing Government servant who served the Department for more than 28 years but was not treated in accordance with law.

6. In view of the above factual and legal position, by acceptance of this appeal, we set aside the impugned orders and appellant stands voluntary retired from 01.07.2016 when he himself submitted application seeking premature retirement due to his health issues. In order to relieve the agony of the appellant, the respondents are directed to expedite and process the pension case of the appellant within 30 days of the receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
14.09.2021

  
(Ahmad Sultan Tareen)  
Chairman

  
(Rozina Rehman)  
Member (J)

Certified to be true copy  
EX-111  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
09/06/23

Date of Presentation of Application 09/6/23  
Number of Pages Page 5  
Copying Fee 25/-  
Urgent S/-  
Total 30/-  
Name of Copyist Shahzad  
Date of Completion 09/6/23  
Date of Delivery of Copy 09/6/23

Annex-B (11)



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER  
PHONE & FAX NO 0939-510468  
EMAIL: [edobuner@gmail.com](mailto:edobuner@gmail.com)



Corrigendum

In partial modification of this office Notification No. 469-74 dated 18/2/2020 regarding Compaisory Retirement awarded to Mr. Quraish Khan PST GPS Nagrai due to absence and unlawful drawl of salaries in the light of inquiries conducted by this office, the dates of absence may be read w.e.f 30/6/2016 to 30/4/2017 (10 Months) instead of 01/9/2015 to 30/6/2016 (10 Months) as contained in the inquiry report.

(IFTIKHAR UL GHANI)

DISTRICT EDUCATION OFFICER (M)  
BUNER

Endst. No. 5040-45 Dated 4/11/2021

Copy for information to: -

1. Director (E&SE) Khyber Pakhtunkhwa Peshwar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal Peshwar.
3. District Monitoring Officer Buner
4. Sub Divisional Education Officer (M) Mandanr with the remarks that necessary entry to this effect shall be made in his Service Book accordingly and recovery of Rs-412885/- of the period of (10 months) w.e.f 1/7/2016 to 30/4/2017 shall be made from his pension/gratuity under intimation to this office.
5. District Accounts Officer
6. Official Concerned.

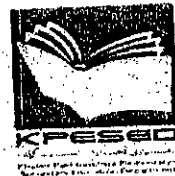
DISTRICT EDUCATION OFFICER (M)  
BUNER

Sub Divisional Edu  
Officer (M) Mandanr  
Dist Buner

Sub Divisional Edu. Officer (M)  
Mandanr Dist Buner



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER  
PHONE & FAX NO. 0939-555110  
EMAIL: edobuner@gmail.com



**Notification**

1. WHEREAS Mr. Quraish Khan PST GPS Nagrai was proceeded against under E&D Rules 2011 for wilful absence, misconduct and corruption.
2. AND WHEREAS he was served with a showcause notice vide this office No.6425-28 dated 14-11-2017 and his reply was found unsatisfactory.
3. ANDWHEREAS, the then DEO (M) Buner imposed upon him major penalty of "Compulsory Retirement" w-e-f- 1-7-2016 (A.N) and ordered recovery of overpayment amounting Rs. 412885/- from Quraish Khan PST.GPS Nagrai vide this Office No.421-26 dated 20-1-2018.
4. AND WHEREAS, the same order was challenged in Khyber Pakhtunkhwa Service Tribunal at camp Court Swat vide service appeal No:755/2018, which was remitted to the Competent Authority vide judgment dated 2/9/2019 for deciding afresh after De-novo inquiry in accordance with law.
5. AND WHEREAS, in compliance with the court order, the Competent Authority conducted de-novo inquiry vide this office No.7560-64 dated 12/10/2019. The inquiry committee recommended that penalty of "Compulsory Retirement" already imposed upon Mr. Quraish Khan PST GPS Nagrai may be retained w.e.f.1/7/2016.
6. AND WHEREAS, in the light of recommendations of the inquiry report, the then DEO(M) Buner retained penalty of "Compulsory Retirement" upon Mr. Quraish Khan PST GPS Nagrai of Tehsil Mandanr Buner w-e-f- 1-7-2016 vide this office No.469-74 dated 18/2/2020 & overpayment amounting Rs.412885/- w.e.f 1/7/2016 to 30/4/2017 (10 months.) may be recovered and deposited in the Govt. exchequer.
7. AND WHEREAS, the same order was challenged in the court of Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal No. 5696/2020, which was decided on 14/9/2021 with the directions to convert compulsory retirement into premature voluntary retirement w.e.f. 1/7/2016.
8. NOW, therefore, in compliance with the Honourable Court Judgment dated 14-09-2021, in service appeal No.5696/2020, the Competent Authority is pleased to convert Compulsory Retirement from Service to Voluntary pre-mature Retirement in respect of Mr. Quraish Khan PST GPS Nagrai w-e-f- 1-07-2016.

(IFTIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER (M)  
BUNER

Endst; No. 92-97 / Dated 7/1/2022.

Copy for information to; -

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal at Camp Court, Swat.
3. District Monitoring Officer Buner.
4. Sub-Divisional Education Officer (M) Mandanr with the remarks/directives that necessary entry to this effect shall be made in his Service Book accordingly and recovery of overpayment Rs-412885/- for the period of (10 months) w.e.f 1/7/2016 to 30/4/2017 shall be made from his pension/gratuity under intimation to this office.
5. District Accounts Officer.
6. Official Concerned.

Attended  
DISTRICT EDUCATION OFFICER (M)  
BUNER  
7/1/22

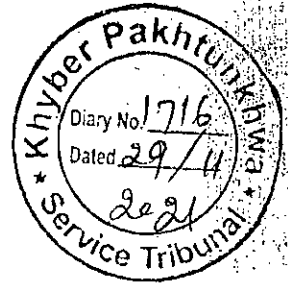
**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

Execution Petition No. 353/2021

IN

Service Appeal No. 5696/2020

Decided on 14-09-2021



**Quraish Khan,**  
Ex-PST, GPS, Nagrai, District Buner.

..... Petitioner

**Versus**

1. District Education Officer (Male), Buner.
2. Director (E & SE) KPK,  
Education Directorate, GT Road Peshawar
3. Head Teacher, GPS Nagrai, Buner

..... Respondents



PETITION FOR DIRECTING  
RESPONDENTS TO IMPLEMENT  
THE ORDER DATED 14-09-2021  
PASSED IN SERVICE APPEAL  
NO.5696/2020.

**Sheweth!**

1. That the appellant filed a Service Appeal No. 5696/2020, the same has been accepted vide order dated 14-09-2021 (Copy attached as annexure-A), the operative part whereof is reproduced for ready reference:  
"in view of above factual and legal position, by acceptance of this appeal, we set aside the impugned order and appellant stands voluntarily retired from 01-07-2016 when he himself submitted Certified to the respondent

**ADMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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premature retirement due to his health issues. In order to relieve the agony of the appellant, the respondents are directed to expedite and process the pension case of appellant **within 30 days** of the receipt of this judgment. Parties by are left to bear their own costs. File to be consigned to the record room"

2. That the above referred judgment has been remitted to respondent No.1 through an application.  
**(Copy of application is attached as annexure-B).**
3. That the letter for compliance of the order has also been sent by worthy Registrar of this Honorable Tribunal as well.
4. That it will be not out of place to mention here that the respondents have not assailed the stated judgment before the august Supreme Court of Pakistan, so the judgment has got finality.
5. That it is astonishing rather shocking to know that the respondents No.1 has issued corrigendum dated 04-11-2021 **(Copy is attached as annexure-C)**, whereby he acted as appellate forum and assumed the jurisdiction of Supreme Court and thus struck down the order passed by the worthy KPK Service Tribunal which is a clear violation of the law on the subject, for which separate application is being filed against the respondent No.1.
6. That the respondents are under legal obligations to implement the order passed by the worthy Service Tribunal in letter and spirit but they failed to do so, hence this petition.
7. That the appellant seeks leave of the Court to urge additional ground at the time of arguments.

**PRAYER:**

It is, therefore, prayed that the order dated 14-09-2021 passed in Service appeal No.5696/2020 may kindly be

ATTESTED  
[Signature]  
Cyber Pakhtunkhwa  
Service Tribunal



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implemented in letter and spirit without further amount of delay.

Petitioner

Through

*[Signature]*  
AKHTAR ILYAS  
ADVOCATE HIGH COURT  
&  
*[Signature]*  
CHAGAIZ KHAN  
ADVOCATE

AFFIDAVIT

It is hereby verified and declared on oath that the contents of above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

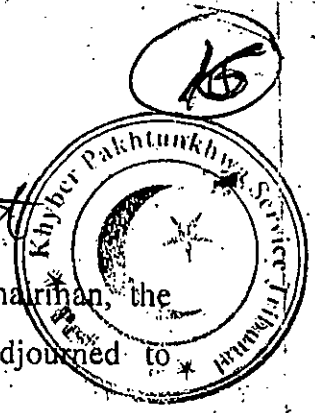
*[Signature]*  
Deponent

ATTESTED  
Gul Daraz Khan  
Oath  
Commissioner  
Advocate High Court  
*[Signature]*

Certified to be true copy  
*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

E.P. No. 353/2021

Quresh Khan vs Govt



22.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 28.04.2022 for the same as before.

*[Signature]*  
Reader

28<sup>th</sup> April, 2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG seeks adjournment to submit implementation report. To come up for implementation report on 09.06.2022 before S.B.

*[Signature]*  
FARZEHA PAUL  
Member (E)

09.06.2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Iftikhar Ghani, DEO (M) respondents present.

Representative of respondent department submitted implementation report vide notification Endst; No. 82-87 dated 07.01.2022 which is placed on file and stated that judgment of this Tribunal has been implemented.

In view of the above, instant petition is disposed off. File be consigned to record room.

Announced  
09.06.2022

*[Signature]*  
Certified to be true copy  
MINER  
Khyber Pakhtunkhwa  
Service Tribunal

*[Signature]*  
(Farzeha Paul)  
Member (E)

Copy of Presentation of Application	16-11-22
Number of Words	832
Copying Fee	10/-
Urgent	4/12
Total	15/-
Name of Copyist	16-11-22
Date of Copying	16-11-22
Signature of Copyist	16-11-22

Annex-E (17)  
1

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

Execution Petition No. 695/2022  
IN

Service Appeal No. 5696/2020

Khyber Pakhtunkhwa  
Service Tribunal

Decided on 14-09-2021

Diary No. 2055

Dated 25/11/

**Quraish Khan,**  
Ex-PST, GPS, Nagrai, District Buner.

..... Petitioner

**Versus**

1. District Education Officer (Male), Buner.
2. Director (E & SE) KPK,  
Education Directorate, GT Road Peshawar
3. Head Teacher, GPS Nagrai, Buner

..... Respondents

**PETITION FOR DIRECTING  
RESPONDENTS TO IMPLEMENT  
THE ORDER DATED 14-09-2021  
PASSES IN SERVICE APPEAL  
NO.5696.2020.**

**Sheweth!**

1. That the appellant filed a Service Appeal No. 5696/2020, the same has been accepted vide order dated 14-09-2021 (Copy attached as annexure-A), the operative part whereof is reproduced for ready reference:

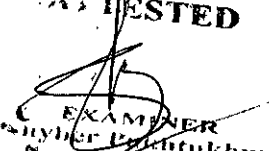
*"In view of above factual and legal position, by acceptance of this appeal, we set aside the impugned order and appellant stands voluntarily retired from 01-07-2016 when he himself submitted application seeking premature retirement due to his health issues. In order to relieve the agony of the appellant, the respondents are directed to expedite and process the pension case of appellant within 30 days of the receipt of this judgment. Parties by are left to bear their own costs. File to be consigned to the record room"*

2. That the above referred judgment has been remitted to respondent No.1 through an application.

**ATTESTED**  
*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal

2  
18

3. That the letter for compliance of the order has also been sent by worthy Registrar of this Honorable Tribunal as well.
4. That it will be not out of place to mention here that the respondents have not assailed the stated judgment before the august Supreme Court of Pakistan, so the judgment has got finality.
5. That it is astonishing rather shocking to know that the respondents No.1 has issued corrigendum dated 04-11-2021(**Copy is attached as annexure-B**), whereby he acted as appellate forum and assumed the jurisdiction of Supreme Court and thus struck down the order passed by the worthy KPK Service Tribunal which is a clear violation of the law on the subject, for which separate application is being filed against the respondent No.1.
6. That the petitioner filed execution petition no. 353/21 and this honorable tribunal was gracious enough to issue notices to the respondents; when the respondents received the notice they withdrew the referred corrigendum.
7. That the respondents No.1 submitted notification dated 07-01-2022 and 18-02-2022 (**Copies of notifications are attached as annexure-C&D**), the respondent No.1 misguided this Honorable Tribunal and stated at the bar that the order of this Honorable Tribunal has duly implemented in letter and spirit and this honorable tribunal has consigned the execution petition along with the miscellaneous application. Needless to mention here that counsel for the petitioner was not present on the date of hearing; the order dated 09-06-2022 is witness of the fact. (**Copy of Execution petition and orders dated are attached as annexure-E**)
8. That respondents have once again deducted an amount of Rs 412585/- from the pension of petitioner (**Copy of pension paper is attached as annexure-F**) which is against the order passed by this honorable tribunal as the same has been termed as **unjustified** by this honorable tribunal in concluding part of para 5 of the judgment.
9. That the respondents are under legal obligations to implement the order passed by the worthy Service Tribunal in letter and spirit but they failed to do so, hence this petition for second time.
10. That the appellant seeks leave of the Court to urge additional ground at the time of arguments.

ATTESTED  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

19  
3

**PRAYER:**

It is, therefore, prayed that the order dated 14-09-2021 passed in Service appeal No.5696/2020 may kindly be implemented in letter and spirit without further amount of delay and the deduction of Rs 412585 from the pension of petitioner may kindly be struck down and the respondents be directed to release the stated amount to the petitioner.

*[Signature]*  
Petitioner

Through

*[Signature]*

**AKHTAR ILYAS**  
ADVOCATE HIGH COURT

*[Signature]*

**ABDUL MAJEED YOUSAFZAI**  
ADVOCATE

**AFFIDAVIT**

It is hereby verified and declared on oath that the contents of above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*[Signature]*  
Deponent

15101-03437905

**ATTESTED**  
Gul-Dinaz Khan  
Clerk  
High Court Peshawar

**ATTESTED**  
Syed Fakhrul Khwa  
Service Tribunal

4<sup>th</sup> Jan, 2023

Learned for the petitioner present. Syed Naseer Ud Din Shah, Asst: AG alongwith Mr. Iftikhar Ul Ghani, DEO(M) Buner for respondents present.

Learned counsel for the petitioner seeks time to assist the Tribunal. This case pertains to camp court Swat, let it be fixed at camp court Swat on 07.02.2023 before S.B.

R

(Kalim Arshad Khan)  
Chairman



07<sup>th</sup> Feb, 2023

1. Learned counsel for the petitioner. Mr. Muhammad Riaz Khan Paindakhel, learned Asst: AG alongwith Mr. Iftikhar Ul Ghani, District Education Officer,(Male), Buner for respondents present.

02. The respondents submitted letter No. 3808 dated 17.08.2022, whereby in compliance of the judgment of the Tribunal the grievance of the petitioner has been redressed but the respondents had added the words in a letter No. 3808 dated 17.08.2022 "as per court judgment regarding recovery of overpayment amount of Rs. 412885/-" which was not mentioned in the judgment. Later on the District Education Officer,(Male), Buner submitted office order No. 624-26 dated 07.02.2023, wherein the earlier order dated 17.08.2022 was withdrawn to the extent of words "as per court judgment". Since the desired relief has been granted to the petitioner, therefore, this petition is filed. Consign.

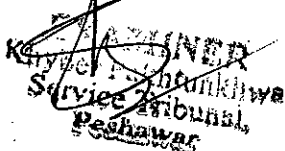
03. *Pronounced in open court at Swat and given under my hand and seal of the Tribunal on this 7<sup>th</sup> day of February, 2023.*

(Kalim Arshad Khan)  
Chairman  
Camp Court Swat

Date of Presentation of Application 24/2/23  
 Number of Pages 4  
 Copying Fee 25/-  
 Urgent Yes  
 Name of Case ---  
 Date of Completion of Copy 24/2/23  
 Date of Delivery of Copy 24/2/23

SCANNED  
KPST  
Peshawar

Certified to be true copy





**OFFICE OF THE DISTRICT EDUCATION OFFICER**

**(MALE) DISTRICT BUNER**

PHONE & FAX NO. 0939-555110

EMAIL: edobuncr@gmail.com



**OFFICE ORDER**

The Competent Authority is pleased to **withdraw** this office letter No. 3808 dated 17/8/2022, issued to DAO Buner regarding submission of pension case in respect of Quraish Khan PST, GPS Nagrai district Buner to the extent of the words "as per court judgment" as the phrase has erroneously been added due to clerical mistake in the aforementioned letter.

**(IFTIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER  
(MALE) BUNER**

Endst: No. 624-26

Dated: 7/02/2023

Copy of the above is forwarded to:

1. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. SDEO (M) Mandanr (Buner).
3. Master File.

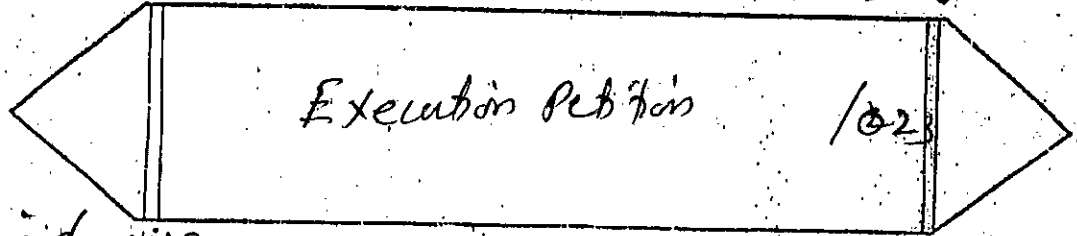
  
**DISTRICT EDUCATION OFFICER  
(MALE) BUNER**

7/2/23

  
7/2/23

**ATTESTED**  
to be true Copy

بعدالت خبردگتوں خواستروس لٹریچونل ریسٹا اور



Petition 2 مخجاب

قدشرفان بنام EDO

موزخه  
مقدمه  
دعوی  
بریم

### باعث تحریر آنگہ

مقدمہ بندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
 آج مقام سروس لٹریچونل کیلئے الذی لیس لٹریچونل (102) کو  
 مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
 وکیل صاحب کو رضاعی نامہ کرنے و تقرر ثالثیت فیصلہ برحلف دیے جواب دہی اور اقبال دعویٰ اور  
 باادرت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کیلئے یا اپیل کی برادگی اور منسوخی  
 نیز دائر کرنے اپیل نمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا سہائت  
 و اخذ منقول قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔  
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

عبدالعزیز

مسلطون

Attested &  
Accepted

2023

واہ

ED 420  
Bx-11-1578  
0333-9412974  
0345-9447612