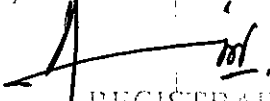


Form-A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 506/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.07.2023	<p>The implementation petition of Mst. Zareena Bibi submitted today by Mr. Taimur Ali Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>25-07-2023</u>. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Execution petition No. 906 /2023
In Service Appeal No.890/2018

Zareena Bibi

V/S

Education Department

INDEX

S.No.	Documents	Annexure	P. No.
1	Memo of execution petition	-----	01-02
2	Copy of judgment dated 12.04.2023	A	03-0 <u>5</u>
3	Vakalat Nama	-----	<u>06</u>

PETITIONER

THROUGH:



**(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT**

Cell# 0333-9390916

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

Execution Petition No. 506 /2023
In Service Appeal No.890/2018

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 6602

Dated 19/07/23

Zareena Bibi, PST (BPS-12),
GGPS kambah Peshawar.

PETITIONER

VERSUS

1. District Education Officer, (Female) Peshawar.
2. Sub Division Education Officer (Female) (Primary) Peshawar.
3. Director Elementary & Secondary Education, Govt. of KPK
Peshawar.
4. Secretary Elementary & Secondary Education, Govt. of KPK
Peshawar.

RESPONDENTS

.....

**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED 12.04.2023 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**

.....

RESPECTFULLY SHEWETH:

1. That the petitioner has filed service appeal No. 890/2018 in this Honorable Tribunal against the impugned reversion to BPS-12 dated 03.05.2017 and against which departmental appeal of the petitioner has not been responded despite the lapse of more than statutory period of ninety days.
2. The appeal was heard and decided by this Honorable Tribunal on 12.04.2023. The Honorable Tribunal remit the matter back to Director (E&SE) Khyber Pakhtunkhwa to decide the departmental representation of the petitioner and in case there was no order to reversion he shall make appropriate order within sixty-days which could protect the rights of the petitioner and in case there was a

specific reversion order, whether or not, that was after adopting appropriate procedure under the law and rules and if so, copy of same should be handed over to the petitioner. The petitioner may recourse to the legal remedy available to her after passage of order by the Director (E&SE) Khyber Pakhtunkhwa and disposed of the case of the petitioner accordingly. **(Copy of judgment dated 12.04.2023 is attached as Annexure-B)**

3. That the Honorable Tribunal remit the case of the petitioner to Director (E&SE) Khyber Pakhtunkhwa to decide the departmental representation of the petitioner and in case there was no order to reversion he shall make appropriate order within sixty-days, however, after the lapse of more than ninety days no appropriate was passed by Director (E&SE) Khyber Pakhtunkhwa in compliance of judgment dated 12.04.2023.
4. That in-action and not fulfilling formal requirements by the department after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 12.04.2023 of this Honorable Tribunal in letter and spirit.
6. That the petitioner has having no other remedy except to file this execution petition for implementation of judgment dated 12.04.2023.

It is, therefore, most humbly prayed that the Director (E&SE) Khyber Pakhtunkhwa may be directed to implement the judgment dated 12.04.2023 of this Honorable Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.

Zareena

PETITIONER

Zareena Bibi

THROUGH:

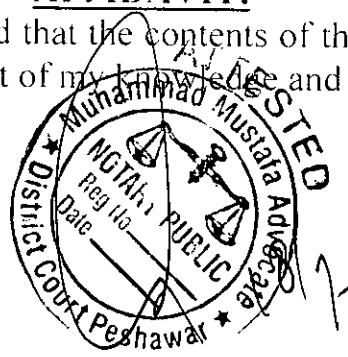
(Signature)

(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

AFFIDAVIT:

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief.



Zareena

DEPONENT

-1-

BEFORE THE SERVICE TRIBUNAL KPK
PESHAWAR



Service Appeal No 890 /2018

Zareena Bibi, Primary School Teacher (BPS-12) GGPS Kamboh
Peshawar.
.....Appellant

V E R S U S

1. District Education Officer, (Female) Peshawar.
 2. Sub Divisional Education Officer (Female) (Primary) Peshawar.
 3. Director, Elementary and Secondary, Education Govt. Of KPK Peshawar.
 4. Secretary, Elementary and Secondary, Education Govt. Of KPK Peshawar
-Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED REVERSION TO BPS-12 DATED 03-
05-2017 PASSED BY RESPONDENT NO 2 AND AGAINST
WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS
NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF
MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal the impugned reversion Order of the appellant to BPS-12 dated 03-05-2017 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be restored to his previous grade/rank of Senior Primary School Teacher (BPS-14) with all back benefits, declaring the recovery amount of Rs. 77343/- as illegal and unlawful thereby repaying the same to the appellant.

Certified to be true copy

Respectfully Submitted:-

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

1. That the appellant was appointed as Primary School Teacher on 31-05-1999 by the Agency Education Officer, Bajaur Agency, was transferred to Mohmand Agency on 03-09-2003 by the Director of Education FATA Peshawar and was transferred to Govt. Girls Primary School Khawaja Hawas, Charsadda on 19.08.2004.

Service Appeal No. 890/2018
Titled "Zareena Bibi-vs-District Education Officer, (Female) Peshawar
and others"



ORDER:

12th April, 2022

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Tufail Khan, Assistant for respondents present.

2. The appellant was transferred from Govt: Girls Primary School, Shabqadar, placing her services at the disposal of District Education Officer (F) Peshawar vide order dated 21.11.2014 issued by the office of the Director (E&SE) Khyber Pakhtunkhwa but in the order the post of the appellant was mentioned to be PST and her adjustment was also directed to be made against the vacant post of PST (BS-12) but in her own pay and BPS. It was also directed that her seniority would be determined at the bottom of the seniority list of the PSTs (BS-12) as per rules. Whereas the appellant claims that she was promoted to the post of SPST (BS-14) vide order dated 01.03.2013 issued by the DEO(F) Charsadda and until her transfer to District Peshawar by the order of Director Education Khyber Pakhtunkhwa she was working in BPS-14. What happened is that she continued drawing salaries of BPS-14 when in the meantime an entry was made in the service book of the appellant whereby she was shown to have been reverted to BPS-12 and recovery of the salaries over and above to that permissible to BPS-12, was also directed to be made in equal installments of 5000/-PM w.e.f 01.05.2017 to 31.07.2018. It was then she filed departmental representation on 22.3.2018, which was not responded and she filed this appeal. The reply of the respondents though does neither deny the promotion order of the appellant specifically alleged by her in para-3 in the memorandum and grounds of appeal nor any order in writing regarding reversion of the appellant from BPS-14 to BPS-12 was brought on the record. The learned District Attorney contended that the appellant was transferred on her own request

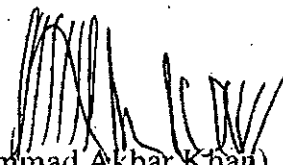
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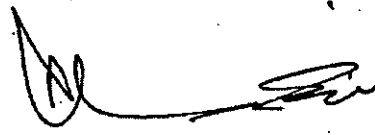
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

and was received as PST (BS-12) by the DEO(F) Peshawar, therefore, her claim was not justified. He also submitted that DEO(F) Charsadda who had made promotion of the appellant, was not arrayed as respondent in the instant appeal as the DEO(F) Charsadda was in a better position to have made any statement regarding promotion of the appellant to the post of SPST (BPS-14).

3. Be that as it may, we deem it appropriate to remit the matter back to the Director (E&SE) Khyber Pakhtunkhwa to decide the departmental representation of the appellant and in case there was no order of reversion he shall make appropriate order within sixty days which could protect the rights of the appellant and in case there was a specific reversion order, whether or not that was after adopting appropriate procedure under the law and rules (and, if so) copy of the same should be handed over to the appellant. The appellant may recourse to the legal remedy available to her after passage of order by the Director (E&SE) Khyber Pakhtunkhwa. Disposed off accordingly. Consign.

4. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 12th day of April, 2023.


(Muhammad Akbar Khan)
Member(Executive)


(Kalim Arshad Khan)
Chairman

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 18/7/23
Number of Words Page 3
Copying Fee _____
Urgent 15/2
Total 20/2
Name of Copyist Shahjani
Date of Copying 18/7/23
Date of Delivery of Copy 18/7/23

VAKALAT NAMA

NO. _____/2023

IN THE COURT OF KP Service Tribunal Peshawar

Zareena Bibi

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Department

(Respondent)
(Defendant)

I/We, Zareena Bibi

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2023

Zareena Bibi
(CLIENT)

ACCEPTED

Taimur Ali Khan
TAIMUR ALI KHAN
Advocate High Court

BC-10-4240
CNIC: 17101-7395544-5
Cell No. 03339390916