


28.04.2017

Petitioner with counsel and Mr. Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for the respondents present. Representative of the respondent-department submitted implementation/notification dated 14.03.2017 vide which the judgment of this Tribunal has been implemented. In light of the implementation report available on file, the instant execution petition is hereby dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED:  
28.04.2017

  
(Ahmad Hassan)  
Member

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30.09.2016

Counsel for the petitioner and Mr. Hameed ur Rehman, AD (Litigation) alongwith Mr. Usman Ghani, Sr. GP for respondents present. Implementation report not submitted. Requested for adjournment. Request accepted. To come up for implementation report on 16.12.2016 before S.B.

(MUHAMMAD AAMIR NAZIR)  
(MEMBER)

16.12.2016

Counsel for the petitioner, M/S Khurshid Khan, SO and Hameed ur Rehman, AD (Lit.) alongwith Assistant AG for respondents present. Implementation report not submitted. It was argued that similar case is pending before the august Supreme Court of Pakistan. Respondents shall either to submit restraint order or implement the decision of this Tribunal subject to final orders of the august Supreme Court of Pakistan. Last opportunity granted. To come up for implementation report on 03.03.2017 before S.B.

Chairman

03.03.2017

Counsel for the petitioner and Mr. Hameed ur Rehman, AD <sup>and</sup> Addl: AG for the respondents present. Neither restraint order produced nor conditional order passed as such salary of respondents No. 1 and 2 are attached at the first instance. To come up for implementation report on 28.04.2017 before S.B.

Chairman

29.1.2016

Petitioner with counsel and Addl: A.G for respondents present. To come up for implementation report on 1.4.2016 before S.B.

  
Chairman

01.04.2016

Petitioner with counsel, M/S Khursheed Khan, S.O and Khaista Rahman, A.D(Litigation) for the respondents present. Implementation report submitted wherein the respondents have requested to postpone the proceedings. To come up for reply and arguments on 03.06.2016.

  
Chairman

03.06.2016

*10-01-11*  
Counsel for the petitioner and Addl. AG for the respondents present. Arguments heard and record perused.

The judgment of this Tribunal has not been questioned before the august Supreme Court of Pakistan which has attained finality. It is directed that the same be implemented in letter and spirit by the respondents till the next date of hearing. In case of any impact of any other judgment on the case of the petitioner, same may be looked into subsequently by the respondents in accordance with law. To come up for implementation report/further proceedings on 30.09.2016.




  
Chairman

FORM-A

FORM OF ORDER SHEET

Court \_\_\_\_\_

Case No. \_\_\_\_\_

	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	29.09.2015	<p>The Execution Petition of Mr. Habib-ur-Rahman submitted to-day through Nasir Mahmood, Advocate may be entered in the relevant register and put up to the Worthy Chairman for further order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	1-10-15	<p>This case be put up before the court of S:B for further proceedings on <u>14-10-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	14.10.2015	<p>Counsel for the petitioner present. Notice to respondents be issued for 29.01.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

IN RE; C.M NO.....\2015

IN S.A NO.494\2012

Habib-ur-Rehman .....Petitioner

**Versus**

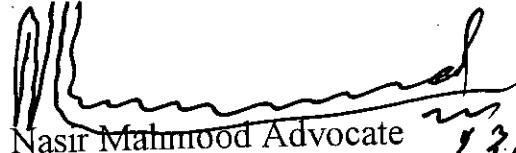
Govt. of KPK, through Secretary (E&SE) Civil Secretariat, Peshawar and  
others.....Respondents

INDEX

S.No.	Description of Documents	Annexure	Pages
1.	Implementation Petition		1-2
2.	Judgment\Order dated 12.02.2014	A	3-7
3.	Wakalat Nama		8

Through

Petitioner



Nasir Mahmood Advocate  
Supreme Court of Pakistan

13-D Haroon Mension Peshawar.

Mob.No.0333-9176275

23/9

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

IN RE; C.M NO.....\2015

C.I.W.F PROVINCE  
Service Tribunal  
Dary No. 1053  
Dated 29-9-15

IN S.A NO.492\2012

Habib-ur-Rehman S/O Amir Rehman, SET Govt. Middle School Warsak, Dir  
Lower.....Petitioner

**Versus**

1. Govt. of KPK, through Secretary (E&SE) Civil Secretariat, Peshawar.
2. Director, E&SE, KPK, Dabgari Gardans Peshawar.
3. Chief Secretary, Govt. of KPK, Peshawar..... Respondents

PETITION FOR ISSUEING OF DIRECTIONS TO RESPONDENTS TO  
IMPLEMENT THE ORDER DT. 12-02-2014 PASSED BY THIS  
HONOURABLE TRIBUNAL IN SERVICE APPEAL NO.495\2012 IN  
LITTER AND SPIRIT.

Respectfully Sheweth;

7. That the S.A NO.495\2012 titled " Hasham Khan Versus Govt. of KPK and others " came up for hearing on 12-02-2014 before this honorable tribunal, and the appeal was allowed in the following terms vide Para-8 of the judgment:

" In the light of the above observations, we accept the appeal in hand by extending the up-gradation to the appellant w.e.f. 01.10.2007 i.e. the date vide which the notification become effective "

Copy of the order dated 26.01.2015 is attached as annexure-A.

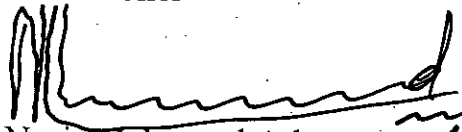
8. That the appellant held several meetings with the official respondents for persuading them to implement the order of this honorable tribunal but after the lapse of round about two years no proper action has been taken by them for implementation of order of this honorable tribunal.
9. That the respondents are malafidely not implementing the order of this Honorable tribunal although they are legally and morally bound to give respect to the orders of this Honorable tribunal. The respondents are intentionally not implementing the order of the tribunal thus willfully disregarding and disrespecting them.

For the aforesaid reasons, it is therefore, respectfully prayed that on acceptance of this petition respondents be directed to implement the orders passed by this Honorable tribunal and report compliance accordingly.

Any other remedy deemed appropriate, but not specifically asked for may also be awarded to the petitioner.

Through

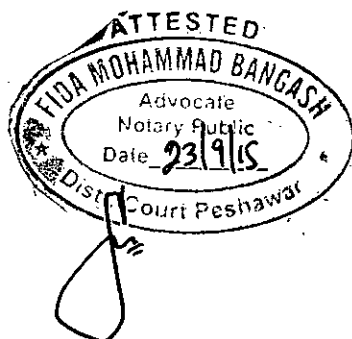
Petitioner

  
Nasir Mahmood Advocate 23/9  
Supreme Court of Pakistan

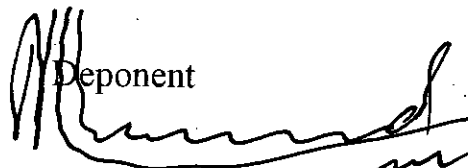
13-D Haroon Mension Peshawar.

Affidavit

I do hereby declare and affirm on oath that the contents of accompanying petition as per instructions of my client are true and correct to best of my knowledge and belief and noting has been concealed from this honorable court.



Deponent

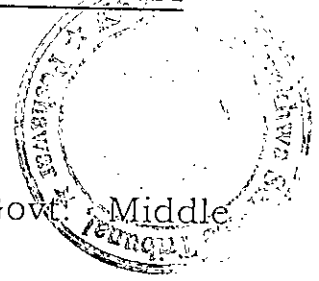
  
23/9

Annex-A

**BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR**

3

Service Appeal No. 494 /2012



Habib-ur-Rehman S/o Amir Rehman, SET Govt. Middle School, Warsak Dir Lower.

(Appellant)

**VERSUS**

- 1) Govt. Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education Department, Peshawar
- 2) Director, Elementary and Secondary Education Department, Peshawar
- 3) Chief Secretary, Govt of Khyber Pakhtunkhwa, Peshawar

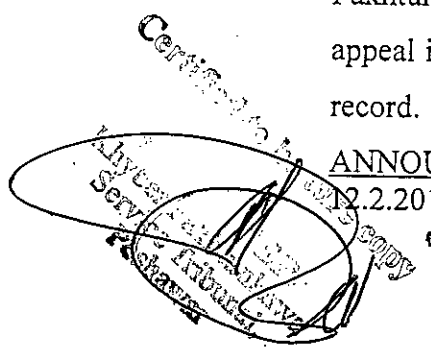
(Respondents)

12.2.2014

Appellant in person and Mr. Khursheed Khan, SO for the respondents present. Arguments already heard. Record perused. Vide our detailed judgment of to-day, connected Service Appeal No. 491/2011, titled "Muhammad Ismail Versus Government of Khyber Pakhtunkhwa through Secretary (E&SE), Peshawar and others", this appeal is also accepted. No order as to costs. File be consigned to the record.

ANNOUNCED

12.2.2014



*Khursheed Khan*

*Member*

21-9-2015

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*[Signature]*

21-9-2015

21-9-2015



(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Appeal No. 491/2012

Date of Institution. ... 24.04.2012  
Date of Decision. ... 12.02.2014



Muhammad Ismail S/O Bakia Jan, SET (Technical) Government Middle  
School Official Colony, Karak ... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary (E&SE), Peshawar.
  2. Director (E&SE), Khyber Pakhtunkhwa, Peshawar.
  3. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.....
- ... (Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 TO THE EFFECT THAT THE UPGRADATION OF APPELLANT SETs VIDE NOTIFICATION NO. SO(PE)2-6/DPC/MEETING/2011 WHEREIN THE APPELLANT HAS BEEN UPGRADED WITH IMMEDIATE EFFECT I.E. 28.11.2011 IS ILLEGAL ARBITRARY WITHOUT LAWFUL AUTHORITY AND THE APPELLANT IS ENTITLED TO BE UPGRADED W.E.F. 1.10.2007 INSTEAD OF 28.11.2011, AS PER THE NOTIFICATION NO.FD/SO(FR)10-22/2007 AND NOTIFICATION NO. SO(PE)2-6/DPC/UPGRADATION SETs BPS-16 TO BPS-17 AND MAY KINDLY BE DECLARE AS SUCH.

MR. SADIQ ALI MOMMAND,  
Advocate

For appellant

MR. ZIAULLAH,  
Government Pleader

For respondents.

MR. MUHAMMAD AAMIR NAZIR,  
MR. SULTAN MAHMOOD KHATTAK,

MEMBER  
MEMBER

JUDGMENT

MUHAMMAD AAMIR NAZIR. MEMBER.- The appellant

Muhammad Ismail son of Bakia Jan, SET (Technical) Government Middle School Official Colony, Karak through the instant appeal under Section 4 o the Khyber Pakhtunkhwa Service Tribunal Act, 1974 has impugned notification

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dated 28.11.2011 vide which the appellant was upgraded with immediate effect instead of upgrading him w.e.f. 1.10.2007 as per provincial government notification for upgradation of SETs.

2. Briefly stated the facts giving rise to the present appeal are that the appellant is serving as SET since long in the respondent department. That the Finance Department issued a notification for upgradation of SETs from BPS-16 to BPS-17 w.e.f. 1.10.2007 for all those teachers who had 10 years service. That like other SETs, the appellant was also eligible but due to non availability of seniority list of the appellant, the case of the appellant was kept pending till 13.7.2011 and later on vide impugned notification dated 28.11.2011, the post of the appellant was upgraded to BPS-17 with immediate effect instead of 1.10.2007. That being aggrieved from the impugned notification, the appellant filed departmental appeal but of no avail, hence the instant appeal.

3. After institution of the instant appeal, it was admitted to regular hearing and the respondents were summoned by the Tribunal. The respondents contested the appeal and submitted their written reply. We have heard the arguments of the learned counsel for the parties and perused the record.

4. The learned counsel for the appellant argued before the court that that as per Finance Department notification dated 1.10.2007, the appellant who had qualifying service of 10 years was entitled for upgradation from BPS-16 to BPS-17 w.e.f. 1.10.2007 yet the respondent department malafidely kept the case of the appellant pending for about three years and finally issued the impugned notification on 28.11.2011 vide which the appellant was upgraded to BPS-17 with immediate effect instead of upgrading him w.e.f. 1.10.2007 as per Finance Department notification; that this act of the respondents is based on

(3)

malafide and without any legal justification, therefore, by accepting the instant appeal, the respondents be directed to upgrade the post of the appellant from the date of notification of Finance Department i.e. 1.10.2007.

5. The learned Government Pleader, in rebuttal, argued before the court that as per Provincial Government Notification dated 1.10.2007 the SETs having atleast 10 years service were entitled for upgradation from BPS-16 to BPS-17, however, the upgradation was to be made through Departmental Promotion Committee; that since the DPC of the appellant was held in the year 2011, therefore, the appellant was rightly upgraded to BPS-17 w.e.f. 28.11.2011 instead of 1.10.2007. The instant appeal filed by the appellant is without any justification is liable to be dismissed.

6. Perusal of the case file reveals that admittedly, the appellant is serving as SET regular since the year 1995. It is also evident from the record that the then Chief Minister approved the summary on demand of the employees of Education Department whereby certain financial benefits were extended to the employees of Education Department inter-alia the posts of SET teachers were upgraded from BPS-16 to BPS-17 w.e.f. 1.10.2007. Hence, in line with the approved summary, the Finance Department issued a notification dated 1.10.2007 and upgraded the post of SET teachers with requisite experience from BPS-16 to BPS-17 with immediate effect. The Regularization Wing of Finance Department issued a Notification dated 26.1.2008 wherein inter-alia competent authority allowed upgradation to the incumbents of the posts of SET BPS-16 with atleast 10 years service, to BPS-17. The above referred Notifications clearly indicates that SETs having got the requisite qualification were entitled to be upgraded from BPS-16 to BPS-17 w.e.f. 1.10.2007. Though the Departmental Promotion Committee had taken time to process the cases of

ATTESTED

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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the incumbents of the posts in order to check whether they fulfill the criteria laid down in the notification for upgradation as per their service record, but it does not mean that the DPC could change the contents of notification with respect to its effectiveness. It is not the job of DPC or the authority concerned to fix the date for upgradation prospectively when the notification has itself prescribed a specific date i.e. 1.10.2007 for upgradation of the post of appellant.

8. In the light of the above observations, we accept the appeal in hand by extending the upgradation to the appellant w.e.f. 1.10.2007 i.e. the date vide which the notification become effective. No order as to costs. File be consigned to the record.

9. This judgment will also disposed of connected service appeals No. 492/2012 Ihsanur Rahman, No. 493/2012 Muhammad Qasim Khan, No. 494/2012 Habibur Rahman, and No. 495/2012 Hasham Khan versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Peshawar and others, in the same manner.

ANNOUNCED  
12.2.2014

Certified to be true copy

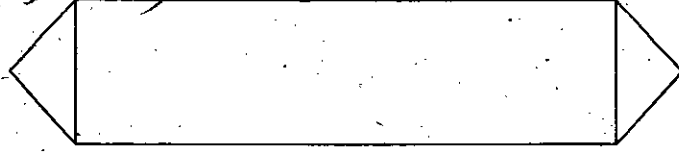
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*Sd/- Muhammad Azeem Jazir*  
*Sd/- Juttan Mahmood*  
Member  
Member

21-9-2015  
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بعدالت جناب سید شمس الدین خیر بخشو نواز لکھنؤ

9



2022ء منجانب  
حسب الرحمن سید بنام حکومت

مورخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام لکھنؤ اور کیلئے سید شمس الدین خیر بخشو نواز لکھنؤ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار 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 باختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جگہ التعمیر مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پہنچو یا حد سے باہر ہو تو وکیل صاحب یا پانڈیٹوں کے گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھنا سندر ہے۔

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المرقوم

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العہد گواہ العہد

کے لئے منظور ہے۔

مقام

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR.**

**Execution Petition No: 108/2015 in Service Appeal No: 494/2012.**

**Habib Ur Rehman SET GMS Warsak Dir (Lower)**

.... Petitioner.

**VERSUS**

**Secretary E&SE Department, Khyber Pakhtunkhwa & others.**

.....Respondents

**IMPLEMENTATION REPORT.**

**Respectfully Sheweth :-**

The Respondents submit as under:-

- 1 That the titled Execution Petition is pending for disposal before this Honorable Tribunal & is fixed for today.
- 2 That in compliance of the judgment dated 12-2-2014 of this Honorable Tribunal, the Respondent No: 2 has submitted detailed case for the grant of upgradation in BPS-17 in the light of the Notification dated 01-10- 2007 to the Respondent No: 1 vide this office memo: No: 4521/ 318-C/upgradation /SST (M/F) dated 08-9-2014 alongwith the working papers. (Copies of the cited documents are attached as Annexures A&B).
- 3 That the matter of upgradation was taken up with the quarters concerned namely Anwar ul Haq Ex-Dy: Secretary & Zamin Khan Section Officer (PB) E&SE Department KPK & it was decided that a case /CP under Titled Secretary E&SE Department Govt: of Khyber Pakhtunkhwa & others VS Muhammad Iqbal SET is pending for final disposal before the August Supreme Court of Pakistan having the same issue & question of law pertaining to the grant of upgradation wef 01-10-2007 in BPS-17 against the SET post in the Respondent Department & as & when the said CP is decided, the Respondents shall act accordingly by extending the benefits or otherwise to the present Petitioner.


**In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to suspend the operation of the impugned judgment of this Honorable Tribunal till final disposal of the pending Civil Petition under the above mentioned titled by the August Supreme Court of Pakistan in the interest of justice & equity in favour of the Respondents.**

Dated 29-01-2016



**Secretary**

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.



**Director**

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 2)

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Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

No. 4521/318-C/Upgradation/SST(M&F)

Dated Peshawar the 8/9 /2014

To

The Secretary to Govt. of Khyber Pakhtunkhwa  
Elementary & Secondary Education Department

Subject: **UPGRADATION**

I am directed to submit herewith working paper duly signed regarding award of upgradation from BPS-16 to BPS-17 alongwith relevant documents from retrospective effect i.e 01-10-2007 instead of 28-11-2011 in respect of the following SETs for further necessary action please.

S. No	Name of teachers	Designation	Name of school	D/O against post	Apptt: SET	D/o award of Upgradation
1	Ihsanur Rehman	SET	GHS Chakdara Dir Lower	11-03-1990		28-11-2011
2	Hashim Khan	Ex-SET	GHS Sra Dargai FR-Peshawar	01-09-1990		28-11-2011
3	Muhammad Ismail	SET(Tech.)	GMS Official Colony Karak	24-05-1995		28-11-2011
4	Habibur Rehman	SET	GMS Warsak Dir Lower	24-05-1995		28-11-2011
5	Muhammad Qasim	SET	GHS NO:2 Utmanzai Charsadda	25-3-1996		28-11-2011

*[Signature]*  
Deputy Director (Establishment)  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar

Endst: No: \_\_\_\_\_ /

Copy forwarded for information to the:-

1- PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.

*[Signature]*  
Deputy Director (Establishment)  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar

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**GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT, PESHAWAR**

WORKING PAPER FOR AWARD OF UPGRADATION FROM RE-TROSPECTIVE EFFECT

The Govt: launched a policy vide Notification No:FD(FR)10-22 /2007, dated 26-01-2008 where in the SETs were allowed one step upgradation from BPS-16 to BPS-17 (Personal) with immediate effect on completion of ten years regular service subject to the condition of inclusion their names in the seniority list of SET cadre vide Notification No:SOR-I /(E&AD)/3-1/82(Edu)/Vol:V) dated 05-05-2008 at S.No:V (Annexure-A) and all the SETs who were already included in the seniority list awarded upgradation from BPS-16 to BPS-17 (Personal) through DPC. The names of the following SETs were not found included in the seniority list of SET and thus they were not included in the first phase of working paper prepared for award of upgradation. They have never been applied for seniority list with effect from the date of their appointments till the introduction of the upgradation policy i.e 26-01-2008. The first upgradation Notification was issued vide No:SO(PE)2-6/DPC /Upgradation/ SETs /BS-16 to BS-17 dated 27-09-2008 consisting on 2333 Male SETs, 446 Female SETs and 25 Technical/Commerce SETs. After issuance the 1<sup>st</sup> upgradation Notification of SET (referred to the above) they lodged appeals for award of seniority. Their appointment orders were in a single shape and were not in general notification and thus could not be entered in the seniority list already prepared / issued with others SETs. Their orders being single one were first inquired / verified from the relevant record and when found satisfactory then the department included them in the seniority list and then their upgradation cases from BPS-16 to BPS-17 (Personal) were accordingly placed before the DPC. Their cases were finalized just before the conducting of DPC i.e 15-08-2011 and upgradation order was issued vide Notification No:SO(PE)/2-6 /DPC /Meeting /2011 dated 28.11.2011 (Annexure-B). They were awarded upgradation with effect from 28.11.2011 i.e with immediate effect in the light of Govt: Rules/Policy (Annexure-A) where in clearly instructed that upgradation may be allowed with immediate effect and not with retrospective effect. The SETs concerned approached to Hon.able Court of Service Tribunal Peshawar for award upgradation with retrospective effect and the decision was made in their favour by allowing them upgradation BPS-16 to BPS-17 (Personal) w.e.f 01-10-2007 instead of 28-11-2011 (Annexure-C:-)

S. No	Name of teachers	Designation	Name of school	D/O against post	Apptt: SET	D/o award of Upgradation
1	Ihsanur Rehman	SET	GHS Chakdara Dir Lower	11-03-1990		28-11-2011
2	Hashim Khan	Ex-SET	GHS Sra Dargai FR-Peshawar	01-09-1990		28-11-2011
3	Muhammad Ismail	SET(Tech:)	GMS Official Colony Karak	24-05-1995		28-11-2011
4	Habibur Rehman	SET	GMS Warsak Dir Lower	24-05-1995		28-11-2011
5	Muhammad Qasim	SET	GHS NO:2 Utmanzai Charsadda	25-3-1996		28-11-2011

Hence it is requested that the matter as mentioned above may be placed before the competent forum for further necessary action please.

  
 Deputy Director (Establishment)  
 (E&SE) Khyber Pakhtunkhwa

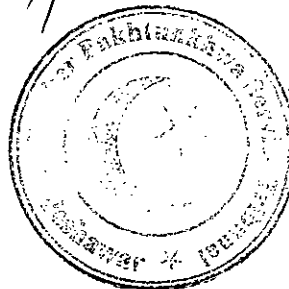


BEFORE KPK SERVICE TRIBUNAL PESHAWAR

*Execution Petition No. 107/2015*

IN RE; C.M NO.....\2015

IN S.A NO.492\2012



Govt. of Khyber Pakhtunkhwa  
Service Tribunal  
Case No. 1053  
Date 29-9-15

Habib-ur-Rehman S/O Amir Rehman, SET Govt. Middle School Warsak, Dir Lower.....Petitioner

**Versus**

1. Govt. of KPK, through Secretary (E&SE) Civil Secretariat, Peshawar.
2. Director, E&SE, KPK, Dabgari Gardens Peshawar.
3. Chief Secretary, Govt. of KPK, Peshawar..... Respondents

PETITION FOR ISSUING OF DIRECTIONS TO RESPONDENTS TO IMPLEMENT THE ORDER DT. 12-02-2014 PASSED BY THIS HONOURABLE TRIBUNAL IN SERVICE APPEAL NO.495\2012 IN LITTER AND SPIRIT.

Respectfully Sheweth;

7. That the S.A NO.495\2012 titled " Hasham Khan Versus Govt. of KPK and others " came up for hearing on 12-02-2014 before this honorable tribunal, and the appeal was allowed in the following terms vide Para-8 of the judgment:

" In the light of the above observations, we accept the appeal in hand by extending the up-gradation to the appellant w.e.f. 01.10.2007 i.e. the date vide which the notification become effective "

Copy of the order dated 26.01.2015 is attached as annexure-A.

Certified signature copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Execution Petition No. 107/2017  
Habib-ur-Rehman vs Edu: Deptt.



03.03.2017

Counsel for the petitioner and Mr. Hameed ur Rehman,  
AD <sup>and</sup> Addl: AG for the respondents present. Neither restraint  
order produced nor conditional order passed as such salary of  
respondents No. 1 and 2 are attached at the first instance. To  
come up for implementation report on 28.04.2017 before S.B.

*Sd/-*  
Chairman

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar  
Execution petition No. 106-109/2015 out of Service Appeals No. 491-494/2012

Muhammad Ismail SET/SST (Tech) GCMS No 03 Mardan & 3 others --- petitioners./appellants  
VS  
Govt. of Khyber Pakhtunkhwa through Secretary E&SE & others----- Respondents.

Subject: - APPLICATION FOR THE RELEASE OF MONTHLY SALARIES AND  
SUBMISSION OF IMPLEMENTATION REPORT IN THE TITLED  
SERVICE APPEALS ON BEHALF OF THE RESPONDENTS NO. 1 & 2

Respectfully sheweth:-

The respondents submit as under

1. That the titled cases are pending in execution for the implementation of judgement dated 12/02/2014 passed by this Honorable Tribunal.
2. That On last date of hearing dated 03/03/2017 this Honorable Tribunal has been pleased to attach the monthly salaries of the respondents No. 1 & 2 on account of non implementation of the above mentioned judgement of this Honorable Tribunal.
3. That in compliance of the judgement dated 12/02/2014, the respondents No. 1 & 2 has implemented the judgement in its letter & spirit to the extent of grant of upgradation w.e.f. 01/10/2007 against the SET/SST (Personal) post in BS-17.

In view of the above made submissions, it is most humbly requested that this Honorable tribunal may very graciously be pleased to release the monthly salaries of the respondent's No. 1 & 2 and deem to have been implemented the judgement dated 12/02/2014 of this Honorable Tribunal in titled Service Appeal in its true letter & spirit.

Dated \_\_\_/\_\_\_/2017

*Defisher*  
*Salary attachment order is hereby withdrawn. To come up for further proceedings on the date fixed for hearing*

*[Signature]*  
Secretary,  
E&SE Department,  
Khyber Pakhtunkhwa  
(Respondents No. 1 & 2)

*14/3/17*

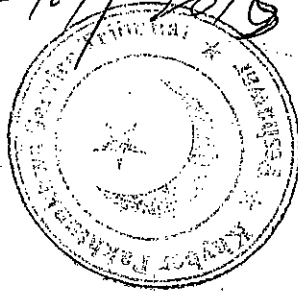
*[Signature]*  
*15/3*

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BEFORE KPK SERVICE TRIBUNAL PESHAWAR

*Execution Petition No. 106-109/2015*

IN RE; C.M NO .....\2015



Office of the  
Secretary  
KPK Service Tribunal  
Peshawar  
File No. 106/24  
29-8-2015

IN S.A NO.493\2012

Muhammad Qasim Khan S/O Qazi Fazal Manan, SET Govt. High School  
No.2 Utmanzai Caharsadda.....Petitioner

**Versus**

1. Govt. of KPK, through Secretary (E&SE) Civil Secretariat, Peshawar.
2. Director, E&SE, KPK, Dabgari Gardans Peshawar.
3. Chief Secretary, Govt. of KPK, Peshawar..... Respondents

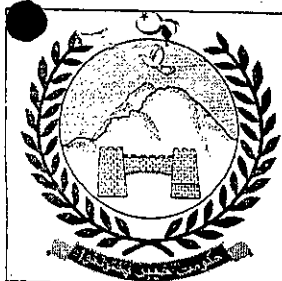
PETITION FOR ISSUEING OF DIRECTIONS TO RESPONDENTS TO  
IMPLEMENT THE ORDER DT. 12-02-2014 PASSED BY THIS  
HONOURABLE TRIBUNAL IN SERVICE APPEAL NO.495\2012 IN  
LITTER AND SPIRIT.

03.03.2017

Counsel for the petitioner and Mr. Hameed ur Rehman,  
AD <sup>and</sup> Addl: AG for the respondents present. Neither restraint  
order produced nor conditional order passed as such salary of  
respondents No. 1 and 2 are attached at the first instance. To  
come up for implementation report on 28.04.2017 before S.B.

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*Sd/-*  
*Chairman*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the 14-03-2017

**NOTIFICATION**

**No. SO(Lit-IDE&SED/1-3/12/SA. No. 698/10/491-494/2012:** In pursuance of the judgement dated 21/11/2013 rendered in Service Appeal No. 698/2010 case titled Muhammad Iqbal SET (Tech) GCMS No. 03 District Mardan Vs Executive District Officer E&SE and others and judgement dated 12/02/2014 rendered in service appeals No. 491-494/2012 case titled Muhammad Ismail SET GMS Official Colony District Karak and 03 others Vs Govt. of KPK through Secretary E&SE Peshawar & others, the following SETs/SSTs are hereby allowed ante-dation of upgradation w.e.f. 01/10/2007 against the SET BS-17 (Personal) post subject to the decision of pending CPLA in case titled Govt. of Khyber Pakhtunkhwa through Secretary E&SE & others Vs Muhammad Iqbal SET (Tech), GCMS No. 03 Mardan before the August Supreme Court of Pakistan of the petitioners/Respondent Department:-

S.#.	Name and Designation	Upgradation in BS-17 (Personal)
1.	Muhammad Iqbal SET (Tech), GCMS No. 3 Mardan	w.e.f. 01/10/2007
2.	Muhammad Qasim SET, GHS No. 3 Utmanzai, Charsadda	Do
3.	Ihsan-ur-Rehman SET, GHS Chakdara, Dir Lower	Do
4.	Muhammad Ismail SET, GMS Official Colony Karak	Do
5.	Habib-ur-Rehman SET, GMS Warsak Dir Lower	Do

2. No. TA /DA allowed.

SECRETARY

Endst. No. & date as above.

Copy to:

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. The Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
4. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
5. The Accountant General Khyber Pakhtunkhwa, Peshawar.
6. PSO to Chief Secretary to Govt. of Khyber Pakhtunkhwa.
7. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
8. The Deputy Director (EMIS), E&SE Department.
9. The District Education Officers, Elementary & Secondary Education concerned.
10. The District Accounts Officers concerned.
11. PS to Secretary E&SE Department.
12. SSTs/SETs Concerned.
13. Office File.

(NAIK MUHAMMAD)  
SECTION OFFICER PRIMARY