


FORM OF ORDER SHEET

Court of _____

C.O.C application No. 80/2023

S.No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17/02/2023	<p>The C.O.C application of Mst. Shaheen submitted today by Mr. Shams ul Hadi Advocate. Original file be requisitioned. It is fixed for hearing before touring Single Bench at Swat on _____, Parcha Peshi is given to appellant/ counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

AAG

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

COC No. 80 /2023
IN
Service Appeal No. 7211/2021

Mst. Shaheen.....Appellant/Petitioner

V E R S U S

Chief Secretary and others.....Respondents

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Contempt of Court application	*	1-4
2.	Affidavit	*	5
3.	Copy of order 01/11/2022	A	6-8
4.	Wakalatnama	*	9

Petitioner/Appellant

Through .



Shams Ul Hadi

Advocate, Supreme Court
of Pakistan

&



Irfan Ali Yousafzai

Advocate, High Court,
Peshawar

Cell# 0314-9070658

Date: 17/02/2023

①

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

COC No. _____/2023

IN

Service Appeal No. 7211/2021

Mst. Shaheen D/o Fatih Rahman, Certified Teacher (BS-15) GGMS Bandagai Dir Lower Khyber Pakhtunkhwa

.....**Petitioner/Appellant**

V E R S U S

1. Mohtasim Billah, Secretary Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. Farid Khattak, Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. Nusrat Bibi, DEO (Female) District Dir Lower
4. Mst. Hafsa Bibi (GGHS Khazana) District Dir Lower and 4 others.....**Respondents**

PETITION FOR INITIATING
CONTEMPT OF COURT PROCEEDINGS
AGAINST THE RESPONDENTS FOR
NOT HONOURING ORDER DATED
01/11/2022 PASSED BY THIS
HON'BLE TRIBUNAL FOR THE
SENIORITY OF THE APPELLANT

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Respectfully Sheweth:

That the petitioner/appellant humbly submits as under;

1. That above noted service appeal was filed by the petitioner/appellant before this Hon'ble Tribunal, which disposed of on 01/11/2022 with the observation that the appellant make application to the respondents department for supply of latest final/notified seniority. **(Copy of order dated 01/11/2022 is attached as Annexure-A)**
2. That according to the direction of this Hon'ble Tribunal, the applicant make application to the respondents department but no fruitful result.
3. That the respondents not honoring the order of this Hon'ble Tribunal and committed contempt of this Hon'ble Tribunal, the petitioner/appellant having no other remedy, approaches this Hon'ble Tribunal by filling instant contempt of court petition on the following grounds:

GROUND S:

- A. That non-compliance of the aforesaid order dated 01/11/2022 of this Hon'ble Tribunal by the respondents is illegal, without lawful authority, without jurisdiction, malafide and void ab-initio.

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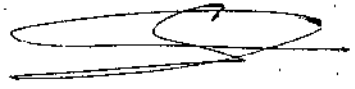
- B. That by not determination of the seniority of the appellant/petitioner, the respondents willfully and deliberately committing contempt of court.
- C. That thereafter the petitioner approached the Respondents for the implementation of the order of this Hon'ble Tribunal, but in vain.
- D. That every government functionary is under legal obligation to honour the order of the Court of competent jurisdiction, the respondents by not complying with the order, have not performed their duty in accordance with law.
- E. That non-compliance of the order of the Honourable Tribunal, speaks malafide on the part of respondents and to lower the position of the judiciary in the eye of public at large.
- F. That from the facts and grounds taken the said service appeal, it has become crystal clear that the respondents have committed contempt of court.
- G. That any other grounds will be raised at the time of arguments with prior permission of this Hon'ble Tribunal.

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It is, therefore, most humbly prayed that on acceptance of this application, the contempt of court proceedings may please be initiated against the Respondents, they be summoned, proceeded against and be punished in accordance with law.

Petitioner/Appellant

Through



Shams Ul Hadi
Advocate, Supreme Court
of Pakistan

& 

Irfan Ali Yousafzai
Advocate, High Court,
Peshawar

Date: 17/02/2023

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BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

COC No. _____/2023

IN

Service Appeal No. 7211/2021

Mst. Shaheen.....**Appellant/Petitioner**

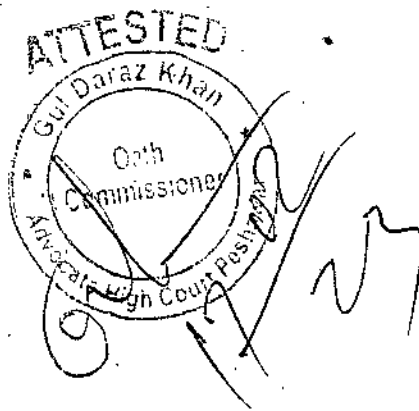
V E R S U S

Chief Secretary and others.....**Respondents**

AFFIDAVIT

I, **Irfan Ali Yousafzai Advocate (Counsel for petitioner/appellant)**, do hereby solemnly affirm and declare on oath that the contents of accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

Irfan Ali Yousafzai
ADVOCATE



Annex (A) (B)



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Service Appeal No. 7211/2021

BEFORE: MR. KALIM ARSHAD KHAN, ... CHAIRMAN
MISS. FAREEHA PAUL, ... MEMBER(E)

Mst. Shaheen D/O Fatih Rahman, Certified Teacher.(BS-15) GGMS Bandagai
Dir Lower Khyber Pakhtunkhwa.
..... (Appellant)

Versus

1. The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (F), District Dir Lower.
4. Mst. Hafsa Bibi (GGHS Khazana) District Dir Lower and 4 others.
.....(Respondents)

Mr. Shamsul Hadi, ... For appellant
Advocate

Mr. Kabirullah Khattak, ... For respondents.
Addl. Advocate General

Date of Institution.....23.06.2020
Date of Hearing.....01.11.2022
Date of Decision..... 01.11.2022

ORDER.

KALIM ARSHAD KHAN, CHAIRMAN. Counsel for the appellant present.
Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muhammad
Usman, ADEO (Litigation) for the respondents present. Private respondents have
already been placed ex-parte.

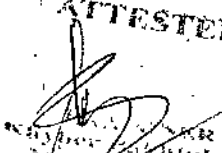
2. Through this single order shall dispose of the instant service appeal as well
as connected Service Appeal No. 7217/2021, titled "Mst. Kausar Jehan Vs. the
Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others",

TESTED
KALIM ARSHAD KHAN
CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal

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Service Appeal No. 7224/2020, titled "Mst. Shahida Bibi Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7229/2020, titled "Mst. Tajul Haram Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7230/2021, titled "Mst. Ishrat Nishad Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7235/2021, titled "Mst. Alia Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7236/2021, titled "Mst. Shehnaz Vs. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7237/2021, Mst. Walayat Ranra Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7238/2021, titled "Kawsar Anjum Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7239/2021, titled "Mst. Fatma Bibi Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7240/2021, titled "Noor Shahida Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No. 7241/2021, titled "Mst. Habiba Rehman Vs. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar and others", and Service Appeal No. 7242/2021, titled "Mst. Shabina Bibi Vs. the Secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar and others", as all the appeals are against the same impugned order dated 13.02.2020.

3. At the very outset, learned counsel for the appellants submits that the appellants have been promoted vide office order bearing Endst. No. 12-16, dated 06.10.2022, and the only grievance of the appellants was determination of their

ATTESTED



01.11.22

(A)


seniority. The seniority list has not been placed on file by either side. The learned counsel for the appellants submits that the appellants would be satisfied if they are permitted to make an application to the respondent/department for supply of seniority list. Thereafter if they felt aggrieved they would resort to legal proceedings to get their grievance redressed, he added.

4. The appeals are disposed of with the observations that the appellants may make application to the respondent/department for supply of latest final/notified seniority and in case appellant(s) is/are aggrieved of the same they may resort to the legal proceedings to get their grievance redressed. On making application by the appellant(s) the department shall provide the list within 15 days. Cost shall follow the events. Consign.

5. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 1st day of November, 2022.*

Certified to be true copy

EX-10473
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



(KALIM ARSHAD KHAN)
Chairman



(FAREEHA PAUL)
Member (E)

Date of Presentation of Application 13/2/23
Number of Pages 3
Copying Fee 15/-
Urgent 5/-
Total 20/-
Name of CC _____
Date of Copying 13/2/23
Date of Delivery of Copy 13/2/23

(9)

بعد الت جناب نسر و نس ٹریبونل KPK لیٹاور



2023ء جناب

صداقت سہا بن نام چیف سیکریٹری

موردہ
مقدمہ
دعویٰ
نیم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسے پیروی و جواب دہی وکل کارروائی متعلقہ
 آج مقام لیٹاور کیلئے نسر و نس ٹریبونل کی طرف سے درخواست کی گئی ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دینے جو اب دہی اور اقبال دعویٰ اور
 باہر ورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل ٹرانس و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہنر ادا یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساتھ
 پر داخلہ منظور 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 ادکالت نامہ لکھد یا کہ سند ہے۔

Shaham

17 مارچ 2023ء

Accepted
 (Signature)
 0314-9070658

بقلم لیٹاور