Execution Petition No. 554/2023

IN

Service Appeal No. 12889/2020

Mr. Jalal Ud Din SCT (BS-16).....

VERSUS

Govt. of Khyber Pakhtunkhwa & Others.....Respondents

IMPLEMNTATION REPORT AND APPLICATION FOR RELEASE OF SALARY OF **RESPONDENT NO.01**

Respectfully Sheweth:-

It is submitted as under:

- 1. That the above titled Execution Petition is pending adjudication before this Honorable Tribunal and on 12th Dec 2023 was fixed for submission of implementation report.
- 2. That on previous date i.e 21.11.2023, the Honorable Service Tribunal gave direction to Secretary Finance Department to take up the matte with Accountant General Office as well as District Accounts Officers of the province to resolve the matter on the next date (F/A).
- That the respondent Department has already submitted the implementation report in the Honorable Service Tribunal on 06.11.2023 (F/B).
- 4. That on 12th Dec 2023, the Honorable Service Tribunal attached salary of the Respondent No-01 (F/C)

It is, therefore, respectfully prayed that salary of the respondent No. 01 may kindly be released accordingly.

Secretary

Elementary & Secondary Education

Department, Peshawar (Respondent No-01)

2

21.11.2023

- 1. Learned counsel for the petitioner present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Atiq Ur Rehman, Assistant the respondents present.
- 2. On previous date directions were given to the Secretary Finance Department to take up the matter with the Accountant General Office as well as District Accounts Officers of the Province resolve in order to resolve the matter on the next day. Today representative of respondent No.3 stated at the bar that matter relates to the ADCs of the districts concerned who will be contacted to resolve the matter. To come up for proper implementation report on 12.12.2023 before S.B. P.P given to the parties.

(Rashida Bano) Member (J)

12th Dec. 2023

- Learned counsel for the petitioner present. Mr. Asad Ali Khan,
 Assistant Advocate General present.
- 2. Nobody is present on behalf of the respondents nor is there any implementation report on behalf of the respondents. Therefore, the Tribunal is constrained to attach salaries of the respondents No.1 to 3 in the manner as prescribed under Section-60(1)(i) of the code of Civil Procedure, 1908 till implementation of the judgment. The Accountant General Khyber Pakhtunkhwa shall submit report in writing that the salaries of the respondents are actually attached. To come up for implementation report on 26.12.2023 before S.B. P.P given to the parties.

(Kalim Arshad Khan) Ghairman

Mutazem Shah



E.P No.554/2023 IN SERVICE APPEAL NO.12889/2020

Jalal Ud Din	•••••	Petitioner
	VERSUS	
Secretary E&S	SED & Others	Respondent
<u>C(</u>	OMPLIANCE REPORT ON BEHALF OF RESPONDENT	Γ NO.1

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Office# 091-9211128

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E.P No.554/2023 IN SERVICE APPEAL NO.12889/2020

Jalal Ud Din	***************************************	Petitioner
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VERSUS -

COMPLIANCE REPORT ON BEHALF OF RESPONDENT NO.1 Service Tribunal

Respectfully sheweth:

Respondents humbly submits as under:-

6-11-23

- 1. That the instant Execution Petition is pending before this Honorable Service Tribunal.
- 2. That Service Tribunal vide Order-sheet dated 4th October, 2023 directed to submit implementation report on 7-11-2023.
- 3. That for the implementation of the Judgment dated 12.07.2021 rendered in S.A No.12889, the Secretary E&SED issued strict directions to District Education Officers (Male & Female) across the province for the Implementation of the Judgments vide letter dated 02.01.2023, 06.01.2023, 13.07.2023 & 10.10.2023 (Annex-A).
- 4. That the Arrears Bills of the Petitioner has already been submitted by the District Education Officer (Male Dir Lower) to District Account Officer Dir Lower for grant/arrears of Conveyance Allowance. (Annex-B).
- 5. That District Education Officer has requested the concerned Additional Deputy Commissioner Finance & Planning Officer Dir Lower for arrangement of funds to implement the judgment in execution (Annex-C).
- 6. That Elementary & Secondary Education Department has implemented the Honorable Service Tribunal Judgment on its part and the action required to be taken remains on the part of other respondents.

Prayer

In view of the above, it is requested that instant Compliance Report may kindly be accepted on behalf of Respondent No.1.

(SEGRETARY) E&SE-DEPARTMENT KHYBER PAKHTUNKHWA (RESPONDENT NO.1)





GOVERNMENT OF KITTER FAMILIONOMA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Çivil Secretariat, Peshawar

Phone No. 091-9211128

MOST IMMEDIATE / COURT MATTER

NO.SO (Lit-II) E&SED/1-5/Miscellancous/2023 Dated Peshawar, the 02-01-2023

Ťà

The Director. Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

CP No.84,377-P/20& 307, 469, 474, 479 TO 549-P/21 GOVT OF SUBJECT: KHYBER PAKHTUNKHWA VS MAQSAD HAYAT AND OTHERS (CONVEYANCE ALLOWANCE).

No. letter department continuation Ī'n SO(Lit-I)B&SED(Sr#106)2022-Decided Cases dated 12-12-2022, on the subject that this department has already communicated the Judgment of August Supreme Court of Pakistan dated 07+07-2022, for strict implementation. But it's brought to the notice of the Competent Authority that some Appellants filed Execution Petitions before the Honorable Service Tribunal, and the honorable court has not only attached the salaries Chief Secretary & Secretary Education, but also issued showcase notices to the officers. This shows gipss negligence on your part.

Therefore, you are once-again directed to implement the Judgment of the August Supreme Court of Pakistan in letter and sprit so as to avoid any adverse order from Honorable Court, under intimation to this department.

Being court matter, this is to be treated as Most Urgent,

Deputy Secretary (Legal-I)

Endst.No & date as above.

Copy forwarded to the:-

:4.,

E- and forms in the party

1. Registrar Service Tribunal, Khyber Pakhtunkhwa, Peshawar.

2. All District Education Officers (Male & Female), Khytier Pakhrunkhwa, with the direction 3. Deputy Director (Legal) E&SE Department, with the direction to personally persue the

implementation process and update this office on weekly basis.

Tree again to the con-

4. Section Officer (Lit-I, III & IV) E&SE Department. 5. P.S to Secretary Blementary & Secondary Education Department.

6. P.A to Additional Secretary (General), Khyber Pakhtunkhwa, Peshawar.

Section Officer (Lit-II)



DIRECTORATE OF ELEMENTARY SECONDARY DAY KHYBER PARHTUNKHWA PESHAWAR

/(AD Lit-II)

Dated Peshawar the Ob. 10/ MD3

The all the District Education Offices. (Male/Female) in Khyber Pakhtunkhwa.

Subject: •

OF THE MIDEMENTS DATED IMPLEMÊNTATION 13-02-2020, 16-1-2021 & 12-7-2021 OF THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR, OPHELD BY THE AUGUST SUPREME COURT OF PAKISTAN VIDE NUDGMENT DATED 07-07-2022. CONVEYANCE ALLOWANCE).

Miritary.

I am directed to refer to the letter No. SO[BOSED]/1-8/Miscellangous/2023 dated 02-1-2023 of the Section Officer (Lifeli) 6858 Department Rhyber Pakhtunkhwa Peshawar, regarding the grant of conveyance allowance to teachers & to state that the Honorable Khyfper Pakhitunkhwa Service Tribunal, Peshawar has passed Judgments dated 11-11-2019. 13-02-2019 and 16-03-2021 in Service Appeals No. 1452/2019, 248/2026, 1260/2016 & the rounion judgement dated 12:07:2021 in Service Appeals No. 12889/2020, 1207/2017, 812 to 818/2021, 903 to 914/2021, 3536 to 3551/2021, 775 to 795/2021 & 779 to 611/2021, duly upheld by august Supreme Court of Pakistan vide Judgment dated 09-7-2022 under case titled Government of KP Vs Masqat Hayat & others.

In this regard, the teachers from different Districts have filed Execution Peditions before the Honorable Service Tribunal for the implementation of the cited Judgments with regard to re-imbursement of already deducted amount feetiveyance allowance during symmer & winter vacation from their salaries.

During Court proceedings, the Honorable Khyber Pakhtunkhwa Service Tribunal has shown severe displeasure upon non-implementation of the aforementioned judgments and resultantly, the salaries of the Worthy Secretary & Director E&SED Knyber Pakhtonkhwa have been attached in multiple Execution Petitions on account of non-compliance of the judgment under reference.

Therefore, to avoid legal complications, it is hereby directed that formul circular/Notification of to the effect of grant of conveyance allowance & re-limbursement of all deducted amount may kindly be issued in view of the Judgment dated 07-07-2022 of the august Supreme Court of Paldstan on priority basis being a Court matter under intimation to this Directorate please.

ASSISTANT DIRECTOR (LIT-II)

/File No.AD(Lit-II)/Maqsad Hayat/General Letter/2023 Dated Peshawar thei Ohy 0/12023.

Copy forwarded for information to the s Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.

Additional Secretary (G) E&SE Department Knyber Pakhtunkhwa Additional Director (Estab-M) E&SE Khyber Pakhtunkhwa.

Additional Director (Estab) Merged Arears Khyber Pakhtunkhwa.

Deputy Olrector (Legal) E&SE Khyber Pakhtunkhiwa

Section Officer (Lit-11) E&SE Department Khyber Pakhfunkhwa

PA to Director (E&SE) Khyber Pakhtunkhwa Peshawan.

Master file.



Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department

No. SO (LIT-IV)-E&SED/1-3/Conveyance Allowance Dated the Peshawar 13.07.2023

MATTER MOST URGENT/COURT MATTER

To

The Director.

Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.

Subject:

PROGRESS REPORT IN R/O IMPLEMENTATION OF THE JUDGMENT 11.11.2019, 13.02.2020, 16.03.2021 AND 12.07.2021 HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL UPHEI BY THE AUGUST SUPREME COURT OF PAKISTAN VIDE JUDGMENT DATED 07.07.2022.

I am directed to refer to Finance Department Notification No.SO (SR-IV)/FD/1-2/Conveyance Allowance/2023 dated 25.01.2023 and Directorate of Elementary and Secondary Education, Khyber Pakhtunkhwa letter No.5602-62(AD-Lit-II) dated 06.01.2023 which were issued for the implementation of the subject judgments.

It is pertinent to mention here that various teachers filed Execution Petitions before the Honorable Service Tribunal for grant of conveyance allowance during summer and winter vacations and seeking its implementation in light of the subject judgments. Execution Petition No.686/2022 in S.A No.12889/2020 titled "Jalal U Din & Others VS Secretary E&SED" was fixed before the Service Tribunal on 12.07.2023, wherein the petitioners told that up-till now no arrears have been received in light of the said judgments.

It is therefore, requested that District Education Officers (Male and Female) across the province shall be directed to provide Implementation Report of the subject Judgments and consolidated implementation report shall be submitted to this department, positively, so as to avoid adverse orders against the Secretary E&SED.

SECTION OFFICER (LLTLGATION-1V)

ENDST.NO & DATE AS ABOVE.

Copy forwarded to the: -

- 1. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
- All District Education Officers (Male &Female), Khyber Pakhtunkhwa.
 Section Officer (Lit-II) E&SED.
- 4. P.S to Secretary E&SED.
- 5. P.A to Additional Secretary Establishment E&SED.
- 6. P.A to Additional Secretary E&SED.
- 7. P.A to Deputy Secretary (Legal-II) E&SED.

SECTION OFFICER (LITIGATION-1V)



GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. SO (LIT-IV)-E&SED/2-1/Conveyance Allowance Dated 10.10.2023

MATTER MOST URGENT/COURT MATTER/EXECUTION PETITION

To

The Director,

Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.

Subject:

PROGRESS REPORT IN R/O IMPLEMENTATION OF THE JUDGMENT DATED 11.11.2019, 13.02.2020, 16.03.2021 AND 12.07.2021 OF THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL UPHELD BY THE AUGUST SUPREME COURT OF PAKISTAN VIDE JUDGMENT DATED 07.07.2022.

I am directed to refer to this department letter of even No. dated 13.07.2023 wherein directions were issued to implement the subject Judgments and submit consolidated Compliance Report but it is regretted to say that the same is still awaited at your end.

It is pertinent to mention here that various teachers/applicants filed Execution Petitions before the Honorable Service Tribunal for grant of conveyance allowance during summer and winter vacations and seeking its implementation in light of the subject judgments. Execution Petition No.686/2022 in S.A No.12889/2020 titled "Jalal U Din & Others VS Secretary E&SED" was fixed before the Service Tribunal on 04.10.2023 (copy attached) wherein the Honorable Service Tribunal gave directions to Secretary Elementary & Secondary Education Department to submit Implementation Report in next date of hearing i.e 07.11.2023.

It is therefore, requested that District Education Officers (Male and Female) across the province shall be directed to provide Implementation Report duly annexed with Arrears Bills submitted to concerned District Accounts Office in respect of the Execution Petitions filed in light of the subject Judgments. The Directorate of E&SE shall submit Consolidated Implementation Report to this department within <u>TEN (10) days</u>.

The representative of the Directorate of E&SE will discuss the said Consolidated Implementation Report with Additional Secretary (General), Elementary & Secondary Education Department on 19.10.2023 at 11.00 AM in his office.

SECTION OFFICER (LITIGAT

ENDST.NO & DATE AS ABOVE.

Copy forwarded to the: -

1. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.

All District Education Officers (Male &Female), Khyber Pakhtunkhwa with the direction to
forward Implementation Report along-with Arrears Bills submitted to concern District
Accounts Office to the Directorate of E&SE in respect of the Execution Petitions filed in light
of the subject Judgments.

3. Section Officer (Lit-II) E&SED.

4. P.S to Secretary E&SED.

5. P.A to Additional Secretary (General) E&SED.

6. P.A to Deputy Secretary (Legal) E&SED.

SECTION OFFICER (LIFIGATION-1V)

(Case-34)



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DIR LOWER AT TIMERGARA.

E- Mail: deomaledirlower@gmail.com	Tell:	0945-9250081-82
	•	
		1. 4

Dated Timergara the

2 リ_{/10/2023}

To

The District accounts Officer Dir Lower at Timergara.

Subject;-Memo,

ARREARS OF CONVEYANCE ALLOWCES.

Reference to the Verdict of Honrable Services Tribunal Khyber Pakhtunkhwa Peshawar Exicution Petition No. /2023 in service Appeal No.12889/2020 Titled Jalal Ud Din SCT GHS Asbanr and others, arrears bill of conveyance allowance in respect of the petitioner is hereby submitted for further necessary action. (Copies of the court orders are attached).

Note; - The same case was submitted to your good office on 8/02/2023 under token No.103.

> District Education Officer (M) Lower Dir.

No. 13625-28

Copy forwarded to.

1. The Registrar Services Tribunal Khyber Pakhtunkhwa Peshawar.

2. The Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

3. The Director Elementary and Secondary Education, Khyber Pakhtunkhy

4. The Appelant concerned.

FORM: PAY 03

Date: / /2023

PAYROLL SYSTEM AMENDMENT FORM (PAYMENTS/DEDUCTION) DDO Principal GHSS ASBANR DIR (L)

CODE Sub-DDO CODE

1	Personal Number	Function Name			ode		ondar		.ทางน					Effective Date	Remarks
· · · · · · · · · · · · · · · · · · ·	00263972	Jalal Ud Din SC 16	Γ- 5	0	1	1		8	9	2	6	8	(P)		Arrear of conveyance allowance w.e.f 01/07/2011 to 28/02/2019
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•			P	age T	otal:		Rs.	=8	9268	8/-		<u> </u>	 		

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ARREAR BILL OF CONVEYANCE ALLOWNCE IN R/O Mr. JALAL UD DIN SCT PERSONAL No: 00263972, CNIC No: 15302-0888222-7

DDO CODE:

DA6037

	DOCT (DDS	MONTHS	DUE PM	DRAWN	DIFFERENCE	DIFF x MONTH	TOTAL
PERIOD	POST/BPS	-	1700/-	00	1700/-	1700 X 1	1700/-
01-07-2011 TO 31-07-2011	CT/15	01	 		+ —	1700 X 2	3400/-
01-01-2012 TO 28-02-2012	CT/15	02	1700/-	00	1700/-		2000/-
01-07-2012 TO 31-07-2012	CT/15	01	2000/-	00	2000/-	2000 X 1	
01-01-2013 TO 28-02-2013	CT/15	02	2720/-	00	2720/-	2720- X 2	5440/-
01-07-2013 TO 31-07-2013	CT/15	01	2720/-	00	2720/-	. 2720- X 1	2720/-
01-01-2014 TO 28-02-2014	CT/15	02	2720/-	00	2720/-	2720- X 2	5440/-
01-07-2014 TO 31-07-2014	CT/15	01	2856/-	00	2856/-	2856- X 1	2856/-
01-01-2015 TO 28-02-2015	CT/15	02	2856/-	00	2856/-	2856- X 2	5712/-
	CT/16	01	5000/-	00	5000/-	5000 X 1	5000/-
01-07-2015 TO 31-07-2015	CT/16	02	5000/-	00	5000/-	5000 X 2	10000/-
01-01-2016 TO 28-02-2016 ·		 	5000/-	00	5000/-	5000 X 1	5000/-
01-07-2016 TO 31-07-2016	CT/16	01		00	5000/-	5000 X 2	10000/-
01-01-2017 TO 28-02-2017	SCT /16	02	5000/-		<u> </u>	5000 X 1	5000/-
01-07-2017 TO 31-07-2017	. SCT /16	01	5000/-	00	5000/-		10000/-
01-01-2018 TO 28-02-2018	SCT /16	02	5000/-	00	5000/-	5000 X 2	
01-07-2018 TO 31-07-2018	SCT /16	01	5000/-	00	5000/-	5000 X 1	5000/-
01-01-2019 TO 28-02-2019	SCT /16	02	5000/-	00	5000/-	5000 X 2	10000/-
01-01-2015 (0 28-02 2015		24		TOTAL			89268/-

THI

PRIMEIPAL PRINCIPAL, Asbans GHSDASBANHS (L) DIR LOWER.



OFFICE OF THE DISTT: EDUCATION OFFICER (M) DISTRICT DIR LOWER

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District Education Officer Maleon Lowe

No. 2308

Dated Timergara thes 04 105 12023

Fax #

To

The Additional Deputy Commissioner, Finance & Planning Dir Lower

Subject:

Demand for provision of budget for the arrears of conveyance allowance about Rs.446776670/-

Memo:

With great honor it is sated that in compliance of the judgment of the honorable Khyber Pakhtunkhwa service tribunal Peshawar regarding payment of conveyance allowance deducted from the teachers in summer and winter vacation, demand of arrears of conveyance allowance in respect of the teachers serving in GHSS/GHS/GMS and Primary Male Dir Lower, for provision of budget are forwarded.

Therefore, your good office is requested to release the subject arrears as soon as possible being court matter, so that arrears of conveyance allowance could be paid to the concerned teachers as per attached list.

(Copy of the demand is attached)

District Education Officer (M)
Dir Lower

Endstt: No.

dated Timergara the -/ 72023

Copy of the above is forwarded for information to;

- 1. The Registrar, Khyber Pakhtunkhwa service tribunal Peshawar.
- 2. The Deputy Commissioner Dir Lower.
- 3. The Secretary E&SE Peshawar.
- 4. The Director, E&SE Peshawar.
- 5. The accounts Officer Dir Lower with the request to accept sources of conveyance allowance from all The entitled teachers as being court matter.

District Education Officer (M)
Dir Lower



OFFICE OF THE DISTT: EDUCATION OFFICER (M) DISTRICT DIR LOWER

Fex# 0945-9250081 #.9250082

10





District Education Officer MaleDir Lower

No 13667

Dated Timergara the: 25 / 1/2023

To

The Additional Deputy Commissioner, Finance & Planning Dir Lower

Subject: <u>Demand for provision of budget for the arrears of conveyance allowance about</u>

<u>Rs.446776670/-</u>

Memo:

In Continuation to this office letter no.2308 dated 04/05/2023, on the subject cited above a demand for arrears of conveyance allowance in respect of the teachers serving in GHSS/GHS/GMS and Primary Male Dir Lower, for provision of budget is again forwarded for further necessary action with the request to release the budget ibid as soon as possible, as various execution petitions have been filed and pending for implementation before the Honorable Khyber Pakhtunkhwa service tribunal Peshawar, please.(Copy of the letter dated04/05/2023, along with demand is attached)

District Education Officer (M Dir Lower

Endstt: No.

dated Timergara the 4 / -/2023

Copy of the above is forwarded for information to;

- 1. The Registrar, Khyber Pakhtunkhwa service tribunal Peshawar.
- 2. The Deputy Commissioner Dir Lower.
- 3. The Secretary E&SE Peshawar.
- 4. The Director, E&SE Peshawar.
- 5. The accounts Officer Dir Lower with the request to accept sources of conveyance allowance from all The entitled teachers as being court matter.

District Education Officer (M)
Dir Lower

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE DIR LOWER

Demand for Arrears of Convenyence Allowance (Summer & Winter Vaccation) to be paid to Employees of District Education Office Male Dir Lower

\$#	DDO Code	Amount
1	Higher / High Schools	239840623
2	DA6179 Middle School	43064140
3	DA6318 SDEO (M) Lai Qila	26801496
4	DA6319 SDEO (M) Balmabat	23105876
\$	DA6320 SDEO (M) Khall	14038644
6	DA6321 SDEO (M) Adenzal	41789310
7	DA6315 SDEO (M) Munda	. 11428203
8	DA6151 SDEO (M) Timergara	26537878
9	DA SDEO (M) Samarbagh	20170500
	G.Total	446775670

District Education Officer (M)

Dir Lower at Timergara

Dient: Edu: Officer.



E.P No.554/2023 IN SERVICE APPEAL NO.12889/2020

AUTHORITY LETTER

Sajid, Section Officer, Elementary & Secondary Education,
Department is hereby authorized to submit Compliance Report in the subject tiled
Execution Petition on behalf of Respondents No.1.

SECRETARY

Elementary & Secondary Education Department, (Respondent No.1)

(13)

E.P No.554/2023 IN SERVICE APPEAL NO.12889/2020

COMPLIANCE REPORT ON BEHALF OF RESPONDENT NO.1

AFFIDAVIT

Sajid , Section Officer, Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying Compliance Report submitted by the Respondent No.1 are true & correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Section Officer, E&SED

Sami Wah 26-12-23