


Form- A

FORM OF ORDER SHEET

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

Implementation Petition No. 64/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1		3
1	11.01.2024	<p>The implementation petition of Mr. Muhammad Idrees submitted today by Mr. Ashraf Ali Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha Peshi is given to the counsel for the petitioner.</p>
		<p>By the order of Chairman</p>
		 REGISTRAR

**BEFORE THE HONOURABLE CHAIRMAN**  
**SERVICE TRIBUNAL KHAYBER PAKHTUNKHWA**

**APPLICATION FOR FIXATION THE**  
**EXECUTION PETITION TITLED**  
**MUHAMMAD IDREES V/S Government of**  
**KPK DIRECTOR E&SE AND OTHERS,**  
**BEFORE THE PRINCIPLE SEAT**  
**(PESHAWAR) OF HONARABLE SERVICE**  
**TRIBUNAL KHYBER PAKHTUNKHAWA:-**

**RESPECTFULLY SHEWETH:-**


- 1) That application Execution Petition titled Muhammad Idrees v/s Government of K.P.K, Director E&SE and others filling today in Appeal No. 1670/2022, Before the Honourable Service Tribunal Khyber Pakhtunkhwa in which no date of hearing is fixed.
- 2) That the main appeal is decided on 07.11.2022 by the Honourable Service Tribunal at Camp Court Swat.
- 3) That the applicant want and pleased before the Honourable chairman Service Tribunal Khyber Pakhtunkhwa that the above mentioned Execution Petition may kindly be Fixed and Heard in Principle Seat of Service Tribunal Khyber Pakhtunkhwa Peshawar.

*It is therefore humbly prayed that on acceptance of this application, this Execution Petition may kindly be fixed in principle seat of Honourable Service Tribunal Khyber Pakhtunkhwa at Peshawar.*

*Dated: 11/01/2024*

  
Petitioner/Applicant

Through

  
**Ashraf Ali Khattak**  
Advocate, Supreme  
Court of Pakistan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 64 /2024

In

Service Appeal No.1670 /2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10506

Dated 11/1/24

Muhammad Idress,  
Ex-Junior Clerk,

R/o Ouch East, Tehsil Adenzai, Dir Lower .....Applicant/Petitioner.

**Versus**

The Director Education, (E & SED), Near Malik Saad BRT, Terminal, G.T. Road  
Firdous, Peshawar Kohat Region, Kohat and others .....Respondents.

**INDEX**

S.No.	Description of Documents	Date	Annexure	Pages
1.	Petition for execution with Affidavit.			1-3
2.	Copy of order / Judgment passed by this Hon'ble Tribunal	07-11-2023	A	4-9
3.	Copy of application.	25-11-2023	B	0-10
4.	Wakalat Nama.			

Applicant/Petitioner

Through



Ashraf Ali Khattak

Advocate,

Supreme Court of Pakistan

&  
  
Ali Bakht Mughal

Advocate,

District Courts, Peshawar

Dated: 11 / 01/2024

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

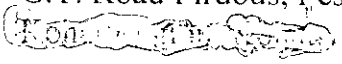
Execution Petition No. 64 /2024

**In**

**Service Appeal No.1670 /2022**

Muhammad Idress,  
Ex-Junior Clerk,  
R/o Ouch East, Tehsil Adenzai, Dir Lower.....**Applicant / Petitioner**

**Versus**

1. The Director Education, (E&SED),  
Near Malik Saad BRT, Terminal,  
G.T. Road Firdous, Peshawar  

2. The District Education Officer (Male),  
(E & SED), Dir Lower.
3. The District Education Officer (Female),  
(E & SED), Dir Lower.....**Respondents.**

**EXECUTION PETITION UNDER SECTION 7(d) OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974.**

Respectfully Sheweth,

Facts giving rise to the present execution petition are as under:-

1. That the petitioner filed the above titled service appeal which was disposed of by this Hon'ble Tribunal on 07-11-2023. The operative part of the Judgment is reproduced as under for easy reference;-
  7. *In view of the above discussion, the impugned order dated 22-08-2022 stands set-aside and the appellant is reinstated in service with directions to the competent Authority to conduct proper inquiry in the matter in accordance with Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 within a period of 60 days of receipt of copy of this judgment. The issue of back benefits shall be subject to outcome of the inquiry. In case the competent Authority fails to conduct the inquiry within the afore-mentioned*

*period of 60 days of receipt of copy of this judgment, it shall be deemed that the appellant has been reinstated in service with all back benefits with effect from 22-08-2022. Parties are left to bear their own costs. File be consigned to the record room.*


Copy of Order / Judgment dated 07-11-2023 passed by this Hon'ble Tribunal is attached as **Annexure-A**.

2. That applicant in the light of order of this Honorable Tribunal dated 07-11-2023, approached the respondents and submitted application vide Diary No.7052 dated 25-11-2023 for implementation of the aforesaid Judgment (**Annexure-B**) but they are reluctant to implement the Judgment in letter and spirit.
3. That the acts and actions of the respondents squarely fall within the ambit of the Contempt of this Hon'ble Tribunal and as such are liable to be proceeded for the Contempt and for the punishment under the law.

**It is therefore**, humbly prayed that on acceptance of this application, this Hon'ble Tribunal may graciously be pleased to take action and initiate Contempt of Tribunal proceedings against the respondents and directs them to immediately re-instate the appellant without further loss of time and also punish them accordingly.

**Applicant/Petitioner**

Through



**Ashraf Ali Khattak**

Advocate,

*Supreme Court of Pakistan*

&



**Ali Bakht Mughal**

Advocate,

District Courts, Peshawar

**Dated:** 11 / 01/ 2024

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

Execution Petition No. \_\_\_\_\_/2024

**In****Service Appeal No.1670 /2022**

Muhammad Idress,  
 Ex-Junior Clerk,  
 R/o Ouch East, Tehsil Adenzai, Dir Lower .....**Applicant/Petitioner.**

**Versus**

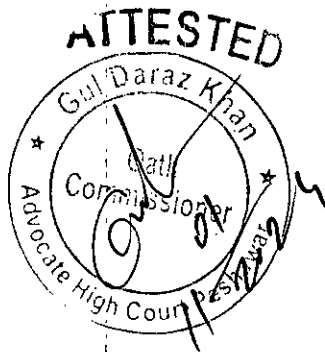
The Director Education, (E & SED), Near Malik Saad BRT, Terminal, G.T. Road  
 Firdous, Peshawar Kohat Region, Kohat and others .....**Respondents.**

**AFFIDAVIT**

I, Muhammad Idress Junior Clerk R/o Ouch East, Tehsil Adenzai, Dir Lower do hereby solemnly affirm and declare on oath that the contents of this petition are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal. It is further declare on Oath that applicant has not moved any execution petition previously for the same matter.

  
**Deponent**

CNIC: 15302-0937058-9  
 Cell: 0348-9837828



3/A1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1670/2022

Muhammad Idress,  
Ex-Junior Clerk,  
R/o Ouch East, Tehsil Adenzai, Dir Lower .....Appellant.

Versus

1. The Director Education, (E & SED),  
Near Malik Saad BRT, Terminal,  
G.T. Road Firdous, Peshawar  
Kohat Region, Kohat.
2. The District Education Officer (Male),  
(E & SED), Dir Lower.
3. The District Education Officer (Female),  
(E & SED), Dir Lower. ....Respondents.

**SERVICE APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT 1974 READ WITH RULE-19 OF  
KHYBER PAKHTUNKHWA GOVERNMENT  
SERVANT (EFFICIENCY AND DISCIPLINE)  
RULES, 2011 AGAINST THE IMPUGNED  
ORDER NO.6103-07 DATED 22-08-2022 OF THE  
RESPONDENT NO.2, WHEREIN HE IMPOSED  
UPON THE APPELLANT MAJOR PENALTY OF  
COMPULSORY RETIREMENT FROM  
SERVICE AND AGAINST WHICH APPELLANT  
FILED DEPARTMENTAL APPEAL VIDE  
DIARY NO.1554 DATED 26-08-2022.**

ATC  
↓

**PRAYER:**

On acceptance of the instant service appeal, this Hon'ble Tribunal may graciously be pleased to:-

- i. **Declare** impugned order No.6103-07 dated 22-08-2022 of the respondent No.2, wherein he imposed upon the appellant major

Ann A (4)

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWA AT CAMP COURT SWAT**



BEFORE: **SALAH-UD-DIN** ... **MEMBER (Judicial)**  
**FAREEHA PAUL** ... **MEMBER (Executive)**

*Service Appeal No. 1670/2022*

Muhammad Idrees, Ex-Junior Clerk, R/O Ouch East, Tehsil Adenzai,  
Dir Lower. (Appellant)

Versus

The Director Education, (E&SED), Near Malik Saad BRT, Terminal,  
G.T.Road Firdous, Peshawar and 02 others. (Respondents)

Present:

Mr. Ashraf Ali Khattak, Advocate.....For the appellant  
Mr. Asad Ali Khan, Assistant Advocate General .....For the respondents

Date of presentation of Appeal.....24.11.2022  
Date of Hearing.....07.11.2023  
Date of Decision.....07.11.2023

**JUDGMENT**

**SALAH-UD-DIN, MEMBER:** Brief facts giving rise to filing of the instant appeal are that departmental action was taken against the appellant on the allegations that he while posted as Junior Clerk in GGHS Kotigram, had submitted fake sources for stoppage of salaries of Headmistress Zaitoon Begum, Lubna kanwal SST (IT) and Mst. Sarwat Begum SST (General); that he had prepared fake retirement order of Headmistress Zaitoon Begum as well as fake transfer order of Mst. Sarwat Begum showing her transferred from GGHS Kotigram to GGHS Nulo Malakand by putting fake signatures of Deputy Directress Female; that he had issued a letter of DDO ship of a contract teacher on the basis of illegal and fake signature of Headmistress

ATE  
↓

ATTESTED



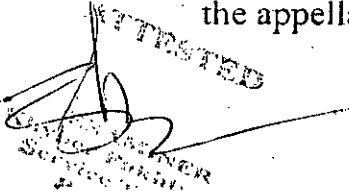
Zaitoon Begum. The appellant was awarded major penalty of compulsory retirement from service vide order dated 22.08.2022. The penalty so awarded to the appellant was challenged by him through filing of departmental appeal before the Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar, however the same remained un-responded within the statutory period of 90 days, constraining the appellant to file the instant appeal.

2. On receipt of the appeal and its admission to regular hearing, respondents were summoned. They appeared through their representative and contested the appeal by way of submitting para-wise comments, wherein they raised certain legal as well as factual objections.

3. Learned counsel for the appellant contended that no charge sheet or statement of allegations were issued to the appellant and whole of the proceedings were conducted at his back without providing him an opportunity of self defence. He next contended that the allegations against the appellant were factual in nature requiring a regular inquiry but whole of the proceedings were carried out in derogation of the procedure prescribed for disciplinary action against government servant as prescribed in Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. He further contended that no evidence was recorded in the inquiry proceedings for ascertaining the fact as to whether the signatures on the documents allegedly prepared by the appellant were genuine or fake. He also argued that the inquiry

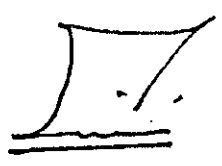
          

ATC  
A

ATTESTED  
  
 Director Elementary & Secondary Education  
 Khyber Pakhtunkhwa

6

proceedings were carried out by the District Education Officer (Male) Dir Lower as an inquiry officer and the impugned penalty of compulsory retirement was also awarded to the appellant by the District Education Officer (Male) Dir Lower, which is in utter violation of the relevant law/rules as well as against the principle of natural justice. He further argued that the statement of witnesses were recorded in absence of the appellant without providing him opportunity of cross-examination, therefore, the same could not be taken into consideration as evidence against the appellant. He next argued that the appellant was exonerated vide order dated 11.08.2022 passed by Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar but on the other hand he was awarded major penalty of compulsory retirement from service vide order dated 22.08.2022 passed by the District Education Officer (Male) Dir Lower in sheer violation of relevant law/rules. In the last he argued that as the impugned order of compulsory retirement of the appellant is having no legal sanctity, therefore, the same may be set-aside and the appellant may be reinstated in service with all back benefits.



4. On the other hand, learned Assistant Advocate General for the respondents argued that the appellant was in habit of preparation of false letters/orders/documents by affixing forged signatures on the same since long and was previously too removed from service vide order dated 30.10.2009. He next argued that the appellant was duly associated with the inquiry proceedings and was provided opportunity of personal hearing as well as self

ATR  
A

ATTESTED

defence. He further argued that a proper inquiry was conducted against the appellant and the allegations against him stood proved in the inquiry proceedings, therefore, he has rightly been awarded the punishment of compulsory retirement from service.

5. We have heard the arguments of learned counsel for the parties and have perused the record.

6. A perusal of the record would show that on 14.03.2022, Zaitoon Begum the then Headmistress GGHS Kotigram, Dir Lower had submitted an application to the District Education Officer (Female) Dir Lower, Timergara alleging therein that the appellant while posted as Junior Clerk in GGHS Kotigram had submitted fake sources for stoppage of salaries of Headmistress Zaitoon Begum, Lubna kanwal SST (IT) and Mst. Sarwat Begum SST (General); that he had prepared fake retirement order of Headmistress Zaitoon Begum as well as fake transfer order of Mst. Sarwat Begum showing her transferred from GGHS Kotigram to GGHS Nulo Malakand by putting fake signatures of Deputy Directress Female; that he had issued a letter of DDO ship of a contract teacher on the basis of illegal and fake signature of Headmistress Zaitoon Begum. The afore-mentioned application was forwarded by the District Education Officer (Female) Dir Lower to the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide letter bearing No. 1138 dated 18.03.2022, who vide Notification dated 30.03.2022 nominated District Education Officer (Male) Dir Lower as inquiry officer for conducting inquiry against the appellant. The inquiry was



Ate  
A

TESTED

8


conducted by District Education Officer (Male) Dir Lower and submitted inquiry report to the Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar vide letter bearing No. 3593 dated 11.06.2022. Vide letter No. 2961 dated 27.06.2022 issued from the Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar, the District Education Officer (Female) Dir Lower was asked to implement the recommendations of the inquiry officer. The appellant was, however issued show-cause notice bearing Endst: No. 6101-03 dated Timergara the 18.07.2022 by the District Education Officer (Male) District Dir Lower and after providing opportunity of personal hearing to the appellant, he was awarded major penalty of compulsory retirement from service vide order bearing Endst: No. 6103-07 dated 22.08.2022 passed by the District Education Officer (Male) Dir Lower. It is astonishing that on one hand, the matter was sent to the District Education Officer (Female) Dir Lower vide letter bearing No. 2961 dated 27.06.2022 issued from the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for implementation of the recommendations of the inquiry report but on the other hand Notification bearing No. 5364-67 dated 11.08.2022 passed by Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar whereby the appellant was issued only warning in respect of the same issue. All this would show that the proceedings were conducted in a slipshod manner and the inquiry was not conducted in the prescribed manner provided in the

ATC  
K


relevant provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The manner in which the matter was dealt with by the respondents is highly deplorable.

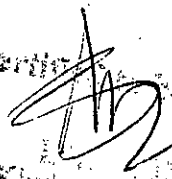
7. In view of the above discussion, the impugned order dated 22.08.2022 stands set-aside and the appellant is reinstated in service with directions to the competent Authority to conduct proper inquiry in the matter in accordance with Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 within a period of 60 days of receipt of copy of this judgment. The issue of back benefits shall be subject to outcome of the inquiry. In case the competent Authority fails to conduct the inquiry within the afore-mentioned period of 60 days of receipt of copy of this judgment, it shall be deemed that the appellant has been reinstated in service with all back benefits with effect from 22.08.2022. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
07.11.2023

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT SWAT

ATC  
A

  
(FAREEHA PAUL)  
MEMBER (EXECUTIVE)  
CAMP COURT SWAT

  
Naeem Amin\*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Affidavit 20/11/23  
Number of Words 67  
Copying Fee 20/-  
Urgent \_\_\_\_\_  
Total 30/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of \_\_\_\_\_ 23/11/23  
Date of Delivery 23/11/23

Ann B (10)

To,

The District Education Officer  
Male Dir Lower at Timurgard.

Subject: - APPLICATION FOR IMPLEMENTATION OF COURT JUDGMENT DATED 07-11-2023.

As per Honorable Court of Khyber Pakhtunkhwa Service Tribunal Peshawar at camp court Swat judgment dated on 07-11-2023. Compulsory retirement order of Mr. Muhammad Idrees was set-aside copy attached herewith please.

My application is hereby submitted for favor of further symmetrically consideration please.

7052/  
25/11/23

DA (Ministerial)

25/11/2023

MUHAMMAD IDREES  
JUNIOR CLERK E&SED DIR LOWER

AFC

(U)

WAKALAT NAMA

IN THE COURT OF KP Service Tribunal

Muhammed Idrees

Exc-Junior Clerk Appellant(s)/Petitioner(s)

VERSUS

The Director Education

and others

Respondent(s)

I/We Muhammed Idrees do hereby appoint  
Mr. Ashraf Ali Khattak Advocate Supreme Court of Pakistan &  
Mr. Ali Bakht Mughal Advocate District Courts Peshawar in the above  
mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this January 11, 2024.

Attested & Accepted by

Signature of Executants

Ashraf Ali Khattak  
Ashraf Ali Khattak  
Advocate,  
Supreme Court of Pakistan

Ali Bakht Mughal  
Ali Bakht Mughal  
Advocate,  
District Courts, Peshawar