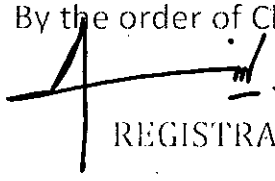


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 89/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.01.2024	<p>The implementation petition of Mr. Abdul Wahab Afridi submitted today by Mr. Taimur Ali Khan 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  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution petition No. 89 /2024
In Service Appeal No.1884/2022

Abdul wahab Afridi

V/S

Education Department

INDEX

S.No.	Documents	Annexure	P. No.
1	Memo of execution petition	-----	01-03
2	Copy of memo of appeal	A	04-08
3	Copy of judgment dated 02.06.2023	B	09-14
4	Copies of the order dated 25.08.2023 and order sheet dated 12.10.2023	C&D	15-16
5	Copies of the pay bill and affidavit	E&F	17-19
6	Vakalat Nama	-----	20

PETITIONER

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
Cell# 0333-9390916

①

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

Execution Petition No. 89 /2024
In Service Appeal No.1884/2022

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 10657

Dated 19-1-2024

Abdul Wahab Afridi, Chowkidar,
GPS Zaman Shah (HSD), Peshawar.

(PETITIONER)

VERSUS

1. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Director Elementary & Secondary Education, Directorate of Education, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male), Peshawar.
4. The Sub Divisional Education Officer (Male), Hassan Khel Sub Division, near GPS Masjid Mohabat Khan Naz Cinema Road Peshawar.
5. The Head Master, GPS Mohabat Khel Sub Division Hassan Khel, Peshawar.

RESPONDENTS

.....

**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED 02.06.2023 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**

.....

RESPECTFULLY SHEWETH:

1. That the petitioner has filed service appeal No. 1884/2022 in this Honorable Tribunal with the prayer that the respondents may kindly be directed to adjust him on his post at GPS Mohabat Khel Peshawar and allow him to perform his duty at GPS Mohabat Khel Peshawar and also release his salaries from the appointment i.e 01.09.2022 till date and onward. **(Copy of memo of appeal is attached as Annexure-A)**

2. The appeal of the petitioner was heard and decided by this Honorable Tribunal on 02.06.2023. The Honorable Tribunal allowed the appeal of the petitioner as prayed for. **(Copy of judgment dated 02.06.2023 is attached as Annexure-B)**
3. That the petitioner has filed Execution Petition No.483/2023 for implementation of judgment dated 02.06.2023 in its true letter and spirit and in the compliance of judgment dated the respondents produce the order dated 25.08.2023 before this Honorable Tribunal, wherein the petitioner was adjusted at GPS Zaman Shah (HSD) against the vacant post of Chokidar and salary with the w.e.f 03.0.2022 is also been released conditionally subject to the outcome of CPLA and on the basis of order dated 25/08/2023, the execution petition of the petitioner was consigned on 12.10.2023. **(Copies of the order dated 25.08.2023 and order sheet dated 12.10.2023 are attached as Annexure-C&D)**
4. That on the compliance of the order dated 25.08.2023, a bill of arrear of pay and allowances with effect from 03.09.2022 to 30.11.2023 of the petitioner was calculated and prepared by respondent No.4 which amounts to Rs.461409/- and the same was submitted to District Account Officer Peshawar Payroll branch on 12.12.2023 for release and the petitioner also submitted affidavit in this respect that if the case pending before Apex Court decided against the petitioner, he will be bound to return the same amount of worth of Rs.461409/-, but despite the prepared pay bill of the petitioner amounting to Rs.461409/-, the respondents are reluctant to pay the same. **(Copies of the pay bill and affidavit are attached as Annexure-E&F)**
5. That the petitioner has claimed his salaries from the appointment i.e. 01.09.2022 till date and onward along other prayers in his service appeal which was allowed as prayed for, therefore, the appellant is entitled for release of salary with effect from 03.09.2022 till 30.11.2023 and in this respect bill of arrear of pay and allowances with effect from 03.09.2022 to 30.11.2023 were also prepared and submitted for release, but the respondents did not pay that salaries in the shape of arrear and allowances by implementing the judgment dated 02.06.2023 in its true letter and spirit.
6. That not implementing the judgment dated 02.06.2023 of this Honorable Tribunal by not releasing arrears of salaries (pay and allowances) with effect from 03.09.2022 to 30.11.2023 which is already prepared amount to Rs.461409/-, is totally illegal, amount to disobedience and Contempt of Court.
7. 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 02.06.2023 of this Honorable Tribunal in letter and spirit.

- 8. That the petitioner has having no other remedy except to file this execution petition for implementation of judgment dated 02.06.2023 in its true letter and spirit.

It is, therefore, most humbly prayed that the respondents may kindly be directed to release the arrear of pay and allowances which was already prepared and amounts to Rs.461409/- to the petitioner by implementing the judgment dated 02.06.2023 of this august 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.

عبد الوهاب آفریدی

PETITIONER

Abdul Wahab Afridi

THROUGH:

(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

AFFIDAVIT:

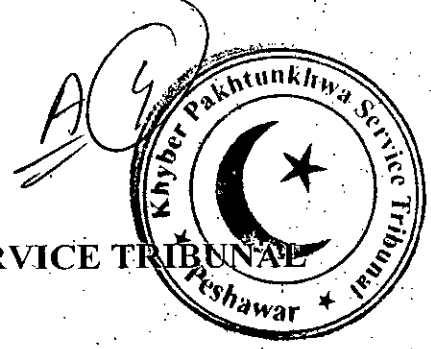
It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief.

عبد الوهاب آفریدی

DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



SERVICE APPEAL NO. 1884 /2022

Khyber Pakhtunkhwa
Service Tribunal

Case No. 2390

Date 20/12/22

Abdul Wahab Afridi, Chowkidar,
GPS Mohabat Khel, District Peshawar.

(APPELLANT)

VERSUS

1. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Director Elementary & Secondary Education, Directorate of Education, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male), Peshawar.
4. The Sub Divisional Education Officer (Male), Hassan Khel Sub Division, near GPS Masjid Mohabat Khan Naz Cinema Road Peshawar.
5. The Head Master, GPS Mohabat Khel Sub Division Hassan Khel, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ACTION OF THE RESPONDENTS OF NOT ADJUSTING THE APPELLANT ON HIS POST AT GPS MOHABAT KHEL PESHAWAR AND NOT ALLOWING HIM TO PERFORM HIS DUTY AT GPS MOHABAT KHEL DUE TO THE THREAT OF THE LAND OWNER OF THE CONCERNED SCHOOL AND NOT RELEASING HIS SALARIES FROM THE DATE OF APPOINTMENT I.E 01.09.2022 TILL DATE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STIPULATED PERIOD OF NINETY DAYS.

ATTESTED

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Service Tribunal
Peshawar

20/12/22

20/12/22

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PRAYER:


THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY KINDLY BE DIRECTED TO ADJUST THE APPELLANT ON HIS POST AT GPS MOHABAT KHEL PESHAWAR AND ALLOW HIM TO PERFORM HIS DUTY AT GPS MOHABAT KHEL PESHAWAR AND ALSO RELEASE HIS SALARIES FROM THE APPOINTMENT I.E 01.09.2022 TILL DATE AND ONWARD. ANY OTHER REMEDY, WHICH THIS HONORABLE TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

1. That the respondent department advertisement various posts of Class-IV in Sub Division Hassan Khel Peshawar and the appellant being eligible applied for the said post, however he was not appointed, on which he filed writ petition No.3649/2021 in the Honorable Peshawar High Court Peshawar which was dispose of by the Honorable Court on 18.05.2022 with the direction to respondents to consider the petitioner for his appointment as Class-IV employee against any of the vacant post already advertised as per exiting/policy rules. (Copy of judgment dated 18.05.2022 is attached as Annexure-A)
2. That on the basis of judgment dated 18.05.2022, the appellant was appointed as Class-IV on regular basis in BPS-03 and was posted at GPS Mohabat Khel Peshawar vide order dated 01.09.2022 and in compliance of appointment order dated 01.09.2022, the appellant took over charge on 03.09.2022 at GPS Mohabat Khel Peshawar. (Copies of appointment order dated 01.09.2022 and charge report are attached as Annexure-B&C)
3. That the appellant took over charge on his post on 03.09.2022 at GPS Mohabat Khel Peshawar, but the land owner of concerned school did not allow the appellant to perform his duty at GPS Mohabat Khel Peshawar on which the appellant filed applications to high ups on 08.09.2022 in which he mentioned that the land owner of the concerned school did not allow him to perform his duty and gave him threat for dire consequences and requested them to resolved the matter and adjust him in his school and allow him to perform his duty at his school or adjust him other school or at office and respondent No.4 also forwarded the application of the appellant through letter dated 28.09.2022 to respondent No.3 for further necessary action, but no action has taken on his applications. It is pertinent to mention here that when the land owner did not allow the appellant to perform duty

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at GPS Mohabat Khel Peshawar respondent No.4 verbally directed to the appellant to perform his duty at his Office on temporary basis and in this respect respondent No.4 also gave duty certificate of the performance of duty w.e.f 03.09.2022 till 10.10.2022 and respondent No.5 also endorsed the performance of the duty of the appellant at the office of respondent No.4 through duty certificate dated 02.10.2022. **(Copies of applications, letter dated 28.09.2022 and duty certificates are attached as Annexure-D,E&F)**

4. That the appellant filed departmental appeal on 16.09.2022 to respondent No.2 for adjustment on his post and allowed him to perform his duty in his School or adjust him at any school or at office so that he perform his duty with honesty and devotion and also requested for release of his salary which was forwarded to respondent No.3 through letter dated 20.09.2022 to solve the problem as per rules/policy. **(Copies of departmental appeal and letter dated 20.09.2022 are attached as Annexure-G&H)**
5. That on 17.09.2022 the appellant came to school for performance of his duty, but the landowner did not allow him to perform duty at school and took him out from the school on which the appellant filed application/complaint to respondent No.5 and requested him to forward his application/complaint to high ups which was forwarded by respondent No.5 to respondent No. 4 on which respondent No.4 through letter dated 19.09.2022 forward his application/complaint to respondent No.3 for further necessary action and also through letter dated 10.10.2022 respondent No.4 requested to respondent No.3 to release pay of the appellant, however no action has taken by respondent No.3 on the application/complaint of the appellant and on letter dated 10.10.2022. **(Copies of application/complaint, letter dated 19.09.2022 and letter dated 10.10.2022 are attached as Annexure-I,J&K)**
6. That as the landowner do not allow the appellant to perform his duty at GPS Mohabat Khel Peshawar and he time and again requested to his high ups through applications to settle the issue on permanent basis so that he could perform his duty with honesty and devotion, but instead of resolving the issue of the appellant by the high ups, respondent No.3 issued absence notice to the appellant on 16.11.2022 and through letter dated 17.11.2022 respondent No.3 directed the appellant to perform duty at GPS Mohabat Khel, both the absence notice and letter dated 17.11.2022 were received by the appellant on 25.11.2022, which was replied by the appellant in which he mentioned the whole facts and requested to transfer him to some other school so that he can perform his duty as the issue of performing his duty at GPS Mohabat Khel will never solve, but despite that no action has taken by respondent No.3 on his reply. **(Copies of application, absence notice, letter dated 17.11.2022 and reply are attached as Annexure-L,M,N&O)**

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- ⑦
7. That the appellant filed departmental appeal on 16.09.2022 to adjust him on his post and allow him to perform his at his duty and also release his salary, but no action has taken on his departmental appeal within the statutory period of ninety days and the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUND:

- A) That not taking action on the departmental appeal of the appellant within the statutory period of ninety days and not adjusting him on his post at GPS Mohabat Khel and not allowing him to perform duty at his school and also not releasing his salaries are against the law, rules facts, norms of justice and material on record, therefore, not tenable.
- B) That the landowner did not allow the appellant to perform his duty at GPS Mohabat Khel and the appellant time and again requested his high ups through different applications in different times to resolve the issue of his adjustment in his school GPS Mohabat Khel and any other school or office but his high ups especially respondent No.3 being the competent authority of the appellant did not resolve the issue of adjustment of the appellant and his performance of duty due to which the appellant is continuously suffering.
- C) That on the basis of judgment dated 18.05.2022 of the Honorable Peshawar High Court, the appellant was appointed as Class-IV (Chowkidar) at GPS Mohabat Khel Peshawar on 01.09.2022 and in the pursuance of appointed order dated 01.09.2022, the appellant took over charge on 03.09.2022, but he was not allowed by the landowner to perform his duty at GPS Mohabat Khel on which filed application to high ups and requested them to take action in the matter and adjust him in school and allow him to perform his duty at his school or adjust him in other school or in office, but no action has been taken by the respondents, however respondent No.4 verbally directed the appellant to perform his duty in his office on which he performed duty in the office of SDEO Hassan Khel Peshawar which is evident from the duty certificates of the SDEO and Head Teacher of the concerned School which means that the appellant is ready to perform duty at any place, but the respondents especially No.3 did not adjust him at his own school or any other school or office so that the appellant could perform his duty and as such the appellant should not be suffered on fault of the his high ups by not adjusting him on his post so that he perform his duty and receive his salary.
- D) That the appellant timely informed the respondents through different applications that the landowner did not allowed him to perform his duty at GPS Mohabat Khel and it was the responsibility of the respondents especially respondents No.3 to handle the issue with the

ATTACHED


Khaydar Bhatti
Secretary
Peshawar

landowner and adjusted the appellant on his post at GPS Mohabat Khel or adjust him in some other school or office so that the appellant could perform his duty and receive his salary, but the respondents show laziness on the issue of the appellant due which the appellant is effecting and depriving him from his legal right of adjustment on his post and salary.

- E) That respondent No.3 have knowledge of entire situation through the applications filed time by time by the appellant, but despite that he issued absence notice and also directed the appellant through letter dated 17.11.2022 to perform duty at GPS Mohabat Khel, which shows the incompetency of respondent No.3:
- F) That the appellant has performed duty for some time in the office of SDEO on his verbal direction when he was not allowed by the landowner in GPS Mohabat Khel and also ready to perform duty at his own school or any other school or at office and is entitle to his salaries from the date of appointment i.e 01.09.2022 till date.
- G) That the appellant even filed applications to Assistant Commissioner Hassen Khel Sub Division, SHO concerned and SP Saddar Circle to look into the matter, but the issue was not resolved, which shows that the appellant has tried his outmost from all the sides to resolve the matter so that he could perform his duty. **(Copies of applications are attached as Annexure-P,Q&R)**
- H) That the appellant has not been treated in accordance with law and rules and has been deprived from legal right of his salaries by not adjusting on his post and not allowing him to perform his duty.
- I) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Abdul Wahab Afridi
APPELLANT
Abdul Wahab Afridi

THROUGH:

Taimur Ali Khan
TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)
PESHAWAR

Certified to be true copy
EXCISE OFFICER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation: 12-1-24
 Number of Pages: 50
 Copying Fee: 25/-
 Urgent: 5/-
 Total: 30/-
 Name of Counsel: _____
 Date of Completion: 12-1-24
 Date of Delivery: 12-1-24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Service Appeal No. 1884/2022

BEFORE: MR. SALAH-UD-DIN ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)

Mr. Abdul Wahab Afridi, Chowkidar, GPS Mohabat Khel, District, Peshawar. (Appellant)

Versus

1. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director Elementary & Secondary Education, Directorate of Education, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male), Peshawar.
4. The Sub-Divisional Education Officer (Male), Hassan Khel Sub-Division near GPS Masjid Mohabat Khan, Peshawar.
5. The Head Master, GPS Mohabat Khel Sub Division Hassan Khel, Peshawar..... (Respondents)

Mr. Taimur Ali Khan,
Advocate ... For appellant

Mr. Asad Ali Khan,
Assistant Advocate General ... For respondents

Date of Institution..... 20.12.2022
Date of Hearing..... 02.06.2023
Date of Decision..... 02.06.2023

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned action of the respondents of not adjusting the appellant on his post at GPS Mohabat Khel, Peshawar and not allowing him to perform his duty at GPS Mohabat Khel due to threat of the land owner of the concerned school and not releasing his salaries from the date of appointment

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i.e. 01.09.2022 till date and against not taking action on the departmental appeal of the appellant within the stipulated period of ninety days. It has been prayed that on acceptance of the appeal, the respondents might be directed to adjust the appellant on his post at GPS Mohabat Khel Peshawar and also release his salaries from the date of appointment i.e. 01.09.2022 onward and any other remedy, which the Tribunal deemed fit and appropriate.

2. Brief facts of the case, as given in the memorandum of appeal, are that the respondent department advertised various posts of Class-IV in Sub Division I Hassan Khel Peshawar and the appellant being eligible applied for the said post, however, he was not appointed, on which he filed Writ Petition No. 3649/2021 in the Honorable Peshawar High Court which was disposed of on 18.05.2022 with the direction to respondents to consider the appellant for appointment as Class-IV against any of the vacant posts already advertised as per existing policy and rules. On the basis of judgment dated 18.05.2022, the appellant was appointed as Class-IV on regular basis in BPS-03 and was posted at GPS Mohabat Khel Peshawar vide order dated 01.09.2022. In compliance, he took over the charge on 03.09.2022 at GPS Mohabat Khel, Peshawar but the land owner did not allow him to perform his duty. The appellant submitted application to the high ups on 08.09.2022 in which he mentioned that the land owner of the concerned school did not allow him to perform his duty and threatened him of dire consequences and requested them to resolve the matter by adjusting him in other school or office. Respondent No. 4 forwarded the application of the appellant through letter dated 28.09.2022 to respondent No. 3 for further necessary action, but no action was

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taken on the application. Respondent No. 4 verbally directed the appellant to perform duty at his office on temporary basis and in that respect respondent No. 4 also gave a duty certificate w.e.f. 03.09.2022 till 10.10.2022. Respondent No. 5 also endorsed the performance of the duty of the appellant in the office of respondent No. 4 through duty certificate dated 02.10.2022. The appellant filed departmental appeal on 16.09.2022 to respondent No. 2 for adjustment in GPS Mohabat Khel or any school or office. He also requested for release of his salary, which was forwarded to respondent No. 3 through letter dated 20.09.2022 to solve the problem as per rules/policy. On 17.09.2022, the appellant came to school for duty, but the land owner did not allow him to perform his duty at the school, on which he filed application/complaint to high ups which was forwarded by respondent No. 5 to respondent No. 4, which was further forwarded to respondent No. 3 for necessary action. Through letter dated 10.10.2022 respondent No. 4 requested the respondent No. 3 for release pay of the appellant, who, instead of taking action on that request, issued absence notice to the appellant on 16.11.2022 and through letter dated 17.11.2022 directed the appellant to perform his duty at GPS Mohabat Khel. Both the absence notice and letter dated 17.11.2022 were received by the appellant on 25.11.2022, which were replied by him by mentioning the whole facts, with the request to transfer him to some other school so that he could perform his duty, but no action was taken by respondent No. 3 within the statutory period of ninety days; hence the present appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We heard the learned counsel for the appellant

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 Service Tribunal
 Mohabat


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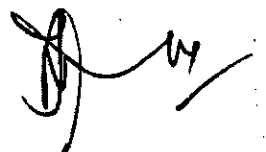
as well as the learned Assistant Advocate General for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, contended that the appellant, time and again, requested his high ups through different applications to resolve the issue of his posting in GPS Mohabat Khel or adjust him in any other school or at the level of office but his high ups, especially respondent No. 3, being the competent authority of the appellant, did not resolve the issue of posting and adjustment of the appellant. He further argued that respondent No. 4 verbally directed the appellant to perform his duty in his office on which he did so and which was evident from the certificates of the SDEO and Head Teacher of the concerned school, which indicated that the appellant was ready to perform duty at any place, but the respondents did not adjust the appellant. He further argued that the appellant should not be made to suffer for the fault of his high ups by not adjusting him on his post so that he could perform his duty. He requested that the appeal might be accepted as prayed for.

5. Learned Assistant Advocate General, while rebutting the arguments of learned counsel for the appellant, argued that the appellant was willfully absent from his duty, therefore, the respondent department proceeded against him under the rules and disciplinary action was initiated against him. He requested that the appeal might be dismissed.

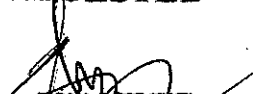
6. Arguments and record presented before us reveal that the appellant was appointed as Chowkidar (BPS-3) in the Elementary & Secondary Education

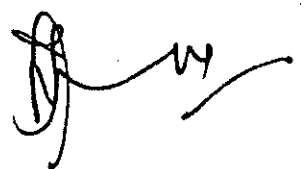
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Department and posted at GPS Mohabat Khel, Peshawar. He took over the charge in that school but the land owner on whose land that school was built did not allow him to perform his duties there. The appellant brought the matter into the notice of his high ups i.e. the Headmaster of the school and the Sub-Divisional Education Officer (Male) Hassan Khel Sub-Division, through different applications requesting them to intervene in the matter and resolve it so that he could perform his duty or to adjust him in some other school or in the office. Two certificates, one from the SDEO (M) Hassan Khel Sub Division and the other from the Headmaster of GPS Mohabat Khel, are available with the appeal, which indicate that given the entire situation, he performed his duties from 03.09.2022 to 10.10.2022 in the office of SDEO (M). The Head Master went to the extent of stating in his certificate that he performed his duties in the office of SDEO (M) due to threats given by the land owner. All the official correspondence available with the appeal indicates that the Directorate of Elementary and Secondary Education as well as the office of District Education Officer were aware of the entire situation, but instead of resolving the matter the office of District Education Officer issued an absence notice to the appellant. When the learned Assistant Advocate General was asked to present any report based on such a notice was issued, he could not provide or present any such report. The departmental representative was also silent on the question. Their attention was invited to the correspondence of the Headmaster of GPS Mohabat Khel which was in favour of the appellant and the SDEO (M) who had brought the matter to the knowledge of DEO (M) Peshawar many times. It has been noted that instead of

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resolving the matter, the office of DEO (M) Peshawar stopped the salary of the appellant and later issued notice of absence also, which indicates their indifferent and inhuman approach to the problem faced by the appellant.

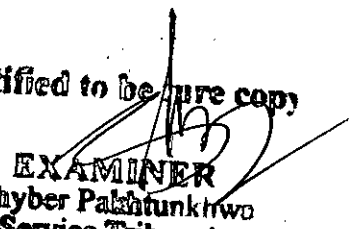
7. In view of the above, the appeal in hand is allowed as prayed for. Costs shall follow the event. Consign.

8. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 02nd June, 2023.


(FAREEHA PAUL)
Member (E)


(SALAH-UD-DIN)
Member (J)

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 12-01-24
Number of Words 67
Copying Fee 30/-
Urgent 5/25
Total 35/-
Name of Copyist _____
Date of Completion of Copy 12-01-24
Date of Delivery of Copy 12-01-24

DISTRICT EDUCATION OFFICER (MALE) PESHAWAR

C 15

(To be Substituted with even No. & date).

CONDITIONAL ADJUSTMENT ORDER:

In Compliance to judgment dated 02-06-2023 passed by the worthy Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No.1884/2022 titled Abdul Wahab Afridi Vs Secretary E&SE & others, Mr. Abdul Wahab Afridi (Chowkidar) GPS Mohabat Khel Hassan Khel Sub Division Peshawar is hereby adjusted at Government Primary School Zaman Shah (HSD) Peshawar against the vacant post of Chowkidar on his own pay and scale with immediate effect.

And the salary w.e.f 03-09-2022 till the issuance of this Conditional Adjustment Order is hereby Conditional released.

Note:

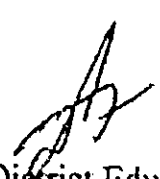
1. This office order is subject to the final decision of CPLA in the instant case.
2. Charge Report should be submitted to all concerned.
3. This office order Endst No.9322-25 dated 17-08-2023 is hereby replaced by this office order.
4. No TA/DA is allowed.

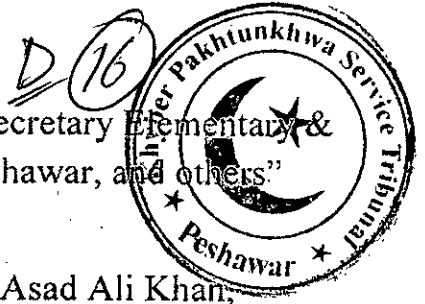
District Education Officer
(Male) Peshawar

Endst: No. 9899-9904 /Dated 25/08/2023.

Copy of the above is forwarded for information:-.

1. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar w/r Execution Petition No. 483/2023 in Service Appeal No.1884/2022 titled Abdul Wahab Afridi Vs Secretary E&SE & others,
2. Accountant General, Khyber Pakhtunkhwa Peshawar.
3. Sub Divisional Education Officer (Male) Hassan Khel Peshawar.
4. Head Master GPS Mohabat Khel Hassan Khel Sub Division Peshawar.
5. Head Master GPS Zaman Shah Hassan Khel Sub Division Peshawar.
6. Abdul Wahab Afridi (Chowkidar) GPS Mohabat Khel Hassan Khel Sub Division Peshawar.


Dy: District Education Officer
(Male) Peshawar.




Execution Petition No.483/2023 titled "Abdul Wahab Vs. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar, and others."

ORDER

12th Oct. 2023

1. Petitioner alongwith his counsel present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Arshad Ali, ADEO for the respondents present.
2. Representative of the respondents produced copy of order dated 25.08.2023, whereby, in compliance with the judgment of the Tribunal dated 02.06.2023, the petitioner has been adjusted at GPS Zaman Shah (HSD) Peshawar against the vacant post of Chowkidar and salary w.e.f 03.09.2022 has also been released conditionally subject to the outcome of CPLA stated to be subjudice before the Apex Court. The order of the Tribunal has been complied with. Therefore, the petition is filed. Consign.
3. *Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 12th day of October, 2023.*


(Kalim Arshad Khan)
Chairman

Mutazem Shah

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar

Date of Presentation of Application 12/10/23
Number of Words 17
Copying Fee 5/-
Urgent 5/-
Total 10/-
Name of Copy/set _____
Date of Completion of Copy 12/10/23
Date of Delivery of Copy 12/10/23

OFFICE OF THE.

SUB DIVISIONAL EDUCATION OFFICER., (MALE) HASSAN KHEL SUB DIVISION PESHAWAR

FOR THE MONTH.

12

2023

DO CODE

P

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4

POST CENTER

Description. PRIMARY EDUCATION HSD PESHAWAR

EMPLOYEE DETAILS								GENERAL DATA CHANGE		CHANGE IN PAYMENTS/DEDUCTION							Remarks	
EMPLOYEE NUMBER								NEW CONTENTS		Wage Type	Amount							Abj
											Rupees							
0	1	0	5	7	0	1	5	Abdul Wahab Afridi	Adj : B/Pay	5801	2	1	2	9	8	0	=	Arrear of pay and Allowances w.e from 03.09.2022 to 30.11.2023
								Chow B-03	Adj : HRA	5002	5	2	8	9	4	=	P	
									Adj : CON: ALL	5011	2	6	6	4	3	=	P	
									Adj : MED:A	5012	2	2	3	9	2	=	P	
									Adj : WASHING A	5070	1	4	9	2	8	=	P	
									Adj : INTIGRATED	1833	8	9	5	1	=		P	
									Adj : DRA	5155	2	1	5	0	8	=	P	
									Adj : ARA	3558	2	1	5	0	8	=	P	
									Adj : DRESS ALL	5026	1	4	9	2	8	=	P	
									Adj : ARA 35 % 022	5358	6	4	6	7	7	=	P	
									TOTAL		4	6	1	4	0	9	=	
									GP FUND	6075	1	8	4	5	0	=	D	
									B / FUND	6001	9	0	0	0	=		D	
									DC PENSION		2	2	0	3	5	=	D	
									EEF	6270	4	5	0	0	=		D	
									RB & DC	6204	1	0	5	0	=			
									TOTAL		5	5	0	3	5	=	D	

Entered/Checked By

Entered/Verified By

ATTACHED

11/17
17

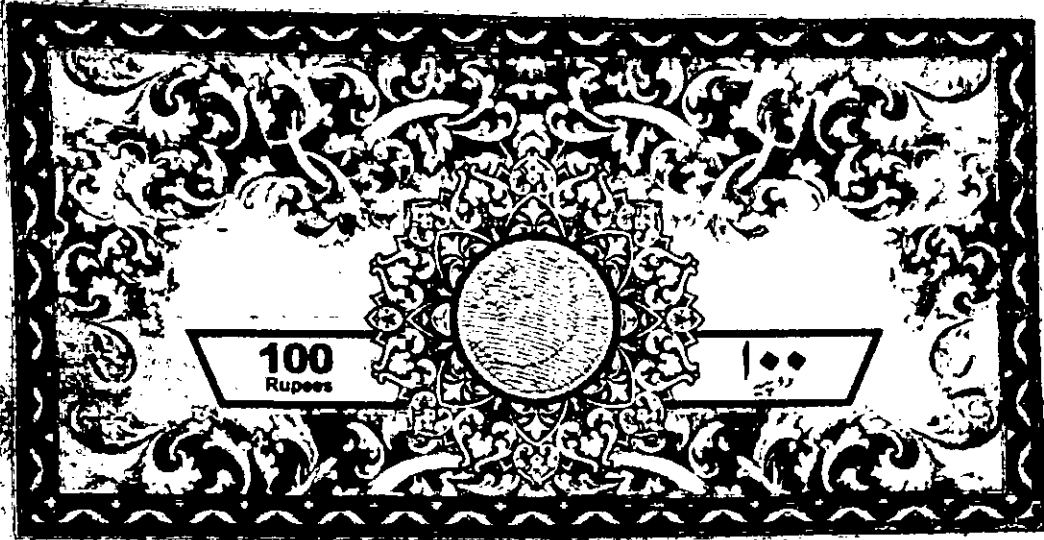
18

DUE DRAWN DETAIL OF MR. ABDUL WAHAB AFRIDI (CHOWKIDAR) P.N 01057015 Porton
Code No. 80963623

from	TO	Head	Due	Drawn	Deference	Months	Days	TOTAL
01.09.2022	30.09.2022	B,PAY	14260	0	14260	0	29	13340
01.10.2022	30.11.2023	B,PAY	14260	0	14260	14	0	195640
Total Basic Pay								212980
03.09.2022	30.09.2022	HRA	3542	0	3542	0	29	3306
01.10.2022	30.11.2023	HRA	3542	0	3542	14	0	49588
Total HRA								52894
03.09.2022	30.09.2022	C.A	1785	0	1785	0	29	1653
01.10.2022	30.11.2023	C.A	1785	0	1785	14	0	24990
Total C.A								26643
03.09.2022	30.09.2022	Med:All	1500	0	1500	0	29	1392
01.10.2022	30.11.2023	Med.A	1500	0	1500	14	0	21000
Total Medical Allow;								22392
03.09.2022	30.09.2022	washing A	1000	0	1000	0	29	928
01.10.2022	30.11.2023	Washing A	1000	0	1000	14	0	14000
Total washing A								14928
03.09.2022	30.09.2022	Intigrated A	600	0	600	0	29	551
01.10.2022	30.11.2023	Intigrated A	600	0	600	14	0	8400
Total Intigrated All								8951
03.09.2022	30.09.2022	DRA	1441	0	1441	0	29	1334
01.10.2022	30.11.2023	DRA	1441	0	1441	14	0	20174
Total DRA								21508
03.09.2022	30.09.2022	DRA	1441	0	1441	0	29	1334
01.10.2022	30.11.2023	DRA	1441	0	1441	14	0	20174
Total DRA								21508
03.09.2022	30.09.2022	ARA	4991	0	4991	0	29	4785
01.10.2022	30.11.2023	ARA	4991	0	4991	12	0	59892
Total ARA 2022								64677
03.09.2022	30.09.2022	D.A	1000	0	1000	0	29	928
01.10.2022	30.11.2023	D.A	1000	0	1000	14	0	14000
Total D.A								14928
G.Total								461409

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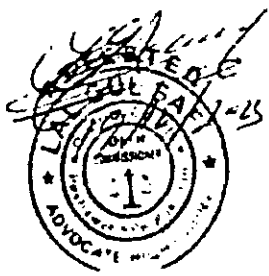
ATTSTEL



بہ ناصلی

مذکورہ علیحدہ علیحدہ۔ وہ پہلے لکھنے کے ساتھ ساتھ ہی لکھنا چاہئے اور اس کے
 کہ مندرجہ بالا کے ایک ایک لکھنے کے ساتھ ساتھ ہی لکھنا چاہئے اور اس کے
 کے ساتھ ساتھ ہی لکھنے کے ساتھ ساتھ ہی لکھنا چاہئے اور اس کے
 کے ساتھ ساتھ ہی لکھنے کے ساتھ ساتھ ہی لکھنا چاہئے اور اس کے
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 کے ساتھ ساتھ ہی لکھنے کے ساتھ ساتھ ہی لکھنا چاہئے اور اس کے
 کے ساتھ ساتھ ہی لکھنے کے ساتھ ساتھ ہی لکھنا چاہئے اور اس کے
 کے ساتھ ساتھ ہی لکھنے کے ساتھ ساتھ ہی لکھنا چاہئے اور اس کے

حالی
 علیحدہ علیحدہ۔ جو کہہ کر 505۔ زمان کے



ATTSTED

سروس سروسٹل لٹیا اور

عبد الوصواب افریدی صاحب
عبد الوصواب بنام محکمہ لیسیم

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

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

آن مقام لٹیا اور کیلئے سروسٹل خان سروسٹل

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے ق 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 و رائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی 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 مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

Accepted
&
Attested
20

المقوم

ہاہ العہد

العہد

عبد الوصواب افریدی