

Before the Honorable Khyber Pakhtunkhwa Service Tribunal CAMP COURT ABBOTTABAD

**Execution Petition No. 304/2022
IN
Service Appeal No. 181/2018**

Amina Gul.....Appellant

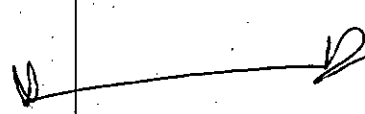
VERSUS

GOVT. OF KHYBER PAKHTUNKHWA & OTHERS.....RESPONDENTS

IMPLEMENTATION REPORT

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**Rehana Yasmin
District Education Officer (F)
Battagram.
(RESPONDENT)**

①

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT ABBOTTABAD**

Execution Petition No. 304/2022
IN
Service Appeal No. 181/2018

Amina Gul.....Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12292

Dated 19/4/24

VERSUS

Govt. of Khyber Pakhtunkhwa & Others.....RESPONDENTS

IMPLEMENTATION REPORT

Respectfully Sheweth: -

It is submitted as under:

1. That the above titled Execution Petition is pending adjudication before this Honorable Tribunal and fixed for submission of **implementation report**.
2. That the judgment of this Honorable Tribunal has been implemented in its true letter and spirit as the departmental appeal of the petitioner has been regretted by the competent authority vide Notification No. 4167-70 dated 02-04-2024. (Copy of Notification dated 02-04-2024, is annexed herewith as **Annexure "A"**).

It is, therefore, respectfully prayed that on acceptance of instant Implementation Report the Execution Petition in hand may please be dismissed as the judgment of this Honorable Tribunal has been implemented in its true letter and spirit and Execution Petition has become **infructuous**.



Rehana Yasmin
District Education Officer (F)
Battagram.
(RESPONDENT)

03/4/2024

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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT ABBOTTABAD**

Execution Petition No. 304/2022
IN
Service Appeal No. 181/2018

Amina Gul.....Appellant

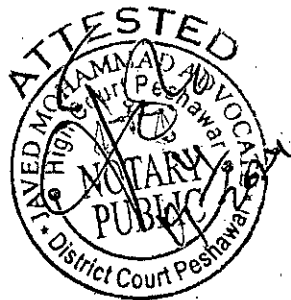
VERSUS

GOVT. OF KHYBER PAKHTUNKHWA & OTHERS.....RESPONDENTS

IMPLEMENTATION REPORT

AFFIDAVIT

I, Rehana Yasmin, District Education Officer (Female), Battagram do hereby affirm and declare on oath that the contents of forgoing Implementation Report are correct and true according to the best of knowledge and belief and nothing has been suppressed from this Honorable Tribunal.



↙
Rehana Yasmin
District Education Officer (F)
Battagram.
(RESPONDENT)

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

NOTIFICATION

- Whereas, the appellant namely Mst: Aminā Gul was appointed as Theology Teacher (TT) by the then DEO (F) District Battagram vide order dated 17-06-2006. During course of service, some Teachers of the appellant's Cadre were promoted to the post of STT (BS-16) under the reserved quota in light of the Notification dated 13-11-2012, however, the appellant was not considered for the said promotion on the grounds of her Sanad (Shahadat-ul-Alla) from Ittehad-ul-Madaris being an unrecognized institution as per the prevailing policy of E&SE Department.
- And whereas, feeling aggrieved, the appellant filed Service Appeal No. 181/2018 before Honorable Service Tribunal for promotion to the post of STT (BPS-16) w.e.f February, 2013 & further promotion to the post of SST (BPS-16). The appeal of the appellant was decided vide Judgment dated 18-01-2022 in favor of the appellant, where against, the Respondent Department has filed CPLA before the Apex Court which is still pending adjudication.
- And whereas, in the meanwhile, the appellant filed Execution Petion No. 304/2022 before the Honorable Tribunal for implementation of the judgment, where upon, the Department implemented the Judgment dated 18-01-2022 in true letter & spirit by promoting the appellant to the post of STT (BPS-16) vide Notification dated 14-11-2022 subject to the final outcome of pending CPLA before the Apex Court, whereafter, the Execution Petition No. 304/2022 was consigned in favor of the appellant.
- And whereas, the appellant once again has agitated the matter before the Honorable Tribunal by filing an application for restoration of Execution Petion No. 304/2022 for subsequent promotion to the post of SST (BPS-16) which was accepted & the Department was directed vide order sheet dated 14-12-2023 for submission of compliance report before the Honorable Tribunal.
- And whereas, pursuant to the directions ibid, a special meeting of Departmental Promotion Committee was convened on 16-01-2024 to examine the matter in issue & to re-dress grievances of the appellant. After having gone through the whole case record along with working papers submitted by DEO (F) Battagram, the committee was of the opinion that the appellant is not entitled to be promoted to SST (BS-16) on the grounds of 4% share/promotion quota of STT cadre to SST (G) in the light of Notification No. SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre dated 24-07-2014 as per the following detail:

S.#	Year of DPC Meeting	Total Vacant Posts of SST (G)	Departmental Promotion		Rules/Notification
			Promotion quota (75%)	4% Share of STT	
1	2019	11	8	0.32	SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre Dated 24-07-2014
2	2022	05	3.75	0.15	
3	2024	05	3.75	0.15	

Now therefore, in compliance of the judgment dated 18-01-2022 of the Honorable Service Tribunal, Peshawar in the afore-cited Appeal & recommendations of the Departmental Promotion Committee meeting dated 16-01-2024, discussed hereinabove, I, Samina Altaf, Director E&SE Khyber Pakhtunkhwa, am of the considered view that the judgment dated 18-01-2022 has been implemented by the Department in true letter & spirit vide Notification dated 14-11-2022 by promoting the appellant to the post of STT (BPS-16) & her further claim for promotion to the post of SST (BPS-16) is hereby struck down on the grounds of her 4% share/reserved quota in terms of Notification No. SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre dated 24-07-2014 with immediate effect in the interest of public service

District Education Officer (Female) BATTAGRAM

(SAMINA ALTAF)
DIRECTOR

E&SE Khyber Pakhtunkhwa Peshawar

4167-70

Enclst: No: _____ /F.No.(AD-Lit-II) E&SE/SAR/181/2018 /Service Tribunal Case/202

Dated: 02/04/2024

Copy forwarded for information & action to the:-

- Additional Secretary (General) E&SE Khyber Pakhtunkhwa Peshawar
- District Education Officer (Female) Battagram.
- Teacher Concerned.
- PA to Director E&SE Khyber Pakhtunkhwa.
- Office copy.

Assistant Director (Estab/F-i)
E&SE Khyber Pakhtunkhwa Peshawar



Better Copy

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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR

NOTIFICATION.

1. **Whereas**, the appellant namely Mst: Amina Gul was appointed as Theology Teacher (TT) by the then DEO (F) District Battagram vide order dated 17-06-2006. During course of service, some Teachers of the appellant's Cadre were promoted to the post of STT (BS-16) under the reserved quota in light of the Notification dated 13-11-2012, however, the appellant was not considered for the said promotion on the grounds of her Sanad (**Shahadat-ul-Allia**) from **Ittehad-Ul-Madaris** being an unrecognized institution as per the prevailing policy of E&SE Department.
2. **And whereas**, feeling aggrieved, the appellant filed Service Appeal No. 181/2018 before Honorable Service Tribunal for promotion to the post of STT (BPS-16) w.e.f February, 2013 & further promotion to the post of SST (BPS-16). The appeal of the appellant was decided vide Judgment dated 18-01-2022 in favor of the appellant, where against, the Respondent Department has filed CPLA before the Apex Court which is still pending adjudication.
3. **And whereas**, in the meanwhile, the appellant filed Execution Petition No. 304/2022 before the Honorable Tribunal for implementation of the Judgment, where upon, the Department implemented the Judgment dated 18-01-2022 in true letter & spirit by promoting the appellant to the post of STT (BPS-16) vide Notification dated 14-11-2022 subject to the final outcome of pending CPLA before the Apex Court, whereafter, the Execution Petition No. 304/2022 was consigned in favor of the appellant.
4. **And whereas**, the appellant once again has agitated the matter before the Honorable Tribunal by filing an application for restoration of Execution Petition No. 304/2022 for subsequent promotion to the post of SST (BPS-16) which was accepted & the Department was directed vide order sheet dated 14-12-2023 for submission of compliance report before the Honorable Tribunal.
5. **And whereas**, pursuant to the directions *ibid*, a special meeting of Departmental Promotion Committee was convened on 16-01-2024 to examine the matter in issue & to re-dress grievances of the appellant. After having gone through the whole case record along with working papers submitted by DEO (F) Battagram, the committee was of the opinion that the appellant is not entitled to be promoted to SST (BS-16) on the grounds of 4% share/promotion quota of STT cadre to SST (G) in the light of Notification No. SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre dated 24-07-2014 as per the following detail:

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(SAMINA ALTAF)
DIRECTOR
E&SE Khyber Pakhtunkhwa Peshawar

Endst: No: _____/F.No.(AD-Lit-II) E&SE/SA#181/2018 /Service Tribunal Case/202 Dated: ____/____/2024

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- 2 District Education Officer (Female) Battagram.
- 3 Teacher Concerned.
- 4 PA to Director E&SE Khyber Pakhtunkhwa.
- 5 Office copy.

Assistant Director (Etab/F-I)
E&SE Khyber Pakhtunkhwa Peshawar



**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
BATTAGRAM**

(Phone # 0997-310460)

E-mail: demisbattagram@yahoo.com

Dated: 18 / 04 / 2023

AUTHORITY LETTER:

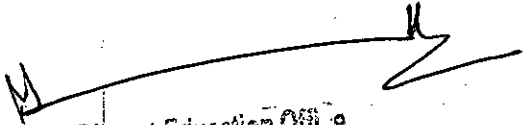
The competent authority is hereby pleased to authorize Mr. IHSAN ULLAH ADEO at the office of the undersigned to attend the

Honorable KPST PESHAWAR

on 19-04-2024 in r/o Amira Gul

Vs Govt & others Case/Appeal

No. 181/2018 Implementation Report.


District Education Officer
(Female) BATTAGRAM

**DISTRICT EDUCATION OFFICER (F)
BATTAGRAM**