

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 562/2018

Mst. Rehmat Bibi.....Appellant

VERSUS

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

APPLICATION FOR RELEASE OF SALARY OF RESPONDENT.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13574

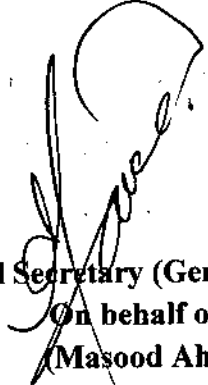
Dated 14-06-24

Respectfully Sheweth:-

It is submitted as under:-

1. That the Salary of Respondent No. 01 have been attached by this Honorable Tribunal due to non-submission of record on 23-04-2024.(Annex-A)
2. That the above titled Service Appeal has already been decided in the favor of the appellant on 29-05-2024.(Annex-B)

It is, therefore, humbly prayed that, salary of the respondent No 01 may kindly be release as the instant appeal has already been decided by this Honorable Tribunal vide judgment dated 29/5/2024.


Additional Secretary (General), E&SED

On behalf of

(Masood Ahmed)

Secretary E&SED

(Respondent No. 01)

Gnsign.

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 562/2018

Mst. Rehmat Bibi,..... Appellant

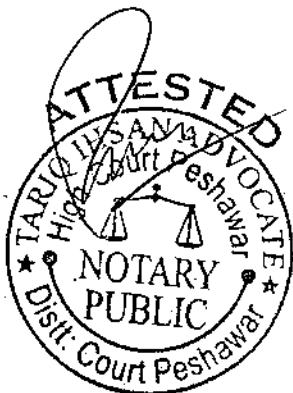
VERSUS

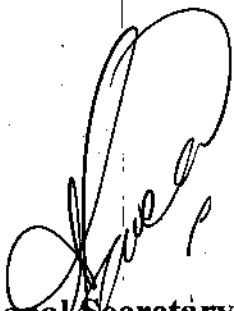
Govt. of Khyber Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, **Abdul Akram**, Additional Secretary (General), Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying application for salary release are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

It is further, stated on oath that in this appeal the answering Respondent have neither been placed ex-parte nor has their defense been struck off.




Additional Secretary (General)
E&SE Department
(Masood Ahmad)
SECRETARY E&SED
(Respondent No. 01)



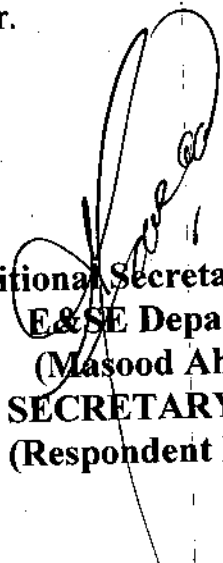
**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that **Mr. Sajid Ullah, Section Officer (Litigation-II)** Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar is hereby authorized to submit application for Salary Release on behalf of Secretary Elementary & Secondary Education Department Peshawar in Service Appeal # 562/2018 Case Titled **Mst. Rehmat Bibi vs Government of Khyber Pakhtunkhwa** through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.


**Additional Secretary (General)
E&SE Department
(Masood Ahmad)
SECRETARY E&SED
(Respondent No. 01)**

23rd Apr. 2024

1. Learned counsel for the appellant and Mr. Asif Masood Shah, Deputy District Attorney present.

2. Despite directions and imposition of cost, the record directed to be requisitioned on 29/11/2023, was not produced. Therefore, salaries of the respondents are attached in the manner as prescribed under Section 60(1)(i) of the code of Civil Procedure, 1908, till further orders. The Accountant General Khyber Pakhtunkhwa and the District Accounts Officer Kohistan shall submit report that their salaries are actually attached. To come up for arguments on 29.05.2024, before D.B at Camp Court, Abbottabad. P.P given to the parties.

Mutazem Shah

(Muhammad Akbar Khan)
Member (E)
Camp Court, A/Abad

(Kalim Arshad Khan)
Chairman
Camp Court, A/Abad

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

Service Appeal No. _____ of 2018

Rehmat Bibi, Ex-Primary School Teacher
(PST) at Government Girls Primary School
B.K Serona Kiyal, Tehsil Pattan District
Kohistan Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
2. The Director, Elementary and Secondary Education, Peshawar.
3. District Education Officer (Female) Kohistan at Dassu..... Respondents.

**SERVICE APPEAL UNDER SECTION
4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER/
NOTIFICATION NO.4328-34 DATED
23.12.2017 ISSUED/PASSED BY RESPONDENT
NO.3 WHEREBY APPELLANT WAS
REMOVED FROM SERVICE WITH
EFFECT FROM 23.04.2016 ON THE
GROUND OF WILLFUL ABSENCE.**

PRAYER: -

On acceptance of the instant service appeal, the impugned order dated 23.12.2017 passed by respondent

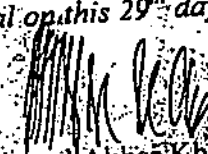
Muhammad Akbar Khan, Chairman, Learned counsel for the appellant.

Asif Masood Ali Shah, Deputy District Attorney present.

There is no proper representation on behalf of the respondents. The learned counsel for the respondents, namely, Said Amcer, Superintendent present before the Tribunal does not know anything about the case nor is in position to reply to any of the queries of the Court, so much so, he is unable to assist the Tribunal by referring to the record. However, he is in possession of original service book of the appellant, according to which the appellant was lastly posted at GGPS B.K Serona Kiyal, Tehsil Pattan, District Kohistan while the impugned order shows that she was removed from service from GGPS Kuz Saprana for her alleged absence for a single day i.e. 23.04.2016. The so called representative present in the court cannot even tell us about the specific period of absence of the appellant. The record produced by the parties before the Tribunal, shows that there is only a single day absence of the appellant and that too, from the GGPS Kuz Saprana and not from the GGPS BK Serona Kiyal, whereas, according to the record, produced by the respondents, the appellant was lastly posted at GGPS B.K Serona Kiyal.

3. This being so, the impugned orders are not justified and on allowing this appeal, we set aside the impugned orders by reinstating the appellant into service. Costs shall follow the event. Consign.

4. Pronounced in open Court at Abbottabad under our hands and seal of the Tribunal on this 29th day of May, 2024.


(Muhammad Akbar Khan)
Member (F)


(Katim Arshad Khan)
Chairman