


Form- A  
FORM OF ORDER SHEET

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

Implementation Petition No. 323/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.04.2024	<p>The implementation petition of Miss Tauheed Anjum submitted today by Uzma Syed Advocate. It is fixed for implementation report before touring Single Bench at Swat on 06.05.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the Petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE SERVICE TRIBUNAL CAMP COURT SWAT**

Execution petition No. 323 /2024

In

Appeal No. 586/2016

Miss Tauheed Anjum PST (BPS-12) Govt Girls Primary School  
Shamlai, Tehsil Adenzai, Dir Lower.

..... Appellant

**VERSUS**

4. Director Elementary & Secondary Education Khyber  
Pakhtunkhwa Peshawar.

5. Secretary Education Govt of Khyber Pakhtunkhwa Peshawar.

6. District Education Officer (Female) Dir Lower.

..... Respondents

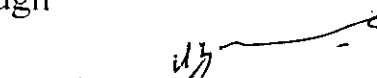
**INDEX**

S.No.	Description of documents	Annexure	Pages
1.	Copy of petition	-----	1-2
2.	Copy of Judgment	A	3-6
3.	Wakalat Nama	-----	7

Dated 29/04/2024

  
Appellant

Through

  
Uzma Syed  
Advocate High Court,  
Peshawar

**BEFORE THE SERVICE TRIBUNAL CAMP COURT SWAT**

Execution petition No. 323 /2024

In

Appeal No. 586/2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12465

Dated 30-04-2024

Miss Tauheed Anjum PST (BPS-12) Govt Girls Primary School  
Shamlai, Tehsil Adenzai, Dir Lower.

..... Appellant

**VERSUS**

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Secretary Education Govt of Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female) Dir Lower.

..... Respondents

.....  
**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE JUDGMENT  
DATED: 07/02/2019 OF THIS HONOURABLE  
TRIBUNAL IN LETTER AND SPIRIT.**

.....  
**Respectfully Sheweth:**

1. That the appellant/Petitioners filed Service Appeal No. 586/2016 before this Hon' able Tribunal which has been accepted by this Hon' able Tribunal vide Judgment dated 07/02/2019. (Copy of Judgment is annexed as Annexure-A).

2. That the Petitioner after getting of the attested copy approached the respondents several times for implementation of the above mention Judgment however they using delaying and reluctant to implement the Judgment of this Hon' able Tribunal.
3. That the Petitioner has no other option but to file the instant petition for implementation of the Judgment of this Hon' able Tribunal.
4. That the respondent Department is bound to obey the order of this Hon' able Tribunal by implementing the said Judgment.

It is therefore requested that on acceptance of this Petition the respondents may kindly be directed to implement the Judgment of this Hon' able Tribunal letter and spirit.

Dated 29/04/2024

**Appellant/Petitioner**

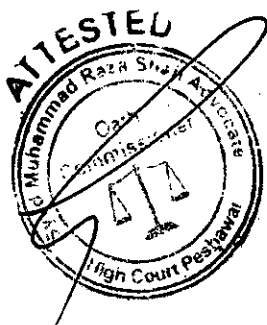
**Through**

**Uzma Syed**  
**Advocate High Court Peshawar**

**AFFIDAVIT**

I, Miss Tauheed Anjum PST (BPS-12) Govt Girls Primary School Shamlai, Tehsil Adenzai, Dir Lower do here by solemnly affirm and declare on oath that all the contents of the above petition are true and correct to the best of my knowledge and belief and nothing has been misstated or concealed from this Hon' able Tribunal.

  
**DEPONENT**



97-3-2024

Attest

Signature

Handwritten signature

Handwritten text, likely a certificate or affidavit, containing several lines of text in Urdu script. The text is partially obscured and difficult to read due to the handwriting and orientation.

7-2-2019

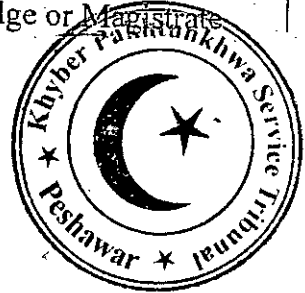
Handwritten signature

Handwritten signature


DEC

(4)

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	07.02.2019	<p style="text-align: center;"><b>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</b> <b>Camp Court Swat</b> <b>Service Appeal No. 586/2016</b></p> <p>Date of Institution ..... 01.06.2016 Date of Decision ..... 07.02.2019</p> <p>Miss Tauheed Anjum PST (BPS-12) Government Girls Primary School Shamlai, Tehsil Adenzai, Dir Lower.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"><li>1. Director Elementary &amp; Secondary Education Khyber Pakhtunkhwa Peshawar.</li><li>2. Secretary Education Government of Khyber Pakhtunkhwa Peshawar.</li><li>3. District Education Officer (Female) Dir Lower.</li></ol> <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Hussain Shah-----Member(E)</p> <p style="text-align: center;"><b>JUDGMENT</b></p> <p><b>MUHAMMAD HAMID MUGHAL, MEMBER:</b> - Learned counsel for appellant and Mr. Mian Amir Qadir learned Deputy District Attorney present.</p> <ol style="list-style-type: none"><li>2. The appellant (PST) has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for the grant of back benefits upon her reinstatement vide order dated 23.04.2014.</li><li>3. Learned counsel for the appellant argued that the appellant</li></ol>



**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar


75

2

was appointed as PST in the year 1997 however she was terminated from service on the ground of absence from duty; that vide judgment dated 10.03.2014 passed in Service Appeal No.1347/2010 filed by the appellant, her case was remanded back to the respondent department to decide afresh her departmental appeal; that after remand, the respondent department accepted the departmental appeal of the appellant and reinstated her into service vide order dated 23.04.2014. Further argued that after reinstatement, the appellant filed departmental appeal for the grant of back benefits but to no avail. Next contended that the colleagues of the appellant are now serving in BS-16 but the appellant is deprived of promotion.

4. As against that learned Deputy District Attorney argued that the appellant was removed from service on the ground of absence from duty; that this Tribunal while deciding the earlier Service Appeal bearing No. 1347/2010 did not exonerate the appellant rather observed that the appellant has no explanation with regard to her absence from duty. Further argued that the appellate authority has taken lenient view and reinstated the appellant despite the fact that she remained absent from duty, therefore, the appellant cannot be held entitled for the back benefits. Further argued that vide order dated 23.04.2014 the appellant has been reinstated in service however the intervening period of her absence from official duty w.e.f. 30.11.2007 till date was ordered to be treated as leave without pay/extraordinary leave. Further argued that this Tribunal has not granted any back benefits to the appellant vide judgment passed in

**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(6)

3

Service Appeal No.1347/2010.

5. Arguments heard. File perused.

6. The appellant was removed from service on the ground of absence from duty, resultantly the appellant approached this Tribunal by filing Service Appeal No.1347/2010 decided on 10.03.2014. Through the said judgment of this Tribunal the departmental appeal of the appellant was remanded for decision afresh. Consequently the appellate authority vide order dated 23.04.2014 by accepting the departmental appeal, reinstated the appellant in service with immediate effect while the intervening period w.e.f 30.11.2007 till date was ordered to be treated as leave without pay/extraordinary leave.

7. This Tribunal in its previous judgment dated 10.03.2014 did not exonerate the appellant from the charge of absence from duty nor granted any back benefits.

8. The appellant was removed from service on the ground of absence from duty. The appellate authority however, without exonerating the appellant from the charge of absence from duty, reinstated her into service without resorting to any major or minor punishment and intervening period was treated as leave without pay/extraordinary leave. This Tribunal is of the considered opinion that the appellate authority had already taken lenient view by reinstating the appellant into service.

9. No case was made for the grant of salaries of the intervening period and as such the appellant has not been able to seek

ATTESTED


EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

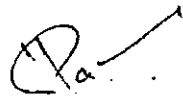


7

indulgence of this Tribunal.

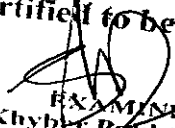
10. It may however be mentioned that as a result of reinstatement of the appellant vide order dated 23.04.2014, the name of the appellant shall be placed in the seniority list of PSTs and her Seniority position shall be determined keeping in view the date of her regular appointment as PST. The present service appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member  
Camp Court, Swat.

ANNOUNCED  
07.02.2019

Certified to be true copy Date of Presentation of Application 01-04-24

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Number of ~~Pages~~ Page 4

Copying Fee 20/-

Urgent —

Total 20/-

Name of Copied —

Date of Completion 03-04-24

Date of Delivery of Copy 03-04-24

بعدالت

مجلس المدینہ اسلامیہ

BASE

2 پنجاب

مجلس المدینہ اسلامیہ

29/12/20

اسٹیل

موزعہ  
مقدمہ  
دعوی  
جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیرونی و جواب دہی وکل کاروائی متعلقہ

آن مقام Deshwar کیلئے عینی مدد و جود و کفایت مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق و زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم بیرونی یا ڈگری یا نظر فرہ یا ایجنٹ کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیرونی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی 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 مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پرداخت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ بیرونی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ مندر ہے۔

20

ماہ

الرقوم

(H)

کے لئے منظور ہے۔

Deshwar

مقام