


Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 397/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.05.2024	<p>The implementation petition of Mst. Gul Lala submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on 27 .05.2024.Original file be requisitioned. AAG has noted the next date. Counsel for the petitioner has been informed telephonically.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Execution NO. _____/2024

Gul-e-lala

VS GOVT. OF KPK & OTHERS

APPLICATION FOR FIXATION OF THE ABOVE TITLED *Execution* AT
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned *Execution* is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application the *R.P.* may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Appellant/Applicant

Dated: 23/5/24

Through


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No. 397 /2024

In

Appeal No. 1476/2023

Mst: Gul Lala

VS

EDU: DEPTT:

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PETITIONER
Mst: Gul Lala

Through:

Noor Mohammad Khattak
Advocate Supreme Court

-/-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No. 397 /2024

In

Appeal No. 1476/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12943

Dated 23-05-2024

Mst: Gul Lala, Ex.PST (BPS-12)
GGPS Chanda Khurram,
District Karak

.....PETITIONER

VERSUS

1. The Secretary Elementary & Secondary Education, Peshawar.
2. Director Elementary & Secondary Education Department, Peshawar.
3. The District Education Officer (F) Karak

..... RESPONDENTS

EXECUTION PETITION UNDER SECTION 7(2)(d) OF THE KP SERVICE TRIBUNAL ACT 1974, RULE 27 OF THE KP SERVICE TRIBUNAL RULES 1974 READ WITH SECTIONS 36 AND 51 OF THE CIVIL PROCEDURE CODE AND ALL ENABLING LAWS ON THE SUBJECT FOR THE IMPLEMENTATION OF THE JUDGMENT DATED 06/03/2024 IN LETTER AND SPIRIT.

R/SHEWETH:

- 1- That the petitioner filed service appeal bearing No. 1476/2023 before this august Service Tribunal, against the impugned order dated 12/08/2011 & appellate order dated 25/07/2012, whereby the appellant's service was dismissed and that of rejected the departmental appeal.
- 2- That the appeal of the petitioner was finally heard on dated 06/03/2024 and as such the ibid appeal was accepted with the following terms by this august Service Tribunal:

"8. For what has been discussed above, we are unison impugned orders remand the matter back to the authority get verify educational documents of the appellant and then pass order in accordance with the verification report within 30 days after receipt of this order. Cost shall follow the event. Consign." Copy of the judgment dated 06/03/2024 is attached as annexure.....A

- 3- That after obtaining copy of the judgment dated 06/03/2024 the same was submitted with the respondents for

implementation of his grievance coupled with an application, but the respondents/ department failed to do so, which is the violation of the judgment supra. Copy of application is attached as annexure.....B

- 4- That petitioner having no other remedy but to file this implementation petition.

It is therefore, most humbly prayed that on acceptance of the instant execution petition the respondents may kindly be directed to implement the Judgment dated 06/03/2024 passed in Appeal No. 1476/2023 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

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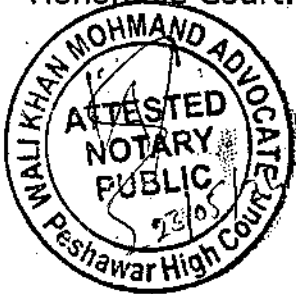
PETITIONER
Mst: Gul Lala

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Mst: Gul Lala, Ex.PST (BPS-12) GGPS Chanda Khurram, District Karak (The appellant) do hereby solemnly affirm that the contents of this Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



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DEPONENT

"A" -3-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1476/2023

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)



Mst: Gule Lala, Ex-PST (BPS-12), GGPS Chanda Khurram, District Karak.

... (Appellant)

VERSUS

1. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), District Karak.

... (Respondents)

Mr. Noor Muhammad Khattak
Advocate

... For appellant

Mr. Asif Masood Ali Shah
Deputy District Attorney

... For respondents


Date of Institution.....17.07.2023
Date of Hearing.....06.03.2024
Date of Decision.....06.03.2024

JUDGMENT

RASHIDA BANO, MEMBER (J):The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer as copied below:

"On acceptance of this appeal, the impugned order dated 12.08.2011 and appellate order date 25.07.2012 may very

ATTESTED


RASHIDA BANO
Member (J)
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

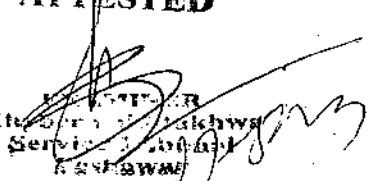
kindly be set aside and the appellant may please be reinstated in to service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant."

2. Brief facts of the case, as given in the memorandum of appeal, are that appellant was appointed as Primary School Teacher vide order dated 31.12.2010 and was posted at GGPS Chanda Khurram. That after assuming the charge at GGPS Chanda Khurram, the appellant started performing her duty and just after eight months, the DEO (F), Karak without giving any show cause notice or explanation dismissed the appellant alongwith others vide order dated 12.08.2011. They filed departmental appeal which was rejected on 25.07.2012. Other colleagues of the appellant filed service appeal before this Tribunal which was allowed vide order dated 25.05.2016 and in the light of judgment, respondent withdrew dismissal order of the appellant of that service appeal vide order dated 12.11.2020. Appellant filed application before respondent No.1 with the request to extend the benefits of judgment of this Tribunal. Appellant filed writ petition before Worthy Peshawar High Court, Bannu Bench which was disposed of with direction to approach proper forum, hence the instant service appeal.

3. Respondents were put on notice, who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Deputy District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for appellant argued that the impugned order dated 12.08.2011 and appellate order dated 25.07.2012 are illegal, unlawful and

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against the law and facts hence liable to be set aside. He further argued that appellant has not been treated in accordance with law and respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan. He further argued that respondent neither issued show cause notice nor provided opportunity of hearing. Respondents without verifying the documents from the concerned board/university terminated her from service on the basis of fake/bogus documents. He argued that the appellant along with Mst. Basin Ara, Mst. Samin Ara and Mst. Hasina Najib filed joint departmental appeal which was rejected vide order dated 24/07/2012 which order of the appellate authority was set aside by this tribunal vide order dated 25/05/2016 with direction to verify educational documents of the appellant and then decide the matter but respondent had not got verified documents of the appellant. Later on, Mst. Samina Ara and Mst. Basin Ara were reinstated in service in light of the judgment of this Tribunal, therefore, appellant is also entitled for the grant of same relief. He therefore, requested that instant appeal might be accepted.

5. Conversely learned Deputy District Attorney contended that appellant has been treated in accordance with law and rules. He further argued that appellant alongwith others was appointed as PST subject to the condition that that the documents of the appointee must be verified from the concerned authorities by the competent authority. If anyone was found producing bogus certificate her appointment order would stand withdrawn, hence the appointment order of the appellant was withdrawn and she was dismissed from service on the basis of bogus documents.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

6. It is pertinent to mention here that present appellant, alongwith with three others namely Mst. Samina Ara, Mst Basin Ara, Mst. Haseena Wajid filed departmental appeal against the order of dismissal from service on the basis of producing fake & forged documents dated 12.08.2011 which was sent by the Assistant Director Establishment Elementary & Secondary Education Khyber Pakhtunkhwa through letter dated 03.04.2012 to be sent to DCO which was accordingly sent to the DCO who rejected it vide order dated 25.07.2012. Said order of DCO was challenged by three other applicants of joint departmental appeal in this Tribunal in Service Appeal bearing No. 995, 996 and 997/2012 which was set aside by this Tribunal vide order dated 25.05.2016 wherein appellate authority was directed to specify the documents which are forged/fake beside issuing of formal charge sheet and statement of allegation where from extent of forgery could be determined. Respondent upon receipt of order of this Tribunal, reinstated all the three co-appellants of the department by ignoring the appellant. Appellate authority was duty bound to get verified educational documents of the appellant and if the same were found forged then he had to pass another speaking order of the rejection of the appeal but appellate authority remained silent to the extent of the appellant when her colleagues were reinstated into service vide order dated 12.11.2020. The appellant also filed another application for her reinstatement.

7. Order dated 25.07.2012 was passed upon joint departmental appeal of the appellant and other three Mst. Basin Ara, Mst. Samina Ara and Mst. Haseena Wajid. The factum of joint departmental appeal and one appellate order was confirmed by the representative of the respondent upon query of this

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Tribunal which was set aside by this Tribunal, then silence of the respondent to the extent of appellant is against the rule and principle of natural justice which is discrimination with the appellant.

8. Learned Deputy District Attorney argued that appeal in hand is barred by time but in our opinion when order dated 25.07.2012 upon joint departmental appeal was set aside by this Tribunal with direction to pass speaking order and as a result of said speaking order two respondents Mst. Samin Ara and Mst. Basin Ara were reinstated into service vide order dated 12.11.2020 then in such a situation limitation will not run against that order and hurdle in the way of appellant to approach authority and this Tribunal as appellant was ignored by the appellate authority. Therefore, it is held that appeal of the appellant is not barred by time.

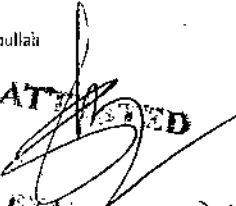
8. For what has been discussed above, we are unison to set aside impugned orders and remand the matter back to the authority to get verify educational documents of the appellant and then pass order in accordance with the verification report within 30 days after receipt of this order. Costs shall follow the event. Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 6th day of March, 2024.*


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

*Kaleemullah

ATTACHED

Kaleemullah
Secretary
Service Tribunal
Peshawar

Date of Presentation of Application 17-5-24
Number of Words 57
Copying Fee 25/-
Usual 5/-
Total 30/-
Name of _____
Date of 17-5-24
Date of Delivery of Copy 17-5-24

To

'B' - 8-

The District Education Officer
(Female), Karak.

Subject:-

APPLICATION FOR IMPLEMENTATION OF JUDGMENT
DATED 06/03/2024 OF KHYBER PAKHTUNKHAWAR SERVICE
TRIBUNAL.

Respected Madam!

1. That I Ms. Gul-e-Lala along-with others candidates were appointed as PST Teachers vide appointment order dated 31/12/2010 and just after 8 months service I and other PST teachers were terminated from service vide termination order dated 12/08/2011.
2. That other teachers were re-instated in their services vide office order dated 12/11/2020 in light of judgment dated 25/05/2016 of Khyber Pakhtunkhwa Service Tribunal.
3. That in light of judgment dated 25/05/2016, I approached to the Khyber Pakhtunkhwa Service Tribunal against my termination order by filing Service Appeal No. 1476/2023 which was allowed vide judgment dated 06/03/2024 with the directions to verify her documents and then issue office order within 30 days after receipt of this judgment.

It is humbly requested to kindly issue office order to re-instate me on my service in light of the judgment dated 06/03/2024 of Khyber Pakhtunkhwa Service Tribunal.

Dated:- 03/04/2024

Gul-e-Lala

Gule Lala, EX PST Teacher
Mohalla Miangan Karak City

ATTESTED

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appar ^{Fz P} No /2024

Gul-e-Lala

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of KPK

(RESPONDENT)
(DEFENDANT)

I/We Gul-e-Lala

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. / /2024


CLIENT

ACCEPTED


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT


WALEED ADNAN


UMAR FAROOQ MOHMAND

&


MEHMOOD JAN
ADVOCATES

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)