

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Execution Petition No. 322/2024

In

Service Appeal No.586/2016

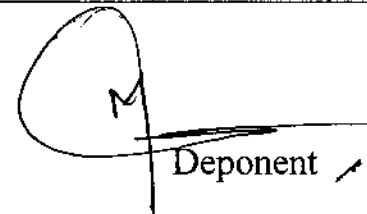
Miss Tawheed Anjum PST (BPS-12) Government Girls Primary School Shamlai,
Tehsil Adenzai, Dir Lower . (Appellant)

Versus

1. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar,
and one other. (Respondents)

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Deponent

①

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
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Execution Petition No. 322/2024

In

Service Appeal No.586/2016

Miss Tawheed Anjum PST (BPS-12) Government Girls Primary School Shamlai,
Tehsil Adenzai, Dir Lower . (Appellant)

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 15239
Dated 28/8/24

Versus

1. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar,
and one other. (Respondents)

COMPLIANCE REPORT ON BEHALF OF RESPONDENT No. 1 to 3.

Respectfully sheweth: -

PRELIMINARY OBJECTIONS

1. That the Appellant is not the "aggrieved" person with the meaning of Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974.
2. That the Appellant has got no cause of action /locus standi to file this time barred execution petition because the Appellant did not come on merit.
3. That the Appellant has not come to this Honorable court with clean hands, rather than the instant time barred execution petition which is mainly based on malafide intentions just to put pressure on the respondent's department for illegal promotion.
4. That the Appellant is estopped by her own conduct.
5. That the instant time barred execution petition suffers from laches, hence not maintainable in the present form.
6. That the time barred execution petition in hand is badly barred by the relevant provision of Law/Rules/Policy in Field.
7. that judgment dated 07-02-2019 in Service Appeal No. 586/2016 has been implemented in letter and spirit.

ON FACTS

1. **Para -1** of the facts is correct, but it is pertinent to mention, that the appellant was appointed as PST BPS-12 vide order dated 24-06-1997. However, she was terminated from service her services due to absentia vide order dated 19-12-2008. The appellant filed a time barred service appeal No.1347/2010, which was remanded back to the respondents to decide afresh her departmental appeal. The respondent department accepted the departmental appeal of the appellant by reinstating her into service vide order dated 23-04-2014, while the absent period was considered as leave without pay. Again, the appellant approached this Honorable Service Tribunal by filing service Appeal No.586/2016 for seniority as well as back benefits. The service appeal *ibid* was decided vide judgment dated 07-02-2019. The official respondents were directed to place the appellant in the seniority list from the date of her regular appointment. By implementing the judgment *ibid*, the appellant was placed in her right place at the seniority list and was also promoted to the post of SPST-BPS14 vide order dated 20-09-2019, and later on to post of PSHT BPS -15, but here again it is worth to mention, that the appellant submitted refusal from promotion due to her domestic issues duly on stamp paper.

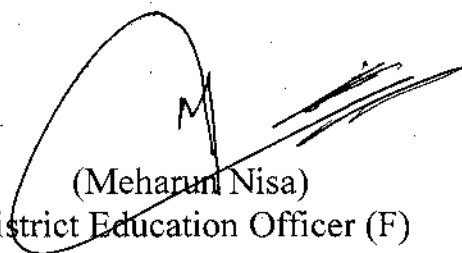
(Copy of the compliance report is attached as "A", Copy of the stamp paper regarding refusal is attached as "B")

2. **Para -2** of the facts is incorrect, hence denied and further stated, that by implementing the judgment in S.A No.586/2016, the appellant was placed at right place in the seniority list and was also promoted to next higher scale i.e. PSHT BPS-15. However, she submitted refusal from her promotion duly on stamp paper due to her domestic issues.

3. **Para -3** of the facts is incorrect, hence denied. Details have been submitted in the foregoing Para's.

4. **Para-4** of the facts is correct and further stated, that the official respondents always obey the order of any Court of Law as well as rules and policies consigned by the Government time by time in letter and spirit.

It is, therefore, humbly prayed that on acceptance of the above submission, the instant time barred execution petition may very graciously be dismissed in favor of the answering respondents with cost.



(Meharun Nisa)
District Education Officer (F)
Dir Lower
Respondent

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Execution Petition No. 322/2024

In

Service Appeal No.586/2016

Miss Tawheed Anjum PST (BPS-12) Government Girls Primary School Shamlai,
Tehsil Adenzai, Dir Lower . (Appellant)

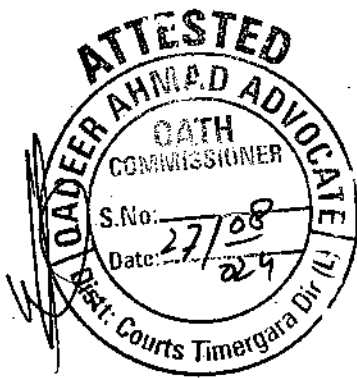
Versus

1. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar,
and one other. (Respondents)

Affidavit

I, Mehrun Nisa DEO(F) Dir Lower hereby solemnly affirm and declare that contents of the accompanying compliance report are true and correct to the best of my knowledge and belief and nothing has been concealed from this August court.

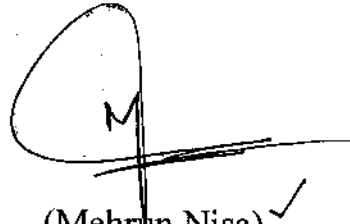
Deponent ✓
Mehrun Nisa



It is further stated on oath
that in this appeals the answering
respondent neither has been placed
ex parte nor their defence has been
struck off/cost.

AUTHORITY LETTER

I, **Mehrun Nisa**, District Education Officer Female Dir Lower do hereby authorized **Mr. Muhammad Haroon Khan** ADEO P&D o/o the DEO(F) Dir Lower to submit the Compliance Report in Execution Petition.322/2024 in Service Appeal No.586/2016, Title: Miss Tauheed Anjum v/s Director E&SE Peshawar and others, hence an authority letter is hereby issued in favor of the above-named office.



(Mehrun Nisa) ✓
District Education Officer (F)
Dir Lower
Respondent No. 3

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DIR LOWER (Phone # 0945 8 50928)

Email: amirdeufdirlower@gmail.com

APPOINTMENT

In compliance with order of the honorable Service Tribunal Khyber Pakhtunkhwa Peshawar Camp Court Swat vide Service Appeal No.586/2016 dated 01-06-2016 the following petitioner is hereby promoted to the post of Primary School Head Teacher (PSHT) B-14 (15180-1170-50280) plus usual allowances as admissible under the rules on regular basis with no back benefits under the existing policy of the Provincial Government, on the terms and conditions given below in the interest of public service with immediate effect in pursuance of Government of Khyber Pakhtunkhwa E&SE Department notification No. SO (B&A)/1-18/E&SE/2012 dated 11/07/2012 and Finance Department Endst: No. SO (FR)/PD/10-22(E)/2010 dated 16/06/2012.

S.#	Name of candidate	Father's Name	Name of school	D/O Birth	Remarks
1	Tawheed Anjum	Fazalur Rehman	GGPS Shamlal	15-08-1970	A.V.P

Terms and Conditions:-

1. She would be on probation for a period of one year extendable for another one year.
2. She will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Her services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, she will be preceded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Her Inter-Se seniority on lower post will remain intact.
6. She will give an undertaking to be recorded in their service book to the effect that if any over payment is made to them in light of this order will be recovered and if they are wrongly promoted they will be reversed.
7. The promote teacher is required to took over the charge within seven days from the date of its issue, in case of noncompliance entry in their service books will be made as per law & she will not be considered for three consecutive years for promotion.
7. No TA/DA is allowed for joining their duty.

(SHAHEEN BEGUM)
DISTRICT EDUCATION OFFICER
(F) DISTRICT DIR LOWER.

Endst: No. 2789-25

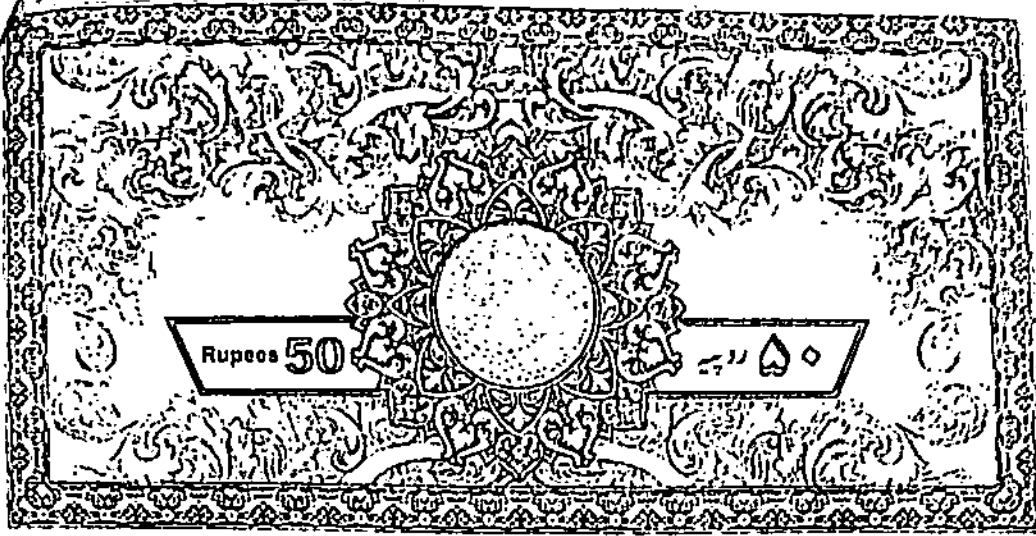
Dated Timergara the 20 9/2019.

- Copy forwarded for information and necessary action to the:-
1. PA to Registrar Service Tribunal Khyber Pakhtunkhwa Camp Court Swat.
 2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
 3. Officials Concerned.
 4. District Account Officer District Dir Lower.
 5. The SDEOs Concerned.
 6. M/File.

Attested by *William*
Assistant District
Education officer (F)
P&D Dir Lower

DISTRICT EDUCATION OFFICER
(F) DISTRICT DIR LOWER.

See my
20/9/19
ATTESTED
TO BE
ACKNOWLEDGED



۵۱) نوچند الحیم
شامل

بیان حلف

میں مسلمانہ نوچند الحیم زوجہ حضرت اللہ اقرار کرتی ہوں
کہ پہلی صحت اور دیگر گھریلو مسائل کی وجہ سے
میں PSHT کی پوسٹ اپنے سے معذرت کرتی ہوں
اور موجودہ تکمیل BPS-14 کے مطابق اپنے موجودہ
تکملہ شاملی میں اپنی ڈیوٹی سر انجام دینا چاہتی ہوں۔

T. Arjum
25/11/2021

نوچند الحیم

بی بی این - 14


جی جی بی ایسی

شاملی - جگدہ

ڈیر لہور

Attested by
Assistant District
Education Officer (F)
P&D Dir Lower

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
والصلاة والسلام على
سيدنا محمد وآله الطيبين
التواترين
أما بعد
فإننا نحن undersigned
بمقتضى ما ذكره في
البيان المرفق
نقدم لكم
هذا البيان
والمرفق
باعتباره
بياناً
موضحاً
لما ذكره
في
البيان
المرفق
من
التفاصيل
والمعلومات
التي
تتعلق
بشأن
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والمعلومات
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تتعلق
بشأن
المشروع
الذي
هو
موضوع
هذا
البيان
والمرفق


MUSABUDDIN
Hanan Vendor
Kuala Lumpur, Malaysia
Contact No: 011-22222222
559 36/11/21

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