

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Application No. _____/2024 in Service Appeal No: 874/2023.

Director E&SE Department, Khyber Pakhtunkhwa & others.....Applicant

VERSUS

Hawas Khan, CT GHS Jata Ismail Khel, Tehsil: Bidi Shah Karak.....Respondent

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**SAMINA ALTAF
DIRECTOR**



**AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR
E&SE, Department Khyber
Pakhtunkhwa, Peshawar.**

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VERSUS

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**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 15504

Dated 06.09.24

APPLICATION FOR: -

- 1. SUBMISSION OF RECORD IN COMPLIANCE OF THE ORDER
DATED 14-05-2024 OF THIS HONORABLE TRIBUNAL ON
BEHALF OF THE RESPONDENTS.**
- 2. THE RELEASE OF MONTHLY SALARY OF MR. RIZWAN AD
ATTACHED VIDE ORDER DATED 14-05-2024 BY THIS
HONORABLE TRIBUNAL.**

Respectfully Sheweth:-

The Applicants/Respondents submit as under: -

1. That the titled appeal is pending for disposal before this Honorable Tribunal & is fixed for hearing on 20-09-2024 for submission of the following record including:
 - a. Minutes of DPC Meeting.
 - b. Seniority List of PSHTs & SPSTs for the year, 2014-15 on the basis of which PSHTs & SPSTs were promoted to the post CT on 20-02-2015.
 - c. Minutes of DSC Meeting & Seniority List for the year, 2020 of CT Teachers on the basis of which CT teachers were promoted to the post of SCT.
2. That in compliance of the order dated 14-05-2024, the Director E&SE/Respondent No.2 vide his letters dated 31-05-2024, 09-07-2024, 29-07-2024 & 23-08-2024 the DEO (Male) Karak was directed to provide the said record, however, who instead of provision of the said record has conducted an inquiry vide Notification 24-05-2024 & the committee submitted its report regarding not availability of the afore-said record in spite of the fact that he is the real custodian of the cited record. **(copy of the order dated 14-05-2024 is Annex-A).**
3. That vide order dated 14-05-2024 the monthly salary of Mr. Rizwan Assistant Director (Lit-II) has been attached on account of non-submission of the above-referred record before this Honorable Tribunal with further submission that the DEO (M) Karak being the real custodian of the afore-said record has been directed vide latter dated 29-07-2024 & 23-08-2024 **(Attached Annexure B&C)** to provide & submit the said record which is still awaited to be received from him.

Therefore, in compliance of the order dated 14-05-2024 the required record as referred in Serial. No. a, b & c may be directed to be provide by the DEO (M) Karak being the custodian of the said record, hence, in view of the above the order dated 14-05-2024 regarding the salary attachment may kindly be re-called in favor of Mr. Muhammad Rizwan, AD concerned with the direction to the AG office for the release of his monthly salary on the grounds that maintenance & provision of the afore-said record is the official responsibility of the District Education Officer (Male) Karak in the interest of justice.

**SAMINA ALTAF
DIRECTOR**



**AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.**

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AFFIDAVIT

I, Samina Altaf, Director (E&SED) Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm & declare on oath that the contents of the instant application are true & correct to the best of my knowledge & belief & nothing has been concealed from the ambit of this Honorable Tribunal.

**SAMINA ALTAF
DIRECTOR**


**AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.**



06 SEP 2024

14th May. 2024

1. Learned counsel for the appellant and Mr. Umair Azam, Additional Advocate General present.

2. On the previous date, Mr. Rizwan, Assistant Director was directed to produce minutes of DPC meeting alongwith seniority list of PSHTs and SPSTs for the year 2014-15 on the basis of which PSHTs and SPSTs were promoted to the post of CT vide order dated 20.02.2015 and also minutes of DSC meeting and seniority list for the year 2020 of CT teachers on the basis of which CT teachers were promoted to the post of SCT. But today, neither the record was produced nor the said representative is before the Court. Therefore, salary of Mr. Rizwan, Assistant Director is 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 shall submit report that salary of the said official is actually attached. To come up for arguments on 25.07.2024 before the D.B. P.P given to the parties.



(Muhammad Akbar Khan)
Member (E)



(Kalim Arshad Khan)
Chairman

Mutazem Shah

Most Immediate
Court Matter

(Registered)

DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
Khyber Pakhtunkhwa, Peshawar.



No 8817 AD (Lit: II)

Dated Peshawar the 29/07/2024

To

The District Education Officer,
(Male) Karak.

Subject: -

**PROVISION OF RECORD IN COMPLIANCE OF ORDER DATED 14-05-2024
OF THE LEARNED SERVICE TRIBUNAL IN S/A NO. 874/2023 HAWAS
KHAN CT (M) VS GOVT: OF KP & OTHERS**

Memo:

I am directed to refer your letter No. 2345/ADEO/SECY dated 09-07-2024 in the titled appeal along with an inquiry committee report constituted vide order dated 24-05-2024 by you through Mr. Muhammad Riyaz, HM GHS Essaf Khel & others & to state that as per order dated 14-05-2024, the learned Tribunal has directed to produce Minutes of DPC Meeting along with Seniority List of PSHTs & SPSTs of the year 2014-15 on the basis of which PSHTs & SPSTs were promoted to the post of CT vide order dated 20-02-2015 & also Minutes of DSC Meeting & Seniority List for the year 2020 of CT teacher on the basis of which CT teacher were promoted to the post of SCT. In view of directions ibid of the Honorable Tribunal, the inquiry so conducted by you is misdirected & does not serve the purpose.

Therefore, in view of the above made factual position & standing order of the learned Service Tribunal Peshawar, it is intimated that the afore-mentioned record in the titled appeal may be produced before the Honorable Tribunal on the upcoming date of hearing being a competent authority as well as custodian of the record in question to avoid any embarrassing situation before the learned Tribunal, please.

Attested
R

[Signature]
29.7.24
Assistant Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

Endst: No: 8818-19

Dated Peshawar the: 29/07/2024

Copy forwarded for information to the: -

1. Learned Registrar KP Service Tribunal.
2. Learned AAG KP Service Tribunal.
3. Section Officer (Lit-II) E&SE Department Khyber Pakhtunkhwa.
4. Deputy Director (Legal) E&SE Khyber Pakhtunkhwa.
5. PA to Additional Director (Estab/M) E&SE Khyber Pakhtunkhwa.
6. PA to Director, local Directorate.
7. Office Copy.

[Signature]
29.7.2024
Assistant Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

6

Most Immediate
Matter

(Registered)

DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
Khyber Pakhtunkhwa, Peshawar.



No 6957 /AD (Lit: II)

Dated Peshawar the 23/08 /2024

To

The District Education Officer,
(Male) Karak.

Subject: -

PROVISION OF RECORD IN COMPLIANCE OF ORDER DATED 14-05-2024 OF THE LEARNED SERVICE TRIBUNAL IN S/A NO. 874/2023 HAWAS KHAN CT (M) VS GOVT: OF KP & OTHERS

Memo:

In reference to the letter No. 8817/AD(Lit-II) dated 29-07-2024, I am directed to refer your letter No. 2345/ADEO/SECT dated 09-07-2024 in the titled appeal regarding inquiry committee constituted vide order dated 24-05-2024 by you through Mr. Muhammad Riyaz, HM GHS Essaf Khel & others & to state that as per order dated 14-05-2024, the learned Tribunal has directed to produce Minutes of DPC Meeting along with Seniority List of PSHTs & SPSTs of the year 2014-15 on the basis of which PSHTs & SPSTs were promoted to the post of CT vide order dated 20-02-2015 & also Minutes of DSC Meeting & Seniority List for the year 2020 of CT teacher on the basis of which CT teacher were promoted to the post of SET. In view of directions issued of the Honorable Tribunal, the inquiry so conducted by you is misdirected & does not serve the purpose.

Therefore, in view of the above made factual position & standing order dated 14-05-2024, whereby, the monthly salary of the representative of this Directorate namely Muhammad Riwan (BS-17) has also been attached by the learned Service Tribunal Peshawar on account of non-submission of the above referred record in spite of repeated directions by the Tribunal, hence, it is once again directed to provide the required record in Service Appeal No. 874/2023 Hawas Khan CT (M) Vs Govt: on priority basis for onward submission to the Honorable Tribunal in compliance of the order under reference so that the salary of the afore-mentioned officer could be released please..

Attested
P

Assistant Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

Endst: No: _____

Dated Peshawar the: ___/___/2024

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6. PA to Director, local Directorate.
7. Office Copy.

23/8/24



**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.**

AUTHORITY LETTER

I, **Samina Altaf, Director (E&SED) Khyber Pakhtunkhwa Peshawar** do hereby authorized Mr. Muhammad Rizwan, Assistant Director Litigation-II of this Directorate for submission of **CM application in Service Appeal No. 874/2023 case titled Hawas Khan Vs Government of Khyber Pakhtunkhwa & others**, hence, an authority letter is hereby issued in favor of the above-named officer.

**SAMINA ALTAF
DIRECTOR**

**AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.**



**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.**

AUTHORITY LETTER

I, **Samina Altaf, Director (E&SED) Khyber Pakhtunkhwa Peshawar** do hereby authorized Mr. Muhammad Rizwan, Assistant Director Litigation-II of this Directorate for submission of **CM application in Service Appeal No. 874/2023 case titled Hawas Khan Vs Government of Khyber Pakhtunkhwa & others**, hence, an authority letter is hereby issued in favor of the above-named officer.

**SAMINA ALTAF
DIRECTOR**



**AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.**