

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

**Application No. /2024 in Execution Petition No. 200/2024 out of Service Appeal**  
**No: 877/2019**

**Mst. Saira Bibi ASDEO (BPS-16) Circle Barawal Banda**  
**Dir Upper.....Appellant.**

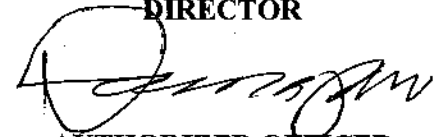
**VERSUS**

1. Govt: of KP through Secretary E&SE Department, Khyber Pakhtunkhwa.
2. Director E&SE KP Peshawar & others
3. Khyber Pakhtunkhwa Public Service Commission through Chairman Fort Road Peshawar Cantt  
.....  
...Respondents

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**SAMINA ALTAF**  
**DIRECTOR**



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



Therefore, in view of the above-made submissions, this Honorable Tribunal may graciously be pleased to pass an order to the extent of re-calling the orders dated 26-07-2024 & 12-08-2024 along with the release of monthly salaries of the Respondents No. 1 & 2 in the interest of justice please.

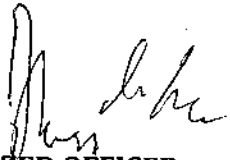
Dated: \_\_\_ / \_\_\_ /2024.

**SAMINA ALTAF  
DIRECTOR**



**AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No. 2)**

**MASOOD AHMAD  
SECRETARY**



**AUTHORIZED OFFICER  
FAIZ ALAM  
ADDITIONAL SECRETARY (G)  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar  
(Respondent No. 1)**

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

**Application No. /2024 in Execution Petition No. 200/2024 out of Service Appeal**  
**No: 877/2019**

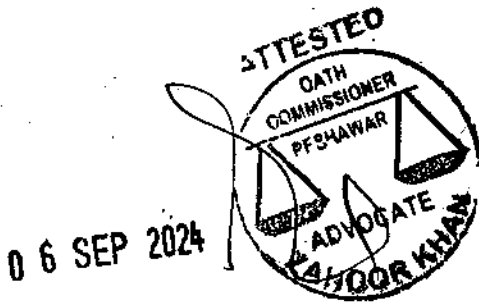
**Mst. Saira Bibi ASDEO (BPS-16) Circle Barawal Banda**  
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**VERSUS**

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**.....Respondents**

**AFFIDAVIT**

**I, Samina Altaf, Director (E&SED) Khyber Pakhtunkhwa Peshawar,** do hereby solemnly affirm & declare on oath that the contents of the instant application for submission of record 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**

26<sup>th</sup> July, 2023

1. Learned counsel for the petitioner present. Mr. Muhammad Jan, District Attorney alongwith Mr. Muhammad Rizwan, Assistant Director for the respondents present.


2. The compliance of the judgment of this Tribunal has not been made nor is there any plausible explanation with the departmental representative of the respondents. There is nothing shown to the Tribunal that any progress has been made, therefore, the Tribunal is constrained to attach salaries of the respondents No. 1, 2 and 3. The salaries be attached in the manner as prescribed under section 60(1)(i) of the Code of Civil Procedure, 1908 till further orders or until complete compliance of the judgment of the Tribunal. The Accountant General Khyber Pakhtunkhwa, Peshawar and District Accounts Officer, Nowshera shall submit report in writing that the salaries of the respondents are actually attached. To come up for implementation report on 12.08.2023 before S.B. P.P given to the parties.



(Kalim Arshad Khan)  
Chairman

12.08.2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Muhammad Rizwan, A.D for respondent No. 2 and Mr. Hamid Saleem, Law Officer for respondent No. 3 present.

2. Representative of respondent No. 3 submitted application for release of salary attached vide order dated 26<sup>th</sup> July, 2024 on the ground that respondent No. 3 is not responsible for implementation of the judgment of this Tribunal. Learned counsel for the petitioner has no objection to the request of representative of respondent No. 3, therefore, salary of respondent No. 3 attached vide order dated 26<sup>th</sup> July, 2024 is hereby released while salary of respondent No. 1 & 2 shall continue to be attached till final submission of implementation report. To come up for implementation report on reply/comments as well as preliminary hearing on 09.09.2024 before S.B. P.P given to the parties.

  
(Muhammad Akbar Khan)  
Member (E)

Most Immediate  
Court Matter



(Registered)  
DIRECTORATE ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA, PESHAWAR.

No \_\_\_\_\_ /AD (Lit: II) Dated Peshawar the \_\_\_\_ / \_\_\_\_ /2024

To

The District Education Officer,  
(Female) Dir Upper.

Subject: -

**RELEASE OF SALARIES/BACK BENEFITS IN RESPECT OF MST: SAIRA BIBI ASDEO (F) W.E.F 28-02-2019 TO 17-08-2022, IN COMPLIANCE OF THE CONSOLIDATED JUDGMENT DATED 19-01-2022 OF THE HONORABLE SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO. 826/2019**

Memo:

I am directed to refer to the subject cited above & to intimate you that Mst: Saira Bibi has been reinstated against the ASDEO (F) BS-16 post in ES&SE Department vide Notification bearing Endst No. 413-21/File No. Lit-II/877/19 Notification dated 19-08-2022 conditionally till the final outcome of CPLA No. 254-P/2024, filed by the Department before the apex court which is still pending adjudication.

Now, the appellant has filed Execution Petition No. 200/2024 before the Honorable Tribunal for release of back benefits in compliance of the consolidated Judgment dated 19-01-2022, wherein, vide orders dated 10-06-2024 & 26-07-2024 the Respondents have been directed for submission of implementation report with regard to release of back dated service benefits. In this regard, the appellant has also submitted an affidavit on judicial stamp paper duly countersigned by you, (02) witnesses/sureties & attested by the Oath Commissioner that she will return the salaries & other allied benefits in case, if the pending CPLA decides in favor of the E&SE Department.

*To comply with the directions of the Honorable Service Tribunal vide orders dated 26-07-2024 & 10-06-2024 in the titled petition, you are hereby directed to release monthly salaries/back benefits of the appellant for the intervening period w.e.f 28-02-2019 to 17-08-2022 conditionally, subject to the final outcome of CPLA No. 254-P/2024 of the Respondent Department which is pending adjudication before the apex court.*

Assistant Director (Estab/F)  
E&SE Khyber Pakhtunkhwa,  
Peshawar.

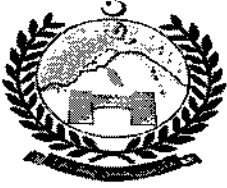
Endst: No: 602-10 /F.No.AD (Lit-II)/Saira Bibi 826/2019.

Dated Peshawar the 05/9 /2024.

**Copy forwarded for information to the: -**

1. Learned Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Learned AAG Khyber Pakhtunkhwa Service Tribunal, Peshawar.
3. PS to Additional Secretary (G) E&SED KP Peshawar.
4. District Education Officer (Female) Dir Upper.
5. District Account Officer Dir Upper.
6. Section Officer (Lit-II), E&SE Department Khyber Pakhtunkhwa, Peshawar.
7. Deputy Director (Legal) E&SE Khyber Pakhtunkhwa.
8. PA to Director E&SE, Khyber Pakhtunkhwa.
9. Appellant namely Mst: Saira Bibi, ASDEO (F) Dir Upper.
10. Office Copy.

Assistant Director (Estab/F)  
E&SE 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 Execution Petition No. 200/2024 out of Service Appeal No. 877/2019 case titled Mst. Saira Bibi 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**