


Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 1000/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.09.2024	<p>The implementation petition of Ms. Hashma Sami submitted today by Mr. Taimur Ali Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on 23.09.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the petitioner.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Execution Petition No. 1000 /2024
In Service Appeal No.183/2021

Hashma Sami

V/S

Education Department

INDEX

S.No.	Documents	Annexure	P. No.
1	Memo of execution petition	-----	01-02
2	Copy of memo of appeal	A	03-07
3	Copy of judgment dated 09.10.2023	B	08
4	Copy of application	C	09
5	Vakalat Nama	-----	10

PETITIONER

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
Cell# 0333-9390916

①

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

Execution Petition No. 1000/2024
In Service Appeal No.183/2021

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 15766

Dated 18-09-2024

Ms. Hashma Sami (Arabic Teacher)
Govt. Girls Middle Halim Abad,
Tor Kalay, Umtanzai District Charsadda.

(PETITIONER)

VERSUS

1. The District Education Officer, (Female), District Charsadda.
2. The District Account Officer, District Charsadda.
3. The Director, Elementary & Secondary Education, KPK, G.T Road Peshawar.
4. The Secretary, Elementary & Secondary Education Department, KPK, Civil Secretariat, Peshawar.

(RESPONDENTS)

.....
**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE JUDGMENT
DATED 03.07.2024 OF THIS HONOURABLE
TRIBUNAL IN LETTER AND SPIRIT.**
.....

RESPECTFULLY SHEWETH:


1. That the petitioner has filed service appeal No. 183/2021 in this Honorable Tribunal against the action/inaction and evasive behavior of the respondents , wherein despite of performing her duty regularly the monthly salaries of the petitioner w.e.f 15.04.2018 have illegally stopped against which her departmental appeal dated 22.09.2020 was not responded with in the statutory period of ninety days with the prayer that on acceptance of the appeal of the petitioner the respondents may kindly be directed to release the monthly salaries of the petitioner w.e.f till date (i.e 12.01.2021) the date on which the petitioner filled her appeal). **(Copy of memo of appeal is attached as Annexure-A)**
2. The appeal of the petitioner was heard and decided by this Honorable Tribunal on 03.07.2024. The Honorable Tribunal allowed the appeal of the petitioner as prayed for. **(Copy of judgment dated 03.07.2024 is attached as Annexure-B)**

3. That the petitioner also filed application on 06.08.2024 for implementation of judgment dated 03.07.2024 of this Honorable Tribunal, but action has taken by the respondents on the application by implementing the judgment dated 03.07.2024. **(Copy of application is attached as Annexure-C)**
4. That the Honorable Service Tribunal has filed his appeal to direct the respondents to release his monthly salaries of the petitioner w.e.f till date (i.e 12.01.2021 the date on which the petitioner filled her appeal), which was allowed by the Honorable Tribunal as prayed for in its judgment/order dated 03.07.2024, but after the lapse of about 02 months, the salaries of the petitioner was not released by implementing the judgment dated 03.07.2024 of this Honorable Tribunal.
5. That in-action and not fulfilling formal requirements by the department after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
6. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 03.07.2024 of this Honorable Tribunal in letter and spirit.
7. That the petitioner has having no other remedy except to file the instant execution petition in this Honorable Tribunal for implementation of judgment dated 03.07.2024 of this Honorable Tribunal.

It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment dated 03.07.2024 of this Honorable Tribunal in letter and spirit. Any other remedy, which this Honorable Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.

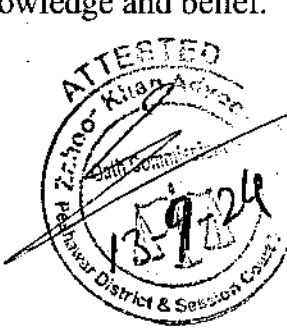

SHAKIR ULLAH TORANI
 ADVOCATE

THROUGH:

Hashima
PETITIONER
 Hashma Sami

(TAIMUR ALI KHAN)
 ADVOCATE HIGH COURT

AFFIDAVIT:

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief.



Hashima
DEPONENT

A (3) ①

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. 183 /2021



Ms. Hashma Sami (Arabic Teacher)
Govt Girls Middle School Halim Abad,
Tor Kalay, Utmanzai, District Charsadda.....**Appellant**

VERSUS

1. The District Education Officer (Female),
District Charsadda
2. The District Accounts Officer (Male),
District Charsadda
3. The Headmistress/ Incharge,
Govt Girls Middle School Halim Abad,
Tor Kalay, Utmanzai, District Charsadda
4. The Director,
Elementary & Secondary Education, KPK,
G.T.Road, Peshawar
5. The Secretary,
Elementary & Secondary Education, KPK,
Civil Secretariat, Peshawar.
6. The Govt of KPK
Through Chief Secretary,
Civil Secretariat, Peshawar.....**Respondents**

Service appeal u/s 4 of the Service Tribunal Act, 1974 against the action/ inaction and evasive behaviour of the respondents, wherein despite of performing her duty regularly, the monthly salaries of the appellant w.e.f.

ATTESTED
30/8/21
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

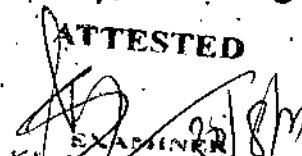
(4) (2)

15.04.2018 till date have illegally and unjustifiably been withheld/ estopped against which departmental appeal dated 22.09.2020 was filed before the respondent NO.3 (the Director E&SE) but of no avail till the expiry of statutory period of 90 days and filing of the instant service appeal before this Honourable Tribunal.

Respectfully Sheweth:

The appellant humbly submit states:

1. That the appellant is permanent and bonafide resident of Mohallah Salore Khel, PO Turangzai, Tehsil and District Charsadda. (Copy of CNIC is Annexure "A").
2. That on dated 08.03.2012, after fulfillment of all the codal formalities and due course of recruitment, the appellant was appointed Arabic Teacher (AT) against the vacant post and posted at GGMS Elai, District Buner. (Copy of appointment notification dated 08.03.2012 is Annexure "B").
3. That thereafter, the appellant was transferred and posted at GGMS, Sarfaraz Kalay, Katlang Road, District Mardan.

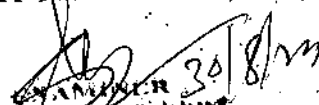
ATTESTED

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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4. That on dated 07.03.2018, the appellant was transferred from Mardan to Charsadda and posted at GGMS, Halim Abad, Tor Kalay, Utmanzai, Tehsil and District, Charsadda. (Copy of transfer order dated 07.03.2018 is Annexure "C").
5. That since the date of her appointment, the appellant has performed her duty whole-heartedly, committedly and to the entire satisfaction of her high-ups and there is nothing adverse throughout her service career.
6. That astonishingly, after her transfer to the present place of duty, the monthly salaries of the appellant have illegally and unjustifiably been stopped despite of the fact that the appellant has regularly performed her duties at the present place of duty (GGMS, Halim Abad, Tor Kalay, Utmanzai, District Charsadda). (Copy of attendance sheets are Annexure "D").
7. That the appellant went from pillar to the post and made repeated requests to the respondents for the release of her monthly salaries but all in vain.
8. That on dated 22.09.2020, the appellant filed departmental appeal before the respondent No.3, but of no fruitful result till filing of the instant appeal before this Honourable Tribunal, which has got the exclusive jurisdiction to adjudicate upon the present

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal
Peshawar


(6) (4)

matter. (Copy of departmental appeal is Annexure "E").

9. That the appellant being aggrieved with the aforesaid impugned action/inactions of respondents, approached this Hon'ble Tribunal, with the following amongst other grounds:

G R O U N D S:

- A. The appellant has come to this Hon'ble Tribunal with clean hands.
- B. The appellant has an unblemished service record and there is nothing adverse throughout her service career.
- C. As is evident from the attendance register/ sheets, the appellant has performed her duty regularly, punctually and never been inefficient or willful/ habitual absentee from her duty without the prior permission and approval of respondent No.3.
- D. That above said act and practice (stoppage of monthly salaries) is illegal and no more than an abuse and colourful exercise of authority, hence, amounts to blatant violation of fundamental rights as enshrined in the Constitution of Islamic Republic of Pakistan, 1973 and punishable under the law.

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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E. Any other ground will be raised at the time of arguments, with kind permission of this Honourable Tribunal.

It is, therefore, most humbly prayed that keeping in view of the facts and circumstances of the instant appeal, the respondents may kindly be directed to release the monthly salaries of the appellant w.e.f. 15.04.2018 till date.

Any other remedy which deems fit by this Honourable Tribunal may also be granted in favour of appellant.

Hade
Appellant

Through



Khan Zada Khan
Advocate High Court

Date: 12/01/2021

ATTESTED

[Signature]
MINEER
Member
Service Tribunal
Peshawar
5/18/21

B 8



Service Appeal No.183/2021 titled "Ms. Hashma Sami Vs. The District Education Officer, District Charsadda & others Peshawar"

ORDER

3rd July, 2024

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney present.

2. Right of respondents to file reply was struck off by a D.B of the Tribunal on 04.11.2021, where-after, till date, numerous chances were given to the respondents to produce record, but they failed.

3. In the absence of any rebuttal of the claim of the appellant and reply, this appeal is allowed as prayed for, ex-parte. Costs shall follow the event. Consign.

4. Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 3rd day of July, 2024.

(Rashida Bano)
Member (J)

(Kalim Arshad Khan)
Chairman

Mutazim Shah

ATTESTED

30/8/24
EXAMINER
Kyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 30/8/24
Number of Words 659
Copying Fee 30/-
Urgent 5/-
Total 35/-
Name of Copyist _____
Date of Completion of Copy 30/8/24
Date of Delivery of Copy 30/8/24

ATTSTED

گھنٹہ 17 MS DA



پرائمری اسکول

تعمیرات کے لیے درخواست

میں ترقی پزیر رہے۔

تعمیرات کے لیے درخواستیں جمع کروائی گئی ہیں اور ان کے بارے میں

میں جانچ کر اور پھر فیصلہ کیا جائے گا۔

تعمیرات کے لیے درخواستیں جمع کروائی گئی ہیں اور ان کے بارے میں

میں جانچ کر اور پھر فیصلہ کیا جائے گا۔

تعمیرات کے لیے درخواستیں جمع کروائی گئی ہیں اور ان کے بارے میں

میں جانچ کر اور پھر فیصلہ کیا جائے گا۔

پرائمری اسکول

تعمیرات کے لیے

تعمیرات کے لیے درخواستیں جمع کروائی گئی ہیں اور ان کے بارے میں

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VAKALAT NAMA

NO. _____/2024

IN THE COURT OF KP Service Tribunal Peshawar

Hashmi Sami

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Department

(Respondent)
(Defendant)

I/We, Hashmi Sami

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT AND SHAKIR ULLAH TORANI ADVOCATE**, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2024

Hashima

(CLIENT)

ACCEPTED

TAIMUR ALI KHAN
Advocate High Court

BC-10-4240
CNIC: 17101-7395544-5
Cell No. 03339390916

SHAKIR ULLAH TORANI
Advocate Peshawar
BC-22-4994
03409146056